Final Results of 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 margins listed below.

Manufacturer/Exporter	Margin (percent)
Roquette Freres	2.90
All Others	2.90

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 published in accordance with sections 751(c) and 777(i)(1) of the Act.

Dated: January 28, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–2675 Filed 2–3–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–078; A–423–077; A–428–082]

Final Results of Expedited Sunset Review: Sugar From France, Belgium and Germany

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

ACTION: Notice of final results of expedited sunset reviews: Sugar from France, Belgium and Germany.

SUMMARY: On October 1, 1998, the Department of Commerce (''the Department'') initiated sunset reviews of the antidumping findings on sugar from France, Belgium and Germany (63 FR 52683) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the bases of the notices of intent to participate and substantive comments filed on behalf of the domestic industry, as well as inadequate responses (in these cases, no responses) 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 findings 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 and Constitution Ave., NW, Washington, D.C. 20230; telephone: (202) 482–6397 or (202) 482–1560, respectively.

EFFECTIVE DATE: February 4, 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*''). 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 subject to these antidumping findings is sugar, both raw and refined, with the exception of specialty sugars, from France, Belgium and Germany. The order on sugar from France excludes homeopathic sugar pellets meeting the following criteria: (1) composed of 85 percent sucrose and 15 percent lactose; (2) have a polished, matte appearance, and more uniformly porous than domestic sugar cubes; (3) produced in two sizes of 2 mm and 3.8 mm in diameter.[1]

The merchandise under review is currently classifiable under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 1701.1100, 1701.1101, 1701.1102, 1701.1103, 1701.1105, 1701.1110, 1701.1120, 1701.1150, 1701.1200, 1701.1201, 1701.1202, 1701.1205, 1701.1210, 1701.1250, 1701.9105, 1701.9110, 1701.9120, 1701.9121, 1701.9122, 1701.9130, 1701.9900, 1701.9901, 1701.9902, 1701.9905, 1701.9910, 1701.9950, 1702.9005, 1702.9010, 1702.9020, 1702.9030, 1702.9031, 1702.9032, 2106.9011, 2106.9012, 2106.9042, 2106.9044, and 2106.9046. The HTSUS item numbers are provided for convenience and customs purposes only. They are not determinative of the products subject to the orders. The written description remains dispositive.

These reviews cover all manufacturers and exporters of sugar from France, Belgium and Germany.

Background

On October 1, 1998, the Department initiated sunset reviews of the antidumping findings on sugar from France, Belgium and Germany (63 FR 52683), pursuant to section 751(c) of the Act. The Department received a Notice of Intent to Participate for each of these findings from The United States Beet Sugar Association and The United States Cane Sugar Refiners' Association (''the Associations'') on October 16, 1998, within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations.* The Associations claimed interested party status under section 771(9)(E) of the Act as a trade association whose members produce sugar in the United States. We received a complete substantive response from the Associations on November 2, 1998, within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i), for each of these findings. In each of the substantive responses, the Associations claimed interested party status under subsections 771(9)(C) and 771(9)(E) & (G)(i–iii) of the Act. We did not receive a substantive response from any respondent interested party in these sunset proceedings. As a result, pursuant to section 751(c)(3)(B) of the Act and our regulations (19 CFR 351.218(e)(1)(ii)(C)(2)), the Department determined to conduct expedited reviews.

Determination

In accordance with section 751(c)(1) of the Act, the Department conducted these reviews to determine whether revocation of the antidumping findings 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 finding, and shall provide to the International Trade

[1] *See Sugar from France; Final Results of Changed Circumstances Antidumping Duty Administrative Review, and Revocation in Part of Antidumping Finding,* 61 FR 40609 (August 5, 1996).

Commission (''the Commission'') the magnitude of the margin of dumping likely to prevail if the finding is revoked.

The Department's determinations concerning continuation or recurrence of dumping and magnitude of margin are discussed below. In addition, parties' comments with respect to continuation or recurrence of dumping and the magnitude of 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 basis for likelihood determinations. The Department clarified that determinations of likelihood will be made on an order-wide basis (*see* section II.A.3. of the *Sunset Policy Bulletin*). Additionally, the Department normally 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. of the *Sunset Policy Bulletin*).

The antidumping findings on sugar from France, Belgium, and Germany were published in the **Federal Register** as Treasury Decision 79–167 (44 FR 33878, June 13, 1979). Since that time, the Department has conducted a number of administrative reviews on each of these findings but found there were no shipments during the periods of review.[2] The findings remain in effect for all imports of the subject merchandise from France, Belgium and Germany.

In its substantive responses, the Associations argue that the actions (the cessation of exports of sugar to the U.S.) taken by French, Belgian and German producers and exporters of sugar during the life of these findings indicate that ''revocation of the antidumping and countervailing duty orders on sugar would likely lead to the recurrence of dumping and of a countervailable subsidy'' (*see* November 2, 1998, Substantive Responses of the Associations at 2). With respect to whether dumping continued at any level above de minimis after the issuance of these findings, the Associations assert that, as documented in the final results of reviews reached by the Department, dumping levels have remained constant throughout the life of the findings, with margins of 102 percent for French producers and exporters, 103 percent for Belgian producers and exporters and 121 percent for German producers and exporters.

With respect to whether there has been a cessation of imports of the subject merchandise, the Associations stated that, soon after the issuance of the findings, sugar imports from France, Belgium and Germany ceased. The Department confirmed that there were no shipments of subject merchandise from any of the three countries since the late 1970's.[3]

We find that the cessation of imports after the issuance of the findings is highly probative of the likelihood of continuation or recurrence of dumping. Furthermore, deposit rates above de minimis levels continue in effect for all shipments of the subject merchandise from each of the three countries. As discussed in Section II.A.3. of the *Sunset Policy Bulletin,* the SAA at 890, and the House Report at 63–64, if imports cease after the order is issued, we may reasonably assume that exporters could not sell in the United States without dumping and that, to reenter the U.S. market, they would have to resume dumping. Therefore, absent argument and evidence to the contrary, given that shipments of the subject merchandise ceased soon after the issuance of the findings, and that dumping margins continue to exist, the Department, consistent with Section II.A.3 of the *Sunset Policy Bulletin,* determines that dumping is likely to continue or recur if the findings 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.*)

In these cases, Treasury published country-wide weighted-average dumping margins for each of the three findings. The rates established were 102 percent for all exports from France, 103 percent for all exports from Belgium and 121 percent for all exports from Germany (44 FR 8949, February 12, 1979).

In its substantive response, the Associations state that the dumping margins for each of these findings are likely to be at least as high as the first margins calculated at the time of the original investigation. In fact, the Associations project, based on current U.S. and EU pricing (which is uniform in all EU countries), a dumping margin of 263 percent *ad valorem* would prevail if the findings were revoked.[4]

The Department finds that the country-wide weighted-averaged margins calculated in the original investigations are probative of how French, Belgian and German producers and exporters of sugar would act if the findings were revoked. However, with respect to the projected dumping

[2] *See Sugar from France, Belgium and the Federal Republic of Germany; Final Results of Administrative Review of Antidumping Finding,* 46 FR 22778 (April 21, 1981); *Sugar from France, Belgium and the Federal Republic of Germany; Final Results of Administrative Review of Antidumping Finding,* 47 FR 3399 (January 25, 1982); *Sugar from France, Belgium and the Federal Republic of Germany; Final Results of Administrative Review of Antidumping Finding,* 48 FR 1786 (January 14, 1983); and *Sugar from France, Belgium and the Federal Republic of Germany; Final Results of Administrative Review of Antidumping Finding,* 49 FR 43738 (October 31, 1984).

[3] *See Sugar from France, Belgium and the Federal Republic of Germany; Final Results of Administrative Review of Antidumping Finding,* 46 FR 22778 (April 21, 1981); *Sugar from France, Belgium and the Federal Republic of Germany; Final Results of Administrative Review of Antidumping Finding,* 47 FR 3399 (January 25, 1982); *Sugar from France, Belgium and the Federal Republic of Germany; Final Results of Administrative Review of Antidumping Finding,* 48 FR 1786 (January 14, 1983); and *Sugar from France, Belgium and the Federal Republic of Germany; Final Results of Administrative Review of Antidumping Finding,* 49 FR 43738 (October 31, 1984) in which the Department found no shipments by any of the companies reviewed.

[4] The Associations also project, on a constructed value basis, a dumping margin of 153.73 percent from France, 152.07 percent from Belgium and 220.54 percent from Germany. *See* November 2, 1998, Substantive Responses of the Associations, at 21 and 22.

margins calculated by the Associations, we note that the SAA at 890–891 provides that, only in the most extraordinary circumstances, will the Department rely on dumping margins other than those it calculated and published in its prior determinations. The *Sunset Regulations* at 19 CFR 351.218(e)(2)(i) explain that ''extraordinary circumstances'' may be considered by the Department in the context of a full sunset review, where the substantive responses from both domestic and respondent interested parties are adequate. In these cases, however, the Department determined to conduct expedited sunset reviews because the respondents did not submit any substantive responses to the notice of initiation. Thus, in light of the inadequate responses, the Department will not consider whether, in these sunset reviews, it should rely on margins other than the rates from the original investigations.

Therefore, consistent with the *Sunset Policy Bulletin,* we determine that the original margins calculated by Treasury are probative of the behavior of the French, Belgian and German producers and exporters of sugar if the findings were revoked. We will report to the Commission the country-wide margins contained in the *Final Results of Review* section of this notice.

Final Results of Review

As a result of these reviews, the Department finds that revocation of the antidumping findings would be likely to lead to continuation or recurrence of dumping at the levels indicated below:

Manufacturers/exporters	Margin (percent)
All French Manufacturers/Exporters	102
All Belgian Manufacturers/Exporters	103
All German Manufacturers/Exporters	121

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

Dated: January 29, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–2672 Filed 2–3–99; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 012099A]

Endangered Species; Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of applications for modifications to scientific research permits (1115, 1116, 1119); Issuance of amendments to incidental take permits (899, 901, 902, 903).

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement: NMFS has received applications for modifications to existing permits from: Public Utility District No. 1 of Chelan County, Wenatchee, WA (PUD-CC)(1115), Public Utility District No. 1 of Douglas County, East Wenatchee, WA (PUD-DC)(1116), and U.S. Fish and Wildlife Service, Leavenworth, WA (FWS)(1119); and NMFS has issued amendments to incidental take permits to: Oregon Department of Fish and Wildlife at Portland, OR (ODFW)(899), Washington Department of Fish and Wildlife at Olympia, WA (WDFW) (901, 902), and Idaho Department of Fish and Game at Boise, ID (IDFG)(903).

DATES: Written comments or requests for a public hearing on any of the applications must be received on or before March 8, 1999.

ADDRESSES: The applications and related documents are available for review in the following offices, by appointment:

Protected Resources Division, F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232–4169 (503–230–5400).

Office of Protected Resources, Endangered Species Division, F/PR3, 1315 East-West Highway, Silver Spring, MD 20910 (301–713–1401).

FOR FURTHER INFORMATION CONTACT: For permits 899, 901, 902, and 903: Robert Koch, Portland, OR (503–230–5424).

For permits 1115, 1116, and 1119: Tom Lichatowich, Portland, OR (503–230–5438)

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the ESA, is based on a finding that such permits/modifications: (1) Are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Permits and modifications are issued in accordance with and are subject to parts 217–222 of Title 50 CFR, the NMFS regulations governing listed species permits.

Species Covered in this Notice

The following species and populations are covered in this notice:

Chinook salmon (*Oncorhynchus tshawytscha*): Upper Columbia River (UCR) spring, Snake River (SnR) spring/summer, SnR fall.

Steelhead trout (*Oncorhynchus mykiss*): UCR

To date, a listing determination for UCR spring chinook salmon under the ESA has not been promulgated by NMFS. This notice of receipt of applications requesting takes of this species is issued as a precaution in the event that NMFS issues a listing determination. The initiation of a 30-day public comment period on the applications, including their proposed takes of UCR spring chinook salmon, does not presuppose a listing determination.

Modification Requests Received

PUD-CC requests modification 2 to permit 1115. Permit 1115 authorizes PUD CC to take adult and juvenile, endangered, naturally produced and artificially propagated, UCR steelhead associated with fish passage studies in the UCR Basin. For Modification 2, PUD-CC requests takes of adult and juvenile UCR spring chinook salmon in anticipation of a possible listing decision of this species by NMFS. PUD-CC also requests authorization for takes of ESA-listed juvenile salmonids associated with three new proposed studies, Studies 4, 5 and 6. In Study 4, PUD CC proposes to use new acoustic tagging technology to monitor the behavior of juvenile salmonids as they migrate through passage facilities at Rocky Reach Dam. Juvenile salmonids are proposed to be anesthetized, tagged, allowed to recover, released above the dam and tracked downstream. In Study 5, PUD CC proposes to use passive integrated transponders (PIT) and radio tagging technology to study the survival of juvenile, endangered, artificially