

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

This notice serves as the only reminder to parties subject to 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

#### 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.

(ii) The character of the nontariff barriers and other distortions affecting such competition,

(iii) The necessity for reasonable limits on the number of such advisory committees,

(iv) The necessity that each committee be reasonably limited in size, and

(v) In the case of each sectoral committee, that the product lines covered by each committee be reasonably related.

Pursuant to this provision, Commerce and USTR have established and co-chair seventeen Industry Sector Advisory Committees (ISACs) and four Industry Functional Advisory Committees (IFACs). The Committees' efforts have resulted in strengthening U.S. negotiating positions by enabling the United States to display a united front when it negotiates trade agreements with other nations. Committees meet an average of four times a year in Washington, D.C. Members serve without compensation and are responsible for all expenses incurred in attending Committee meetings. For additional information regarding the functions and membership of these committees, and general qualifications for membership, see 64 FR 10448-10449, March 4, 1999 (Volume 64, Number 42).

On July 21, 1999, several groups interested in forest conservation issues brought a lawsuit against USTR and Commerce challenging the balance of representation on ISACs 10 and 12. The district court ruled in favor of plaintiffs on November 8, 1999 and ordered USTR and Commerce to "make a good faith effort to expedite the appointment of at least one properly qualified environmental representative" to each of these advisory committees. This notice is issued in compliance with the court's order.

### Eligibility

Eligibility to serve as an environmental representative on ISAC 10 or ISAC 12 is limited to U.S. citizens who are not full-time employees of a governmental entity, who represent a "U.S. entity", and who are not registered with the Department of Justice under the Foreign Agents Registration Act. For purposes of the preceding sentence, a "U.S. entity" is an organization incorporated in the United States (or, if unincorporated, having its headquarters in the United States):

(1) That is controlled by U.S. citizens or by another U.S. entity. An entity is not a U.S. entity if more than 50 percent of its Board of Directors or membership is made up of non-U.S. citizens. If the nominee is to represent an organization

more than 10 percent of whose Board of Directors or membership is made up of non-U.S. citizens, or non-U.S. entities, the nominee must demonstrate at the time of nomination that this non-U.S. interest does not constitute control and will not adversely affect his or her ability to serve as a trade advisor to the United States; and

(2) At least 50 percent of whose annual revenue is attributable to non-governmental, U.S. sources.

### Selection Criteria

USTR and Commerce will select environmental representatives eligible for appointment to ISACs 10 and 12 based upon the following:

(1) The nominee should demonstrate personal interest in and knowledge of the formulation of environmental policies in the sector relevant to the work of the Committee, and ability to work with governmental and officials and industry representatives to reach consensus on complex environmental and trade issues affecting the relevant industry sector.

(2) Preference will be accorded nominees who also demonstrate knowledge of and familiarity with the relevant industry sector, as well as with international trade matters, including trade policy development, relevant to that sector.

Two representatives will be appointed, one for each Committee. Representatives will require a security clearance. Members serve without compensation and are responsible for all expenses incurred in attending Committee meetings.

### Applicant Procedures

Requests for applications should be sent to the Director of the Industry Consultations Program, U.S. Department of Commerce, 14th and Constitution Avenue, NW, Room 2015-B, Washington, D.C. 20230.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C., app. 2) and 21 CFR part 14 relating to advisory committees.

**Michael J. Copps,**

*Assistant Secretary for Trade Development.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-122-805]

### Final Results of Expedited Sunset Review: New Steel Rail From Canada

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

**ACTION:** Notice of final results of expedited sunset review: New steel rail from Canada.

**SUMMARY:** On June 1, 1999, the Department of Commerce ("the Department") initiated a sunset review of the countervailing duty order on new steel rail from Canada (64 FR 29261) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). On the basis of a notice of intent to participate and an adequate substantive response filed on behalf of domestic interested parties and inadequate response (in this case, no response) from respondent interested parties, the Department determined to conduct an expedited review. As a result of this review, the Department finds that revocation of the countervailing duty order would be likely to lead to continuation or recurrence of a countervailable subsidy. The net countervailable subsidy and the nature of the subsidy are identified in the Final Results of Review section of to this notice.

### FOR FURTHER INFORMATION CONTACT:

Darla D. Brown or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3207 or (202) 482-1560, respectively.

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

### Statute and Regulations

This review was 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 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