[A–427–811]

Certain Stainless Steel Wire Rods From France: 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.

SUMMARY: In response to a request by Imphy S.A. and Ugine-Savoie (respondents), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain stainless steel wire rods from France. This review covers the above manufacturers/exporters of the subject merchandise to the United States. The period of review (POR) is January 1, 1995 through December 31, 1995.

We have preliminarily determined that respondents sold subject merchandise at less than normal value (NV) during the POR. If these preliminary results are adopted in our final results of this administrative review, we will instruct U.S. Customs to assess antidumping duties equal to the difference between the export price (''EP'') or constructed export price (''CEP'') and the NV.

We invite interested parties to comment on these preliminary results. Parties who submit argument in this proceeding should also submit with the argument (1) a statement of the issue, and (2) a brief (no longer than five pages, including footnotes) summary of the argument.

EFFECTIVE DATE: October 10, 1996.

FOR FURTHER INFORMATION CONTACT: Stephen Jacques or Jean Kemp, AD/CVD Enforcement Group III, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone: (202) 482–3434 or (202) 482–4037, respectively.

SUPPLEMENTARY INFORMATION:

The 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, 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

On December 29, 1993, the Department published in the Federal Register (58 FR 68865) the final affirmative antidumping duty determination on certain stainless steel wire rods from France, and published an amended final determination and antidumping duty order on January 28, 1994. On January 26, 1996, the Department published the Opportunity to Request an Administrative Review of this order for the period January 1, 1995–December 31, 1995 (61 FR 2488). The Department received a request for an administrative review from Imphy, S.A. (''Imphy'') and Ugine-Savoie (''Ugine''), related producers/exporters of the subject merchandise, on January 22, 1996. We initiated the review on February 20, 1996 (61 FR 6347).

The Department is now conducting this review in accordance with section 751 of the Act. The review covers sales of certain stainless steel wire rods by Imphy, Ugine, and their affiliated companies, Metalimphy Alloys Corp. (''MAC''), and Techalloy Company, Inc. (''Techalloy'').

Scope of the Review

The products covered by this administrative review are certain stainless steel wire rods (SSWR) products which are hot-rolled or hot-rolled annealed, and/or pickled rounds, squares, octagons, hexagons, or other shapes, in coils. SSWR are made of alloy steels containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. These products are only manufactured by hot-rolling, are normally sold in coiled form, and are of solid cross section. The majority of SSWR sold in the United States is round in cross-sectional shape, annealed, and pickled. The most common size is 5.5 millimeters in diameter.

The SSWR subject to this review is currently classifiable under subheadings 7221.00.0005, 7221.00.0015, 7221.00.0020, 7221.00.0030, 7221.00.0040, 7221.00.0045, 7221.00.0060, 7221.00.0075, and 7221.00.0080 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and Customs purposes, our written description of the scope of the order is dispositive.

Verification

As provided in section 782(i) of the Tariff Act, we verified information provided by the respondents by using standard verification procedures, including onsite inspection of the manufacturer's facilities, the examination of relevant sales and financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public versions of the verification reports.

Product Comparisons

In accordance with section 771(16) of the Act, we considered all products produced by the respondents, covered by the description in the *Scope of the Review* section, above, and sold in the home market during the POR, to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. Where there were no sales of identical merchandise in the home market to compare to U.S. sales, we compared U.S. sales to the next most similar foreign like product on the basis of the characteristics listed in Appendix III of the Department's March 21, 1996 antidumping questionnaire. In making the product comparisons, we matched foreign like products based on the physical characteristics reported by the respondents and verified by the Department.

Fair Value Comparisons

To determine whether sales of subject merchandise to the United States were made at less than fair value, we compared the EP or CEP to the NV, as described in the ''Export Price and Constructed Export Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(2), we calculated monthly weighted-average prices for NV and compared these to individual U.S. transactions.

Transactions Reviewed

As we stated in our final results of the first administrative review, sales of merchandise that can be demonstrably linked with entries prior to the suspension of liquidation, and in the absence of an affirmative critical circumstances finding, are not subject merchandise and therefore are not subject to review by the Department (see *Certain Stainless Steel Wire Rods from France; Final Results of Antidumping Duty Administrative Review*, 61 FR 47874–6 (September 11, 1996)).

In this review, as in the first administrative review, respondents claimed that sales of certain merchandise were not subject to review because the merchandise entered prior to the suspension of liquidation pursuant to the preliminary determination of sales at less-than-fair-

value. In the first administrative review, we verified respondents' ability to link these pre-suspension entries with individual period-of-review sales (see *Certain Stainless Steel Wire Rods from France; Final Results of Antidumping Duty Administrative Review*, 61 FR 47874, 47875 (September 11, 1996)). At verification in France during this review, we examined documentation, including inventory records, invoices and packing lists for U.S. sales, that we tied to respondents' questionnaire response. We found no evidence in this review that called into question respondents' ability to link particular sales during the period of review to entries of merchandise prior to the suspension of liquidation. Because respondents have demonstrated that this merchandise entered prior to the suspension of liquidation, we excluded the sales of this merchandise from our analysis.

Export Price and Constructed Export Price

We used EP, in accordance with subsections 772 (a) and (c) of the Act, where the subject merchandise was sold directly or indirectly to the first unaffiliated purchaser in the United States prior to importation and CEP was not otherwise warranted based on the facts of record. In addition, we used CEP in accordance with subsections 772(b), (c) and (d) of the Act, for those sales to the first unaffiliated purchaser that took place after importation into the United States.

We made adjustments as follows:

We calculated EP based on packed prices to unaffiliated customers in the United States. Where appropriate, we made deductions from the starting price for discounts, foreign inland freight, foreign brokerage and handling, international freight, U.S. inland freight, U.S. brokerage and handling, marine insurance and U.S. Customs duties. We also adjusted the starting price for billing adjustments to the invoice price.

We calculated CEP sales based on packed prices to unaffiliated customers. Where appropriate, we made deductions for early payment discounts, credit expenses, warranty expenses, other direct selling expenses and commissions. We deducted those indirect selling expenses, including inventory carrying costs and product liability premiums, that related to commercial activity in the United States. We also made deductions for foreign brokerage and handling, foreign inland freight, international freight, U.S. inland freight, U.S. brokerage and handling, marine insurance, U.S. repacking expenses and U.S. Customs duties. We also adjusted the starting price for billing adjustments to the invoice price and for interest revenue. Finally, we made an adjustment for CEP profit in accordance with section 772(d)(3) of the Act.

Further Manufacturing

For products that were further manufactured after importation, we adjusted for all value added in the United States, including the proportional amount of profit attributable to the value added. We computed profit based on total revenues realized on sales in both the U.S. and home markets, less all expenses associated with those sales. We then allocated profit to expenses incurred with respect to U.S. economic activity (including further manufacturing costs), based on the ratio of total U.S. expenses to total expenses for both the U.S. and home market.

Normal Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared respondents' volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1)(C) of the Act. Since respondents' aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the home market was viable. Therefore, we have based NV on home market sales.

Where appropriate, we deducted discounts, credit expenses, warranty expenses, inland freight and inland insurance. We also adjusted the starting price for billing adjustments to the invoice price and interest revenue. We did not adjust the starting price for commissions in the home market (please see the Concurrence Memorandum for a discussion of this issue).

We made adjustments, where appropriate, for physical differences in the merchandise in accordance with section 773(a)(6)(C)(ii) of the Act. In accordance with the Department's practice, where the difference in merchandise adjustment for any product comparison exceeded 20 percent, we based normal value on CV. In addition, in accordance with section 773(a)(6), we deducted home market packing costs and added U.S. packing costs.

We also made adjustments, where applicable, for home market indirect selling expenses to offset U.S. commissions in EP and CEP comparisons.

Price to CV Comparisons

Where we compared CV to EP, we deducted from CV the weighted-average home market direct selling expenses and added the weighted-average U.S. product-specific direct selling expenses.

Cost of Production Analysis

As of the initiation of this review, the Department had not completed the first administrative review. Therefore, for purposes of the COP initiation, pursuant to section 773(b)(2)(A)(ii), we had reasonable grounds to believe or suspect that sales of the foreign like product under consideration for the determination of NV in this review may have been made at prices below the COP because the Department disregarded sales below the cost of production (COP) in the LTFV investigation (see *Final Determination of Sales at Less than Fair Value: Certain Stainless Steel Wire Rods from France*, 58 FR 68865 (December 29, 1993)). Therefore, pursuant to section 773(b)(1) of the Act, we initiated COP investigations of sales by respondents in the home market.

In accordance with section 773(b)(3) of the Act, we calculated the COP based on the sum of the costs of materials and fabrication employed in producing the foreign like product plus selling, general and administrative (SG&A) expenses and all costs and expenses incidental to placing the foreign like product in condition packed ready for shipment. In our COP analysis, we used the home market sales and COP information provided by respondents in their questionnaire responses.

After calculating COP, we tested whether home market sales of SSWR were made at prices below COP within an extended period of time in substantial quantities and whether such prices permit recovery of all costs within a reasonable period of time. We compared model-specific COPs to the reported home market prices less any applicable movement charges, discounts, and rebates.

Pursuant to section 773(b)(2)(C) of the Act, where less than 20 percent of respondents' sales of a given product were at prices less than COP, we did not disregard any below-cost sales of that product because the below-cost sales were not made in substantial quantities within an extended period of time. Where 20 percent or more of respondents' sales of a given product during the POR were at prices less than the COP, we disregarded the below-cost sales because they (1) were made within an extended period of time in

substantial quantities in accordance with sections 773(b)(2) (B) and (C) of the Act, and (2) based on comparisons of prices to weighted-average COPs for the POR, were at prices which would not permit recovery of all costs within a reasonable period of time in accordance with section 773(b)(2)(D) of the Act. Based on this test, we disregarded certain below-cost sales in these preliminary results.

Respondents claimed that the prices they paid to an affiliated party for subcontracted work for remelting were on an arm's-length basis. The respondents paid the affiliated party a price that was at the affiliated party's budgeted rate multiplied by the actual quantities. The affiliated party only performed remelting services for respondents and respondents (Imphy) had no other remelter other than the affiliated party. Consequently, we were unable to compare data on remelting prices between respondents and an unaffiliated party. During verification, we found that the prices that respondents paid for the subcontracted remelting did not include any of the affiliated party's cost variance expenses nor the affiliated party's selling, general and administrative expenses and, therefore, the prices were not above cost. We are able to identify these sales by the control number and product code. In order to take into account the cost variances and SG&A that were not included, we increased the cost of manufacture for these remelted sales by the sum of the affiliated party's actual cost variances and SG&A (for a more detailed discussion of this issue, please see the public version of the Concurrence Memorandum).

In accordance with section 773(a)(4) of the Act, we used CV as the basis for NV when there were no usable sales of the foreign like product in the comparison market. We calculated CV in accordance with section 773(e) of the Act. We included the cost of materials and fabrication, SG&A expenses, and profit. In accordance with section 773(e)(2)(A) of the Act, we based SG&A expenses and profit on the amounts incurred and realized by the respondents in connection with the production and sale of the foreign like product in the ordinary course of trade for consumption in the foreign country. For selling expenses, we used the weighted-average home market selling expenses.

Arm's-Length Sales

Sales to affiliated customers in the home market not made at arm's length were excluded from our analysis. To test whether these sales were made at arm's length, we compared the starting prices of sales to affiliated and unaffiliated customers net of all movement charges, direct selling expenses, discounts and packing. Where the price to the related party was 99.5 percent or more of the price to the unrelated party, we determined that the sale made to the related party was at arm's-length. Where no related customer ratio could be constructed because identical merchandise was not sold to unrelated customers, we were unable to determine that these sales were made at arm's length and, therefore, excluded them from our analysis. See *Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina,* (58 FR 37062, 37077 (July 9, 1993)). Where the exclusion of such sales eliminated all sales of the most appropriate comparison product, we made comparison to the next most similar model.

Currency Conversion

For purposes of the preliminary results, we made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank of New York. Section 773A(a) of the Act directs the Department to use a daily exchange rate in order to convert foreign currencies into U.S. dollars, unless the daily rate involves a 'fluctuation.' For these preliminary results of review, we have determined that a fluctuation exists when the daily exchange rate differs from a benchmark by 2.25 percent. The benchmark is defined as the rolling average of rates for the past 40 business days. Therefore, when we determined a fluctuation existed, we substituted the benchmark for the daily rate.

Level of Trade (''LOT'')

As set forth in section 773(a)(1)(B)(i) of the Act and the Statement of Administrative Action (''SAA'') accompanying the URAA at 829–31, to the extent practicable, the Department will calculate NV based on sales at the same LOT as the U.S. sales. When the Department is unable to find sales of the foreign like product in the comparison market at the same LOT as the U.S. sale, the Department may compare the U.S. sale to sales at a different LOT in the comparison market.

In accordance with section 773(a)(7)(A) of the Act, if sales at different LOTs are compared, the Department will adjust the NV to account for the difference in level of trade if two conditions are met. First, there must be differences between the actual selling activities performed by the exporter at the LOT of the U.S. sale and the LOT of the comparison market sales used to determine NV. Second, the differences in the LOTs must affect price comparability as evidenced by a pattern of consistent price differences between sales at the different LOTs in the country in which NV is determined.

Section 773(a)(7)(B) of the Act establishes that a CEP ''offset'' may be made when two conditions exist: (1) NV is established at a level of trade which constitutes a more advanced stage of distribution than the level of trade of the CEP; and (2) the data available do not provide an appropriate basis for a level-of-trade adjustment.

In order to determine that there is a difference in level of trade, the Department must find that two sales have been made at different phases of marketing, or the equivalent. Different phases of marketing necessarily involve differences in selling functions, but differences in selling functions (even substantial ones) are not alone sufficient to establish a difference in the level of trade. Similarly, seller and customer descriptions (such as ''distributor'' and ''wholesaler'') are useful in identifying different levels of trade, but are insufficient to establish that there is a difference in the level of trade.

Pursuant to section 773(a)(7)(B)(i) of the Act and the SAA at 827, in identifying levels of trade for EP and home market sales, we considered the selling functions reflected in the starting price before any adjustments. For CEP sales, we considered only the selling activities reflected in the constructed price, i.e., after the expenses and profit were deducted under section 772(d) of the Act. Whenever sales were made by or through an affiliated company or agent, we considered all selling activities of both affiliated parties, except for those selling activities related to the expenses deducted under section 772(d) of the Act in CEP situations.

In implementing these principles in this review, we obtained information about the selling activities of the producers/exporters associated with each phase of marketing or the equivalent. We asked respondents to identify the specific differences and similarities there were in selling functions and/or support services between all phases of marketing in the home market and the United States.

In reviewing the selling functions reported by the respondents, we examined all types of selling functions and activities reported in respondents' questionnaire response on level of trade. In analyzing whether separate levels of trade existed in this review, we found

that no single selling function was sufficient to warrant a separate level of trade in the home market (see *Antidumping Duties; Countervailing Duties; Proposed Rule, (Proposed Regulations*), 61 FR 7308, 7348).

In determining whether separate levels of trade existed in or between the U.S. and home market, the Department considered the level-of trade claims of respondents. To test the claimed levels of trade, we analyzed, *inter alia*, the selling activities associated with the phases of marketing respondents reported. We determined that fewer and different selling functions were performed for CEP sales to MAC than for home market sales to end-users. We also found the selling functions were sufficiently different in customer sales contacts, technical services, inventory maintenance, computer systems and administrative functions to warrant treating U.S. sales to distributors and the home market sales as different levels of trade. In addition, we found that the home market sales involved a more advanced stage of distribution (to end-users) as compared to respondents' CEP sales in the United States (distributor). In this review there were no sales of the foreign like product in the home market at the same level of trade as that of the CEP sales. Therefore, we examined whether a level-of-trade adjustment was appropriate.

For the U.S. market, respondents reported two levels of trade: 1) sales to end users through MAC (EP sales); and 2) distributors, *e.g.*, MAC, Techalloy and US&A (CEP sales). The Department examined and verified the selling functions performed for both levels of trade. We found that the selling functions were sufficiently different in customer sales contacts (*i.e.*, visiting customers/potential customers, receiving orders, promotion of new products and following-up on unpaid invoices), technical services, inventory maintenance, computer systems and administrative functions to warrant two levels of trade in the United States.

To the extent practicable, we compared normal value at the same level of trade as the U.S. sale. Because we compared these CEP sales to home market sales at a different level of trade, we examined whether a level of trade adjustment was appropriate. In this case, respondents only sold at one level of trade in the home market; therefore, there is no basis upon which respondents can demonstrate a consistent pattern of price differences between levels of trade with respect to the foreign like product. Further, we do not have information which would allow us to examine pricing patterns based on respondents' sales of other products and there are no other respondents or other record information on which such an analysis could be based.

Because the data available do not provide an appropriate basis for making a level of trade adjustment, but the level of trade in the HM is at a more advanced stage of distribution than the LOT of the CEP sale, a CEP offset is appropriate. Respondents claimed a CEP offset for those U.S. CEP and CEP/FM (CEP/Further Manufactured) sales compared to sales in France through Ugine Service. We included a CEP offset for all sales in France which are compared with CEP and CEP/FM sales in the United States since the comparison of home market sales to CEP sales is at a different level of trade. We applied the CEP offset to normal value or constructed value, as appropriate.

To calculate the CEP offset, we took the home market indirect selling expenses and deducted htis amount from normal value, on home market sales which were compared ot U.S. CEP sales. We limited the home market indirect selling expense deduction by the amount of the indirect selling expenses incurred in the United States.

Preliminary Results of Reviews

As a result of our review, we preliminarily determine the weighted-average dumping margins (in percent) for the period January 1, 1995, through December 31, 1995 to be as follows:

Manufacturer/exporter	Margin (percent)
Imphy/Ugine-Savoie	6.29

Parties to the proceeding may request disclosure within five 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 date of publication or the first business day thereafter. Case briefs and/or other written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed not later than 37 days after the date of publication of this notice. The Department will publish the final results of this administrative review, including its analysis of issues raised in any written comments or at a hearing, not later than 180 days after the date of publication of this notice.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. We have calculated an inter-specific ad valorem duty assessment rate based on the ratio of the total amount of antidumping duties calculated for the examined sales made during the POR to the total amount of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of that particular importer made during the POR. (This is equivalent to dividing the total amount of antidumping duties, which are calculated by taking the difference between statutory NV and statutory EP or CEP, by the total statutory ED or CEP value of the sales compared, and adjusting the result by the average difference between EP or CEP and customs value for all merchandise examined during the POR).

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Act: (1) the cash deposit rates for the reviewed companies will be those rates established in the final results of these reviews (except that no deposit will be required for firms with zero or *de minimis* margins, *i.e.*, margins less than 0.5 percent); (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 LTFV 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) the cash deposit rate for all other manufacturers or exporters will continue to be 24.51 percent, the ''All Others'' rate made effective by the LTFV investigation. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative reviews.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 C.F.R. 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.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 C.F.R. 353.22(c)(5).

Dated: October 2, 1996.

Robert S. LaRussa,

Assistant Secretary for Import Administration

[FR Doc. 96–26086 Filed 10–9–96; 8:45 am]

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[A–489–807]

Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Steel Concrete Reinforcing Bars From Turkey

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

EFFECTIVE DATE: October 10, 1996.

FOR FURTHER INFORMATION CONTACT: Cameron Werker, Fabian Rivelis, or Shawn Thompson, Office of 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) 482–3874, (202) 482–3853, or (202) 482–1776, respectively.

The 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 Rounds Agreements Act (URAA).

Preliminary Determination

We preliminarily determine that certain steel concrete reinforcing bars (rebar) from Turkey are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733(b) of the Act. The estimated margins of sales at LTFV are shown in the ''Suspension of Liquidation'' section of this notice.

Case History

Since the notice of initiation of this investigation on March 28, 1996 (61 FR 15039, April 4, 1996), the following events have occurred:

On April 22, 1996, the United States International Trade Commission (ITC) issued an affirmative preliminary injury determination.

On May 9, 1996, the Department presented its questionnaire concerning Sections A, B, and C to all known Turkish exporters of rebar, in accordance with 19 CFR § 353.42(b). These companies are Cebitas Demir Celik Endustrisi A.S. (Cebitas), Colakoglu Metalurji A.S. (Colakoglu), Cukurova Celik Endustrisi A.S. (Cukurova), Diler Demir Celik Endustrisi ve Ticaret A.S. (DDC), Diler Dis Ticaret A.S. (Diler), Ekinciler Demir Celik A.S. (Ekinciler), Habas Sinai Ve Tibbi Gazlar Istihsal Endustrisi A.S. (Habas), Icdas Istanbul Celik ve Demir Izabe Sanayii A.S. (Icdas), Izmir Demir Celik Sanayi A.S. (IDC), Izmir Metalurji Fabrikasi Turk A. S. (Metas), and Yazici Demir Celik Sanayi ve Ticaret A.S. (Yazici).

In May and June 1996, we received a response to Section A of the questionnaire from each of the companies identified above. Based on our analysis of this information, we determined that Cebitas, Cukurova, DDC, Diler, Icdas, and Yazici did not export rebar to the United States during the period of investigation (POI). Accordingly, we instructed these companies not to submit responses to the remaining sections of the questionnaire.

In its Section A response, Habas informed the Department that, although it had a viable home market, it would be unable to provide complete information on the physical characteristics for a significant portion of its home market sales. Consequently, Habas requested guidance from the Department as to the appropriate basis for normal value (NV). On June 5, 1996, we notified Habas that we had insufficient data to conclude that its home market sales could not be used in price-to-price comparisons. Accordingly, we instructed Habas to report home market sales as required in Section B of questionnaire. For further discussion, see the ''Fair Value Comparisons'' section of this notice.

In June 1996, we received responses to Sections B and C of the questionnaire from Colakoglu, Ekinciler, Habas, IDC, and Metas (hereinafter ''respondents''). The Department issued supplemental questionnaires to respondents in July 1996.

On July 12, 1996, petitioners submitted a timely allegation pursuant to section 773(b) of the Act that respondents had made sales in the home market below the cost of production (COP). On July 19, 1996, we initiated a COP investigation and issued COP questionnaires to all respondents.

On July 22, 1996, pursuant to section 733(c)(1)(A) of the Act, petitioners made a timely request to postpone the preliminary determination. We granted this request, and on July 29, 1996, we postponed the preliminary determination until no later than October 4, 1996 (61 FR 40194, August 1, 1996).

In August 1996, we received responses to the supplemental sales questionnaires from Colakoglu, Ekinciler, Habas, and Metas. IDC, however, informed the Department on August 12, 1996, that it would not be able to respond to the supplemental questionnaire in a timely manner. Although we afforded IDC an opportunity to request additional time for completion of its response, IDC neither requested an extension nor submitted any additional information. For further discussion, see the ''Facts Available'' section of this notice, below.

All respondents except IDC submitted COP responses in August 1996. In September 1996, we issued supplemental COP questionnaires to all respondents except IDC. Responses to these questionnaires were also received in September 1996.

Pursuant to section 735(a)(2)(A) of the Act, on September 11, 1996, three of the four respondents, Colakoglu, Ekinciler, and Habas, requested that, in the event of an affirmative preliminary determination in this investigation, the Department postpone its final determination until no later than 135 days after the publication of this notice in the Federal Register. For further discussion, see the ''Postponement of Final Determination'' section of this notice.

On October 2, 1996, Colakoglu submitted updated information on its 1996 shipments to the United States. However, because we are making our preliminary determination on October 4, 1996, we have been unable to use this data in our critical circumstances analysis. Nonetheless, we will verify this information and use it for purposes of the final determination.

Facts Available

One of the respondents in this case, IDC, failed to respond completely to the Department's requests for information. Specifically, IDC submitted a response to the May 9 questionnaire, but did not provide any subsequent information, including a response to the supplemental sales questionnaire and the COP questionnaire.

On August 12, 1996, IDC informed the Department that it would not be able to provide any additional information in a timely manner and requested that the Department use the information already on the record in its analysis. However, we were unable to perform any analysis for IDC without a COP response because COP data is an essential component in our margin calculations. Accordingly,