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[FR Doc. 95-9696 Filed 4-19-95; 8:45 am]

BILLING CODE 3510-60-M

## Foreign-Trade Zones Board

[Docket 15-95]

### Foreign-Trade Zone 15—Kansas City, Missouri Area Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Kansas City Foreign Trade Zone, Inc., grantee of Foreign-Trade Zone 15, requesting authority to expand its zone in the Kansas City, Missouri area, within the Kansas City, Missouri, Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on April 14, 1995.

FTZ 15 was approved on March 23, 1973 (Board Order 93, 38 FR 8622, 4/4/73) and expanded on October 25, 1974 (Board Order 102, 39 FR 39487, 11/7/74). The zone project includes 3 general-purpose sites in the Kansas City, Missouri, port of entry area: *Site 1* (250,000 sq. ft.)—Midland International Corp. warehouse, 1650 North Topping, Kansas City; *Site 2* (2,815,000 sq. ft.)—Hunt Midwest Real Estate Development, Inc., surface and underground warehouse complex, 8300 N.E. Underground Drive, Kansas City; and, *Site 3* (101,000 sq. ft.)—Kansas City International Airport, 7,984 sq. ft. building and 93,016 sq. ft. of land,

12600 N.W. Prairie View Road, Kansas City.

The applicant is now requesting authority to further expand the general-purpose zone to include an additional site (proposed new Site 4—416 acres) at the Carefree Industrial Park, a surface and subsurface business park located at 1600 N M—291 Highway, Sugar Creek, Missouri. (A portion of the park is also in the City of Independence.)

No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations (as revised, 56 FR 50790-50808, 10-8-91), a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is June 19, 1995. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to July 5, 1995).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, 601 East 12th Street, Room 635, Kansas City, Missouri 64106  
 Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th and Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: April 14, 1995.

**John J. Da Ponte, Jr.,**  
*Executive Secretary.*

[FR Doc. 95-9835 Filed 4-19-95; 8:45 am]

BILLING CODE 3510-DS-P

## International Trade Administration [A-570-808]

### Chrome-Plated Lug Nuts From the People's Republic of China; Preliminary Results of Antidumping Administrative Review

**AGENCY:** International Trade Administration/Import Administration.

**ACTION:** Notice of preliminary results of the Antidumping Duty Administrative Review of chrome-plated lug nuts from the People's Republic of China.

**SUMMARY:** The Department of Commerce (the Department) is conducting

administrative reviews of the antidumping duty order on chrome-plated lug nuts (lug nuts) from the People's Republic of China (PRC) in response to requests by petitioner, Consolidated International Automotive, Inc. (Consolidated), for the first and second reviews, and an importer, Krossdale Accessories, Inc., for the second administrative review. These reviews cover shipments of this merchandise to the United States during the period April 18, 1991, through August 31, 1992, and September 1, 1992, through August 31, 1993.

We have preliminarily determined that sales have been made below the foreign market value (FMV). If these preliminary results are adopted in our final results, we will instruct U.S. Customs to assess antidumping duties equal to the difference between the United States price (USP) and FMV.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** April 20, 1995.

#### FOR FURTHER INFORMATION CONTACT:

Donald Little, Elisabeth Urfer, or Maureen Flannery, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482-4733.

#### Background

The Department published in the **Federal Register** an antidumping duty order on lug nuts from the PRC on April 24, 1992 (57 FR 15052). On September 11, 1992, and September 7, 1993, the Department published in the **Federal Register** (57 FR 41725 and 58 FR 47116) notices of opportunity to request administrative reviews of the antidumping duty order on lug nuts from the PRC covering the periods April 18, 1991, through August 31, 1992, (91-92 review) and September 1, 1992, through August 31, 1993 (92-93 review).

For the 91-92 review, in accordance with 19 CFR 353.22(a)(1994), the petitioner, Consolidated, requested that we conduct an administrative review of China National Automotive Industry I/ E Corp.; China National Machinery & Equipment Import and Export Corporation, Jiangsu Co., Ltd. (Jiangsu); Rudong Grease Gun Factory (Rudong); China National Automotive Industry Shanghai Automobile Import & Export Corp. (Shanghai Automobile); Chu Fong Metallic Industrial Corporation (Chu Fong); and San Chien Electric Industrial Works, Ltd. (San Chien). We published a notice of initiation of this

antidumping duty administrative review on October 22, 1992 (57 FR 48201).

For the 92-93 review, in accordance with 19 CFR 353.22(a), Consolidated requested that we conduct an administrative review of China National Automotive Industry I/E Corp; Jiangsu; China National Automobile Import and Export Corp., Yangzhou Branch (Yangzhou); Rudong; Ningbo Knives & Scissors Factory (Ningbo); Shanghai Automobile; and Tianjin Automotive Import and Export Co. (Tianjin). In accordance with 19 CFR 353.22(a), Krossdale Accessories, Inc. requested a review of its supplier, China National Machinery & Equipment Import & Export Corp., Nantong Branch (Nantong). We published a notice of initiation of this antidumping duty administrative review on October 18, 1993 (58 FR 53710). The Department is conducting these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

#### Scope of Review

On April 19, 1994, the Department issued its "Final Scope Clarifications on Chrome-Plated Lug Nuts from Taiwan and the PRC." The scope, as clarified, is described in the subsequent paragraph. All lug nuts covered by these reviews conform to the April 19, 1994, scope clarification.

Imports covered by these reviews are one-piece and two-piece chrome-plated lug nuts, finished or unfinished. The subject merchandise includes chrome-plated lug nuts, finished or unfinished, which are more than  $1\frac{1}{16}$  inches (17.45 millimeters) in height and which have a hexagonal (hx) size of at least  $\frac{3}{4}$  inches (19.05 millimeters) but not over one inch (25.4 millimeters), plus or minus  $\frac{1}{16}$  of an inch (1.59 millimeters). The term "unfinished" refers to unplated and/or unassembled chrome-plated lug nuts. The subject merchandise is used for securing wheels to cars, vans, trucks, utility vehicles, and trailers. Zinc-plated lug nuts, finished or unfinished, and stainless-steel capped lug nuts are not included in the scope of this review. Chrome-plated lock nuts are also not subject to this review.

Chrome-plated lug nuts are currently classified under subheading 7318.16.00.00 of the Harmonized Tariff Schedule (HTS). Although the HTS subheading is provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

These reviews cover the periods April 18, 1991, through August 31, 1992, and September 1, 1992, through August 31, 1993. The 91-92 review covers six

producer/exporters of Chinese lug nuts. The 92-93 review covers eight producer/exporters of Chinese lug nuts.

#### Separate Rates

To establish whether a company operating in a state-controlled economy is sufficiently independent to be entitled to a separate rate, the Department analyzes each exporting entity under the test established in Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China (56 FR 20588, May 6, 1991) (Sparklers), as amplified by the Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China (59 FR 22585, May 2, 1994) (Silicon Carbide). Under this policy, exporters in non-market economies (NMEs) are entitled to separate, company-specific margins when they can demonstrate an absence of government control, both in law and in fact, with respect to exports. Evidence supporting, though not requiring, a finding of *de jure* absence of government control includes: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies. *De facto* absence of government control with respect to exports is based on four factors: (1) Whether each exporter sets its own export prices independently of the government and without the approval of a government authority; (2) whether each exporter retains the proceeds from its sales and makes independent decisions regarding the disposition of profits or financing of losses; (3) whether each exporter has the authority to negotiate and sign contracts and other agreements; and (4) whether each exporter has autonomy from the government regarding the selection of management.

Nantong was the only exporter that responded to the Department's request for information; therefore, Nantong was the only firm on which we made a determination of whether it should receive a separate rate. The determination of whether Nantong should receive a separate rate is to be made under the policy set forth in Silicon Carbide and Sparklers. In Silicon Carbide we concluded that ownership by the people does not require the application of a single rate, and amplified the test set out in Sparklers by examining the management of an enterprise.

Nantong is owned by the local government. Such ownership does not,

however, preclude a determination that a separate rate is appropriate. Nantong's management is elected by Nantong's staff, and is responsible for all decisions such as profit distribution, employment policy and marketing strategy.

We have found that the evidence on the record demonstrates an absence of government control, both in law and in fact, with respect to Nantong's exports according to the criteria identified in Sparklers and Silicon Carbide. With respect to the absence of *de jure* government control, evidence on the record indicates that, even though Nantong is registered as a state-owned company, it is an independent entity. Further, several PRC laws establish that the responsibility for managing entities has been transferred from the central government to the enterprise. (See August 30, 1994, memorandum to the file, with attachments and November 18, 1994 memorandum to the file). In particular, "The People's Republic of China All People's Ownership Business Law," enacted on April 13, 1988, indicates that branch companies have become legally and financially independent of centrally-controlled foreign trade companies. Nantong is such a branch company. Additionally, lug nuts do not appear on the "Temporary Provisions for Administration of Export Commodities," approved on December 21, 1992, and are not, therefore, subject to the constraints of those provisions. With respect to the absence of *de facto* government control, Nantong states that it makes decisions based upon market requirements, that it is not subject to adverse financial costs for choosing one export strategy over another, that the management team makes all decisions, that there are no restrictions on the use of its profits, that the employees of Nantong elect the general manager and management team, and that it conducts negotiations with U.S. importers. For further discussion of the Department's preliminary determination that Nantong is entitled to a separate rate, see Decision Memorandum: "Separate Rates in the First and Second Administrative Reviews of Chrome-Plated Lug Nuts from the People's Republic of China," dated March 13, 1995; which is on file in the Central Record Unit (room B099 of the Main Commerce Building).

#### United States Price

For sales made by Nantong we based the USP on purchase price (PP), in accordance with section 772(b) of the Act, because the subject merchandise was sold to unrelated purchasers in the United States prior to importation into the United States.

We calculated PP based on the FOB price to unrelated purchasers. We made deductions for brokerage and handling and foreign inland freight. We valued brokerage and handling and foreign inland freight deductions using surrogate data based on Indian freight costs. We selected India as the surrogate country for the reasons explained in the "Foreign Market Value" section of this notice.

#### Foreign Market Value

For all companies located in NME countries, section 773(c)(1) of the Act provides that the Department shall determine FMV using a factors-of-production methodology if (1) the merchandise is exported from an NME country, and (2) the information does not permit the calculation of FMV using home market prices, third country prices, or constructed value (CV) under section 773(a) of the Act.

In the amendment to the final determination of sales at less than fair value (LTFV), the Department treated the PRC as an NME country, and determined that lug nuts is not a market-oriented industry. (See Amendment to Final Determination of Sales at Less Than Fair Value and Amendment to Antidumping Duty Order: Chrome-Plated Lug Nuts from the People's Republic of China, 57 FR 15052, April 24, 1992.) Because no company in this review has argued that the PRC is a market-economy country, or that the lug nut industry in the PRC is market-oriented, we continue to consider the PRC to be an NME country, and the lug nut industry to be non-market oriented and, therefore, we have applied surrogate values to factors of production to determine CV and movement costs.

We calculated FMV based on factors of production in accordance with section 773(c) of the Act and section 353.52 of the Department's regulations. We determined that India is comparable to the PRC in terms of per capita gross national product (GNP), the growth rate in per capita GNP, and the national distribution of labor, and is a significant producer of comparable merchandise. For these reviews, we chose India as the most comparable surrogate on the basis of the above criteria, and have used publicly available information relating to India to value the various factors of production. (See Memorandum dated July 29, 1994).

We valued the factors of production as follows:

- For steel wire rods, we used a per kilogram value obtained from the Monthly Statistics of Foreign Trade of India for the period April through

December, 1992. Using wholesale price indices (WPI) obtained from the International Financial Statistics, published by the International Monetary Fund (IMF), we adjusted these values to reflect inflation. We made further adjustments to include freight costs incurred between the supplier and the factory in the PRC.

- For chemicals used in the production of lug nuts, we used per kilogram values obtained from the Monthly Statistics of Foreign Trade of India, Chemical Business, and Chemical Weekly. We adjusted these rates to reflect inflation using WPI from the International Financial Statistics.

- For direct labor, we used the Business International Report IL&T India released in November 1992. We adjusted this rate to reflect inflation using WPI from the International Financial Statistics. The labor cost for each component was calculated by multiplying the labor time requirement by the surrogate labor rate.

- For factory overhead, we used information obtained from the Reserve Bank of India Bulletin, December 1992, for Indian metals and chemicals industries. From this information, we were able to determine factory overhead as a percentage of total cost of manufacture. We added factory overhead into the cost of manufacture. Factory overhead did not include electricity; therefore, we added an amount for electricity, using information from Energy Indicators of Developing Member Countries of Asian Development Bank from July 1992. We adjusted these rates to reflect inflation using WPI from the International Financial Statistics.

- For SG&A expenses, we used information obtained from the Reserve Bank of India Bulletin from December 1992. From this information, we calculated an SG&A rate by dividing SG&A expenses by the cost of manufacture. SG&A expenses were less than ten percent of the cost of manufacture. Therefore, we used the statutory minimum of ten percent of the cost of manufacture for SG&A.

- For profit, we used the profit rate obtained from the Reserve Bank of India Bulletin from December 1992 because it was in excess of the statutory eight percent minimum.

- For packing, we used, as best information available (BIA), one percent of the cost of production. We applied BIA for packing because Rudong, the producer, did not supply sufficient factor information by which to allocate packing costs. This percentage, applied to publicly available data, was used in the Final Determination of Sales at Less

than Fair Value: Tapered Roller Bearings from Italy, 52 FR 24198 (June 29, 1987). This methodology is consistent with the Department's valuation of packing in the Final Results of Antidumping Duty Administrative Review: Tapered Roller Bearings from the People's Republic of China, 56 FR 67590 (December 31, 1991).

#### Currency Conversion

We made currency conversions in accordance with 19 CFR 353.60(a). Currency conversions were made at the rates certified by the Federal Reserve Bank.

#### Best Information Available

We preliminarily determine, in accordance with section 776(c) of the Act, that the use of BIA is appropriate for the China National Automotive Industry I/E Corp., Jiangsu, Shanghai Automobile, Chu Fong, San Chien, Yangzhou, Ningbo, and Tianjin because these firms did not respond to the Department's antidumping questionnaire.

In deciding what to use as BIA, 19 CFR 353.37(b) provides that the Department may take into account whether a party refused to provide requested information. Thus, the Department determines on a case-by-case basis what is BIA. When a company refuses to provide the information requested in the form required, or otherwise significantly impedes the Department's review, the Department will normally assign to that company the higher of (1) The highest rate for any firm in the investigation or prior administrative reviews of sales of subject merchandise from that same country; or (2) the highest rate found in the review for any firm. When a company has cooperated with the Department's request for information but fails to provide the information requested in a timely manner or in the form required, the Department will normally assign to that company the higher of either: (1) The highest margin calculated for that company in any previous review or the original investigation; or (2) the highest calculated margin for any respondent that supplied an adequate response for the current review. (See Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof From the Federal Republic of Germany, et. al.; Final Results of Administrative Review, 56 FR 31705 (July 11, 1991).

For the 91-92 review we have applied BIA to sales made by China National Automotive Industry I/E Corp., Jiangsu, Shanghai Automobile, Chu Fong, and San Chien. Because these firms did not

respond to our questionnaire, we have applied as BIA the highest margin ever calculated in the investigation or this first review.

For the 92-93 review we have applied BIA to sales made by China National Automotive Industry I/E Corp, Jiangsu, Yangzhou, Ningbo, Shanghai Automobile, and Tianjin. Because these firms did not respond to our

questionnaire, as BIA we have applied the highest margin ever calculated in the investigation or this or the prior review.

Rudong responded to the Department's requests for information for both review periods, but reported no direct exports to the United States during either period. Therefore, we are treating Rudong as a non-shipper for

these reviews. Since the Department has never determined that a separate rate should apply to exports from Rudong, future exports from Rudong will be subject to cash deposit at the PRC rate.

**Preliminary Results of the Review**

We preliminarily determine that the following dumping margins exist:

Manufacturer/exporter	Time period	Margin (percent)
China National Machinery & Equipment Import & Export Corp., Nantong Branch .....	09/01/92-08/31/93	45.41
Rudong Grease-Gun .....	04/18/91-08/31/92	*42.42
Factory .....	09/01/92-08/31/93	*45.41

\* No shipments during the period, but never determined to merit a separate rate. Therefore, we applied the PRC rate established in this review. This is the rate for companies that had shipments, or are presumed to have shipments, during the period, but which were not given separate rates.

Parties to the proceeding may request disclosure within 5 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 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. 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 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 Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisal instructions directly to the Customs Service.

Furthermore, the following deposit rates will be effective upon publication of the final results of these administrative reviews for all shipments of lug nuts from the PRC 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) For Nantong, which has a separate rate, the cash deposit rate will be the company-specific rate published for the most recent (1992-1993) period; (2) for Jiangsu, which was previously investigated and given a separate rate, the cash deposit rate will be the company-specific rate published for the most recent (1992-1993) period, which is based on BIA; (3) for the companies named above which were not found to have separate rates, China National Automotive Industry I/E Corp.,

Yangzhou, Ningbo, Shanghai Automobile, and Tianjin, as well as for all other PRC exporters, the cash deposit rate will be 45.41 percent; and (4) 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: April 13, 1995.  
**Susan G. Esserman,**  
*Assistant Secretary for Import Administration.*  
 [FR Doc. 95-9835 Filed 4-19-95; 8:45 am]  
**BILLING CODE 3510-DS-P**

**[A-570-803]**

**Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Reviews**

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

**ACTION:** Notice of preliminary results of antidumping duty administrative reviews.

**SUMMARY:** In response to a request by a U.S. importer, the Department of Commerce (the Department) is conducting administrative reviews of the antidumping duty orders on heavy forged hand tools, finished or unfinished, with or without handles (HFHTs), from the People's Republic of China (PRC). The reviews cover two exporters of subject merchandise to the United States and the period February 1, 1992, through January 31, 1993. The reviews indicate the existence of dumping margins during the period of review.

We have preliminarily determined that sales have been made below the foreign market value (FMV). If these preliminary results are adopted in our final results of administrative reviews, we will instruct U.S. Customs to assess antidumping duties equal to the difference between United States price (U.S. price) and the FMV.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** April 20, 1995.

**FOR FURTHER INFORMATION CONTACT:** Karin Price or Maureen Flannery, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4733

**SUPPLEMENTARY INFORMATION:**

**Background**

On February 19, 1991, the Department published in the **Federal Register** (56 FR 6622) the antidumping duty orders on HFHTs from the PRC. On February 17, 1993, the Department published in