

DEPARTMENT OF COMMERCE

International Trade Administration

[A-357-007]

Carbon Steel Wire Rod From Argentina; Antidumping Duty Administrative Review; Extension of Time Limit

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

ACTION: Notice of extension of time limit.

SUMMARY: The Department of Commerce (the Department) is extending the time limit of the preliminary results of the antidumping duty administrative review of Carbon Steel Wire Rod From Argentina. This review covers the period November 1, 1997 through October 31, 1998.

EFFECTIVE DATE: October 12, 1999.

FOR FURTHER INFORMATION CONTACT: Helen Kramer or Linda Ludwig, Office of AD/CVD Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-0405 or 482-3833, respectively.

SUPPLEMENTARY INFORMATION: Owing to the complexity of model match issues in this case, it is not practicable to complete this review within the original time limit. See Decision Memorandum from Joseph A. Spetrini, Deputy Assistant Secretary, Enforcement Group III, to Robert S. LaRussa, Assistant Secretary for Import Administration, dated April 20, 1999. Therefore, the Department is extending the time limit for completion of the preliminary results until November 30, 1999, in accordance with Section 751(a)(3)(A) of the Trade and Tariff Act of 1930, as amended by the Uruguay Round Agreements Act of 1994.

Dated: September 30, 1999.

Richard O. Weible,

*Acting Deputy Assistant Secretary,
Enforcement Group III.*

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-810]

Chrome-Plated Lug Nuts From Taiwan; 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 by the petitioner, the Department of Commerce ("the Department") is conducting an administrative review of the antidumping duty order on chrome-plated lug nuts from Taiwan. The review covers 17 manufacturers/exporters of the subject merchandise to the United States for the period of review ("POR") September 1, 1997, through August 31, 1998.

For all companies named in this review, we are basing our preliminary results on "facts available" ("FA"). If these preliminary results are adopted in our final results of administrative review, we will instruct the U.S. Customs Service ("Customs") to assess antidumping duties on entries during the POR.

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 DATE: October 12, 1999.

FOR FURTHER INFORMATION CONTACT: Nova Daly or Thomas Futtner, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482-0989 or (202) 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, as amended, ("the Act") by the Uruguay Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all citations to the Department's regulations refer to the regulations codified at 19 CFR Part 351 (1998).

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 30, 1998, the petitioner, Consolidated International Automotive, Inc. ("Consolidated"), requested that we conduct an administrative review for the period September 1, 1997, through August 31, 1998. We published a notice of "Initiation of Antidumping and Countervailing Duty Administrative Review" on October 29, 1997 (62 FR 58705), and sent questionnaires 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"), Gourmet Equipment (Taiwan) Corporation ("Gourmet"), Hwen Hsin Enterprises Co., Ltd. ("Hwen"), 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 and Trade Union responded to the questionnaire.

Questionnaires that were sent to Transcend, Kwan How, Kwan Ta, Kuang, Everspring, and Gingen were returned as undeliverable. We are classifying these companies as "unlocated companies", and, in accordance with our practice with respect to companies to which we cannot send a questionnaire, are assigning them the "all others" rate established in the less-than-fair-value ("LTFV") investigation, which was 6.93 percent. *See Steel Wire Rope From the Republic of Korea; Final Results of Antidumping Duty Administrative Review*, 60 FR 63503 (December 11, 1995); *see also Sweaters Wholly or in Chief Weight of Man-Made Fiber From Hong Kong; Final Results of Antidumping Duty Administrative Review*, 59 FR 13926 (March 24, 1994).

Scope of the Review

The merchandise covered by this review is one-piece and two-piece chrome-plated lug nuts, finished or unfinished, which are more than $1\frac{1}{16}$ inches (17.45 millimeters) in height and which have a hexagonal (hex) size of at least $\frac{3}{4}$ inches (19.05 millimeters), but not over one inch (25.4 millimeters), plus or minus $\frac{1}{16}$ of an inch (1.59 mm). The term "unfinished" 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 within the scope of this review. Chrome-plated lock nuts are also not within the scope of this review.

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

Facts Available

In accordance with section 776(a) of the Act, we preliminarily determine that the use of facts available is appropriate as the basis for dumping margins for Anmax, Buxton, Chu Fong, Multigrand, Uniauto, Hwen, San Chien, San Shing, Wing, Trade Union, and Gourmet. Section 776(a)(2) of the Act provides that, if an interested party (A) withholds information that has been requested by the Department, (B) fails to provide such information in a timely manner or in the form or manner requested, subject to subsections 782(c)(1) and 782(e) of the Act, (C) significantly impedes a determination under the antidumping statute, or (D) 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 reaching the applicable determination.

Because the following firms did not respond to the Department's antidumping questionnaire, and therefore, have withheld information that has been requested by the Department, we preliminarily determine that in accordance with section 776(a)(2)(A) of the Act, the use of facts available is appropriate for Anmax, Buxton, Chu Fong, Multigrand, Uniauto, Hwen, San Chien, San Shing, and Wing.

In addition, although Trade Union provided some information in response to the Department's questionnaire, its submission was untimely filed with the Department. Thus, we preliminarily determine that the use of facts available, in accordance with section 776(a)(2)(B) of the Act, is also warranted with respect to this company.

The Department also sent a questionnaire and supplemental questionnaires to Gourmet, which provided timely responses. However, as was determined in the previous segment of the proceeding, *see Chrome-Plated*

Lug Nuts From Taiwan; Final Results of Antidumping Duty Administrative Review, 64 FR 17314 (April 9, 1999), due to the nature of Gourmet's accounting system, the Department would not be able to reconcile the data Gourmet submitted in its responses to the Department's questionnaires with Gourmet's financial statements or bank accounts. *See* comments in memo from Tom Futtner to Holly Kuga regarding the facts available decision for Gourmet, September 20, 1999 ("FA memo"). Section 776(a)(2)(D) allows the Department to use facts otherwise available in reaching the applicable determination if a respondent provides information but the requested information can not be verified.

As explained in more detail below, the aforementioned companies have failed to cooperate to the best of their ability to provide the information requested by the Department. As a consequence, we have used an adverse inference in selecting the facts available to determine their margins in accordance with section 776(b) of the Act.

Anmax, Buxton, Chu Fong, Multigrand, Uniauto, Hwen, San Chien, San Shing, and Wing received the Department's questionnaire and did not respond. These companies have received questionnaires in previous administrative reviews and have continued to abstain from participation. *See Chrome-Plated Lug Nuts From Taiwan; Preliminary Results of Antidumping Duty Administrative Review and Termination in Part*, 63 FR 53875 (October 7, 1998). Trade Union also has been a party to the antidumping proceedings for lug nuts from Taiwan in past administrative reviews. In this review, Trade Union received the Department's questionnaire but submitted its response over one month past the Department's deadline. Trade Union never requested an extension and, hence, the Department rejected its submission as untimely, pursuant to 19 CFR 351.302(d). Because these companies have either submitted no response or an untimely response to the Department's questionnaire, the Department finds that Anmax, Buxton, Chu Fong, Multigrand, Uniauto, Hwen, San Chien, San Shing, Wing, and Trade Union have not acted to the best of their ability and should be subject to adverse inferences for facts available under section 776(b) of the Act.

Gourmet submitted timely responses to the Department's questionnaire and supplemental questionnaire. However, in Gourmet's supplemental questionnaire, Gourmet indicated that it would not provide the Department with

audited financial statements. Gourmet, as it had done in the previous review period, *see* Gourmet's March 10, 1999, supplemental questionnaire response, requested that the Department utilize an alternative method of verification in order to substantiate the information submitted in Gourmet's January 20, 1999, response to the Department's questionnaire. This method would be based on a reconciliation of the company's sales to its bank statements. However, as was determined in the previous review period, we do not consider this a reliable method on which to base our verification of the company's submitted sales data. *See Chrome-Plated Lug Nuts From Taiwan; Final Results of Antidumping Duty Administrative Review*, 64 FR 17314 (April 9, 1999). For further detail on this matter, also *see* FA memo. 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. Although Gourmet is aware of the Department's requirements for verifiable submissions, it has, once again, provided information which the Department can not verify. Therefore, Gourmet has failed to cooperate by not acting to the best of its ability to comply with a request for information from the Department. Because its submission is not reconcilable, it is not verifiable. Consequently, we have determined, in accordance with section 776(b), that the use of adverse facts available also is warranted for Gourmet. Section 776(b) also authorizes the Department to use as adverse facts available, information derived from secondary information. In this case, we have used the highest rate from 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.

Because information from prior segments of the proceeding constitutes secondary information, section 776(c) provides that the Department shall, to the extent practicable, corroborate secondary information from independent sources reasonably at its disposal. The 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. 103-316, Vol. 1 at 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, 63824 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 preliminarily determine that the following margins exist for the period September 1, 1997, through August 31, 1998:

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
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 Shing 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

Pursuant to 19 CFR 351.224(b), the Department will disclose to parties to

the proceeding any calculations performed in connection with these preliminary results within five (5) days after the date of publication of this notice. Pursuant to 19 CFR 351.309, interested parties may submit written comments in response to these preliminary results. Case briefs are currently scheduled for submission within 30 days after the date of publication of this notice, and rebuttal briefs, limited to arguments raised in case briefs, must be submitted no later than five (5) days after the time limit for filing case briefs. Parties who submit an argument in this proceeding are requested to submit with the argument: (1) A statement of the issue, and (2) a brief summary of the argument. Case and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f). Also, pursuant to 19 CFR 351.310, within 30 days of the date of publication of this notice, interested parties may request a public hearing on arguments raised in the case and rebuttal briefs. Unless the Secretary specifies otherwise, the hearing, if requested, will be held two days after the deadline for submission of rebuttal briefs. The Department will issue a notice of the final results of this administrative review, including its analysis of issues raised in any case or rebuttal brief or at a hearing, not later than 120 days after the date of publication of this notice.

The Department shall determine, and Customs 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 appraisal instructions on each manufacturer/exporter 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 chrome plated lug nuts from Taiwan entered, or withdrawn from warehouse, 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 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, under 19 CFR 351.402(f), 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 sections 751(a)(1) and 777(i)(1) of the Act.

Dated: September 29, 1999.

Robert S. LaRossa,

Assistant Secretary, Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-848]

Notice of Preliminary Results of Antidumping Duty Administrative Review and New Shipper Review, Partial Rescission of the Antidumping Duty Administrative Review, and Rescission of the New Shipper Review for Yancheng Baolong Biochemical Products, Co. Ltd.: Freshwater Crawfish Tail Meat From the People's Republic of China

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (PRC) in response to requests from petitioner and from respondent Ningbo Nanlian Frozen Foods Company, Ltd. (Ningbo Nanlian).