

countervailing duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof (AFBs) from Singapore. We preliminarily determine the net subsidy to be zero for the Minebea group of companies (Pelmech Industries (Pte.) Ltd. (Pelmech), NMB Singapore Ltd. (NMB), and Minebea Co., Ltd. Singapore Branch (MSB)) and 9.11 percent *ad valorem* for all other companies for the periods January 1, 1992, through December 31, 1992, and January 1, 1993, through December 31, 1993. If the final results remain the same as these preliminary results of administrative review, we will instruct the U.S. Customs Service to assess countervailing duties as indicated above. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 4, 1995.

FOR FURTHER INFORMATION CONTACT: Brian Albright or Melanie Brown, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW Washington, DC 20230; telephone: (202) 482-2786.

SUPPLEMENTARY INFORMATION:

Background

On May 3, 1989, the Department published in the **Federal Register** (54 FR 19125) the countervailing duty orders on AFBs from Singapore. On April 28, 1993, and May 4, 1994, the Department published in the **Federal Register** notices of "Opportunity to Request Administrative Review" (58 FR 25802 and 59 FR 23051-52) of these countervailing duty orders. We received a timely request for review for the period January 1, 1992, through December 31, 1992, from the petitioner, the Torrington Company. We also received timely requests for review for the period January 1, 1993, through December 31, 1993, from both the petitioner, the Torrington Company, and the Minebea group of companies, which accounts for most of the exports of subject merchandise from Singapore to the United States (see section on *Best Information Available*, below).

We initiated the 1992 and 1993 reviews on June 25, 1993 (58 FR 34414) and June 15, 1994 (59 FR 30770), respectively. We conducted verifications of the questionnaire responses for both the 1992 and 1993 reviews. The 1992 review covers three related manufacturers/exporters of the subject merchandise and 16 programs; the 1993 review covers the same manufacturers/exporters of the subject merchandise and 17 programs.

Applicable Statute and Regulations

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

Scope of Reviews

Imports covered by these reviews are shipments of antifriction bearings (other than tapered roller bearings) and parts thereof. The subject merchandise covers five separate classes or kinds of merchandise, each of which is described in detail in Appendix A to this notice. The *Harmonized Tariff Schedule* item numbers listed in Appendix A are provided for convenience and Customs purposes. The written descriptions remain dispositive.

On October 30, 1992, the Department received a request for a scope determination from Sundstrand Pacific (Sundstrand). Specifically, Sundstrand asked the Department to find its part number 742973, an outer-race of the cylindrical roller bearing, not within the scopes of the countervailing duty orders. The request was subsequently evaluated in accordance with section 355.29(i)(1) of the Department's regulations. On February 4, 1993, the Department determined that the product in question was within the scope of the order on cylindrical roller bearings (58 FR 27542, 27543; May 10, 1993). Because the product descriptions detailed in Sundstrand's request for a scope determination were dispositive as to whether part number 742973 was within the scope of the order on cylindrical roller bearings, the Department did not initiate a formal scope inquiry. Accordingly, the U.S. Customs Service has been instructed to continue to suspend liquidation of part 742973 exported by Sundstrand.

Best Information Available

During the investigation, Sundstrand, an exporter of the subject merchandise which was identified by the Government of Singapore (GOS), refused to participate, and consequently received a rate based entirely on best information available (BIA) (see *Final Affirmative Countervailing Duty Determinations and Countervailing Duty Orders: Antifriction Bearings (other than Tapered Roller Bearings) and Parts thereof from Singapore* (54 FR 19125, 19126; May 3, 1989)). Section 776(c) of the Act requires the Department to use BIA "whenever a party or any other

person refuses or is unable to produce information requested in a timely manner and in the form required, or otherwise significantly impedes an investigation * * *". See also 19 CFR § 355.37. In determining what rate to use as BIA, the Department follows a two-tiered methodology. The Department assigns lower rates to those respondents who cooperate in an administrative review (tier two) and rates based on more adverse assumptions for respondents who do not cooperate in the review, or who significantly impeded the proceeding (tier one). Cf. *Allied Signal Aerospace Co. v. United States*, 996 F. 2d 1185 (Fed. Cir. 1993), *aff'd*, 28 F. 3d 1188, *cert. denied*, 1995 U.S. Lexis 100 (1995) (*Allied-Signal*).

In these reviews, only the three related Minebea companies, which account for the majority of Singaporean exports to the United States of the subject merchandise, responded to the Department's questionnaires. Sundstrand did not respond to our questionnaires. Furthermore, during the course of the 1992 verification of the GOS questionnaire response, we examined a list of companies which exported subject merchandise to the United States but, for reasons unknown to the Department, did not respond to our questionnaire (see the April 8, 1994, Memorandum to Barbara E. Tillman Regarding *Verification of Questionnaire Response in 1992 Administrative Review of CVD Order on Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Singapore—Covering the Period January 1, 1992 through December 31, 1992*, at 4, which is on file in the Central Records Unit, Room B-099 of the Department of Commerce). The GOS did not provide any information regarding Sundstrand or the other companies' sales or exports of the subject merchandise, or the extent to which Sundstrand or these companies participated in the programs reviewed. During the course of the 1993 verification of the GOS questionnaire response, we again examined a list of companies which exported subject merchandise to the United States but did not respond to our questionnaire (see the April 9, 1995, Memorandum to Barbara E. Tillman Regarding *Verification of Questionnaire Responses in the 1993 Administrative Review of Countervailing Duty Order on Antifriction Bearings (Other Than Tapered Roller Bearings) From Singapore*, at 3, which is on file in the Central Records Unit, Room B-099 of the Department of Commerce). Again,