

We will instruct the U.S. Customs Service not to assess antidumping duties on entries of the subject merchandise from the above-referenced PRC exporters made during the POR.

Furthermore, the following deposit rates shall be required for merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of administrative review, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rates for CNIM, LABEF, Haimeng, GREN, Winhere, and ZLAP will be the rates indicated above; (2) the cash deposit rate for PRC exporters who received a separate rate in the LTFV investigation will continue to be the rate assigned in that investigation; (3) the cash deposit rate for all other PRC exporters will continue to be 43.32 percent, the PRC-wide rate established in the LTFV investigation; and (4) the cash deposit rate for non-PRC exporters of subject merchandise from the PRC will be the rate applicable to the PRC supplier of that exporter. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

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

This new shipper administrative review and notice are in accordance with section 751(a)(2)(B) of the Act (19 U.S.C. 1675(a)(2)(B)) and 19 CFR 351.214(d).

Dated: February 23, 1999.

Holly A. Kuga,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99-5014 Filed 2-26-99; 8:45 am]

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DEPARTMENT OF COMMERCE

[A-403-801]

Fresh and Chilled Atlantic Salmon From Norway; Final Results of Changed Circumstances Antidumping Duty Administrative Review

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

ACTION: Notice of final results of changed circumstances antidumping duty administrative review.

SUMMARY: On September 23, 1998, the Department of Commerce ("the Department") published the notice of initiation and preliminary results of its changed circumstances administrative review concerning whether Kinn Salmon A/S ("Kinn") is the successor firm to Skaarfisk Group A/S ("Skaarfisk"). We have now completed that review. We have determined that Kinn is the successor firm to Skaarfisk. **EFFECTIVE DATE:** March 1, 1999.

FOR FURTHER INFORMATION CONTACT: Todd Peterson or Thomas Futtner, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-4195.

SUPPLEMENTARY INFORMATION:

The 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 Agreement Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (1998).

Background

In a letter dated March 2, 1998, Kinn advised the Department that on July 1, 1997, the former Skaarfisk reorganized to form two firms, Skaarfisk Pelagisk AS and Kinn Salmon. Kinn requested that the Department conduct a changed circumstances administrative review pursuant to section 751(b) of the Act to determine whether Kinn should properly be considered the successor firm to Skaarfisk. Kinn stated that the salmon activities of Skaarfisk including processing, marketing and exporting were transferred to Kinn Salmon AS. Skaarfisk Pelagisk AS oversees the processing, marketing and exporting activities of all other types of fish. Kinn

stated that its operations are a direct continuation of the salmon related activities performed by Skaarfisk. While the board of directors has changed, the officers and management of Kinn are virtually identical to the officers and management of Skaarfisk. Kinn stated that the address, telephone numbers and telefax numbers are the same as those of Skaarfisk. Furthermore, it operates the same facilities in Florø, Norway that were operated by Skaarfisk for the processing of salmon and conducts business operations at the same executive offices used by Skaarfisk. It provided documentation showing that the customer list for Kinn and the supplier list to Kinn is the same as the customer and supplier lists for Skaarfisk. Kinn submitted a copy of The Certificates of Registration of Skaarfisk, Skaarfisk Pelagisk AS, and Kinn Salmon AS that it filed with the Register of Business Enterprises in Norway.

On September 23, 1998, the Department published in the **Federal Register** (63 FR 50880) the notice of initiation and preliminary results of its changed circumstances antidumping duty administrative review of fresh and chilled Atlantic salmon from Norway. We have now completed this changed circumstances review in accordance with section 751(b) of the Act.

Scope of the Review

The merchandise covered by this review is fresh and chilled Atlantic salmon ("salmon"). It encompasses the species of Atlantic salmon ("Salmo salar") marketed as specified herein; the subject merchandise excludes all other species of salmon: Danube salmon; Chinook (also called "king" or "quinnat"); Coho ("silver"); Sockeye ("redfish" or "blueback"); Humpback ("pink"); and Chum ("dog"). Atlantic salmon is whole or nearly whole fish, typically (but not necessarily) marketed gutted, bled, and cleaned, with the head on. The subject merchandise is typically packed in fresh water ice ("chilled"). Excluded from the subject merchandise are fillets, steaks, and other cuts of Atlantic salmon. Also excluded are frozen, canned, smoked or otherwise processed Atlantic salmon. Fresh and chilled Atlantic salmon is currently provided for under Harmonized Tariff Schedule (HTS) subheading 0302.12.00.02.09. The HTS item number is provided for convenience and Customs purposes. The written description remains dispositive.

Successorship

In considering questions involving successorship, the Department examines several factors including, but not

limited to, changes in (1) management, (2) production facilities, (3) supplier relationships, and (4) customer base. See, e.g., *Brass Sheet and Strip from Canada; Final Results of Antidumping Duty Administrative Review*, 57 FR 20460 (1992). While no one or several of these factors will necessarily provide a dispositive indication, the Department will generally consider the new company to be the successor to the previous company if its resulting operation is essentially the same as its predecessor. See, e.g., *Industrial Phosphoric Acid from Israel; Final Results of Changed Circumstances Review*, 59 FR 6944 (February 14, 1994). Thus, if evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same entity as the former company, the Department will treat the successor company the same as the predecessor for antidumping purposes, e.g., assign the same cash deposit rate, apply any relevant revocation.

We have examined the information provided by Kinn in its March 2, 1998, letter and determined that Kinn is the successor-in-interest to Skaarfish. The management and organizational structure of the former Skaarfish have remained intact under Kinn, and there have been no changes in the production facilities, supplier relationships, or customer base. Therefore, we determine that Kinn has maintained the same management, production facilities, supplier relationships, and customer bases as did Skaarfish.

Comments

Although we gave interested parties an opportunity to comment on the preliminary results, none were submitted.

Final Results of Changed Circumstances Review

We determine that Kinn is the successor-in-interest to Skaarfish for antidumping duty cash deposit purposes. Kinn, therefore, will be assigned the Skaarfish antidumping cash deposit rate of 2.30 percent. This deposit requirement will apply to all unliquidated entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after July 1, 1997, the date on which the corporate name change legally took effect. This deposit rate shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final 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. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties.

This changed circumstances review and notice are in accordance with section 751(b) of the Act, as amended (19 U.S.C. 1675(b)), and 19 CFR 351.216.

Dated: February 23, 1999.

Holly A. Kuga,

Acting Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

University of Chicago, Argonne National Laboratory; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW, Washington, DC.

Docket Number: 98-061. Applicant: University of Chicago, Operator of Argonne National Laboratory, Argonne, IL 60439. Instrument: Ion Source. Manufacturer: Atomika Instruments, Germany. Intended Use: See notice at 63 FR 69264, December 16, 1998.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument provides an ion current $>1\mu\text{A}$ in a spot size <60 microns with a dynamic range $>10^5$ for depth profiling near surface concentrations below one ppt. The Los Alamos National Laboratory advises that: (1) This capability is pertinent to the applicant's intended purpose; and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 99-5019 Filed 2-26-99; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

University of California, Davis; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW, Washington, DC.

Docket Number: 98-062. Applicant: University of California, Davis, CA 94550. Instrument: Titanium Sapphire Oscillator. Manufacturer: Femtolasers Produktions, Germany. Intended Use: See notice at 63 FR 69264, December 16, 1998.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument provides ultrashort (12 femtosecond), ultrahigh intensity laser pulses using patented mirror dispersion control technology for study of laser-electron interactions at high intensities. Brookhaven National Laboratory advised February 10, 1999 that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

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