

Antidumping duty proceedings	Period to be reviewed
Wu Han China Cereal Imp./Exp. Corp. Huhu Imp./Exp. Co. Xi An Native and Animal Products Imp./Exp. Corp. Xiamen Huashun Food Indust. Ltd. Xin Xian Henan International Trading Corp. Xin Xiang Henan International Trading Corp. Xinyang Prefectural Foreign Trade Corporation of Henan Province Xing Tai, Hebei Imp./Exp. Corp. Xinjiang Cereal, Food, Medical Products Imp./Exp. Corp. (Urumuqi) Xuzhou Foreign Trade Corp. Xuzhou Cereals, Oils and Foodstuffs Imp. & Exp. Corp. Xuzhou Foreign Trade Company Yantai Development Zone Imp./Exp. Co. Yantai Foodstuffs Imp./Exp. Corp. Yantai Hualin Food Industrial Co. Ltd. Yantai Native Produce & Animal By-Products Imp./Exp. Corp. Zhonghai Trading (Chongqing) Overseas Trading Corp. Zhongji Jiahua Imp./Exp. Corp. Zhongyuan International Economic Trade Co. Zhun Hua Hebei Imp./Exp. Corp. Zaoshuang MINMETAL Imp./Exp. Corp. All other exporters of fresh garlic from the People's Republic of China are conditionally covered by this review.	
ARGENTINA: <i>Oil Country Tubular Goods</i> C-357-403 Siderca S.A.I.C.	01/01/94-12/31/94
Suspension Agreements SINGAPORE: <i>Certain Refrigeration Compressors</i> C-559-001	04/01/94-03/31/95

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 353.34(b) and 355.34(b).

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)) and 19 CFR 353.22(c)(1) and 355.22(c)(1).

Dated: December 8, 1995.
 Joseph A. Spetrini,
Deputy Assistant Secretary for Compliance.
 [FR Doc. 95-30607 Filed 12-14-95; 8:45 am]
 BILLING CODE 3510-DS-M

[A-351-605]

Silicon Metal From Argentina; Final Results of Antidumping Duty Administrative Review and Termination in Part

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

ACTION: Notice of Final Results of Antidumping Duty Administrative Review, and Termination in Part.

SUMMARY: On August 9, 1995, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on silicon metal from Argentina, and its termination in part (60 FR 40566). Since

petitioners withdrew their request for review of Andina Electrometallurgical (Andina) within 90 days from the date of publication of the notice of initiation in accordance with 19 CFR 353.22(a)(5), and no other party requested a review of Andina, we terminated the review with respect to this firm. This review covers Silarsa, S.A. (Silarsa), a manufacturer/exporter of this merchandise to the United States. We have now completed this review and have continued to assign to Silarsa the BIA rate of 24.62 percent for the period September 1, 1993 through August 31, 1994.

We gave interested parties the opportunity to comment on the preliminary results. Based on our analysis of the comments received, we have concluded that Silarsa's margin should remain at 24.62 percent

EFFECTIVE DATE: December 15, 1995.

FOR FURTHER INFORMATION CONTACT: Maureen McPhillips or John Kugelman, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington D.C. 20230; telephone: (202) 482-5253.

SUPPLEMENTARY INFORMATION:

Background

On August 9, 1995, the Department published in the Federal Register (60

FR 40566) the preliminary results of its administrative review of the antidumping duty order on silicon metal from Argentina (56 FR 48779, September 26, 1991). The Department has not completed this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Applicable Statute and Regulations

The Department is conducting this administrative review in accordance with section 751 of the Tariff Act. Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

Scope of Review

Imports covered by this administrative review are shipments of silicon metal from Argentina. During this less-than-fair-value (LTFV) investigation, silicon metal was described as containing at least 96.00, but less than 99.99 percent silicon by weight. In response to a request by petitioners for clarification of the scope of the antidumping duty order on silicon metal from the People's Republic of China (PRC), the Department determined that material with a higher aluminum content containing between 89 and 96 percent silicon by weight is the same class or kind of merchandise

as silicon metal described in the LTFV investigation (Final Scope Rulings-Antidumping Duty Orders on Silicon Metal from the People's Republic of China, Brazil, and Argentina (February 3, 1993)). Therefore, such material is within the scope of the orders on silicon metal from the PRC, Brazil, and Argentina. Silicon metal is currently provided for under subheadings 2804.69.10 and 2804.69.50 of the Harmonized Tariff Schedule (HTS) and is commonly referred to as a metal. Semiconductor-grade silicon (silicon metal containing by weight not less than 99.99 percent of silicon metal and provided for in subheading 2804.61.00 of the HTS) is not subject to this order. The HTS subheadings are provided for convenience and U.S. Customs Service purposes only. The written description remains dispositive.

This review covers one manufacturer/exporter of the subject merchandise to the United States, Silarsa, and the period September 1, 1993 through August 31, 1994.

Best Information Available (BIA)

In accordance with section 776(c) of the Tariff Act, we have determined that the use of BIA is appropriate for Silarsa. Our regulations that is selecting BIA we may take into account whether a party refuses to provide information (19 CFR 353.37(b)). Generally, whenever a company refuses to cooperate with the Department or otherwise significantly impedes the proceeding, as Silarsa did here, the Department uses as BIA the highest rate for any company for the same class or kind of merchandise from the current or any prior segment of the proceeding. When a company substantially cooperates with our requests for information, but fails to provide all the information requested in a timely manner or in the form requested, we use as BIA the higher of (1) the highest rate (including the "all others" rate) ever applicable to the firm for the same class or kind of merchandise from the same country from the LTFV investigation or a prior administrative review; or (2) the highest calculated rate in the review of any firm for the same class or kind of merchandise from the same country. See *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From the Federal Republic of Germany, et. al.*; *Final Results of Antidumping Administrative Review*, 57 FR 28360, 28379 (June 24, 1992), and *Allied-Signal Aerospace Co. v. United States*, 996 F.2d 1185 (Fed. Cir. 1993).

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. We received written comments from American Silicon Technologies, Elkem Metals Company, Globe Metallurgical, Inc., and SKW Metals & Alloys, Inc., the petitioners, and Silarsa, S.A., a respondent. On September 15, 1995, we received written rebuttal comments from petitioners and Hunter Douglas, an importer of silicon metal from Argentina and an interested party as defined in section 771(9)(A).

Comments on the Use of BIA

The petitioners assert that Silarsa's failure to participate in this third administrative review occurred within the context of a continuing pattern of noncooperation by Silarsa in this proceeding, and they point out that their allegation of sales below cost with respect to Silarsa in the 1991-1992 period of review (the first administrative review) precipitated Silarsa's withdrawal. The Department subsequently assigned a BIA rate of 54.67 percent, which was computed from constructed value information submitted by the petitioners and Silarsa's reported U.S. sales data. The petitioner state that the Department explained in the final results of that review that it could not "presume that the highest prior margins {were} the best information available and that following the two-tier methodology would be significant to induce the respondent to cooperate." See *Silicon Metal from Argentina; Final Results of Antidumping Duty Administrative Review*, 58 FR 65336 (December 14, 1993) (Argentina Silicon Metal I). On remand, the Department recalculated the margin taking into account Silarsa's ministerial error allegations, and derived a margin of 24.62 percent which was affirmed by the Court of International Trade (CIT) on March 24, 1994.

The petitioners note that Silarsa failed to respond by the deadline date to the Department's questionnaire for the second administrative review, covering the period September 1, 1992 through August 31, 1993, and has had no subsequent contact with the Department with respect to the second administrative review.

For this third administrative review the petitioners reiterate their objection to Silarsa's request to be "excused from responding to" the Department's questionnaire because it (1) exported only 331 metric tons of subject imports during the period of review (POR) in October 1993; (2) had stopped

manufacturing silicon metal in January 1994, and had no near-term plans to resume production; (3) would contact the Department should it resume production; and (4) did not have the personnel to prepare the response. See Letter from Alberto Stein, President, Silarsa, to the Department of Commerce (December 29, 1994) Letter from Silarsa on file in Central Records, Room B-099. Petitioners note that PIERS data and Census Bureau import data indicate that Silarsa did import silicon metal into the United States during the POR and that a temporary cessation of production does not relieve Silarsa of its obligation to respond to the questionnaire.

Petitioners state that to be an effective tool, the application of BIA to a recalcitrant party must result in a margin that is less desirable to the respondent than that which would have been obtained had the party chosen to cooperate. Citing *N.A.R., S.p.A. v. United States*, 741 F.Supp. 936 (CIT 1990), in support of their argument, petitioners assert that the best information rule may be used to prevent a respondent from controlling the results of an antidumping investigation "by selectively providing the ITA with information", (*Id.* at 941). Petitioners state that the Department normally includes within the pool of BIA rates (1) the highest rate assigned to any company in a previous review of investigation and (2) the highest rate for a responding company with shipments during the review period. Petitioners contend, however, that the Department has gone beyond these rates when the higher of the two was not "sufficiently adverse to induce respondents to submit timely, accurate, and complete responses" (*Sodium Thiosulfate From the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review*, 57 FR 58792 (December 11, 1992) (PRC Sodium Thiosulfate)).

According to petitioners, Silarsa's failure to cooperate in the first, second, and in this third administrative review demonstrates that the current rate, the BIA rate from the first administrative review, is not sufficiently adverse to induce Silarsa's cooperation. Since the rates established in the investigation and prior completed reviews are no more adverse than the 24.62 percent deposit rate currently in effect, the petitioners assert that the Department must go beyond those rates to find a rate sufficiently adverse to induce cooperation. Citing *Replacement Parts for Self-Propelled Bituminous Paving Equipment From Canada; Final Results of Antidumping Duty Administrative Review*, 56 FR 47454 (September 19,

1991) (Canadian Replacement Parts) and *Krupp Stahl A.G. v. United States*, 822 F. Supp. 789 (CIT 1993) (Krupp Stahl) as precedent, the petitioners believe the Department must expand its choices and include the petition rates in its BIA pool.

The petitioners point out that in *Certain Malleable Cast Iron Pipe Fittings From Brazil*; Final Results of Antidumping Duty Administrative Review, 60 FR 41876 (August 14, 1995) (Brazil Cast Iron Pipe Fittings) the Department assigned as BIA the average of the petition rates, as adjusted by the Department, reasoning that

[in] not responding to our requests for information, [the respondent] could be relying upon our normal BIA practice to lock in a rate that is capped at its LTFV rate. Such a capped BIA rate would allow [the respondent] to practice injurious price discrimination to a greater degree than at the time of the LTFV investigation without fear of adverse consequences. With such a capped rate, [the respondent] would no longer have an incentive to participate in an administrative review which would determine the extent to which [the respondent] is actually dumping subject merchandise in the United States.

The petitioners state that similarly in this review Silarsa's current BIA rate is the highest rate established for any respondent in this or any prior segment of the proceeding. Therefore, in the petitioners' opinion, the Department should assign to Silarsa, as BIA, the average of the petition rates, 81.31 percent, or, at a minimum, the lowest petition rate of 49.35 percent.

Silarsa counters that it generally supports the Department's preliminary results and urges the Department to assign to Silarsa in the final results a rate no greater than the highest rate ever established by the Department in *Argentine Silicon Metal I*, *i.e.*, 24.62 percent. Silarsa maintains that the Department's use of this rate as BIA is firmly rooted in established agency practice and is commonly referred to as the two-tiered BIA methodology. In this case the Department uses as BIA the highest previous margin ever established by the Department in *Silicon Metal from Argentina*. Silarsa cites *Allied Signal Co. v. U.S.* (996 F.2d 1185, 1192 (Fed. Cir. 1993), *aff'd*, 28 F.3d 1188, cert denied, 115 S. Ct. 722(1995)) as evidence that the Department's two-tiered BIA methodology and its application in administrative reviews have been upheld by the Court of Appeals for the Federal Circuit.

Silarsa dismisses the petitioners' claim that Silarsa's failure to cooperate in the second and third administrative

reviews demonstrates that the current rate is not sufficiently adverse to induce Silarsa's cooperation, contending that this conclusion is clearly refuted by the record. In fact, Silarsa maintains that the 24.62 percent margin constitutes an insurmountable barrier, which precluded Silarsa from participating in the U.S. silicon metal market, and precipitated the company's decision to cease production of silicon metal effective January 1, 1994. According to Silarsa, economic constraints and the lack of a sufficient administrative structure have precluded Silarsa's participation in the administrative proceedings, not the petitioners' purported ineffectiveness of the margin. Silarsa characterizes the petitioners' claim that the use of the 24.62 percent margin as BIA would "reward" Silarsa for its inability to participate in the administrative proceedings as baseless, stating that this margin is not "neutral or even favorable" to Silarsa.

Silarsa contends that the Department has no basis to assign to Silarsa a rate greater than the 24.62 percent rate determined to constitute BIA in the first administrative review. Silarsa asserts that the petitioners' cite to *Canadian Replacement Parts* to support the application of a rate from the petition as the BIA rate for purposes of an administrative review is incorrect. In that case, the Department "included the petition rate in the BIA pool," as petitioners contend, but ultimately rejected this rate and applied the BIA rate in effect for the respondent in a preceding review.

Silarsa states that the petitioners' cite to *PRC Sodium Thiosulfates* is "equally inapt" because, unlike that case where the petitioner placed on the record documentation indicating that costs and prices had changed substantially since the investigation, the petitioners in this case have not introduced evidence of increased costs or prices that might warrant the application of a higher dumping margin. Silarsa also rejects the petitioners' cite to *Krupp Stahl*, where the CIT upheld the Department's choice of the rate established in the preliminary phase of the LTFV investigation as BIA. Silarsa points out that the administrative review at issue in *Krupp Stahl* was the first review and the only BIA alternatives available to the Department were the petition-based preliminary LTFV rate for the respondent and the respondent's own final LTFV rate. The Court specified that "under the circumstances of limited BIA data in [that] review," the Department's use of the only other information available, *i.e.*, the preliminary LTFV rate, was not arbitrary. Silarsa argues

that this is the third administrative review of silicon metal from Argentina and the information available to the Department is not "limited." In addition, Silarsa notes that the rate used by the Department as BIA in *Krupp Stahl* was a rate established in the preliminary LTFV investigation, not a petition rate as proposed by the petitioners in this case.

Silarsa also distinguishes the facts in *Brazil Cast Iron Pipe Fittings* from those in this review. In *Brazil Cast Iron Pipe Fittings* there was only one respondent, with a relatively low margin, who failed to respond to the Department's questionnaire subsequent to the initial LTFV investigation. The petitioner argued that so long as the company chose not to respond to the Department's questionnaire, the relative low margin for the respondent would not change under the Department's regular BIA practice. Silarsa points out that due to the "unusual situation" in that case the Department deviated from its "normal BIA practice," the two-tiered methodology. Silarsa argues that this "unusual situation" is not applicable in this review, where there are two companies, there is more than one rate in the selection pool, and the rate currently in effect for Silarsa, *i.e.*, 24.62 percent, is a BIA rate itself and is more adverse and prejudicial than the calculated rate in *Brazil Cast Iron Pipe Fittings*.

Silarsa concludes that the petitioners have failed to establish a reasonable basis for the Department to deviate from its accepted, established methodology to determine a BIA rate for Silarsa. Silarsa, therefore, urges the Department to utilize as BIA for Silarsa in the final results of this administrative review a rate no greater than the BIA rate currently in effect for Silarsa, *i.e.*, 24.62 percent.

In rebuttal the petitioners argue that Silarsa's characterization of its current BIA rate as "extremely adverse and prejudicial" does not alter the fact that Silarsa failed to cooperate in this review; this noncooperation demonstrates that the current rate is not sufficiently adverse or prejudicial to achieve the central purpose of the BIA rule which is to provide a strong enough incentive to cooperate that the respondent will submit the information necessary to determine the actual margin of dumping on its U.S. sales. The petitioners urge the Department not to rely upon selected, unverified facts submitted by an uncooperative respondent as the basis for a decision benefiting that respondent. They maintain that the most important of the selective facts submitted by Silarsa in its

brief was its contention that it had made only one exportation to the United States during the POR and, therefore, its current rate should not be increased. The petitioners claim that the only reason Silarsa provided any information in this review regarding its shipments to the United States is the petitioners' challenge to Silarsa's erroneous claim that it had made only one shipment of silicon metal to the United States during the POR. According to the petitioners, the fact that Silarsa is willing to accept the 24.62 percent rate rather than provide the requested information demonstrates that the rate is neither adverse nor prejudicial.

The petitioners argue that since Silarsa is the only company being reviewed in this administrative review, under the Department's normal methodology Silarsa's current rate is the highest possible BIA rate. The petitioners maintain that it is the Department's practice to go beyond the rates specified by its normal methodology when the highest of those rates is not "sufficiently adverse to induce respondents to submit timely, accurate, and complete responses" (PRC Sodium Thiosulfate, 57 FR at 58792). Since the current rate has proven to be too low to induce Silarsa's cooperation, the petitioners conclude that, in accordance with Krupp Stahl, the Department must assign a higher BIA rate, the petition rate, as BIA for Silarsa. The petitioners cite Brazil Cast Iron Pipe Fittings, 60 FR at 41878, wherein the Department reasoned that "such a capped BIA rate would allow (the respondent) to practice injurious price discrimination to a greater degree than at the time of the LTFV investigation without fear of adverse consequences" (*id.*, 41878), as precedent for the Department's use of petition-based rates when the only available rate under the Department's standard practice is the respondent's own LTFV margin. Since Silarsa's current BIA rate is the highest rate established for any respondent in this or any prior segment of the proceeding, the petitioners contend that Silarsa's rate will be capped at the current rate. Therefore, the petitioners reiterate their contention that the Department should assign to Silarsa, as BIA, the average of the petition rates (81.31%) or, at a minimum, the lowest petition rate (49.35%).

Hunter Douglas agrees with Silarsa that there is no reason for the Department to deviate from its two-tiered BIA methodology in this review, stating that the petitioners cannot realistically claim that the 24.62 percent rate is not sufficiently adverse when it has prevented Silarsa from exporting to

the United States and also has induced Silarsa to discontinue production of silicon metal altogether.

Hunter Douglas argue that the sole impact of an increase in the BIA rate would be to punish unrelated U.S. importers who must actually pay the antidumping duties even though they have no control over foreign exporters or their decisions about whether to cooperate in the Department's antidumping administrative reviews. Therefore, Hunter Douglas urges the Department to apply a BIA rate no higher than 24.62 percent to Silarsa's merchandise in this review.

Department's Position: We agree with Silarsa. In the preliminary results of this administrative review we followed our established two-tiered methodology, as set out above, and assigned to Silarsa, a noncomplying respondent, the highest rate found for any firm for the same class or kind of merchandise in the same country of origin in the LTFV investigation or a prior administrative review. As the petitioners explain in their brief, in the final results of Argentina Silicon Metal I we assigned to Silarsa, as BIA, a rate of 54.67 percent, computed using constructed value information submitted by petitioners and based on Silarsa's financial statements and its reported U.S. sales data. On remand, the Department recalculated this margin, taking into account ministerial error allegations filed by Silarsa, and derived a BIA rate of 24.62 percent which was subsequently affirmed by the CIT on March 24, 1994.

We disagree with the petitioners that the 24.62 percent BIA rate assigned to Silarsa in the first administrative review was not sufficiently adverse to induce Silarsa's cooperation in the second and third administrative reviews and, therefore, a more adverse rate should be assigned in this review to induce the desired cooperation. The BIA rate from the first administrative review appears to have precluded Silarsa's participation in the U.S. silicon metal market (see Letter from Silarsa). Accordingly, there is no need to resort to any higher BIA rate, as the petitioners suggest.

The petitioners are correct in their assertion that the Department tries to select an appropriate BIA rate to encourage future compliance with the Department's requests for information. However, in the present case, Silarsa maintains that it has ceased producing and exporting the subject merchandise. As such, in this instance, Silarsa is in no way advantaged by the present rate, and use of an even higher BIA rate would not induce Silarsa to respond to the Department's questionnaire.

The petitioners' reliance on Canadian replacement Parts and Krupp Stahl to support the use of the petition rates for BIA is misleading. In Canadian Replacement Parts we considered the petition rate in the pool of possible BIA rates, but ultimately rejected the rate alleged in the petition as a BIA rate because the respondent did make "several attempts to respond to our request for data" and "the selection of the most adverse BIA rate {was} not warranted under {those} circumstances" (see Canadian Replacement Parts, 56 FR 47454). In Krupp Stahl the CIT concluded that the Department's choice of BIA (*i.e.*, the preliminary LTFV margin) was "within its discretion" and "in accordance with law" given the "special circumstance of {that} case, that is, Krupp's destruction of the records during the process of litigation and the limited BIA data available for use" (*Id.*, 822 F. Supp., at 796). There are no parallel "special circumstances" in this review. There were special circumstances in the first administrative review which persuaded the Department to go beyond the two-tiered BIA methodology and use the rate the petitioners derived from Silarsa's own financial statements and submitted sales information. That rate is currently the highest rate for any respondent during the investigation and in subsequent administrative reviews. There are no special circumstances in this third administrative review that warrant rejecting that rate and going beyond the standard two-tiered BIA methodology.

The petitioners' fear that the Department's use of the traditional two-tiered methodology in this instance would result in a "capped BIA rate" which "would allow {the respondent} to practice injurious price discrimination to a greater degree than at the time of the LTFV investigation without fear of adverse consequences" (Brazil Cast Iron Pipe Fittings, 60 FR at 41876) is unwarranted. While the Department did find it appropriate to use a higher petition-based rate as BIA in the Brazil Cast Iron Pipe Fittings review, there is no need to do so here. Unlike Brazil Cast Iron Pipe Fittings, there are other exporters of the subject merchandise which may receive a higher rate in subsequent proceedings. Moreover, as discussed above, Silarsa attests that it is no longer producing or exporting the subject merchandise. There is no evidence to indicate that, if Silarsa resumes production, the current rate is insufficient to ensure Silarsa's cooperation in a subsequent review. Therefore, we believe that Silarsa's BIA

rate from the first administrative review is sufficient for the purposes for which BIA is intended. There is no indication that Silarsa is engaging in injurious price discrimination to a greater degree than at the time of the first administrative review. Should such evidence come to light in a future review, and the Department determines that a BIA rate is appropriate, it is not precluded from evaluating the rate in order to assign one that would accomplish the purpose for which a BIA rate is intended.

Finally, we also disagree with the petitioners' argument that PRC Sodium Thiosulfate supports the conclusion that a higher BIA rate is warranted in this instance. In PRC Sodium Thiosulfate the Department reconsidered the BIA rate because the petitioner presented evidence that costs and prices in the industry had changed substantially since the investigation, making the BIA rate from the investigation "no longer sufficiently adverse." See PRC Sodium Thiosulfate: Final Results of Antidumping Duty Administrative Review, 58 FR 12934 (March 8, 1993). That is not the case in this review. There is no evidence on the record that costs or prices have changed, let alone changed substantially, that would warrant a reconsideration of the current BIA rate assigned to Silarsa.

As explained above, the present BIA rate is sufficiently adverse to Silarsa. Therefore, since we see no reason to deviate from our well-established two-tiered BIA methodology in this review, we have continued to use 24.62 percent as Silarsa's first-tier BIA rate for this third administrative review.

Final Results of Review

As a result of comments received, we have not revised our preliminary results. Therefore, we determine that the following margin exists for the period September 1, 1993 through August 31, 1994:

Manufacturer/Exporter	Margin (per-cent)
Silarsa, S.A.	24.62

The Department will instruct the U.S. Customs Service to assess antidumping duties on all appropriate entries. Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of the subject merchandise, entered or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Tariff Act: (1)

The cash deposit rate for the reviewed company, Silarsa, will be the rate listed above; (2) for previously reviewed or investigated companies not listed above, 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 original 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; (4) the cash deposit rate for all other manufacturers or exporters will be 17.87 percent, the "all other" rate established in the final Results of Redetermination Pursuant to Court Remand, *American Alloys, Inc. v. United States*, Ct. No. 91-10-00782, p. 4 (April 7, 1995).

These deposit requirements 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 § 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 antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibilities concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Failure to comply is a violation of the APO. Timely written notification of return/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 administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)(B)) as amended and 19 CFR 353.22.

Dated: December 7, 1995.
 Susan G. Esserman,
Assistant Secretary for Import Administration.
 [FR Doc. 95-30606 Filed 12-14-95; 8:45 am]
BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

[I.D. 120895A]

Gulf of Mexico 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 Gulf of Mexico Fishery Management Council (Council) will convene a public meeting of its Shrimp Advisory Panel (AP).

DATES: The meeting will be held on January 9, 1996 beginning at 9:00 a.m. and will conclude at 4:30 p.m.

ADDRESSES: The meeting will be held at the New Orleans Airport Hilton Hotel, 901 Airline Highway, Kenner, LA; telephone: 504-469-5000.

Council address: Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609.

FOR FURTHER INFORMATION CONTACT: Antonio B. Lamberte, Economist; telephone: 813-228-2815.

SUPPLEMENTARY INFORMATION: The AP will review scientific information on the cooperative shrimp closure with the State of Texas, royal red shrimp regulatory amendment (tentative) and comparison of shrimp vessel effort and bycatch characterization effort. The AP consists principally of commercial shrimp fishermen, dealers and association representatives. The AP will develop recommendations to the Council regarding the extent of the closure of Federal waters off Texas in 1996 concurrent with the closure of Texas waters. If Amendment 8 to the Shrimp Fishery Management Plan is approved, the AP will review a regulatory amendment that would provide a procedure for setting a total allowable catch of royal red shrimp. The AP will also develop recommendations regarding the level of effort in the shrimp fishery after reviewing information that compares levels of effort collected using the current method and effort collected from the bycatch characterization study.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by January 2, 1996.