brief summary of the argument. Parties are also encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations and cases cited.

The Department will subsequently issue the final results of this administrative review, including the results of its analysis of issues raised in any such written briefs or at the hearing, if held, not later than 120 days after the date of publication of this notice.

Interested parties who wish to request a hearing or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, Room B–099, within 30 days of the date of publication of this notice. Requests should contain: (1) the party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed.

Cash Deposit and Assessment Requirements

The following deposit requirements will be effective upon publication of the final results of this antidumping duty review for all shipments of PVA from Taiwan, entered or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a) of the Act: (1) the cash deposit rates for the reviewed companies will be those established in the final results of this review; (2) for exporters not covered in this review, but covered in the LTFV investigation or prior reviews, the cash deposit rate will continue to be the company-specific rate from the LTFV investigation or the prior review; (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; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 19.21 percent, the ''All Others'' rate made effective by the LTFV investigation. These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

The Department shall determine and the Customs Service shall assess antidumping duties on all appropriate entries. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of this review. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties. We will instruct the Customs Service to assess antidumping duties on all appropriate entries covered by this review if any importer-specific assessment rate calculated in the final results of this review is above *de minimis.* For Chang Chun, for duty assessment purposes, we will calculate importer-specific assessment rates by aggregating the dumping margins calculated for all U.S. sales to each importer and dividing this amount by the total entered value of the same sales. In order to estimate the entered value, we will subtract international movement expenses from the gross sales value. For DuPont, we will calculate an assessment rate by aggregating the dumping margins calculated for all U.S. sales examined and dividing this amount by the total entered value of the sales examined

This notice serves as a preliminary 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 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 administrative review and notice are in accordance with sections 751(a)(1) of the Act and 19 CFR 351.213.

Dated: February 1, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–2996 Filed 2–5–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–502]

Notice of Preliminary Results of the Antidumping Duty Administrative Review: Certain Welded Carbon Steel Pipes and Tubes From India

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

SUMMARY: In response to requests from interested parties, the Department of Commerce is conducting an administrative review of the antidumping duty order on certain welded carbon steel pipes and tubes from India. This review covers one manufacturer/exporter, Rajinder Pipes Ltd. The period of review is May 1, 1997, through April 30, 1998.

We have preliminarily determined that respondent's margin should be based on total adverse facts available. If these preliminary results are adopted in our final results of administrative review, we will instruct the Customs Service to assess antidumping duties based on the selected adverse facts-available rate.

We invite interested parties to comment on these preliminary results. Parties who submit comments in this proceeding are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: February 8, 1999.

FOR FURTHER INFORMATION CONTACT: Larry Tabash at (202) 482–5047 or Robin Gray at (202) 482–4023, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

SUPPLEMENTARY INFORMATION:

The 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. In addition, unless otherwise indicated, all citations to the Department of Commere's (the Department's) regulations are to 19 CFR Part 351 (1998).

Case History

On June 29, 1998, the Department published in the **Federal Register** (63 FR 35188) the antidumping duty order on certain welded carbon steel pipes and tubes from India. In accordance with 19 CFR 351.213, we published a notice of initiation of administrative review of this antidumping duty order for the period May 1, 1997, through April 30, 1998. This review covers one manufacturer/exporter, Rajinder Pipes Ltd. (Rajinder). The Department is conducting this administrative review in accordance with section 751(a) of the Act.

On September 17, 1998, the petitioners alleged that Rajinder made home-market sales of subject merchandise at prices below the cost of production (COP). On October 19, 1998, we concluded that petitioners' allegation provided us with reasonable grounds to believe or suspect that Rajinder made below-cost sales in the home market within the meaning of section 773(2)(a)(i) of the Act. Therefore, we initiated a COP investigation of Rajinder's home-market sales. On

October 21, 1998, we instructed Rajinder to respond to section D of the original questionnaire, which requests cost information for the period currently under review. Despite numerous extensions, Rajinder did not provide the requested cost information.

Scope of Review

The products covered by this review include circular welded non-alloy steel pipes and tubes, of circular cross-section, with an outside diameter of 0.372 inches or more but not more than 406.4 millimeters (16 inches) in outside diameter, regardless of wall thickness, surface finish (black, galvanized, or painted), or end finish (plain end, beveled end, threaded, or threaded and coupled). These pipes and tubes are generally known as standard pipe, though they may also be called structural or mechanical tubing in certain applications. Standard pipes and tubes are intended for the low-pressure conveyance of water, steam, natural gas, air and other liquids and gases in plumbing and heating systems, air-conditioner units, automatic sprinkler systems, and other related uses. Standard pipe may also be used for light load-bearing and mechanical applications, such as for fence tubing, and for protection of electrical wiring, such as conduit shells.

The scope is not limited to standard pipe and fence tubing or those types of mechanical and structural pipe that are used in standard pipe applications. All carbon-steel pipes and tubes within the physical description outlined above are included in the scope of this order, except for line pipe, oil-country tubular goods, boiler tubing, cold-drawn or cold-rolled mechanical tubing, pipe and tube hollows for redraws, finished scaffolding, and finished rigid conduit.

Imports of the products covered by this review are currently classifiable under the following Harmonized Tariff Schedule subheadings: 61032, 61049, 7306.30.10, and 7306.30.50. Although, the HTS item numbers are provided for convenience and customs purposes, the Department's written description of the scope of this proceeding remains dispositive.

Use of Facts Otherwise Available

Because Rajinder has not provided the requested cost information and has not provided record evidence substantiating its reasons for not responding to our questionnaire, Rajinder has precluded us from conducting an analysis to determine whether its comparison-market (India) sales prices were below their respective COP in substantial quantities and over an extended period of time. Accordingly, we believe that we must resort to total facts available.

Section 776(a) of the Act provides that, if an interested party fails to provide information requested by the Department by the deadlines for submission of the information or in the form and manner requested, the Department shall use the facts otherwise available in reaching the applicable determination under this title. In this review, as described below, Rajinder failed to provide a response to our COP questionnaire by the established deadline.

Section 782(e) of the Act provides that the Department shall not decline to consider whether the information submitted by the respondent that is already on the record is usable. The information that Rajinder failed to provide would have been the first comprehensive cost information to be used in the Department's cost investigation. Thus, the information currently on the record is so incomplete that it cannot serve as a reliable basis for reaching preliminary results (*see Elemental Sulphur From Canada: Preliminary Results of Antidumping Duty Administrative Review,* 62 FR 969 (January 7, 1997)). Therefore, in accordance with section 776(a) of the Act and 19 CFR 351.308 (a), we must use facts otherwise available.

In selecting facts otherwise available, section 776(b) of the Act authorizes the Department to use an adverse inference if the Department finds that an interested party failed to cooperate by not acting to the best of its ability to comply with requests for information. In the instant review, Rajinder submitted five extension requests in response to the original deadline issued for submission of its section D questionnaire response. The reasons cited for the extension requests changed over time. Initially, the company cited several reasons for not submitting its section D response including preparation of year-end reports, problems with the telephone lines, and insufficient staff. In the last two extension requests, Rajinder cited a claim of labor unrest which Rajinder failed to substantiate. Even in light of these extensions, Rajinder ultimately failed to submit the relevant cost information for the record of this review. Therefore, we have determined that Rajinder has failed to cooperate by not acting to the best of its ability to comply with our request for information for this review. Consequently, pursuant to section 776(b) of the Act, the Department may use adverse inferences when selecting from among the facts otherwise available.

The Department's practice when selecting an adverse rate from among the possible sources of information has been to ensure that the margin is sufficiently adverse ''as to effectuate the purpose of the facts available rule to induce respondents to provide the Department with complete and accurate information in a timely manner.'' *See Static Random Access Memory Semiconductors From Taiwan; Final Determination of Sales at Less Than Fair Value,* 63 FR 8909, 8932 (February 23, 1998). The Department will also consider the extent to which a party may benefit from its own lack of cooperation in selecting a rate. *See Roller Chain Other Than Bicycle, From Japan; Notice of Final Results and Partial Recission of Antidumping Duty Administrative Review,* 62 FR 69,472, 60477 (November 10, 1997), and *Certain Welded Carbon Steel Pipes and Tubes from Thailand: Final Results of Antidumping Administrative Review,* 62 FR 53808, 53820–21 (October 16, 1997).

In order to ensure that the rate is sufficiently adverse so as to induce Rajinder's cooperation, we have assigned to Rajinder as adverse facts available a rate of 87.39 percent, the highest rate calculated for any respondent for any segment of this proceeding. This rate was calculated for the 88/89 administrative review of this order. Although Rajinder asked that we use old cost data as facts available for this review, because we do not have any information concerning Rajinder's current costs, we cannot determine if its old cost data would be sufficiently adverse for use as facts available. Therefore, we have not used it.

Section 776(c) of the Act directs the Department to corroborate, to the extent practicable, secondary information used as facts available. To corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information used. However, unlike other types of information, such as input costs or selling expenses, there are no independent sources for calculated dumping margins. The only source for margins is an administrative determination. Thus, in an administrative review, if the Department chooses as total adverse facts available a calculated dumping margin from a prior segment of the proceeding, it is not necessary to question the reliability of the margin from that time period. *See, e.g., Elemental Sulphur from Canada: Preliminary Results of Antidumping Duty Administrative Review,* 62 FR at 971 (January 7, 1997), and *Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof from*

France, et al, 62 FR 2801 (January 15, 1997).

As to the relevance of the margin used for adverse facts available, the Department stated in *Tapered Roller Bearings from Japan; Final Results of Antidumping Duty Administrative Review,* 62 FR 47454 (September 9, 1997), that it will consider information reasonably at its disposal as to whether there are circumstances that would render a margin irrelevant. Where circumstances indicate that the selected margin is not appropriate as adverse facts available, the Department will disregard the margin and determine an appropriate margin. *See also, Fresh Cut Flowers from Mexico; Preliminary Results of Antidumping Duty Administrative Review,* 60 FR 49567 (September 26, 1995). We have determined that there is no evidence which would indicate that the rate is irrelevant or inappropriate as an adverse facts available rate for Rajinder in the instant review. Therefore, we have applied, as total adverse facts available, the 87.39 percent margin from the 1988/89 administrative review.

For more detailed information on the use, selection, and corroboration of facts available, please see the January 28, 1999, decision memorandum from Laurie Parkhill to Richard W. Moreland, which is available in the Central Records Unit, Import Administration, B–099, Main Commerce Building, Washington, DC, 20230.

Preliminary Results of the Review

As a result of this review, we preliminarily determine the weighted-average dumping margin (in percent) for the period May 1, 1997, through April 30, 1998, to be as follows.

Company

Rajinder Pipes Ltd.—87.39

Any interested party may request a hearing within 30 days of publication. Any hearing, if requested, will be held 37 days after the publication of this notice, or the first workday thereafter. Issues raised in hearings will be limited to those raised in the respective case and rebuttal briefs. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 35 days after the date of publication of this notice.

Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument with an electronic version included. The Department will publish the final results of this administrative review subsequently, including the results of its analysis of issues raised in any such written briefs or hearing. The Department will issue final results of this review within 120 days of publication of these preliminary results.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the review.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash-deposit rate for the reviewed company will be the rate established in the final results of this review; (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 less-than-fair-value (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) the cash-deposit rate for all other manufacturers or exporters will continue to be 7.08 percent, the ''All Others'' rate made effective by the final determination of sales at LTFV, as explained in the 1995/96 new shipper review of this order. *See Certain Welded Carbon Standard Steel Pipes and Tubes From India; Final Results of New Shipper Antidumping Duty Administrative Review,* 62 FR 47632, 47644 (September 10, 1997).

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a 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 Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this determination in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 1, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–2998 Filed 2–5–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020299E]

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scientific and Statistical Committee (SSC) in February, 1999 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will be held on Tuesday, February 23, 1999. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meeting will be held in Peabody, MA. See **SUPPLEMENTARY INFORMATION** for specific location.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council (781) 231–0422. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, Massachusetts 01906–1036; telephone: (781) 231–0422.

SUPPLEMENTARY INFORMATION:

Meeting Dates and Agendas

Tuesday, February 23, 1999, 9:30 a.m.—Scientific and

Statistical Committee Meeting

Location: Holiday Inn, One Newbury Street, Peabody, MA 01960; telephone: (978) 535–4600.

Agenda: The SSC will evaluate the adequacy of scallop biomass and yield estimates, data on groundfish bycatch, and habitat information for developing management options to allow fishing for scallops in the groundfish closed areas.