• To value shipping freight, we used a rate reported to the Department in the August 1993 cable from the U.S. Embassy in India which was submitted for and used in the *Final Determination of Sales at Less Than Fair Value: Certain Helical Spring Lock Washers from the People's Republic of China* (58 FR 48833, September 20, 1993). We adjusted the rate to reflect inflation through the POR using WPI published by the IMF.

Currency Conversion

We made currency conversions pursuant to section 353.60 of the Department's regulations at the rates certified by the Federal Reserve Bank.

Preliminary Results of Review

We preliminarily determine that the following dumping margin exists:

Manufacturer/exporter	Time period	Margin (percent)
Zhejiang Wanxin Group Co., Ltd.	10/01/95–09/30/96	13.64

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice in accordance with 19 CFR 353.28. Any interested party may request a hearing within 10 days of publication in accordance with 19 CFR 353.38 (b). Any hearing, if requested, will be held 44 days after the publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice in accordance with 19 CFR 353.38 (c). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish a notice of the final results of this administrative review, which will include the results of its analysis of issues raised in any such comments.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries.

Individual differences between export price and NV may vary from the percentage stated above for ZWG. The Department will issue appraisement instructions directly to the U.S. Customs Service.

Furthermore, the following deposit rates will be effective upon publication of the final results of this administrative review for all shipments of HSLWs from the PRC entered, or withdrawn from warehouse for consumption on or after the publication date, as provided for by section 751 (a) (2) (C) of the Act: (1) For ZWG, which has a separate rate, the cash deposit rate will be the company-specific rate established in the final results of this administrative review; (2) for all other PRC exporters, the cash deposit rate will be the PRC rate, which is 128.63; and (3) for non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter.

These deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 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 administrative review and notice are in accordance with section 751 (a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: July 3, 1997.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–18287 Filed 7–10–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–485–602]

Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, From Romania: Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On March 11, 1996, the Department of Commerce (''the Department'') published in the **Federal Register** the preliminary results of its administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished or unfinished, (TRBs) from Romania (62 FR 11152–55). The review covers one exporter and two producers of subject merchandise for the period June 1, 1995 through May 31, 1996.

We gave interested parties an opportunity to comment on our preliminary results. Based on our analysis of the comments received, we have changed the results from those presented in the preliminary results of review.

We received no comments from interested parties with regard to the Department's preliminary determination to grant Tehnoimportexport a separate rate for this review. Therefore, for the final results of review, we reaffirm our determination that TIE is entitled to a separate rate.

EFFECTIVE DATE: July 11, 1997.

FOR FURTHER INFORMATION CONTACT: Rick Johnson or Carrie Blozy, AD/CVD Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone: (202) 482–3793.

SUPPLEMENTARY INFORMATION:

Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act) are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all references to the Department's regulations are to Part 353 of 19 CFR, as amended by the regulations published in the **Federal Register** on May 19, 1997 (62 Fed. Reg. 27296).

Background

On March 11, 1996, the Department published in the **Federal Register** the preliminary results of its administrative review of the antidumping duty order on TRBs from Romania. We have now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act), and 19 C.F.R. 355.22. As a result of changes made to the preliminary results based on interested party comments, the calculated margin for imports from TIE, the only company with sales covered by this review, has changed to 2.70%.

Scope of Review

Imports covered by this review are shipments of TRBs from Romania. These products include flange, take-up cartridge, and hanger units incorporating tapered roller bearings, and tapered roller housings (except pillow blocks) incorporating tapered

rollers, with or without spindles, whether or not for automotive use. This merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 8482.20.00, 8482.91.00, 8482.99.30, 8483.20.40, 8483.30.40, and 8483.90.20. Although the HTS item numbers are provided for convenience and Customs purposes, the written description of the scope of this order remains dispositive.

This review covers 28 companies and the period June 1, 1995 through May 31, 1996. Of the 28 companies for which petitioner requested a review, only TIE made shipments of the subject merchandise to the United States during the period of review (POR). S.C. Rulmenti Alexandria and S.C. Rulmental S.A. Brasov produced the merchandise sold by TIE to the United States, but have stated that they did not ship TRBs directly to the United States. The Department has received information from the Government of Romania and other respondents stating that the other manufacturers/exporters covered by this review did not produce or sell TRBs subject to this review.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received comments from respondent, TIE; petitioner, the Timken Company; and Universal Automotive Trading Company, Ltd. (Universal), an interested party. Comments submitted consisted of petitioner's case brief of April 10, 1997 and rebuttal brief of April 17, 1997; respondent's case brief of April 10, 1997 and rebuttal brief of April 24, 1997; and Universal's rebuttal brief of April 17, 1997.

Comment 1: Petitioner asserts that, in valuing material inputs, the Department improperly considered two types of imports into Indonesia: (1) Materials from non-market economy countries; and (2) small quantities of materials from individual countries. Petitioner also contends that, when deriving values for bearing-quality steel inputs based on Indonesian six-digit categories, the Department must exclude imports from countries that are known not to produce bearing quality steel.

Respondent argues that the Department should include data from all countries except for those countries which exported *de minimis* amounts to Indonesia. Respondent asserts that the Department should reject petitioner's proposal to exclude data from countries which are not listed in the 1994 edition of *Iron and Steel Works of the World* as producers of bearing-quality steel because there is no evidence that this source, which it presumes contains 1993 data, contains a comprehensive list of all bearing steel producers. Respondent adds that petitioner's contention that data from these same countries should be included for the purposes of scrap calculations is inconsistent and would lead to skewed results.

Further, respondent argues that among the countries petitioner said must be excluded are some highly industrialized countries which have bearing producers, such as the Netherlands. According to respondent, this fact makes petitioner's proposed methodology suspect.

Department's Position: We agree with petitioner that it is Departmental practice to exclude imports from countries we have previously determined to be non-market economies (NMEs) in calculating surrogate values for material inputs, where such exclusions are possible based on record information. *See, e.g., Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China; Final Results of Antidumping Duty Administrative Reviews (''1990–93 TRBs from the PRC''),* 61 FR 65527, 65532 (December 13, 1996). Therefore, for the final results, we have adjusted the surrogate values accordingly for hot-rolled steel bars used for inner and outer races (cups and cones). *See* Attachment 1 of the *Analysis Memorandum for the Final Results of Review* (July 7, 1997), which is on file in the Central Records Unit (room B099 of the Main Commerce Building).

With regard to the exclusion of data pertaining to small quantities of imports from individual countries, we agree that the inclusion of such data potentially may be distortive. However, the Department will only disregard small-quantity import data when the per-unit value in fact is at variance with other information on the record. *See, e.g., Heavy Forged Hand Tools from the People's Republic of China: Final Results of Antidumping Duty Administrative Reviews,* 11814, 11815 (Comment 2) (March 13, 1997), in which the Department utilized 1995 Indian import data from Saudi Arabia because it was comparable to other data on the record. Thus, the Department will reject data from countries with small quantities of imports only when the per unit value of those imports is substantially different from the per unit values of the larger-quantity imports of that product from other countries.

With respect to the exclusion of material input data from countries which allegedly do not produce bearing-quality steel, we agree with petitioner that such information should be excluded from our calculation of surrogate values for bearing-quality steel. We note that the only information on the record of this review regarding which countries produce bearing steel is from the 1994 edition of *Iron and Steel Works of the World.* Thus, respondent's assertion that some of the countries which petitioner has identified as not producing bearing-quality steel do in fact have bearing producers is not supported by any record evidence. Finally, we agree with petitioner's argument that countries not producing bearing quality steel nevertheless can produce bearing-quality scrap. While respondent has asserted that a failure to adjust the surrogate value for alloy scrap when making such an adjustment for bearing-quality steel would lead to ''skewed results,'' respondent has not explained how such an adjustment is distortive. In fact, consistently adjusting values only when record evidence indicates that a country does not produce that material results in the most reliable calculation of surrogate values.

There is country-specific information on the record of this review for four material inputs. Based on this information, we have adjusted the surrogate value for hot-rolled steel bars for inner and outer races (cups and cones) to exclude small-quantity exports, and exports from countries not known to produce bearing-quality steel, to Indonesia. Additionally, we have adjusted the surrogate value for hot-rolled alloy steel bar in coils for rollers to exclude exports to Indonesia from countries not known to produce bearing-quality steel. *See* Attachment 1 of the *Analysis Memorandum for the Final Results of Review.*

Comment 2: Petitioner claims that the value for non-alloy scrap is anomalous, as it allegedly amounts to almost 47 percent of the value of the cold-rolled sheet from which it would be produced. Instead, petitioner asserts that the Department should use a ''reasonable'' ratio between the value of scrap and the value of the steel from which it originates, such as the 20 percent ratio that was used in the redetermination on remand in *TRBs from the PRC.* Moreover, petitioner argues that the ratio should not be higher than the ratio between alloy scrap and alloy bar for cups and cones used by the Department in the preliminary results.

Respondent did not comment on this issue.

Department's Position: We disagree with petitioner. We note that, in the 1993–94 segment of this proceeding, petitioner put forward a similar

argument with respect to the value used for Polish hot-rolled scrap in comparison with the value of the finished product. In *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from Romania: Final Results of Review* (1993–94) ''*Final Results of Review*''), 62 FR 31075, 31077 (June 6, 1997) for that review period, we disagreed with petitioner, noting that petitioner appeared to object to the use of the Polish hot-rolled scrap price based solely on the fact that the price was, in petitioner's opinion, too high. We noted that petitioner offered no evidentiary support to their claim that the scrap price was aberrant, or in any way out of line with hot-rolled scrap prices for that time period. Petitioner also cited *Timken Co.* v. *United States*, 699 F. Supp. 300 (CIT 1988) in that review, claiming that the Court of International Trade's (CIT) decision upheld the proposition that the Department must correct unreasonably high scrap values. However, for the 1993–94 final results, we rejected petitioner's interpretation of the CIT ruling, noting that the basis of the CIT ruling was due to the unexplained inconsistency with regard to information presented in two embassy telexes. Thus, the Department found in the 1993–94 final results that ''if all the information in the two telexes had indicated that a high scrap value relative to material cost was appropriate, no inconsistency would have existed.''

For this review, petitioner has cited to the Federal Circuit appeal 894 F.2d 385 (Fed. Circ. 1990) in the above referenced *Timkin* case. The Court of Appeals agreed with the CIT's finding that Commerce erred in failing to reconcile the calculated ratio with other ratios in the record:

> these values must be contrasted not only with the 20 percent ratio mentioned in the second telex, but also with evidence in the record that the scrap steel/raw steel ratio in other countries is also much lower * * *

See Timken Co. v. *United States* at 894 F.2d at 388.

By contrast, in this review, petitioner has not identified any such differing record evidence with regard to non-alloy scrap/cold-rolled sheet ratios. Thus, the Federal Circuit's ruling in *Timken* does not require the Department to reject the scrap ratio used in the preliminary results of this review.

We note that petitioner has proposed that the ratio should not be higher than the ratio of almost 26 percent between alloy scrap and alloy bar for cups and cones used by the Department in the preliminary results. However, petitioner has provided no justification for the proposition that using the alloy scrap to alloy bar ratio is in any way representative of the non-alloy scrap to cold-rolled sheet ratio. Furthermore, contrary to petitioner's assertion, we do not find that the 20 percent value used in the redetermination on remand in *TRBs from the PRC* would be a reasonable alternative, because that figure applies to 1987 data from India.

Comment 3: Petitioner argues that the Department has applied minimum labor wages to value labor, and therefore has not accounted for the full cost to the employer, as petitioner states is required by Departmental practice. Second, petitioner contends that the Department applied wages from the wrong industry because wages for ''laborers in the iron and steel basic industries'' are not within the same industry category as laborers in the industry producing bearings. Third, petitioner asserts that the same shortcoming exists for the surrogate value used for wages for indirect labor, since the Department used data for supervisors and general foremen from the ''crude petroleum and natural gas production industry.'' Petitioner also argues that the Department should not use this data because it is from the year 1992. Petitioner contends that the Department's preference is to use data concurrent with the period of review whenever possible.

Finally, petitioner argues that the Department was mistaken to assume an eight-hour workday for Indonesian labor. Petitioner notes that, according to two publications, *Investing, Licensing & Trade Conditions Abroad: Indonesia* and *Doing Business in Indonesia*, a seven-hour working day is the norm for Indonesia.

In light of the alleged deficiencies of the data used by the Department, petitioner proposes that the Department utilize data for unskilled and skilled labor and factory supervisors in Indonesia based on data from *Investing, Licensing & Trade Conditions Abroad: Indonesia*.

Respondent contends that petitioner's proposed labor wage calculation is flawed. First, respondent argues that the wage rates reported by petitioner are for generic classifications and, thus, are inherently less accurate or reliable than those relied upon by the Department (which were for the iron and steel industry). Respondent notes that the Department has rejected, in its *Final Antidumping Duty Determination: Disposable Pocket Lighters from the People's Republic of China* (1995) wage rates from *Doing Business in Indonesia* ''because these wages were specific to Jakarta.'' *See Calculation Memorandum* at page 3.

Second, respondent contends that the unskilled labor rate put forward by petitioner is the rate for Jakarta, ''the most expensive city in Indonesia.'' Respondent states that there are ''several'' bearing producers in Indonesia, not all of whom are located in or near Jakarta. Further, respondent claims that petitioner has acknowledged that ''the only Indonesian bearing producer known to the Department * * * is located close to Jakarta,'' and thus is not in Jakarta.

Respondent notes that petitioner's calculation of labor assumes 4.15 working weeks per month. Respondent claims that it is Department practice to use 4.33 weeks/month in its surrogate labor calculations. Respondent notes that the Department applied a 4.33 weeks per month and 42 hour work week to calculate labor costs for the 1994–95 review of this proceeding. Therefore, if the Department chooses to use the labor data provided by petitioner, respondent claims that 4.33 weeks per month should be employed.

Respondent disputes petitioner's statement that there is a maximum of seven working hours per day in Indonesia, noting that the Price Waterhouse report states that the labor law provides for a six-day, 40 hour week. Respondent notes that the Department applied an eight hour per day wage in *Disposable Pocket Lighters from the PRC*.

In response to petitioner's criticism of the rates used by the Department in the preliminary results of review as minimum rates, respondent notes that the Department has relied on this data in previous cases, such as in the *Final Antidumping Duty Determination: Disposable Pocket Lighters from the PRC*, Calculation Memorandum at Exhibits B–1 and B–4 (1995). Respondent argues that it is unclear whether added benefits such as accident, health and retirement insurance, as well as a ''bonus'' wage, are appropriate for application to unskilled laborers. Even if they are, respondent argues that petitioner has overstated the appropriate allotment for such benefits.

Department's Position: We agree with petitioner that the source from which the Department took the labor values indicates that these values are ''minimum'' daily wage or salary rates. However, the unskilled labor value is the only labor value on the record of this review pertaining to an industry in Indonesia comparable to the bearings industry, and petitioner has suggested no methodology for adjusting this

figure. Moreover, there is no indication on the record that the ''minimum'' rate for the industry excludes any employee benefit costs normally considered by the Department.

With regard to the utilization of wage rates for laborers in the iron and steel basic industries, we agree with petitioner's argument that the iron and basic steel industry is not the same as the bearings industry. The Department's clear preference is to use data from the same industry, when that is possible from the information placed on the record. However, we note that, for this review, there is no information on the record which pertains specifically to the bearings industry. Furthermore, as the Department indicated in its surrogate country selection memorandum (at attachment 4), when the Department cannot locate information from the same industry, the Department attempts to find producers of ''comparable'' products in selecting surrogate countries. In the surrogate country selection memorandum, the Department noted that countries with ''significant producers of *any steel products*'' may enable the Department to choose that country as a surrogate (emphasis added). *See Memorandum to the File: Antidumping Administrative Review of Tapered Roller Bearings from Romania: Selection of a Surrogate Country in the 1995/96 Review,* February 25, 1997. Therefore, we find that applying labor rates from the iron and basic steel industry as a surrogate value for the bearings industry is appropriate.

Finally, we agree with respondent that the data proposed by petitioner from the publications *Investing, Licensing & Trade Conditions Abroad: Indonesia* and *Doing Business in Indonesia* are in fact less preferable than the information used by the Department in the preliminary results with respect to valuing unskilled labor, since those data are not specific to any industry, but instead are generic classifications. In fact, the guide for *Doing Business in Indonesia* specifically notes that ''wages vary significantly according to industry and location within Indonesia.'' *See* Attachment 8, page 104 of petitioner's April 2, 1997 submission of factual information.

The Department recognizes that the use of indirect labor costs and wages and salaries for non-production workers from the ''crude petroleum and natural gas production industry'' suffers from the limitation of not being derived from either the bearings industry or an industry comparable to the bearings industry. However, we note that none of the information on this issue placed on the record by petitioner (or respondent) is applicable to an industry equivalent or comparable to the bearing industry. Section 776(a)(1) of the Act stipulates that if the ''necessary information is not available on the record * * * the administering authority * * * shall, subject to section 782(d), use the facts otherwise available in reaching the applicable determination under this title.'' In this case, in determining facts otherwise available, we have no reason to employ an adverse inference under Section 776(b). Therefore, for the final results of review, we determined the ratio between the average wage rate for unskilled laborers and the average wage rate for factory supervisors reported in the 1996 publication of *Investing, Licensing & Trade Conditions Abroad: Indonesia.* Then, we used this ratio to calculate an estimated indirect labor rate by applying this ratio to the direct labor rate for the iron and basic steel industry. Thus, the resulting figure estimates the wage rates for non-production workers in the iron and basic steel industry, which we determine to be comparable to the bearing industry. *See* Attachment 2 of the *Analysis Memorandum for the Final Results of Review*.

With regard to petitioner's statement that the Department's ''clear preference'' is to use data concurrent with the period of review whenever possible, we agree. However, in this case we do not have any useable labor data that is concurrent with the period of review. Moreover, as we discuss in response to Comment 6 below in agreeing with petitioner regarding the use of data from the dinnerware industry, when data derives from an industry not comparable to the industry under review, the time period from which the data is derived is a moot issue.

We note that respondent's discussion of the appropriate figure to use for the number of weeks per month is moot, as we have calculated labor rates based on daily rates, and not based on monthly figures.

With regard to the appropriate number of hours in a work day in Indonesia, we agree with petitioner that record evidence indicates that the maximum number of hours in each work day, according to Indonesian labor law, is seven hours. *See* petitioner's April 2, 1997 submission of factual information, Attachment 8, page 105. Since the figure utilized by the Department for the preliminary results is a daily rate, respondent's comment that a 40 hour work week is spread over six days may become relevant only if it can be proven that the daily wage rate reported by the Bulletin of Labor Statistics is derived from a weekly wage rate. While the document reporting the daily wage rate also indicates that a 40 hour work week is the norm in Indonesia, there is no evidence that the daily rate is derived from the number of hours worked each week. Absent such record evidence, the Department finds no basis for assuming an 8 hour work day for Indonesia. Therefore, for the final results of review, we have recalculated the labor values based on a 40 hour, six day work week. *See* Attachment 2 of the *Analysis Memorandum for the Final Results of Review*.

Finally, with regard to information provided by *Investing, Licensing & Trade Conditions Abroad: Indonesia* and *Doing Business in Indonesia* concerning bonus payments, insurance and other contributions paid by the employer, vacations, etc., as we discuss above, there is no indication that the values employed by the Department for the preliminary results do not already represent these amounts. Thus, it would not be appropriate to apply any additional values to these wage rates, since it may result in double-counting.

Comment 4: Petitioner argues that the Department should use SG&A and profit data from the financial statements of a manufacturer of industrial and commercial machinery and service equipment, instead of data pertaining to the pipe fitting industry. Petitioner claims that the industrial and commercial machinery and service equipment industry is more closely related to the bearing industry.

Petitioner also argues against using the information on SG&A, profit, and factory overhead placed on the record by respondent, because that information pertains to products that are more remote from the bearing industry than the pipe fitting industry used by the Department in the preliminary results.

Respondent notes that petitioner has argued for the use of SG&A and profit data from another source, while asserting at the same time that the factory overhead rate from the embassy cable should continue to be used for the final results. However, respondent claims that the Department has traditionally tried to utilize overhead, SG&A, and profit information from a single source. Respondent states that the issue has been specifically addressed in the *Notice of Proposed Rulemaking and Request for Public Comment,* 61 FR 7308, 7374 (February 27, 1996), in which the Department stated that ''particularly for manufacturing overhead, general expenses and profit, the Department prefers to use a single surrogate.'' Further, respondent argues that petitioners has advocated the use of

a single source in another proceeding (*TRBs from the PRC,* 61 FR 65527, 65528 (December 13, 1996).

Respondent argues that the company information provided by petitioner is flawed, as parties do not know the components which comprise SG&A, and some elements, such as ''distribution costs'' and petitioner's proposed calculation of interest expense, are of doubtful use.

Respondent also claims that petitioner's characterization of the company as a manufacturer of machinery and equipment and from the industry most closely related to the bearings industry is misleading. Respondent notes that the company in question is a manufacturer of office and hospital equipment and high security products. As such, respondent contends that there is no indication that its distribution costs and administrative expenses resemble those of a bearing company.

Respondent concludes by noting that, using petitioner's proposed surrogates, raw material and labor would constitute only 43 percent of the constructed value of TRBs. Respondent argues that such a result is contradicted by evidence from other cases before the Department, in which raw materials and labor constitute greater percentages of the constructed value of TRBs.

Department's Position: For the preliminary results of review, the Department used factory overhead, SG&A, and profit percentages provided in 1991 by the U.S. Embassy in Jakarta from the pipe fitting industry, a similar metal manufacturing industry. Because interested parties first learned of the Department's choice of primary surrogate country for this review at the time of publication of the preliminary results, we sent letters to interested parties after publication of the preliminary results allowing parties the opportunity to place further information regarding Indonesian factors of production on the record of this review. See letters from the Department to interested parties The Timken Company, Tehnoimportexport, and Universal Automotive Trading Company Ltd., dated March 25, 1997, soliciting information on Indonesian factors of production. See also Comment 6 below.

In response to our request for information, Timken submitted financial information for the year 1995 from PT Lion Metal Works, an Indonesian manufacturer of office equipment, ''C'' channel, building construction equipment, hospital equipment, and high security products. PT Lion Metal Works is classified in the *International Standard Industrial Classification of All Economic Activities* (ISIC) Major group 382, which is the same major group as subject merchandise (''ball and roller bearings''). The pipe fitting industry falls in the ISIC category 381. Additionally, under the Harmonized Tariff Schedule of the United States (1995), pipe fittings fall within Section XV (Base Metals and Articles of Base Metal), in the category 7307; roller bearings are in Section XVI (Machinery and Mechanical Appliances; Electrical Equipment; Parts Thereof; Sound Recorders and Reproducers, Television Image and Sound Recorders and Reproducers, and parts and Accessories of Such Articles), in the categories 8482 and 8483; and ''industrial and commercial machinery and service equipment'' appears to fall within Section XVI. Therefore, the record evidence suggests that PT Lion Metal Works produces products which more closely approximate the bearing industry than the pipe fitting industry.

Additionally, we note that the PT Lion Metal Works data is from 1995, which partially coincides with the period of review. The pipe fitting industry data, in contrast, was provided in a 1991 Embassy cable. As the Department noted in final results notice of *1990–93 TRBs from the PRC* (at 65530), ''it is preferable, for the sake of accuracy, to apply surrogate values coincident with the POR whenever possible.''

With regard to respondent's comment that the Department prefers to use a single surrogate, particularly for manufacturing overhead, general expenses and profit, we agree with respondent that, *ceteris paribus*, single-sourcing is desirable. However, as respondent itself has noted in its case brief, the Department has stated that, compared with cable data obtained from various embassies and consulates, ''it is more appropriate in any NME cases to rely, to the extent possible, on public, published statistics from the first choice surrogate country * * * Thus, for the factors for which public statistical information is not available (typically, SG&A, factory overhead and profit), the Department will continue to rely on information from U.S. embassies and consulates from the first choice country *when necessary*.'' *See Final Determination of Sales at Less Than Fair Value: Certain Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China,* 57 FR 21058, 21062 (May 18, 1992) (emphasis added).

Section 773(c)(1) of the Act states that, for purposes of determining normal value in a non-market economy, ''the valuation of the factors of production shall be based on the best available information regarding the values of such factors.'' Therefore, for the purposes of the final results of review, we believe it is more appropriate to utilize the PT Lion Metal Works data because: 1) it is coincident with the POR; 2) it relates to an industry which appears to more closely relate to the bearings industry; and 3) as a source of data, it is preferable to U.S. Embassy cable information. Such factors supporting the use of the PT Lion Metal Works information outweigh the benefit of extracting overhead, profit, and SG&A data from a single source.

With regard to the actual calculation of SG&A and profit from the PT Lion Metal Works data, we agree with respondent that the inclusion of the amount associated with ''distribution costs'' would double-count movement expenses. Therefore, we have calculated SG&A without including ''distribution costs.'' Additionally, we agree with respondent that interest income, as well as interest expenses, should be included in the calculation of SG&A. We do not agree with respondent that the inclusion of ''interest payable'' for interest expense is inappropriate, since it is highly improbable from the financial figures that interest expenses would be reported anywhere else in these financial reports. For the exact calculations of SG&A and profit, please see Attachment 3 of the *Analysis Memorandum for the Final Results of Review*.

Comment 5: Petitioner asserts that the Department improperly based freight costs on the net weight of bearings packed for shipment, instead of basing freight costs on gross weight. Petitioner asserts that, as packaging does not ''travel free of charge,'' the Department should make an allowance for the weight of packaging materials in calculating freight rates. Petitioner suggests that the Department should employ the same adjustment in this case as it made in certain administrative reviews of *TRBs from the PRC.*

Petitioner also states that the same adjustment may apply for ocean freight, but that the record is not clear regarding whether the Department accepted rates based on weight or number of bearings.

Respondent did not comment on this issue.

Department's Position: We agree with petitioner that a cost is incurred with respect to shipment of packing materials. Therefore, to account for the additional packing weight, we have calculated foreign inland freight by multiplying the net weights by 1.08. The Department used this figure, based on

its determination that it was an independent and reliable source of information, in *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China; Final Results of Antidumping Duty Administrative Review* (1993-94), 62 FR 6189, 6203 (February 11, 1997), and the 1994–95 segment of the same proceeding (62 FR 6173, 6184 (February 11, 1997)).

With regard to TIE's reported ocean freight, we noted in the verification report that TIE calculated its international freight values by dividing ''Total Shipping Expense (from freight invoice)'' by ''Total Invoice Value (from invoice),'' and then multiplying that figure by the unit price. Additionally, the TIE verification sales trace exhibits support the conclusion that ocean freight expenses have not been reported on a per weight basis. Thus, TIE accurately reported its actual ocean freight expense, and no adjustment for packing materials is warranted.

Comment 6: Respondent argues that the Department should not have used a 1991 cable from the U.S. Embassy in Jakarta as the source of factory overhead, SG&A, and profit data in this case. Specifically, respondent argues that the information is not substantiated in any respect, and is six years old.

Respondent argues that the Department has established a preference for the use of publicly-available information over cable data obtained from U.S. embassies, citing *Final Determination of Sales at Less Than Fair Value: Certain Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China.* For this review, respondent contends that it would be more appropriate to use information from *Melamine Institutional Dinnerware from the People's Republic of China* (''*Dinnerware*''). While respondent acknowledges that the industry is different than bearings, respondent notes that they are both manufactured products which involve a basic raw material. Furthermore, according to respondent, there is no other data on the record which would allow the Department to obtain overhead, SG&A, and profit data from a single source. Because this data is transparent, verified, and pertains to a more recent period, respondent maintains that it is superior to the data used in the preliminary results.

Petitioner argues that, while it believes there are problems with the use of the pipe fittings data (*see* Comment 4), respondent has proposed the utilization of information from proceedings involving products which petitioner argues bear ''no relationship at all'' to the TRBs under review. While petitioner notes that the degree of specificity acceptable in surrogate value selection depends to a ''considerable'' extent upon what information is available on the record, petitioner argues that there is no reason to accept the data proposed by TIE on the basis of the record in this review.

First, petitioner claims that while the *Dinnerware* information is more recent and closer in time to the review period than the information used by the Department, that is irrelevant. Specifically, petitioner claims that the timeliness of data only becomes relevant when the data themselves are relevant. In this case, no matter how contemporaneous, petitioner asserts that plastic dishes are not comparable to bearings. Additionally, as the figures used by the Department are percentage rates, petitioner argues that, while actual prices may vary considerably over time, it is less likely that the overall cost structure of an industry would change drastically over a few years. Petitioner concludes that it is reasonable to assume that an industry's cost structure, and its overhead, SG&A, and profit ratios, would remain basically the same between 1991 and 1995–96.

Finally, petitioner claims that the materials and production process for pipe fittings are more similar to bearing production than the melamine dinnerware materials and production process. Pipe fittings are made of steel, like bearings, and the production process involves heating and forging, or cold-forming, and machining to final size.

Department's Position: We disagree with respondent that it would be more appropriate to utilize overhead, SG&A, and profit data from *Dinnerware.* Most importantly, we note that the statute, at 19 U.S.C. 1677b(c) (1)(B) and (2)(A), requires use of surrogate values for production of comparable merchandise. As the Department noted in Comment One of the final results of review of the 1993–94 segment of this proceeding, in defending the use of data from the Turkish pipe and tube industry, ''the term 'comparable' encompasses a larger set of products than 'such or similar.' '' Thus, we have supported the use of pipe industry data in earlier reviews of this proceeding as being sufficiently ''comparable'' to tapered roller bearings.

In contrast, there is no Departmental precedent for the application of data pertaining to the production of melamine dinnerware to the tapered roller bearing industry. This is not surprising, based on the fact that, other than respondent's observation that they are both manufactured products which involve a basic raw material, there is nothing comparable about these two types of merchandise. Additionally, the Department offered guidance in determining the potential universe of comparable products for this review period. Specifically, in Attachment 4 of the Department's surrogate country selection memorandum, the Department stated that ''if any of the listed possible surrogates are significant producers of any steel products they may be appropriate surrogates.'' *See* February 25, 1997 *Memorandum to the File: Antidumping Administrative Review of Tapered Roller Bearings from Romania: Selection of a Surrogate Country in the 1995/96 Review. Dinnerware,* of course, does not fall within this category.

Because the melamine dinnerware data pertains to an industry which is not comparable to the merchandise under review, we agree with petitioner that the time period for which the dinnerware data is applicable is a moot issue.

Comment 7: Respondent contends that the SG&A rate used in the preliminary results is unreasonably high, both compared to rates used in other bearings reviews, as well as compared to any other instances in which the Department has used actual data.

Petitioner responds that the SG&A rate is not abnormally high. For example, petitioner notes that the SG&A rate from the only Indonesian company on the record in this review that petitioner believes can be regarded as a producer of merchandise reasonably similar to bearings is higher than the rate used by the Department in the preliminary results.

Department's Position: Respondent's contention that the SG&A rate used in the preliminary results is unreasonably high, both compared to rates used in other bearings reviews, as well as compared to any other instances in which the Department has used actual data, is not sufficient grounds to lower the SG&A figure for the final results of review in the absence of preferable data. As discussed above in Comment 6, respondent's suggested use of data from the *Dinnerware* case is unacceptable, as dinnerware is not comparable to tapered roller bearings. Therefore, the only possible alternative data on the record of this review for use as surrogate SG&A data is the PT Lion Metal Works data. As petitioner has suggested, this data supports the conclusion that the SG&A figure from the embassy cable is not aberrational compared to the SG&A expenses of an industry comparable to the bearing industry.

Comment 8: Respondent argues that, while it believes that the Department should employ overhead data from *Dinnerware*, it has provided additional information on the record which it contends is ''clearly as reasonable'' as the embassy cable used in the preliminary results.

Department's Position: Respondent's proposals to employ overhead data from *Notice of Final Determination of Sales at Less than Fair Value: Disposable Pocket Lighters from the People's Republic of China,* 60 FR 22359 (May 5, 1995) and *Notice of Final Determination of Sales at Less than Fair Value: Furfuryl Alcohol from the People's Republic of China,* 60 FR 22544 (May 8, 1995) antidumping duty investigations suffer the same limitation as respondent's proposal to utilize data from *Dinnerware.* That is, the data from these cases pertain to industries that are not comparable to the bearing industry and therefore, we are not using them in these final results.

Comment 9: Respondent objects to the Department's utilization of a foreign inland freight rate based on information from *Dinnerware.* First, respondent argues that the rate used by the Department results in a deduction of 2 percent to 8 percent from gross unit price for most models, when the rate used in the previous review resulted in a deduction of far less than 1 percent from gross unit price. Second, respondent notes that the rate is almost 20 times more than the rate used the 1994–95 *TRBs from the PRC* review. Third, respondent states that the Department's selection of this rate suggests that it is three times more expensive to ship bearings from Brasov to Constanta, Romania than to send the bearings from Constanta to Baltimore, USA.

Respondent alleges that the reason for this high price is either a mathematical error on the Department's part, or the fact that the short distance between the factory and the port (40 km) make the cost per kilometer abnormally high. Respondent asserts that the Department has taken the position in *Final Determination of Sales at Less than Fair Value: Certain Cased Pencils from the People's Republic of China (''Pencils from the PRC''),* 59 FR 55625, 55629 (November 8, 1994) that it will examine surrogate values for reasonableness. Where the Department find that the surrogate values are unreasonable or aberrational, respondent maintains that the Department has stated it will compare the questionable data with other data to determine its reliability and to use other more reliable data, if necessary.

Petitioner argues that respondent has made no attempt to demonstrate that the rate used by the Department in the preliminary results is objectively too high. In the absence of such demonstration, petitioner claims that there is no evidence that the rate is actually too high and, in fact, petitioner suggests that it can be argued just as persuasively that the rates used in the other instances were too low.

Furthermore, petitioner maintains that the lack of an objective basis for TIE's complaint is highlighted by its use of a hypothetical example (in which respondent argues that, if the bearing factories were 1500 km from the port, the freight cost would be 27 percent of the cost of the bearings). In fact, according to petitioner, the factories are not 1500 km from the port. The actual distances (350 and 380 km), according to petitioner, are more comparable to the 40 km used as the basis for the Department's calculation.

Department's Position: In the preliminary results of review, the Department used information submitted on the record for the 1995 antidumping investigation on *Dinnerware*. However, as we noted above in Comment 4, interested parties were provided the opportunity to submit information regarding Indonesian factors of production after publication of the preliminary results of review notice. In response to the Department's letter, TIE submitted freight data used in *Disposable Pocket Lighters from the PRC.* We note that this data, which includes freight values for truck and rail separately, is based on the same U.S. Embassy cable from which the Department took the SG&A, profit, and overhead values.

Because the cable data pertains to the pipe fitting industry (an industry comparable to the bearing industry), it is inherently preferable to the *Dinnerware* data. Additionally, in comparison with actual data used in other cases involving tapered roller bearings, the cable data appears to more reasonably approximate the true cost of freight for producers of tapered roller bearings. We agree with respondent that the Department has taken the position in *Pencils from the PRC* that it will examine surrogate values for reasonableness. Thus, the rate used in the preliminary results of review, when contrasted with rates from the Romanian TRBs cases for 1993–94 and 1994–95, and the Chinese TRB case for 1994–95, does not appear to reasonably approximate the true cost of freight.

Therefore, for the final results of review, we have revised freight based on the values for truck and rail appearing in the 1991 Embassy cable. *See Analysis Memorandum for the Final Results of Review (July 7, 1997).*

Comment 10: Respondent argues that the Department should utilize the former statutory minimum of 8 percent or rely upon the rate in *Dinnerware* to calculate profit.

Petitioner claims that the Department has rejected the use of the former statutory minimum for profit as contrary to law, for example, in the 1994–95 segment of this proceeding. Furthermore, use of the rate in *Dinnerware* should be rejected as not applying to an industry producing similar merchandise, as discussed by petitioner in Comment 6 above.

Department's Position: We disagree with respondent. Under the controlling statute, the statutory minimum of 8 percent for profit is invalid, and the Department must use actual rates when possible. *See* 19 U.S.C. 1677b(e)(2). Additionally, as discussed above, *Dinnerware* is not comparable merchandise to the merchandise under review. Therefore, the Department cannot consider the profit rate from that case. Hence, the Department has continued to use the actual profit rate reported for the Indonesian pipe fitting industry, as this rate applies to producers of comparable merchandise from a qualifying surrogate country.

Comment 11: Respondent alleges ministerial errors for certain observations in the database, caused by incorrect labor costs, which should be corrected for the final results of review.

Petitioner argues that the reporting errors were made by TIE, not the Department. Thus, petitioner notes that it is ''just as possible'' that the error, if one exists, lies in the values used for the other observations TIE alleges are correct, or that the labor costs for the observation cited are correct and the model number listed is incorrect. Petitioner argues that post hoc changes in data submitted ''long ago'' cannot reasonably be accepted now.

In the event the Department changes these values, petitioner asserts that, under the adverse inference rule, the Department should use, as facts otherwise available, the highest normal value information for that part number in all cases.

Department's Position: We agree with respondent. The Department has corrected these ministerial errors, which were cell referencing errors in the spreadsheet program written by the Department, for the final results of review.

Final Results of the Review

As a result of our review, we determine that the following margin exists:

Manufacturer/exporter	Time period	Margin (percent)
TIE	6/1/95–5/31/96	2.70

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service. Furthermore, the following cash deposit requirements will be effective upon publication of these final results for all shipments of this 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: (1) The cash deposit rates for TIE will be the rate stated above (except that if the rate is *de minimis, i.e.,* less than 0.5 percent, a cash deposit rate of zero will be required); (2) the cash deposit rate for all other Romanian exporters will be the Romania-wide rate made effective by the amended final results of the 1994–95 administrative review. *See Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, from Romania; Amendment of Final Results of Antidumping Duty Administrative Review,* 61 FR 59416 (November 22, 1996); (3) for non-Romanian exporters of subject merchandise from Romania, the cash deposit rate will be the rate applicable to the Romanian supplier of that exporter. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 353.26 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 notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d)(1). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: July 7, 1997.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–18286 Filed 7–10–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

U.S. Automotive Parts Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Closed meeting of U.S. Automotive Parts Advisory Committee.

SUMMARY: The U.S. Automotive Parts Advisory Committee (the ''Committee'') advises U.S. Government officials on matters relating to the implementation of the Fair Trade in Auto Parts Act of 1988. The Committee: (1) reports annually to the Secretary of Commerce on barriers to sales of U.S.-made auto parts and accessories in Japanese markets; (2) assists the Secretary in reporting to the Congress on the progress of sales of U.S.-made auto parts in Japanese markets, including the formation of long-term supplier relationships; (3) reviews and considers data collected on sales of U.S.-made auto parts to Japanese markets; (4) advises the Secretary during consultations with the Government of Japan on these issues; and (5) assists in establishing priorities for the Department's initiatives to increase U.S.-made auto parts sales to Japanese markets, and otherwise provide assistance and direction to the Secretary in carrying out these initiatives. At the meeting, committee members will discuss specific trade and sales expansion programs related to U.S.-Japan automotive parts policy.

DATE AND LOCATION: The meeting will be held on July 22, 1997 from 10:30 a.m. to 3:00 p.m. at the U.S. Department of Commerce in Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Reck, Office of Automotive Affairs, Trade Development, Room 4036, Washington, D.C. 20230, telephone: (202) 482–1418.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the General Counsel formally determined on July 5, 1994, pursuant to Section 10(d) of the Federal Advisory Act, as amended, that the series of meetings or portions of meetings of the Committee and of any subcommittee thereof, dealing with privileged or confidential commercial information may be exempt from the provisions of the Act relating to open meeting and public participation therein because these items are concerned with matters that are within the purview of 5 U.S.C. 552b (c)(4) and (9)(B). A copy of the Notice of Determination is available for public inspection and copying in the Department of Commerce Records Inspection Facility, Room 6020, Main Commerce.

Dated: July 2, 1997.

Albert Warner,

Acting Director, Office of Automotive Affairs.

[FR Doc. 97–18243 Filed 7–10–97; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Conference on Using Voluntary Standards in the Federal Government

AGENCY: National Institute of Standards and Technology (NIST).

ACTION: Notice.

SUMMARY: This notice announces a conference to focus on how Federal agencies are successfully using voluntary standards to meet the goals of the National Technology Transfer and Advancement Act (Pub. L. 104–113), which was signed into law on March 7, 1996. In part, the Act directs the National Institute of Standards and Technology (NIST) to coordinate with other Federal Government agencies to achieve greater reliance on voluntary standards and conformity assessment bodies, and lessened dependence on standards developed in-house. The Act contains specific provisions for standards-related activities, requiring Federal agencies to compare the standards used in scientific investigations, engineering, manufacturing, commerce, industry, and educational institutions with the standards developed by the Federal Government, and to coordinate greater use by Federal agencies of private sector standards emphasizing, where possible, the use of standards developed by private, consensus organizations.

DATES: The conference will take place on Monday, September 8, 1997, at 8:00 a.m.

ADDRESSES: The meeting will be held in the Red Auditorium at the National