

antidumping duty order on glycine from the People's Republic of China (PRC), which has a March anniversary date. In accordance with the Department's regulations, we are initiating this new shipper review.

EFFECTIVE DATE: November 15, 1999.

FOR FURTHER INFORMATION CONTACT: Andrew Nulman or Maureen Flannery, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone: (202) 482-4052 or (202) 482-3020, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

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

Background

On September 30, 1999, the Department received a timely request, in accordance with section 751(a)(2)(B) of the Act and section 351.214(c) of the Department's regulations, for a new shipper review of the antidumping duty order on glycine, issued on March 29, 1995.

Initiation of Review

In its request of September 30, 1999, Nantong Dongchang, as required by 19 CFR 351.214(b)(2)(i) and (b)(2)(iii)(A), certified that it did not export the subject merchandise to the United States during the period of investigation (POI) (February 1, 1994 through July 31, 1994), and that since the investigation was initiated on July 28, 1994, it has not been affiliated with any company which exported subject merchandise to the United States during the POI. Nantong Dongchang further certified that its export activities are not controlled by the central government of the PRC, satisfying the requirements of 19 CFR 351.214(b)(2)(iii)(B). Pursuant to the Department's regulations at 19 CFR 351.214(b)(2)(iv), Nantong Dongchang submitted documentation establishing the date on which the subject merchandise was first entered for consumption into the United States, the volume of that first shipment, and the date of its first sale to an unaffiliated customer in the United States.

It is the Department's usual practice in cases involving non-market economies to require that companies seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate provide *de jure* and *de facto* evidence of an absence of government control over the company's export activities. Accordingly we will issue a separate rates questionnaire to the above-named respondent, allowing 37 days for response. If a respondent's response provides sufficient indication that it is not subject to either *de jure* or *de facto* government control with respect to its exports of crawfish, the review of its crawfish exports will proceed. If, on the other hand, a respondent does not demonstrate its eligibility for a separate rate, then that respondent will be deemed to be affiliated with other companies that exported during the POI and that did not establish entitlement to a separate rate, and its review will be terminated.

In accordance with section 751(a)(2)(B) and 19 CFR 351.214(d), we are initiating a new shipper review of the antidumping duty order on glycine from the PRC. In accordance with 19 CFR 351.214(h)(1), we intend to issue preliminary results of this review no later than 180 days after the date of initiation.

The standard period of review (POR) in a new shipper review initiated in the month immediately following the semiannual anniversary month is the six-month period immediately preceding the semi-annual anniversary month. Therefore, the POR for this new shipper review of Nantong Dongchang is March 1, 1999 through August 30, 1999.

Concurrent with publication of this notice, and in accordance with 19 CFR 351.214(e), we will instruct the U.S. Customs Service to allow, at the option of the importer, the posting of a bond or security in lieu of a cash deposit for each entry of the merchandise exported by the company listed above, until the completion of the review.

Interested parties must submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.214.

Dated: November 1, 1999.

Joseph A. Spetrini,

Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-855]

Preliminary Determination of Critical Circumstances: Certain Non-Frozen Apple Juice Concentrate From the People's Republic of China

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

EFFECTIVE DATE: November 15, 1999.

FOR FURTHER INFORMATION CONTACT: Craig Matney or Vince Kane at (202) 482-1778 or 482-2815, respectively, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

The Applicable Statute and Regulations

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

Critical Circumstances

On June 28, 1999, the Department of Commerce (the Department) initiated an investigation to determine whether imports of certain non-frozen apple juice concentrate (NFAJC) from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value (64 FR 36330, July 6, 1999). In the petition filed on June 7, 1999, petitioners alleged that there is a reasonable basis to believe or suspect that critical circumstances exist with respect to imports of NFAJC from the PRC. On July 22, 1999, the International Trade Commission (ITC) preliminarily determined that there was a reasonable grounds to believe or suspect that the domestic industry was being injured by reason of imports of NFAJC from the PRC (64 FR 40895, July 28, 1999).

In accordance with 19 CFR 351.206(c)(2)(i), because petitioners submitted a critical circumstances allegation more than 20 days before the scheduled date of the preliminary determination, the Department must issue a preliminary critical circumstances determination not later than the date of the preliminary determination. In a policy bulletin issued on October 8, 1998, the

Department stated that it has determined that it may issue a preliminary critical circumstances determination prior to the date of the preliminary determination of dumping, assuming adequate evidence of critical circumstances is available (see *Change in Policy Regarding Timing of Issuance of Critical Circumstances Determinations*, 63 FR 55364). In accordance with this policy, we are issuing a preliminary critical circumstances decision in this investigation of NFAJC imports from the PRC.

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.

History of Dumping and Importer Knowledge

We are not aware of any antidumping order in any country on NFAJC 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 NFAJC 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 for EP sales, or 15 percent or more for CEP sales, and a preliminary ITC determination of material injury sufficient to impute knowledge of dumping and the likelihood of resultant material injury.

In the present case, since we have not yet made a preliminary finding of dumping, the most reasonable source of information concerning knowledge of dumping is the petition itself. In the petition, petitioners calculated estimated dumping margins of 91.84 percent. The Department adjusted the estimated dumping margin to 51.74 percent. (See Antidumping Investigation Initiation Checklist dated June 28, 1999, at page 18.) Therefore, because the adjusted margin exceeds the 25 percent

threshold, we preliminarily determine that importers knew or should have known that the exporters were dumping the subject merchandise.

As to the knowledge of likely injury from such dumped imports, we considered the information regarding injury to the domestic industry in the petition. We also considered other sources of information, including press reports beginning in October 1998 regarding rising imports, falling domestic prices resulting from rising imports, and domestic buyers shifting to foreign suppliers. In addition to this information, the ITC preliminarily found material injury to the domestic industry due to imports of NFAJC from the PRC. Therefore, we preliminarily find 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.

Massive Imports

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. However, as stated in the Department's regulations, at section 351.206(i), if the Secretary finds that importers, exporters, or producers had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, then the Secretary may consider a time period of not less than three months from that earlier time.

In this case, petitioners argue that importers, exporters, or producers of NFAJC from the PRC had reason to believe that an antidumping proceeding was likely before the filing of the petition. The Department examined whether various press reports regarding the likelihood of the filing of an antidumping petition provided a sufficient basis for inferring knowledge that a proceeding was likely. Based on our examination, we find that the press reports in October 1998 are sufficient to establish that, by the end of October 1998, importers, exporters, or producers knew, or should have known, that a proceeding was likely. Accordingly, we preliminarily determine that it is more appropriate to use a comparison period starting in November 1998.

Respondents have argued the comparison supported by petitioners is distorted. In particular, they point to the nature of apple juice production in the PRC stating that during the months June—August, no apples are available and, hence, there is no juice production. Consequently, shipments during this period would be low. By way of contrast, respondents argue, the November—March period (the comparison period advanced by petitioners) represents the height of the production and shipment season.

We have reviewed the data, and based on the shipments reported by the companies that provided critical circumstances data, we agree that the levels of shipments in July and August tend to be small relative to shipments in other months. The trend of shipments in June is less clear—sometimes, relatively large shipments have occurred in that month. We also examined shipments in alleged height of the season (November—March). Again, the pattern here is not clear: shipments in April and May can be higher than shipments during months of the high production period.

Therefore, we agree with respondents that it would be distorted to compare shipments during a base period of June—October 1998 (*i.e.*, including July and August) to shipments during the November 1998—March 1999 period. To address this distortion, we have removed the July and August 1998 shipments from the amount considered to have been shipped during the base period and have added into the base period shipments during April and May 1998. In this way, we are comparing five calendar months to five calendar months. Also, because there is no consistent pattern demonstrating that inclusion of the April-June shipments distorts the base period, we believe we have addressed the production/shipment problem identified by respondents.

Based on this framework, pursuant to section 733(e) of the Act and section 351.206(h) of the Department's regulations, we preliminarily determine that there have been massive imports of NFAJC from the PRC over a relatively short time for SAAME, Lakeside, Haisheng, Andre, Nannan, and for all other exporters covered by this investigation, except Oriental and Zhonglu. For a complete discussion of our analysis, see *Memorandum to Deputy Assistant Secretary Richard W. Moreland*, dated November 3, 1999, on file in Room B-099 of the Department's headquarters.

Suspension of Liquidation

In accordance with section 733(e)(2) of the Act, if it issues an affirmative preliminary determination of sales at less than fair value in this investigation, the Department will direct the U.S. Customs Service to suspend liquidation of all entries of NFAJC from the PRC from all exporters except Oriental and Zhonglu that are entered, or withdrawn from warehouse, for consumption on or after 90 days prior to the date of publication in the **Federal Register** of our preliminary determination of sales at less than fair value. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins reflected in the preliminary determination of sales at less than fair value published in the **Federal Register**. This suspension of liquidation will remain in effect until further notice.

Final Critical Circumstances Determination

We will make a final determination of critical circumstances when we make our final determination regarding sales at less than fair value in this investigation, which is expected to be 75 days after the preliminary determination regarding sales at less than fair value.

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination.

This notice is published pursuant to section 777(i) of the Act.

Dated: November 3, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Final Results of 1997-1998 Antidumping Duty Administrative Review and Final Results of New Shipper Review

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

ACTION: Notice of final results of 1997-1998 antidumping duty administrative review and final results of new shipper

review of tapered roller bearings and parts thereof, finished and unfinished, from the People's Republic of China.

SUMMARY: On July 8, 1999, the Department of Commerce published the preliminary results of its administrative review and partial rescission of review of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished, from the People's Republic of China, for the period of June 1, 1997, through May 31, 1998. On August 20, 1999, the Department of Commerce published the preliminary results of its new shipper review of tapered roller bearings and parts thereof, finished and unfinished, from the People's Republic of China, for the period of June 1, 1998, through November 30, 1998.

We have combined in this notice the final results of both the administrative review and the new shipper review. The segments, however, continue to remain separate and distinct. Based on our analysis of comments received, we have made changes to the margin calculations. Therefore, the final results differ from the preliminary results.

We have determined that sales have been made below normal value during the period of review. Accordingly, we will instruct the Customs Service to assess antidumping duties based on the difference between export price and normal value. The final weighted-average dumping margins are listed below in the section entitled *Final Results of Review*.

EFFECTIVE DATE: November 15, 1999.

FOR FURTHER INFORMATION CONTACT: Zak Smith, James Breeden or Melani Miller, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone (202) 482-0189, (202) 482-1174 and (202) 482-0166, respectively.

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, all references to the Department of Commerce's ("the Department's") regulations are to 19 CFR Part 351 (April 1998).

Background

On July 8, 1999, we published in the **Federal Register** the preliminary results of administrative review of the antidumping duty order on tapered

roller bearings ("TRBs") from the People's Republic of China ("PRC"). See *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Preliminary Results of 1997-1998 Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review*, 64 FR 36853 ("AR Preliminary Results"). On August 20, 1999, we published the preliminary results of new shipper review of the antidumping duty order on TRBs from the PRC. See *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Preliminary Results of New Shipper Review*, 64 FR 45511 ("NSR Preliminary Results"). We gave interested parties an opportunity to comment on our AR and NSR Preliminary Results and held a combined public hearing on October 13, 1999. The following parties submitted comments and/or rebuttals with respect to the administrative review: The Timken Company ("referred to hereafter as "the petitioner"); Luoyang Bearing Factory ("Luoyang"); and Premier Bearing and Equipment, Ltd. ("Premier") submitted comments with respect to the administrative review. Petitioner, Zhejiang Changshan Changhe Bearing Company ("ZCCBC") and Weihai Machinery Holding (Group) Corporation Limited ("Weihai") submitted comments and/or rebuttals regarding the new shipper review.

We have conducted these reviews in accordance with section 751(a) of the Act.

Scope of Review

Merchandise covered by these reviews includes TRBs and parts thereof, finished and unfinished, from the PRC; flange, take up cartridge, and hanger units incorporating tapered roller bearings; and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use. This merchandise is classifiable under the Harmonized Tariff Schedule of the United States ("HTSUS") item numbers 8482.20.00, 8482.91.00.50, 8482.99.30, 8483.20.40, 8483.20.80, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.80, 8708.99.80.15, and 8708.99.80.80. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope of the order and this review is dispositive.

Changes Since the Preliminary Results

We have made certain changes to our margin calculations pursuant to comments we received from interested