

is not possible to determine whether this decline is due to the fact that Algoma has ceased producing new steel rail or to the response of Sysco and other producers/exporters to the order. Therefore, the decline in imports in this case is not probative of the likelihood of continuation or recurrence of dumping.

As noted above, in conducting its sunset reviews, the Department considers the weighted-average dumping margins and volume of imports when determining whether revocation of an antidumping duty order would lead to the continuation or recurrence of dumping. Based on this analysis, the Department finds that the existence of dumping margins above *de minimis* is highly probative of the likelihood of continuation or recurrence of dumping. Therefore, given that dumping has continued over the life of the order, respondent parties waived participation in this review, and absent argument and evidence to the contrary, the Department determines that dumping is likely to continue or recur 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*.)

In their substantive response, the domestic interested parties recommend that the Department adhere to its general practice of selecting dumping margins from the original investigation. Regarding companies not reviewed in the original investigation, the domestic interested parties suggest that the Department report to the Commission the all others rate published in the original investigation. Since the Algoma Steel Corporation, the company that received a company-specific rate in the original investigation, has, according to the domestic interested parties, ceased production of new steel rail, the domestic parties maintain that providing a rate for Algoma is not necessary. However, because at least one other producer/exporter remains,

the domestic interested parties recommend that the Department provide to the Commission the all others rate determined in the original investigation.

The Department agrees with the domestic interested parties that the margins calculated in the original investigation are the only rates that reflect the behavior of exporters without the discipline of the order. Absent argument and evidence to the contrary, the Department finds the margins calculated in the original investigation are probative of the behavior of Canadian producers/exporters of new steel rail if the order were revoked. As such, the Department will report to the Commission the "all others" rates from the original investigation 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)
Algoma .....	38.79
All Others .....	38.79

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: December 21, 1999.

**Robert S. LaRussa,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free-Trade Agreement, Article 1904 NAFTA Panel Reviews; Notice of Completion of Panel Review

**AGENCY:** NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

**ACTION:** Notice of Completion of Panel Review of the final remand determination made by the U.S. International Trade Administration, in the matter of Brass Sheet and Strip from Canada, Secretariat File No. USA/CAN-98-1904-03.

**SUMMARY:** Pursuant to the Order of the Binational Panel dated November 5, 1999, affirming the final remand determination described above was completed on December 16, 1999.

**FOR FURTHER INFORMATION CONTACT:** Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, D.C. 20230, (202) 482-5438.

**SUPPLEMENTARY INFORMATION:** On November 5, 1999, the Binational Panel issued an order which affirmed the final remand determination of the United States International Trade Administration ("ITA") concerning Brass Sheet and Strip from Canada. The Secretariat was instructed to issue a Notice of Completion of Panel Review on the 31st day following the issuance of the Notice of Final Panel Action, if no request for an Extraordinary Challenge was filed. No such request was filed. Therefore, on the basis of the Panel Order and Rule 80 of the Article 1904 Panel Rules, the Panel Review was completed and the panelists discharged from their duties effective December 17, 1999.

Dated: December 22, 1999.

**Caratina L. Alston,**

*United States Secretary, NAFTA Secretariat.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free Trade Agreement (NAFTA), Article 1904 Binational Panel Reviews: Notice of Termination of Panel Review

**AGENCY:** North American Free Trade Agreement, NAFTA Secretariat, United