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 appraisement 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 or 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

the **Federal Register** (58 FR 8739) a notice of opportunity to request administrative reviews of these antidumping duty orders. On February 26, 1993, in accordance with 19 CFR 353.22(a), a U.S. importer of HFHTs from the PRC, Olympia Industrial Inc., requested that we conduct administrative reviews of its two suppliers, Fujian Machinery & Equipment Import & Export Corporation (FMEC) and Shandong Machinery Import & Export Corporation (SMC). We published the notice of initiation of these antidumping duty administrative reviews on March 26, 1993 (58 FR 16397). The Department is conducting these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of These Reviews

Imports covered by these reviews are shipments of HFHTs from the PRC comprising the following classes or kinds of merchandise: (1) Hammers and sledges with heads over 1.5 kg. (3.33 pounds) (hammers/sledges); (2) bars over 18 inches in length, track tools and wedges (bars and wedges); (3) picks and mattocks (picks/mattocks); and (4) axes, adzes and similar hewing tools (axes/adzes).

HFHTs include heads for drilling, hammers, sledges, axes, mauls, picks, and mattocks, which may or may not be painted, which may or may not be finished, or which may or may not be imported with handles; assorted bar products and trucks tools including wrecking bars, digging bars and tampers; and steel woodsplitting wedges. HFHTs are manufactured through a hot forge operation in which steel is sheared to required length, heated to forging temperature and formed to final shape on forging equipment using dies specific to the desired product shape and size. Depending on the product, finishing operations may include shot blasting, grinding, polishing and painting, and the insertion of handles for handled products. HFHTs are currently provided for under the following Harmonized Tariff System (HTS) subheadings: 8205.20.60, 8205.59.30, 8201.30.00, and 8201.40.60. Specifically excluded from these reviews are hammers and sledges with heads 1.5 kg. (3.33 pounds) in weight and under, hoes and rakes, and bars 18 inches in length and under.

These reviews cover two exporters of HFHTs from the PRC, FMEC and SMC. The review period is February 1, 1992 through January 31, 1993.

Separate Rates

The business licenses of both FMEC and SMC indicate that they are owned by ''all the people.'' As stated in 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*), ''ownership of a company by all of the people does not require the application of a single rate.'' Accordingly, FMEC and SMC are eligible for consideration for separate rates.

To establish whether a company is sufficiently independent to be entitled for separate rates, the Department analyzes each exporting entity under the test 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 *Silicon Carbide*. Under this policy, exporters in non-market-economy (NME) countries 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 criteria: (1) whether the export prices are set by or subject to the approval of a government authority; (2) whether each exporters retains the proceeds from its sales and makes independent decisions regarding the disposition of profits or financing of losses; (3) whether each exporter has autonomy in making decisions regarding the selection of management; and (4) whether each exporter has the authority to negotiate and sign contracts.

We have found that the evidence on the record demonstrates an absence of government control, both in law and in fact, with respect to FMEC's and SMC's exports according to the criteria identified in *Sparklers* and *Silicon Carbide*. For further discussion of the Department's preliminary determination that FMEC and SMC are entitled to separate rates, *see Decision Memorandum to Holly A. Kuga, Director, Office of Antidumping Compliance,* dated March 13, 1995; ''Separate rates for Fujian Machinery & Equipment Import & Export Corporation and Shandong Machinery Import & Export Corporation in the second administrative reviews of heavy forged hand tools, finished or unfinished, with or without handles, from the People's Republic of China,'' which is on file in the Central Records Unit (room B099 of the Main Commerce Building).

Verification

Verification of the questionnaire responses of FMEC and SMC was conducted between June 24, 1994, and July 5, 1994, at FMEC's facility in Fuzhou, Fujian Province, at SMC's facility in Qingdao City, Shandong Province, and at two factories which manufacture HFHTs for FMEC and SMC, Rizhao Hardware & Machinery Factory (Rizhao) and Linyi Tool Factory (Linyi).

United States Price

With the exception of certain of SMC's U.S. sales for which the best information available (BIA) was used, as described below, the Department used purchase price and exporter's sales price (ESP), in accordance with sections 772(b) and (c) of the Act, in calculating U.S. price.

We calculated purchase price based on, as appropriate, the FOB, CIF, or C&F port price to unrelated purchasers. We made deductions from purchase price and ESP sales, where appropriate, for brokerage and handling, foreign inland freight, ocean freight, and marine insurance. Ocean freight services were provided by both PRC-owned and non-PRC-owned companies. Where we knew that the company providing the ocean freight services was not a PRC-owned company, we used the actual rates charged; for ocean freight services provided by PRC-owned companies, we applied a weighted-average ocean freight rate derived from those sales for which we used actual ocean freight rates. Since marine insurance services were provided by PRC-owned companies, we based the deduction for marine insurance on surrogate values. We also used surrogate data to value foreign inland freight and brokerage and handling. We selected India as the surrogate country for reasons explained in the ''Foreign Market Value'' section of this notice.

Foreign Market Value

For 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 a 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 every case conducted by the Department involving the PRC, the PRC has been treated as an NME country. None of the parties to these proceedings has contested such treatment in these reviews. Accordingly, we calculated FMV 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 further discussion of the Department's selection of India as the primary surrogate country, *see Memorandum to Laurie Lucksinger* dated March 18, 1993; ''AD Order on Heavy Forged Hand Tools from the People's Republic of China (case #A–570–803): Nonmarket-Economy Status and Surrogate Country Determinations,'' which is on file in the Central Records Unit (room B099 of the Main Commerce Building).

For purposes of calculating FMV, we valued PRC factors of production as follows, in accordance with section 773(c)(1) of the Act:

- To value all direct materials used in the production of HFHTs, including steel, steel pellets, resin glue, paint, varnish, wood for handles, iron wedges, anti-rust oil, scrap steel, detergent, and dilution, we used the rupee per metric ton, per kilogram, or per cubic meter value of imports into India for April-December 1992, obtained from the *Monthly Statistics of the Foreign Trade of India, Volume II—Imports,* December 1992 *(1992 Indian Import Statistics*). We made adjustments to include freight costs incurred between the suppliers and the HFHT factories. We also made an adjustment to the steel input factor for scrap and waste steel which was sold.
- For direct labor, we used the labor rates reported in the Business International Corporation report *IL&T India,* released November 1992. This source breaks out labor rates between skilled, unskilled, semi-skilled, and foreman labor for 1992 and provides information on the number of labor hours worked per week.
- For factory overhead, we used information reported in the December 1992 *Reserve Bank of India Bulletin.* From this information, we were able to determine factory overhead as a percentage of total cost of manufacture.
- For selling, general, and administrative (SG&A) expenses, we used information obtained from the December 1992 *Reserve Bank of India Bulletin.* We calculated an SG&A rate by dividing SG&A expenses by the cost of manufacture. Since the calculated SG&A expense rate is less than 10 percent, we used the statutory minimum of 10 percent to calculate SG&A expenses.
- To calculate a profit rate, we used information obtained from the December 1992 *Reserve Bank of India Bulletin.*
- To value the packing materials, including cartons (except for cartons used at Rizhao), wood for pallets, anti-rust paper, anti-dump paper, plastic and iron straps, plastic bags, iron buttons and knots, nails, synthetic fiber, and iron wire, we used import statistics for India obtained from the *1992 Indian Import Statistics.* We adjusted these values to include freight costs incurred between the suppliers and the HFHT factories. Rizhao uses imported cartons for packing; we used the import price of these cartons to value cartons for Rizhao.
- To value coal, we used the price of steam coal reported for 1990 in the International Energy Agency publication *Energy Price and Taxes,* 3rd Quarter 1993. We adjusted the value of coal to reflect inflation through 1992 using wholesale price indices of India (WPI) as published in the *International Financial Statistics* by the International Monetary Fund (IMF).
- To value electricity, we used the price of electricity for 1990 reported in the Asian Development Bank publication *Energy Indicators of Developing Member Countries of Asian Development Bank,* July 1992. We adjusted the value of electricity to reflect inflation through 1992 using WPI published by the IMF.
- To value truck freight, we used the price reported in a June 1992 cable from the U.S. Embassy in India submitted for the *Final Determination of Sales at Less Than Fair Value; Sulfanilic Acid from the People's Republic of China* (57 FR 29705, July 6, 1992).
- To value rail 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 rail freight rates to reflect inflation through 1992 using WPI published by the IMF.

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

In deciding what to use as BIA, section 353.37(b) of the Department's regulations provides that the Department may take into account whether a party refuses to provide requested information or impedes a proceeding. 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 of the rates found for any firm for the same class or kind of merchandise in the less-than-fair value (LTFV) investigation or a prior administrative review; or (2) the highest rate found in the current review for any firm for the same class or kind of merchandise.

When, on the other hand, a company has cooperated with the Department's request for information but fails to provide information requested in a timely manner or in the form required such that margins for certain sales cannot be calculated, the Department will normally assign to those sales 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 Final Results of Antidumping Duty Administrative Reviews and Revocation in Part of An Antidumping Duty Order (Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, Germany, Italy, Japan, Rumania, Singapore, Sweden, Thailand and the United Kingdom)* (58 FR 39729, July 26, 1993).

The Department used BIA for the following sales made by SMC: purchase price sales of axes and sales that were first presented to the Department at the onset of verification and not reported in SMC's questionnaire responses.

SMC's sales of axes, a separate class or kind, were first reported to the Department in its second supplemental questionnaire response dated May 14, 1994. Additional sales of axes were then presented to the Department for the first time at verification. SMC did not submit factors of production data for the models sold in these sales. Since these sales data were not submitted in a timely fashion, and because SMC failed to submit data necessary for the calculation of FMV for this class or kind of merchandise, we are applying the

most adverse BIA to all sales of axes. *See* the *Final Determination of Sales at Less Than Fair Value: Certain Helical Spring Lock Washers From the People's Republic of China* (58 FR 48833, September 20, 1993) (comment 6). As BIA, we are using the highest margin calculated for that class or kind in the investigation or any review of sales of subject merchandise from that same country.

At the onset of verification, SMC presented certain sales of axes, picks, and splitting mauls which had not been reported to the Department in the questionnaire responses. As discussed above, we have applied BIA to all sales of axes. With regard to picks and splitting mauls, since these sales data had not been previously reported to the Department in any of SMC's questionnaire responses, we have applied BIA to these sales.

Because SMC reported most of its sales of these classes or kinds of merchandise in its questionnaire responses and because it was an oversight on the part of SMC that these certain sales were not presented to the Department until verification, we are assigning as BIA the higher of either: (1) The highest margin calculated for the same class or kind of merchandise for that company in any previous review or the original investigation; or (2) the highest margin calculated for the same class or kind of merchandise for any respondent that supplied an adequate response for the current review.

Preliminary Results of the Reviews

As a result of our reviews, we preliminarily determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Fujian Machinery & Equipment Import & Export Corporation:		
Axes/Adzes	2/1/92–1/31/93	89.99
Bars/Wedges	2/1/92–1/31/93	156.68
Hammers/Sledges	2/1/92–1/31/93	130.93
Picks/Mattocks	2/1/92–1/31/93	249.35
Shandong Machinery Import & Export Corporation:		
Axes/Adzes	2/1/92–1/31/93	89.99
Bars/Wedges	2/1/92–1/31/93	167.72
Hammers/Sledges	2/1/92–1/31/93	131.38
Picks/Mattocks	2/1/92–1/31/93	140.34

Parties to the proceedings 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. *See* section 353.38(d) of the Department's regulations. The Department will publish a notice of final results of these administrative reviews, 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. Individual differences between U.S. price and FMV may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of the final results of these administrative reviews for all shipments of HFHTs 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) The case deposit rates for the reviewed companies named above which have separate rates will be the rates for those firms as stated above; (2) for all other PRC exporters, the cash deposit rates will be the rates established in the LTFV investigations; and (3) the cash deposit rates for non-PRC exporters of subject merchandise from the PRC will be the rates applicable to the PRC supplier of that exporter. The rates established in the LTFV investigations are 45.42 percent for hammers/sledges, 31.76 percent for bars/wedges, 50.81 percent for picks/mattocks, and 15.02 percent for axes/adzes. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative reviews.

Notification of Interested Parties

This notice serves as a preliminary reminder to importers of their responsibility under section 353.26 of the Department's regulations 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.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Department's regulations.

Dated: April 13, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–9837 Filed 4–19–95; 8:45 am]

BILLING CODE 3510–DS–P

U.S. Automotive Parts Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

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

SUMMARY: The U.S. Automotive Parts Advisory Committee (the ''Committee'') advises U.S. Government officials on matters relating to the implementation of the Fair Trade in Auto Parts Act of 1988. The Committee: (1) reports annually to the Secretary of Commerce on barriers to sales of U.S.-made auto parts and accessories in Japanese markets; (2) assists the Secretary in reporting to the Congress on the progress of sales of U.S.-made auto parts in Japanese markets, including the formation of long-term supplier relationships; (3) reviews and considers data collected on sales of U.S.-made auto parts to Japanese markets; (4) advises the Secretary during consultation with the Government of Japan on these issues; and (5) assists in establishing priorities for the Department's initiatives to increase U.S.-made auto parts sales to Japanese