

Dated: August 7, 2000.

**Joseph A. Spetrini,**

*Deputy Assistant Secretary, AD/CVD  
Enforcement III.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-501]

#### Natural Bristle Paint Brushes and Brush Heads From the People's Republic of China: Amended Final Results of Antidumping Duty Administrative Review

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

**ACTION:** Notice of amended final results  
of administrative review: natural bristle  
paint brushes and brush heads from the  
People's Republic of China.

**DATES:** *Effective Date:* September 15,  
2000.

**FOR FURTHER INFORMATION CONTACT:**

Sarah Ellerman or Maureen Flannery,  
Antidumping/Countervailing Duty  
Enforcement, Import Administration,  
International Trade Administration,  
U.S. Department of Commerce, 14th  
Street and Constitution Avenue, NW.,  
Washington, DC 20230; telephone (202)  
482-4106 or (202) 482-3020,  
respectively.

#### 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  
provisions codified at 19 CFR part 351  
(1999).

#### Scope of Review

Imports covered by this review are  
shipments of natural bristle paint  
brushes and brush heads from the PRC.  
Excluded from the review are paint  
brushes and brush heads with a blend  
of 40% natural bristles and 60%  
synthetic filaments. 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  
Department's written description of the  
merchandise is dispositive.

#### Background

On July 25, 2000, the Department  
published the final results of its  
administrative review of the  
antidumping duty order on natural  
bristle paint brushes and paint brush  
heads from the People's Republic of  
China (65 FR 45753). This review covers  
two manufacturers/exporters of the  
subject merchandise, Hebei Founder  
Import & Export Company (Founder)  
and Hunan Provincial Native Produce &  
Animal By-Products Import & Export  
Corporation (Hunan), for the period  
February 1, 1998 through January 31,  
1999. The petitioner is the Paint  
Applicator Division of the American  
Brush Manufacturers Association  
(petitioner). After publication of our  
final results, we received timely  
allegations from both Founder and  
petitioner that we made ministerial  
errors in calculating the final results of  
review. In addition, petitioner made a  
timely response to Founder's ministerial  
error allegation. We agree that  
ministerial errors were made and have  
corrected our calculations in accordance  
with section 751 (h) of the Tariff Act.

#### Analysis of Ministerial Error Allegations Received From Interested Parties

As defined by section 751(h) of the  
Act, the term ministerial error includes  
errors "in addition, subtraction, or other  
arithmetic function, clerical errors  
resulting from inaccurate copying,  
duplication, or the like, and any other  
type of unintentional error which the  
[Department] considers ministerial."

We received one ministerial error  
allegation from Founder stating that the  
Department calculated the cost of inland  
freight for Founder on a per-kilogram  
basis rather than on a per-brush basis.  
Founder argues that, in order to correct  
this error, the Department should divide  
the cost per kilogram by the weight of  
the two-inch and four-inch brush,  
respectively, to determine the inland  
freight cost per brush. Petitioner  
counters that, if the Department  
determined that it made a ministerial  
error in its calculation of inland freight,  
then the Department should not adopt  
Founder's proposed correction because  
Founder's proposed correction would  
fail to account for the packed weight of  
each brush. Petitioner argues that the  
cost of inland freight should be based on  
packed weight because the brushes are  
shipped from the factory to the port in  
packaged form. Thus, petitioner  
contends that the Department should  
add the per-unit weights of poly-bags,  
boxes, and cartons to the weight of each

brush before calculating a weight-based,  
per-unit inland freight cost.

We agree with Founder that we  
calculated the cost of inland freight on  
a per-kilogram basis, rather than on a  
per-piece basis; however, we disagree  
with Founder's methodology to rectify  
this error. Rather than divide the cost  
per kilogram by the weight of the two-  
inch and four-inch brush respectively,  
we should multiply the cost per  
kilogram by the weight of the two-inch  
and four-inch brushes, thereby deriving  
a cost per brush. In addition, we agree  
with petitioner that Founder's  
methodology fails to account for the  
packed weight of each brush. Therefore,  
we have added the per-unit weights of  
poly-bags, boxes, and cartons to the  
weight of the individual brush to base  
the cost of inland freight on packed  
weights. We have subsequently made  
these changes to the calculations for  
both the two-inch and four-inch brushes  
for the amended final results. For  
further information with regard to the  
changes made in our calculations, see  
*Memorandum to the File from Michael  
Strollo through Maureen Flannery:  
Analysis of Hebei Founder Import and  
Export Corp. (Founder) for the Amended  
Final Results of Review of Natural  
Bristle Paintbrushes and Brush Heads  
from the People's Republic of China  
(Founder Amended Analysis Memo)*,  
dated August XX, 2000.

We also received ministerial error  
allegations from petitioner. Petitioner  
stated that (1) the Department did not  
use the most current wage rates for  
valuing both manufacturing and packing  
labor, and (2) the Department did not  
implement its intentions with respect to  
the valuation of wooden core for  
respondent Founder. Petitioner  
contends that, after case and rebuttal  
briefs were filed in this review, the  
Department published an updated wage  
rate of \$0.80 for China based on 1998  
data. Petitioner maintains that this is the  
most current and contemporaneous  
wage rate that is available to value labor.  
Therefore, petitioner argues that,  
consistent with the regulations, the  
Department should amend the final  
results to incorporate the most current  
wage rate data.

With regard to the Department's  
valuation of Founder's wooden core,  
petitioner refers to the *Memorandum to  
the File from Mike Strollo through  
Maureen Flannery: Analysis of Hebei  
Animal By-Product Import/Export  
Corp., now Hebei Founder Import and  
Export Corp. (Founder), for the Final  
Results of Review of Natural Bristle  
Paintbrushes and Brush Heads from the  
People's Republic of China*, dated July  
13, 2000. In that memorandum, the

Department stated that, as facts available, it intended to use the surrogate value for bristles to value the bristle/wooden core factor for both the two-inch and four-inch brushes weighed during the verification of Founder. Petitioner contends, however, that the Department valued the weight of the bristle, using the same weights for the final results that it used in the preliminary results.

We agree with petitioner that the Department unintentionally failed to use the most current wage rates for valuing labor for both Founder and Hunan. Since a more current wage rate is publicly available at the Import Administration web-site, we should have updated our analysis for the final results to reflect the most current data. We also agree with petitioner that we failed to properly implement its intentions with respect to the valuation of wooden core for Founder. We have made these suggested corrections for the amended final results. For more information on these changes with respect to the revised calculations of weighted-average dumping margins, please refer to the *Founder Amended Analysis Memo and Memorandum to the File from Michael Strollo through Maureen Flannery: Analysis of Hunan Provincial Native Produce & Animal By-Products Import & Export Corp. (Hunan) for the Amended Final Results of Review of Natural Bristle Paintbrushes and Brush Heads from the People's Republic of China*, dated August 24, 2000.

**Amended Final Results of Review**

As a result of correcting these ministerial errors, we have revised our final results and determine that the following weighted-average margins exist for the period February 1, 1998 through January 31, 1999:

Manufacturer/exporter	Margin (percent)
Hunan Provincial Native Produce & Animal By-Products Import & Export Corp. ...	0.00
Hebei Founder Import & Export Company .....	32.74
PRC-Wide Rate .....	351.92

Accordingly, the Department will determine, and the Customs Service will assess, antidumping duties on all entries of subject merchandise from Hunan and Founder in accordance with these amended final results. For assessment purposes, we have calculated importer-specific duty assessment rates for each class or kind of merchandise based on the ratio of the total amount of antidumping duties calculated for the

examined sales during the period of review (POR) to the total quantity of sales examined during the POR. The Department will issue appraisal instructions directly to Customs.

**Amended Cash Deposit Requirements**

The following amended deposit requirements will be effective upon publication of this notice of amended final results of administrative review for all shipments of natural bristle paint brushes and paint brush heads 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) The cash deposit rates for the reviewed companies will be the rates shown above except that, for firms whose weighted-average margins are less than 0.5 percent and therefore de minimis, the Department shall require no deposit of estimated antidumping duties; (2) for previously-reviewed PRC and non-PRC exporters with separate rates, the cash deposit rate will be the company-specific rate established for the most recent period; (3) for all other PRC exporters, the cash deposit rate will be the PRC-wide rate, 351.92 percent; and (4) for all other non-PRC exporters of the subject merchandise, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter.

This amended final results of administrative review and notice are in accordance with section 751(a)(1) and section 777(i) of the Act.

Dated: August 22, 2000.

**Troy H. Cribb,**

*Acting Assistant Secretary for Import Administration*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**[A-533-809]**

**Certain Stainless Steel Flanges From India: New Shipper Review**

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

**ACTION:** Preliminary results of new shipper review.

**SUMMARY:** The Department of Commerce (the Department) is conducting a new shipper review of the antidumping duty order on certain forged stainless steel flanges from India in response to a request by an Indian exporter of subject merchandise, Bhansali Ferromet Pvt. Ltd. (Bhansali). This review covers

shipments of this merchandise to the United States during the period of August 1, 1998 through July 31, 1999.

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 the U.S. Customs Service to assess antidumping duties on entries subject to this review. Interested parties are invited to comment on these preliminary results, and are requested to submit with the argument: (1) A statement of the issue; and (2) a brief summary of the argument.

**EFFECTIVE DATE:** September 15, 2000.

**FOR FURTHER INFORMATION CONTACT:** Thomas Killiam or Robert James, AD/CVD Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230, telephone: (202) 482-5222 or (202) 482-0649, respectively.

**SUPPLEMENTARY INFORMATION:**

**Applicable Statute and Regulations**

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all references to the Department's regulations are to 19 CFR part 351 (1999).

**Background**

The Department published an antidumping duty order on certain forged stainless steel flanges from India on February 9, 1994 (59 FR 5994), received a timely request for a new shipper review from Bhansali, and initiated this review on (65 FR 8120; February 10, 2000) pursuant to section 751(a)(2)(B) of the Tariff Act and section 351.214(b) of the Department's regulations. The Department extended the deadline for completion of the new shipper review on June 14, 2000 (65 FR 37359). Bhansali provided responses to the Department's questionnaires on March 8, 2000 (Section A), April 5, 2000 (Sections B and C), May 15, 2000, and July 24, 2000 (supplemental questionnaires). The Department's analysis of Bhansali's data is presented in full in a Memorandum from the Case Analyst to the file, dated September 5, 2000, "Analysis of data of Bhansali Ferromet Pvt. Ltd. (Bhansali) for the preliminary results of the new shipper review of certain stainless steel flanges