

examined and dividing that amount by the total quantity of the sales examined. For Shenxian Dongxing, however, because we find that its quantity data is unreliable, we will instruct the BCBP to apply Shenxian Dongxing's margin to the entered value of its subject merchandise as reported to the BCBP during the POR. To determine whether the duty assessment rates are *de minimis* (i.e., less than 0.50 percent), in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we have calculated importer- or customer-specific *ad valorem* ratios based on export prices. We will instruct the BCBP to assess antidumping duties on all appropriate entries covered by these reviews if any importer or customer-specific assessment rate calculated in the final results of these reviews is above *de minimis*. For entries of the subject merchandise during the POR from companies not subject to these reviews, we will instruct the BCBP to liquidate them at the cash deposit in effect at the time of entry.

#### Cash Deposit Requirements

Bonding will no longer be permitted to fulfill security requirements for shipments from Guangxi Yulin, Shenzhen Qunxingyuan, or Zhangzhou Jingxiang of certain preserved mushrooms from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results.

The following deposit rates shall be required for merchandise subject to the order entered or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a)(1) and 751(a)(2)(B) of the Act: (1) The cash deposit rates for Gerber, Green Fresh, Guangxi Yulin (i.e., for subject merchandise both manufactured and exported by Guangxi Yulin), Shantou Hongda, and Shenxian Dongxing will be the rates indicated above; (2) the cash deposit rate for PRC exporters for whom the Department has rescinded the review or for which a review was not requested (e.g., China Processed, Compania Envasador, and Raoping Xingyu) will continue to be the rate assigned in an earlier segment of the proceeding or the PRC-wide rate of 198.63 percent, whichever applicable; (3) the cash deposit rate for the PRC NME entity (including Shenzhen Qunxingyuan and Zhangzhou Jingxiang) and for subject merchandise exported but not manufactured by Guangxi Yulin will continue to be the PRC-wide rate of 198.63 percent; and (4) the cash deposit rate for non-PRC exporters of subject merchandise from the PRC will be the

rate applicable to the PRC supplier of that exporter. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final 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 doubled antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). 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.

We are issuing and publishing these determinations and notice in accordance with sections 751(a)(1), 751(a)(2)(B), and 777(i) of the Act and 19 CFR 351.213 and 351.214.

Dated: July 3, 2003.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Grant Aldonas,  
Under Secretary.*

#### Appendix—Issues in Decision Memo Comments

1. The Application of Facts Available to Gerber and Green Fresh.
2. The *Bona Fides* of Shenzhen Qunxingyuan's U.S. Sale.
3. The Rescission of the New Shipper Review for Guangxi Yulin.
4. The Use of Himalya's Financial Data to Derive Surrogate Percentages.
5. The Valuation of Water.
6. Surrogate Value for Cans.
7. The Treatment of Tin Scrap as an Offset.
8. Surrogate Value for Copper Wire Scrap.

[FR Doc. 03-17628 Filed 7-10-03; 8:45 am]

**BILLING CODE 3510-DS-P**

#### DEPARTMENT OF COMMERCE International Trade Administration

[C-507-501]

#### Certain In-Shell Pistachios From the Islamic Republic of Iran: Final Results of Countervailing Duty Administrative Review

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

**ACTION:** Notice of final results of countervailing duty administrative review.

**SUMMARY:** On April 4, 2003, the Department of Commerce (the Department) published in the **Federal Register** its preliminary results in the countervailing duty (CVD) administrative review of certain in-shell pistachios from Iran. *See Certain In-shell Pistachios from the Islamic Republic of Iran: Preliminary Results of Countervailing Duty Administrative Review*, 68 FR 16473 (April 4, 2003) (*Preliminary Results*). The Department has now completed this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Based on our analysis of the comments received, the Department has revised the net subsidy rate for the Rafsanjan Pistachios Producers Cooperative (RPPC). The revised final net subsidy rate for the reviewed company is listed below in the "Final Results of Review" section of this notice.

**EFFECTIVE DATE:** July 11, 2003.

**FOR FURTHER INFORMATION CONTACT:** Darla Brown or Eric B. Greynolds, AD/CVD Enforcement, Office VI, Group II, Import Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-2849 or (202) 482-6071, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 11, 1986, the Department published in the **Federal Register** the countervailing duty order on certain in-shell pistachios from Iran. *See Final Affirmative Countervailing Duty Determination and Countervailing Duty Order: In-shell Pistachios from Iran*, 51 FR 8344 (March 11, 1986) (*In-shell Pistachios*).

We published the *Preliminary Results* of the instant administrative review in the **Federal Register** on April 4, 2003 (68 FR 16473). We invited interested parties to comment on the results. On

May 5, 2003, we received a case brief from petitioners.<sup>1</sup> In their May 5, 2003, case brief, petitioners requested a hearing. On May 14, 2003, petitioners withdrew their request for a hearing. We did not receive case or rebuttal briefs from respondents.

In accordance with 19 CFR 351.213 (2002), this administrative review covers only those producers or exporters for which a review was specifically requested. Accordingly, this administrative review covers RPPC and nine programs for the period of review (POR) January 1, 2001, through December 31, 2001.

### Scope of Review

The product covered by this administrative review is in-shell pistachio nuts from which the hulls have been removed, leaving the inner hard shells and edible meat, as currently classifiable in the Harmonized Tariff Schedules of the United States (HTSUS) under item number 0802.50.20.00. The HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of this proceeding is dispositive.

### Use of Facts Available

During the course of this proceeding, we have repeatedly sought information pertaining to all companies that are cross-owned and/or affiliated with RPPC, the producer of subject merchandise, and RPPC's shareholders. In addition, we have repeatedly requested information concerning the total sales and sales of subject merchandise made by RPPC during the POR. Moreover, we have repeatedly asked for specific information concerning RPPC's and its members' usage of the following programs: Provision of Fertilizer and Machinery, Provision of Water and Irrigation Equipment, Duty Refunds on Imported Raw or Intermediate Materials Used in the Production of Exported Goods, Program to Improve the Quality of Exports of Dried Fruit, Tax Exemptions, Technical Assistance from the GOI, and Provision of Credit. See *Preliminary Results*.

Section 776(a) of the Act requires the use of facts available when an interested party withholds information that has been requested by the Department, or when an interested party fails to provide the information requested in a timely manner and in the form required. As described in the paragraph above and in our *Preliminary Results*, RPPC and the

GOI have failed to provide information regarding cross-ownership, affiliation, sales, and the programs named above in the manner explicitly and repeatedly requested by the Department; therefore, we must resort to the facts otherwise available.

Furthermore, section 776(b) of the Act provides that in selecting from among the facts available, the Department may use an inference that is adverse to the interests of a party if it determines that a party has failed to cooperate to the best of its ability. The Department finds that by not providing necessary information specifically requested by the Department, despite numerous opportunities, the GOI and RPPC have failed to cooperate to the best of their ability. Therefore, in selecting from among the facts available, the Department determines that an adverse inference is warranted.

When employing an adverse inference in an administrative review, the statute indicates that the Department may rely upon information derived from (1) the petition, a final determination in a countervailing duty or an antidumping investigation, any previous administrative review, new shipper review, expedited antidumping review, section 753 review, or section 762 review; or (2) any other information placed on the record. See section 776(b) of the Act. Thus, in applying adverse facts available, we have used information on the record of this administrative review as well as information regarding the programs and exchange rates from the final determinations of *In-shell Pistachios* and *Certain In-shell Pistachios and Certain Roasted In-shell Pistachios from the Islamic Republic of Iran: Final Results of New Shipper Countervailing Duty Reviews*, 68 FR 4997 (January 31, 2003) (*Pistachios New Shipper Reviews*).

Specifically, for the Export Certificate Voucher Program, we used publicly available data from the *Pistachios New Shipper Reviews* in order to calculate a benefit. With respect to the other seven programs determined to confer subsidies, we relied on the rates calculated for each of those programs in the original investigation of *In-shell Pistachios*. The Department's selection of the information used as adverse facts available is discussed in more detail in the program-specific sections of the "Issues and Decision Memorandum: Final Results of Countervailing Duty Administrative Review: Certain In-Shell (Raw) Pistachios from the Islamic Republic of Iran" (Decision Memorandum) dated August 2, 2003, which is hereby adopted by this notice.

If the Department relies on secondary information (e.g., data from a petition) as facts available, section 776(c) of the Act provides that the Department shall, "to the extent practicable," corroborate such information using independent sources reasonably at its disposal.<sup>2</sup> The SAA further provides that to corroborate secondary information means that the Department will satisfy itself that the secondary information to be used has probative value. See also, 19 CFR 351.308(d).

Thus, in those instances in which it determines to use secondary information, the Department, in order to satisfy itself that such information has probative value, will examine, to the extent practicable, the reliability and relevance of the information used. See *Final Affirmative Countervailing Duty Determination: Certain Hot-Rolled Carbon Steel Flat Products From Argentina*, 66 FR 37007 (July 16, 2001). However, unlike other types of information, such as publicly available data on the national inflation rate of a given country or national average interest rates, there typically are no independent sources for data on company-specific benefits resulting from countervailable subsidy programs. The only source for such information normally is administrative determinations. In the instant case, no evidence has been presented or obtained which contradicts the reliability of the evidence relied upon in previous segments of this proceeding.

With respect to the relevance aspect of corroboration, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render benefit data not relevant. See *Cotton Shop Towels from Pakistan: Final Results of Countervailing Duty Administrative Review*, 66 FR 42514 (August 13, 2001) at "Use of Facts Available Section" of the Final Issues and Decision Memorandum (where the Department used the subsidy rate found for a program in the last administrative review conducted for the order). Where circumstances indicate that the information is not appropriate as adverse facts available, the Department will not use it. See *Fresh Cut Flowers from Mexico: Final Results of Antidumping Duty Administrative Review*, 61 FR 6812 (February 22, 1996) (where the Department disregarded the highest dumping margin as best

<sup>1</sup> Petitioners include the California Pistachio Commission and its members and a domestic interested party, Cal Pure Pistachios, Inc.

<sup>2</sup> The Statement of Administrative Action accompanying the URAA clarifies that information from the petition is "secondary information." See Statement of Administrative Action, accompanying H.R. 5110 (H. Doc. No. 103-316) (1994) (SAA) at 870.

information available because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin). In the instant case, no evidence has been presented or obtained which contradicts the relevance of the benefit data relied upon in previous segments of this proceeding. Thus, in the instant case, the Department finds that the information used has been corroborated to the extent practicable.

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs by parties to this review are addressed in the Decision Memorandum. A list of issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as Appendix I. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in room B-099 of the Main Commerce Building. In addition, a complete version of the Decision Memorandum can be accessed directly on the World Wide Web at <http://ia.ita.doc.gov>, under the heading "Federal Register Notices." The paper copy and electronic version of the Decision Memorandum are identical in content.

**Final Results of Review**

In accordance with section 705(c)(1)(B)(i) of the Act, we determined an ad valorem subsidy rate for RPPC.

Producer/Exporter	Cash deposit rate
Rafsanjan Pistachio Producers Cooperative (RPPC).	60.77 percent ad valorem.

Under section 351.526 of the Department's regulations, the Department can adjust cash deposit rates to account for program-wide changes. During the recently-completed new shipper reviews of in-shell pistachios and in-shell roasted pistachios from Iran, the Department verified that the export certificate voucher program has been terminated subsequent to the POR (see *Pistachios New Shipper Reviews* and the accompanying Issues and Decision Memorandum at Comment 13). Therefore, we are adjusting the cash deposit rate to take into account this program-wide change. Thus, in determining the cash deposit rate listed below, we have deducted the subsidies found for this program from the overall subsidy rate calculated for RPPC.

Producer/Exporter	Cash deposit rate
Rafsanjan Pistachio Producers Cooperative (RPPC).	49.77 percent ad valorem.

We will instruct the U.S. Bureau of Customs and Border Protection (Customs) to assess countervailing duties as indicated above. The Department will instruct Customs to collect cash deposits of estimated countervailing duties in the percentage detailed above of the f.o.b. invoice prices on all shipments of the subject merchandise from the producers/exporters under review, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Because the URAA replaced the general rule in favor of a country-wide rate with a general rule in favor of individual rates for investigated and reviewed companies, the procedures for establishing countervailing duty rates, including those for non-reviewed companies, are now essentially the same as those in antidumping cases, except as provided for in section 777A(e)(2) of the Act. The requested review will normally cover only those companies specifically named. See 19 CFR 351.213(b). Pursuant to 19 CFR 351.212(c), for all companies for which a review was not requested, duties must be assessed at the cash deposit rate, and cash deposits must continue to be collected, at the rate previously ordered. As such, the countervailing duty cash deposit rate applicable to a company can no longer change, except pursuant to a request for a review of that company. See *Federal-Mogul Corporation and The Torrington Company v. United States*, 822 F. Supp. 782 (CIT 1993) and *Floral Trade Council v. United States*, 822 F. Supp. 766 (CIT 1993). Therefore, the cash deposit rates for all companies except those covered by this review will be unchanged by the results of this review.

We will instruct Customs to continue to collect cash deposits for non-reviewed companies at the most recent company-specific or country-wide rate applicable to the company. Accordingly, the cash deposit rates that will be applied to non-reviewed companies covered by this order will be the rate for that company established in the most recently completed administrative proceeding conducted under the URAA. If such a review has not been conducted, the rate established in the most recently completed administrative proceeding pursuant to the statutory provisions that were in effect prior to

the URAA amendments is applicable. See *Stainless Steel Sheet and Strip in Coils from the Republic of Korea: Amended Final Results of Countervailing Duty Administrative Review*, 67 FR 8229 (February 22, 2002). This rate shall apply to all non-reviewed companies until a review of a company assigned this rate is requested. In addition, for the period January 1, 2001 through December 31, 2001, the assessment rates applicable to all non-reviewed companies covered by this order are the cash deposit rates in effect at the time of entry.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of duties prior to liquidation of the relevant entries during this review period.

This notice 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(a)(3). Timely written 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 issued and published in accordance with section 751(a)(1) of the Act.

Dated: July 2, 2003.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Grant Aldonas, Under Secretary.*

**Appendix I—Issues and Decision Memorandum**

- I. Methodology and Background Information Use of Facts Available.
- II. Analysis of Programs
  - A. Programs Determined to Confer Subsidies
    - 1. Export Certificate Voucher Program.
    - 2. Provision of Fertilizer and Machinery.
    - 3. Provision of Water and Irrigation Equipment.
    - 4. Program to Improve Quality of Exports of Dried Fruit.
    - 5. Duty Refunds on Imported Raw or Intermediate Materials Used in the Production of Exported Goods.
    - 6. Tax Exemptions.
    - 7. Technical Assistance from the GOI.
    - 8. Provision of Credit.
  - B. Program Determined To Be Not Countervailable
    - Price Supports and/or Guaranteed Purchase of All Production.
- III. Total AD Valorem Rate
- IV. Analysis of Comments
  - Comment 1:* Use of Adverse Facts Available.

*Comment 2:* Export Certificate Voucher Program.

*Comment 3:* Price Supports Program.

[FR Doc. 03-17629 Filed 7-10-03; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free-Trade Agreement, Article 1904 NAFTA Panel Reviews; Request for Panel Review

**AGENCY:** NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

**ACTION:** Notice of first request for panel review.

**SUMMARY:** On July 2, 2003, Camara Nacional de la Industria de Aceites, Grasas, Jabones y Detergentes (CANAJAD) filed a First Request for Panel Review with the Mexican Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel review was requested of the final countervailing duty determination made by the Secretaria de Economia, respecting Sodium Hydroxide (Caustic Soda) in Aqueous Solution, Originating in the United States of America independently of the country of origin. This determination was published in the *Diario Oficial de la Federacion del*, on June 6, 2003. The NAFTA Secretariat has assigned Case Number MEX-USA-2003-1904-01 to this request.

**FOR FURTHER INFORMATION CONTACT:** Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

**SUPPLEMENTARY INFORMATION:** Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904*

*Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686).

A first Request for Panel Review was filed with the Mexican Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on July 2, 2003, requesting panel review of the final determination described above.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is August 1, 2003);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is August 18, 2003); and

(c) The panel review shall be limited to the allegations of error of fact or law, including the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and the procedural and substantive defenses raised in the panel review.

Dated: July 7, 2003.

**Caratina L. Alston,**

*United States Secretary, NAFTA Secretariat.*

[FR Doc. 03-17547 Filed 7-10-03; 8:45 am]

BILLING CODE 3510-GT-P

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Advanced Technology Program Advisory Committee

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice of renewal.

**SUMMARY:** In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2, and the General Services Administration (GSA) rule on Federal Advisory Committee Management, 41 CFR part 101-6, and after consultation with GSA, the Secretary of Commerce has determined that the renewal of the Advanced Technology Program Advisory Committee is in the public interest in connection with the performance of the

duties imposed on the Department by law.

The Committee was first established in July 1999 to advise ATP regarding their programs, plans, and policies. In renewing the Board, the Secretary has established it for an additional two years. During the next two years, the Committee plans to study and make recommendations regarding a number of issues related to further improving the effectiveness of the program, such as, but not limited to, strengthening ties between the ATP and state technology programs and further encouraging the involvement of universities.

The Committee will consist of not fewer than 6 nor more than 12 members to be appointed by the Director of the National Institute of Standards and Technology to assure a balanced membership that will represent the views and needs of customers, providers, and others involved in industrial extension throughout the United States.

The Committee will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. Copies of the renewed charter will be filed with the appropriate committees of the Congress and with the Library of Congress.

**FOR FURTHER INFORMATION CONTACT:** Marc Stanley, Director, Advanced Technology Program, National Institute of Standards and Technology, 100 Bureau Drive, Stop 4700, Gaithersburg, Maryland 20899-4700; telephone: 301-975-2162.

Dated: June 30, 2003.

**Karen H. Brown,**

*Deputy Director.*

[FR Doc. 03-17636 Filed 7-10-03; 8:45 am]

BILLING CODE 3510-13-P

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Announcing a Workshop on Building Secure Configurations/Security Settings/Security Checklists for Information Technology Products Widely Used in the Federal Government

**AGENCY:** National Institute of Standards and Technology (NIST).

**ACTION:** Notice of public workshop.

**SUMMARY:** The Cyber Security Research and Development Act of 2002 tasks National Institute of Standards and Technology (NIST) to "develop, and revise as necessary, a checklist setting forth settings and option selections that