

agents, and having bead sizes ranging from 0.4 mm to 3 mm. Specifically excluded from the scope of this investigation are off-grade, off-specification expandable polystyrene resins. The covered merchandise is found in the Harmonized Tariff Schedule of the United States (HTSUS) subheading 3903.11.00.00. Although this HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation, as well as certain other findings by the Department which are listed in an appendix to this notice, are addressed in the "Issues and Decision Memorandum for the Final Determination in the Antidumping Duty Investigation of Expandable Polystyrene Resins from South Korea" (Decision Memorandum), from Holly A. Kuga, Acting Deputy Assistant Secretary, Import Administration, to Troy H. Cribb, Assistant Secretary for Import Administration, dated November 8, 2000, which is hereby adopted by this notice. A list of issues which parties have raised and to which we have responded, and of which are in the Decision Memorandum, is attached to this notice as an appendix. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, Room B-099 of the main Department building and on the Web at: www.ia.ita.doc.gov. The paper copy and electronic version of the Decision Memorandum are identical in content.

Changes Since the Preliminary Determination

Based on our analysis of comments received, we have made changes in the margin calculations for both companies under review. These changes are discussed in the relevant sections of the Decision Memo.

Termination of Suspension of Liquidation

Pursuant to section 735(c)(2) of the Act, we are instructing Customs to terminate suspension of liquidation of all entries of EPS from South Korea that are entered, or withdrawn from warehouse, for consumption on or after June 26, 2000, the date of publication of the preliminary determination. The Customs Service shall refund any cash deposit and release any bond or other

security previously posted in connection with this case.

We determine that the following *de minimis* weighted-average dumping margins exist for October 1, 1998, through September 30, 1999:

Manufacturer/Exporter	Weighted Average Margin (percent)
Cheil Industries Incorporated ...	0.82
Shinho Petrochemical Co.	0.83

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. As our final determination is negative, this proceeding is terminated and all securities posted will be refunded.

Notification to Interested Parties

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 351.305. 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 determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: November 8, 2000.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

Appendix

Issues Covered in Decision Memorandum

I. General Issues

1. Allegations of Mexican Transshipments
2. Using Monthly Averaging Groups in Place of Annual Averages to Calculate Normal Value

II. Issues Specific to Cheil Industries, Inc. (Cheil)

3. Constructed Export Price Offset
4. Duty Drawback
5. Credit Expense—Home Market Interest Rate
6. Reclassification of Certain Sales from Constructed Export Price to Export Price
7. General & Administrative Expense
8. Inclusion of Import Duties in the Cost of Manufacture

III. Issues Specific to Shinho Petrochemical Co., Ltd (Shinho)

9. Credit Expense

10. Gain on Foreign Currency Translation
[FR Doc. 00-29405 Filed 11-15-00; 8:45 am]
BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-560-810]

Notice of Final Determination of Sales at Less Than Fair Value: Certain Expandable Polystyrene Resins From Indonesia

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

EFFECTIVE DATE: November 16, 2000.

FOR FURTHER INFORMATION CONTACT: Charles Riggle at (202) 482-0650 or David Layton at (202) 482-0371, AD/CVD Enforcement, Office V, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 1870, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

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 Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce (the Department) regulations refer to the regulations codified at 19 CFR Part 351 (2000).

Final Determination

We determine that certain expandable polystyrene resins from Indonesia are being sold, or are likely to be sold, in the United States at less than fair value (LTFV), as provided in section 735 of the Act. The estimated margins of sales at LTFV are shown in the *Suspension of Liquidation* section of this notice.

Case History

The preliminary determination in this investigation was issued on June 20, 2000. See *Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Expandable Polystyrene Resins From Indonesia*, 65 FR 39349 (June 26, 2000) (*Preliminary Determination*). No briefs were filed in this investigation.

On August 3, 2000, the Department published a **Federal Register** notice postponing the deadline for the final determination until no later than November 8, 2000. See *Notice of Postponement of Final Antidumping*

Duty Determination: Certain Expandable Polystyrene Resins from Indonesia, 65 FR 47713 (August 3, 2000).

Scope of Investigation

The scope of this investigation includes certain expandable polystyrene resins in primary forms; namely, raw material or resin manufactured in the form of polystyrene beads, whether of regular (shape) type or modified (block) type, regardless of specification, having a weighted-average molecular weight of between 160,000 and 260,000, containing from 3 to 7 percent blowing agents, and having bead sizes ranging from 0.4 mm to 3 mm.

Specifically excluded from the scope of this investigation are off-grade, off-specification expandable polystyrene resins.

The covered merchandise is found in the Harmonized Tariff Schedule of the United States (HTSUS) subheading 3903.11.00.00. Although this HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Period of Investigation

The period of investigation is October 1, 1998, through September 30, 1999.

Facts Available

In the preliminary determination, the Department based the dumping margin for the mandatory respondent, PT Risjad Brasali Styrimdo (Brasali), on facts otherwise available, pursuant to section 776(a)(2)(A) of the Act. The use of facts otherwise available was required because the record did not contain company-specific information, given the respondent's failure to respond to the Department's antidumping questionnaire. For purposes of the preliminary determination, the Department also found that Brasali failed to cooperate by not acting to the best of its ability to comply with the Department's request for information, pursuant to section 776(b), and determined to use an adverse inference in selecting from among the facts otherwise available. Specifically, the Department assigned to the mandatory respondent the highest margin alleged in the petition, which was corroborated as required by section 776(c) of the Act. See *Preliminary Determination*.

Following the preliminary determination, interested parties did not file any comment and have not objected to the Department's decision to use adverse facts available for the mandatory respondent in this investigation, or to the Department's

choice of facts available. Accordingly, for the reasons discussed in the *Preliminary Determination*, for this final determination the Department is continuing to use the highest margin alleged by the petitioners for the mandatory respondent in this proceeding. In addition, the Department has left unchanged from the preliminary determination the "All Others Rate" in this investigation, which is the average of all the rates provided in the petition.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing the Customs Service to continue to suspend all entries of expandable polystyrene resins from Indonesia, that are entered, or withdrawn from warehouse, for consumption on or after June 26, 2000, the date of publication of our preliminary determination. The Customs Service shall require a cash deposit or bond equal to the dumping margin, as indicated in the chart below. These instructions suspending liquidation will remain in effect until further notice. The dumping margins are provided below:

Manufacturer/exporter	Margin (percent)
PT Risjad Brasali Styrimdo	96.65
All Others	95.79

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. As our final determination is affirmative, the ITC will, within 45 days, determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing the Customs Service to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

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 351.305. 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 determination is issued and published pursuant to sections 735(d) and 777(i)(1) of the Act.

Dated: November 8, 2000.

Joseph A. Spetrini,

Acting Assistant Secretary, for Import Administration.

[FR Doc. 00-29406 Filed 11-15-00; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Coastal Zone Management: Federal Consistency Appeal by Ricardo Ramirez by an Objection by the Puerto Rico Planning Board

ACTION: Dismissal of appeal.

By letter dated April 6, 1999, Ricardo Ramirez (Appellant) filed with the Secretary of Commerce a notice of appeal pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act. The appeal is taken from an objection by the Puerto Rico Planning Board (PRPB) to the Appellant's consistency certification for an Army Corps of Engineers permit to reconstruct a stilt house of 47' by 42'.

The CZMA provides that a timely objection by a state (including Puerto Rico) to a consistency certification precludes any Federal agency from issuing licenses or permits for the activity unless the Secretary finds that the activity is either "consistent with the objectives of the CZMA (Ground I) or "necessary in the interest of national security" (Ground II). Section 307(c)(3)(A). To make such a determination, the Secretary must find that the project satisfies the requirements of 15 CFR 930.121 or 930.122. Generally, the Appellant has the burden of submitting evidence in support of his appeal and the burden of persuasion under both Grounds I and II.

The Federal regulations implementing the CZMA provide, in part, that the Secretary may dismiss an appeal for failure of the Appellant to base the appeal on Grounds I or II.

In light of Appellant's failure to describe the way in which the proposed activity is either (1) consistent with the objectives or purposes of the CZMA or (2) necessary in the interest of national security, the appeal has been dismissed. The Appellant is barred from filing