from warehouse, for consumption on or after December 1, 1990, in accordance with section 778 of the Act.

This notice also serves as a reminder to parties subject to administrative protection orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). 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 changed circumstances administrative review, partial revocation of the antidumping duty order, termination of the fourth and fifth administrative reviews, and notice are in accordance with sections 751(b) and (d) and 782(h) of the Act and sections 353.22(f) and 353.25(d) of the Department's regulations.

Dated: August 9, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–20298 Filed 8–15–95; 8:45 am]

BILLING CODE 3510–DS–P

[C–357–404]

Certain Apparel From Argentina; Preliminary Results of Countervailing Duty Administrative Review

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

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty order on certain apparel from Argentina. We preliminarily determine the net bounty or grant to be zero for Agrest, S.A. (Agrest), Comercio Internacional, S.A. (Comercio), IVA, S.A. (IVA), and Leger, S.A. (Leger), 15.87 percent *ad valorem* for Pulloverfin, S.A. (Pulloverfin) and 0.76 percent *ad valorem* for all other companies for the period January 1, 1991 through December 31, 1991. If the final results remain the same as these preliminary results of administrative review, we will instruct the U.S. Customs Service to assess countervailing duties as indicated above. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 16, 1995.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Judy Kornfeld, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On March 12, 1985, the Department published in the **Federal Register** (50 FR 9846) the countervailing duty order on certain apparel from Argentina. On March 5, 1992, the Department published a notice of ''Opportunity to Request an Administrative Review'' (57 FR 7910) of this countervailing duty order. We received a timely request for review from the Amalgamated Clothing and Textile Workers Union.

We initiated the review, covering the period January 1, 1991 through December 31, 1991 (POR), on April 13, 1992 (57 FR 12797). The review covers 5 manufacturers/exporters of the subject merchandise, which accounted for substantially all exports of certain apparel during the POR, and 10 programs. (*See Memorandum to Barbara E. Tillman from Team Regarding Certain Apparel from Argentina* dated January 14, 1995, on file in the public file of the Central Records Unit, Room B–099 of the Department of Commerce).

Applicable Statute and Regulations

The Department is conducting this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994. However, references to the Department's *Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments*, 54 FR 23366 (May 31, 1989) (*Proposed Regulations*), are provided solely for further explanation of the Department's countervailing duty practice. Although the Department has withdrawn the particular rulemaking proceeding pursuant to which the *Proposed Regulations* were issued, the subject matter of these regulations is being considered in connection with an ongoing rulemaking proceeding which, among other things, is intended to conform the Department's regulations to the Uruguay Round Agreements Act. *See* 60 FR 80 (Jan. 3, 1995).

Scope of the Review

The subject merchandise is certain apparel from Argentina. During the review period, this merchandise was classifiable under the following HTS numbers, which are based on the amended conversion of the scopes of the countervailing duty order. *See, Certain Textile Mill Products From Mexico, Certain Apparel From Argentina, and Certain Apparel From Thailand* (58 FR 4151; January 13, 1993).

6104.41.00, 6104.43.10, 6104.44.10, 6104.51.00, 6104.53.10, 6104.61.00, 6104.63.15, 6105.10.00, 6105.20.20, 6106.10.00, 6106.20.10, 6106.90.10, 6109.90.20, 6110.10.20, 6110.20.20, 6111.10.00, 6112.41.00, 6112.49.00, 6115.20.00, 6115.91.00, 6115.93.10, 6115.99.14, 6116.91.00, 6116.93.15, 6201.12.20, 6202.11.00, 6202.13.30, 6202.91.10, 6202.91.20, 6202.92.20, 6202.93.40, 6203.22.30, 6203.42.40, 6204.11.00, 6204.13.10, 6204.19.10, 6204.21.00, 6204.31.20, 6204.33.40, 6204.39.20, 6204.41.20, 6204.42.30, 6204.43.30, 6204.44.30, 6204.51.00, 6204.53.20, 6204.59.20, 6204.61.00, 6204.63.25, 6204.69.20, 6205.10.20, 6206.20.30, 6206.40.25, 6209.10.00, 6209.20.10, 6209.20.50, 6209.90.30, 6211.12.30, 6211.41.00, 6214.30.00, 6214.40.00.

Best Information Available (BIA) for Pulloverfin

Section 776(c) of the Act requires the Department to use BIA ''whenever a party or any other person refuses or is unable to produce information requested in a timely manner and in the form required, or otherwise significantly impedes an investigation . . . .''

In this review, Pulloverfin, a producer/exporter of the subject merchandise, did not respond to the Department's initial and supplemental questionnaires; therefore, we are assigning Pulloverfin a rate based on BIA. In determining what rate to use as BIA, the Department follows a two-tiered methodology. The Department normally assigns lower BIA rates to those respondents who cooperated in an administrative review and rates based on more adverse assumptions to respondents who did not cooperate. Since Pulloverfin did not cooperate, we are assigning a BIA rate of 15.87 percent *ad valorem*, which is the highest rate from any prior proceeding of this order and which is the rate Pulloverfin received in the investigation (*See, Final Affirmative Countervailing Duty Determinations and Countervailing Orders: Certain Textile Mill Products and Apparel from Argentina* (50 FR 9846; March 12, 1985)).

Calculation Methodology for Assessment and Cash Deposit Purposes

In accordance with our normal practice, we calculated the net bounty or grant on a country-wide basis by first calculating the bounty or grant rate for each company subject to the administrative review. We then weight-averaged the rate received by each company using as the weight its share of total Argentine exports to the United States of subject merchandise, including all companies, even those with de minimis and zero rates. We then summed the individual companies' weight-averaged rates to determine the bounty or grant rate from all programs benefitting exports of subject merchandise to the United States.

Since the country-wide rate calculated using this methodology was above de minimis, as defined by 19 CFR 355.7 (1994), we proceeded to the next step and examined the net bounty or grant rate calculated for each company to determine whether individual company rates differed significantly from the weighted-average country-wide rate, pursuant to 19 CFR 355.22(d)(3). All companies subject to the review had significantly different net bounty or grant rates during the review period pursuant to 19 CFR 355.22(d)(3). These companies are treated separately for assessment and cash deposit purposes. All other companies are assigned the country-wide rate.

Analysis of Programs

I. Program Previously Determined to Confer Bounties or Grants

Rebate of Indirect Taxes (Reembolso/ Reintegro)

The Reembolso program provides a cumulative tax rebate paid upon export and is calculated as a percentage of the f.o.b. invoice price of the exported merchandise. As stated in § 355.44(d)(4)(ii) of the Proposed Regulations (54 FR 23382), the Department will find that the entire amount of any such rebate is countervailable unless the following conditions are met: (1) the program operates for the purpose of rebating prior stage cumulative indirect taxes and/or import charges; (2) the government accurately ascertained the level of the rebate; and (3) the government reexamines its schedules periodically to reflect the amount of actual indirect taxes and/or import charges paid. In prior investigations and administrative reviews of the Argentine Reembolso program, the Department determined that these conditions have been met (See, *e.g., Leather Wearing Apparel from Argentina, Final Results of Countervailing Duty Administrative Review* (56 FR 10410; March 12, 1991); *Certain Apparel from Argentina, Final Results of Countervailing Duty Administrative Review* (56 FR 41823; August 23, 1991).

However, once a rebate program meets this threshold, the Department must still determine in each case whether there is an overrebate; that is, the Department must still analyze whether the rebate exceeds the total amount of indirect taxes and import duties borne by inputs that are physically incorporated into the exported product. If the rebate exceeds the amount of allowable indirect taxes and import duties on physically incorporated inputs, the Department will, pursuant to § 355.44(d)(4)(i) of the *Proposed Regulations*, find a countervailable benefit equal to the difference between the Reembolso rebate rate and the allowable rate determined by the Department (*i.e.,* the overrebate).

To determine whether there was an overrebate during the review period, the Department requested the Government of Argentina (GOA) to provide information on any changes to the Reembolso program for certain apparel. According to the information provided, the Reembolso program continued to be governed by Decree 1555/86, which modified the Reembolso program and set precise and transparent guidelines to implement the refund of indirect taxes and import charges. The decree established three broad rebate levels covering all products and industry sectors. The rates for levels I, II and III were 10 percent, 12.5 percent, and 15 percent, respectively. Based on the GOA's 1986 calculation of the tax incidence in the apparel industry, this industry was classified in level II.

In April 1989, the GOA suspended cash payment of rebates under the Reembolso program. Pursuant to the Emergency Economic Law dated September 25, 1989 (Law 23,697), the suspension of cash payments was continued for an additional 180 days. Rebates accrued during the suspension period were to be paid in export credit bonds. On March 4, 1990, the entire program was suspended for 90 days by Decree 435/90. Decree 1930/90 suspended cash payments of the reembolso for an additional 12-month period.

Decree 612/91, dated April 10, 1991, reinstated cash payments of the indirect tax rebates and import charges and reduced the rate for the apparel industry from 12.5 percent to 8.3 percent. Decree 1011/91, dated May 29, 1991, abolished Decree 1555/86 and incorporated the reduced rebate rates introduced by Decree 612/91. Therefore, during the POR, rebates were suspended from January 1 through April 10, 1991, and the rebate rate was 8.3 percent from April 11 through December 31, 1991.

Using the information provided in the questionnaire response, we calculated the allowable tax incidence for the subject merchandise based on the 1986 study which was in effect during the review period. We found that the rebate of indirect taxes did not exceed the total amount of allowable cumulative indirect taxes and/or import charges paid on physically incorporated inputs, and prior stage indirect taxes levied on the exported product at the final stage of production. Therefore, we preliminarily determine that there was no benefit from this program during the POR. In future reviews, we will continue to examine this program to determine if there is an overrebate.

II. Other Programs

We examined the following programs and preliminarily determine that exporters of apparel did not apply for or receive benefits under them during the review period:

- Tax Deduction Under Decree 173/85
- Exemption from Stamp Taxes Under Decree 186/74
- Industrial Parks
- Low Cost Loans for Projects Outside of Buenos Aires
- Tucaman Regional Tax Incentives
- Patagonion Regional Tax Incentives
- Incentives for Exports from Southern Ports
- Corrientes Regional Tax Incentive
- Export Financing

Preliminary Results of Review

For the period January 1, 1991, through December 31, 1991, we preliminarily determine the net bounty or grant to be zero for Agrest, Comercio, IVA, and Leger, 15.87 percent *ad valorem* for Pulloverfin and 0.76 percent *ad valorem* for all other companies. In accordance with 19 CFR 255.7, any rate less than 0.5 percent *ad valorem* is *de minimis.*

If the final results of this review remain the same as these preliminary results, the Department intends to instruct the U.S. Customs Service to assess countervailing duties as follows for all shipments of the subject merchandise exported from Argentina on or after January 1, 1991 and on or before December 31, 1991: zero for Agrest, Comercio, IVA and Leger; 15.87 percent *ad valorem* for Pulloverfin and 0.76 percent *ad valorem* for all other companies.

The Department also intends to instruct the U.S. Customs Service to collect a cash deposit of estimated countervailing duties of zero percent of the f.o.b. invoice price on all shipments of this merchandise from Agrest, Comercio, IVA and Leger, and to collect a cash deposit of 15.87 percent of the f.o.b. invoice price on all shipments of this merchandise from Pulloverfin and 0.76 percent of the f.o.b. invoice price on shipments of this merchandise from other companies from Argentina entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

Parties to the proceeding may request disclosure of the calculation methodology and interested parties may request a hearing not later than 10 days after the date of publication of this notice. *See* 19 CFR 355.38(b). Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Parties who submit written 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. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under section 355.38(c), are due. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

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 355.22.

Dated: August 8, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–20201 Filed 8–15–95; 8:45 am]

BILLING CODE 3510–DS–P

[C–549–802]

Ball Bearings and Parts Thereof From Thailand; Preliminary Results of a Countervailing Duty Administrative Review

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

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty order on ball bearings and parts thereof from Thailand. We preliminarily determine the total bounty or grant to be 1.33 percent *ad valorem* for all companies for the period January 1, 1993, through December 31, 1993. If the final results remain the same as these preliminary results of administrative review, we will instruct the U.S. Customs Service to assess countervailing duties as indicated above. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: August 16, 1995.

FOR FURTHER INFORMATION CONTACT: Dana Mermelstein or Kelly Parkhill, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230, telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On May 3, 1989, the Department published in the **Federal Register** (54 FR 19130) the countervailing duty order on ball bearings and parts thereof from Thailand. On May 4, 1994, the Department published in the **Federal Register** a notice of ''Opportunity to Request Administrative Review'' (59 FR 23051) of this countervailing duty order. On May 31, 1994, Torrington Company, the petitioner, requested an administrative review of the order. On May 31, 1994, Pelmec Thai Ltd. (Pelmec), NMB Thai Ltd. (NMB Thai), and NMB Hi-Tech Bearings Ltd. (NMB Hi-Tech), the respondent companies in prior reviews, also requested an administrative review.

On June 15, 1994 (59 FR 30770), we initiated the review, covering the period January 1, 1993, through December 31, 1993. The review covers nine programs and three related producers/exporters, NMB Thai, Pelmec, and NMB Hi-Tech, which are wholly owned by Minebea Co., Ltd., of Japan.

Applicable Statute and Regulations

The Department is conducting this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

Scope of Review

Imports covered by this review are ball bearings and parts thereof. Such merchandise is described in detail in Appendix A to this notice. The *Harmonized Tariff Schedule* (HTS) item numbers listed in Appendix A are provided for convenience and Customs purposes. The written description remains dispositive.

Calculation Methodology

In the first administrative review, respondents claimed that the F.O.B. value of the subject merchandise entering the United States is greater than the F.O.B. price charged by the companies in Thailand (57 FR 26646; June 15, 1992). They explained that this discrepancy is due to a mark-up charged by the parent company, located in a third country, through which the merchandise is invoiced. However, the subject merchandise is shipped directly from Thailand to the United States and is not transshipped, combined with other merchandise, or repackaged with other merchandise. In other words, for each shipment of subject merchandise, there are two invoices and two corresponding F.O.B. export prices: 1) the F.O.B. export price at which the subject merchandise leaves Thailand, and on which subsidies from the Royal Thai Government (RTG) are earned by the companies, and upon which the subsidy rate is calculated; and 2) the F.O.B. export price which includes the parent company mark-up, and which is listed on the invoice accompanying the subject merchandise as it enters the United States, and upon which the cash deposits are collected and the countervailing duty is assessed. In prior reviews, we verified on a transaction-specific basis the direct correlation between the invoice which reflects the F.O.B. price on which the subsidies are earned and the invoice which reflects the marked-up price that accompanies each shipment as it enters the United States.

Respondents argued that the calculated ad valorem rate should be adjusted by the ratio of the export value from Thailand to the export value charged by the parent company to the