

Agricola Los Arboles  
 Polo Flowers  
 Rainbow Flowers  
 M.G. Consultores Ltda.  
 Monteverde Ltda.  
 Natuflora  
 Papagayo Group  
 Inversiones Calypso S.A.  
 Agricola Papagayo  
 Queens Flowers de Colombia  
 Rosas Sabanilla Group  
 Agricola la Capilla  
 Flores la Colmena  
 Inversiones la Serena  
 Rosas Sabanilla  
 San Martin Bloque B Ltda.  
 Santa Helena S.A.  
 Santana Flowers Group  
 Santana Flowers Ltda.  
 Hacienda Curubital Ltda.  
 Inversiones Istra Ltda.  
 Santa Rosa Group  
 Agropecuaria Sierra Loma  
 Flores Santa Rosa  
 Floricola la Ramada  
 Senda Brava Ltda.  
 Soagro Group  
 Agricola el Mortino  
 Flores Aguaclara Ltda.  
 Flores del Monte Ltda.  
 Flores la Estancia  
 Jaramillo y Daza  
 Tecnica Agricola Ganadera (TAG)  
 Tinzuque Group  
 Tinzuque Ltda.  
 Catu S.A.  
 Toto Flowers  
 Tuchany Group  
 Flores Munya  
 Flores Sibate  
 Flores Tikiya  
 Tuchany S.A.  
 Uniflor Ltda.  
 Velez De Monchaux e Hijos y Cia  
 Victoria Flowers  
 Vuelven Ltda.

On May 5, 1995, the Department published in the **Federal Register** (60 FR 22354) the notice of initiation of the administrative review.

#### Termination of Review

All the interested parties that requested the review have timely withdrawn their requests pursuant to 19 CFR 353.22(a)(5). As a result, the Department has terminated the review.

This notice is published in accordance with section 751 of the Tariff Act of 1930, as amended (19 U.S.C. 1675), and 19 CFR 353.22(a)(5).

Dated: August 18, 1995.

**Joseph A. Spetrini,**

*Deputy Assistant Secretary for Compliance.*  
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[A-570-601]

#### Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Preliminary Results of Antidumping Administrative Reviews

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

**ACTION:** Notice of Preliminary Results of Antidumping Duty Administrative Reviews of Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China.

**SUMMARY:** In response to requests by respondents and petitioner, the Department of Commerce (the Department) is conducting three administrative reviews of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished (TRBs), from the People's Republic of China (PRC). The periods covered are June 1, 1990 through May 31, 1991; June 1, 1991 through May 31, 1992; and June 1, 1992 through May 31, 1993, respectively. The reviews indicate the existence of dumping margins during each of the above periods.

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

**EFFECTIVE DATE:** August 25, 1995.

**FOR FURTHER INFORMATION CONTACT:** Charles Riggie, Hermes Pinilla, Andrea Chu, Donald Little, Kris Campbell or Michael Rill, 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 June 5, 1991, the Department published in the **Federal Register** (56 FR 25663) a notice of opportunity to request an administrative review of the antidumping duty order on TRBs from the PRC. In accordance with 19 CFR 353.22(a), the petitioner, The Timken Company, and respondents Chin Jun Industrial Ltd. (Chin Jun) and Henan Machinery and Equipment Import and Export Corporation (Henan), requested

that we conduct an administrative review. We published a notice of initiation of this antidumping duty administrative review on September 18, 1991 (56 FR 47185) covering the period June 1, 1990 through May 31, 1991 (the fourth review period).

On June 8, 1992, the Department published in the **Federal Register** (57 FR 24244) a notice of opportunity to request an administrative review of the antidumping duty order on TRBs from the PRC. In accordance with 19 CFR 353.22(a), the petitioner and one respondent, Chin Jun, requested that we conduct an administrative review. We published a notice of initiation of this antidumping duty administrative review on July 22, 1992 (57 FR 32521) covering the period June 1, 1991 through May 31, 1992 (the fifth review period).

On June 7, 1993, the Department published in the **Federal Register** (58 FR 31941) a notice of opportunity to request an administrative review of the antidumping duty order on TRBs from the PRC. In accordance with 19 CFR 353.22(a), the petitioner and respondent Chin Jun requested that we conduct an administrative review. We published a notice of initiation of this antidumping duty administrative review on July 21, 1993 (58 FR 39007) covering the period June 1, 1992 through May 31, 1993 (the sixth review period).

The Department is conducting these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

On September 9, 1991, we sent questionnaires to 43 companies for which a review of the fourth review period was requested either by respondents or the petitioner. Of those companies, only seven responded to the questionnaire: Premier Bearing and Equipment, Ltd. (Premier), Guizhou Machinery Import and Export Corporation (Guizhou), Henan, Jilin Machinery Import and Export Corporation (Jilin), Luoyang Bearing Factory (Luoyang), Shanghai General Bearing Co., Ltd. (Shanghai), and Chin Jun.

On March 17, 1994, we sent questionnaires to 43 companies for which a review of the fifth and sixth review periods was requested. Of those companies, only nine responded to the questionnaire: Premier, Guizhou, Wafangdian Bearing Company (Wafangdian), Liaoning Machinery and Equipment Import and Export Corporation (Liaoning), Henan, Jilin, Luoyang, Shanghai, and Chin Jun. In addition, we received responses from two companies, Hubei Machinery and Equipment Corporation (Hubei) and Guizhou Automotive Import and Export

Corporation (Guizhou Automotive), neither of which was sent a questionnaire because they were not named in any requests for review. We have preliminarily determined that these companies are independent from government control and are therefore entitled to rates separate from the PRC rate (see *Separate Rates, below*). Given that Hubei and Guizhou Automotive are separate entities, the Department cannot review their entries unless a timely request is made. See 19 CFR 353.22(a) (1994). Therefore, we have not included these companies in the preliminary results of these administrative reviews.

### Scope of Review

Imports covered by this review are shipments of TRBs and parts thereof, finished and unfinished, from the PRC. This merchandise is classifiable under the *Harmonized Tariff Schedule* (HTS) item numbers 8482.20.00, 8482.91.00.60, 8492.99.30, 8483.20.40, 8483.20.80, 8483.30.80, 8483.90.20, 8483.90.30 and 8483.90.80. Although the HTS item numbers are provided for convenience and customs purposes, our written description of the scope of these proceedings is dispositive.

### Separate Rates

#### 1. Background and Summary of Findings

It is the Department's standard policy to assign all exporters of the merchandise subject to review in non-market economy (NME) countries a single rate, unless an exporter can demonstrate an absence of government control, both in law and in fact, with respect to exports. To establish whether an exporter is sufficiently independent of government control to be entitled to a separate rate, the Department analyzes the exporter under the criteria established in the *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 in *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*). Evidence supporting, though not requiring, a finding of *de jure* absence of government control over export activities 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. See

*Sparklers* at 20589. Evidence relevant to a *de facto* analysis of absence of government control over exports is based on four factors: (1) Whether the respondent sets its own export prices independent from the government and other exporters; (2) whether the respondent can retain the proceeds from its export sales; (3) whether the respondent has the authority to negotiate and sign contracts; and (4) whether the respondent has autonomy from the government regarding the selection of management. See *Silicon Carbide* at 22587; See also *Sparklers* at 20589.

The Department determined that Guizhou, Henan, Jilin, Luoyang, Shanghai, and Liaoning were entitled to separate rates during the administrative review of the June 1, 1989 through May 31, 1990 review period. See *Preliminary Results of Antidumping Duty Administrative Review: Tapered Roller Bearings from the People's Republic of China*, 56 FR 50309 (October 4, 1991). There have been no allegations of changes in control of the respondents in these reviews. However, the prior separate rate determinations were made pursuant to the *de jure* and *de facto* criteria developed in *Sparklers*, before the development of the amplified analysis in *Silicon Carbide*, which added *de facto* criteria (3) and (4) above. Accordingly, for the preliminary results of these reviews we have examined these two additional criteria for these six companies. Record evidence indicates that these companies maintain the authority to negotiate and sign contracts and independently select their management. Therefore, we preliminarily determine that these companies are entitled to separate rates. See *De Facto Analysis, infra*.

In addition, we preliminarily determine that Wafangdian, Hubei, and Guizhou Automotive meet both the *de jure* and *de facto* criteria and are therefore also entitled to separate rates (see *De Jure Analysis* and *De Facto Analysis, infra*). Information submitted during these reviews indicates that all three companies are owned "by all of the people." In *Silicon Carbide* (at 22586), we found that the PRC central government had devolved control of state-owned enterprises, *i.e.*, enterprises owned "by all the people." As a result, we determined that companies owned "by all the people" were eligible for individual rates, if they met the criteria developed in *Sparklers* and *Silicon Carbide*.

Finally, with respect to Premier and Chin Jun, no separate rates analysis is required because these companies are

privately-owned trading companies located in Hong Kong.

#### 2. De Jure Analysis: Wafangdian, Hubei, and Guizhou Automotive

With respect to *de jure* control, the following laws, which have been placed on the record in this case, indicate a lack of *de jure* government control over Wafangdian, Hubei, and Guizhou Automotive, and establish that the responsibility for managing companies owned by "all the people" has been transferred from the government to the enterprise itself. These laws include: "Law of the People's Republic of China on Industrial Enterprises Owned by the Whole People," adopted on April 13, 1988 (1988 Law); "Regulations for Transformation of Operational Mechanism of State-Owned Industrial Enterprises," approved on August 23, 1992 (1992 Regulations); and the "Temporary Provisions for Administration of Export Commodities," approved on December 21, 1992 (Export Provisions). The 1988 Law states that enterprises have the right to set their own prices (see Article 26). This principle was restated in the 1992 Regulations (see Article IX). Finally, the 1992 "Temporary Provisions for Administration of Export Commodities" list those products subject to direct government control. TRBs do not appear on this list and are not therefore subject to the constraints of these provisions.

Consistent with *Silicon Carbide*, we determined that the existence of these laws demonstrates that Wafangdian, Hubei, and Guizhou Automotive, companies owned by "all the people," are not subject to *de jure* control. In light of reports<sup>1</sup> indicating that laws shifting control from the government to the enterprises themselves have not been implemented uniformly, an analysis of *de facto* control is critical in determining whether respondents are, in fact, subject to government control.

#### 3. De Facto Analysis: Wafangdian, Hubei, Guizhou Automotive, and Companies Previously Determined to be Separate During the 1989-90 Review

Based on the record evidence, which is contained in the questionnaire responses and which was further examined at verification, we have found that the pricing and export strategy

<sup>1</sup> See "PRC Government Findings on Enterprise Autonomy," in Foreign Broadcast Information Service—China—93-133 (July 14, 1993) and 1992 Central Intelligence Agency Report to the Joint Economic Committee, Hearings on Global Economic and Technological Change: Former Soviet Union and Eastern Europe and China, Pt.2 (102 Cong., 2d Sess.).

decisions of Wafangdian, Hubei, and Guizhou Automotive are not subject to any entity's review or approval, and that there are no government policy directives that affect these decisions. There are no restrictions on the use of respondents' revenues or profits, including export earnings. Decisions made by respondents concerning purchases of subject merchandise from other suppliers are not subject to government approval. Further, respondents' sources of funds are their own savings or bank loans, and they have sole control and access to their bank accounts, which are held in each company's name.

We have analyzed the additional criteria developed in *Silicon Carbide* (the authority to negotiate and sign contracts and the degree of autonomy in the selection of management) with respect to the companies previously found to be separate during the 1989-90 administrative review (Guizhou, Henan, Jilin, Luoyang, Shanghai, and Liaoning) as well as Wafangdian, whose independence we have not previously analyzed. We have also solicited information relevant to these additional *silicon Carbide* criteria from the voluntary respondents Hubei and Guizhou Automotive and will analyze this data between the preliminary and final results. As noted above, the evidence currently in the record suggests that Hubei and Guizhou Automotive are independent entities.

Each of the seven companies general managers has the right to negotiate and enter into contracts, and may delegate this authority to other employees within the company. There is no evidence that this authority is subject to any level of governmental approval.

For each of the companies named above, except Shanghai, the general manager is elected by an employees' assembly. The election results are then recorded with the relevant provincial bureau (e.g., the Guizhou Provincial Foreign Trade and Economic Commission in the case of Guizhou). There is no evidence that these bureaus control the selection process or that they have rejected a general manager selected through the employee election process. The employee assemblies can remove the general manager, typically under the authority of the company's Articles of Association, in the case of mismanagement or violation of Chinese law.

For Shanghai, the highest authority within the company is the board of directors, of which six members, including the chairman, are appointed by the Chinese partner. Three members, including the vice chairman, are

appointed by the American partner. The Chinese joint venture partner nominates a manager and a deputy manager, and the American partner nominates a second deputy manager; all are subject to approval by the board of directors. There is no evidence that the selection of management is subject to any level of governmental approval.

Based on the foregoing analysis of the evidence of record, we preliminarily determine that there is an absence of both *de jure* and *de facto* government control with respect to the companies that are participating in this review. Accordingly, we determine that each of these exporters should receive a separate rate.

Because we have preliminarily determined that the voluntary respondents Hubei and Guizhou Automotive are entitled to separate rates and no review was requested for these companies, we have not reviewed their entries during the 91/92 and 92/93 review periods (see *Background* section above). Therefore, the rates established for these companies in the 89/90 review of this case (i.e., the 89/90 PRC rate) will continue to apply for future cash deposits.

For those companies for which we initiated a review and which did not respond to the questionnaires, as best information available (BIA), we have determined that these companies do not merit separate rates. See "Best Information Available" section below.

#### United States Price

For fourth review sales made by Jilin and Guizhou, and the fifth and sixth review sales made by Wafangdian, Liaoning, Jilin, and Guizhou, we based the USP on purchase price, 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, and because exporter's sales price (ESP) methodology was not indicated by other circumstances. For fourth, fifth, and sixth review sales made by Chin Jun, Shanghai, and Henan, we based USP on ESP, in accordance with section 772(c) of the Act, because sales to the first unrelated purchaser took place after importation into the United States. The only company with a combination of purchase price and ESP sales subject to review is Luoyang. All of Luoyang's fourth and fifth review sales were purchase price. During the sixth review, it made purchase price as well as ESP sales (through its related U.S. affiliate, Central Bearing, Inc.).

We calculated purchase price based on, as appropriate, the FOB, CIF, or C&F

port price to unrelated purchasers. We made deductions for brokerage and handling, foreign inland freight, ocean freight, and marine insurance. When marine insurance and ocean freight were provided by PRC-owned companies, we based the deduction on surrogate values. See *Final Determination of Sales at Less Than Fair Value: Saccharin from the People's Republic of China*, 59 FR 58818, 58825 (November 15, 1994). We valued 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. We calculated ESP based on the packed, ex-warehouse price from the U.S. subsidiary to unrelated customers. We made deductions from ESP for U.S. packing in the United States, ocean freight, foreign brokerage & handling, foreign inland freight, marine insurance, customs duty, U.S. brokerage, U.S. inland freight insurance and U.S. inland freight.

#### Foreign Market Value

Section 773(c)(1) of the Act provides that the Department shall determine the 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).

In the most recent review of this order, the Department treated the PRC as an NME country. In its submissions of November 21, 1991 and June 6, 1994, Shanghai requested that the Department accept Shanghai's actual costs, claiming that its costs were market-driven. However, in order to accept the costs of a company in an NME country, the Department must determine that the *industry* in which that company operates, not just a particular company, is market oriented. See, e.g., *Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Pure and Alloy Magnesium from the Russian Federation*, 59 FR 55427, 55430 (November 7, 1994) ("an NME-country respondent may argue that market-driven prices characterize its particular *industry* and, therefore, despite NME status, that foreign market value should be calculated by using actual home market prices or costs" (emphasis added)).

Because neither Shanghai, nor any other company in these reviews, has argued that the TRB industry in the PRC is market-oriented, we continue to

consider that industry to be non-market-oriented and, therefore, we have applied our standard NME methodology and surrogate values to Shanghai's factors of production to determine FMV and movement costs.

Except as noted below, we calculated FMV based on factors of production in accordance with section 773(c) of the Act and section 353.52 of our regulations. We chose India as the most comparable surrogate on the basis of the criteria set out in section 353.52(b). See Memorandum from Director, Office of Policy to Program Manager, Office of Antidumping Compliance, dated November 23, 1994. Further, information on the record indicates that India is a significant producer of TRBs. See Memorandum from the analyst to the file, dated July 20, 1995. We used publicly available information relating to India to value the various factors of production.

We valued the factors of production as follows:

- For hot-rolled alloy steel bars and rods, and irregular coils, used in the production of rollers; hot-rolled alloy steel bars and rods, used in the production of cups and cones; cold-rolled strip and sheet, used in the production of cages; and bearing quality and non-bearing quality steel scrap, we used import prices obtained from the *Monthly Statistics of the Foreign Trade of India, Volume II—Imports*, December 1991. We adjusted the factor values to the period of review (POR) using wholesale price indices (WPI) of India as published in the *International Financial Statistics* by the International Monetary Fund (IMF). We made further adjustments to include freight costs incurred between the steel supplier and the TRB factory.

Luoyang and Henan reported that hot-rolled alloy steel bar used by Luoyang to produce cups and cones was imported from Japan during the fourth review period and Spain during the fifth and sixth review periods. Accordingly, we used actual costs for those purchases because they were from a market-economy country. See *Final Determination of Sales at Less Than Fair Value: Oscillating Fans and Ceiling Fans from the PRC*, 56 FR 55271, 55275 (October 25, 1991). Luoyang also claimed that cold-rolled sheet used for cages was imported from Spain during the fifth and sixth review periods. However, it did not provide prices with respect to purchases made during the POR; accordingly, we used surrogate values for this material input.

- For direct labor, we used 1990 data from the *Yearbook of Labour Statistics*, published in 1993 by the International

Labour Office. We then adjusted the 1990 labor value to each POR to reflect inflation using WPI published by the IMF. We calculated the labor cost for each component by multiplying the labor time requirement by the surrogate labor rate. Indirect labor is reflected in the selling, general and administrative (SG&A) and overhead rates.

- For factory overhead, we used information obtained from a financial report of a producer of similar merchandise in India. From this source, we were able to calculate factory overhead as a percentage of total cost of manufacture.

- For SG&A expenses, we used information obtained from the same financial report used to obtain factory overhead. This information showed SG&A expenses as a percentage of the cost of manufacture. SG&A expenses were less than 10 percent of the cost of manufacture. Therefore, we used the statutory minimum of 10 percent of the cost of manufacture for SG&A, in accordance with sections 773(c)(1) and 773(e) of the Act.

- For profit, we used the profit rate of the same Indian producer of similar merchandise from which we derived a rate for factory overhead.

- For export packing, we applied BIA (section 776(c) of the Act) because the respondents did not supply sufficient factor information by which to calculate packing costs. We used, as BIA, one percent of the total ex-factory cost and SG&A expenses combined. This percentage, obtained from 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). We used this percentage because there was no publicly available information from a comparable surrogate country.

- For foreign inland freight, we used the price reported in a December 1989 cable from the U.S. Embassy in India submitted for the *Final Results of Antidumping Duty Administrative Review: Shop Towels of Cotton from the People's Republic of China*, 56 FR 4040 (February 1, 1991). We adjusted the value of freight to the POR using a WPI published by the IMF.

#### Currency Conversion

We made currency conversions in accordance with 19 C.F.R. 353.60(a). Currency conversions were made at the

rates certified by the Federal Reserve Bank.

#### Best Information Available

Section 776(c) of the Act provides that whenever a party refuses or is unable to produce information requested in a timely manner and in the form required, or otherwise significantly impedes an investigation, the Department shall use BIA. In deciding what to use as BIA, 19 C.F.R. 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. Whenever 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 less-than-fair-value (LTFV) investigation or prior administrative reviews of sales of subject merchandise from that same country; or (2) the highest rate found in that 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 of the rates found for that firm in the LTFV investigation or prior administrative reviews; or (2) the highest calculated rate found in that review for any firm. (See *Antifriction Bearings from France, et al.; Final Results of Review*, 58 FR 39729 (July 26, 1993).)

#### Non-Responsive Companies

For each of the review periods, we have assigned non-cooperative BIA to those companies for which we initiated a review and which did not respond to the questionnaires. In accordance with the non-cooperative BIA formula stated above, this represents the highest rate for any firm from the LTFV investigation or any review of sales of subject merchandise from the PRC. As noted in the separate rates section above, we have determined that those companies do not merit separate rates. Therefore, the non-cooperative BIA for the non-responsive companies forms the basis of the PRC rate. The PRC rate is 15.61 percent for the fourth review and 23.76 percent for the fifth and sixth reviews.

**Responsive Companies**

*1. Non-Cooperative BIA*

Chin Jun

On May 23, 1994, Chin Jun, a reseller of TRBs based in Hong Kong, submitted a letter seeking to withdraw its request for the fourth review. Because the petitioner had also requested a review, we did not terminate the review. In its response to the Department's questionnaires of November 12, 1991, for Section A and December 24, 1991, for Sections B and C, Chin Jun provided incomplete information. Also, Chin Jun failed to respond to the Department's May 6, 1994 supplemental questionnaire. In addition, Chin Jun refused to permit the verification of its sales information. Therefore, we have applied non-cooperative BIA to sales from Chin Jun for the fourth review.

*Cooperative BIA*

Premier

Premier, a reseller of TRBs from the PRC based in Hong Kong, stated it could not respond to the Department's supplemental questionnaire, which requested factors of production data. We asked Premier for factors of production data with the intent of using this information to: (1) perform a cost of production test on third-country sales; and (2) calculate CV when necessary. Premier stated that it was not in a position to request factors of production information from its suppliers. The Department then sent factors of production questionnaires to Premier's suppliers in an effort to obtain the information. We did not receive any responses from Premier's suppliers. In addition, the Department found significant errors in reported sales data at verification of Premier. Therefore, for these preliminary results we have

applied in each review, as cooperative BIA, the higher of the highest rate ever applicable to Premier or the highest calculated rate in the same review.

*2. Partial BIA*

We are applying partial BIA to certain sales made by Jilin, Liaoning, Chin Jun, Guizhou and Henan. All of these companies were cooperative in these reviews, and we do not find these deficiencies sufficient to call into question the reliability of the data provided by these companies. However, we are lacking the necessary data for FMV calculations with respect to certain models sold in the United States by these companies. We do not have complete data for one model sold by Jilin in the fifth review, one model sold by Liaoning in the sixth review, and several models sold by Chin Jun in both reviews. We are also applying partial BIA to most of Guizhou's U.S. sales in the fifth review. Guizhou provided complete U.S. sales information, but we were unable to verify the factors of production for the merchandise that it purchased from one factory. We were, however, able to verify the factors for merchandise sold by Guizhou that was supplied by a second factory. As partial BIA, we applied to the relevant U.S. sales by Jilin, Liaoning, Chin Jun, and Guizhou the higher of the highest rate ever applicable to that company, or the highest rate calculated in the same review.

For the fourth review, Henan provided incomplete information with regard to one of the products it sold. For that product, reported factors of production information regarding gross weight, scrap weight, and direct labor were combined for cups and cones. Since cups and cones were sold separately, it was necessary to segregate these amounts. As BIA for that product,

we allocated input weights of steel between the cup and cone on the basis of the relative weights of the finished cup and cone, which were reported separately. To allocate total direct labor hours to the cup, as BIA, we calculated the ratio of the average labor hours for cups for all other products sold by Henan to the average total labor hours for all other products, and applied this ratio to total direct labor hours for this particular product. We allocated the remainder of the total direct labor hours for this product to the cone.

For the cup and cone components of this same product, Henan failed to indicate the specific types of steel used and the distance from the steel mill to the TRB factory. As BIA for determining the steel types used in the production of this product, we have assumed that the same materials used for other products sold by Henan were also used for this product. As BIA for calculating freight costs, we have assumed the longest distance between the steel mills and TRB factories for steel used in the production of Henan's other TRBs (as reflected in Henan's response).

For all three reviews, although Henan supplied factors data for all models, it did not identify which of two producers supplied certain models that were sold by Henan to the United States during each POR. Accordingly, for sales of these models by Henan, we used as BIA the higher of the two possible FMVs for each product for the review period, based on the factors of production from the two suppliers, because the products may have been sourced from either of the two suppliers.

**Preliminary Results of the Review**

As a result of our comparison of the USP to FMV, we preliminarily determine that the following dumping margins exist:

Manufacturer/exporter	Margin (percent)		
	6/1/90 to 5/31/91	6/1/91 to 5/31/92	6/1/92 to 5/31/93
Premier Bearing and Equipment, Limited .....	<sup>2</sup> 15.61	<sup>2</sup> 23.76	23.76
Guizhou Machinery Import and Export Corporation .....	7.21	<sup>2</sup> 23.76	0.00
Henan Machinery and Equipment Import and Export Corporation .....	0.87	6.79	4.06
Luoyang Bearing Factory .....	0.78	0.61	0.00
Shanghai General Bearing Company, Ltd .....	0.51	0.00	0.00
Jilin Machinery Import and Export Corporation .....	15.61	4.89	0.00
Chin Jun Industrial Ltd .....	<sup>1</sup> 15.61	0.51	1.16
Wafangdian Bearing Factory .....	15.61	23.76	No sales
Liaoning Co., Ltd. ....	<sup>1</sup> 15.61	7.73	0.42

<sup>1</sup> This party did not respond to the questionnaire or did not respond to the supplemental questionnaire; therefore, as uncooperative BIA, we assigned the highest rate calculated in the investigation or in this or any other review of sales of subject merchandise from the PRC. This does not constitute a separate rate finding for this firm.

<sup>2</sup> As cooperative BIA, we assigned in each review the higher of (1) the highest rate ever applicable to that company in the investigation or any previous review; or (2) the highest calculated margin for any respondent that supplied an adequate response in the same review.

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 approximately 44 days after the publication of this notice. Interested parties may submit written comments (case briefs) within 30 days of the date of publication of this notice. Rebuttal comments (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, including the results of its analysis of issues raised in any such written comments.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between USP and FMV may vary from the percentages stated above. The Department will issue appraisal instructions directly to the Customs Service.

Furthermore, the following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) For the companies named above that have separate rates and were reviewed (Premier, Guizhou, Henan, Jilin, Luoyang, Shanghai, Liaoning, Chin Jun, and Wafangdian), the cash deposit rates will be the rates for these firms established in the final results of the sixth administrative review; (2) for Hubei and Guizhou Automotive, both of which we preliminarily determine to be entitled to separate rates, the rates will continue to be those that currently apply to these companies (8.83 percent for both); (3) for all remaining PRC exporters, all of which were found to not be entitled to separate rates, the cash deposit will be 23.76 percent; and (4) for other 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 requirements, 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 C.F.R. 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 C.F.R. 353.22.

Dated: August 8, 1995.

**Susan G. Esserman,**

*Assistant Secretary for Import Administration.*

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### **National Oceanic and Atmospheric Administration**

#### **Notice of Area To Be Temporarily Avoided by the Public During Coral Rubble and Ship Debris Removal Activities in the Looe Key National Marine Sanctuary, Now Part of the Florida Keys National Marine Sanctuary**

**AGENCY:** Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA), the U.S. Army Corps of Engineers (COE), and authorized contractors will be conducting coral rubble and ship debris removal activities to prevent and minimize the destruction, or loss of, or injury to Sanctuary resources. The coral rubble and ship debris were generated as a result of the August 10 to 12, 1994, R/V Columbus Iselin grounding incident within the Looe Key National Marine Sanctuary (Looe Key NMS), now part of the Florida Keys National Marine Sanctuary (Florida Keys NMS).

To ensure the protection of life and property during these complex activities the public is advised to avoid the area due to the presence of heavy equipment (i.e., barge and crane) and increased localized boat traffic. NOAA requests that Sanctuary users temporarily avoid an area approximately 900 square feet marked by visible construction buoys from on or about August 23 and August 31, 1995. The area is in the vicinity of 24°37'30" N, 81°24'23" W, a bank reef located 7 nautical miles (12.9 km) off the southwest tip of Big Pine Key, Florida.

#### **FOR FURTHER INFORMATION CONTACT:**

Any comments on the establishment of the area to be temporarily avoided may be sent at any time during or after the effective dates specified below, to Dr. Charles M. Wahle, Chief, Technical Projects Branch, Sanctuaries and Reserves Division, National Oceanic and Atmospheric Administration, 1305 East West Highway, SSMC4, 12th Floor, Silver Spring, Maryland, 20910. Telephone number: 301-713-3145 ext. 156.

#### **SUPPLEMENTARY INFORMATION:**

In accordance with the National Marine Sanctuaries Act (NMSA), Florida Keys National Marine Sanctuary and Protection Act (FKNMSPA), and the Looe Key NMS regulations at 15 CFR Part 937, NOAA will be conducting restoration activities within a specified area within the Looe Key NMS on or about August 23 to August 31, 1995.

#### **Background**

On August 10 to 12, 1994, the R/V Columbus Iselin, a 155-foot oceanographic research vessel, ran aground on the western portion of Looe Key reef within the Looe Key NMS, now part of the FKNMS. The grounding site is a bank reef located 7 nautical miles (12.9 km) off the southwest tip of Big Pine Key, Florida (24°37' N, 81°24' W). The impact of the grounding and the shifting of the vessel over the two day period created larger scars on four of the Looe Key coral spurs. Significant injuries were inflicted to the coral reef colonies, substrate, and other resident marine organisms such as sponges and sea fans. Considerable amounts of unconsolidated coral rubble were generated by the impact and now rest in the channels (grooves) between and on top of the coral spurs. In addition to the debris, large sections of metal instrumentation shielding from the ship's hull (ship debris) was left behind on the seabed. The rubble and ship debris continue to threaten living resources in the vicinity of the grounding site, and pose safety risks to Sanctuary users.

Section 312(b)(1) of the NMSA authorizes NOAA to undertake all necessary actions to prevent or minimize the destruction or loss of, or injury to, Sanctuary resources. NOAA has determined that coral reef rubble and ship debris generated by this grounding continues to threaten living corals in the area and must be extracted safely from the site this summer. NOAA, COE and authorized contractors will implement rubble and ship debris removal work at the grounding site within the Looe Key NMS.