

responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 C.F.R. 353.34(d) or 355.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review 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: September 15, 1995.

Susan G. Esserman,

*Assistant Secretary for Import Administration.*

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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 Review**

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

**ACTION:** Notice of preliminary results of antidumping duty administrative review of tapered roller bearings and parts thereof, finished and unfinished, from the People's Republic of China.

**SUMMARY:** In response to requests by the petitioner and one respondent, the Department of Commerce (the Department) is conducting an administrative review 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 period of review (POR) is June 1, 1993, through May 31, 1994. The review indicates the existence of dumping margins during this period.

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 review, 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:** September 26, 1995.

**FOR FURTHER INFORMATION CONTACT:** Charles Riggle, Hermes Pinilla, Andrea Chu, Kris Campbell or Michael Rill, Office of Antidumping Compliance,

Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington DC 20230; telephone (202) 482-4733.

**Applicable Statute and Regulations**

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

**Background**

On June 7, 1994, the Department published in the Federal Register (59 FR 29411) a notice of opportunity to request an administrative review of the antidumping duty order on TRBs from the PRC. In accordance with 19 C.F.R. 353.22(a), the petitioner, The Timken Company, requested that we conduct an administrative review. In addition, respondent Shanghai General Bearing Company (Shanghai) requested revocation pursuant to 19 C.F.R. 353.25(b) (revocation based on not selling subject merchandise at less than foreign market value for three consecutive years). We published a notice of initiation of this antidumping duty administrative review on August 24, 1994 (59 FR 43537), covering the period June 1, 1993, through May 31, 1994 (the 7th review period).

On July 26, 1994, we notified the PRC government, through its embassy in Washington, that we were conducting this review and requested information relevant to the issue of whether the companies named in the initiation request are independent from government control. See *Separate Rates, infra*. On the same date, we also notified the PRC Ministry of Foreign Trade and Economic Cooperation (MOFTEC) of this review.

On July 28, 1994, a representative from MOFTEC informed us that the Secretary General of the Basic Machinery Division of the Chamber of Commerce for Import & Export of Machinery and Electronics (CCCME) would be the designated contact for the PRC in this review. On December 5, 1994, we sent a copy of the questionnaire to the Secretary General of CCCME and requested that the questionnaire be forwarded to all PRC companies identified in our initiation notice.

We also sent questionnaires to the Hong Kong companies listed in our initiation notice, using addresses supplied in the petitioner's initiation

request as well as information from the Hong Kong branch of the U.S. & Foreign Commercial Service.

On December 7-9, 1994, we conducted a presentation of the questionnaire in Beijing. The following companies attended the presentation: China National Machinery & Equipment Import & Export Corporation (CMC), Liaoning Machinery Import & Export Corporation (Liaoning), Henan Machinery & Equipment Import & Export Corporation (Henan), China National Automotive Industry Import & Export Guizhou Corporation (Guizhou Automotive), Luoyang Bearing Factory (Luoyang), Jilin Province Machinery Import & Export Corporation (Jilin), Tianshui Hailin Import & Export Corporation (Tianshui), Wafangdian Bearing Industry Import & Export Corporation (Wafangdian), Guizhou Machinery Import & Export Corporation (Guizhou), Zhejiang Machinery Import & Export Corporation (Zhejiang), and a voluntary respondent that did not request a review and which was not named in the initiation notice, Xiangfan International Trade Corporation (Xiangfan).

We received responses to our questionnaire from fourteen companies, consisting of the companies that attended the questionnaire presentation, Shanghai, and two Hong Kong resellers: Premier Bearing and Equipment Company, Ltd. (Premier), and Chin Jun Industrial, Ltd. (Chin Jun).

**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, 8482.99.30, 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 this proceeding 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 in light of 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 preliminarily determined that Guizhou, Henan, Jilin, Luoyang, Liaoning, Wafangdian, Guizhou Automotive, and Shanghai were entitled to separate rates during the concurrent administrative reviews of the 1990-91, 1991-92, and 1992-93 review periods (each covering the period June 1-May 31). See (cite to 4-6 prelim., unsigned as of 7/26). Information submitted by these companies for the record in the current review is consistent with these findings. Further, there have been no allegations of changes in control of these companies in this review. Therefore, we preliminarily determine that the government does not exercise control over the export activities of these firms. Accordingly, we will calculate rates separate from the PRC rate for each of the above companies.

In the 1989-90 review, we determined that CMC was entitled to a separate rate. See Final Results of Antidumping Duty Administrative Review: Tapered Roller Bearings and Parts Thereof from the People's Republic of China (56 FR 67590, 67597, December 31, 1991). Information submitted by CMC for the record in the current review, including information gathered at verification

concerning certain criteria that were not analyzed in the 1989-90 separate rate determination (see Additional Separate Rate Criteria Applied to CMC, *infra*), is consistent with this finding, and there have been no allegations in this review of changes in the control of CMC's export activities. Accordingly, we have preliminarily determined that the government does not exercise control over CMC's export activities, and that CMC is therefore entitled to a separate rate in this review.

Tianshui, Zhejiang, and Xiangfan also meet both the *de jure* and *de facto* criteria and are therefore entitled to separate rates (see *De Jure Analysis* and *De Facto Analysis, infra*).

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: Tianshui, Zhejiang, and Xiangfan

Information submitted during this review indicates that Tianshui, Zhejiang, and Xiangfan 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.

The following laws, which have been placed on the record in this case, indicate a lack of *de jure* government control over these companies, 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 preliminarily determine that the existence of these laws demonstrates that Tianshui, Zhejiang, and Xiangfan, companies owned by "all the people," are not subject to *de jure* government control with respect to export activities. 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 with respect to export activities.

## 3. De Facto Analysis: Tianshui, Zhejiang, and Xiangfan

The following record evidence, which is contained in the questionnaire responses, indicates a lack of *de facto* government control over the export activities of Tianshui, Zhejiang, and Xiangfan. We have found that these respondents' pricing and export strategy decisions 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.

Each company's general manager 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.

The general manager is elected by an employees' assembly. The election results are then recorded with the relevant provincial or municipal bureau (*e.g.*, the Zhejiang Provincial Foreign Trade and Economic Cooperation Commission in the case of Zhejiang). 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.

Decisions made by respondents concerning purchases of subject merchandise from other suppliers are

<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.).

not subject to government approval. Finally, 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.

Based on the foregoing analysis of the evidence of record, we find no evidence of either *de jure* or *de facto* government control over the export activities of Tianshui, Zhejiang, and Xiangfan. Accordingly, each of these exporters will receive a separate rate.

Because we have preliminarily determined that the voluntary respondent Xiangfan is entitled to a separate rate and no review was requested for this company, we have not reviewed its entries during the 93-94 review period (see Background section above). Therefore, the current cash deposit rate established for this company in the 1989-90 review of this case (*i.e.*, the 1989-90 PRC rate) will continue to apply for future cash deposits unless this rate is replaced by a more recent PRC rate (*i.e.*, from the concurrent 1990-91, 1991-92, and 1992-93 reviews) before the publication of these final results.

#### 4. Additional Separate Rate Criteria Applied to CMC

The Department's determination that CMC was entitled to a separate rate during the administrative review of the 1989-90 POR was made pursuant to the *de jure* criteria cited above, as well as the *de facto* criteria developed in *Sparklers* (criteria (1) and (2) above). However, this determination was made prior to the development of the additional *de facto* criteria that were considered in *Silicon Carbide* (criteria (3) and (4) above). Accordingly, for the preliminary results of this review we have examined the extent to which CMC maintains the authority to negotiate and sign contracts and its degree of autonomy in the selection of management. Record evidence relevant to these criteria indicates that CMC independently negotiates contracts free of government control and is autonomous in its selection of management.

Although CMC's response to our separate rates questionnaire indicates that the general manager and deputy general manager are appointed by MOFTEC, a more detailed examination of this issue at verification revealed that MOFTEC's only involvement is a requirement that the selection of these managers be recorded with MOFTEC. Our verification findings indicate that these managers are selected by an employee assembly, which in turn is elected by the employees of the

company. At verification we examined the ballots used for the election of the employee assembly as well as CMC's Articles of Association, which detail the procedural requirements for such elections. Our discussions with company officials indicated that MOFTEC could annul the election results but it has never done so.

Our verification findings also indicate that the authority to negotiate and enter into contracts on behalf of CMC rests with the managers of each subsidiary department (*e.g.*, CMC Baili, the export division of CMC) and that such contract negotiation is not subject to the approval of any outside entity.

#### 5. Separate Rate Determinations for Non-responsive Companies

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 sales made by Luoyang, Zhejiang, Tianshui, Wafangdian, Liaoning, Jilin, Guizhou, Guizhou Automotive, and Premier, 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 sales made by Shanghai and Chin Jun, 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. CMC and Henan had a combination of purchase price and ESP sales subject to review.

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 April 17, 1995, questionnaire response, 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 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 27, 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 Monthly Statistics of the Foreign Trade of India, Volume II- Imports. We used data from the annual issue of this source, which covers the period April 1993-March 1994, and also factored in the remaining POR months of April - May 1994. We made further adjustments to include freight costs incurred between the steel supplier and the TRB factory.

We used actual costs for certain steel inputs because they were purchased 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).

- For direct labor, we used 1993 data from Investing, Licensing & Trading Conditions Abroad, India, published in November 1993 by the Economist Intelligence Unit. We then adjusted the 1993 labor value to the POR to reflect inflation using wholesale price indices (WPI) of India as published in the International Financial Statistics by the International Monetary Fund (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

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 the non-responsive companies do not merit separate rates. Therefore, the non-cooperative BIA for these companies forms the basis for the PRC rate. The PRC rate is 57.86 percent for this review.

#### Responsive Companies

##### *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, as cooperative BIA, the higher of the highest rate ever applicable to Premier or the highest calculated rate in this review.

#### 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 for the period June 1, 1993, through May 31, 1994:

Manufacturer/exporter	Margin (percent)
Premier Bearing and Equipment, Limited .....	75.87
Guizhou Machinery Import and Export Corporation .....	5.38
Henan Machinery and Equipment Import and Export Corporation .....	1.42
Luoyang Bearing Factory .....	2.12
Shanghai General Bearing Company, Ltd. ....	0.07
Jilin Machinery Import and Export Corporation .....	60.91
Chin Jun Industrial Ltd. ....	1.94
Wafangdian Bearing Factory .....	75.87
Liaoning Machinery Import & Export Corporation .....	12.06
China National Machinery & Equipment Import and Export Corporation .....	0.13
China Nat'l Automotive Industry Import and Export Guizhou Corporation .....	1.44
Tianshui Hailin Import and Export Corporation .....	0.00
Zhejiang Machinery Import & Export Corporation .....	7.83

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 Machinery, Henan,

Luoyang, Shanghai General, Jilin, Chin Jun, Wafangdian, Liaoning, CMEC, Guizhou Automotive, Tianshui, Zhejiang), the cash deposit rates will be the rates for these firms established in the final results of this review; (2) for Xiangfan, which we preliminarily determine to be entitled to a separate rate, the rate will continue be that which currently applies to this company (8.83 percent) unless modified by a more recent PRC rate (e.g., from the concurrent 90-91, 91-92, or 92-93 reviews); (3) for all remaining PRC exporters, all of which were found to not be entitled to separate rates, the cash deposit will be 57.86 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: September 13, 1995.  
Susan G. Esserman,  
*Assistant Secretary for Import Administration.*  
[FR Doc. 95-23885 Filed 9-25-95; 8:45 am]  
BILLING CODE 3510-DS-P

#### [A-821-803]

#### Titanium Sponge From Russia; Preliminary Results of Antidumping Duty Administrative Review

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

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

**SUMMARY:** In response to a request from Titanium Metals Corporation (TIMET), Berezniki Titanium-Magnesium Works (AVISMA), Interlink Metals and Chemicals, Inc. (Interlink), and RMI Titanium Company (RMI), a U.S.

producer of titanium sponge, a Russian Producer of titanium sponge, an unrelated third-country reseller of titanium sponge, and a U.S. importer of titanium sponge, respectively, the Department of Commerce (the Department) is conducting an administrative review of the antidumping finding on titanium sponge from Russia. The review covers AVISMA and exports of the subject merchandise to the United States for the period August 1, 1993 through July 31, 1994.

We have preliminarily determined that AVISMA is a non-shipper for the purposes of this review because it did not have sufficient knowledge at the time of sale that subject merchandise was destined for the United States. If these preliminary results are adopted in our final results of review we will instruct the U.S. Customs service (Customs) to maintain the cash deposit rate of 83.96 percent, which is the rate established in the final results of the most recent administrative review of the antidumping finding on titanium sponge from Russia.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** September 26, 1995.

**FOR FURTHER INFORMATION CONTACT:** David Genovese or Zev Primor, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 482-5254.

**SUPPLEMENTARY INFORMATION:**  
Background

On August 28, 1968, the Department of the Treasury published an antidumping finding on titanium sponge from the Union of Soviet Socialist Republics (USSR) (33 FR 12138). In December 1991, the USSR divided into fifteen independent states. To conform to these changes, the Department changed the original antidumping finding into fifteen findings applicable to the Baltic states and the former Republics of the USSR (57 FR 36070, August 12, 1992).

On August 3, 1994, the Department published a notice of "Opportunity to Request an Administrative Review" (59 FR 39545) of the antidumping finding on titanium sponge from Russia. On August 31, 1994, TIMET, AVISMA, Interlink, and RMI, requested an administrative review. The Department initiated the review on September 16, 1994 (59 FR 47609), covering the period August 1, 1993, through July 31, 1994.