

Coyote Street, P.O. Box 6003, Nevada City, CA 95959.

Dated: March 3, 1997.

John H. Skinner,

Forest Supervisor, Tahoe National Forest.

[FR Doc. 97-5920 Filed 3-10-97; 8:45 am]

BILLING CODE 3410-11-M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Indiana Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 5:00 p.m. on Thursday, March 27, 1997, at the South Bend Public Library, 304 South Main Street, South Bend, Indiana 44601. The purpose of the meeting is to discuss civil rights issues of interest and plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Paul Chase, 317-920-3190, or Constance Davis, Director of the Midwestern Regional Office, 312-353-8311 (TDD 312-353-8362). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 3, 1997.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 97-5970 Filed 3-10-97; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-427-812]

Calcium Aluminate Flux From France; Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review.

SUMMARY: In response to a request from one respondent, Lafarge Aluminates

(LA), and its U.S. subsidiary, Lafarge Calcium Aluminates, Inc. (LCA) (collectively, Lafarge), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on calcium aluminate (CA) flux from France. This review covers one manufacturer/exporter of the subject merchandise to the United States, Lafarge, for the period June 1, 1995 through May 31, 1996.

We have preliminarily determined that U.S. sales have been made below normal value (NV). If these preliminary results are adopted in our final results of administrative review, we will instruct the U.S. Customs Service (Customs) to assess antidumping duties equal to the differences between the United States Price (USP) and NV.

Interested parties are invited to comment on these preliminary results. Parties who submit arguments in this proceeding are requested to submit with the argument (1) a statement of the issues, and (2) a brief summary of the argument.

EFFECTIVE DATE: March 11, 1997.

FOR FURTHER INFORMATION CONTACT:

Maureen McPhillips or Linda Ludwig, AD/CVD Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482-3019.

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

SUPPLEMENTARY INFORMATION:

Background

On June 13, 1994, the Department published in the Federal Register (59 FR 30337) the antidumping duty order on CA flux from France. On June 6, 1996 (61 FR 28840), the Department published in the Federal Register a notice of opportunity to request an administrative review of the antidumping duty order on CA flux from France. In accordance with 19 CFR 353.22(a)(1)(1995), we received a timely request for review from a respondent, Lafarge. We published a notice of initiation of this antidumping duty

administrative review on August 8, 1996 (61 FR 41373), for the period June 1, 1995 through May 31, 1996.

The Department is now conducting this administrative review in accordance with section 751 of the Act.

Scope of the Review

Imports covered by this review are shipments of CA flux, other than white, high purity CA flux. This product contains by weight more than 32 percent but less than 65 percent alumina and more than one percent each of iron and silica.

CA flux is currently classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) subheading 2523.10.0000. The HTSUS subheading is provided for convenience and U.S. Customs' purposes only. The written description of the scope of this order remains dispositive.

Constructed Export Price

In calculating Lafarge's USP, the Department treated respondent's sales as constructed export price (CEP) sales, as defined in section 772(b) of the Act, because the subject merchandise was sold to the first unaffiliated purchaser after importation into the United States.

We calculated CEP based on packed or bulk, ex-U.S. warehouse or delivered prices to unaffiliated customers in the United States. We made deductions from the gross unit price, where appropriate, for the following movement charges: loading material at the Fos plant in France, foreign inland freight from plant to port, foreign brokerage and handling costs, international freight, marine insurance, U.S. brokerage and handling, inland freight from port to U.S. warehouse, unloading charges, inland freight to processors, demurrage and stop-off charges, and U.S. freight from the warehouse to the customer, in accordance with section 772(c)(2)(A) of the Act. Pursuant to section 772(d)(1)(B), we also deducted credit expenses, product liability insurance, and travel expenses for technical services. Pursuant to section 772(d)(1)(D), we deducted U.S. indirect selling expenses, and inventory carrying costs incurred in the United States. We did not deduct indirect selling expenses (*i.e.*, administrative expenses, inventory carrying costs, personnel costs for technicians) incurred by LA in France because these expenses were for commercial activity taking place outside the United States. We also deducted commissions in accordance with section 772(d)(1)(A) of the Act.

We also deducted an amount for profit in accordance with section 772(d)(3) of the Act.

Level of Trade and CEP Offset

As set forth in section 773(a)(1)(B)(i) of the Act and in the Statement of Administrative Action (SAA) accompanying the Uruguay Round Agreements Act, at 829-831, the Department will, to the extent practicable, calculate NV based on sales at the same level of trade as the U.S. sales. When the Department is unable to find sales of the foreign like product in the comparison market at the same level of trade as the U.S. sale, the Department may compare the U.S. sale to sales at a different level of trade in the comparison market.

In accordance with section 773(a)(7)(A) of the Act, if sales at different levels of trade are compared, the Department will adjust the NV to account for the difference in levels of trade if two conditions are met. First, there must be differences between the actual selling activities performed by the exporter at the level of trade of the U.S. sale and at the level of trade of the comparison market sale used to determine NV. Second, the differences must affect price comparability as evidenced by a pattern of consistent price differences between sales at the different levels of trade in the market in which NV is determined.

Section 773(a)(7)(B) of the Act establishes that a CEP "offset" may be made when two conditions exist: First, NV is established at a level of trade which constitutes a more advanced stage of distribution than the level of trade of the CEP; and second, the data available do not provide an appropriate basis for a level-of-trade adjustment.

To implement these principles in this case, we requested information on the selling activities of Lafarge in each of its markets. We asked Lafarge to establish any claimed levels of trade based on the selling activities provided to each proposed customer group, and to document and explain any claims for a level-of-trade adjustment. In its October 11, 1996 submission, and subsequent supplemental response of February 5, 1996, Lafarge explained that LA, acting as the national distributor in France for Lafarge's CA flux products, sold to distributors and end users in the home market. Lafarge's U.S. CEP sales were made through its subsidiary, LCA, which performed the same basic role in the United States that LA performed in the home market, selling to distributors and end users. For both channels of distribution the selling activities in both the home market and the United States were similar.

To determine whether separate levels of trade existed in the United States and

the home market, we reviewed the selling activities associated with each channel of distribution claimed by Lafarge. Since all of Lafarge's U.S. sales were CEP sales, we considered only the selling activities reflected in the price after the deduction of expenses and profit under section 772(d) of the Act.

In the home market Lafarge reported two customer groups: end-users and distributors. We reviewed the sales activities between these two types of customers in the home market. There were no significant distinctions in the selling activities performed for end-users and distributors in the home market. The distribution systems, inventory maintenance, sales order processing, and sales agreements were very similar across customer groups in each market. Because channels of distribution do not qualify as separate levels of trade when the selling activities performed for each customer class are sufficiently similar, we concluded that Lafarge's home market sales to end-users and resellers were made at the same level of trade since the aggregate selling activities performed for both channels of distribution were essentially identical.

We then examined the level of trade of the CEP sales in the U.S. market (*i.e.*, the level of trade for sales from LA to LCA). Based on Lafarge's responses to the Department's questionnaires, we concluded that the selling activities of the level of trade of the home market sales were sufficiently different from the level of trade of Lafarge's CEP sales to establish a different level of trade between the two markets. For example, the level of trade of the CEP sales did not involve extensive technical assistance, credit insurance, inventory maintenance, and sales administration costs. Since the same level of trade as that of the CEP did not exist in the home market, we could not determine whether there was a pattern of consistent price differences between the levels of trade, in accordance with section 773(a)(7)(A) of the Act, based on Lafarge's home market sales of merchandise under review. Further, we do not have the information which would allow us to examine pricing patterns of Lafarge's sales of other products, and there is no other respondent's or other producer's information on the record to analyze whether the adjustment is appropriate. See SAA at 830.

Because the data available do not provide an appropriate basis for making a level-of-trade adjustment, but the level of trade in the home market is at a more advanced stage than the level of trade of the CEP sales, a CEP offset is

appropriate in accordance with section 773(a)(7)(B) of the Act. To calculate the CEP offset, we deducted from NV the general and administrative expenses, inventory carrying costs, and salaries and overhead expenses associated with technical service reported by Lafarge as home market indirect selling expenses. We limited the home market indirect selling expense deduction by the amount of the indirect selling expenses incurred in the United States as determined under section 772(d)(1)(D) of the Act.

Further Manufacture

In calculating CEP, where appropriate, we deducted all value added in the United States, including the proportional amount of profit attributable to the value added, pursuant to section 772(d)(2) and 772(d)(3) of the Act. The value added consists of the costs associated with the production of the further manufactured products, other than costs associated with the imported products. To determine the costs incurred to produce the further manufactured products, we included (1) the costs of manufacture, (2) movement and repacking expenses, (3) selling, general and administrative expenses, and interest expenses. Profit was calculated by deducting all applicable costs, charges, adjustments, and expenses from the sales price. The total profit was then allocated proportionally to all components of cost. We deducted only the profit attributable to the value added in the United States. No other adjustments to CEP were claimed or allowed.

Normal Value (NV)

A. Viability

Based on a comparison of the aggregate quantity of home market and U.S. sales, and absent any information that a particular market situation in the exporting country does not permit a proper comparison, we determined that the quantity of the foreign like product sold in the exporting country by Lafarge was sufficient to permit a proper comparison with Lafarge's sales of the subject merchandise to the United States, pursuant to section 773(a)(1)(B)(i) of the Act. Therefore, in accordance with section 773(a)(1)(B)(i), we based NV on the prices at which the foreign like products were sold to the first unaffiliated purchaser for consumption in the exporting country.

B. Model Match

In accordance with section 771(16)(B) of the Act, we considered all products produced by the respondent, covered by

the description in the Scope of the Review section above, and sold in the home market during the POR, to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. Since there were no sales of identical merchandise in the home market to compare to U.S. sales, we matched U.S. sales to the most similar foreign like product based on the physical characteristics reported by the respondent, Lafarge. Among similar products sold in the home market we chose that product with the least difference in size (i.e., the type of crushing and screening performed) and packaging between the home market and the U.S. product. In any case, we did not use any home market product which, when compared to the U.S. model, resulted in a difference-in-merchandise adjustment in excess of 20 percent of the total cost of manufacture of the U.S. model.

C. Price to Price Comparisons

Pursuant to section 777A(d)(2) of the Act, we compared the CEPs of individual transactions to the monthly weighted-average price of sales of the foreign like product.

We based NV on the price at which the foreign like product is sold for consumption in the exporting country to the first unaffiliated party, in the usual commercial quantities and in the ordinary course of trade in accordance with sections 773(a)(1)(B)(i) and 773(a)(5) of the Act. Where appropriate, we deducted loading expenses, inland freight, credit, credit insurance, travel expenses incurred by technicians, product liability insurance, and packing. We deducted indirect selling expenses incurred in the home market up to the amount of the U.S. indirect selling expenses. We also made adjustments for home market indirect selling expenses to offset U.S. commissions. Prices were reported net of value-added taxes (VAT) and, therefore, no adjustment for VAT was necessary. No other adjustments were claimed or allowed.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margin exists:

Manufacturer/exporter	Period of review	Margin (percent)
Lafarge Alumina ..	06/01/95–05/31/96	7.30

Parties to the proceeding may request disclosure within five days of the date

of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and comments, may be filed not later than 37 days after the date of publication. Parties who submit arguments in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument. The Department will issue the final results of this administrative review, including the results of its analysis of issues raised in any such written comments.

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. Individual differences between CEP and NV may vary from the percentage stated above. The Department will issue appraisement instructions directly to Customs. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the determination and for future deposits of estimated duties.

Furthermore, the following deposit requirements will be effective upon the publication of the final results of this administrative review for all shipments of CA flux from France entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Lafarge will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in these reviews but covered in the original less-than-fair-value (LTFV) investigation or a previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received a company-specific rate; (3) if the exporter is not a firm covered in this review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) for all other producers and/or exporters of this merchandise, the cash deposit rate will be 37.93 percent, the rate established in the LTFV investigation (59 FR 5994, February 9, 1994).

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: March 3, 1997.

Robert. S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97-6039 Filed 3-10-97; 8:45 am]

BILLING CODE 3510-DS-P

[A-485-602]

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

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

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

SUMMARY: In response to a request by the petitioner, The Timken Company (Timken), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished or unfinished (TRBs), from Romania. The review covers shipments of the subject merchandise to the United States during the period June 1, 1995, through May 31, 1996.

Interested parties are invited to comment on these preliminary results. Parties who submit arguments are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: March 11, 1997.

FOR FURTHER INFORMATION CONTACT: Rick Johnson or Jean Kemp, Office of Antidumping and Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3793.