Currency Conversion

For purposes of the preliminary results, we made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank of New York. Section 773A(a) of the Act directs the Department to use a daily exchange rate in order to convert foreign currencies into U.S. dollars, unless the daily rate involves a ''fluctuation.'' In accordance with the Department's practice, we have determined that a fluctuation exists when the daily exchange rate differs from a benchmark by 2.25 percent. See, *e.g., Certain Stainless Steel Wire Rods from France: Preliminary Results of Antidumping Duty Administrative Review* (61 FR 8915, 8918, March 6, 1996). The benchmark is defined as the rolling average of rates for the past 40 business days. When we determined a fluctuation existed, we substituted the benchmark for the daily rate.

Use of a Combination Rate

19 CFR 351.107 states that in the case of subject merchandise that is exported to the United States by a company that is not the producer of the merchandise, the Department ''may establish a combination cash deposit rate for each combination of exporter and its supplying producer(s).'' Although Corex, not its toller, is considered to be the producer within the meaning of 19 CFR 351.401(h), Corex's primary business is not that of a producer of the subject merchandise but rather it is a trading company, which buys and resells many types of food products. In the future, Corex may buy and resell pasta to the United States that is sourced from other manufacturers. In these cases, Corex would not be considered the producer of the subject merchandise and the rate assigned to Corex as a producer of tolled merchandise should not apply. As stated in the preamble to 19 CFR 351.107, ''Establishing a deposit rate for an exporter and, without regard to the identity of the supplier, applying that rate to all future exports by that exporter could lead to the application of that rate even if other suppliers sold to the exporter with knowledge of exportation to the United States. This would enable a producer with a relatively high deposit rate to avoid the application of its own rate by selling to the United States through an exporter with a low rate.'' See 62 FR 27303. Therefore, in view of Corex's primary business as a reseller, the rate determined in this review will be applicable only to subject merchandise produced and exported by Corex. Because it would be difficult for the Customs Service to distinguish between merchandise produced by Corex, and that which is simply being resold by Corex as a trading company, the strong possibility for circumvention exists in this situation. Accordingly, any entries of merchandise exported and produced by Corex must identify Corex as the producer in order that the deposit rate established in this review will apply. If Corex is not the producer, the deposit rate will be the rate for the identified producer. Otherwise, the ''all others'' rate will apply.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the weighted-average dumping margin for Corex is 0.00 percent.

Parties to this proceeding may request disclosure within five days of publication of this notice and any interested party may request a hearing within 30 days of publication. Any hearing, if requested, will be held 44 days after the date of publication, or the first working day thereafter. Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than 37 days after the date of publication of this notice. The Department will publish a notice of the final results of the administrative review, including its analysis of issues raised in any written comments or at a hearing, not later than 90 days after the date of publication of this notice.

Cash Deposit

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act. The cash deposit rate for Corex will be the rate established in the final results of this administrative review (except that no deposit will be required for firms with zero or *de minimis* margins, *i.e.*, margins lower than 0.5 percent).

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: September 30, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–26779 Filed 10–5–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–504]

Porcelain-on-Steel Cooking Ware From Mexico: Amended Final Results of Antidumping Duty Administrative Review in Accordance With Decision Upon Remand

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice of amendment to final results of antidumping duty administrative review in accordance with decision upon remand

SUMMARY: On September 16, 1997, the United States Court of International Trade (the Court) vacated the final results rate for respondent Cinsa, S.A. de C.V., and affirmed the Department of Commerce's (the Department's) redetermination on remand regarding the Department's decision to rely on the transfer price of enamel frit submitted by Cinsa for purposes of constructed value for the administrative review covering the period December 1, 1989 through November 30, 1990 (fourth review). The Department has determined, in accordance with the instructions of the Court, the dumping margin for entries of porcelain-on-steel cooking ware from Mexico by Cinsa during that period to be 6.04 percent.

EFFECTIVE DATE: October 6, 1998.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Richard Herring, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On August 16, 1993, the Department published in the **Federal Register** (58 FR 43,327) the final results of its fourth administrative review of the

antidumping duty order on porcelain-on-steel cooking ware from Mexico. The review covered the period December 1, 1989 through November 30, 1990.

Subsequent to the final results, Cinsa, one of two respondents, challenged the Department's determination before the Court on four issues. The Court issued a remand with respect to one issue only and directed the Department to determine whether the transfer price for enamel frit provided to the Department in that review constituted an arm's-length transaction as prescribed by the statute and previous practice. The Court agreed with the Department that the burden was on the respondent to ''establish that the transfer price for the purchase of raw material from the related party reflects an arm's-length price.'' However, it found that Cinsa had met its initial burden by supplying the Department with the requested explanation of how it determined the transfer price to be representative of a fair market price and of how it determined that transfer prices were above the cost of production. The Court found that Cinsa had effectively shifted the burden to the Department by explaining the discount in the transfer price, which was all the Department had requested of Cinsa during that review.

The Department filed its redetermination on July 2, 1997. Although the Department respectfully disagreed with the Court's conclusion that Cinsa fulfilled its burden of proving the arm's-length nature of the related party transfer price, the Department determined that, for purposes of the remand, it should use Cinsa's reported transfer price for enamel frit from its related supplier to calculate constructed value because, in that review, the Department did not request that Cinsa provide any documentation in support of its claim that the extent of differences between the transfer prices for frit and the prices at which frit was sold to unrelated firms were accounted for fully. On September 16, 1997, the Court vacated the final results rate for respondent Cinsa and affirmed the Department's redetermination. No party contested that Court decision.

Results of Remand

In accordance with the results of remand affirmed by the Court, we are amending the final results of review. The margin for Cinsa is reduced from 6.71 percent to 6.04 percent.

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. Individual differences between U.S. price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service. The above rate will not affect Cinsa's cash deposit requirements currently in effect, which will continue to be based on the margin found to exist in the most recently completed review.

This amendment to the final results of antidumping duty administrative review notice is in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.22 of the Department's regulations (19 CFR 353.22 (1989)).

Dated: September 30, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–26780 Filed 10–5–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

[A–834–802, A–835–802, A–844–802]

Agreement Suspending the Antidumping Investigation on Uranium From Kazakhstan, Kyrgyzstan and Uzbekistan.

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of price determination on Uranium from Kazakhstan, Kyrgyzstan and Uzbekistan.

SUMMARY: Pursuant to Section IV.C.1. of the agreements suspending the antidumping investigation on uranium from Kazakhstan, Kyrgyzstan, and Uzbekistan, as amended, (antidumping suspension agreement on uranium from Kazakhstan, Kyrgyzstan, and Uzbekistan), the Department of Commerce (the Department) calculated a price for uranium of $10.85/pound of U_3O_8 for the relevant period, as appropriate. Under Section IV.A, exports from Kazakhstan to the United States are subject to quotas determined based on price levels as outlined in Appendix A. On the basis of this price and Appendix A of the suspension agreement with Kazakhstan, there is no quota for uranium from Kazakhstan for the period October 1, 1998, through March 30, 1999. This price will also be used, as appropriate, according to Section IV.A. of the Uzbek agreement. The quota for the current relevant period for Uzbekistan, October 13, 1998–October 12, 1999, has been announced in the *Notice of Price Determination on Uranium from Kazakhstan, Kyrgyzstan,* and *Uzbekistan*, separately, due to the fact that this quota is now based on a production-tied quota, in accordance with Section IV.A. of that agreement.

EFFECTIVE DATE: October 1, 1998.

FOR FURTHER INFORMATION CONTACT: Letitia Kress, Office of Antidumping Countervailing Duty Enforcement—Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Ave., NW, Washington, DC 20230; telephone: (202) 482–6412.

Price Calculation

Background

Section IV.C.1. of the antidumping suspension agreements on uranium from Kazakhstan, Kyrgyzstan, and Uzbekistan specifies that the Department will issue its determined market price on October 1, 1998, and use it to determine the quota applicable to imports from Kazakhstan during the period October 1, 1998, to March 30, 1999, and Uzbekistan during the period of October 13, 1998 to October 12, 1999. Consistent with the February 22, 1993 letter of interpretation, the Department provided interested parties with the preliminary price determination on September 21, 1998.

Calculation Summary

Section IV.C.1. of these agreements specifies how the components of the market price are reached. In order to determine the spot market price, the Department utilized the monthly average of the Uranium Price Information System Spot Price Indicator (UPIS SPI) and the weekly average of the Uranium Exchange Spot Price (Ux Spot). In order to determine the long-term market price, the Department utilized the weighted-average long-term price as determined by the Department on the basis of information provided by market participants and a simple average of the UPIS U.S. Base Price for the months in which there were new contracts reported.

The Department's letters to market participants provided a contract summary sheet and directions requesting the submitter to report his/her best estimate of the future price of merchandise to be delivered in accordance with the contract delivery schedules (in U.S. dollars per pound U_3O_8 equivalent). Using the information reported in the proprietary summary sheets, the Department calculated the present value of the prices reported for any future deliveries assuming an annual inflation rate of 1.51 percent, which was derived from a rolling