

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

are treating HACO as a non-shipper for this review. HACO will retain its rate from the last administrative review.

#### Facts Available

We preliminarily determine that the use of the facts available is appropriate for Yixing, Eastar, Zhenjiang Trading, China National, 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. In addition, 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.

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) of the Act authorizes the Department to use an inference adverse to the interests of that respondent in choosing the facts

available. Section 776(b) of the Act 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) of the Act 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 best information available because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin). The Department has preliminarily determined that no such circumstances exist with respect to the selected margin, the highest rate from any prior segment of the proceeding, 351.92 percent.

#### Preliminary Results of the Review

We preliminarily determine that the following dumping margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Hebei Animal By-Products I/E Corp .....	2/1/95-1/31/96	<sup>1</sup> 351.92
PRC-wide rate .....	2/1/95-1/31/96	351.92

<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. 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: October 30, 1996.

Robert S. LaRussa,

*Acting Assistant Secretary for Import Administration.*

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**[A-588-054, A-588-604]**

**Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews**

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

**ACTION:** Notice of Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews.

**SUMMARY:** In response to requests by the petitioner and two respondents, the Department of Commerce (the Department) is conducting administrative reviews of the antidumping duty order on tapered roller bearings (TRBs) and parts thereof, finished and unfinished, from Japan (A-588-604), and of the antidumping finding on TRBs, four inches or less in outside diameter, and components thereof, from Japan (A-588-054). The review of the A-588-054 finding covers one manufacturer/exporter and seven resellers/exporters of the subject merchandise to the United States during the period October 1, 1994, through September 30, 1995. The review of the A-588-604 order covers two manufacturers/exporters, seven resellers/exporters, four firms identified by the petitioner in this case as forging producers, and the period October 1, 1994, through September 30, 1995.

We preliminarily determine that sales of TRBs have been made below the normal value (NV). If these preliminary results are adopted in our final results of administrative review, we will instruct the U.S. Customs Service to assess antidumping duties equal to the difference between United States price and the NV. Interested parties are invited to comment on these preliminary results. Parties who submit argument in these proceedings are requested to submit with the argument (1) a statement of the issues and (2) a brief summary of the argument.

**EFFECTIVE DATE:** November 6, 1996.

**FOR FURTHER INFORMATION CONTACT:**

Valerie Turoscy, Robert James, or John Kugelman, AD/CVD Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482-0145, 5222, or 0649, respectively.

**APPLICABLE STATUTE AND REGULATIONS:**

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 Rounds Agreements Act. 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**

On August 18, 1976, the Treasury Department published in the Federal Register (41 FR 34974) the antidumping finding on TRBs from Japan, and on October 6, 1987, the Department published the antidumping duty order on TRBs from Japan (52 FR 37352). On October 5, 1995, the Department published the notice of "Opportunity to Request Administrative Review" for both TRB cases covering the period October 1, 1994 through September 30, 1995 (60 FR 52149).

In accordance with 19 CFR 353.22(a)(1) (1995), the petitioner, the Timken Company (Timken), requested that we conduct a review of Honda Motor Company, Ltd. (Honda), Fuji Heavy Industries (Fuji), Kawasaki Heavy Industries (Kawasaki), Yamaha Motor Co., Ltd. (Yamaha), Nigata Converter Co., Ltd. (Nigata), Suzuki Motor Co., Ltd. (Suzuki), and Toyosha Co., Ltd. (Toyosha), in both the A-588-054 and A-588-604 cases. In addition, Timken requested that we conduct a review of Nittetsu Boltten (Nittetsu), Showa Seiko Co., Ltd. (Showa), Ichiyangi Tekko (Ichiyangi), and Sumikin Seiatu (Sumikin) in the A-588-604 TRB case. Koyo Seiko Co., Ltd. (Koyo) requested that we conduct a review of its sales in both TRB cases, and NTN Corporation (NTN) requested that we conduct a review of its sales in the A-588-604 case. On November 11, 1995, we published in the Federal Register a notice of initiation of these antidumping duty administrative reviews covering the period October 1, 1994 through September 30, 1995 (60 FR 57573).

Because it was not practicable to complete these reviews within the normal time frame, on May 6, 1996, we published in the Federal Register our notice of the extension of the time limits for both the A-588-054 and A-588-604 1994-95 reviews (61 FR 8253). As a result of this extension and the 28-day total federal government shutdown, we extended the deadline for these preliminary results to October 30, 1996, and for the final results to February 28, 1997.

**Scope of the Reviews**

Imports covered by the A-588-054 finding are sales or entries of TRBs, four inches or less in outside diameter when assembled, including inner race or cone assemblies and outer races or cups, sold either as a unit or separately. This merchandise is classified under Harmonized Tariff Schedule (HTS) item numbers 8482.20.00 and 8482.99.30.

Imports covered by the A-588-604 order include TRBs and parts thereof, finished and unfinished, which are flange, take-up cartridge, and hanger units incorporating TRBs, and roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use. Products subject to the A-588-054 finding are not included within the scope of this order, except those manufactured by NTN. This merchandise is currently classifiable under HTS item numbers 8482.99.30, 8483.20.40, 8482.20.20, 8483.20.80, 8482.91.00, 8483.30.80, 8483.90.20, 8483.90.30, and 8483.90.60. In addition, on February 2, 1995, we published in the Federal Register our final scope decision concerning Koyo's rough forgings (60 FR 6519), in which we determined that Koyo's rough forgings were within the scope of the A-588-604 order. The HTS item numbers listed above for both the A-588-054 finding and the A-588-604 order are provided for convenience and Customs purposes. The written description remain dispositive.

The period for each 1994-95 review is October 1, 1994, through September 30, 1995. The review of the A-588-054 case covers TRB sales by one manufacturer/exporter (Koyo), and seven reseller/exporters (Honda, Fuji, Kawasaki, Yamaha, Nigata, Suzuki, and Toyosha). The review of the A-588-054 case covers TRBs sales by two manufacturers/exporters (Koyo and NTN), seven reseller/exporters (Honda, Fuji, Kawasaki, Yamaha, Nigata, Suzuki, and Toyosha), and four firms identified as forging producers (Nittetsu, Showa, Ichiyangi, and Sumikin). As described in the "Termination in Part" section of