

determinations (see section II.B.2 and 3 of the *Sunset Policy Bulletin*).

Gates asserts that the Department should provide to the Commission the company-specific margins and the "all others" rates determined in the original investigations of imports from Germany, Italy, Singapore, and Japan (see July 1, 1999, Substantive Responses of Gates (Germany and Singapore, respectively, at 10; Japan at 11; Italy at 12)) as the rates likely to prevail if the orders were revoked. Specifically, Gates notes that, in the original investigation of subject imports from Germany, the Department determined a margin of 100.60 percent for Optibelt and "all others." Subsequently, in the sole administrative review, the Department determined a rate of 100.60 percent for Volkmann. Therefore, they argue that the Department should provide to the Commission the original margin of 100.60 percent for Optibelt and "all others" as determined in the investigation (see July 1, 1999, Substantive Response of Gates (Germany) at 11).

For Italian manufacturers/exporters, gates asserts that the 74.90 percent margin in the final determination and most recent review of the order on imports from Italy demonstrates the high probability of continued dumping were the order were revoked. Gates concludes, therefore, that the original rate should be applicable to Pirelli and "all others" (see July 1, 1999, Substantive Response of Gates (Italy) at 12).

For manufacturers/exporters from Singapore, Gates asserts that the Department should provide to the Commission the margin of 31.73 percent from the original investigation for MBS and "all others" (see July 1, 1999, Substantive Response of Gates (Singapore) at 10). The Department also applied this rate to MBS in subsequent administrative reviews.

Finally, for Japanese manufacturers/exporters, Gates notes that the original margin of 93.16 percent continued in the administrative reviews of the order on imports from Japan. Therefore, Gates argues, a rate of 93.16 percent should be applicable to Bando and all other companies not specifically investigated in the investigation (see July 1, 1999, Substantive Response of Gates at 11).

The Department agrees with Gates' arguments concerning the choice of margins to report to the Commission for each of the countries. As noted in the *Sunset Policy Bulletin*, the rates from the original investigation are the only rates that reflect the behavior of exporters without the discipline of the order. In these reviews, we find no

reason to deviate from our stated policy. Therefore, consistent with section II.B.1 of the *Sunset Policy Bulletin*, the Department finds that the original rates are probative of the behavior of manufacturers/exporters from Germany, Italy, Singapore and Japan were the orders revoked. As such, the Department will report to the Commission the company-specific and "all others" rates from the original investigations as contained in the *Final Results of Reviews* section of this notice.

#### Final Results of Review

As a result of these reviews, the Department finds that revocation of the antidumping duty orders would likely lead to continuation of recurrence of dumping at the margin listed below:

Country and manufacturer /exporter	Margin (percent)
Germany:	
Optibelt Corporation .....	100.60
All Others .....	100.60
Italy:	
Pirelli .....	74.90
All Others .....	74.90
Singapore:	
Mitsuboshi Belting (Singapore) Pte. Lte .....	31.73
All Others .....	31.73
Japan:	
Bando .....	93.16
All Others .....	93.16

This notice serves as the only 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 of the Department's regulations. 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.

These five-year ("sunset") reviews and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: December 23, 1999.

**Richard W. Moreland,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-412-805; A-428-807; A-570-805]

#### Final Results of Expedited Sunset Reviews: Sulfur Chemicals (Sodium Thiosulfate) From the United Kingdom, Germany, and the People's Republic of China

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

**ACTION:** Notice of final results of expedited sunset reviews: sulfur chemicals (sodium thiosulfate) from the United Kingdom, Germany, and the People's Republic of China.

**SUMMARY:** On July 1, 1999, the Department of Commerce ("the Department") initiated sunset reviews of the antidumping duty orders on sulfur chemicals (sodium thiosulfate) from the United Kingdom, Germany, and the People's Republic of China (64 FR 35588) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). On the basis of notices of intent to participate and adequate substantive comments filed on behalf of Calabrian Corporation, a domestic interested party, and inadequate response (in these cases, no response) from respondent interested parties, the Department determined to conduct expedited reviews. As a result of these reviews, the Department finds that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping at the levels indicated in the *Final Results of Reviews* section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Kathryn B. McCormick or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1698 or (202) 482-1560, respectively.

**EFFECTIVE DATE:** December 30, 1999.

#### Statute and Regulations

These reviews were conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) ("Sunset Regulations"), and in 19 CFR Part 351 (1999) in general. 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").

### Scope

The merchandise covered by the antidumping duty orders includes all grades of sodium thiosulfate, in dry or liquid form, used primarily to dechlorinate industrial waste water, from the United Kingdom, Germany, and the People's Republic of China ("PRC"). The chemical composition of sodium thiosulfate is Na<sub>2</sub>S<sub>2</sub>O<sub>3</sub>. Currently, subject merchandise is classifiable under item number 2832.30.1000 of the Harmonized Tariff Schedule of the United States ("HTSUS"). The above HTSUS subheading is provided for convenience and customs purposes. The written description remains dispositive.

There have been no scope rulings for the above orders on imports of sodium thiosulfate from the subject countries.

### History of the Orders

In the original investigations, covering the period February 1, 1990, through July 31, 1990, the Department determined the following weighted-average dumping margins: 100.40 percent for Th. Goldschmidt AG ("Goldschmidt"), the German respondent, and "all others" (55 FR 51749, December 17, 1990); 50.13 percent for William Blythe & Co., Ltd. ("Blythe"), the British respondent, and "all others" (*id.*); and a country-wide rate of 25.57 percent for all producers/exporters of subject merchandise from the PRC (56 FR 2904, January 25, 1991).

Since the issuance of these orders, there has been one administrative review of the order on imports from the PRC, covering the period December 12, 1990, through January 31, 1992, in which China National Chemicals Import and Export Corporation ("Sinochem") and "all others" were assigned a margin of 148.42 percent *ad valorem*.<sup>1</sup>

### Background

On July 1, 1999, the Department initiated sunset reviews of the antidumping duty orders on sodium thiosulfate from the United Kingdom, Germany, and the PRC (64 FR 35588), pursuant to section 751(c) of the Act. The Department received a Notice of Intent to Participate on behalf of

Calabrian Corporation ("Calabrian") within the deadline (July 15, 1998) specified in section 351.218(d)(1)(i) of the *Sunset Regulations* in all three reviews. As the petitioner in the original investigations and a participant in the administrative review of the order on imports from the PRC, Calabrian claimed interested-party status under section 771(9)(C) of the Act as a U.S. producer of the domestic like product. Subsequently, we received Calabrian's complete substantive responses to the notice of initiation on August 2, 1999. Although we received a Notice of Intent to Participate from General Chemical Corporation in the German order and an application for release of business proprietary information under administrative protective order ("APO") from Blythe in the British order, we did not receive a substantive response from either of the parties. Without a substantive response from any respondent interested party, the Department, pursuant to 19 CFR 351.218(e)(1)(ii)(C), determined to conduct expedited, 120-day reviews of these orders.

In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.*, an order in effect on January 1, 1995). On November 16, 1999, the Department determined that the sunset reviews of the antidumping duty orders on sodium thiosulfate from the United Kingdom, Germany, and the PRC are extraordinarily complicated and, therefore, the Department extended the time limit for completion of the final results of these reviews until not later than January 27, 2000, in accordance with section 751(c)(5)(B) of the Act.<sup>2</sup>

### Determination

In accordance with section 751(c)(1) of the Act, the Department conducted these reviews to determine whether revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping. Section 752(c) of the Act provides that, in making this determination, the Department shall consider the weighted-average dumping margins determined in the investigation and subsequent reviews and the volume of imports of the subject merchandise for the period before and the period after the issuance of the antidumping duty order, and it shall provide to the International Trade Commission ("the Commission") the

magnitude of the margin of dumping likely to prevail if the order is revoked.

The Department's determinations concerning continuation or recurrence of dumping and the magnitude of the margin are discussed below. In addition, Calabrian's comments with respect to continuation or recurrence of dumping and the magnitude of the margin for each of the orders are addressed within the respective sections below.

### Continuation or Recurrence of Dumping

Drawing on the guidance provided in the legislative history accompanying the Uruguay Round Agreements Act ("URAA"), specifically the Statement of Administrative Action ("the SAA"), H.R. Doc. No. 103-316, vol. 1 (1994), the House Report, H.R. Rep. No. 103-826, pt. 1 (1994), and the Senate Report, S. Rep. No. 103-412 (1994), the Department issued its *Sunset Policy Bulletin* providing guidance on methodological and analytical issues, including the bases for likelihood determinations. In its *Sunset Policy Bulletin*, the Department indicated that determinations of likelihood will be made on an order-wide basis (see section II.A.2). In addition, the Department indicated that normally it will determine that revocation of an antidumping duty order is likely to lead to continuation or recurrence of dumping where (a) dumping continued at any level above *de minimis* after the issuance of the order, (b) imports of the subject merchandise ceased after the issuance of the order, or (c) dumping was eliminated after the issuance of the order and import volumes for the subject merchandise declined significantly (see section II.A.3).

In addition to consideration of the guidance on likelihood cited above, section 751(c)(4)(B) of the Act provides that the Department shall determine that revocation of an order is likely to lead to continuation or recurrence of dumping where a respondent interested party waives its participation in the sunset review. In the instant reviews, the Department did not receive a response from any respondent interested party. Pursuant to section 351.218(d)(2)(iii) of the *Sunset Regulations*, this constitutes a waiver of participation.

Calabrian argues that revocation of the orders would result in the continuation of dumping by producers/exporters of sodium thiosulfate from subject countries and the likelihood of dumping levels equal to or greater than those that existed prior to imposition of the orders (see August 2, 1999, Substantive Responses of Calabrian (United

<sup>1</sup> See *Sodium Thiosulfate From the People's Republic of China; Final Results of Antidumping Administrative Review*, 58 FR 12934 (March 8, 1993).

<sup>2</sup> See *Extension of Time Limit for Final Results of Five-Year Reviews*, 64 FR 62167 (November 16, 1999).

Kingdom, Germany, and the PRC) at 3). With respect to import volumes for the subject merchandise from the United Kingdom and Germany, Calabrian asserts that German and British exports decreased precipitously upon the imposition of the respective orders in 1991. Therefore, they contend that the drop in import volumes from 1991 to the present is evidence that dumping would continue if the order were revoked. *Id.* With respect to import volumes for subject merchandise from the PRC, Calabrian asserts that Chinese exports decreased precipitously upon completion of the first administrative review in March of 1993 and remained significantly below pre-order levels through 1996 (see August 2, 1999, Substantive Response of Calabrian (PRC) at 4).

With respect to whether dumping continued at any level above *de minimis* after the issuance of the order, Calabrian notes that, without any completed administrative reviews, British and German producers/exporters continue to dump, albeit at reduced volumes, and continue to be subject to their original rates of 50.13 percent and 100.40 percent, respectively (see August 2, 1999, Substantive Responses of Calabrian (United Kingdom and Germany) at 8). Similarly, according to Calabrian, Chinese producers/exporters continued to dump after the order, with declining volumes once the final results of the first administrative review were issued and the antidumping duty deposit rate increased to 148.42 percent.

As discussed in section II.A.3 of the *Sunset Policy Bulletin*, the SAA at 890, and the House Report at 63–64, if companies continue dumping with the discipline of an order in place, the Department may reasonably infer that dumping would continue if the discipline were removed. In these cases, dumping margins above *de minimis* continue to exist for shipments of subject merchandise from all producers/exporters from the subject countries.

Consistent with section 752(c) of the Act, the Department also considered the volume of imports before and after issuance of the orders. By examining U.S. Census Bureau IM146 reports, the Department finds that, consistent with import statistics provided by Calabrian, imports of the subject merchandise from the United Kingdom and Germany declined significantly immediately following the issuance of the orders, and continue to remain at very low levels. Chinese imports increased following the issuance of the order (56 FR 6623, February 19, 1991) and decreased dramatically only after the administrative review, in which the

margins rose to 148.42 percent for Sinochem and “all others.” Imports from China continue to remain at very low levels.

Therefore, the Department finds that the existence of dumping margins after the issuance of the orders is highly probative of the likelihood of continuation or recurrence of dumping. Deposit rates for exports of the subject merchandise by all known producers and exporters from the United Kingdom, Germany, and the PRC are above *de minimis*. Therefore, given that dumping has continued over the life of the orders, respondent interested parties have waived their right to participate in these reviews before the Department, and absent argument and evidence to the contrary, the Department determines that dumping is likely to continue if the orders were revoked.

#### Magnitude of the Margin

In the *Sunset Policy Bulletin*, the Department stated that it will normally provide to the Commission the margin that was determined in the final determination in the original investigation. Further, for companies not specifically investigated or for companies that did not begin shipping until after the order was issued, the Department normally will provide a margin based on the “all others” rate from the investigation (see section II.B.1 of the *Sunset Policy Bulletin*). Exceptions to this policy include the use of a more recently calculated margin, where appropriate, and consideration of duty-absorption determinations (see sections II.B.2 and 3 of the *Sunset Policy Bulletin*).

Calabrian asserts that, with respect to Germany and the United Kingdom, the Department should provide to the Commission the company-specific and “all others” margins determined in the original investigations as the rates likely to prevail if the orders were revoked (see August 2, 1999, Substantive Responses of Calabrian (United Kingdom and Germany) at 6). With respect to the margin on imports from the PRC, Calabrian asserts that the Department should report to the Commission the margin of 148.42 percent, from the first administrative review, after which Chinese imports declined significantly.

Finally, Calabrian notes that the Department has not issued any determinations with regard to duty absorption under these antidumping duty orders. However, the company asserts that, in instances where the foreign exporter sells the subject merchandise through an affiliated importer, absent findings in these sunset

proceedings that no duty absorption is taking place, the Department should assume that on those transactions duty absorption is taking place.

The Department agrees with Calabrian’s arguments concerning the choice of margins to report to the Commission for each of the countries. As noted in the *Sunset Policy Bulletin*, the rates from the original investigation are the only rates that reflect the behavior of exporters without the discipline of the order. Absent argument or evidence to the contrary, in the reviews of the United Kingdom and Germany, we find no reason to deviate from our stated policy. Therefore, consistent with section II.B.1 of the *Sunset Policy Bulletin*, the Department finds that the original rates are probative of the behavior of manufacturers/exporters from the United Kingdom and Germany.

With respect to the PRC, as we stated in the *Sunset Policy Bulletin*, a company may choose to increase dumping in order to maintain or increase market share. As a result, increasing margins may be more representative of a company’s behavior in the absence of an order (see section II.B.2 of the *Sunset Policy Bulletin*). In addition, the *Sunset Policy Bulletin* notes that the Department will normally consider market share for purposes of determining whether a more recent rate is probative of an exporter’s behavior. However, absent information on market share and absent argument or evidence to the contrary, we have relied on Chinese import volumes in the present case. Specifically, we found that imports from China increased after the issuance of the order, from approximately 462,000 kilograms in 1990, to 1.17 million kilograms in 1991. At the same time, dumping increased as reflected in the final results of the administrative review covering December 1990 through January 1992. Therefore, in light of the correlation between the increase in imports and the increase in the dumping margins of Sinochem and “all others” in the period between the original period of investigation and the first period of review, the Department finds the more recent rate from the review to be the most probative of the behavior of Chinese producers/exporters, were the order revoked.

As such, the Department will report to the Commission the company-specific and “all others” rates from the original British and German investigations and the country-wide rate for Chinese producers/exporters determined in the 1990/92 review as contained in the Final Results of Reviews section of this notice.

Finally, we disagree with Calabrian's assertion that we should assume that duty absorption is taking place under these orders in instances where the foreign exporter sells the subject merchandise through an affiliated importer. Because Calabrian did not request an administrative review or a

duty-absorption determination in 1996 or 1998 with respect to these orders, the Department did not conduct a duty-absorption inquiry.<sup>3</sup> Therefore, given the lack of a finding of duty absorption, the Department will not assume a determination of duty-absorption for purposes of these sunset reviews.

### Final Results of Reviews

As a result of these reviews, the Department finds that revocation of the antidumping duty orders would likely lead to continuation or recurrence of dumping at the margins listed below:

Country	Manufacturer/exporter	Margin (percent)
United Kingdom .....	William Blythe & Co., Ltd .....	50.13
	All Others 50.13 .....	50.13
Germany .....	Th. Goldschmidt AG .....	100.40
	All Others 100.40 .....	100.40
China (PRC) .....	Country-wide .....	148.42

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These five-year ("sunset") reviews and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: December 23, 1999.

**Richard W. Moreland,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Industry Sector Advisory Committees (ISACs) 10 and 12 for Trade Policy Matters; Request for Nominations

**AGENCY:** International Trade Administration, Trade Development, Commerce.

**ACTION:** Request for nominations.

**SUMMARY:** The Secretary of Commerce (Commerce) and the United States Trade Representative (USTR) are seeking nominations for appointment of environmental representatives to the Industry Sector Advisory Committee on Lumber and Wood Products (ISAC 10) and the Industry Sector Advisory

Committee on Paper and Paper Products (ISAC 12). Appointments will be effective for the remainder of the current charter term of these Committees, which expires March 19, 2000, and will be extended for the following two-year charter term. In order to be considered for appointment to one of these Committees, a nominee must be a U.S. citizen, must have an interest in and specialized knowledge of environmental issues relevant to the work of the Committee, and may not be a registered foreign agent under the Foreign Agents Registration Act. This notice responds to a November 8, 1999 order of the Federal District Court for the Western District of Washington in *Northwest Ecosystems Alliance v. USTR* (No. C99-1165R), directing Commerce and USTR to appoint a "properly qualified environmental representative" to each of these committees.

In order to receive full consideration, nominations for the current charter period should be received not later than January 21, 2000. Recruitment information is available on the International Trade Administration website at [www.ita.doc.gov/icp](http://www.ita.doc.gov/icp). Further inquiries may be directed to Tamara Underwood, Director, Industries Consultations Program, U.S. Department of Commerce, 14th and Constitution Avenue, NW, Room 2015-B, Washington, D.C. 20230.

#### SUPPLEMENTARY INFORMATION:

##### Background

In section 135 of the 1974 Trade Act, as amended (19 U.S.C. 2155), Congress established a private-sector advisory system to ensure that U.S. trade policy and trade negotiation objectives adequately reflect U.S. commercial and economic interests. Section 135(a)(1) of

the 1974 Trade Act directs the President to—

"Seek information and advice from representative elements of the private sector and the non-Federal governmental sector with respect to—

(A) Negotiating objectives and bargaining positions before entering into a trade agreement under [title I of the 1974 Trade Act and section 1102 of the Omnibus Trade and Competitiveness Act of 1988];

(B) The operation of any trade agreement once entered into; including preparation for dispute settlement panel proceedings to which the United States is a party; and

(C) Other matters arising in connection with the development, implementation, and administration of the trade policy of the United States \* \* \*."

Section 135(c)(2) of the 1974 Trade Act provides—

(2) The President shall establish such sectoral or functional advisory committees as may be appropriate. Such committees shall, insofar as is practicable, be representative of all industry, labor, agricultural, or service interests (including small business interests) in the sector or functional areas concerned. In organizing such committees, the United States Trade Representative and the Secretaries of Commerce, Labor, Agriculture, the Treasury, or other executive departments, as appropriate, shall—

(A) Consult with interested private organizations; and

(B) Take into account such factors as—

(i) Patterns of actual and potential competition between United States industry and agriculture and foreign enterprise in international trade,

<sup>3</sup> Section 751(a)(4) of the Act provides that, during the second and fourth administrative review of an order (or, for transition orders, during an administrative review initiated in 1996 or 1998 (see

19 CFR 351.213(j)), the Department, upon request, will determine whether antidumping duties have been absorbed by a foreign producer or exporter subject to a finding if the subject merchandise is

sold in the United States through an importer who is affiliated with such foreign producer or exporter.