Manufacturer/exporter	Margin (percent)
Taiwan:	
San Yan Metal Industries Co., Ltd	27.90
De Ho	13.12
Tai Yang	37.09
Kwang Yu	7.93
Young Shieng	80.00
All Others	28.27

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.

We are issuing and publishing the determination and notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: July 30, 1999.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–20225 Filed 8–4–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–706]

Final Results of Expedited Sunset Review: Nitrile Rubber From Japan

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

ACTION: Notice of final results of expedited sunset review: Nitrile rubber from Japan.

SUMMARY: On April 1, 1999, the Department of Commerce (the ''Department'') initiated a sunset review of the antidumping order on nitrile rubber from Japan (64 FR 15727) 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 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 antidumping duty order would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Result of Review'' section of this notice.

FOR FURTHER INFORMATION CONTACT: Eun W. Cho or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, US Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–1698 or (202) 482–1560, respectively.

EFFECTIVE DATE: August 5, 1999.

Statute and Regulations

This review was conducted pursuant to sections 751(c) and 752(c) 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 subject merchandise under consideration is butadiene acrylonitrile copolymer synthetic rubber (''nitrile rubber'') not containing fillers, pigments, or rubber-processing chemicals from Japan. Nitrile rubber refers to the synthetic rubber that is made from the polymerization of butadiene and acrylonitrile, and that does not contain any type of additive or compounding ingredient having a function in processing, vulcanization, or end use of the product. Latex rubber is excluded from this order.

Nitrile rubber is currently classifiable under item number 4002.59.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS item number is provided for convenience and Customs purposes only. The written product description of the scope of this order remains dispositive.

History of the Order

The antidumping duty order on nitrile rubber from Japan was published in the **Federal Register** on June 16, 1988 (53 FR 22553). In that order, the Department estimated that the weighted-average dumping margins for Nippon Zeon Co., Ltd. (''Nippon'') as well as for ''all-others'' were 146.50 percent. The Department has not conducted any administrative review since that time.[1] The order remains in effect for all manufacturers and exporters of the subject merchandise.

Background

On April 1, 1999, the Department initiated a sunset review of the antidumping duty order on nitrile rubber from Japan (64 FR 15727) pursuant to section 751(c)(6)(A)(i) of the Act. The Department received a Notice of Intent to Participate on behalf of Zeon Chemicals, L.P. (''Zeon'') on April 16, 1999, within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations.* Zeon claimed interest party status under section 771(9)(C) of the Act as a domestic producer of nitrile rubber.

We received a complete substantive response from Zeon on May 3, 1999, within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i). Zeon noted that although Zeon did not exist at the time of the original antidumping determination, from which the present proceeding is derived, Zeon is currently the largest producer of nitrile rubber in the United States (*see* May 3, 1999, Substantive Response of Zeon at 3). Zeon further noted that the parent company of Zeon, the Japanese firm Nippon, had participated in the original investigation as a respondent interested party (*see id.*). Also, Zeon indicated that Zeon previously changed its name from ''Zeon Chemicals Incorporated'' to ''Zeon Chemicals, L.P.'' (*See id.*). We did not receive a substantive response from any respondent interested parties to this proceeding. Consequently, 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 Department shall consider the weighted-average dumping margins determined in the investigation and subsequent reviews and the volume of imports of

[1] There has been only a single review requested by a Japanese firm, Japan Synthetic Rubber Co., Ltd. That request, however, was timely withdrawn by the same firm. Consequently, the Department terminated the review. *See Termination of Antidumping Duty Administrative Review,* 62 FR 54822 (October 22, 1997).

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, Zeon'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 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 considering 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 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, Zeon argues that dumping of the subject merchandise would resume if the antidumping duty order were revoked (*see,* May 3, 1999 Substantive Response of Zeon at 3). In support of its assertion, Zeon notes that the volume of imports of the subject merchandise immediately and dramatically decreased after the discipline of the antidumping order was put into effect. In addition, Zeon points to the existence of continued dumping above the *de minimis* level throughout the life of the order.

In addition to argument related to previously calculated dumping margins and the volume of imports before and after the issuance of the order, Zeon asserts that there are other facts that support a determination that revocation would result in resumption of dumping. Zeon notes that Japanese companies continue to manufacture the subject merchandise for export. Furthermore, Zeon asserts that the U.S. market has proven highly penetrable to imports of nitrile rubber. In conclusion, Zeon asserts that because nitrile rubber is highly fungible (and, therefore, U.S. purchasers quickly switch suppliers based on a small price changes), Japanese producers could easily regain customers by resuming dumping were the order revoked.

The Department agrees with Zeon's argument that imports have declined significantly since imposition of the order. Statistics drawn from U.S. Census Bureau IM146 reports (''IM146''), Import Special Information Service of the Journal of Commerce (''ISIS''), and Trade Information On-Line Service (''TIOS'') support Zeon's assertion that there was a substantial decrease of imports of the subject merchandise immediately after the issuance of the antidumping duty order. For instance, between 1987 and 1988 the imports of the subject merchandise fell 61 percent.[2] Moreover, between 1988 and 1998, the average volume of imports of the subject merchandise is a mere 18 percent of the pre-order level, some variations notwithstanding.[3]

With respect to the weighted-average dumping margins, as noted above, there has not been any administrative review with respect to the antidumping order under consideration. Consequently, the only weighted-average dumping margin available to the Department is the one that was determined in the original investigation: 146.50 percent. As a result, the Department finds that since the issuance of the antidumping duty order, imports of nitrile rubber from Japan have continued to be assessed the weighted-average dumping margin of 146.50 percent, which is significantly above *de minimis.*

In conclusion, considering the facts that respondent parties waived their right to participate in instant review, that dumping margins above *de minimis* level continued since the issuance of the order, and that import volumes substantially decreased after the issuance of the order, the Department finds that continuation or recurrence of dumping is likely if the antidumping duty order is revoked.

Since the Department based this determination on the facts that the import volume of the subject merchandise decreased substantially and that dumping continued at levels above *de minimis,* it is not necessary to address Zeon's additional arguments.

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.*)

The Department, in its notice of the antidumping duty order on nitrile rubber from Japan, established both company-specific and country-wide weighted-average dumping margins of 146.50 percent for all imports of the subject merchandise from Japan (53 FR 22553, June 16, 1988). We note that, to date, the Department has not issued any duty absorption findings in this case.

In its substantive response, Zeon asserts that revocation of the antidumping duty order would result in a resumption of dumping order at 146.50 percent, which is the weighted-average margin found in the investigation. Zeon argues that this is consistent with the SAA and *Sunset Policy Bulletin,* particularly in a case such as this where no administrative review has been conducted. In conclusion, Zeon argues that the decline in imports following the issuance of the order coupled with the fact that there

[2] As noted above, the antidumping duty order was issued on June, 1988.

[3] For example, in 1989, imports of the subject merchandise increased 28 percent compared to the reduced 1988 imports volume; however, this is still less than 50 percent of the pre-order level. More significantly, during the period from 1994 to 1998, the annual average import volume of the subject merchandise has fallen to 12 percent of the pre-order import volume.

have been no administrative reviews further suggests that the margins from the order accurately reflect the minimum level of dumping that Japanese companies must maintain to sell nitrile rubber in the U.S. market.

The Department agrees with the Zeon. Absent argument and evidence to the contrary, the Department finds the margins calculated in the original investigation are probative of the behavior of Japanese producers/exporters if the order were revoked, as they are the only margins which reflect their behavior absent the discipline of the order. Therefore, the Department will report to the Commission the company-specific and all other margins reported in the ''Final Results of Review'' section of this notice.

Final Results of Review

Based on the above analysis, the Department finds that the revocation of the antidumping order would likely lead to continuation or recurrence of dumping at the margins listed below:

Manufacturer/exporter	Margin (percent)
Nippon Zeon Co. Ltd	146.50
All others	146.50

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.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–20218 Filed 8–4–99; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–807]

Polyethylene Terephthalate Film, Sheet and Strip From Korea: Final Results of Antidumping Duty New Shipper Review

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

ACTION: Notice of final results of antidumping duty new shipper review.

SUMMARY: On May 10, 1999, the Department of Commerce (the Department) published the preliminary results of the new shipper review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip (PET film) from the Republic of Korea (64 FR 25014). The review covers one manufacturer/exporter of the subject merchandise to the United States and the period June 1, 1997 through May 31, 1998. We gave interested parties an opportunity to comment on the preliminary results. We received no comments.

We have determined that HSI Industries (HSI) made no U.S. sales below normal value, and we will instruct the U.S. Customs Service to assess no antidumping duties for HSI for the period covered by this new shipper review.

EFFECTIVE DATE: August 5, 1999.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney or John Kugelman, AD/CVD Enforcement Group III, Office 8, Import Administration, International Trade Administration, US Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–4475/0649.

Applicable Statute

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

SUPPLEMENTARY INFORMATION:

Background

On May 10, 1999, the Department published in the **Federal Register** the preliminary results of its new shipper review of the antidumping duty order on PET film from Korea. We received no comments on our preliminary results. Therefore, we have only changed our preliminary results with respect to the currency conversion methodology discussed below.

Scope of the Review

Imports covered by this review are shipments of all gauges of raw, pretreated or primed polyethylene terephthalate film, sheet, and strip, whether extruded or coextruded. The films excluded from this review are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer of more than 0.00001 inches (0.254 micrometers) thick. Roller transport cleaning film which has at least one of its surfaces modified by the application of 0.5 micrometers of SBR latex has also been ruled as not within the scope of the order.

PET film is currently classifiable under Harmonized Tariff Schedule (HTS) subheading 3920.62.00.00. The HTS subheading is provided for convenience and for U.S. Customs purposes. The written description remains dispositive as to the scope of the product coverage.

The review covers the period June 1, 1997 through May 31, 1998. The Department is conducting this review in accordance wit section 751(a)(2)(B) of the Act.

Currency Conversion

As previously stated by the Department, we have determined that the decline in the won at the end of 1997 was so precipitous an large that the dollar-won exchange rate cannot reasonably be viewed as having simply fluctuated during this time, *i.e.*, as having experienced only a momentary drop in value. *See* Emulsion Styrene Butadiene Rubber form the Republic of Korea: Notice of Final Determination of Sales at Less Than Fair Value, 64 FR 14865, 14867 (March 29, 1999). Therefore, the Department used daily rates exclusively for currency conversion purposes for home market sales matched to U.S. sales occurring between November 1 and December 31, 1997, and the standard exchange rate model with a modified benchmark for sales occurring between January 1, 1998 and February 28, 1998. The modified benchmark consisted of an average of the daily rates over the period January 1, 1998 through February 28, 1998. This methodology enabled us to use an up--to-date (post-precipitous drop) benchmark, but avoided undue day-to-day exchange rate fluctuations.