Dated: August 3, 1995.

William A. Reinsch,

Under Secretary for Export Administration.

Recommended Decision and Default Order

On March 31, 1995, the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (hereinafter, the ''Department''), issued a charging letter initiating an administrative proceeding against Realtek Semi-Conductor Co. Ltd. (hereinafter, ''Realtek''), a Taiwanese entity. The charging letter alleged that Realtek committed one violation of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 768–799 (1995)) (hereinafter, the ''Regulations''),[1] issued pursuant to the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C.A. app. §§ 2401–2420 (1991, Supp. 1993, and Pub. L. No. 103–277, July 5, 1994)) (hereinafter, the ''Act'').[2]

Specifically, the charging letter alleged that, on or about April 1, 1990, Realtek caused, aided, or abetted the export from the United States to Taiwan of U.S.-origin Trident TVGA 8800 and TVGA 8900 technology without the written letter of assurance required by Section 779.4 of the Regulations. Accordingly, the Department alleged that Realtek committed one violation of Section 787.2 of the Regulations.

The charging letter was served on Realtek on April 12, 1995. Realtek failed to file an answer within 30 days after service pursuant to Section 788.7(a) of the Regulations. On June 5, 1995, I ordered the Department to file a proposed order together with any evidence in support of the allegation in the charging letter.

On the basis of the Department's submission and all of the supporting evidence presented, I have determined that Realtek violated Section 787.2 of the Regulations by causing, aiding, or abetting the export from the United States to Taiwan of U.S.-origin Trident TVGA 8800 and TVGA 8900 technology without the written letter of assurance required by Section 779.4 of the Regulations.

The Department urges as a sanction that Realtek's export privileges be denied for a period of five years. I concur in the Department's recommendation.

Accordingly, it is therefore ordered,

First, that all outstanding individual validated licenses in which Realtek appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Exporter Services for cancellation. Further, all of Realtek's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

Second, Realtek, with an address at 6F, No. 4 Fu-Shon Street, Taipei, Taiwan, and all successors, assigns, officers, representatives, agents, and employees, shall, for a period of five years from the date of final agency action, be denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States, and subject to the Regulations.

A. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly, or indirectly, in any manner or capacity: (i) as a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department of using any validated or general export license, reexport authorization, or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

B. After notice and opportunity for comment as provided in Section 788.3(c) of the Regulations, any person, firm, corporation, or business organization related to Realtex by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

C. As provided by Section 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Exporter Services, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) apply for, obtain, or use any license, Shipper's Exporter Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate: (a) in any transaction which may involve any commodity or technical data from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

Third, that a copy of this Order shall be served on Realtek and on the Department.

Fourth, that this Order, as affirmed or modified, shall become effective upon entry of the final action by the Under Secretary for Export Administration, in accordance with the Act (50 U.S.C.A. app. § 2412(c)(1)) and the Regulations (15 CFR 788.23).

Dated: July 12, 1995.

Edward J. Kuhlmann,

Administrative Law Judge.

To be considered in the 30 day statutory review process which is mandated by Section 13(c) of the Act, submissions must be received in the Office of the Under Secretary for Export Administration, U.S. Department of Commerce, 14th & Constitution Avenue NW., Room 3898B, Washington, D.C. 20230, within 12 days. Replies to the other party's submission are to be made within the following 8 days. 15 CFR 788.23(b), 50 FR 53134 (1985). Pursuant to Section 13(c)(3) of the Act, the order of the final order of the Under Secretary may be appealed to the U.S. Court of Appeals for the District of Columbia within 15 days of its issuance.

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BILLING CODE 3510–DT–M

[1] The alleged violation occurred during 1990. The Regulations governing the violation are found in the 1990 version of the Code of Federal Regulations, codified at 15 C.F.R. Parts 768–799 (1990).

[2] The Act expired on August 20, 1994. Executive Order 12924 (59 *Fed. Reg.* 43437, August 23, 1994) continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701–1706 (1991)).

Interntional Trade Administration

[A–357–804]

Silicon Metal From Argentina; Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Notice of preliminary results of antidumping duty administrative review and termination in part.

SUMMARY: In response to a request from petitioners, the Department of Commerce (the Department) is conducting an administrative review of the antidumpting duty order on silcon metal from Argentina. Petitioners requested that the review cover two manufacturers/exporters, Electrometalurgica Andian, S.A.I.C. (Andina) and Silarsa, S.A. (Silarsa), and the period September 1, 1993 through August 31, 1994. However, within 90 days of the publication of the Department's initiation notice, the petitioners withdrew their request for review of Andina in accordance with 19 CFR § 353.22(a). Because no other party requested a review of Andina, we are terminating this administrative review with respect to Andina. Petitioners did not withdraw their request with respect to Silarsa.

Since Silarsa did not provide the information requested by the Department in its questionnaire, we were unable to conduct an administrative review of this firm. We have, therefore, preliminary determined to use the best information available (BIA) and have assigned to Silarsa a 24.62 percent margin, the highest margin obtained in any review of this order. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 9, 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, DC 20230; telephone: (202) 482–5253.

SUPPLEMENTARY INFORMATION: On September 26, 1991, the Department published in the **Federal Register** (56 FR 48779) the antidumping duty order on silicon metal from Argentina. On September 2, 1994, the Department published in the **Federal Register** (59 FR 45664) a notice of ''Opportunity to Request an Administrative Review'' of this antidumping duty order for the period September 1, 1993 through August 31, 1994. We received timely requests on September 30, 1994, to conduct an administrative review of Andina and Silarsa from a group of four domestic producers of silicon metal (the petitioners): American Silicon Technologies, Elkem Metals Company, Globe Metallurgical, Inc., and SKW Metals and Alloys, Inc.

On October 13, 1994, in accordance with 19 § CFR 353.22(c), we published notice of initiation (59 FR 51939) covering the two manufacturing/exports named above.

Applicable Statute and Regulations

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

Scope of the Review

The product covered by the review is silicon metal. During the less-than-fair-value (LTFV) investigation, silicon metal was described as containing at least 96.00 percent, 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 89.00 and 96.00 percent silicon by weight is the same class or kind of merchandise as silicon metal described in the less-than-fair-value (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 99.9 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; our written description of the scope of the proceedings is dispositive.

This review covers two manufactures/exporters of silicon metal to the United States, Andina and Salarsa. The period of review (POR) is September 1, 1993 through August 31, 1994.

Best Information Available

In accordance with section 776(c) of the Tariff Act, we have preliminarily determined that the use of BIA is appropriate for Silarsa. The Department's regulations provide that we may take into account whether a party refuses to provide information (19 CFR § 353.37(b)) in selecting BIA. Generally, whenever a company refuses to cooperate with the Department, or otherwise significantly impedes the proceeding, the Department uses as BIA the highest rate for any company for the same class or kind of merchandise for 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 either the LTFV investigation or a prior administrative review; or (2) the highest calculated rate in the review for 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 Duty Administrative Review,* 56 FR 31692, (Fed. Cir. 1993).

On October 26, 1994, the Department sent questionnaires to Andina and Silarsa requesting their respective responses to company-specific information needed to conduct the administrative review. The deadline for submission of the respondents' information was December 28, 1994. Andina submitted its response in a timely manner. However, petitioners subsequently withdrew their request for review of Andina in accordance with 19 CFR § 353.22(a)(5) of the Department's regulations. The Department, therefore, is terminating its review with respect to Andina. On December 29, 1994, Silarsa requested that it be excused from responding to the Department's antidumping duty request for information as it had exported only a small amount of silicon metal in October 1993. Moreover, Silarsa stated that it had ceased to produce silicon metal as of January 1994 (see letter from Silarsa to the Department dated December 29, 1994). Absent a timely filed withdrawal of the petitioners' review request, pursuant to 19 CFR § 353.22(a), the Department is obligated to conduct an administrative review following specific procedures after receipt of a timely request for review from an interested party, pursuant to 19 CFR § 353.22(c). In this instance, the petitioners did not withdraw their request for review of Silarsa. Neither the volume of Silarsa's exports to the United States, nor its claim that it ceased producing silicon metal is relevant to the Department's obligation to conduct this administrative review.

Since Silarsa did export silicon metal to the United States during the POR in question, but failed to provide the Department with the information needed to conduct the administrative review, we consider the firm to be uncooperative, and we have used as BIA 24.62 percent, the highest rate ever determined in this proceeding. This rate is Silarsa's BIA rate from the first administrative review of this antidumping duty order.

Preliminary Results of Review

We preliminarily determine the margin for this administrative review to be:

Manufacturer/exporter	Margin
Silarsa, S.A.	24.62

Parties to the proceeding may request disclosure within 5 days and interested parties may request a hearing not later than 10 days after publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication of this notice. Rebuttal briefs, limited to issues raised in case briefs, may be filed no later than 7 days after the time limit for filing case briefs. Any hearing, if requested, will be held 7 days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR § 353.38(e). Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in any event not later than the date the case briefs are due, under 19 CFR § 353.38(c). The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

Upon completion of the final results of this review, the Department will determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

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 publication date of the final results of this administrative review, as provided for by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed companies, in the event the order is not revoked in part, 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 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) for all other producers and/or exporters of this merchandise, the cash deposit rate shall be 8.65 percent, the ''all others'' rate from the LTFV investigation. 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 preliminary 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 administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR § 353.22(c)(5) of the Department's regulations.

Dated: July 26, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–19693 Filed 8–8–95; 8:45 am]

BILLING CODE 3510–DS–M

International Trade Administration

Revocation of Countervailing Duty Orders

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

ACTION: Notice of revocation of countervailing duty orders.

SUMMARY: Pursuant to section 753(b)(4) of the Tariff Act of 1930, as amended (the Act), the International Trade Commission (the Commission) has issued a negative injury determination with respect to each of the countervailing duty orders listed in the Appendix to this notice. Therefore, pursuant to section 753(b)(3)(B) of the Act, the Department of Commerce (the Department) is notifying the public of its revocation of these countervailing duty orders.

EFFECTIVE DATE: August 9, 1995.

FOR FURTHER INFORMATION CONTACT: Stephen Lebowitz or Cameron Cardozo, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On May 26, 1995, the Department published a notice in the **Federal Register** which informed domestic interested parties of their right under section 753(a) of the Act to request an injury investigation from the Commission with respect to certain outstanding countervailing duty orders issued pursuant to former section 303 of the Act. *Countervailing Duty Order; Opportunity To Request a Section 753 Injury Investigation,* 60 FR 27693 (May 26, 1995), amended 60 FR 32942 (June 26, 1995). In conjunction with this notice, the Department sent letters to domestic interested parties notifying them of their right to request an injury investigation covering the subject orders pursuant to section 753(a) of the Act. The notice and letter advised parties that failure to submit a timely request for an injury investigation would result in the revocation of the subject order(s).

The Commission has notified the Department that it did not receive a timely request under section 753(a) covering any of the countervailing duty orders listed in the Appendix and, therefore, a negative injury determination has been made with respect to these orders pursuant to section 753(b)(4) of the Act. 19 U.S.C. 1675b(b)(4). As a result, the Department hereby revokes these countervailing duty orders pursuant to section 753(b)(3)(B) of the Act and will refund, with interest, any estimated countervailing duties collected since January 1, 1995, the period during which liquidation was suspended pursuant to section 753(a)(4) of the Act.[1]

[1] At the time the order on Ferrosilicon from Venezuela was issued, part of the merchandise (non-dutiable) covered by the order was subject to the requirement of an affirmative determination of material injury under section 303 of the Act. *See* ''Notice of Opportunity to Request a Section 753 Injury Investigation,'' 60 FR 27963, at 27964 column 3, footnote 1 (May 26, 1995). The Department, therefore, partially revokes the order on Ferrosilicon from Venezuela with respect to subject merchandise entered on or after January 1, 1995 under the following HTS numbers: