

otherwise available, an adverse inference is warranted. *See, e.g., Notice of Final Determination of Sales at Less than Fair Value: Circular Seamless Stainless Steel Hollow Products from Japan*, 65 FR 42985, 42986 (July 12, 2000) (the Department applied total AFA where respondent failed to respond to the antidumping questionnaires).

C. Selection and Corroboration of Information Used as Facts Available

Where the Department applies AFA because a respondent failed to cooperate by not acting to the best of its ability to comply with a request for information, section 776(b) of the Act authorizes the Department to rely on information derived from the petition, a final determination, a previous administrative review, or other information placed on the record. *See also* 19 CFR 351.308(c); SAA at 829–831. In this case, because we are unable to calculate margins for the respondent in this investigation, we are assigning to Armor the highest margin from the proceeding, which is the highest margin alleged for France in the petition, 60.60 percent. *See Initiation Notice*, 68 FR at 38307.

When using facts otherwise available, section 776(c) of the Act provides that, when the Department relies on secondary information (such as the petition) in using facts otherwise available, it must, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. The SAA clarifies that “corroborate” means that the Department will satisfy itself that the secondary information to be used has probative value. *See* SAA at 870. The Department’s regulations state that independent sources used to corroborate such evidence may include, for example, published price lists, official import statistics and customs data, and information obtained from interested parties during the particular investigation. *See* 19 CFR 351.308(d); *see also* SAA at 870.

To assess the reliability of the petition margin for the purposes of this investigation, to the extent appropriate information was available, we reviewed the adequacy and accuracy of the information in the petition during our pre-initiation analysis. *See Antidumping Investigations Initiation Checklist; Wax and Wax/Resin Thermal Transfer Ribbon From France, Japan, and South Korea*, pages 5 through 7 (June 25, 2003) (*Initiation Checklist*). In accordance with section 776(c) of the Act, to the extent practicable, we examined the key elements of the

constructed export price (CEP) and normal value (NV) calculations on which the highest margin in the petition was based.³

1. Corroboration of Constructed Export Price

To calculate constructed export price (CEP) petitioner obtained pricing information for sales by Armor of certain wax and wax/resin products sold in the United States, comparable to products sold in the home market. Petitioner made certain adjustments to this selling price for specific expenses that would be incurred by foreign producers of the subject merchandise for sales made in the United States. Because petitioner was unable to obtain actual data for selling expenses incurred by respondents in the United States, petitioner obtained price quotes as a basis for its estimates of certain expenses, and also based its estimates of such expenses on actual figures incurred in the course of its own selling activities. Petitioner claimed this approach is a reasonable and appropriate way to calculate CEP because the selling process for TTR is uniform within the United States, and the selling activities performed by respondent’s U.S. affiliates for their U.S. customers are largely the same as those performed by petitioner for its U.S. customers. Where known differences between petitioner’s and respondent’s operations exist, petitioner adjusted selling expenses accordingly to account for such differences.

With respect to selling expenses incurred in France, petitioner indicated there is no basis to believe that such expenses would differ for TTR destined for the United States versus merchandise sold in the home market. Therefore, according to petitioner, it is reasonable to consider such expenses to be equal for sales to the United States and in the home market.

As detailed in the *Initiation Checklist*, the petition contained documentation supporting the figures used in this CEP calculation, which was analyzed by the Department and revised by petitioner through answers to supplemental questions issued by the Department.

2. Corroboration of Normal Value

With respect to normal value (NV), petitioner relied on foreign market research to obtain price estimates for TTR sold in the home market. Petitioner obtained foreign market research

relating to two grades of TTR sold in the French market. This sales information is contemporaneous with the sales information used as the basis for CEP and represents sales of products that are either identical or similar to those products for which petitioner obtained U.S. sales information.

As detailed in the *Initiation Checklist*, the petition contained documentation supporting the figures used in this NV calculation, which was analyzed by the Department and revised by petitioner through answers to supplemental questions issued by the Department.

All Others Rate

Section 735(c)(5)(B) of the Act provides that, where the estimated weighted-averaged dumping margins established for all exporters and producers individually investigated are zero or *de minimis* or are determined entirely under section 776 of the Act, the Department may use any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated. This provision contemplates that we weight-average margins other than zero, *de minimis*, and facts available margins to establish that “All Others” rate. Where the data do not permit weight-averaging such rates, the SAA provides that we use other reasonable methods. *See* SAA at 873. The petition contained only information relating to U.S. sales by Armor, compared against home market sales prices and cost. Since Armor is the only known French producer/exporter of subject merchandise, it is reasonable to use the sales by Armor used in the petition. Accordingly, we have applied a margin of 44.93 percent, a simple average of the two margins based on price and the one margin based on constructed value contained in the petition, as the “All Others” rate.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, we are directing CBP to suspend liquidation of all entries of TTR from France that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. We are also instructing CBP to require a cash deposit or the posting of a bond equal to the dumping margins as indicated in the chart below. These instructions suspending liquidation will remain in effect until further notice.

The dumping margins are as follows:

Producer/exporter	Margin (percentage)
Armor, S.A	60.60

³ The petition contains three margins. Two are comparisons of CEP to NV based on home market sales, and the third is based on a comparison of CEP to constructed value. The highest margin is one of the two that bases NV on home market sales.