Executive Secretary at the address below. The closing period for their receipt is August 16, 1999.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Port Director, Sacramento-Yolo Port District, 3251 Beacon Boulevard, Suite 210, West Sacramento, CA 95691

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW, Washington, DC 20230

Dated: July 19, 1999.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 99–19607 Filed 7–29–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 38–99]

Foreign-Trade Zone 72—Indianapolis, Indiana; Application for Subzone; SMC Pneumatics, Inc.; (Pneumatic Automation Products); Indianapolis, IN

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Indianapolis Airport Authority, grantee of FTZ 72, requesting special-purpose subzone status for the manufacturing and warehousing facilities of SMC Pneumatics, Inc. (SMC), located in Indianapolis, Indiana. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on July 16, 1999.

SMC Pneumatics, Inc. has one site with 391 employees in Indianapolis, Indiana. The site (18.6 acres) is located at 3011 N. Franklin Road in Indianapolis, Indiana. The SMC plant is used for the manufacturing, processing, packaging and distributing of pneumatic automation products and components (primarily HTS 8412, 8413, 8481 and 9026, duty rate ranges from duty-free to 5.3%). Components and materials sourced from abroad (representing about 95% of all parts consumed in manufacturing) include: screws, bolts, engine and motor parts, centrifuges, valves, bearings, electromagnets, insulated cables, and gauges (HTS 7318, 8412, 8421, 8481, 8482, 8505, 8544, 9026, duty rate ranges from duty-free to 9.9%). Some 2.3 percent of the plant's shipments are exported. FTZ procedures would exempt SMC from Customs duty payments on the foreign components used in export production. On its domestic sales, SMC would be able to choose the duty rates during Customs entry procedures that apply to finished pneumatic automation products (duty free to 5.3%) for the foreign inputs noted above. The request indicates that the savings from FTZ procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ staff has been appointed examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is September 28, 1999. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to October 13, 1999).

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Customs Port of Entry—Indianapolis, Arms Comb Bldg #3, Rm. 30, Indianapolis, In 46251

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce 14th and Pennsylvania Avenue, N.W., Washington, D.C. 20230

Dated: July 21, 1999.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 99–19608 Filed 7–29–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–852]

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

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

EFFECTIVE DATE: July 30, 1999.

FOR FURTHER INFORMATION CONTACT: Blanche Ziv, Rosa Jeong, Annika O'Hara or Marian Wells, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4207, (202) 482–3853, (202) 482–3798, and (202) 482–6309, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department of Commerce (''Department'') regulations are to the regulations at 19 CFR Part 351 (April 1, 1998).

Preliminary Determination

We preliminarily determine that creatine monohydrate (''creatine'') 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 (''LTFV''), as provided in section 733 of the Act. The estimated margins of sales at LTFV are shown in the ''Suspension of Liquidation'' section of this notice.

Case History

Since the initiation of this investigation on March 10, 1999 (64 FR 11835), the following events have occurred:

On March 29, 1999, the United States International Trade Commission (''ITC'') notified the Department of its affirmative preliminary injury determination in this case.

On March 30, 1999, the Department requested comments on the scope of this investigation from the petitioner, the respondents, the PRC's Embassy in Washington, D.C., and the PRC Ministry of Foreign Trade and Economic Cooperation (''MOFTEC''). On April 2, April 5, and April 19, 1999, we received comments on the scope from the petitioner and the respondents. Based on the parties' comments, the Department has revised the description of the scope of this investigation. Specifically, the Department removed from the scope language the Chemical Abstracts Service (''CAS'') registry number for anhydrous creatine, which is chemically distinguishable from creatine monohydrate, the product produced and sold by the petitioner. As described in the June 25, 1999 memorandum from the Team to Deputy Assistant Secretary Richard W. Moreland (''Comments on Scope'') which is on file in Import Administration's Central Records Unit, Room B–099, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, this change clarifies that the relief requested by petitioner is only with

respect to creatine monohydrate. The revised scope appears in the ''Scope of Investigation'' section, below.

On April 7, 1999, the Department issued an antidumping questionnaire to MOFTEC with instructions to forward the questionnaire to all producers/exporters of the subject merchandise and that these companies must respond by the due dates.

On April 28, 1999, the Department asked the China Chamber of Commerce of Medicines & Health Products Importers & Exporters (''the Chamber'') to identify any producers/exporters of the subject merchandise in addition to the producers/exporters who had contacted the Department and the producers/exporters identified by the petitioner. We received a response from the Chamber on May 11, 1999.

On April 29, 1999, the Department invited interested parties to provide publicly available information for valuing the factors of production and for surrogate country selection. We received responses on June 7 and June 16, 1999, and additional comments on June 14 and June 22, 1999.

On May 10, and June 1, 1999, the Department received questionnaire responses from (1) Tianjin Tiancheng Pharmaceutical Co., Ltd. (''Tiancheng''); (2) Suzhou Sanjian Fine Chemical Co., Ltd. (''Sanjian''); (3) Blue Science International Trading (Shanghai) Co., Ltd. and Technical Sourcing International (''Blue Science''); (4) Nantong Medicines and Health Products Import and Export Co., Ltd. d/b/a Nantong Foreign Trade Corporation Medicine and Health Products Department (''Nantong''); (5) Shanghai Freemen International Trading Co., Ltd. and Shanghai Greenmen International Trading Co., Ltd. (''Freemen''); and (6) Jiangsu Shuang Qiang Chemical Co. and Wuxian Agricultural Chemical Factory (''SQ''). Tiancheng and Sanjian both produce and export the subject merchandise to the United States, whereas Blue Science, Nantong, and Freemen are exporters and SQ is solely a producer. We issued supplemental questionnaires on June 15, June 16, June 21, and June 22, 1999, to which we received responses on June 22, June 28, and July 6, 1999.

On May 20, 1999, Shanghai Desano International Trading Co., Ltd. (''Desano'') requested that it be considered a respondent in this investigation. On May 26, 1999, we sent an antidumping questionnaire to Desano to which we received a response on June 30, 1999. Desano is solely an exporter of the subject merchandise.

On April 8, 1999, and May 12, 1999, pursuant to the allegation of critical circumstances contained in the petition, the Department requested information regarding shipments of creatine from all respondents participating in this investigation. We received the requested information on May 13 and May 14, 1999. The critical circumstances analysis for the preliminary determination is discussed below under ''Critical Circumstances.''

Postponement of Final Determination and Extension of Provisional Measures

Pursuant to section 735(a)(2) of the Act, on July 19 and July 21, 1999, several respondents requested that, in the event of an affirmative preliminary determination in this investigation, the Department postpone its final determination after the date of the publication of an affirmative preliminary determination in the **Federal Register**. In accordance with 19 CFR 351.210(b), because (1) our preliminary determination is affirmative, (2) the requesting exporters account for a significant proportion of exports of the subject merchandise, and (3) no compelling reasons for denial exist, we are granting the respondents' request and are postponing the final determination until no later than 135 days after the publication of this notice in the **Federal Register**. Suspension of liquidation will be extended accordingly.

Scope of Investigation

For purposes of this investigation, the product covered is creatine monohydrate, which is commonly referred to as ''creatine.'' The chemical name for creatine monohydrate is N-(aminoiminomethyl)-N-methylgycine monohydrate. The Chemical Abstracts Service registry number for this product is 6020–87–7. Creatine monohydrate in its pure form is a white, tasteless, odorless powder, that is a naturally occurring metabolite found in muscle tissue. Creatine monohydrate is provided for in subheading 2925.20.90 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheading and CAS registry number are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

Period of Investigation

The period of this investigation (''POI'') comprises each exporter's two most recent fiscal quarters prior to the filing of the petition, *i.e.*, July 1 through December 31, 1998.

Nonmarket Economy Country and Market Oriented Industry Status

The Department has treated the PRC as a nonmarket economy (''NME'') country in all past antidumping investigations (*see, e.g., Final Determination of Sales at Less Than Fair Value: Certain Preserved Mushrooms from the People's Republic of China,* 63 FR 72255 (December 31, 1998) (''*Mushrooms*'')). A designation as an NME remains in effect until it is revoked by the Department (see section 771(18)(C) of the Act).

The respondents in this investigation have not requested a revocation of the PRC's NME status. We have, therefore, preliminarily determined to continue to treat the PRC as an NME.

Separate Rates

All the respondents, except SQ (which is not an exporter), have requested a separate company-specific rate. Blue Science has stated that it is a trading company which is wholly-owned by persons in Hong Kong. Therefore, in accordance with our past practice, we preliminarily determine that this exporter qualifies for a separate rate and that no separate rates analysis is required for Blue Science (*see, e.g., Final Determination of Sales at Less Than Fair Value: Bicycles from the People's Republic of China,* 61 FR 19026 (April 30, 1996) (''*Bicycles from the PRC*'')). The other respondents which have requested a separate rate have stated that they are privately owned companies with no element of government ownership or control.

The Department's separate rate test is not concerned, in general, with macroeconomic/border-type controls, *e.g.*, export licenses, quotas, and minimum export prices, particularly if these controls are imposed to prevent dumping. The test focuses, rather, on controls over the investment, pricing, and output decision-making process at the individual firm level. See *Certain Cut-to-Length Carbon Steel Plate from Ukraine: Final Determination of Sales at Less than Fair Value,* 62 FR 61754, 61757 (November 19, 1997); *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review,* 62 FR 61276, 61279 (November 17, 1997); and *Honey from the People's Republic of China: Preliminary Determination of Sales at Less than Fair Value,* 60 FR 14725, 14726 (March 20, 1995) (''*Honey*'').

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) and *Mushrooms.* Under the separate rates criteria, the Department assigns separate rates in NME cases only if the 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 have placed on the record a number of documents to demonstrate absence of *de jure* government control, including the ''Foreign Trade Law of the People's Republic of China'' (''Foreign Trade Law'') and the ''Company Law of the People's Republic of China'' (''Company Law'').

In prior cases, the Department has analyzed the Foreign Trade Law and found that it establishes an absence of *de jure* control. (*See, e.g., Final Determination of Sales at Less Than Fair Value: Certain Partial-Extension Steel Drawer Slides with Rollers from the People's Republic of China,* 60 FR 54472 (October 24, 1995); *see also Mushrooms.*) We have no new information in this proceeding which would cause us to reconsider this determination. For the purposes of this investigation and in prior cases, the Department has also analyzed the Company Law and found that this law establishes mechanisms for private control of companies which indicate an absence of *de jure* control. *See Notice of Preliminary Results of New Shipper Review: Freshwater Crawfish Tail Meat from the People's Republic of China,* 64 FR 8543, 8544 (February 22, 1999).

According to the respondents, creatine exports are not affected by quota allocations or export license requirements. The producers/exporters claim to have the autonomy to set the price at whatever level they wish through independent price negotiations with their foreign customers without government interference.

Accordingly, we preliminarily determine that, within the creatine industry, there is an absence of *de jure* government control over export pricing and marketing decisions of firms.

2. Absence of *De Facto* Control

As stated in previous cases, there is some evidence that certain enactments of the PRC central government have not been implemented uniformly among different sectors and/or jurisdictions in the PRC. (*See Mushrooms.*) 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.

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 its 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 Mushrooms*).

Tiancheng, Sanjian, Nantong, Freemen, and Desano have each asserted the following: (1) they establish their own export prices; (2) they negotiate contracts without guidance from any governmental entities or organizations; (3) they make their own personnel decisions; and (4) they retain the proceeds of their export sales and use profits according to their business needs without any restrictions. Additionally, these five respondents have stated that they do not coordinate or consult with other exporters regarding their pricing. This information supports a preliminary finding that there is an absence of *de facto* governmental control of the export functions of these companies. Consequently, we preliminarily determine that all responding exporters have met the criteria for the application of separate rates.

Use of Facts Available

PRC–Wide Rate

Information on the record of this investigation indicates that there may be producers/exporters of the subject merchandise in the PRC in addition to the companies participating in this investigation. Also, U.S. import statistics indicate that the total quantity of U.S. imports of creatine from the PRC is greater than the total quantity of creatine exported to the U.S. as reported by all PRC creatine exporters that submitted responses in this investigation. Given this discrepancy, it appears that not all PRC exporters of creatine responded to our questionnaire. Accordingly, we are applying a single antidumping deposit rate—the PRC-wide rate—to all exporters in the PRC, other than those specifically identified below under ''Suspension of Liquidation,'' based on our presumption that the export activities of the companies that failed to respond to the Department's questionnaire are controlled by the PRC government (*see, e.g., Bicycles from the PRC*).

As explained below, this PRC-wide antidumping rate is based on adverse facts available. Section 776(a)(2) of the Act provides that ''if an interested party or any other person—(A) withholds information that has been requested by the administering authority or the Commission under this title, (B) fails to provide such information by the deadlines for submission of the information or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782, (C) significantly impedes a proceeding under this title, or (D) provides such information but the information cannot be verified as provided in section 782(i), the administering authority and the Commission shall, subject to section 782(d), use the facts otherwise available in reaching the applicable determination under this title.''

Section 776(b) of the Act provides that adverse inferences may be used when a party has failed to cooperate by not acting to the best of its ability to comply with a request for information. The exporters that decided not to respond in any form to the Department's questionnaire failed to act to the best of their ability in this investigation. Further, absent a response, we must presume government control of these and all other PRC companies for which we cannot make a separate rates determination. Thus, the Department has determined that, in selecting from among the facts otherwise available, an adverse inference is warranted.

As adverse facts available, we are assigning the highest margin in the petition, 153.7 percent, which is higher than any of the calculated margins.

Section 776(c) of the Act provides that where the Department selects from among the facts otherwise available and relies on ''secondary information,'' such as the petition, the Department shall, to the extent practicable, corroborate that information from independent sources reasonably at the Department's disposal. The Statement of Administrative Action accompanying the URAA, H.R. Doc. No. 103–316 (1994) (SAA), states that ''corroborate'' means to determine that the information used has probative value. *See* SAA at 870.

The petitioner's methodology for calculating export price (''EP'') and normal value (''NV'') is discussed in the

Notice of Initiation. To corroborate the petitioner's EP calculations, we compared the prices in the petition for the product to the prices submitted by respondents for the same product in similar volumes. To corroborate the petitioner's NV calculations, we compared the petitioner's factor consumption and surrogate value data for the product to the data reported by the respondents for the most significant factors—chemical inputs, factory overhead, and selling, general, and administrative expenses—and the surrogate values for these factors in the petition to the values selected for the preliminary determination, as discussed below. Our analysis showed that, in general, the petitioner's data was reasonably close to the data submitted by the respondents or to the surrogate values chosen by the Department. (*See* memorandum to the file dated July 22, 1999 (''Corroboration Memo'').) Based on our analysis, we find that the calculations set forth in the petition have probative value.

Company-Specific Rates—Partial Facts Available

Freemen claims that despite its repeated demands, one of its suppliers has refused to provide factors of production data to Freemen. According to Freemen, this supplier, who supplied a relatively small percentage of creatine sold by Freemen, has indicated that it will not participate in any way in this investigation. Freemen has provided all factors of production data from its other suppliers. Similarly, Blue Science asserts that one of its suppliers, which accounts for a small percentage of creatine sold by Blue Science, only produced the subject merchandise on a trial basis and has since terminated production. As such, the supplier was not able to provide complete factors of production data to Blue Science.

We preliminarily determine that the use of adverse facts available is warranted where the factors of production are missing or unusable. Because certain producers of the subject merchandise neither provided complete and accurate factors of production information nor demonstrated satisfactorily why this is not possible, we find that these interested parties have not cooperated to the best of their abilities. Accordingly, as adverse facts available, we have applied a margin of 153.70 percent, the highest margin from the petition, to those sales for which we did not have complete factors of production.

Fair Value Comparisons

To determine whether sales of the subject merchandise by Tiancheng, Sanjian, Blue Science, Nantong, Freemen, and Desano to the United States were made at LTFV, we compared the EP to the NV, as described in the ''Export Price'' and ''Normal Value'' sections of this notice, below. In accordance with section 777A(d)(1)(A)(i) of the Act, we compared POI-wide weighted-average EPs to weighted-average NVs.

Export Price

We used EP methodology in accordance with section 772(a) of the Act, because the subject merchandise was sold directly to unaffiliated customers in the United States prior to importation and CEP methodology was not otherwise appropriate. We calculated EP based on packed CIF or C&F prices to the first unaffiliated purchaser in the United States. Where appropriate, we made deductions from the starting price (gross unit price) for billing adjustments, inland freight from the plant/warehouse to port of exit, brokerage and handling in the PRC, marine insurance and ocean freight. Because certain domestic brokerage and handling, marine insurance, and inland freight were provided by NME companies, we based those charges on surrogate rates from India. (*See* ''Normal Value'' section for further discussion.)

Normal Value

1. Surrogate Country

Section 773(c)(4) of the Act requires the Department to value the NME producer's 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, and (2) are significant producers of comparable merchandise. The Department has determined that India, Pakistan, Sri Lanka, Egypt, Indonesia, and the Philippines are countries comparable to the PRC in terms of overall economic development (*see* memorandum from Jeff May, Director, Office of Policy, to Susan Kuhbach, Senior Director, AD/CVD Enforcement, Office 1, March 26, 1999). According to the available information on the record, we have determined that both India and Indonesia are significant producers of comparable merchandise. Although we have no information to indicate that India and Indonesia produce creatine, they do produce other products within the same customs heading and produce other fine chemicals with nutritional characteristics. Of these two countries, India produces and exports more merchandise than Indonesia under United National Standard International Trade Classification Revised number 514.82, ''carboxyamide-function compounds (including saccharin and its salts) and imine-function compounds,'' the heading which includes creatine. Accordingly, we have calculated NV using mainly Indian values, and in some cases Indonesian values, for the PRC producers' factors of production. We have obtained and relied upon publicly available information wherever possible.

2. Factors of Production

In accordance with section 773(c) of the Act, we calculated NV based on factors of production reported by the companies in the PRC which produced creatine for the exporters that sold creatine to the United States during the POI. To calculate NV, the reported unit factor quantities were multiplied by publicly available Indian and Indonesian values.

In selecting the surrogate values, we considered the quality, specificity, and contemporaneity of the data. As appropriate, we adjusted input prices to make them delivered prices. Where a producer did not report the distance between the material supplier and the factory, as facts available, we used either the distance to the nearest seaport (if an import value was used as the surrogate value for the factor) or the farthest distance reported for a supplier. Where distances were reported, we added to Indian CIF surrogate values a surrogate freight cost using the shorter of the reported distances from either the closest PRC port to the PRC factory, or from the domestic supplier to the factory. This adjustment is in accordance with the CAFC's decision in *Sigma Corp.* v. *United States*, 117 F. 3d 1401 (Fed.Cir. 1997). For those values not contemporaneous with the POI and quoted in a foreign currency, we adjusted for inflation using wholesale price indices published in the International Monetary Fund's International Financial Statistics.

Many of the inputs in the production and packing of creatine are considered business proprietary data by the respondents. Due to the proprietary nature of this data, we are unable to discuss many of the inputs in this preliminary determination notice. For a complete analysis of surrogate values, see the memorandum from the Team to the file (''Factors of Production Memorandum''), dated July 22, 1999.

We valued labor using the method described in 19 CFR 351.408(c)(3).

To value electricity, we used the 1995 electricity rates reported in the publication *Energy Prices and Taxes*, 4th quarter 1998. We based the value of coal on prices reported in *Energy Prices and Taxes*, 2nd quarter 1998.

We based our calculation of factory overhead, SG&A, and profit on 1992–93 data from the ''Expenditures and Appropriations'' section of the accounts of ''Processing and Manufacturing, Chemicals and products thereof'' from the *Reserve Bank of India Bulletin*, January 1997.

To value truck freight rates, we used a 1994 rate from *The Times of India*. For inland water transportation, we valued boat and barge transportation using the surrogate values found in an August 1993 cable from the US Embassy Bombay. With regard to rail freight, we based our calculation on information from the *Indian Railway Conference Association*.

For packing materials we used import values from the *Monthly Foreign Trade Statistics of India; Volume II Imports*.

Critical Circumstances

In the February 12, 1999 petition, the petitioner alleged that there is a reasonable basis to believe or suspect that critical circumstances exist with respect to imports of creatine from the PRC. In addition, the petitioner requested that the Department issue its preliminary critical circumstances finding on an expedited basis because importers, exporters and producers had an early warning of the proceeding prior to the filing of the petition. The basis for petitioner's contention was that PRC parties had advance knowledge of the petition through a press release dated January 25, 1999, from a public relations firm's website. The press report stated that the petitioner would be filing an antidumping petition with the Department and the ITC in order to seek the imposition of substantial, triple digit dumping duties on all importers of creatine from China.

We examined whether conditions in the industry and published reports and statements provided a basis for inferring knowledge that a proceeding was likely. We preliminarily determine that the January 25, 1999 press report cited by the petitioner is insufficient to show that such information was widely available. Our research of Lexis-Nexis and Internet inquiries revealed nothing to indicate that the press release was reported by any publication. Moreover, the petitioner did not provide the Department with further documentation to support its allegation. Therefore, because there is insufficient evidence on the record indicating the likelihood of a proceeding concerning imports of creatine from the PRC, we have not made an expedited critical circumstances determination.

On April 8, 1999, the Department requested information regarding shipments of creatine for the period September 1998 to June 1999 from all respondents participating in this investigation. On May 13, May 14, May 20 and July 6, 1999, we received the requested information from Tiancheng, Sanjian, Blue Science, Nantong, Freemen and Desano. The information submitted by Desano was limited to shipment data for the period August 1998 to December 1998. Despite our subsequent request for shipment data for the remaining time period (*i.e.*, January 1999 to June 1999), Desano did not provide any additional information. On May 25, 1999, the petitioner argued that, based on the information submitted, critical circumstances existed with respect to imports by Freemen.

Section 733(e)(1) of the Act provides that the Department will determine that critical circumstances exist if there is a reasonable basis to believe or suspect that: (A)(i) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales, and (B) there have been massive imports of the subject merchandise over a relatively short period.

With respect to the first criterion, we are not aware of any antidumping order in any country on creatine from the PRC. Therefore, we examined whether there was importer knowledge. In determining whether there is a reasonable basis to believe or suspect that an importer knew or should have known that the exporter was selling creatine at less than fair value and thereby causing material injury, the Department must rely on the facts before it at the time the determination is made. The Department normally considers margins of 25 percent or more and a preliminary ITC determination of material injury sufficient to impute knowledge of dumping and the likelihood of resultant material injury.

On April 7, 1999, the ITC preliminary determination found that there was a reasonable indication that the U.S. industry is materially injured. *See*, *Creatine Monohydrate from the People's Republic of China*, 64 FR 16998 (April 7, 1999). Therefore, with respect to the PRC, we preliminarily determine that there is a reasonable basis to believe or suspect that importers knew or should have known that material injury from the dumped merchandise was likely.

In determining whether there are ''massive imports'' over a ''relatively short time period'', the Department ordinarily bases its analysis on import data for at least the three months preceding (the ''base period'') and following (the ''comparison period'') the filing of the petition. Imports normally will be considered massive when imports during the comparison period have increased by 15 percent or more compared to imports during the base period. The Department examines respondent-specific shipment information or aggregate import statistics when respondent-specific shipment information is not available.

To determine whether imports of subject merchandise have been massive over a relatively short period, we compared each respondent's export volume for five months prior to the filing of the petition (September 1998 to January 1999) to that during the five months subsequent to the filing of the petition (February 1999 to June 1999). These periods were selected based on the Department's practice of using the longest period for which information is available from the month that the petition was submitted through the date of the preliminary determination. For all other exporters, we performed the analysis using import statistics.

Based on our analysis, we preliminarily determine that the increase in imports was greater than 15 percent for Freemen and for all producers/exporters of subject merchandise who were not analyzed or who failed to submit a response. As explained above, one respondent—Desano—did not comply with our request for shipment data for the period January 1999 to June 1999. Accordingly, we find that the information Desano submitted is so incomplete that it cannot serve as a reliable basis for reaching a determination regarding massive imports in this investigation. Therefore, pursuant to section 782(e) of the Act, we preliminarily determine that there were massive imports with respect to Desano based on adverse facts available. With regard to the other four respondents, Tiancheng, Nantong, San Jian, and Blue Science, we find that the increase in imports was not greater than 15 percent. *See* Memorandum from Team to Richard W. Moreland, Deputy Assistant Secretary, AD/CVD Enforcement Group I (''Critical

Circumstances Determination''), dated July 22, 1999.

On this basis, we preliminarily determine that critical circumstances exist for Freemen, Desano and all other PRC exporters except Tiancheng, Nantong, San Jian, and Blue Science.

We will make a final determination concerning critical circumstances when we make our final determination of this investigation.

Verification

As provided in section 782(i) of the Act, we will verify all information relied upon in making our final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the Customs Service to suspend liquidation of all imports of subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. In addition, for Desano and Freemen, as well as for companies subject to the PRC-wide rate, we are directing Customs to suspend liquidation of any unliquidated entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date 90 days prior to the date of publication of this notice in the **Federal Register**. We will instruct the Customs Service to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the NV exceeds the EP, as indicated in the chart below. These suspension of liquidation instructions will remain in effect until further notice.

Exporter/manufacturer	Weighted-average margin percentage	Critical circumstances
Blue Science International Trading (Shanghai) Co., Ltd	121.36	No.
Nantong Medicines and Health Products Import and Export Co., Ltd	1.63	No.
Shanghai Desano International Trading Co., Ltd	58.82	Yes.
Shanghai Freemen International Trading Co., Ltd., and Shanghai Greenmen International Trading Co., Ltd	139.15	Yes.
Suzhou Sanjian Fine Chemical Co., Ltd	152.67	No.
Tianjin Tiancheng Pharmaceutical Co., Ltd	3.54	No.
PRC-wide Rate	153.70	Yes.

The PRC-wide rate applies to all entries of the subject merchandise except for entries from exporters/factories 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

Case briefs or other written comments in six copies must be submitted to the Assistant Secretary for Import Administration no later than November 17, 1999, and rebuttal briefs no later than November 22, 1999. A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. Such summary should be limited to five pages total, including footnotes. In accordance with section 774 of the Act, 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 on November 29, 1999 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 1870, within 30 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. Oral presentations will be limited to issues raised in the briefs. If this investigation proceeds normally, we will make our final determination not later then 135 days after the publication of this notice in the **Federal Register**.

This determination is issued and published in accordance with sections 733(d) and 777(i)(1) of the Act.

Dated: July 22, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–19609 Filed 7–29–99; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–807]

Polyethylene Terephthalate Film, Sheet, and Strip From Korea: Preliminary Results of Antidumping Duty New Shipper Review

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

ACTION: Notice of Preliminary Results of Antidumping Duty New Shipper Review.

SUMMARY: In response to a request from one respondent, the Department of Commerce (the Department) is conducting a new shipper review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip (PET film) from the Republic of Korea. The review covers one manufacturer/exporter of the subject merchandise to the United States and the period July 1, 1998 through December 31, 1998. We preliminary determine that Hyosung Corporation (Hyosung) did not sell subject merchandise below normal value (NV) during the period of review. If these preliminary results are adopted in our final results of review, we will instruct the U.S. Customs Service to assess no antidumping duties for Hyosung for the period covered by this new shipper review.