the administrative reviews covering these periods were found not to have made any shipments. Therefore, we view the order-wide data as an appropriate surrogate for Toyota.

According to 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. However, absent information on market share, and absent argument or evidence to the contrary, we have relied on import values in the present case. Therefore, in light of the correlation between an increase in imports and an increase in Toyota's dumping margins, the Department finds Toyota's more recent rate from the last administrative review [3] (62 FR 5592 February 6, 1997)) to be the most probative of Toyota's behavior if the order were revoked. For all companies other than Toyota, the Department will report to the Commission the rate from the original investigation (53 FR 12552 April 15, 1988) as 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 duty order would likely lead to continuation or recurrence of dumping at the margin listed below:

Manufacturer/exporter	Margin (percent)
Toyota Motor Corp	47.79
Nissan Motor Corp	51.33
Komatsu Forklift Co., Ltd	47.50
Sumitomo-Yale Co., Ltd	51.33
Toyo Umpaki Co. Ltd	51.33
Sanki Industrial Co	13.65
Kasagi Forklift, Inc	56.81
All Other Japanese Manufacturers/Exporters	39.45

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.

Dated: July 30, 1999.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–20217 Filed 8–4–99; 8:45 am]

BILLING CODE 3510–DS–P

[3] *See Certain Internal-Combustion Industrial Forklift Trucks from Japan: Amended Final Results of Antidumping Duty Administrative Review*, 62 FR 12598 (March 17, 1997).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–605, A–580–507, and A–583–507]

Final Results of Expedited Sunset Reviews: Malleable Cast Iron Pipe Fittings From Japan, South Korea, and Taiwan

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

ACTION: Notice of final results of expedited sunset reviews: Malleable cast iron pipe fittings from Japan, South Korea, and Taiwan.

SUMMARY: On January 4, 1999, the Department of Commerce (''the Department'') initiated sunset reviews of the antidumping duty orders on malleable cast iron pipe fittings from Japan, South Korea, and Taiwan (64 FR 364) 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 domestic interested parties and inadequate responses (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: Martha V. Douthit or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, US Department of Commerce, 14th & Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–3207 or (202) 482–1560, respectively.

EFFECTIVE DATE: August 5, 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 19 CFR 351 (1998) 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

Imports covered by these orders are shipments of certain malleable cast iron pipe fittings, other than grooved, from Japan, South Korea, and Taiwan. In the original orders, these products were classified in the Tariff Schedules of the United States, Annotated (TSUSA), under item numbers 610.7000 and 610.7400. These products are currently classifiable under item numbers 7307.19.90.30, 7307.19.90.60, and 7307.19.90.80 of the Harmonized Tariff Schedule of the United States (HTSUS). By letter of February 8, 1989, the Department clarified that union heads, tails, and nuts fell within the scope of the antidumping duty order on malleable cast iron pipe fittings from South Korea.[1] The HTSUS item numbers are provided for convenience and customs purposes. The written description remains dispositive.

These orders apply to all imports of certain malleable cast iron pipe fittings from Japan, South Korea, and Taiwan.

History of the Orders

Japan

The Department issued the antidumping duty order on malleable cast iron pipe fittings from Japan on July 6, 1987 (52 FR 25281). The order identified weighted-average margins of dumping of 57.79 percent for Hitachi Metals Ltd. and all others. The Department has not conducted an administrative review of the order.

South Korea

The Department issued the antidumping duty order on malleable cast iron pipe fittings from South Korea on May 23, 1986 (51 FR 18917). The order applied a weighted-average dumping margin of 12.48 percent to all producers/exporters. Although not

[1] *See* Letter to Thomas J. Lindmeier from Joseph A. Spetrini, February 8, 1989.

specified in the order, the investigation covered Mijin Metal Industrial Co., Ltd. (''Mijin''). The Department conducted one administrative review of the order, covering the period May 1, 1987, through April 30, 1988, and two Korean manufacturers; Mijin and Shin Han Cast Iron Co., Ltd. (*see* 54 FR 13090 (March 30, 1989)).

Taiwan

The Department issued the antidumping duty order on malleable cast iron pipe fittings from Taiwan on May 23, 1986 (51 FR 18918), as amended (53 FR 784 (January 13, 1988)). The order applied weighted-average dumping margins to five Taiwanese producers/exporters as well as to all others. The Department conducted two administrative reviews of the order covering the periods January 14, 1986, through April 30, 1987, and May 1, 1987, through April 30, 1988 (*see* 53 FR 16179 (May 5, 1988) and 54 FR 38713 (September 20, 1989)).

Background

On January 4, 1999, the Department initiated sunset reviews of the antidumping duty orders on malleable cast iron pipe fittings from Japan, South Korea, and Taiwan (64 FR 364) pursuant to section 751(c) of the Act. On January 19, 1999, the Department received Notices of Intent to Participate on behalf of the Cast Iron Pipe Fittings Committee and its members, Grinnell Corporation and Ward Manufacturing (collectively ''CIPFC''), within the applicable deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations.* The CIPFC claimed interested-party status under section 771(9)(F) of the Act as an *ad hoc* trade association consisting entirely of U.S. manufacturers of malleable cast iron pipe fittings.

We received complete substantive responses to the notice of initiation on February 3, 1999, on behalf of CIPFC. In its substantive responses, CIPFC stated that it and its two current members have been participants in these proceedings since the Department's original investigations. We did not receive a substantive response from any respondent interested party in any of the reviews.

The Department determined that the sunset reviews of the antidumping duty orders on malleable cast iron pipe fittings from Japan, South Korea, and Taiwan are extraordinarily complicated. 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). (*See* section 751(c)(6)(C) of the Act.) Therefore, on May 7, 1999, the Department extended the time limit for completion of the final results of these reviews until not later than August 2, 1999, in accordance with section 751(c)(5)(B) of the Act.[2]

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(b) of the Act provides that, in making this determination, the Department shall consider the weighted-average dumping margins determined in the original 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 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 magnitude of the margin likely to prevail are discussed below. In addition, CIPFC's comments with respect to continuation or recurrence of dumping and the magnitude of the margin likely to prevail 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 basis for likelihood determinations. The Department clarified that determinations of likelihood will be made on an order-wide basis (*see* section II.A.2 of the *Sunset Policy Bulletin*). Additionally, the Department normally 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.a of the *Sunset Policy Bulletin*).

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 the order would be likely to lead to continuation or recurrence of dumping where a respondent interested party waives its participation in the sunset review. In these reviews, the Department did not receive a substantive 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 responses, CIPFC argues that revocation of the antidumping duty orders would likely result in the continuation or resumption of dumping of malleable cast iron pipe fittings from Japan, South Korea, and Taiwan. CIPFC asserts that, in accordance with the *Sunset Policy Bulletin,* the Department normally will determine that revocation of an antidumping duty order is likely to lead to continuation or recurrence of dumping where dumping continued at any level above *de minimis* after the issuance of the order. Further, CIPFC cites to the SAA and comments that continuation of dumping at any level above *de minimis* after the issuance of the order is highly probative of the likelihood of continuation or recurrence of dumping. CIPFC notes that a deposit rate based on the weighted-average dumping margin of 57.39 percent, as established in the antidumping duty order covering Japan, has remained unchanged over the life of the order. With respect to the margins established in the orders on South Korea and Taiwan, CIPFC asserts that the margins have increased as a result of administrative reviews. Specifically, CIPFC asserts that, as a result of an administrative review on the order covering imports from Korea, undertaken by the Department in 1989, company-specific margins for two Korean producers increased from 12.48 percent to 25.59 percent. Additionally, CIPFC asserts that, as a result of reviews on the order covering imports from Taiwan, the margins increased from a range of 7.95–80 percent to 37.09–138.81 percent.

Additionally, CIPFC asserts that the volume of imports of subject

[2] *See Steel Wire Rope From Japan, et. al.: Extension of Time Limit for Final Results of Five-Year Reviews,* 64 FR 24573 (May 7, 1999).

merchandise from all three countries declined after the issuance of the orders. CIPFC provided import statistics demonstrating that, in fact, imports from each country decreased substantially after the imposition of the orders and never achieved pre-order levels. Based on these policies, CIPFC asserts that dumping of malleable cast iron pipe fittings from Japan, South Korea, and Taiwan would continue or recur if the orders were to be revoked.

Finally, in further support of the likelihood of continuation or recurrence of dumping, in its substantive responses, CIPFC asserts that malleable cast iron pipe fittings are standardized products. Thus, imports and domestically manufactured pipe fittings are essentially interchangeable. CIPFC argues that, as a result, the domestic industry is vulnerable to unfairly priced imports.

As discussed in section II.A.3 of the *Sunset Policy Bulletin,* the SAA at 890, and the House Report at 63–64, the existence of dumping margins after the order is highly probative of the likelihood of the continuation or recurrence of dumping. If companies continue to dump with the discipline of an order in place, it is reasonable to assume that dumping would continue if the discipline were revoked.

Deposit rates above *de minimis* remain in effect for all exports of malleable cast iron pipe fittings from Japan, South Korea, and Taiwan. Therefore, since dumping margins have continued over the life of the order, import volumes declined significantly after the imposition of the orders, respondent interested parties waived participation, and absent argument and evidence to the contrary, the Department determines that dumping is likely to continue or recur if the orders were revoked.

Magnitude of the Margin

In the *Sunset Policy Bulletin,* the Department stated that, consistent with the SAA and House Report, the Department normally will provide to the Commission a margin from the investigation because that is the only calculated rate that reflects the behavior of exporters without the discipline of an order or suspension agreement in place. 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.

As noted above, the Department has not conducted an administrative review of the antidumping duty order on malleable cast iron pipe fittings from Japan. The Department conducted one administrative review of the antidumping duty order covering South Korea and two administrative reviews of the antidumping duty order covering Taiwan. The Department has not issued a duty absorption determination with respect to any of these orders.

In its substantive response in the review on Japan, CIPFC argues that, consistent with the provisions of the statute, SAA, and *Sunset Policy Bulletin,* the Department should determine that the margin likely to prevail if the antidumping duty order on Japan were revoked is the margin from the original investigation, as that is the only calculation margin available to the Department.

In its substantive response in the review on South Korea, CIPFC refers to the *Sunset Policy Bulletin* and argues that increasing margins may be more representative of a company's behavior absent the discipline of the order. CIPFC asserts further that no company-specific rate was published by the Department in the original investigation. Therefore, consistent with the Department's practice related to findings issued by the Treasury Department where no company-specific rate is published, CIPFC urges the Department to rely on the company-specific rates from the first administrative review, as these are the only company-specific rates available to the Department. Therefore, CIPFC asserts that the 25.59 percent margins applied to Mijin and Shin Han Cast Iron Co., Ltd., as a result of the administrative review are the rates likely to prevail were the order revoked.

With respect to the order on Taiwan, CIPFC cites to the *Sunset Policy Bulletin* and argues that the more recently calculated margins resulting from the administrative review in 1989 are more representative of Taiwanese producer's likely behavior if the order were to be revoked than are the original rates. CIPFC asserts that the Department should provide the highest company-specific dumping margins available to the Commission as this is representative of the magnitude of the margin likely to prevail.

We agree with CIPFC with respect to the selection of the margin likely to prevail were the order on Japan revoked. The Department finds that the margin from the original investigation is the only calculated rate that reflects the behavior of exporters without the discipline of the order and, thus, is probative of the behavior of Japanese producers/exporters.

With respect to CIPFC's argument that no company-specific margin was issued in the order on South Korea, we disagree. While the order and final and preliminary determinations of sales at less than fair value specify that the estimated weighted-average dumping margin applies to all imports, review of the notices of preliminary and final determinations makes clear that the margin was calculated on the basis of the response of Mijin.[3] Therefore, the 12.48 percent margin from the original investigation applied to Mijin and all others.

We disagree with CIPFC's suggestion that we should select the highest rates from the administrative reviews of the orders on South Korea and Taiwan as the margins likely to prevail if the orders were revoked. The *Sunset Policy Bulletin* refers to the selection of a recently calculated rate in cases where companies choose to increase dumping to maintain or increase market share. Based on the import statistics provided by CIPFC, this is clearly not the case with respect to these orders. Rather, as CIPFC argues, imports decreased after the issuance of the orders. There is no evidence that Korean or Taiwanese exporters increased dumping in order to maintain or increase market share.

Based on the above analysis, we find no reason to deviate from our policy of selecting the margins from the original investigation as probative of the behavior of the producers/exporters absent the discipline of the order. Therefore, the Department will report to the Commission the company-specific and the all others margins 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 the continuation or recurrence of dumping at the margins listed below:

Manufacturer/exporter	Margin (percent)
Japan:	
Hitachi Metals, Ltd. (HML)	57.39
All Others	57.39
Korea:	
Mijin Metal Industrial Co., Ltd	12.48
All Others	12.48

[3] *See Malleable Cast Iron Pipe Fittings, Other than Grooved, From Korea,* 51 FR 1546 (January 14, 1986) and 51 FR 10900 (March 31, 1986).

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).