

Pursuant to section 766.7 of the Regulations, as respondent must file an Answer to the charging letter "within 30 days after being served with notice of the issuance of the charging letter" initiating the proceeding.

#### B. Service of the Charging Letter

Section 766.3(b)(1) of the Regulations provides that notice of issuance of a charging letter shall be served on a respondent by mailing a copy via registered or certified mail addressed to the respondent at the respondent's last known address. In accordance with that section, as previously mentioned, on February 2, 2004, BIS sent a notice of issuance of the charging letter by registered mail to Respondent Technology Options, at its last known address: Technology Options (India) Pvt. Ltd., Plot #168, Behind Maria Mansion, CST Road, Kalina, Mumbai 400 098, India. BIS submitted evidence establishing that on February 16, 2004, Technology Options received the notice of issuance of a charging letter. These actions constitute service under the Regulations.

Section 766.6(a) of the Regulations provides, in pertinent part, that "[t]he respondent must answer the charging letter within 30 days after being served with notice of issuance of the charging letter[.]" Since service was effectuated on February 16, 2004, Technology Options' Answer to the charging letter was due no later than March 16, 2004. Technology Options did not file an Answer to the Charging letter nor did Technology Options request an extension of time to answer the Charging letter under section 766.16(b)(2). Accordingly, because Technology Options failed to answer or otherwise respond to the charging letter within thirty days from the date he received the notice of issuance of the charging letter, as required by section 766.6 of the Regulations, Technology Options is in default.

#### C. Summary of Violations

The charging letter filed by BIS included a total of four charges. Specifically, the charging letter alleged that from on or about April 1, 2000, through on or about August 31, 2001, Technology Options conspired with others, known and unknown, to export from the United States to the Indira Gandhi Centre for Atomic Research ("IGCAR") a thermal mechanical fatigue test system ("fatigue test system") and a universal testing machine, both items subject to the Regulations, without a BIS export license as required by section 744.11 of the Regulations. See Gov't Ex. 3. At all relevant times, IGCAR was an organization listed on the Entity List set forth at Supplement No. 4 to part 744 of the Regulations ("Entity List").<sup>3</sup> In furtherance of the conspiracy, false documentation was submitted to the United States exporter that provided that a party other than IGCAR was

the ultimate consignee for the items to be exported from the United States.

The charging letter further alleged that on or about June 13, 2000, in connection with the export of the fatigue test system and attempted export of the universal testing machine, Technology Options took actions to evade the Regulations. Specifically, Technology Options, with others, known and unknown, developed and employed a scheme by which the company with which Technology Options was affiliated, Technology Options (India) Pvt. Ltd. ("Technology Options"), would receive the export of the fatigue test system from the United States without a BIS license and then divert it to the true ultimate consignee, IGCAR, in violation of the Regulation.

The charging letter also alleged that on or about August 16, 2001, through on or about April 8, 2002, in connection with the export of the fatigue test system references above, Technology Options made false statement to the U.S. Government regarding its knowledge of and involvement in the export. Specifically, Technology Options made misleading and false statements to U.S. Foreign Commercial Service Officers regarding the end user of the fatigue test system.

Pursuant to the default procedures set forth in section 766.7 of the Regulations, I find the facts to be as alleged in the charging letter, and hereby determine that those facts establish that Technology Options committed one violation of section 764.2(d), one violation of section 764(g), and two violations of 764.2(h) of the Regulations.

Section 764.3 of the Regulations establishes the sanctions that BIS may seek for the violations charged in this proceeding. The applicable sanctions are a civil monetary penalty, suspension from practice before the Department of Commerce, and a denial of export privileges under the Regulations. See 15 CFR 764.3 (2004).

Because Technology Options violated the Regulations by conspiring and engaging in transactions to evade the Regulations, BIS request that I recommend to the Under Secretary of Commerce for Industry and Security<sup>4</sup> that Technology Options' export privileges be denied for fifteen (15) years. BIS has suggest this sanction because Technology Options has demonstrated a severe disregard for U.S. export control laws. Further, BIS believes that imposition of a civil penalty in this case may be ineffective, given the difficulty of collecting payment against a party outside of the United States. In light of these circumstances, BIS believes that the denial of Technology Options' export privileges for fifteen (15) years is an appropriate sanction.

Given the foregoing, I concur with BIS and recommend that the Under Secretary enter an Order denying Technology Options' export privileges for a period of fifteen (15) years.

The terms of the denial of export privileges against Technology Options should be

<sup>4</sup> Pursuant to section 13(c)(1) of the Act and section 766.17(b)(2) of the Regulations, in export control enforcement cases, the Administrative Law Judge makes recommended findings of fact and conclusions of law that the Under Secretary must affirm, modify or vacate. The Under Secretary's actions is the final decision for the agency.

consistent with the standard language used by BIS in such order. The language is:

[Portions of recommend decision and order REDACTED]

Accordingly, I am referring this Recommended Decision and Order to the Under Secretary for review and final action for the agency, without further notice to the Respondent, as provided in section 766.7 of the Regulations.

Within 30 days after receipt of this Recommended Decision and Order, the Under Secretary shall issue a written order affirming, modifying, or vacating the Recommended Decision and Order. See 15 CFR 766.22(c).

The Honorable Joseph N. Ingolia,  
*Chief Administrative Law Judge.*

Done and dated this 27 of October, at  
Baltimore, MD.

#### Certificate of Service

I hereby certify that I served the *Recommended Decision and Order* by Federal Express to the following person:

Technology Options (India) Pvt. Ltd.,  
Pilot #168, Behind Maria Mansion, CST  
Road, Kalina, Mumbai 400 098, India.

Alyssa L. Paladino,  
Law Clerk, ALJ Docketing Center, United  
States Coast Guard, 40 S. Gay Street, Room  
412, Baltimore, MD 21202. Phone: (410)  
962-7434. Facsimile: (410) 962-1742.

Done and dated this 28 day of October 2004  
Baltimore, Maryland.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

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

**ACTION:** Notice of opportunity to request administrative review of antidumping or countervailing duty order, finding, or suspended investigation.

#### Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended, may request, in accordance with section 351.213 (2004) of the Department of Commerce (the Department) Regulations, that the Department conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

<sup>3</sup> The persons on the Entity List are end-users who have been determined to present an unacceptable risk of diversion to the development of weapons of mass destruction or the missiles used to delivery such weapons.

*Opportunity To Request A Review:*  
Not later than the last day of December  
2004, interested parties may request

administrative review of the following  
orders, findings, or suspended

investigations, with anniversary dates in  
December for the following periods:

	Period
<b>Antidumping Duty Proceedings</b>	
ARGENTINA: Honey, A-357-812 .....	12/1/03-11/30/04
BRAZIL:	
Certain Carbon Steel Butt-Weld Pipe Fittings, A-351-602 .....	12/1/03-11/30/04
Silicomanganese, A-351-824 .....	12/1/03-11/30/04
CHILE: Certain Preserved Mushrooms, A-337-804 .....	12/1/03-11/30/04
INDIA:	
Certain Hot-Rolled Carbon Steel Flat Products. A-533-820 .....	12/1/03-11/30/04
INDIA:	
Stainless Steel Wire Rod, A-533-808 .....	12/1/03-11/30/04
INDONESIA: Certain Hot-Rolled Carbon Steel Flat Products, A-560-812 .....	12/1/03-11/30/04
JAPAN:	
Drafting Machines and Parts Thereof, A-588-811 .....	12/1/03-11/30/04
High and Ultra-High Voltage Ceramic Station Post Insulators, A-588-862 .....	6/16/03-11/30/04
Polychloroprene Rubber, A-588-046 .....	12/1/03-11/30/04
P.C. Steel Wire Strand, A-588-068 .....	12/1/03-11/30/04
Welded Large Diameter Line Pipe, A-588-857 .....	12/1/03-11/30/04
REPUBLIC OF KOREA: Welded ASTM A-312 Stainless Steel Pipe, A-580-810 .....	12/1/03-11/30/04
TAIWAN:	
Carbon Steel Butt-Weld Pipe Fittings, A-583-605 .....	12/1/03-11/30/04
Porcelain-On-Steel Cooking Ware, A-583-508 .....	12/1/03-11/30/04
Welded ASTM A-312 Stainless Steel Pipe, A-583-815 .....	12/1/03-11/30/04
THE PEOPLE'S REPUBLIC OF CHINA: Cased Pencils, A-570-827 .....	12/1/03-11/30/04
Honey, A-570-863 .....	12/1/03-11/30/04
Malleable Cast Iron Pipe Fittings, A-570-881 .....	12/2/03-11/30/04
Porcelain-on-Steel Cooking Ware, A-570-506 .....	12/1/03-11/30/04
Silicomanganese, A-570-828 .....	12/1/03-11/30/04
<b>Countervailing Duty Proceedings</b>	
ARGENTINA: Honey, C-357-813 .....	1/1/04-12/31/04
INDIA: Certain Hot-Rolled Carbon Steel Flat Products, C-533-821 .....	1/1/03-12/31/03
INDONESIA: Certain Hot-Rolled Carbon Steel Flat Products, C-560-813 .....	1/1/03-12/31/03
SOUTH AFRICA: Certain Hot-Rolled Carbon Steel Flat Products, C-791-810 .....	1/1/03-12/31/03
THAILAND: Certain Hot-Rolled Carbon Steel Flat Products, C-549-818 .....	1/1/03-12/31/03
<b>Suspension Agreements</b>	
MEXICO: Fresh Tomatoes, A-201-820 .....	12/1/03-11/30/04

In accordance with section 351.213(b) of the regulations, an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review, and the requesting party must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis,

which exporter(s) the request is intended to cover.

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 69 FR 23954 (May 6, 2003), the Department has clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders. See also the Import Administration Web site at <http://www.ia.ita.doc.gov>.

Six copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/

Countervailing Duty Enforcement, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with section 351.303(f)(1)(i) of the regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of "Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation" for requests received by the last day of December 2004. If the Department does not receive, by the last day of December 2004, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties

required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

Dated: November 23, 2004.

**Holly A. Kuga,**

Senior Office Director, Office 4 for Import Administration.

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Initiation of Five-Year ("Sunset") Reviews**

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

**ACTION:** Notice of initiation of five-year ("sunset") reviews.

**SUMMARY:** In accordance with section 751(c) of the Tariff Act of 1930, as amended ("the Act"), the Department of Commerce ("the Department") is automatically initiating five-year ("sunset") reviews of certain antidumping duty orders. The International Trade Commission is publishing concurrently with this notice its notice of *Institution of Five-Year Review* which covers these same orders.

**FOR FURTHER INFORMATION CONTACT:** Martha V. Douthit, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482-4340, or Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205-3193.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Department's procedures for the conduct of sunset reviews are set forth in 19 CFR 351.218. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-Year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) ("*Sunset Policy Bulletin*").

**Initiation of Reviews**

In accordance with 19 CFR 351.218(c), we are initiating the second sunset reviews of the following antidumping duty orders:

DOC case No.	ITC case No.	Country	Product
A-351-602	A-308	Brazil	Carbon Steel Butt-Weld Pipe Fittings
A-583-605	A-310	Taiwan	Carbon Steel Butt-Weld Pipe Fittings
A-588-602	A-309	Japan	Carbon Steel Butt-Weld Pipe Fittings
A-570-814	A-520	China	Carbon Steel Butt-Weld Pipe Fittings
A-549-807	A-521	Thailand	Carbon Steel Butt-Weld Pipe Fittings
A-588-707	A-386	Japan	Granular Polytetrafluoroethylene Resin
A-475-703	A-385	Italy	Granular Polytetrafluoroethylene Resin

**Filing Information**

As a courtesy, we are making information related to sunset proceedings, including copies of the Department's regulations regarding sunset reviews (19 CFR 351.218) and *Sunset Policy Bulletin*, the Department's schedule of sunset reviews, case history information (i.e., previous margins, duty absorption determinations and scope language), and service lists available to the public on the Department's sunset Internet Web site at the following address: <http://ia.ita.doc.gov/sunset/>.

All submissions in these sunset reviews must be filed in accordance with the Department's regulations regarding format, translation, service, and certification of documents. These rules can be found at 19 CFR 351.303. Also, we suggest that parties check the Department's sunset Web site for any updates to the service list before filing any submissions. The Department will make additions to and/or deletions from the service list provided on the sunset Web site based on notifications from parties and participation in these reviews. Specifically, the Department will delete from the service list all

parties that do not submit a substantive response to the notice of initiation.

Because deadlines in a sunset review are, in many instances, very short, we urge interested parties to apply for access to proprietary information under administrative protective order ("APO") immediately following publication in the **Federal Register** of the notice of initiation of the sunset review. The Department's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304-306.

**Information Required From Interested Parties**

Domestic interested parties (defined in sections 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b)) wishing to participate in these sunset reviews must respond not later than 15 days after the date of publication in the **Federal Register** of the notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's regulations, if we do not receive a notice

of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the orders without further review. See 19 CFR 351.218(d)(1)(iii).

If we receive an order-specific notice of intent to participate from a domestic interested party, the Department's regulations provide that *all parties* wishing to participate in the sunset review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of the notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that the Department's information requirements are distinct from the International Trade Commission's information requirements. Please consult the Department's regulations for information regarding the Department's