

the period. The petitioners argue that both inventory write-downs and inventory write-offs have the same function of recognizing losses of future revenue and thus should be treated the same for COP.

Malee argues that inventory write-downs are not a cost of production and should not be included in COP. It claims that the only effect of these adjustments is on the value of inventory for balance sheet purposes, and on cost of goods sold for income statement purposes. Further, Malee argues that there is a fundamental difference between COP and cost of goods sold and states that the effect of such revaluation is self-cancelling over time. Malee claims that these write-downs are a method of absorbing losses more gradually as inventory declines in expected market value.

DOC Position

We agree with the petitioners that the inventory write-downs should be reflected in Malee's production costs. During verification, we noted that inventory write-downs are a normal, recurring period adjustment made annually by Malee. Also, we agree with the petitioners that such adjustments are part of the fully-absorbed cost of goods sold and should be included in the calculation of COP and CV. We therefore adjusted the G&A factor calculation to include the amount of inventory write-downs.

Comment 45

Malee asserts that certain proprietary payments, applied as offsets to COM, should be determined based upon the amounts earned rather than the amounts received during the POI. It claims that it is more appropriate to match the income earned during the POI with the expense incurred. It would be inappropriate, according to Malee, to use the amounts received during the POI, since they relate to production in a prior period.

The petitioners did not comment on this issue.

DOC Position

We agree with Malee, in part. We noted that certain proprietary payments are accrued at the time production occurs and the payment is effectively earned. However, we noted that other payments are not recorded as earned until a letter is received confirming the amount to be paid to Malee. This letter is normally received after the production is completed. We agree with Malee that the actual receipt date is a function of timing and cash flow and has no relationship to the production

occurring in that same period. Therefore, we adjusted the offset amounts to reflect the payments earned during the POI rather than the amounts received by Malee during the same period.

Comment 46

Malee asserts that the Department should recalculate COP and CV using the can and lid costs which were submitted to the Department at the start of verification as a correction of an error.

The petitioners claim that the revisions submitted at the start of verification should not have been accepted by the Department. These corrections adjusted per kilogram costs by a significant percentage, according to the petitioners. They argue that the explanation provided for this error was inadequate and should not have been accepted by the Department.

DOC Position

We agree with Malee. We reviewed Malee's explanation for its submitted cost revisions, which are described in the March 1, 1995, submission, and considered it to be reasonable. During verification, we reconciled the revised can and lid costs to stock reports and to the general ledger. Therefore, we accepted these costs for purposes of calculating COP and CV.

Comment 47

Malee states that the Department should recalculate COP and CV using the verified drained weight/net weight ratios, which were submitted at the start of verification. It also requests that the Department calculate the interest offset using the consolidated financial statements, as discussed at verification.

The petitioners did not comment on these issues.

DOC Position

We agree with Malee. We have used the submitted and reviewed drained weight/net weight ratios to calculate fruit costs and we used the consolidated financial statements to calculate CV interest expense.

Continuation of Suspension of Liquidation

We are directing the Customs Service to continue to suspend liquidation of all entries of CPF from Thailand, as defined in the "Scope of the Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after January 11, 1995, the date of publication of our preliminary determination in the **Federal Register**. The Customs Service

shall require a cash deposit or posting of a bond equal to the estimated amount by which the FMV of the merchandise subject to this investigation exceeds the U.S. price, as shown below. This suspension of liquidation will remain in effect until further notice.

The weighted-average dumping margins are as follows:

| Producer/manufacturer exporter | Weighted-average margin |
|--------------------------------|-------------------------|
| Dole | 2.36 |
| TIPCO | 38.68 |
| SAICO | 55.77 |
| Malee | 43.43 |
| All Others | 25.76 |

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. As our final determination is affirmative, the ITC will determine whether these imports are causing material injury, or threat of material injury, to the industry in the United States, within 45 days. If the ITC determines that material injury, or threat of material injury, does not exist, the proceeding will be terminated and all securities posted will be refunded or cancelled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

This determination is published pursuant to section 735(d) of the Act and 19 CFR 353.20(a)(4).

Dated: May 26, 1995.

Susan G. Esserman,
Assistant Secretary for Import Administration.

[FR Doc. 95-13695 Filed 6-2-95; 8:45 am]

BILLING CODE 3510-DS-P

[A-570-839]

Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Partial-Extension Steel Drawer Slides With Rollers From the People's Republic of China

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

EFFECTIVE DATE: June 5, 1995.

FOR FURTHER INFORMATION CONTACT: John Brinkmann or Michelle Frederick, Office of Antidumping Investigations,

Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 482-5288 or (202) 482-0186, respectively.

Preliminary Determination

We preliminarily determine that certain partial-extension steel drawer slides with rollers (drawer slides) from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of this investigation on November 21, 1994, (*Initiation of Antidumping Duty Investigation: Certain Partial-Extension Steel Drawer Slides with Rollers from the People's Republic of China (PRC)*, 59 FR 60773 (November 28, 1994) (*Initiation of Drawer Slides from the PRC*)), the following events have occurred:

On November 30, 1994, Guangdong Metals and Minerals Import and Export Group Corporation (GDMC), identified itself as an exporter of the subject merchandise during the period of investigation (POI).

On December 15, 1994, the U.S. International Trade Commission (ITC) notified the Department of Commerce (the Department) of its preliminary determination that there is a reasonable indication that the drawer slides industry in the United States is threatened with material injury by reason of imports from the PRC that are alleged to be sold at less than fair value.

On December 20, 1994, we sent a survey to the PRC's Ministry of Foreign Trade and Economic Cooperation (MOFTEC) and the China Chamber of Commerce for Machinery and Electronics Products Importers/Exporters (the Chamber) requesting the identification of drawer slides producers and exporters, and information on production and sales of drawer slides exported to the United States. MOFTEC did not respond to this survey.

We did, however, receive a response to the survey on January 6, 1995, from the Chamber. The Chamber indicated that it could not confirm whether any PRC company exported the subject merchandise to the United States during the POI. On December 23, and 30, 1994, we received letters from Hangzhou Metals, Minerals, Machinery and

Chemicals, Import/Export Corp. and Liaoning Machinery Import & Export Corporation, respectively. Both of these companies indicated that although they were named in the petition, they did not produce or export drawer slides during the POI. On January 3, 1995, two companies, Tai Ming Metal Products Co., Ltd. (Taiming), and Sikai Hardware & Electronic Equipment Manufacturing Co., Ltd. (SHEEM), which were not named in the petition, identified themselves as exporters of the subject merchandise to the United States during the POI.

Based on the foregoing information, on January 19, 1995, the Department sent full questionnaires including Attachment I (dealing with claims for Market Oriented Industry (MOI) status) and Attachment II (dealing with claims for Separate Rates), to MOFTEC and the Chamber. The Department requested that the questionnaire be transmitted to all companies that produce drawer slides for export to the United States and to all companies that exported drawer slides to the United States during the POI. Although requested, the Department never received confirmation that either MOFTEC or the Chamber had forwarded the questionnaire. The Department sent questionnaires to the three identified respondents (*i.e.*, GDMC, Taiming and SHEEM) on January 19, 1995.

On February 10, 1995, the Department received Section A responses from GDMC, Taiming and SHEEM. Supplemental information regarding Section A was provided at the Department's request on March 28, 1995.

On February 10, 1995, Taiming requested that it be allowed to exclude certain Exporter Sales Price (ESP) transactions of drawer slides given that these sales constituted a negligible portion of its sales during the POI. On February 21, 1995, the Department issued a decision memorandum granting Taiming's request. (See Memorandum to Barbara R. Stafford from the Team dated February 21, 1995, on file in Room B-099, U.S. Department of Commerce.)

On March 10, 1995, we received responses to the remaining sections of our questionnaire from the three respondents. Supplemental information requested by the Department was received on May 2, 1995. The petitioner filed comments on all responses submitted by the respondents on March 2 and 24, and May 8, 1995.

On March 30, 1995, the Department requested the parties to submit publicly available published information concerning surrogate country selection and factors of production valuation for

drawer slides. The Department also requested parties to identify those surrogate countries which produce merchandise comparable to the subject merchandise. On April 27 and May 4, 1995, the petitioner and respondents submitted the information and comments on these issues.

Postponement of Final Determination

Pursuant to section 735(a)(2)(A) of the Act, on May 17, 1995, the respondents requested that, in the event of an affirmative preliminary determination in this investigation, the Department postpone its final determination until 135 days after the date of publication of an affirmative preliminary determination in the **Federal Register**. Pursuant to 19 CFR 353.20(b), because our preliminary determination is affirmative, and no compelling reasons for denial exist, we are granting respondents' request and postponing the final determination.

Scope of Investigation

The subject merchandise in this investigation is certain partial-extension steel drawer slides of any length with rollers. A drawer slide is composed of two separate drawer slide rails. Each rail has screw holes and an attached polymer roller. The polymer roller may or may not have ball bearings. The subject drawer slides come in two models: European or Low-Profile and Over-Under or High-Profile. The former model has two opposing rails that provide one channel along which both rollers move and the latter has two opposing rails that provide two channels, one for each roller. For both models of drawer slides, the two opposing rails differ slightly in shape depending on whether the rail is to be affixed to the side of a cabinet or the side of a drawer. A rail may also feature a flange for affixing to or aligning along the bottom of a drawer.

Drawer slides may be packaged in an assembly pack with two drawer slides; that is, four rails with their attached rollers, or in an assembly pack with one drawer slide; that is, two rails with their attached rollers; or individually; as a drawer slide rail with its attached roller. An assembly pack may or may not contain a packet of screws.

Not included in the scope of this investigation are linear ball bearing steel drawer slides (with ball bearings in a linear plane between the steel elements of the slide), roller bearing drawer slides (with roller bearings in the wheel), metal box drawer slides (slides built into the side of a metal or aluminum drawer), full extension drawer slides (with more than four rails per pair), and

industrial slides (customized, high-precision slides without polymer rollers).

The subject merchandise is currently classifiable under subheading 8302.42.30 of the *Harmonized Tariff Schedule of the United States* (HTSUS). It may also be classified under 9403.90.80. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Period of Investigation

The period of investigation is May 1, 1994, through October 31, 1994.

Applicable Statute and Regulations

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.

Separate Rates

Each of the responding Chinese companies has requested a separate, company-specific rate. Taiming and SHEEM are joint ventures which were established in China in 1990 and 1993, respectively. Taiming is a joint venture between a Chinese collective (which the respondent claims has no government ownership), a privately owned Hong Kong Company, and a privately owned Taiwanese company. The joint venture owns both the production and export facilities used to manufacture and export the drawer slides it sells to the United States. SHEEM is a joint venture between a privately-owned Chinese company (*i.e.*, owned by individuals) and a Hong Kong company. This joint venture also owns both the production and export facilities used to manufacture and export the drawer slides it sells to the United States.

According to GDMC's business license it is "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, 22586 (May 2, 1994) (*Silicon Carbide*), and the *Final Determination of Sales at Less than Fair Value: Furfuryl Alcohol from the People's Republic of China* 60 FR 22545 (May 8, 1995) (*Furfuryl Alcohol*), ownership of a company by all the people does not require the application of a single rate. Accordingly, each of the three respondents is eligible for consideration for a separate rate.

To establish whether a firm is sufficiently independent from government control to be entitled to a separate rate, the Department analyzes each exporting entity under a test

arising out of 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*) and amplified in *Silicon Carbide*. Under the separate rates criteria, the Department assigns separate rates in nonmarket economy cases only if respondents can demonstrate the absence of both *de jure* and *de facto* governmental control over export activities.

1. Absence of De Jure Control

The respondents in this investigation have submitted a number of documents to demonstrate absence of *de jure* control. Taiming and SHEEM each submitted the "Law of the People's Republic of China on Chinese-Foreign Contractual Joint Ventures" (April 13, 1988). The articles of this law authorize joint venture companies to make their own operational and managerial decisions. They also submitted the "Foreign Trade Law of the PRC" (May 12, 1994) which grants autonomy to foreign trade operators in management decisions and establishes accountability for their own profits and losses.

GDMC submitted four enactments indicating that the responsibility for managing enterprises "owned by all of the people" is with the enterprises themselves and not with the government. These are the "Law of the People's Republic of China on Industrial Enterprises Owned by the Whole People," adopted on April 13, 1988, (*1988 Law*) and the "Regulations for Transformation of Operational Mechanism of State-Owned Industrial Enterprises," approved on August 23, 1992 (*1992 Regulations*); "Foreign Trade Law of the PRC" (May 12, 1994); and the "Temporary Provisions for Administration of Export Commodities," approved on December 21, 1992, (*Export Provisions*). In April 1994, the State Council enacted the "Emergent Notice of Changes in Issuing Authority for Export Licenses Regarding Public Quota Bidding for Certain Commodities (*Quota Measures*).

The *1988 Law* and *1992 Regulations* shifted control of enterprises owned by all the people from the government to the enterprises themselves. The *1988 Law* provides that enterprises owned "by the whole people" shall make their own management decisions, be responsible for their own profits and losses, choose their own suppliers, and purchase their own goods and materials. The *1988 Law* also has other provisions which support a finding that such enterprises have management independence from the government in making management decisions. The *1992 Regulations* provide that these

same enterprises can, for example, set their own prices (Article IX); make their own production decisions (Article XI); use their own retained foreign exchange (Article XII); allocate profits (Article II); sell their own products without government interference (Article X); make their own investment decisions (Article XIII); dispose of their own assets (Article XV); and hire and fire their employees without government approval (Article XVII). The *Export Provisions* indicate those products that may be subject to direct government control. Drawer slides do not appear on the *Export Provisions* list nor on the *Quota Measures* list and are not, therefore, subject to export constraints.

As stated in previous cases, there is some evidence, that the provisions of the above-cited *1988 Law* and *1992 Regulations* regarding enterprise autonomy have not been implemented uniformly among different sectors and/or jurisdictions in the PRC (see "PRC Government Findings on Enterprise Autonomy," in *Foreign Broadcast Information Service-China-93-133* (July 14, 1993)). Therefore, the Department has determined that an analysis of *de facto* control is critical in determining whether respondents are, in fact, subject to a degree of governmental control which would preclude the Department from assigning separate rates.

2. Absence of De Facto Control

The Department typically considers four factors in evaluating whether each respondent is subject to *de facto* governmental control of its export functions: (1) Whether the export prices are set by or subject to the approval of a governmental authority; (2) whether the respondent has authority to negotiate and sign contracts and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding disposition of profits or financing of losses (see *Silicon Carbide* and *Furfuryl Alcohol*).

Each respondent has asserted the following: (1) It establishes its own export prices; (2) it negotiates contracts, without guidance from any governmental entities or organizations; (3) it makes its own personnel decisions, and there is no information on the record that suggests central government control over selection of management; and (4) it retains the proceeds of its export sales, uses profits according to its business needs and has the authority to sell its assets and to

obtain loans. In addition, respondents' questionnaire responses indicate that company-specific pricing during the POI does not suggest coordination among exporters. This information supports a preliminary finding that there is a *de facto* absence of governmental control of export functions.

Consequently, we preliminarily determine that Taiming, SHEEM, and GDMC have met the criteria for the application of separate rates. We will examine this issue at verification and determine whether the questionnaire responses are supported by verifiable documentation.

Nonmarket Economy Country Status

The Department has treated the PRC as a nonmarket economy country (NME) in all past antidumping investigations and administrative reviews (see, e.g., *Silicon Carbide* and *Furfuryl Alcohol*). Neither respondents nor petitioners have challenged such treatment. Therefore, in accordance with section 771(18)(c) of the Act, we will continue to treat the PRC as an NME in this investigation.

When the Department is investigating imports from an NME, section 773(c)(1) of the Act directs us to base foreign market value (FMV) on the NME producers' factors of production, valued in a comparable market economy that is a significant producer of comparable merchandise. The sources of individual factor prices are discussed under the FMV section, below.

Surrogate Country

Section 773(c)(4) of the Act requires the Department to value the NME producers' factors of production, to the extent possible, in one or more market economy countries that (1) are at a level of economic development comparable to that of the NME country, and (2) are significant producers of comparable merchandise. The Department has determined that India, Kenya, Nigeria, Pakistan, Sri Lanka, and Indonesia are the countries most comparable to the PRC in terms of overall economic development (see Memorandum from David Mueller, Director, Office of Policy, to Gary Taverman, Acting Director, Office of Antidumping Investigations, dated January 25, 1995). According to the information on the record, we have determined that India is also a significant producer of products comparable to drawer slides among these six potential surrogate countries. We found formed metal products suitable for furniture to be comparable merchandise to drawer slides. This is a broad category of merchandise which

encompasses a variety of products including drawer slides. Because other products included in this category undergo similar production process (*i.e.*, cutting, stamping and forming of metal) as drawer slides, and have similar end uses (*i.e.*, manufactured for use in home or office furniture) as drawer slides, we have determined that metal furniture parts constitute comparable merchandise. Accordingly, we have calculated FMV using Indian prices for the PRC producers' factors of production. We have obtained and relied upon published, publicly available information wherever possible.

Fair Value Comparisons

To determine whether sales of drawer slides from the PRC to the United States by Taiming, SHEEM, and GDMC were made at less than fair value, we compared the United States price (USP) to the FMV, as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

United States Price

For all respondents, we based USP on purchase price, in accordance with section 772(b) of the Act, because the subject merchandise was sold directly by the Chinese exporters to unrelated parties in the United States prior to importation into the United States and because ESP methodology was not otherwise indicated. We have included certain sales characterized by SHEEM as "trial" sales because we determined that they were sold in commercial quantities and at prices that were not aberrational.

We calculated purchase price based on packed, FOB Hong Kong and CIF U.S. port prices to unrelated purchasers in the United States, as appropriate. Where necessary, we made deductions for foreign inland freight, brokerage and handling, loading and containerization, ocean freight, and marine insurance. When these services were provided by a market economy supplier and paid for in a market economy currency, we used the actual cost. Otherwise, these charges were valued in the surrogate country.

Foreign Market Value

In accordance with section 773(c) of the Act, we calculated FMV based on factors of production reported by the factories in the PRC which produced the drawer slides for the three exporters. To calculate FMV, the reported factor quantities were multiplied by Indian values for those inputs purchased domestically from PRC suppliers. Where possible, we used public information for the surrogate values and adjusted the input prices to make them delivered

prices. For a complete analysis of surrogate values, see the Calculation Memorandum attached to the Concurrence Memorandum, dated May 30, 1995. We then added amounts for overhead, general expenses and profit, and packing expenses incident to placing the merchandise in condition packed and ready for shipment to the United States.

To value cold-rolled steel coil (1.2 mm), we used public information from the 1994 edition of *Statistics for Iron & Steel Industry In India*, published by the Steel Authority of India Limited (SAIL). We used this source instead of a U.S. Embassy report submitted by the petitioner because (1) it provided prices for steel that most closely resembled the specifications of the product used by the respondents and (2) because the data was more contemporaneous with the POI. We adjusted the factor values from January 1994 to the POI using wholesale price indices published in *International Financial Statistics (IFS)* by the International Monetary Fund and made deductions for certain domestic taxes to derive a tax-exclusive price.

The respondents, Taiming and SHEEM, argue that we should use the actual acquisition price of cold-rolled steel imported by the joint ventures from the Republic of Korea. However, cold-rolled steel imports from Korea are subject to U.S. antidumping (AD) and countervailing (CVD) duties orders and therefore the prices are likely to be unsuitable for use in this context. It is the Department's practice not to value factors based on data from producers subject to AD or CVD orders. See *Final Determination of Sales at Less Than Fair Value: Certain Helical Spring Lock Washers from the PRC*, 58 FR 48833, 48841 (September 20, 1993) (*Helical Spring Lock Washers*). Similarly, GDMC argues that the Department should rely on its acquisition price of Japanese steel imports in calculating FMV because GDMC purchases steel from Japan in U.S. dollars. However, the relevant transaction for purposes of constructing a surrogate FMV is the transaction between the producer and the supplier of the input.

Because GDMC resells the steel to the producer in Chinese RMB, the Department did not rely on the Japanese acquisition price (*e.g.*, see *Final Determination of Sales at Less Than Fair Value: Coumarin From the PRC*, 59 FR 66895 (December 28, 1994)) (*Coumarin*). Although the drawer slides producer uses the Japanese steel exclusively for the manufacture of drawer slides for GDMC to export, this does not detract from the central fact that the transaction between GDMC and the producer is in

a non-convertible currency. See *Final Determination of Sales at Less Than Fair Value: Ferrovandium and Nitrided Vanadium From the Russian Federation*, 60 FR 102 27957 (May 26, 1995). Further GDMC does not purchase steel exclusively for use in drawer slides production. Therefore, the price for the large quantities purchased by GDMC does not necessarily reflect prices for the smaller quantities purchased by drawer slides producers.

To value epoxy powder, steel rivets, polymer wheels, coloring powder and nylon powder, we used public information from the August 1994 *Monthly Statistics of the Foreign Trade of India, Imports (Indian Import Statistics)*. Although certain respondents who subcontract certain components of drawer slides (e.g., steel rivets and polymer wheels) argue that the Department should value the factors of production based upon their subcontractors' experience, we based the value for these inputs on the price of a completed input. In two past cases, *Helical Spring Lock Washers* and *Final Determination of Sales Less Than Fair Value: Disposable Pocket Lighters From the PRC*, 60 FR 87 22359 (May 5, 1995), the Department did use the subcontractor's factors of production in calculating FMV. In those instances, the subcontractor further processed the subject merchandise into a finished product and the Department was unable to obtain surrogate information for valuing this further processing. However, in this investigation, wheels and rivets are completed sub-components inserted into the respondents' product and we were able to obtain surrogate information to value these sub-components. Furthermore, valuing the cost to the producer of the subject merchandise for inputs is consistent with the statute's direction to measure and value "the factors of production utilized in the production of the merchandise." All inputs that were purchased were valued on the basis of a surrogate. Therefore, it is appropriate to base the value for these inputs on the price of a completed product. This is consistent with our practice in recent investigations (see *Furfuryl Alcohol* and *Coumarin*.)

For degreaser, a material not listed in *Indian Import Statistics*, we relied on *The Analyst's Import Reference 1993, Chemical & Pharmaceutical Products (The Analyst)*, published by Genasys Multimedia of Bombay, India. We also relied on *The Analyst* for valuing phosphoric acid and phosphorous powder because data from the *Indian Import Statistics* was based on negligible quantities or a broadly

defined import category. For hydrochloric acid, we relied on a 1993 price quote used in *Coumarin from the PRC* because the *Indian Import Statistics* and *The Analyst* are based on an Indian import category that is not exclusive to hydrochloric acid (see *Coumarin*). We adjusted these factor values to the POI using wholesale price indices published by *IFS*.

To value labor, we used information from the U.S. Department of Labor's *1992 Foreign Labor Trends* which provided Indian labor rates for skilled, semi-skilled, and unskilled workers. To determine the number of hours in an Indian work week, we used the *Country Reports: Human Rights Practices for 1990*. We adjusted the factor value to the POI using consumer price indices published in the *IFS*, consistent with our treatment of this value in past NME cases.

To value factory overhead, including energy, we calculated a percentage based on industry group income statements for "Processing and Manufacture—Metals, Chemicals, and Products thereof" from the September 1994 *Reserve Bank of India Bulletin (1994 RBI)*.

For selling, general and administrative (SG&A) expenses, we derived a percentage based on 1994 *RBI* data. The respondents argue that the ten percent statutory minimum is more appropriate because the *RBI* data is inclusive of selling commissions, which are not incurred by most of the respondents. However, in NME proceedings, the FMV is normally based completely on factors valued in a surrogate country (with regard to, for example, actual selling expenses) on the premise that the actual experience can not be meaningfully considered. Accordingly, we are applying the surrogate-based SG&A expenses. See, e.g., *Final Determination of Sales at Less Than Fair Value: Pure Magnesium from Ukraine* 60 FR 16432 (March 30, 1995).

For profit, we relied on the statutory minimum of eight percent because the calculated rate based on 1994 *RBI* data was less than eight percent. We added packing, using Indian values obtained from the August 1994 *Indian Import Statistics* and *Statistics for Iron & Steel Industry in India*. Packing values were inflated to the POI using *IFS* price indices.

Best Information Available (BIA)

The following discussion regarding the application of BIA applies to all exporters other than those that have responded to our questionnaires. Because no information has been presented to the Department to prove

otherwise, any exporter of subject merchandise that did not respond to the Department's questionnaires is presumed to be under government control, and, therefore, is not entitled to its own separate dumping margin. The evidence on record indicates the responding companies may not account for all exports of the subject merchandise. In the absence of responses from all exporters, therefore, we are basing the PRC-Wide rate on BIA, pursuant to section 776(c) of the Act (see *Silicon Carbide* and *Manganese Sulfate*).

In determining what to use as BIA, the Department follows a two-tiered methodology, whereby the Department normally assigns lower margins to those respondents that cooperated in an investigation and more adverse margins to those respondents that did not cooperate in an investigation. When a company refuses to provide the information requested in the form required, or otherwise significantly impedes the Department's investigation, it is appropriate for the Department to assign to that company the higher of (a) the highest margin alleged in the petition, or (b) the highest calculated rate of any respondent in the investigation (see *Final Determination of Sales at Less Than Fair Value: Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof from Federal Republic of Germany*, 54 FR 18992 (May 3, 1989)).

In this investigation, since the evidence indicates that not all PRC exporters of drawer slides responded to our questionnaire, any PRC company, other than those specifically identified below, will be subject to the PRC-Wide rate. In this investigation, that rate is the highest margin alleged in the petition, as revised by the Department, because it is higher than the highest calculated rate of any respondent. (See *Initiation of Drawer Slides from the PRC*.)

Verification

As provided in section 776(b) of the Act, we will verify all information determined to be acceptable for use in making our final determination.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of drawer slides from the PRC, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated dumping margins by which the FMV

exceeds the USP, as shown below. These suspension of liquidation instructions will remain in effect until further notice.

The weighted-average dumping margins are as follows:

| Manufacturer/producer/exporter | Weighted-average margin percentage |
|---|------------------------------------|
| Taiming Metal Products Co., Ltd. | 0.66 |
| Sikai Hardware Electronic Equipment Manufacturing Co. Ltd. ... | 5.22 |
| Guangdong Metals and Minerals Import and Export Group Corp./ Guangdong Metals and Minerals, Import and Export Group, Metal Products Trading Company | 24.48 |
| PRC-Wide Rate | 55.69 |

The PRC-Wide rate applies to all entries of subject merchandise except for entries from exporters that are identified individually above.

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Public Comment

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than August 23, 1995, and rebuttal briefs, no later than August 30, 1995. In accordance with 19 CFR 353.38(b), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held at 1:00 p.m. on September 6, 1995, at the U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B-099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In

accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs. If this investigation proceeds normally, we will make our final determination within 135 days after the publication of this preliminary determination.

This determination is published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: May 30, 1995.
Susan G. Esserman
Assistant Secretary for Import Administration.
 [FR Doc. 95-13703 Filed 6-2-95; 8:45 am]
 BILLING CODE 3510-DS-P

National Oceanic and Atmospheric Administration

[I.D. 051195B]

North Pacific Fishery Management Council; Agenda Change

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of agenda change.

SUMMARY: Agendas for public meetings of the North Pacific Fishery Management Council (Council) and its advisory bodies, which are scheduled to meet June 8-9, 1995, and June 11-18, 1995, were published on May 30, 1995. Subsequently, the following modifications have been made to the published meeting agendas. All other information previously published remains unchanged.

FOR FURTHER INFORMATION CONTACT: North Pacific Fishery Management Council, (907) 271-2809.

SUPPLEMENTARY INFORMATION: The initial agenda was published on May 30, 1995 (60 FR 28087). For the meeting of the Scientific and Statistical Committee, scheduled for June 8-9, 1995, at the Holiday Inn in Anchorage, AK, agenda item (3), relating to observer specifications for 1996, will instead be a review of a proposed regulatory amendment to continue the current observer coverage levels through 1995. Agenda item (7), Electronic Reporting Requirements, has been removed from the agenda.

For the meetings of the Advisory Panel and the Council, scheduled during the week of June 11, 1995, at the Grand Aleutian Hotel in Dutch Harbor, AK, the following modifications have been made:

(1) Discussion of agenda item (4), relating to observer specifications for 1996, will instead be a review of a

proposed regulatory amendment to continue current observer coverage levels through 1995.

(2) Agenda item (5), the Sablefish and Halibut Individual Fishery Quota Program, has been amended to add a report from the Implementation Team, as well as a discussion of International Pacific Halibut Commission Area 4 suballocations.

(3) A discussion of the Council's next steps in comprehensive rationalization for the groundfish and crab fisheries off Alaska will be added to the agenda.

Dated: May 31, 1995.
Richard W. Surdi,
Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.
 [FR Doc. 95-13705 Filed 6-2-95; 8:45 am]
 BILLING CODE 3510-22-F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Increase in a Guaranteed Access Level for Certain Wool Textile Products Produced or Manufactured in the Dominican Republic

May 30, 1995.
AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing a guaranteed access level.

EFFECTIVE DATE: June 7, 1995.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of this level, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Government of the United States has agreed to increase the 1995 Guaranteed Access Level (GAL) for Category 444.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff