

Notices

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Wednesday, June 14, 1995

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Yakima Provincial Interagency Executive Committee (PIEC), Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Yakima PIEC Advisory Committee will meet on June 28, 1995 at the Yakima Public Schools Administration Office located at 104 N. Fourth Avenue, Yakima, Washington. The meeting will begin at 9 a.m. and continue until 4 p.m. This meeting will focus on areas of the President's Forest Plan implementation which agencies are finding most challenging to implement. Agenda items to be covered include: (1) Any problems we are having in implementing the Plan, (2) update on Snoqualmie Pass Management Area planning, (3) update on legislation that may influence implementation of the Plan. All Yakima Province Advisory Committee meetings are open to the public. Interested citizens are welcome to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Paul Hart, Designated Federal Official, USDA, Wenatchee National Forest, P.O. Box 811, Wenatchee, Washington 98807, 509-662-4335.

Dated: June 7, 1995.

Sonny J. O'Neal,

Forest Supervisor, Wenatchee National Forest.

[FR Doc. 95-11485 Filed 6-13-95; 8:45 am]

BILLING CODE 3410-11-M

Eastern Washington Cascades Provincial Interagency Executive Committee (PIEC), Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Eastern Washington Cascades PIEC Advisory Committee will meet on June 29, 1995 in Campbell's Conference Center (Ballroom #3), 104 W. Wooden, Chelan, Washington. The meeting will begin at 9 a.m. and continue until 4 p.m. This session will focus on areas of the President's Forest Plan implementation which agencies are finding most challenging to implement. Agenda items to be covered include: (1) Clarify the role of the Committee, (2) President's Forest Plan implementation strategy, (3) identify challenges the agencies see in implementing the President's Forest Plan. All Eastern Washington Cascades Province Advisory Committee meetings are open to the public. Interested citizens are welcome to attend.

FOR FURTHER INFORMATION CONTACT:

Direct questions regarding this meeting to Paul Hart, Designated Federal Official, USDA, Wenatchee National Forest, P.O. Box 811, Wenatchee, Washington 98807, 509-662-4335.

Dated: June 7, 1995.

Sonny J. O'Neal,

Forest Supervisor, Wenatchee National Forest.

[FR Doc. 95-14486 Filed 6-13-95; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: International Trade Administration.

Title: U.S.-Japan Semiconductor Arrangement Data Collection Program.
Agency Form Number: ITA-4115P.
OMB Approval Number: 0625-0211.
Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 1,476 hours.

Number of Respondents: 41 respondents submitting 492 responses.
Avg Hours Per Response: 1 hour for reporting requirements and 24 hours for recordkeeping requirements.

Needs and Uses: Under the terms of the U.S.-Japan Semiconductor Arrangement, the Department of Commerce is required to gather information on U.S. semiconductor sales in Japan. The information provided by the respondents will allow for calculation of market share in the Japanese semiconductor market.

Affected Public: Businesses or other for-profit organizations.

Frequency: Monthly and recordkeeping.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Don Arbuckle, (202) 395-7340.

Agency: National Oceanic and Atmospheric Administration.

Title: Coast Pilot Report.

Agency Form Number: NOAA 77-6.

OMB Approval Number: 0648-0007.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 50 hours.

Number of Respondents: 100.

Avg Hours Per Response: 30 minutes.

Needs and Uses: The National Ocean Service Coast Pilot is a series of nine books that supplement the marine nautical charts. The Coast Pilot contains essential marine information important to navigators of U.S. coastal and intracoastal waters, but which cannot be graphically displayed on charts. Without this form, it would be difficult for the public to voluntarily provide information to assist in keeping the publications current.

Affected Public: Individuals.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Don Arbuckle, (202) 395-7340.

Copies of the above information collection proposals can be obtained by calling or writing Gerald Tache, DOC Forms Clearance Officer, (202) 482-3271, Department of Commerce, Room 5327, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to Don Arbuckle, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, D.C. 20503.

Dated: June 5, 1995.

Gerald Tache,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 95-14484 Filed 6-13-95; 8:45 am]

BILLING CODE 3510-CW-F

International Trade Administration

[A-570-840]

Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Manganese Metal From the People's Republic of China

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

EFFECTIVE DATE: June 14, 1995.

FOR FURTHER INFORMATION CONTACT:

David Boyland or Sue Strumbel, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-4198 or (202) 482-1442.

Preliminary Determination

We preliminarily determine that manganese metal from the People's Republic of China (PRC) is being, or is likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930 ("the Act"), as amended. The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of this investigation on November 28, 1994 (59 FR 61869, December 2, 1994), the following events have occurred: On December 23, 1994, the United States International Trade Commission (ITC) issued an affirmative preliminary injury determination (see ITC Investigation No. 731-TA-724). On December 30, 1994, we sent a letter to the Ministry of Foreign Trade and Economic Cooperation (MOFTEC) and to the China Chamber of Commerce for Metals, Minerals, and Chemical Products (CCCMMCP) requesting names and addresses of PRC producers and exporters of manganese metal sold in the United States. On February 13, 1995, we received a list of producers and exporters of manganese metal from the Beijing Foreign Economic Relations and Trade Commission. This list indicated the number of exporters of manganese metal during the period of investigation.

On February 15, 1995, we postponed the preliminary determination until June 6, 1995 (60 FR 10065, February 23, 1995). On February 6 and 23, 1995, responses to the Department's questionnaire were received from the following exporters of manganese metal: China Hunan International Economic Development Corporation (HIED), China

Metallurgical Import and Export Hunan Corporation (CMIECHN), China National Electronic Import and Export Hunan Company (CEIEC), Great Wall Industry Import and Export Corporation (GWIEEC), Hunan Golden Globe Import and Export Company (HGG), and Minmetal Precious and Rare Minerals Import and Export Company (Minmetals). On April 14, 1995, we sent supplemental questionnaires to the respondents, as well as questionnaires regarding sales to intermediate countries. Responses to the intermediate and supplemental questionnaires were received on April 24 and May 10, 1995, respectively. Based on the April 24, 1995 responses to the Department's intermediate country questionnaires, the Department sent out questionnaires on May 15, 1995, to those companies in third countries that purchased subject merchandise from respondent companies during the POI. To date the Department has received three responses from these third-country purchasers.

Postponement of Final Determination

Pursuant to section 735(a)(2)(A) of the Act, on June 2, 1995, the PRC respondents in this investigation requested that, in the event of an affirmative preliminary determination in these proceedings, the Department postpone the final determination in these proceedings to 135 days after the date of publication of the affirmative determination in the **Federal Register**. Given that there is no compelling reason not to do so, we are postponing the final determination.

Scope of the Investigation

The subject merchandise in this investigation is manganese metal, which is composed principally of manganese, by weight, but also contains some impurities such as carbon, sulfur, phosphorous, iron and silicon. Manganese metal contains by weight not less than 95 percent manganese. All compositions, forms and sizes of manganese metal are included within the scope of this investigation, including metal flake, powder, compressed powder, and fines. The subject merchandise is currently classifiable under subheadings 8111.00.45.00 and 8111.00.60.00 of the Harmonized Tariff schedule of the United States (HTSUS). 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 (POI) is June 1 through November 30, 1994.

Nonmarket Economy Country Status

The Department has treated the PRC as a nonmarket economy country (NME) in all past antidumping investigations (see Notice of Final Determination of Sales at Less than Fair Value: Saccharin from the PRC (59 FR 58818, November 15, 1994)). No information has been provided in this proceeding that would lead us to overturn our former determinations. Therefore, in accordance with section 771(18)(C) of the Act, we have treated the PRC as an NME for purposes of this investigation.

Where the Department is investigating imports from an NME, section 773(c)(1) of the Act directs us when possible to base foreign market value (FMV) on the NME producers' factors of production, valued in a market economy that is at a level of economic development comparable to that of the NME under investigation and that is a significant producer of comparable merchandise. We have done so in this preliminary determination. The sources of individual factor prices are discussed in the FMV section below.

Intermediate Country Resellers

Based on the responses to the Department's May 5, 1995 questionnaires to third-country purchasers of subject merchandise from the PRC, none of the subject merchandise that such parties purchased from the PRC during the POI was subsequently sold to the United States.

Separate Rates

All six respondent companies have requested separate antidumping duty rates. For the reasons indicated in the June 6, 1995, concurrence memorandum to the Deputy Assistant Secretary, the Department does not consider HGG to be the seller of subject merchandise for the sales activity reported by that company. Accordingly, HGG's request for a separate rate is not considered below. Its exports will be subject to the PRC-wide margin.

In cases involving nonmarket economies, the Department's policy is to assign a separate rate only when an exporter can demonstrate the absence of both *de jure* and *de facto* governmental control over export activities. In determining whether companies should receive separate rates, we focus our attention on the exporter rather than the manufacturer, as our concern is the manipulation of export prices.

HIED is "owned by all the people." It is the parent company of China Hunan International Economic Development Corporation, Zhuhai Corporation (Zhuhai) and China Hunan International Economic Development Ming Hua Trading Corporation (Ming Hua). Both Zhuhai and Ming Hua reportedly exported subject merchandise during the POI. Although Zhuhai and Ming Hua have been identified individually as being "owned by all the people," HIED states that it consolidates the financial statements of these companies into its own financial statements. Additionally, the higher level management of both companies are assigned and approved by HIED.

GWIEC is an exporter of subject merchandise. The corporate structure provided by GWIEC identifies the company as a "subsidiary" of a larger holding company. This holding company (the first tier-holding company) is in turn a "subsidiary" of another company (the second-tier holding company) which reportedly received its initial capital from a government ministry. GWIEC and the first-tier holding company have been identified as being "owned by all the people." The submissions do not state whether the second-tier holding company is "owned by all the people."

CMIECHN and "Hunan Nonferrous Metals Import & Export Associated Co. (CNIECHN) exported the subject merchandise during the POI. Although each is individually "owned by all the people" and has its own business license, CMIECHN and CNIECHN reportedly share the same high level management, business address, and accounting department.

Minmetals is the exporter of subject merchandise and was identified in its response as being "owned by all the people." The president and vice president of Minmetals hold these same positions at another company which is reportedly a separate business entity and which is not involved in the manufacture or sale of subject merchandise.

CEIEC is the exporter of subject merchandise and is reportedly "owned by all people." This company claims to have three subsidiaries which are not involved in the manufacture or sale of subject merchandise.

In the Final Determination of Sales at Less than Fair Value: Silicon Carbide from the PRC (Silicon Carbide) (59 FR 22585, May 2, 1994), the Department stated that "ownership of a company by all the people does not require the application of a single rate." Accordingly, these companies are eligible for consideration for a separate

rate under our criteria. However, as discussed below, the business structures of the respondent companies, as well as the manner in which they have requested separate rates, raises certain issues concerning which company should be considered the recipient of the separate rate.

To establish whether a firm is 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 PRC (Sparklers) (56 FR 20588, May 6, 1991) and amplified in Silicon Carbide. Under the separate rates criteria, the Department assigns separate rates only where 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 submitted a number of documents to demonstrate the absence of *de jure* control of their business activities by the PRC central government. The documents include the following:

- *Law of the People's Republic of China on Industrial Enterprises Owned by the Whole People* (April 13, 1988) This law granted autonomy to state-owned enterprises by separating ownership and control (Article 2). It also granted enterprises the right to set prices and the right to decide what type of commodity to produce (Article 22-26).

- *Excerpts from PRC's States Council Decree: Provisions on Changing the System of Business Operation for States Owned Enterprises* (December 31, 1992) This decree superseded the April 13, 1988 law and codified existing practice. It also gave state-owned enterprises the right to establish "production, management, and operation[al] policies;" the right to set prices, sell products, purchase production inputs, make investment decisions, and dispose of profits and assets. These rights apply specifically to an enterprise's import and export activities (Provision 12).

- *Order from MOFERT, No. 4, 1992 and Temporary Provision for Administration of Export Commodities (Export Provisions)* (December 21, 1992) The *Export Provisions* indicate those products subject to direct government control. Electrolytic manganese metal does not appear on the *Export Provisions* list and hence, the subject merchandise under investigation is not subject to export constraints. We note that the *Emergent Notice on Changes in Issuing Authority for Export Licenses Regarding Public Bidding Quota for*

Certain Commodities (MOFTEC #140) (Effective April 1994) cancelled previous export licenses for certain commodities. Manganese metal was not among these commodities.

Consistent with *Silicon Carbide* and subsequent PRC determinations, we determine that the existence of the laws cited to above demonstrates that the respondent companies are not subject to *de jure* central government control with respect to export sales and pricing decisions. In addition to the above laws and regulations, respondents provided the following documents.

- *PRC's Enterprise Legal Person Registration Administrative Regulations* (June 13, 1988) This regulation sets forth the procedure for registering enterprises as legal persons.

- *Law of the People's Republic of China on Enterprise Bankruptcy* (December 2, 1986) This law sets forth bankruptcy procedures for state-owned enterprises.

- *GATT Document Concerning Transparency of China's Foreign Trade Regime* (February 12, 1992) This document listed the PRC central government's response to questions by a GATT committee regarding the PRC's foreign trade regime.

We note that there is some evidence that the provisions of the above-cited laws and regulations have not been implemented uniformly among different sectors and/or jurisdictions within the PRC (see "PRC Government Findings on Enterprise Autonomy," in Foreign Broadcast Information Service-China-93-133 (July 14, 1993)). As such, the Department has determined that a *de facto* analysis is necessary to determine whether HIED, GWIEC, CMIECHN/CNIECHN, Minmetals, and CEIEC are subject to central government control over export sales and pricing decisions.

2. Absence of De Facto Control

The Department typically considers four factors when evaluating whether a respondent is subject to *de facto* government 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*).

Normally, to determine whether a respondent is entitled to a separate rate,

we apply the separate rate test to individual companies "owned by all the people." However, in this case, groups of individual companies "owned by all the people" are presenting themselves as single business units. The relationship between these companies (*i.e.*, CMIECHN and CNIECHN, and HIED and its "subsidiaries" Zhuhai and Ming Hua) appears to be "corporate" in nature. We are uncertain of what significance we should attach to these corporate relationships in the PRC. Thus, for purposes of the preliminary determination, when the facts presented to the Department indicate that respondents are operating as individual business units, we have applied the Department's separate rates analysis to the business unit (*i.e.*, two or more "owned by all the people" companies operating in unison), as opposed to the individual companies "owned by all the people."

HIED and its subsidiaries, Zhuhai and Ming Hua, are treated as one business entity in HIED's response. Similarly, the responses of CMIECHN/CNIECHN characterize these two companies as a single business entity. The information provided in the questionnaire and supplemental questionnaire responses appears to support these characterizations. Accordingly, the Department considers HIED and its subsidiaries (Zhuhai and Ming Hua), and CMIECHN/CNIECHN to be single business entities for purposes of the preliminary determination.

In response to our questionnaires, HIED, GWIEEC, CMIECHN/CNIECHN, MINMETALS, and CEIEC have each asserted that they: (1) Are allowed to retain the proceeds from export sales; (2) maintain their own unrestricted bank accounts, including foreign exchange earnings which have been converted into renminbi (RMB); (3) are able to sell assets; (4) set prices independently of government direction; (5) base the prices charged customers on arm's length negotiations without governmental interference; (6) are not subject to foreign exchange targets set by either the central or provincial governments; and (7) select their own management without outside interference.

Based on these claims and information regarding their operations, we have determined that HIED, CMIECHN/CNIECHN, MINMETALS, and CEIEC, have preliminarily met the criteria for the application of separate rates. With respect to HIED and its subsidiaries (Zhuhai and Ming Hua), and CMIECHN/CNIECHN, we will examine at verification the extent to

which these companies operate as single business entities.

For this preliminary determination, we have denied GWIEEC's claim for a separate rate. The standard for a separate rate claim requires that respondent demonstrate, *inter alia*, that the company has autonomy from the government in making decisions regarding selection of management. In its response, GWIEEC asserted that the government does not exercise control over the company's decision making either directly or indirectly through its first and second tier holding companies. GWIEEC's response indicates that the company's president is selected internally. However, the response also indicates that the president is appointed by one or both of the first and second tier holding companies. Moreover, GWIEEC's response indicates that the senior management of the first and second tier holding companies is "selected under the auspices" of a government ministry. Although the Department requested that this statement be clarified, the role of the government in the selection process remains unclear at this time. Further, the nature and function of the appointment process for GWIEEC's president is unclear. Accordingly, GWIEEC has not demonstrated to the Department's satisfaction that the company has autonomy from the government in making decisions regarding selection of management, and thus has not met the standard for the Department to grant a separate rate for purposes of this preliminary determination.

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 economies 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 is the most suitable surrogate for purposes of this investigation. Based on available statistical information, India is at a level of economic development comparable to that of the PRC, and Indian export statistics indicate that the country is a significant producer of comparable merchandise.

Fair Value Comparisons

To determine whether sales of manganese metal from the PRC by HIED, GWIEEC, CMIECHN/CNIECHN, MINMETALS, and CEIEC were made at less than fair value, we compared the

United States price (USP) to the foreign market value (FMV), as specified in the United States Price and Foreign Market Value sections of the notice.

United States Price

For all respondents, we based USP on purchase price, in accordance with section 772(b) of the Act, because manganese metal was sold directly to unrelated parties 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. Where appropriate, we calculated purchase price based on packed, FOB-port, C&F, and CIF prices to unrelated purchasers in the United States. We made deductions to these prices for foreign inland freight, containerization, loading, port handling expenses, and marine insurance, as appropriate. Generally, costs for these items were valued in the surrogate country. However, where transportation services were purchased from market economy suppliers and paid for in a market economy currency, we used the cost actually incurred by the exporter.

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 subject merchandise for the five exporters analyzed in this determination. The factors used to produce manganese metal include materials, labor and energy. To calculate FMV, the reported factor quantities were multiplied by the appropriate surrogate values from India for those inputs purchased domestically from PRC suppliers. Where a respondent failed to provide certain factor information in a usable form, we have relied upon publicly available information from the petition as best information available in valuing these factors.

In determining which surrogate value to use for each factor of production, we selected, where possible, an average non-export value, which was representative of a range of prices within the POI, or most contemporaneous with the POI, specific to the input in question, and tax-exclusive.

With the exception of the manganese ore and one other input, the identity of which is business proprietary, we obtained surrogate material values from the following sources: the *Monthly Trade Statistics of Foreign Trade of India, Volume II—Imports*, August 1994, (*Indian Import Statistics*); *The Analyst: Import Reference 1993, Chemical and*

Pharmaceutical Products; and the *Indian Chemical Weekly* (July–November 1993). For the business proprietary input referenced above, we relied upon information submitted by the petitioners (taken from the June–October 1994 Chemical Marketing Report) for a similar input.

To value the manganese ore, we used a 1992 contract price for low-grade manganese ore (26–28% Mn content) between an Indian mine and Japanese purchasers, as published in the July 7, 1992, TEX Report. Although it is our normal practice to apply an inflation adjustment to prices predating the period of investigation, in this case, we have information which indicates that prices for this product have fallen over time. Therefore, we adjusted this price to account for declining manganese ore prices between 1992 and our POI.

To value electricity, we used the April 1992 through March 1993 average tax-exclusive price for industrial electricity in India, as provided by the World Bank. To value labor amounts, we used labor rates in *Investing, Licensing, and Technology November 1994* (India) as published by the Economist Intelligence Unit. We adjusted the factor values, when necessary, to the POI using wholesale price indices (WPI's) published by the International Monetary Fund (IMF).

To value factory overhead, we calculated the ratio of factory overhead expenses to the cost of material, labor, and energy for industries involved in "Processing and Manufacture—Metals, Chemicals and products thereof," as reported in the September 1994 Reserve Bank of India Bulletin's (RBI Bulletin). This same source was used to calculate expense (SG&A) as a percentage of cost of manufacturing. Because the RBI percentage was greater than the minimum 10 percent required by the statute, we used the SG&A percentage calculated from the RBI Bulletin. With respect to profit, we used the statutory minimum of 8 percent of materials, labor, energy, overhead, and SG&A costs calculated for each factory.

Best Information Available

Potential exporters identified by MOFTEC failed to respond to our questionnaire. In the absence of responses from these and other PRC exporters during the POI, we are basing the PRC-wide rate on the best information available (BIA). When a company refuses to provide information requested in the form required, or otherwise significantly impedes the Department's investigation, it is appropriate for the Department to assign to the 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: Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, and Certain Cut-to-Length Carbon Steel Plate from Belgium (Belgium Steel)* 58 FR 37083, July 9, 1993). Since some PRC exporters failed to respond to our questionnaire, we are assigning any exporter not granted a separate rate the highest margin alleged in the November 8, 1994 petition.

Verification

As provided in section 776(b) of the Act, we will verify information relied upon 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 manganese metal from the PRC, as defined in the "Scope of the Investigation" section of this notice, 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, as shown below. This suspension of liquidation will remain in effect until further notice. The weighted-average dumping margins are as follows:

Manufacture/producer/exporter	Margin percent
CEIEC	132.22
CMIECHN/CNIECHN	82.44
HIED	148.82
Minmetals	148.24
PRC-Wide Rate	148.82

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 whether these imports are materially injuring, or threaten material injury to, the U.S. industry within 75 days after our final determination.

Public Comment

Interested parties who wish to request a hearing 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, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary no later than September 27, 1995, and rebuttal briefs no later than September 29, 1995. A hearing, if requested, will be held on October 3, 1995, at 2:00 p.m. at the U.S. Department of Commerce in Room 1815. Parties should confirm by telephone the time, date, and place of the hearing 48 hours prior to the scheduled time. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs. We will make our final determination not later than 135 days after the publication of this preliminary determination in the **Federal Register**. This determination is published pursuant to section 733(f) of the Act and 19 CFR 353.15(a).

Dated: June 5, 1995.
Susan G. Esserman,
Assistant Secretary for Import Administration.
 [FR Doc. 95-14567 Filed 6-13-95; 8:45 am]
 BILLING CODE 3510-DS-P

Department of Energy, Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 95-008. *Applicant:* U.S. Department of Energy, Washington, DC 20585. *Instrument:* Fuel Cell. *Manufacturer:* Fuji Electric Company, Japan. *Intended Use:* See notice at 60 FR 13699, March 14, 1995. *Reasons:* The foreign instrument, the last of three ordered on July 13, 1992, provides a liquid cooled phosphoric acid fuel cell with a net power output of 47.5kW that is suitable for propulsion of a passenger bus prototype. *Advice Received From:* The Jet Propulsion Laboratory, November 10, 1993.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered.

The Jet Propulsion Laboratory advises that (1) this capability is pertinent to the