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

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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,

we afforded IDC, a *pro se* respondent (*i.e.*, without legal representation), an opportunity to request additional time for completion of its responses. However, IDC neither requested an extension nor submitted any additional data.

Section 776(a)(2) of the Act provides that if an interested party (1) withholds information that has been requested by the Department (2) fails to provide such information in a timely manner or in the form or manner requested (3) significantly impedes a determination under the antidumping statute, or (4) provides such information but the information cannot be verified, the Department shall, subject to subsections 782(c)(1) and (e), use facts otherwise available in reaching the applicable determination. Because IDC failed to respond to the Department's supplemental and cost questionnaires and because that failure is not overcome by the application of subsections (c)(1) and (e), we must use facts otherwise available with regard to IDC.

Section 776(b) of the Act provides that adverse inferences may be used against a party that has failed to cooperate by not acting to the best of its ability to comply with requests for information. *See also* Statement of Administrative Action accompanying the URAA, H.R. Rep. No. 316, 103d Cong., 2d Sess. 870 (SAA). IDC's failure to reply to the Department's questionnaires demonstrates that IDC has failed to act to the best of its ability in this investigation. Thus, the Department has determined that, in selecting among the facts otherwise available to IDC, an adverse inference is warranted. As facts otherwise available, we are assigning to IDC the highest margin stated in the notice of initiation, 41.8 percent.

Section 776(c) provides that, when the Department relies on secondary information (such as the petition) in using the facts otherwise available, it must, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. When analyzing the petition, the Department reviewed all of the data the petitioners relied upon in calculating the estimated dumping margins, and adjusted those calculations where necessary. *See* Memorandum to the File from Case Analysts, dated March 26, 1996. These estimated dumping margins were based on a comparison of a home market price list to (1) a contracted price to a U.S. customer and (2) an offer of sale to a U.S. customer. The estimated dumping margins, as recalculated by the Department, ranged from 27.4 to 41.8 percent. The Department corroborated all of the secondary information from which the margin was calculated during our pre-initiation analysis of the petition to the extent appropriate information was available for this purpose at that time. For purposes of the preliminary determination, the Department re-examined the price information provided in the petition in light of information developed during the investigation and found that it continued to be of probative value.

Postponement of Final Determination

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 the preliminary determination in the Federal Register. In accordance with 19 CFR § 353.20(b), because (1) our preliminary determination is affirmative, (2) the respondents account for a significant proportion of exports of the subject merchandise, and (3) no compelling reasons for denial exist, we are granting respondents' request and are postponing the final determination until no later than 135 days after the publication of this notice in the Federal Register.

Scope of Investigation

The product covered by this investigation is all stock deformed steel concrete reinforcing bars sold in straight lengths and coils. This includes all hot-rolled deformed rebar rolled from billet steel, rail steel axle steel, or low-alloy steel. It excludes (i) plain round rebar, (ii) rebar that a processor has further worked or fabricated, and (iii) all coated rebar. Deformed rebar is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 7213.10.000 and 7214.20.000. The HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of this investigation is dispositive.

Period of Investigation

The POI is January 1, 1995, through December 31, 1995.

Level of Trade

As set forth in section 773(a)(7)(A) of the Act and in the SAA at 829–831, to the extent practicable, the Department will calculate NV's based on sales at the same level of trade as the U.S. sales. When the Department is unable to find sales in the comparison market at the same level of trade as the U.S. sale(s), the Department may compare sales in the U.S. and foreign markets at a different level of trade.

In accordance with section 773(a)(7)(A) of the Act, if sales at different levels of trade are compared, the Department will adjust the NV to account for differences in levels of trade if two conditions are met. First, there must be differences between the actual selling functions performed by the seller at the level of trade of the U.S. sale and at the level of trade of the NV sale. Second, the difference in level of trade must affect price comparability as evidenced by a pattern of consistent price differences between sales at the different levels of trade in the market in which NV is determined. When constructed export price (CEP) is applicable, section 773(a)(7)(B) of the Act establishes the procedures for making a CEP offset when: (1) NV is at a different level of trade and (2) the data available do not provide an appropriate basis for a level of trade adjustment.

In order to identify levels of trade, the Department must review information concerning the selling activities of the exporter, as well as whether different marketing stages exist. In addition, a respondent seeking to establish a level of trade adjustment must demonstrate the appropriateness of such an adjustment. Therefore, in addition to the questions related to level of trade in our May 9, 1996, questionnaire, we sent each respondent supplemental questions related to level of trade comparisons and adjustments in June 1996.

Only one respondent, Metas, claimed what it purported to be different levels of trade in the home market and that an adjustment was warranted [1]. Metas classified its U.S. customers as trading companies. As part of our level of trade analysis, we examined the selling activities at each reported home market and U.S. marketing stage. Because we found that there was no substantive difference in the selling activities performed by Metas at any of its marketing stages either in the home market or in the United States, we

[1] Metas also claimed that we should compare sales to trading companies in the United States to sales to Metas distributors in the home market because the quantities were similar in both types of transactions. In the alternative, Metas requested that we compare U.S. trading company sales to all home market sales after adjusting the price of home market sales to reflect volume-related discounts. However, Metas failed to provide us with quantitative support for these claims, and our own analysis indicates that such comparisons and adjustments are unwarranted. See the Concurrence Memorandum dated October 4, 1996.

determine that there was only one level of trade. Because U.S. sales are at the same level as home market sales, no adjustment to NV is warranted. See the Concurrence Memorandum dated October 4, 1996.

Fair Value Comparisons

Petitioners have requested that the Department and the ITC adopt a regional industry[2] analysis, in accordance with section 771(4)(C) of the Act. In our notice of initiation we indicated that the petition had met the requirements of sections 771(4)(C) and 732(c)(4)(C) of the Act. Section 736(d)(1) of the Act directs the Department to assess duties only on the subject merchandise of the specific exporters and producers that exported the subject merchandise for sale into the region concerned during the POI. However, because respondents were not able to provide requested information on sales which were ultimately made in the region, we have not limited our analysis in the LTFV investigation to only shipments entering ports located in the region. We will again attempt to collect this information during any subsequent administrative reviews, in the event that an antidumping duty order is issued in this case.

To determine whether sales of rebar from Turkey to the United States were made at less than fair value, we compared the Export Price (EP) to NV, as described in the ''Export Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(1)(A)(i) of the Act, we calculated weighted-average EPs for comparison to weighted-average NVs.

In making our comparisons, in accordance with section 771(16) of the Act, we considered all products sold in the home market, fitting the description specified in the ''Scope of Investigation'' section above, to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. Regarding Colakoglu and Ekinciler, 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 antidumping questionnaire. Regarding Habas and Metas, because we found no home market sales at prices above COP, we made no price-to-price comparisons. *See* the ''Normal Value'' section of this notice, below, for further discussion.

In order to determine the appropriate price-averaging groups used in our product comparisons, we examined the reported marketing stages in light of the characteristics commonly associated with each of these categories (*e.g.*, wholesaler vs. distributor). We then compared the average price reported in the home market sales listing for each marketing stage in order to identify any consistent pattern of pricing. We found that, for the sale of rebar, no consistent pattern of pricing existed for any of the respondents. Accordingly, for purposes of the preliminary determination, we based our price-averaging groups solely on the physical characteristics of the merchandise. *See* Memorandum to the File from Rebar Team, dated October 4, 1996.

Finally, Turkey experienced significant inflation during the POI, as measured by the Wholesale Price Index, published in *International Financial Statistics*. Accordingly, to avoid the distortions caused by the effects of significant inflation on prices, we calculated EPs and NVs on a monthly average basis, rather than on a POI average basis.

Export Price

For all of the Turkish respondents, we calculated EP in accordance with section 772(a) of the Act, because the subject merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation and CEP methodology was not otherwise warranted based on the facts of this investigation.

Affiliated Port Services

Each of the respondents owns or is affiliated, either through a shipping or sales agent, to a port from which it ships merchandise to export destinations. During the POI, these ports provided a variety of services incident to moving the merchandise to the United States. Respondents reported all movement charges associated with movement at the port (*e.g.*, lashing expense, loading expense, etc.). In addition, Colakoglu, Ekinciler, and Habas reported certain fees charged by the affiliated port to unaffiliated vessels for use of the port. These fees are intended to defray the administrative costs of running the port. However, for purposes of our LTFV analysis, we are concerned with the costs actually incurred by the affiliated port in moving the goods, *not* the fees the port may charge to cover these costs. Accordingly, we have disallowed these fees for purposes of the preliminary determination. Specifically, we disallowed wharfage revenue and shipping commission revenue for Colakoglu, agency fee revenue and shipping commission revenue for Ekinciler, and the profit generated by its port operations for Habas. We will collect additional information about the underlying selling, general, and administrative (SG&A) expenses incurred at these ports for purposes of the final determination.

A. Colakoglu

We based EP on packed prices to the first unaffiliated purchaser in the United States. We made deductions to EP for foreign inland freight, dunnage expenses, lashing expenses, loading charges, despatch expenses (which included an upward adjustment for revenue that was realized on a contractual agreement between Colakoglu and its ocean freight carrier), demurrage expenses, and ocean freight, where appropriate, in accordance with section 772(c)(2)(A) of the Act.

B. Ekinciler

We based EP on packed prices to the first unaffiliated purchaser in the United States. We made deductions for foreign inland freight, warehousing expenses, loading charges, tallying expenses, forklift expenses, dunnage and demurrage expenses (which included an upward adjustment for dunnage and despatch revenues), ramneck tape expenses, customs fees, detention expenses, stevedoring expenses, wharfage expenses, overage insurance, and ocean freight, where appropriate, in accordance with section 772(c)(2)(A) of the Act.

C. Habas

We based EP on packed prices to the first unaffiliated purchaser in the United States. We made deductions to EP for foreign inland freight, dunnage expenses, despatch expenses (which included an upward adjustment for revenue that was realized on a contractual agreement between Habas and its customer), brokerage and handling, demurrage expenses, customs fees, ocean freight, and marine insurance, where appropriate, in accordance with section 772(c)(2)(A) of the Act.

D. Metas

We based EP on packed prices to the first unaffiliated purchaser in the United States. We made deductions for foreign inland freight, lashing expenses, brokerage and handling, demurrage expenses (which included an upward

[2] The region identified by the petitioners includes 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, Tennessee, the District of Columbia, and Puerto Rico.

adjustment for revenue that was realized on a contractual agreement between Metas and its ocean freight carrier), and ocean freight, where appropriate, in accordance with section 772(c)(2)(A) of the Act.

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 each respondent's 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. Because each respondent's 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 for each respondent.

Because Ekinciler, Habas, and Metas reported home market sales to affiliated parties during the POI, we tested these sales to ensure that, on average, the affiliated party sales were at ''arm's length.'' To conduct this test, we compared the gross unit prices of sales to affiliated and unaffiliated customers net of all movement charges, rebates, and packing. Based on the results of that test, we discarded from each respondent's home market database all sales made to an affiliated party that failed the ''arm's length'' test.

Based on the cost allegation submitted by petitioners, the Department found reasonable grounds to believe or suspect that sales in the home market were made at prices below the cost of producing the merchandise. As a result, the Department initiated an investigation to determine whether the respondents made home market sales during the POI at prices below their respective COP's within the meaning of section 773(b) of the Act.

We calculated the COP based on the sum of each respondent's cost of materials and fabrication for the foreign like product, plus amounts for SG&A and packing costs, in accordance with section 773(b)(3) of the Act. As noted above, we determined that the Turkish economy experienced significant inflationary during the POI. Therefore, in order to avoid the distortive effect of inflation on our comparison of costs and prices, we requested that respondents submit monthly COP figures based on the current production costs incurred during each month of the POI.

We used the respondents' monthly COP amounts, adjusted as discussed below, and the Primary Metals Index from the Turkish Government's State Institute of Statistics, to compute an annual weighted-average COP for the POI. We compared the weighted-average COP figures to home market sales of the foreign like product as required under section 773(b) of the Act, in order to determine whether these sales had been made at prices below COP. On a product-specific basis, we compared the COP to the home market prices, less any applicable movement charges, rebates, and packing expenses.

In determining whether to disregard home market sales made at prices below the COP, we examined (1) whether, within an extended period of time, such sales were made in substantial quantities, and (2) whether such sales were made at prices which permitted the recovery of all costs within a reasonable period of time in the normal course of trade.

Where 20 percent or more of a respondent's sales of a given product during the POI were at prices below the COP, we found that sales of that model were made in ''substantial quantities,'' and within an extended period of time, in accordance with section 773(b)(2) (B) and (C). To determine whether prices were such as to provide for recovery of costs within a reasonable period of time, we tested whether the prices which were below the per unit cost of production at the time of the sale were above the weighted average per unit cost of production for the POI, in accordance with section 773(b)(2)(D). If it was, we disregarded below cost sales in determining NV.

In accordance with section 773(e)(1) of the Act, we calculated CV based on the sum of each respondent's cost of materials, fabrication, SG&A, and U.S. packing costs. 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 each respondent in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in the foreign country. Where respondents made no home market sales in the ordinary course of trade (*i.e.*, all sales were found to be below cost), we based profit and SG&A expenses on the weighted average of the profit and SG&A data computed for those respondents with home market sales of the foreign like product in the ordinary course of trade. We calculated each respondent's CV based on the methodology described in the calculation of COP above. Company-specific calculations are discussed below.

A. Colakoglu

We relied on the respondent's COP and CV amounts except in the following instances: We adjusted Colakoglu's submitted scrap cost to include the transfer prices it paid to an affiliated company for freight service because the transfer prices occurred at arms-length and represent the actual cost to Colakoglu. We also recalculated Colakoglu's submitted monthly SG&A and financing expenses using the Primary Metals Index from the Turkish government's State Institute of Statistics rather than the Wholesale Price Index, as this index is more product-specific. We revised the SG&A and financing expense rates for COP and CV using amounts reported in Colakoglu's 1995 audited financial statements. Colakoglu based its reported SG&A and financing expense rates on amounts contained in the company's tax return. Finally, because Colakoglu did not report costs for products which were once-folded, we assigned the COP and CV amounts calculated for the same products sold in straight lengths, based on Colakoglu's assertion that are no appreciable cost differences associated with folding.

For those comparison products for which there were sales at prices above the COP, we based NV on ex-factory prices to home market customers. In accordance with section 773(a)(6) of the Act, we deducted home market packing costs and added U.S. packing costs. In addition, we adjusted for differences in the circumstances of sale, in accordance with section 773(a)(6)(C)(iii) of the Act. These adjustments included differences in imputed credit expenses (offset by the interest revenue actually received by the respondent), bank charges, testing and inspection fees, and Exporters' Association fees. Where appropriate, we made adjustments to NV to account for differences in physical characteristics of the merchandise, in accordance with section 773(a)(6)(C)(ii) of the Act and 19 CFR § 353.57.

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

B. Ekinciler

We relied on the respondent's COP and CV amounts except in the following instances: We used the Primary Metals Index in our COP and CV calculations rather than the Wholesale Price Index because it is more product-specific. We used this index to recalculate idle asset and revalued depreciation expense, SG&A, and financing expenses. We

revised the reported COP and CV to account for the costs of rebar produced by subcontractors. In addition, we included idle asset and revalued depreciation expense in the reported cost of rebar provided by subcontractors, and we disallowed Ekinciler's exclusion of foreign exchange losses from its calculation of financing expenses. Finally, we disallowed Ekinciler's exclusion of marketing and distribution expenses from its SG&A calculation because we were unable to determine the expenses included in the aggregate amount provided in Ekinciler's response. In order to avoid the potential double-counting of these expenses, we did not deduct home market movement charges when calculating the net price for COP.

In accordance with section 771(16)(B)(i) of the Act, we excluded from our analysis home market sales by Ekinciler of rebar produced entirely by other manufacturers. For those comparison products for which there were sales at prices above the COP, we based NV on ex-factory, ex-warehouse or delivered prices to home market customers. We made deductions, where appropriate, from the starting price for foreign inland freight, inland insurance, and direct warehousing expenses. In accordance with section 773(a)(6) of the Act, we deducted home market packing costs and added U.S. packing costs. In addition, we adjusted for differences in the circumstances of sale, in accordance with section 773(a)(6)(C)(iii) of the Act. These adjustments included differences in imputed credit expenses, bank charges, warranty expenses, testing and inspection fees, and Exporters' Association fees. Where appropriate, we made adjustments to NV to account for differences in physical characteristics of the merchandise, in accordance with section 773(a)(6)(C)(ii) of the Act and 19 CFR § 353.57.

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

C. Habas

We relied on the respondent's COP and CV amounts except in the following instances: We used the Primary Metals Index in our COP and CV calculations rather than the Wholesale Price Index because it is more product-specific. We used this index to recalculate SG&A expenses and financing expenses. We revised the reported COP and CV to account for the cost of billets and rebar produced by subcontractors. In addition, we disallowed Habas's deduction of foreign exchange gains in its calculation of financing expenses, and we revised the SG&A expenses included in COP and CV using Habas's corporate SG&A expenses rather than the reported iron and steel division-specific SG&A expenses. *See* the Concurrence Memorandum dated October 4, 1996. Finally, where Habas did not report costs for certain products (*i.e.*, for those products for which Habas was unable to determine a specific size), we calculated COP and CV as the simple average of the costs for all other products.

Because all of Habas's home market sales were sold below COP, we compared CV to export prices. We deducted from CV the weighted-average home market direct selling expenses and added the weighted-average U.S. product-specific direct selling expenses. Home market direct selling expenses were based on the weighted average of the selling expense data computed for those respondents with home market sales of the foreign like product in the ordinary course of trade. U.S. direct selling expenses included imputed credit expenses, bank charges, testing and inspection fees, and Exporters' Association fees.

D. Metas

We relied on the respondent's COP and CV amounts except in the following instance: Where Metas reported different costs of manufacture and fixed overhead amounts for the same product in its COP and CV databases, we used the higher of the reported costs in our calculations.

Because all of Metas's home market sales were sold below COP, we compared CV to export prices. We deducted from CV the weighted-average home market direct selling expenses and added the weighted-average U.S. product-specific direct selling expenses. Home market direct selling expenses were based on the weighted average of the selling expense data computed for those respondents with home market sales of the foreign like product in the ordinary course of trade. U.S. direct selling expenses included imputed credit expenses (offset by the interest revenue actually received by the respondent), bank charges, testing and inspection fees, and Exporters' Association fees.

Currency Conversion

The Department's preferred source for daily exchange rates is the Federal Reserve Bank. However, the Federal Reserve Bank does not track or publish exchange rates for Turkish Lira. Therefore, we made currency conversions based on the daily exchange rates from the Dow Jones News/Retrieval Service. *See* 19 CFR § 353.60.

Critical Circumstances

In the petition, petitioners made a timely allegation that there is a reasonable basis to believe or suspect that critical circumstances exist with respect to imports of subject merchandise.

Section 733(e)(1) of the Act provides that the Department will determine that there is a reasonable basis to believe or suspect that critical circumstances exist if:

(A)(i) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or

(ii) the person by whom, or for whose account, the merchandise was imported knows or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales, and

(B) there have been massive imports of the subject merchandise over a relatively short period.

In this investigation, the first criterion is satisfied because the Republic of Singapore began imposing antidumping measures against rebar from Turkey in 1995. Therefore, we preliminarily determine that there is a history of dumping elsewhere of rebar by Turkish producers/exporters. Because there is a history of dumping, it is not necessary to address importer knowledge.

Because we have preliminarily found that the first statutory criterion is met, we must consider the second statutory criterion: whether imports of the merchandise have been massive over a relatively short period. According to 19 CFR § 353.16(f) and § 353.16(g), we consider the following to determine whether imports have been massive over a relatively short period of time: (1) volume and value of the imports; (2) seasonal trends (if applicable); and (3) the share of domestic consumption accounted for by the imports.

When examining volume and value data, the Department typically compares the export volume for equal periods immediately preceding and following the filing of the petition. Under 19 CFR § 353.16(f)(2), unless the imports in the comparison period have increased by at least 15 percent over the imports during the base period, we will not consider the imports to have been ''massive.''

To determine whether or not imports of subject merchandise have been massive over a relatively short period, for all respondents except IDC we

compared each respondent's export volume for the three to six months subsequent to and including the filing of the petition (depending on the available data) to that during the comparable period prior to the filing of the petition. Based on our analysis, we preliminarily find that the increase in imports of the subject merchandise from each of these respondents increased by more than 15 percent over a relatively short period. Moreover, regarding IDC, as facts available, we are making the adverse assumption that imports have been massive over a relatively short period of time in accordance with section 733(e)(1)(B) of the Act.

Therefore, because there is a history of dumping of such or similar merchandise, and because we find that imports of rebar from all respondents have been massive over a relatively short period of time, we preliminarily determine that there is a reasonable basis to believe or suspect that critical circumstances exist with respect to exports of rebar from Turkey by Colakoglu, Ekinciler, Habas, IDC, and Metas.

Regarding all other exporters, because we find that critical circumstances exist for all investigated companies, we also determine that critical circumstances exist for companies covered by the ''All Others'' rate.

We will make a final determination concerning critical circumstances when we make our final determination of sales at less than fair value in this investigation.

Verification

As provided in section 782(i) of the Act, we will verify all information determined to be acceptable for use in making our final determination.

Suspension of Liquidation

In accordance with section 733(e)(2) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries into the United States of rebar from Turkey, as defined in the ''Scope of Investigation'' section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days prior to the date of publication of this notice in the Federal Register. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated margin amount by which the normal value of the subject merchandise exceeds the United States Price as shown below. The suspension of liquidation will remain in effect until further notice.

Exporter/Manufacturer	Weighted-average margin percentage	Critical circumstances
Colakoglu	10.32	Yes.
Ekinciler	19.68	Yes.
Habas	16.78	Yes.
IDC	41.80	Yes.
Metas	30.22	Yes.
All Others	15.94	Yes.

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Public Comment

In accordance with 19 CFR § 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than January 6, 1997, and rebuttal briefs, no later than January 13, 1997. A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. Such summary should be limited to five pages total, including footnotes. In accordance with 19 CFR § 353.38, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on January 16, 1997, time and place to be determined, at the U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled date.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B–099, within ten days of the publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR § 353.38(b), oral presentations will be limited to issues raised in the briefs. If this investigation proceeds normally, we will make our final determination by no later than 135 days after the publication of this notice in the Federal Register.

This determination is published pursuant to section 733(f) of the Act.

Dated: October 4, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–26084 Filed 10–9–96; 8:45 am]

BILLING CODE 3510–DS–P

National Oceanic and Atmospheric Administration

Groundfish Tagging Program

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before December 9, 1996.

ADDRESSES: Direct all written comments to Linda Engelmeier, Acting Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Patsy A. Bearden, National Marine Fisheries Service, Alaska Region, P.O. Box 21668, Juneau, Alaska 99802, telephone number 907–586–7228.

SUPPLEMENTARY INFORMATION:

I. Abstract

The groundfish tagging program provides scientists with information necessary for effective conservation, management, and scientific understanding of the groundfish fishery off Alaska and the Northwest Pacific. The program area includes the Pacific Ocean off Alaska (the Gulf of Alaska, the Bering Sea and Aleutian Islands Area, the Alexander Archipelago of Southeast Alaska), California, Oregon, and Washington. Population dynamics, non-linear optimization, likelihood function, and stock reduction analyses are used to estimate recruitment parameters and to assess stock sizes.