

consumption on or after the publication date, as provided for by section 751(a)(2)(c) of the Act: (1) The cash deposit rate for reviewed companies will be the rate established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) for all other producers and/or exporters of this merchandise, the cash deposit rate shall be the rate established in the investigation of sales at less than fair value, which is 14.51 percent.

These deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: March 27, 1996.

Susan G. Esserman,  
Assistant Secretary for Import  
Administration.

[FR Doc. 96-8220 Filed 4-3-96; 8:45 am]

BILLING CODE 3510-DS-P

[A-570-501]

### **Natural Bristle Paint Brushes and Brush Heads From The People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review**

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

**ACTION:** Notice of Preliminary Results of the Antidumping Duty Administrative Review of Natural Bristle Paint Brushes and Brush Heads from the People's Republic of China.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on natural bristle paint brushes and brush heads (paint brushes) from the People's Republic of China (PRC) in response to requests by importers, Great American Marketing, Inc. and Brenner Associates, Ltd., and by a domestic interested party, EZ Paints Corporation (EZ Paints). This review covers shipments of this merchandise to the United States during the period February 1, 1994, through January 31, 1995.

We have preliminarily determined that sales have been made below normal value (NV). If these preliminary results are adopted in our final results, we will instruct U.S. Customs to assess antidumping duties equal to the difference between the export price and NV.

Interested parties are invited to comment on these preliminary results. Parties who submit argument are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument.

**EFFECTIVE DATE:** April 4, 1996.

**FOR FURTHER INFORMATION CONTACT:** Elisabeth Urfer or Maureen Flannery, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington DC 20230; telephone (202) 482-4733.

#### *Applicable Statute*

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 to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

#### *Background*

The Department published in the Federal Register an antidumping duty order on paint brushes from the PRC on February 14, 1986 (51 FR 5580). On February 2, 1995, the Department published in the Federal Register (60 FR 6524) a notice of opportunity to request an administrative review of the antidumping duty order on paint brushes from the PRC covering the period February 1, 1994, through January 31, 1995.

In accordance with 19 CFR 353.22(a), Great American Marketing, Inc.,

requested that we conduct an administrative review of Yixing Sanai Brush Making Co., Ltd. (Yixing), and Eastar B.F. (Thailand) Company Ltd. (Eastar); Brenner Associates requested that we conduct an administrative review of Hebei Animal By-Products I/E Corp. (HACO), China National Metals & Minerals I/E Corp, Zhenjiang Trading Corp. (Zhenjiang Trading), and Inner Mongolia Autonomous Region Light Industrial Products I/E Corp.; and EZ Paints requested that we conduct an administrative review of China National Native Produce and Animal By-Products Import-Export Corporation, HACO, Zhenjiang Trading, and the Inner Mongolia Autonomous Region Light Industrial Products I/E. We published a notice of initiation of this antidumping duty administrative review on March 15, 1995 (60 FR 13955). The Department is conducting this administrative review in accordance with section 751 of the Act.

#### *Scope of Review*

Imports covered by this review are shipments of natural bristle paint brushes and brush heads from the PRC. The merchandise under review is currently classifiable under item 9603.40.40.40 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise is dispositive.

This review covers the period February 1, 1994, through January 31, 1995, and covers six producers/exporters of Chinese paint brushes.

#### *Separate Rates*

To establish whether a company operating in a state-controlled economy is sufficiently independent to be entitled to a separate rate, the Department analyzes each exporting entity under the test established in *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China* (56 FR 20588, May 6, 1991) (*Sparklers*), as amplified by the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China* (59 FR 22585, May 2, 1994) (*Silicon Carbide*). Under this policy, exporters in non-market economies (NMEs) are entitled to separate, company-specific margins when they can demonstrate an absence of government control, both in law and in fact, with respect to exports. Evidence supporting, though not requiring, a finding of *de jure* absence of government control includes: (1) An absence of restrictive stipulations associated with an individual exporter's

business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies. *De facto* absence of government control with respect to exports is based on four factors: (1) Whether each exporter sets its own export prices independently of the government and without the approval of a government authority; (2) whether each exporter retains the proceeds from its sales and makes independent decisions regarding the disposition of profits or financing of losses; (3) whether each exporter has the authority to negotiate and sign contracts and other agreements; and (4) whether each exporter has autonomy from the government regarding the selection of management.

HACO was the only exporter that responded to the Department's request for information; therefore, HACO was the only firm for which we made a determination as to whether it should receive a separate rate. The determination as to whether HACO should receive a separate rate is made under the policy set forth in *Silicon Carbide* and *Sparklers*.

The evidence on the record demonstrates that HACO meets the *de jure* and three of the four *de facto* criteria, which are that it sets its own export prices independently, that it retains proceeds from its sales, and that it has the authority to negotiate and sign contracts and other agreements, but that it may not have autonomy in making decisions regarding the selection of its management. According to the information on the record, the Hebei Foreign Trade & Economic Cooperation Department, a provincial government entity, appoints the general manager of HACO. Consequently, we have preliminarily found that there is *de facto* government control with respect to HACO's exports according to the criteria identified in *Sparklers* and *Silicon Carbide*.

However, because the implication of the provincial government's role in selection of HACO's management is not clear from the record, given that HACO meets three of the four *de facto* criteria, we are giving HACO an opportunity to clarify its response. We will request additional information from HACO, and consider such information in determining whether to assign HACO a separate rate for the final results of this review. For further discussion of the

Department's preliminary determination that HACO is not entitled to a separate rate, see *Decision Memorandum to the Director, Office of Antidumping Compliance*, dated March 27, 1996:

"Separate rate analysis for Hebei Animal By-Products I/E Corp. in the administrative review of natural bristle paint brushes and brush heads from the People's Republic of China," which is on file in the Central Records Unit (room B099 of the Main Commerce Building).

#### Facts Available

We preliminarily determine that the use of the facts available is appropriate for Yixing, Eastar, Zhenjiang Trading, China National Native Produce and Animal By-Products Import-Export Corporation, and Inner Mongolia Autonomous Region Light Industrial Products I/E Corp. because these firms did not respond to the Department's antidumping questionnaire. Because necessary information is not available on the record with regard to sales by these firms, as a result of their withholding the requested information, we must make our preliminary determination based on facts otherwise available pursuant to section 776(a) of the Act.

The Department finds that, in not responding to the questionnaire, these five firms failed to cooperate by not acting to the best of their ability to comply with requests for information from the Department.

We also preliminarily determine, in accordance with section 776(a) of the Act, that the use of the facts available is appropriate for HACO. While HACO cooperated with our requests for information, HACO has not overcome the presumption of government control. Furthermore, there is another producer/exporter of paint brushes in Hebei province that did not respond to our request for information. We also sent the provincial government a questionnaire, but did not receive a response. As a result, we have determined to use facts available with respect to sales made by HACO and the other Hebei exporter/producer of paint brushes.

Where the Department must base the entire dumping margin for a respondent in an administrative review on the facts available because that respondent failed to cooperate, section 776(b) authorizes the Department to use an inference adverse to the interests of that respondent in choosing the facts

available. Section 776(b) also authorizes the Department to use as adverse facts available information derived from the petition, the final determination, a previous administrative review, or other information placed on the record. Because information from prior proceedings constitutes secondary information, section 776(c) provides that the Department shall, to the extent practicable, corroborate that secondary information from independent sources reasonably at its disposal. The Statement of Administrative Action (SAA) provides that "corroborate" means simply that the Department will satisfy itself that the secondary information to be used has probative value.

To corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information to be used. However, unlike other types of information, such as input costs or selling expenses, there are no independent sources for calculated dumping margins. The only source for margins is administrative determinations. Thus, in an administrative review, if the Department chooses as total adverse facts available a calculated dumping margin from a prior segment of the proceeding, it is not necessary to question the reliability of the margin for that time period. With respect to the relevance aspect of corroboration, however, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render a margin not relevant. Where circumstances indicate that the selected margin is not appropriate as adverse facts available, the Department will disregard the margin and determine an appropriate margin (see, e.g., *Fresh Cut Flowers from Mexico; Preliminary Results of Antidumping Duty Administrative Review* (60 FR 49567), where the Department disregarded the highest margin in that case as adverse BIA because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin). In this case, we have used the highest rate from any prior segment of the proceeding, 127.07 percent rate.

#### Preliminary Results of the Review

We preliminarily determine that the following dumping margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Yixing Sanai Brush Making Co. Ltd .....	2/1/94-1/31/95 .....	1 127.07

Manufacturer/exporter	Time period	Margin (percent)
Eastar B.F. (Thailand) Company Ltd .....	2/1/94–1/31/95 .....	<sup>1</sup> 127.07
Hebei Animal By-Products I/E Corp. and another firm controlled by the provincial government, the name of which is proprietary.	2/1/94–1/31/95 .....	<sup>1</sup> 127.07
China National Metals & Minerals I/E Corp, Zhenjiang Trading Corp .....	2/1/94–1/31/95 .....	<sup>1</sup> 127.07
Inner Mongolia Autonomous Region Light Industrial Products I/E Corp .....	2/1/94–1/31/95 .....	<sup>1</sup> 127.07
China National Native Produce and Animal By-Products Import-Export Corporation .....	2/1/94–1/31/95 .....	<sup>1</sup> 127.07

<sup>1</sup> This rate does not represent a separate rate determination.

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish a notice of final results of this administrative review, which will include the results of its analysis of issues raised in any such comments.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit rates will be effective upon publication of the final results of this administrative review for all shipments of paint brushes from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(c) of the Act: (1) for the companies named above which were not found to have separate rates, as well as for all other PRC exporters, the cash deposit rate will be the PRC-wide rate established in the final results of this review; (2) for any company found to merit a separate rate for the final results of this review, the rate will be the company-specific rate for that company established in the final results of this review; (3) for previously reviewed non-PRC exporters, the cash deposit rate will be the rate established in the most recent segment of the proceeding; and (4) for all other non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter.

These deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: March 27, 1996.

Susan G. Esserman,  
Assistant Secretary for Import  
Administration.

[FR Doc. 96-8219 Filed 4-3-96; 8:45 am]

BILLING CODE 3510-DS-P

#### [A-489-807]

#### Initiation of Antidumping Duty Investigation: Certain Steel Concrete Reinforcing Bar From Turkey

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

EFFECTIVE DATE: April 4, 1996.

FOR FURTHER INFORMATION CONTACT: Fabian Rivelis at (202) 482-3853 or Howard Smith at (202) 482-5193, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

#### Initiation of Investigation

##### *The Applicable Statute*

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").

##### *The Petition*

On March 8, 1996, the Department of Commerce ("the Department") received

a petition filed in proper form by Florida Steel Corporation and New Jersey Steel Corporation ("petitioners"). The petitioners amended the petition on March 26, 1996, to exclude plain steel concrete reinforcing bar ("rebar").

In accordance with section 732(b) of the Act, the petitioners allege that imports of steel concrete reinforcing bar ("rebar") from Turkey are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, a regional industry within the United States.<sup>1</sup>

Since the petitioners are interested parties as defined under section 771(9)(C) of the Act, they have standing to file a petition for the imposition of antidumping duties.

#### *Determination of Industry Support for the Petition*

The petitioners allege that there is a regional industry for the domestic like product and included data on both factors required by section 771(4)(C) of the Act: (1) the producers within such market sell all or almost all of their production of the like product in question in that market, and (2) the demand in that market is not supplied, to any substantial degree, by producers of the product in question located elsewhere in the United States. Under section 732(c)(4)(C), if the petitioner alleges that the industry is a regional industry, the Department shall determine whether the petition has been filed by or on behalf of the industry by applying the requirements set forth in section 732(c)(4)(A) of the Act on the basis of the production in the region. Therefore, the Department has evaluated industry support for the petition based upon production in the region.

Section 732(c)(4)(A) of the Act requires that the Department's industry support determination, which is to be

<sup>1</sup> The region identified by petitioners consists of the states of Maine, New Hampshire, Connecticut, Massachusetts, Rhode Island, Vermont, New Jersey, New York, Pennsylvania, Delaware, Florida, Georgia, Louisiana, Maryland, North Carolina, South Carolina, Virginia, West Virginia, Alabama, Kentucky, Mississippi, and Tennessee; plus the District of Columbia and Puerto Rico.