available for public review and comment. For the next 30 days the NRCS in Kentucky will receive comments relative to the proposed changes. Following that period a determination will be made by the NRCS in Kentucky regarding deposition of those comments and a final determination of change will be made.

David G. Sawyer,

State Conservationist, Natural Resources Conservation Service.

[FR Doc. 99–16777 Filed 7–2–99; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–602]

Final Results of Expedited Sunset Review: Aspirin From Turkey

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

ACTION: Notice of final results of expedited sunset review: aspirin from Turkey.

SUMMARY: On March 1, 1999, the Department of Commerce (''the Department'') initiated a sunset review of the antidumping duty order on aspirin from Turkey (64 FR 9970) 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 substantive comments filed on behalf of the domestic industry 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 antidumping order would be likely to lead to continuation or recurrence of dumping at the levels indicated in the *Final Results of Review* section of this notice.

FOR FURTHER INFORMATION CONTACT: Scott E. Smith 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, D.C. 20230; telephone: (202) 482–6397 or (202) 482–1560, respectively.

EFFECTIVE DATE: July 6, 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*''). 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 product covered by this review is acetylsalicylic acid (aspirin) from Turkey, containing no additives, other than inactive substances (such as starch, lactose, cellulose, or coloring material), and/or active substances in concentrations less than that specified for particular non-prescription drug combinations of aspirin and active substances as published in the *Handbook of Non-Prescription Drugs,* eighth edition, American Pharmaceutical Association, and is not in tablet, capsule, or similar forms for direct human consumption. This product is currently classifiable under the Harmonized Tariff Schedule (''HTS'') of the United States item numbers 2918.22.10 and 3003.90.00.[1] The HTS item numbers are provided for convenience and customs purposes only. The written description remains dispositive.

History of the Order

On July 1, 1987, the Department issued a final determination of sales at less than fair value with respect to imports of aspirin (acetylsalicylic acid) from Turkey.[2] The antidumping duty order on aspirin was issued by the Department on August 25, 1987, and, in the order, the dumping margins that were found in the final determination were confirmed.[3] Since the imposition of this order, the Department has conducted one administrative review.[4] The order remains in effect for all manufacturers and exporters of the subject merchandise.

This review covers all producers and exporters of aspirin from Turkey.

Background

On March 1, 1999, the Department initiated a sunset review of the antidumping order on aspirin from Turkey (64 FR 9970), pursuant to section 751(c) of the Act. The Department received a Notice of Intent to Participate on behalf of Rhodia on March 15, 1999, within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations.* We received a complete substantive response from Rhodia on March 31, 1999, within the 30-day deadline specified in the *Sunset Regulations* in section 351.218(d)(3)(i). Rhodia claimed interested party status under section 771(9)(C) of the Act as a U.S. producer of the domestic like product.

Additionally, Rhodia stated that it was not a participant in either the original investigation nor the lone administrative review conducted by the Department. However, Rhodia stated that, of the four domestic producers originally involved in the investigation, two—Sterling Drug and Norwich-Eaton—have since ceased production of subject aspirin. The other two producers, Monsanto Chemical Company and Dow Chemical U.S.A., had their aspirin production taken over by Rhone-Poulenc S.A. Rhodia is the subsidiary of Rhone-Poulenc S.A. responsible for bulk aspirin production and is the successor in interest to Monsanto, which was the original petitioner.

We did not receive a substantive response from any respondent interested party to this proceeding. As a result, pursuant to section 351.218(e)(1)(ii)(C) of the *Sunset Regulations,* the Department determined to conduct an expedited, 120-day, review of this order.

Determination

In accordance with section 751(c)(1) of the Act, the Department conducted this review to determine whether revocation of the antidumping order would be likely to lead to continuation or recurrence of dumping. Section 752(c) of the Act provides that, in making this determination, the

[1] In its substantive response, Rhodia noted that the written description of the scope of the order indicated that this product was covered under not only under HTS item number 2918.22.10, but also item number 3003.90.00. The Department agrees. Although this item number has not been previously included in the scope section of prior Department determinations in this case, we confirmed with the U.S. Customs Service that both HTS item numbers were appropriate (*see* Memo to File; Re: HTS Item Numbers for Aspirin). Therefore, we have included HTS item number 3003.90.00.

[2] *See Final Determination of Sales at Less Than Fair Value; Acetylsalicylic Acid From Turkey,* 52 FR 24492 (July 1, 1987).

[3] *See Acetylsalicylic Acid From Turkey; Antidumping Duty Order,* 52 FR 32030 (August 25, 1987).

[4] *See Acetylsalicylic Acid From Turkey; Final Results of Antidumping Duty Administrative Review,* 63 FR 34146 (June 23, 1998), and *Termination of Antidumping Duty Administrative Review; Acetylsalicylic Acid From Turkey,* 58 FR 11208 (February 24, 1993).

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 order, and 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, Rhodia's comments with respect to continuation or recurrence of dumping and the magnitude of the margin 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 order is likely to lead to continuation or recurrence of dumping when (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 considering 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 when a respondent interested party waives its participation in the sunset review. In the instant review, 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.

In its substantive response, Rhodia argued that revocation of the order will likely lead to continuation or recurrence of dumping of aspirin from Turkey. Rhodia stated that compelling evidence supporting this conclusion includes: (1) The cessation of Turkish imports following the issuance of the order; (2) increased imports of bulk aspirin from other countries; (3) downward pricing pressure resulting from intense competition in the U.S. market from Chinese imports; and (4) continuing interest in the U.S. market by Turkish producers as evidenced by the temporary resumption of Turkish imports in 1997.

With respect to whether imports of the subject merchandise ceased after the issuance of the order, Rhodia, citing data from the United States Census Bureau, argued that imports of Turkish aspirin declined significantly with the imposition of dumping duties in 1987. Specifically, Rhodia stated that, in 1987, the year immediately following imposition of the order, import volumes from Turkey declined dramatically, decreasing from 1.3 million pounds to just over 200,000 pounds. Rhodia stated that imports of aspirin from Turkey continued to decline until they completely ceased in 1990. Further, Turkish imports remained at zero until 1997 when imports rose to just over 5,000 pounds. The 1997 shipment, Rhodia argues, was the basis for the sole administrative review of the order, conducted for the 1996–1997 time period. Therefore, Rhodia argues, the decline and cessation of Turkish import volumes of bulk aspirin following the imposition of the antidumping duty order provides a strong indication that, absent an order, dumping would be likely to recur, because the evidence would indicate that the exporter needs to dump to sell at pre-order volumes. (*See* Substantive Response of Rhodia at 10.)

Additionally, Rhodia also argues that, because of the nature of the market for bulk aspirin, were Turkish producers to reenter the U.S. market, they would have to dump in order to compete. Rhodia argues that bulk aspirin is a commodity and, as such, competition is based primarily on price. Further, recent imports of bulk aspirin from other countries, most notably China, have increased and, as import volumes have increased, prices have fallen. Therefore, Rhodia argues that the only way that Turkish producers would realistically be able to reenter the U.S. market would be to meet the price competition posed by the low Chinese import prices.

Consistent with section 752(c) of the Act, the Department has considered whether dumping continued at any level above de minimis after the issuance of the order. In the administrative review covering the 1996–1997 period, the Department determined that no dumping margin existed for Atabay Kimya Sanayi ve Ticaret A.B. (''Atabay'') (63 FR 34146, June 23, 1998) and, therefore, a cash deposit rate of zero was imposed for Atabay. Because neither Proces Kimya Sinayi ve Ticaret (''Proces''), one of the two companies examined in the original investigation, nor any other companies, other than Atabay, have been examined in the course of administrative review, the deposit rates for all companies, other than Atabay, continue to be the margins of dumping found in the original investigation—38.60 percent for Proces and 32.98 percent for all others. Therefore, we determine that although there was no dumping found for Atabay in the 1997 review period, the same cannot be said for other Turkish producers/exporters.

Consistent with section 752(c) of the Act, the Department also considered the volume of imports before and after issuance of the order. The import statistics on imports of the subject merchandise from pre-order 1986 to 1998 (as provided by the domestic industry and confirmed by the Department by United States Census Bureau IM146 data) demonstrate that imports of the subject merchandise declined dramatically immediately following the imposition of the order, and continued to decline until 1990 when imports ceased. The only imports of bulk aspirin from Turkey since 1990 involved just over 5,000 pounds in 1997. We agree with Rhodia that imports from Turkey have declined substantially since the imposition of the order in 1987 and, therefore, we determine that, although dumping was eliminated by Atabay, its export volumes have declined significantly since the issuance of the order.

As set forth in the *Sunset Policy Bulletin* (section II.A.3), and consistent with the SAA at 889–90 and the House Report at 63, the Department normally will find that revocation of the antidumping duty order likely will lead to continuation or recurrence of dumping when dumping margins continued at any level after the issuance of the order or when dumping was eliminated after the issuance of the order and import volumes of the subject merchandise declined significantly or ceased. With respect to Atabay, although dumping was eliminated in 1997, shipments of the subject merchandise have declined dramatically. Further, with respect to all

other Turkish producers/exporters, antidumping duty deposit rates remain in effect and we have no reason to believe that dumping has been eliminated. On the basis of this analysis, in conjunction with the fact that respondent interested parties have waived their right to participate in this review before the Department, and, absent argument and evidence to the contrary, the Department determines that dumping is likely to continue if the order were revoked.

Magnitude of the Margin

In the *Sunset Policy Bulletin,* the Department stated that it normally will 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*.)

The Department, in its final determination of sales at less than fair value, published weighted-average dumping margins for two Turkish producers/exporters of the subject merchandise, Atabay and Proses, and for all other producers/exporters (52 FR 24492, July 1, 1987). The margins calculated in that determination were 27.35 percent for Atabay, 38.60 percent for Proses, and an ''all others'' rate of 32.98 percent. Atabay, as mentioned above, received a zero margin during the sole administrative review for the 1996–1997 review period (63 FR 34146, June 23, 1998). We note that, to date, we have not issued any duty absorption findings in this case.

In its substantive response, Rhodia argued that the Department, consistent with its *Sunset Policy Bulletin,* should provide the Commission with the company-specific and all others rates from the original investigation as the magnitude of the margin likely to prevail if the order were revoked. Alternatively, Rhodia suggested that the Department could conclude that higher margins would prevail if the order were revoked. In this case, Rhodia suggests that, using Turkish import and export statistics coupled with average U.S. import statistics, the Department could calculate a new margin of 63.14 percent.

Consistent with section II.B.1 of the *Sunset Policy Bulletin,* the Department finds that the rates from the original investigation are probative of the behavior of producers/exporters without the discipline of the order. As a result, the Department determines, absent argument and evidence to the contrary, that the margins from the original investigation are the ones most likely to prevail if the order were revoked. As such, we will report to the Commission the company-specific and all others rates contained in the Final Results of Review section of this notice.

Final Results of Review

As a result of this review, the Department finds that revocation of the antidumping order would likely lead to continuation or recurrence of dumping at the margins listed below:

Manufacturer/exporter	Margin (percent)
Atabay Kimya Sanayi ve Ticaret	27.35
Proces Kimya Sanayi ve Ticaret	38.60
All Others	32.98

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.

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

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–17051 Filed 7–2–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–855]

Initiation of Antidumping Duty Investigation: Certain Non-Frozen Apple Juice Concentrate From the People's Republic of China

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

EFFECTIVE DATE: July 6, 1999.

FOR FURTHER INFORMATION CONTACT: Suresh Maniam or Vincent Kane, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 3099, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–0176 or 482–2815, respectively.

INITIATION OF INVESTIGATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 as amended (''the Act'') by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department of Commerce's (''the Department's'') regulations are to the provisions codified at 19 CFR Part 351 (1998).

The Petition

On June 7, 1999, the Department received a petition filed in proper form by Tree Top, Inc.; Knouse Foods Cooperative, Inc.; Green Valley Packers; Mason County Fruit Packers; and Coloma Frozen Foods, Inc., hereinafter collectively referred to as ''the petitioners. On June 17 and 25, 1999, at the request of the Department, petitioners provided public summaries for certain business proprietary information contained in the petition. On June 23, 1999, petitioners supplied information relating to their standing as petitioners and on June 25, 1999, petitioners clarified their calculation concerning industry support of the petition.

In accordance with section 732(b) of the Act, the petitioners allege that imports of certain non-frozen apple juice concentrate (''NFAJC'') from the People's Republic of China (''PRC'') are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are both materially injuring and threatening material injury to an industry in the United States.

The Department finds that the petitioners filed this petition on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) of the Act and they have demonstrated that they account for at least 25 percent of the total production of the domestic like product and more than 50 percent of the production of the domestic like product produced by that portion of the industry