large'' exchange rate declines, please refer to *Certain Welded Carbon Steel Pipes and Tubes from Thailand: Final Results of Antidumping Duty Administrative Review,* 64 FR 56759 (October 21, 1999) (*Pipes and Tubes from Thailand*). For these final results of review, we incorporated the same methodology used in *Pipes and Tubes from Thailand*. However, the results have not been affected. All of TBC's U.S. sales took place during specific months in which we relied upon our ''standard'' 40-day average benchmark.

Final Results of the Review

As a result of this review, we determine that the following weighted-average dumping margin exists for the period July 1, 1997, through June 30, 1998:

Manufacturer/exporter	Weighted-Average Margin (percent)
Thai Benkan Corporation, Ltd.	0.94

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. Upon completion of this review, the Department will issue appraisement instructions directly to Customs. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the determination and for future deposits of estimated duties. For assessment of EP sales we calculated a per-unit customer or importer-specific assessment rate by aggregating the dumping margins calculated for all U.S. sales to each customer/importer and dividing this amount by the total quantity of those sales.

Furthermore, the following cash deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of pipe fittings from Thailand entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the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 company will be the rate indicated above; (2) for exporters not covered in this review, but covered in the original less than fair value (LTFV) investigation or a previous review, the cash deposit rate will continue to be the company-specific rate published in the most recent period; (3) if the exporter is not a firm covered in this review, a previous 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; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous reviews or the original LTFV investigation, the cash deposit rate will be 39.10 percent, the ''All Others'' rate from the LTFV investigation (57 FR 29702, July 6, 1992). These requirements, when imposed, 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 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 also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section Sec. 353.34(d) of the Department's regulations. Timely 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 sections 751(a)(1) and 771(i)(1) of the Act (19 U.S.C. 1675(a)(1) and 1677f(i)(1)).

Dated: December 6, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–32222 Filed 12–10–99; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–008]

Certain Circular Welded Carbon Steel Pipes and Tubes From Taiwan: Final Results of Antidumping Duty Administrative Review

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

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

SUMMARY: On June 7, 1999, the Department of Commerce (the Department) published the preliminary results of review of the antidumping duty order on certain circular welded carbon steel pipes and tubes from Taiwan (64 FR 30306). The review covers four manufacturer/exporters of the subject merchandise to the United States and the period May 1, 1997 through April 30, 1998. The manufacturers covered are Yieh Hsing Enterprise Co. Ltd. (Yieh Hsing), Yieh Loong Co., Ltd. (Yieh Loong), Kao Hsing Chang Iron & Steel Corporation (KHC) and Yun Din Steel Co., Ltd. (Yun Din).

EFFECTIVE DATE: December 13, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas Killiam or Michael J. Heaney, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–3019 or 482–4475, respectively.

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 amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations, codified at 19 CFR Part 351 (1998).

SUPPLEMENTARY INFORMATION:

Background

On June 7, 1999 the Department published the preliminary results of the administrative review, and rescinded the review with respect to Far East Machinery Co., Ltd., Sheng Yu Steel Co., Ltd., and Tai Feng Industries. *Certain Circular Welded Carbon Steel Pipes and Tubes From Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Partial Recission of Review* 64 FR 30306 (''Preliminary Results''). We received comments from petitioners and respondents Yieh Hsing and KHC. We received rebuttal comments from the petitioners and KHC. The Department has now completed this review in accordance with section 751 of the Act.

Scope of the Review

Imports covered by this review are shipments of certain circular welded carbon steel pipes and tubes. The Department defines such merchandise as welded carbon steel pipes and tubes of circular cross section, with walls not thinner than 0.065 inch and 0.375 inch or more but not over 4½ inches in

outside diameter. These products are commonly referred to in the industry as ''standard pipe'' and are produced to various American Society for Testing Materials specifications, most notably A–53, A–120, or A–135. Standard pipe is currently classified under Harmonized Tariff Schedule of the United States (HTSUS) item numbers 7306.30.5025, 7306.30.5032, 7306.30.5040, and 7306.30.5055. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

Non-Responding Companies

Yun Din and Yieh Loong did not respond to our requests for information. For the reasons discussed in the notice of preliminary results, we have assigned these companies, as facts available, the highest rate in any review of this order, 14.08%. *See* Preliminary Results at 64 FR 30307.

Methodology

Except for the corrections of clerical errors discussed below we did not change our method of analysis from the preliminary results. *See id.* at 30307–30309. Thus, we applied the same methods with regard to price and cost, and observed the requirements of section 773(a)(1)(B)(i) of the Act concerning level-of-trade analysis.

Comments: KHC

Comment 1: Petitioners argue with respect to KHC that the Department should reject the cost-of-production (COP) offset claimed by KHC unless ''heads and tails'' (pipe-end trimmings) were included in the cost of raw input submitted by KHC. KHC counters that these items were in fact included in its submitted costs.

Department's Position: There is no record evidence to indicate that KHC omitted ''head and tails'' from its cost calculations. Accordingly, we have allowed KHC's claimed offset.

Comment 2: KHC argues that the Department's application of facts available in the preliminary results to COP and CV data for certain product models which KHC did not produce during the POR is inappropriate. KHC contends that it submitted data for alternate models which are similar, and that the Department can and should use this alternate data, rather than resorting to facts available. In its case brief, KHC argues that it did not submit costs data for the sales in question because ''* * * it would have been virtually impossible, given the schedule, for KHC to use pre-POR cost data to determine actual costs; * * *.'' KHC argues that the Department intended to use the costs of similar home market models, and stated this intention in its analysis memorandum. KHC argues that the Department accepted similar substitute model data numbers from the other respondent in the case. KHC also argues that the Department is incorrect to conclude that KHC ''failed to provide any costs of certain models'' since it provided costs data of similar products.

KHC further argues that, assuming the use of facts available is appropriate, the Department should not use as facts available the highest reported costs among all costs reported for all categories of products, because to do so results in the unintended use of adverse facts available. The Department should, KHC argues, revise its calculation programs in the final results to ensure that no adverse facts available are applied to KHC's cost data.

Petitioners argue that if the Department recalculates the margin applicable to KHC it should use values which petitioners put forward as facts available data for material, labor, fixed and variable overhead, interest and general & administrative expenses.

Department's Position: Where KHC failed to provide cost data, we used the highest average costs of models for which KHC did provide data. The facts which we used constitute partial adverse facts available, and are also the least adverse facts available on the record. We did not use petitioners' suggested alternative values because petitioners did not provide any supporting calculations or rationales, and because we were in possession of verified average cost data from KHC's submission. For the reasons below we disagree with each of respondent's arguments.

KHC withheld information requested by the Department, then belatedly offered different information, which did not fulfill the request, in an unacceptable format. Section 776(a)(2) of the Act provides in part that if an interested party withholds information that has been requested or fails to provide such information in a timely manner or in the form or manner requested, subject to section 782 (d) and (e), the Department shall use facts otherwise available in reaching the applicable determination.

The Department's July 10, 1998 questionnaire stated at D–IV–A that ''(t)he COP file should contain unit cost information for the foreign like product manufactured for sale in the foreign market.'' Section D also contained the instruction: ''If you have any questions regarding the appropriate cost calculation period for the merchandise under review, notify the Department in writing *before* preparing your response to this section of the questionnaire'' (emphasis in original). Appendix II of the questionnaire specified the computer-readable format required. The cover letter for the questionnaire further stated: ''If you have any questions about these or any other matters, please contact the official in charge.'' *See Letter from Department to KHC,* July 10, 1998, page 1.

Both supplemental cost questionnaires (January 21 and February 17, 1999) requested information concerning models with missing product quantity data, which are the same models as those with missing costs. KHC did not consult the Department on this matter, and did not explain its omission of quantity or cost data until its April 13, 1999 addendum to its April 12, 1999 supplemental response, where it mentioned in passing that the models were not produced during the POR.

KHC was in a position either to provide the requested data or consult with the Department on acceptable alternative approaches, but did neither. By repeatedly choosing not to respond adequately to repeated requests for the data, as outlined below, KHC failed to cooperate to the best of its ability. The Department may therefore use an inference that is adverse to the interests of KHC in selecting among the facts otherwise available, per section 776(b) and well-established Department practice. *See*, for example, *Notice of Final Determination of Sales at Less Than Fair Value: Hot-Rolled Flat-Rolled Carbon-Quality Steel Products From Japan* (64 FR 24329, 24348, May 6, 1999).

KHC's April 13, 1999 list of alternates was unusable for four main reasons. First, it was not the information that we requested. Second, KHC provided no supporting documentation or worksheets to establish that its suggested alternate models were indeed the most similar, and were not models the use of which would result in a lower margin. This was a significant omission since the codes are complex, covering five product attributes and extending to well over 100 pairs of sixteen-digit model numbers. Many different models could potentially represent similar models to those for which KHC failed to provide quantity and cost information. Third, even assuming the Department determined that it should use the list KHC proffered, the list did not include a computer-compatible version, as required by the Department's questionnaire, but merely an unclear set

of hand-written notes which had been faxed and photocopied multiple times. Fourth, it is the responsibility of the respondent to submit its cost data in a useable format to the Department and with the specified documentation and worksheets. *See Sugiyama Chain Co. Ltd. et* v. *United States*, 797 F. Supp. 989, 994–995 (CIT 1992). KHC's tactics amounted to an improper attempt to shift the task of compiling and categorizing its alternate home market models to the Department.

KHC's argument that it would have been ''impossible'' to supply the requested data is unpersuasive: KHC never asked for assistance or for more time to collect and report the cost data in question. Instead, KHC chose to ignore both the instructions in the questionnaire, already cited, and basic statutory guidelines: section 782(c)(1) of the Act requires that an interested party promptly notify the Department if it is unable to submit information in the form and manner requested, and that it provide a ''full explanation and suggested alternate forms'' in which it is able to provide the information. KHC provided no such notification or explanation.

KHC's belated claim concerning lack of time is in any case belied by the facts. The Department extended this review by 4 months on January 6, 1999 (64 FR 860), granted each of KHC's four requests for extensions of deadlines to submit responses pertaining in whole or in part to the cost section of our questionnaire, and accepted KHC's April 13, 1999 addendum to its second supplemental cost response, the due date for which was April 12. *See* letters from the Department to KHC, granting extensions, November 17, 1998 (Section D Cost Response deadline moved from November 19 to December 4), February 3, 1999 (supplemental cost response deadline moved from February 5 to February 16), March 29, 1999 (second supplemental cost response deadline moved from April 1 to April 9), and April 8, 1999 (second supplemental cost response deadline moved again, from April 9 to April 12). KHC thus received approximately six additional weeks in which to file its cost responses. During this time KHC never mentioned the need to retrieve pre-POR cost data. KHC only raised the timing problem in its case brief, after the period for submission of new factual information had closed. Moreover, KHC has failed to demonstrate why providing actual cost data from a few months prior to the POR would be unreasonably burdensome. The Department routinely requests and receives sales and cost data from the months preceding a POR (see *Antidumping Questionnaire* I–3, I–4, ''Contemporaneous Sales'').

Concerning the Department's use of alternate model data from another respondent, the facts are not analogous. Yieh Hsing's alternative model codes were only 4 in number, and were submitted in a clear, timely, coherent response, duly accompanied by a computer-readable version.

We also disagree with KHC's assertions that use of its highest product cost is unduly punitive and that the Department intended to apply some other less adverse facts available. KHC misreads the analysis memo, which simply states, ''For models in which KHC failed to provide the material, labor, fixed factory overhead, variable factory overhead information, interest expenses, and general and administrative expenses, necessary to complete our analysis, we used the costs of similar home market models.'' This statement accurately describes the Department's methodology. The Preliminary Results notice was more specific in this regard, stating: ''Because KHC failed to provide any costs for certain models, as facts available we used the highest average cost for the same category of product.'' Thus, the Department clearly stated its exact intent with respect to which facts available it intended to apply for the unreported data.

We note that the facts we used are only partial adverse facts available and are the least adverse verified facts available on the record which would not reward non-compliance. Rather than applying the highest calculated margin for the sales with unreported cost data, we simply inserted the highest costs in order to complete the costs test and leave the price-to-price analysis intact. We have relied upon KHC's own verified data as our source of facts available. Use of costs other than those we have used, such as KHC's overall, non-product specific average costs, could reward KHC for failure to fully cooperate in this review because use of such data could potentially result in a lower margin than would have resulted from use of KHC's actual costs. Our application of partial adverse facts available in this manner is consistent with established practice because it is based on verified data and is sufficiently adverse to induce KHC's cooperation in future reviews. Accordingly, for these final results, we have continued to use as partial facts available KHC's highest costs where KHC failed to report actual costs.

Comment 3: KHC argues that although the verification report suggests, on the basis of statements by KHC officials, that certain packing costs were underreported, a close review of the data on the record show that the costs in question were fully reported. Petitioners did not comment on this issue.

Department's Position: Notwithstanding the doubts and confusion raised at verification, the evidence indicates that the costs in question were not underreported. Therefore we have not altered the packing costs for these final results.

Yieh Hsing

Comment 4: With regards to Yieh Hsing, petitioners argue that the Department should convert the reported per-ton packing expense for U.S. sales to a per-kilo basis prior to its inclusion in constructed value, and also that the Department should put constructed value on a per-ton basis prior to the calculation of foreign unit price in dollars.

Department's Position: We agree with petitioners and have adjusted our final results accordingly.

Comment 5: Yieh Hsing argues that the margin announced in the preliminary results contains an incorrectly located decimal point.

Department's Position: This is a moot point, because the margin has changed.

Yun Din

Comment 6: Concerning Yun Din, petitioners argue that, as it did in the preliminary results, the Department should continue to apply the highest rate available to this company because of the company's failure to cooperate with the Department to the best of its ability following the Department's requests for information.

Department's Position: With regard to Yun Din, we agree with petitioners and have maintained our methodology from the preliminary results.

Final Results of Review

As a result of this review, we determine that the following margins exist:

Manufacturer/exporter	Period	Margin (percent)
Yieh Hsing	5/1/97–4/30/98	1.40
KHC	5/1/97–4/30/98	14.08
Yun Din	5/1/97–4/30/98	14.08
Yieh Loong	5/1/97–4/30/98	14.08

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. The Department shall issue appraisement instructions directly to the Customs Service. For assessment purposes, we have calculated importer-specific duty assessment rates for the merchandise based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of sales examined. The Department will issue appraisement instructions directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of certain circular welded carbon steel pipes and tubes from Taiwan entered, or withdrawn from the warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Act: (1) For the companies named above, the cash deposit rates will be the rates listed above; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less-than-fair-value (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 a company-specific rate; (3) if the exporter is not a firm covered in this review or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of these reviews or the LTFV investigation; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous reviews or the original fair value investigation, the cash deposit rate will be 9.7%, the ''all others'' rate established in the LTFV investigation.

This notice also serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during these review periods. 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 orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with sections 351.305 and 351.306 of the Department's regulations. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: December 6, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–32228 Filed 12–10–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–859–801]

Notice of Postponement of Preliminary Antidumping Duty Determination: Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products From Slovakia

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

EFFECTIVE DATE: December 13, 1999.

FOR FURTHER INFORMATION CONTACT: LaVonne Jackson, Doug Campau, or Abdelali Elouaradia, Office V, DAS Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–3003, 482–1784, or (202) 482–0498, respectively.

POSTPONEMENT OF PRELIMINARY DETERMINATION: The Department of Commerce (the Department) is postponing the preliminary determination in the antidumping duty investigation of cold-rolled, flat-rolled, carbon-quality steel products from Slovakia. The deadline for issuing the preliminary determination in this investigation is now December 28, 1999.

On June 21, 1999, the Department initiated an antidumping investigation of cold-rolled, flat-rolled, carbon-quality steel products from Slovakia. *See Initiation of Antidumping Duty Investigations: Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products from Argentina, Brazil, the People's Republic of China, Indonesia, Japan, the Russian Federation, Slovakia, South Africa, Taiwan, Thailand, Turkey, and Venezuela,* 64 FR 34194 (June 25, 1999). The notice stated that the Department would issue its preliminary determinations no later than 140 days after the date of initiation (*i.e.,* November 8, 1999). The Department issued preliminary determinations in the cases involving Argentina, Brazil, Japan, the Russian Federation, South Africa, Thailand and Venezuela on November 1, 1999. On November 5, 1999, the Department postponed the deadline for the preliminary determinations for the cases involving Taiwan, Indonesia, China and Turkey until December 8, 1999.

On October 13, 1999, pursuant to section 771(18)(B) of the Tariff Act of 1930, as amended (''the Act''), the Department revoked the non-market economy status of Slovakia. As a result, the Department discontinued the use of its non-market economy methodology in this investigation, and has proceeded using its market economy methodology. On October 19, 1999, in accordance with section 773(c)(1)(B) of the Act, the Department concluded that this case is extraordinarily complicated. Consequently, the Department postponed the date of the preliminary determination in this investigation until December 8, 1999. *See Notice of Postponement of Preliminary Antidumping Duty Determination: Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products from Slovakia,* 64 FR 57482 (October 27, 1999). On November 10, 1999, the Department initiated a below-cost sales investigation, requiring the acquisition and analysis of additional complex data. Consequently, the Department has concluded that additional time is