

Furthermore, the following deposit requirements will be effective upon publication of the final results of these administrative reviews for all shipments of HFHTs from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) the cash deposit rates for the reviewed companies named above which have separate rates (FMEC, SMC, and TMC) will be the rates for those firms established in the final results of these administrative reviews for the classes or kinds listed above; (2) for all other PRC exporters, the cash deposit rates will be the PRC-wide rates established in the final results of the previous administrative reviews; and (3) the cash deposit rates for non-PRC exporters of subject merchandise from the PRC will be the rates applicable to the PRC supplier of that exporter. The PRC-wide rates are: 21.92 percent for axes/adzes; 66.32 percent for bars/wedges; 44.41 percent for hammers/sledges; and 108.20 percent for picks/mattocks. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative reviews.

#### Notification of Interested Parties

This notice serves as a preliminary reminder to importers of their responsibility under section 353.26 of the Department's regulations 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.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Department's regulations.

Dated: October 30, 1996.

Robert S. LaRussa,

*Acting Assistant Secretary for Import Administration.*

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#### [A-588-810]

#### **Mechanical Transfer Presses From Japan; Preliminary Results of Antidumping Duty Administrative Review**

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

**ACTION:** Notice of preliminary results of antidumping duty administrative review; mechanical transfer presses from Japan.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on mechanical transfer presses (MTPs) from Japan in response to a request by petitioners, Verson Division of Allied Products Corp., the United Autoworkers of America, and the United Steelworkers of America (AFL-CIO/CLC); and by respondent Aida Engineering, Ltd. (Aida). This review covers shipments of this merchandise to the United States during the period February 1, 1995 through January 31, 1996.

We have preliminarily determined that sales have not been made below normal value (NV). If these preliminary results are adopted in our final results, we will instruct U.S. Customs to liquidate entries without regard to antidumping duties.

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:** November 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** Elisabeth Urfer or Maureen Flannery, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 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).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department published in the Federal Register an antidumping duty order on MTPs from Japan on February 16, 1990 (55 FR 5642). On February 9, 1996, we published in the Federal Register (61 FR 4956) a notice of opportunity to request an administrative review of the antidumping duty order on MTPs from Japan covering the period February 1, 1995 through January 31, 1996.

In accordance with 19 CFR 353.22(a)(1)(1995), petitioners, Verson Division of Allied Products Corp., the United Autoworkers of America, and the United Steelworkers of America (AFL-CIO/CLC), requested that we conduct a review of Ishikawajima-Harima Heavy Industries Co., Ltd. (IHI) and Hitachi Zosen Corporation (Hitachi Zosen). Aida requested that we conduct an administrative review of its subject merchandise. We published a notice of initiation of this antidumping duty administrative review on March 19, 1996 (61 FR 11184). The Department is conducting this administrative review in accordance with section 751 of the Act.

##### Scope of Review

Imports covered by this review include MTPs currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 8462.99.0035 and 8466.94.5040. The HTS numbers are provided for convenience and for U.S. Customs purposes. The written description remains dispositive of the scope of the order.

The term "mechanical transfer presses" refers to automatic metal-forming machine tools with multiple die stations in which the work piece is moved from station to station by a transfer mechanism designed as an integral part of the press and synchronized with the press action, whether imported as machines or parts suitable for use solely or principally with these machines. These presses may be imported assembled or unassembled. This review does not cover certain parts and accessories, which were determined to be outside the scope of the order. (See "Final Scope Ruling on Spare and Replacement Parts," U.S. Department of Commerce, March 20, 1992; and "Final Scope Ruling on the Antidumping Duty Order on Mechanical Transfer Presses (MTPs) from Japan: Request by Komatsu, Ltd.," U.S. Department of Commerce, October 1, 1996.)

This review covers three manufacturers/exporters of MTPs, and

the period February 1, 1995 through January 31, 1996.

#### Non-Shippers

IHI and Hitachi Zosen stated that they did not have shipments during the period of review, and we confirmed these statements with the United States Customs Service. Therefore, we are treating IHI and Hitachi Zosen as non-shippers in this proceeding. IHI and Hitachi Zosen will retain their rates from the last administrative review.

#### Export Price

For sales made by Aida we calculated an export price, in accordance with section 772(a) of the Act, because the subject merchandise was sold directly to the first unaffiliated purchasers in the United States prior to importation into the United States, and constructed export price was not otherwise indicated.

We calculated export price based on the delivered price to unaffiliated purchasers. We made deductions for foreign inland freight and insurance.

#### Normal Value

We preliminarily determine that the use of constructed value (CV) is warranted to calculate NV for Aida, in

accordance with section 773(a)(4) of the Act. While the home market is viable, the particular market situation in this case, which requires that the subject merchandise be built to each customer's specifications, does not permit proper price-to-price comparisons in either the home market or third countries.

Aida asserts that its home, third country, and U.S. market products are distinguished by the many differences in specifications between the various presses, and that no merchandise sold in the home market or to a third country is identical to the merchandise sold to the United States. Aida argues that it is not possible to determine cost differences because (1) there is no baseline specification for comparison purposes; (2) the design of a press is dictated throughout by the combination of specifications applicable to the press, and it is not possible to isolate the cost effect of any single specification; and (3) differences in cost between two presses result not only from differences in specifications, but also from differences in material costs, processing costs, fiscal periods, and production efficiency from press to press. We note that in past proceedings involving large, custom-built capital equipment, including prior

reviews of this order, we have normally resorted to CV. (See, e.g., *Large Power Transformers from France: Final Result of Antidumping Administrative Review*, 61 FR 40403, August 2, 1996; *Notice of Final Determination of Sales at Less Than Fair Value: Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, From Japan*, 61 FR 38139, July 23, 1996; and *Mechanical Transfer Presses From Japan: Final Results of Antidumping Duty Administrative Review*, 61 FR 52910, October 9, 1996.)

For Aida, CV consists of the cost of materials and fabrication, SG&A, profit, and packing. We calculated SG&A and profit based on home market sales of MTPs in accordance with section 773(e)(2)(A) of the Act. We used packing costs for merchandise exported to the United States. We made a circumstance-of-sale adjustment by deducting from CV home market direct selling expenses (i.e., warranties, commissions, and credit), and adding to CV U.S. direct selling expenses (i.e., warranties, commissions, and credit).

#### Preliminary Results of the Review

We preliminarily determine that the following dumping margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Aida Engineering, Ltd .....	2/1/95-1/31/96	0.00
Ishikawajima-Harima Heavy Industries, Ltd .....	2/1/95-1/31/96	<sup>1</sup> 0.00
Hitachi Zosen Corporation .....	2/1/95-1/31/96	<sup>1</sup> 0.00

<sup>1</sup> No shipments subject to this review. Rate is from the last relevant segment of the proceeding in which the firm had shipments.

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. Upon completion of this review, 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 MTPs from Japan 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) 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: October 30, 1996.

Robert S. LaRussa,  
Acting Assistant Secretary for Import  
Administration.

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[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.

**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 domestic interested parties, the Paint Applicator Division of the American Brush Manufacturers Association (PADABMA) and EZ Paint Corporation (EZ Paint). This review covers shipments of this merchandise to the United States during the period February 1, 1995, through January 31, 1996.

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 on appropriate entries.

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:** November 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** Elisabeth Urfer or Maureen Flannery, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 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 9, 1996, the Department published in the Federal Register (61 FR 4956) 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, 1995, through January 31, 1996.

In accordance with 19 CFR 353.22(a), PADABMA requested that the Department conduct an administrative review of Yixing Sanai Brush Making Co., Ltd. (Yixing); Eastar B.F. (Thailand) Company Ltd. (Eastar); Hebei Animal By-Products I/E Corp. (HACO); China National Metals & Minerals I/E Corp, Zhenjiang Trading Corp. (Zhenjiang Trading); China National Native Product and Animal By-Product Import and Export Corporation (China National); and Inner Mongolia Autonomous Region Light Industrial Products I/E Corp. EZ Paint requested that we conduct an administrative review of HACO. We published a notice of initiation of this antidumping duty administrative review on March 19, 1996 (61 FR 11185). 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, 1995, through January 31, 1996.

**Separate Rates**

To establish whether a company is sufficiently independent to be entitled to a separate rate, the Department analyzes each exporting entity under the test established in the *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 in *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-economy (NME) countries are entitled to separate, company-specific margins when they can demonstrate an absence of government control, both in law (*de jure*) and in fact (*de facto*), 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 criteria: (1) Whether the export prices are set by or subject to 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 and financing of losses; (3) whether each exporter has autonomy in making decisions regarding the selection of management; and (4) whether each exporter has the authority to negotiate and sign contracts. See *Silicon Carbide*, 59 FR at 22587.

In our final results of review of this order for the 1994-1995 review period, the Department determined that HACO warranted a company-specific dumping margin according to the criteria identified in *Sparklers* and *Silicon Carbide*. See *Final Results of Antidumping Duty Administrative Review: Natural Bristle Paint Brushes and Brush Heads From the People's Republic of China*, 61 FR 52917 (October 9, 1996). Because there is no new evidence on the record to warrant reconsideration of that issue, we preliminarily determine that HACO continues to be entitled to a separate rate.

Because 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. did not respond to our separate rates questionnaire, we preliminarily determine that they do not qualify for separate rates.

**Non-Shipper**

HACO stated that it did not have shipments during the period of review, and we confirmed this with the United States Customs Service. Therefore, we