

DEPARTMENT OF COMMERCE**International Trade Administration****[A-427-098]****Anhydrous Sodium Metasilicate 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 from a domestic interested party, the Department of Commerce is conducting an administrative review of the antidumping duty order on anhydrous sodium metasilicate from France for the period January 1, 2002, through December 31, 2002.

We have preliminarily determined a dumping margin in this review. If these preliminary results are adopted in the final results of this administrative review, we will instruct the Bureau of Customs and Border Protection to assess antidumping duties on subject merchandise manufactured or exported by Rhodia HPCI.

We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: July 28, 2003.

FOR FURTHER INFORMATION CONTACT: Susan Lehman or Richard Rimlinger, AD/CVD Enforcement Group I, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: 202-482-0180 or 202-482-4477, respectively.

SUPPLEMENTARY INFORMATION:**Background**

On January 2, 2003, the Department of Commerce (the Department) published a notice of "Opportunity to Request Administrative Review" (68 FR 80) with respect to the antidumping duty order on anhydrous sodium metasilicate (ASM) from France. The petitioner, PQ Corporation, requested a review of Rhodia HPCI (Rhodia) on January 30, 2003. In response to PQ Corporation's request, the Department published a notice of initiation of an administrative review on February 27, 2003 (68 FR 9048).

Scope of Order

Imports covered by the review are shipments of ASM, a crystallized

silicate which is alkaline and readily soluble in water. Applications include waste paper de-inking, ore-flotation, bleach stabilization, clay processing, medium or heavy duty cleaning, and compounding into other detergent formulations. This merchandise is classified under *Harmonized Tariff Schedules* (HTS) item numbers 2839.11.00 and 2839.19.00. The HTS item numbers are provided for convenience and customs purposes. The written description remains dispositive.

Period of Review

The period of review is from January 1, 2002, through December 31, 2002.

Facts Available

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 matter or in the form or manner requested, subject to sections 782(c)(1) and (e) of the Act, 3) significantly impedes a determination under the antidumping statute, or 4) provides such information but the information cannot be verified as provided in section 782(i) of the Act, then the Department shall, subject to section 782(d) of the Act, use facts otherwise available in determining the dumping margin.

The Department sent Rhodia a questionnaire on March 3, 2003, with a deadline of April 9, 2003, for providing information necessary to conduct a review of any shipments that the firm may have made to the United States during the period of review. Rhodia did not respond to our original questionnaire. We sent a follow-up letter to the company on April 24, 2003, but Rhodia did not respond. Because Rhodia has withheld information we requested and has, in fact, made no effort to participate in this proceeding, we must, pursuant to sections 776(a)(2)(A) and (D) of the Act, use facts otherwise available to determine its dumping margin.

Based on the lack of any response from Rhodia, we find that the company has failed to cooperate by not acting to the best of its ability to comply with a request for information. Therefore, pursuant to section 776(b) of the Act, the Department may use an inference that is adverse to the interests of Rhodia in selecting from among the facts otherwise available. This section also provides that an adverse inference may include reliance on information derived from the petition, the final determination in the investigation segment of the proceeding, a previous review under section 751 of the Act or

a determination under section 753 of the Act, or any other information placed on the record. In addition, the Statement of Administrative Action accompanying the Uruguay Round Agreements Act, H.R. Doc. 316, Vol. 1, 103d Cong. (1994) (SAA), establishes that the Department may employ an adverse inference "to ensure that the party does not obtain a more favorable result by failing to cooperate that if it had cooperated fully." SAA at 870. In employing adverse inferences, the Department is instructed to consider "the extent to which a party may benefit from its own lack of cooperation." See *Roller Chain Other Than Bicycle, From Japan; Notice of Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 62 FR 69477 (November 10, 1997), and *Certain Welded Carbon Steel Pipes and Tubes from Thailand; Final Results of Antidumping Administrative Review*, 62 FR 53808, 53820-21 (October 16, 1997). Because we find that Rhodia failed to cooperate by not complying with our request for information and in order to ensure that it does not benefit from its lack of cooperation, we are employing an adverse inference in selecting from the facts available.

The Department's practice when selecting an adverse rate from among the possible sources of information has been to ensure that the margin is sufficiently adverse "as to effectuate the purpose of the facts available rule to induce respondents to provide the Department with complete and accurate information in a timely manner." See *Static Random Access Memory Semiconductors from Taiwan; Final Determination of Sales at Less Than Fair Value*, 63 FR 8909, 8932 (February 23, 1998).

In order to ensure that the rate is sufficiently adverse so as to induce Rhodia's cooperation, we have assigned this company as adverse facts available a rate of 60.0 percent, the margin calculated in the original less-than-fair-value (LTFV) investigation using information provided by Rhodia (then, Rhone-Poulenc, S.A.) (see *Anhydrous Sodium Metasilicate from France; Final Determination of Sales at Less Than Fair Value*, 45 FR 77498 (November 24, 1980)). This rate is currently applicable to Rhodia.

Section 776(c) of the Act provides that the Department shall, to the extent practicable, corroborate secondary information used for facts available by reviewing independent sources reasonably at its disposal. Information from a prior segment of the proceeding, such as that used here, constitutes secondary information. The SAA