

Department "can make a common sense inference—indeed, there is a rebuttable presumption—that the highest prior margin is the most probative evidence indicative of the current margin."

*Sugiyama Chain Co., Ltd., et al. v. United States*, 880 F. Supp. 869, 873 (CIT 1995); see also *Rhone Poulenc, Inc., v. United States*, 710 F. Supp. 341, 346 (CIT 1989) ("There is no mention in the statute or regulations that the best information available is the most recent information available."); *aff'd* 899 F.2d 1185 (Fed. Cir. 1990). Furthermore, we reject Ta Chen's suggestion that the 76.20 percent margin has been "verified as wrong." Our use of a margin drawn from data supplied by the petitioner comports fully with section 776(b) of the Tariff Act. It is not necessary, as Ta Chen appears to argue, for the Department to conduct an economic analysis of the stainless steel fittings industry before using a margin based on petitioner's data to determine the validity of these data. See *Tai Ying Metal Industries Co. v. United States*, 712 F. Supp. 973, 978 (CIT 1989) ("it is reasonable for Commerce to rely upon the published margin from the LTFV investigation as the best information available without reassessing the record therefrom"). Furthermore, as petitioner points out, Ta Chen fails to note a prior investigation involving Ta Chen where the Department acted precisely as we have acted here, i.e., using the highest margin from the petition as first-tier BIA. In *Certain Forged Stainless Steel Flanges From Taiwan* Ta Chen was deemed an uncooperative respondent because it "withdrew" from the investigation immediately prior to verification. As first-tier, uncooperative BIA the Department chose the highest margin alleged in the petition, 48 percent, applying this rate to Ta Chen and to two other uncooperative respondents. See *Certain Forged Stainless Steel Flanges From Taiwan*, 58 FR 68859 (December 29, 1993).

The 76.20 percent margin has stood unchallenged for over six years as the first-tier BIA margin and, in fact, still applies to one other Taiwan manufacturer of subject merchandise. See Amended Final Determination and Antidumping Duty Order, 58 FR 33250, 33251 (June 16, 1993). We conclude that use of this margin from the LTFV investigation is entirely consistent with the statute, the Department's regulations, and our past precedent.

We also find inapposite Ta Chen's argument that, since petitioner did not request this review, petitioner is satisfied with Ta Chen's existing cash deposit rate. Whether or not petitioner requested this review is, at this point,

irrelevant, and cannot be construed in any way as evidence of Ta Chen's dumping activities, or lack thereof, during the first period of review. Ta Chen's reference to our determination concerning Yamaha in *Antifriction Bearings From France, et al.* (57 FR 28360) is entirely inapposite. There, the Department was merely summarizing the extent of Yamaha's cooperation in the review, noting that "Yamaha requested the review, provided the Department with questionnaire responses, and submitted to verification of its response \* \* \*" Ta Chen posits this one sentence as evidence of a per se rule that if a respondent requests a review, it is immune from first-tier BIA. Not only is this contention historically wrong, it ignores Ta Chen's failure to cooperate in this review. As the Court noted in *Industria de Fundicao*, a respondent may not cap its antidumping margins by refusing to cooperate in an administrative review.

#### Final Results of Review

Based on our review of the arguments presented above, for these final results we have made no changes in the margin for Ta Chen. We have determined that Ta Chen's weighted-average margin for the period December 23, 1992 through May 31, 1994 is 76.20 percent.

The Department shall determine, and the US Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisal instructions directly to Customs.

Furthermore, the following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of certain stainless steel butt-weld pipe fittings from Taiwan entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided in section 751(a)(1) of the Tariff Act:

(1) The cash deposit rate for Ta Chen will be 76.20 percent, the rate established in this administrative review;

(2) For previously reviewed or investigated companies other than Ta Chen, 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 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) If neither the exporter nor the manufacturer is a firm covered in this or

any previous review conducted by the Department, the cash deposit rate will be 51.01 percent. See Amended Final Determination and Antidumping Duty Order, 58 FR 33250, 33251 (June 16, 1993).

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 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 the antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act (19 U.S.C. 1675(a)(1) and 1677f(i)(1)).

Dated: January 4, 2000.

**Robert S. LaRussa,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-829]

#### Stainless Steel Wire Rod from Korea: Recission of Antidumping Administrative Review

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

**SUMMARY:** On November 4, 1999, the Department of Commerce ("the Department") initiated an administrative review of the antidumping duty order on stainless steel wire rod from Korea for Changwon Specialty Steel Co., Ltd., Dongbang Special Steel Co., Ltd., and Pohang Iron and Steel Co., Ltd., (collectively, "respondents"), manufacturers and exporters of stainless steel wire rod, for the period March 5, 1998 through

August 31, 1999. The Department is rescinding this review after receiving a timely withdrawal from respondents of their request for review.

**EFFECTIVE DATE:** January 13, 2000.

**FOR FURTHER INFORMATION CONTACT:**

James Terpstra or Frank Thomson, Group II, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-3965 and (202) 482-4793, 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 Uruguay Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations at 19 CFR Part 351 (1999).

**Background**

On September 30, 1999, respondents requested that the Department conduct an administrative review of the subject merchandise it exported from Korea for the period March 5, 1998 through August 31, 1999.

On November 4, 1999, the Department published in the **Federal Register** (64 FR 60161) a notice of initiation of administrative review with respect to respondents for the period March 5, 1998 through August 31, 1999. On November 18, 1999, respondents requested that they be allowed to withdraw their request for a review and that the review be terminated.

**Rescission of Review**

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review if a party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. Because respondents' request for termination was submitted within the 90-day time limit, and there were no requests for review from other interested parties, we are rescinding this review. We will issue appropriate appraisal instructions directly to the U.S. Customs Service.

This notice is in accordance with section 771(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: January 7, 2000.

**Holly A. Kuga,**

*Acting Deputy Assistant Secretary, Import Administration, Group II.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Notice of Showcase Exhibit of U.S. Exports**

**AGENCY:** International Trade Administration, Commerce.

**SUMMARY:** The International Trade Administration ("ITA") of the Department of Commerce announces an exhibition of exported U.S. products and services. The exhibition will showcase U.S. exports by displaying successfully exported products and services at ITA headquarters in Washington, DC, to highlight the benefits of exporting and the impact of exports on the U.S. economy. Companies and trade associations are encouraged to express interest in providing exhibit material on loan. The textile and apparel sectors will be the next industrial sector to be represented.

**DATES:** Expressions of interest should be submitted by January 30, 2000.

**ADDRESSES:** Office of Textiles and Apparel, Export Showcase, Room 3100; U.S. Department of Commerce; 1401 Constitution Avenue, NW, Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kim Bang-Nguyen, U.S. Department of Commerce/ITA, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230. Telephone (202) 482-4805; fax (202) 482-2859.

**SUPPLEMENTARY INFORMATION:**

Background: ITA is showcasing U.S. exports by exhibiting successfully exported products and services at its headquarters in Washington, DC, to highlight the benefits of exporting and the impact of exports on the U.S. economy. The exhibit, which represents a series of industries and a variety of companies, is located in the Office of the Under Secretary for International Trade. The exhibit is rotated approximately every four months.

The third sector to be displayed is the textile and apparel sector. Companies and trade associations in this sector are encouraged to express interest in showcasing their exports of goods and/or services by contacting ITA through the individual listed above. Displayed items may include illustrations, miniaturized or actual models, or actual products.

Extensive shelf-space and floor-space are available in this executive-style office.

**Selection Process:**

Items will be selected for exhibition on the basis of the following factors:

(1) Items must be manufactured or produced in the 50 United States and labeled "Made in USA". In addition, products made from materials of U.S. origin but not assembled in the United States may not be displayed.

(2) The items must relate to the industry selected by ITA and be suitable for exhibition in a limited space.

(3) The company must not be owned or controlled, indirectly or directly, by a foreign government.

(4) Items chosen should reflect diversity of company size, location, demographics, and traditional under-representation in business.

Other conditions: Displayed items will be considered loans to the Department. Companies will be responsible for shipment of the item to and from the Commerce Department, for obtaining appropriate insurance, and for all related costs.

**Time Frame for Applications:** Expressions of interest from the textile and apparel sectors should be received by January 30, 2000. Expressions of interest should be sent to the ITA official identified above.

A **Federal Register** notice will be published subsequently to announce the next sector to be highlighted.

**Authority:** 15 U.S.C. 1512.

Dated: January 7, 2000.

**David L. Aaron,**

*Under Secretary for International Trade.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 011000A]

**Western Pacific Fishery Management Council; Public Meeting**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Western Pacific Fishery Management Council will hold a joint meeting of Hawaii members of its Coral Reef Ecosystem Plan Team, Ecosystem and Habitat Advisory Panel, Bottomfish Plan Team and Advisory Panel, and Crustaceans Plan Team and Advisory