DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–810]

Chrome-Plated Lug Nuts From Taiwan; Preliminary Results of Antidumping Duty Administrative Review and Termination in Part

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 by the petitioner, the Department of Commerce is conducting an administrative review of the antidumping duty order on chrome-plated lug nuts from Taiwan. The review covers 18 manufacturers/exporters of the subject merchandise to the United States for the period September 1, 1996, through August 31, 1997. The review indicates the existence of margins for all firms.

We have preliminarily determined that sales have been made below normal value (''NV''). If these preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs to assess antidumping duties equal to the difference between export price and the NV.

Interested parties are invited to comment on these preliminary results. Parties who submit comments are requested to submit with each comment (1) a statement of the issue and (2) a brief summary of their comment.

EFFECTIVE DATES: October 7, 1998.

FOR FURTHER INFORMATION CONTACT: Todd Peterson or Thomas Futtner (AD/CVD Enforcement, Office Four, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–4195 or 482–3814, respectively.

Applicable Statute and Regulations

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 of Commerce's (''the Department's'') regulations refer to the regulations codified at 19 CFR part 351 (62 FR 27296, May 19, 1997).

SUPPLEMENTARY INFORMATION:

Background

On September 20, 1991, the Department published the antidumping duty order on chrome-plated lug nuts from Taiwan (56 FR 47736). On September 26, 1997, the petitioner, Consolidated International Automotive, Inc. (''Consolidated''), requested that we conduct an administrative review for the period September 1, 1996, through August 31, 1997. We published a notice of ''Initiation of Antidumping and Countervailing Duty Administrative Review'' on October 30, 1997 (62 FR 58703), and sent questionnaire to the following firms: Anmax Industrial Co., Ltd. (''Anmax''), Buxton International Corporation (''Buxton''), Chu Fong Metallic Electric Co. (''Chu Fong''), Everspring Plastic Corp. (''Everspring''), Gingen Metal Corp. (''Gingen''), Goldwinate Associate, Inc. (''Goldwinate''), Gourmet Equipment (''Taiwan'') Corporation (Gourmet''), Hwan Hsin Enterprises Co., Ltd. (''Hwan''), Kwan How Enterprises Co., Ltd. (''Kwan How''), Kwan Ta Enterprises Co. Ltd (''Kwan Ta''), Kuang Hong Industries, Ltd. (''Kuang''), Multigrand Industries Inc. (''Multigrand''), San Chien Electric Industrial Works, Ltd. (''San Chien''), San Shing Hardware Works Co., Ltd. (''San Shing''), Transcend International Co. (''Transcend''), Trade Union International Inc./Top Line (''Trade Union''), Uniauto, Inc. (''Uniauto'') and Wing Tang Electrical Manufacturing Company, Inc (''Wing''). Gourmet, Anmax and Trade Union responded to the questionnaire.

Questionnaire and were sent to Transcend, Kwan How, Kwan Ta, Everspring, Gingen, Goldwanate, and Kuang were returned as undeliverable. These firms will receive the ''all others'' rate established in the less-than-fair-value (LTFV) investigation, which was 6.93 percent.

Scope of the Review

Imports covered by the this review are shipments of one-piece and two-piece chrome-plated lug nuts, finished or unfinished, more than 11/16 inches (17.45 millimeters) in height and which have a hexagonal (hex) size of at least 3/4 inches (19.04 millimeters) but not more than one inch (25.4 mm), plus or minus 1/16 of an inch (1.59 mm). The term ''unfinish'' refers to unplated and/or unassembled chrome-plated lug nuts. The subject merchandise is used for securing wheels to cars, vans, trucks, utility vehicles, and trailers. Zinc-plated lug nuts, finished, or unfinished, and stainless-steel capped lug nuts are not in the scope of this review. Chrome-plated lock nuts are also not in the scope of this review.

During the period of review (POR), chrome-plated lug nuts were classified under Harmonized Tariff Schedule (HTS) subheading 7318.16.00.00. Although the HTS subheading is provided for convience and Customs purposes, our written description of the scope of this review is dispositive.

Use of Facts Otherwise Available

Because the following firms did not respond to the Department's antidumping questionnaire, we preliminarily determine that in accordance with section 776(a) of the Act, the use of facts available is appropriate for Buxton, Chu Fong, Multigrand, Uniauto, Hwen, San Chien, San Shing, and Wing. In addition, while Trade Union and Anmax provided some information in response to the Departments questionnaire, the Department determined that their submissions were substantially deficient. Pursuant to section 782(d) of the Act, the Department sent supplemental questionnaires to Trade Union and Anmax so that they would cure the deficiencies. However, the Department received no responses from these companies within the designated deadline. Thus, we preliminarily determine that the use of facts available is also warranted with respect to these companies. The Department finds that, in not responding to its questionnaire or to its supplemental questionnaire, the aforementioned firms have failed to cooperate by not acting to the best of their ability to comply with requests for information from the Department. Because necessary information is not available on the record with regard to sales by these firms as a result of their withholding the requested information, we must make our preliminary determination based on facts otherwise available pursuant to section 776(a) of the Act.

Where the Department must base the entire dumping margin for a respondent in an administrative review on the facts available because that respondent failed to cooperate, section 776(b) authorizes the Department to use an inference adverse to the interests of the respondent in choosing the facts available. Section 776(b) also authorizes the Department to use as adverse facts available information derived from such secondary information as the petition, the final determination, a previous administrative review, or other information placed on the record. In this case, we have used the highest rate from any prior segment of the proceeding, which is 10.67 percent. This rate was

calculated in the *Amendment to the Final Determination of Sales at Less Than Fair Value* (56 FR 47737 September 20, 1991), covering the period May 1, 1990 through October 31, 1990.

The Department also sent questionnaires and supplemental to Gourmet, which provided timely responses. However, as in previous reviews, the Department has again determined that, due to the nature of Gourmet's accounting system, it is not able to reconcile the data Gourmet submitted in its responses to our questionnaires with its financial statements. Reliance on the accounting system used for the preparation of the financial statements is a key and vital part of the Department's determination that a company's sales and constructed value data are credible. Section 776(a)(2)(D) states that the Department ''shall, subject to section 782(d), use the facts otherwise available in reaching the applicable determination under this title'' if an interested party or any other person provides information but the information can not be verified. Although Gourmet is well aware of the Department's requirements for verifiable submissions, it has provided information which the Department could not verify. Because its submission is not reconcilable, it is not verifiable, and we have determined in accordance with section 776(b) that Gourmet has failed to cooperate by not acting to the best of its ability. Thus we are applying adverse facts available to Gourmet. *See* Memorandum from Thomas Futtner to Holly Kuga, dated August 20, 1998, Therefore, as adverse facts available, we have determined to use 10.67 percent, which is the highest calculated rate for any firm in any segment of the proceeding.

Because information from prior reviews constitutes secondary information, section 776(c) provides that the Department shall, to the extent practicable, corroborate that secondary information from independent sources reasonably at its disposal. That Statement of Administrative Action (SAA) provides that corroborate means simply that the Department will satisfy itself that the secondary information to be used has probative value. H.R. Doc. No. 316, Vol. 1, 103d Cong., 2nd Sess. 870 (1994).

To corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information to be used. However, unlike other types of information, such as input costs or selling expenses, there are no independent sources for calculated dumping margins. The only source for margins is administrative determinations. Thus, in an administrative review, if the Department chooses as facts available a calculated dumping margin from a prior segment of the proceeding, it is not necessary to question the reliability of the margin for that time period. With respect to the relevance aspect of corroboration, however, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render a margin not relevant. Where circumstances indicate that the selected margin is not appropriate as facts available, the Department will disregard the margin and determine an appropriate margin, *see, e.g., Fresh Cut Flowers from Mexico; Final Results of Antidumping Duty Administrative Review* (61 FR 63822 December 2, 1996), where the Department disregarded the highest margin as adverse facts available because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin. No such circumstances exist in this case which would cause the Department to disregard a prior margin.

Preliminary Results of Review

As a result of this review, we preliminary determine that the following margins exist for the period September 1, 1996, through August 31, 1997:

Manufacturer/exporter	Percent margin
Gourmet Equipment (Taiwan) Corporation	10.67
Buxton International/Uniauto	10.67
Chu Fong Metallic Electric Co.	10.67
Transcend International	6.93
San Chien Industrial Works, Ltd	10.67
Anmax Industrial Co., Ltd	10.67
Everspring Plastic Corp.	6.93
Gingen Metal Corp.	6.93
Goldwinate Associates, Inc.	6.93
Hwen Hsin Enterprises Co., Ltd.	10.67
Kwan How Enterprises Co., Ltd.	6.93
Kwan Ta Enterprises Co. Ltd.	6.93
Kuang Hong Industries , Ltd.	6.93
Multigrand Industries Inc.	10.67
San Shin Hardware Works Co., Ltd.	10.67
Trade Union International Inc./Top Line	10.67
Uniauto, Inc.	10.67
Wing Tang Electrical Manufacturing Company	10.67

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. Interested parties may also request a hearing within ten days of publication. If requested, a hearing will be held as early as convenient for the parties but not later than 30 days after the date of publication or the first work day thereafter. Interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication of this notice. The Department will issue a notice of the final results of this administrative review, which will include the results of its analysis of issues raised in any such briefs, within 120 days from the publication of these preliminary results.

The Department shall determine, and the Customs Service shall assess, based on the above rates, antidumping duties on all appropriate entries. The rate will be assessed uniformly on all entries supplied by that particular company during the POR. Upon completion of this review, the Department will issue appraisement instructions on each manufacturer/exporter directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of chrome plated lug nuts from Taiwan entered, or withdrawn from warehouses, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) the cash deposit rate for the reviewed companies will be the rates established in the final results of this administrative review (except no cash deposit will be required where the weighted-average margin is *de minimis, i.e.*, less than 0.5 percent); (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original LTFV investigation or a previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received an individual rate; (3) if the exporter is not a firm covered in this review, a previous review, or the original 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 reviews or the original investigation, the cash deposit rate will be 6.93 percent, the ''all others'' rate established in the LTFV investigation.

This notice serves as a preliminary reminder to importers of their responsibility 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 antidumping duties occurred and the subsequent assessment of double antidumping duties.

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

Dated: September 30, 1998.

Robert S. LaRussa,

Assistant Secretary; Import Administration.

[FR Doc. 98–26918 Filed 10–06–98; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 082098D]

Marine Mammals; File No. 782–1355

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

ACTION: Issuance of permit amendment.

SUMMARY: Notice is hereby given that the National Marine Fisheries Service, Alaska Fisheries Science Center, National Marine Mammal Laboratory, 7600 Sand Point Way, NE., Seattle, WA 98115, has been issued an amendment to scientific research Permit No. 782–1355.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713–2289); and

Regional Administrator, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668 (907/586–7221);

FOR FURTHER INFORMATION CONTACT: Ruth Johnson or Sara Shapiro 301/713–2289.

SUPPLEMENTARY INFORMATION: On July 17, 1998, notice was published in the **Federal Register** (63 FR 38557) that an amendment of Permit No. 782–1355 issued July 15, 1997 (62 FR 39826), had been requested by the above-named organization. The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the provisions of § 216.39 of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The Permit was amended to: (1) change PI to DeMaster and replace CI with John Bengtson and David Withrow; (2) increase the number of seals equipped with TDRs from 20 to 50 over the duration of the permit (10 per year); (3) increase the number of biopsies taken from 50 to 250 (50 per year); and (4) increase the number of seals harassed more than once from 500 over the course of the permit to 500 annually.

Dated: August 27, 1998.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 98–26890 Filed 10–6–98; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in Burma (Myanmar)

September 30, 1998.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 1999.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limits for textile products, produced or manufactured in Burma (Myanmar) and exported during the period January 1, 1999 through December 31, 1999 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 1999 limits.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66057, published on December 17, 1997). Information regarding the availability of the 1999 CORRELATION will be published in the **Federal Register** at a later date.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 30, 1998.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 1999, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textile products in the following categories, produced or manufactured in Bu rma (Myanmar) and exported during the twelve-month period beginning on January 1, 1999 and extending through December 31, 1999, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
340/640	98,769 dozen.
342/642	26,678 dozen.
347/348	138,375 dozen.
351/651	41,928 dozen.
448	2,434 dozen.
647/648/847	25,803 dozen.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 1998 shall be charged to the applicable category limits for that year (see directive dated November 6, 1997) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.