

process is captured in the price of the primary product—manganese metal—and is fully recoverable, under normal market conditions, in the sale of that product. Any value recovered from the sale of the by-product merely serves to offset the production costs incurred in the production of the primary product. We, therefore, have not changed our choice of the positive mud surrogate value for these final results.

Final Results of the Review

We hereby determine that the following weighted-average margins exist for the period February 1, 1997, through January 31, 1998:

Exporter	Margin (percent)
CMIECHN/CNIECHN	4.30
HIED	143.32

Because we are rescinding the review with respect to CEIEC and Minmetals, the respective company-specific rates for these exporters remain unchanged.

Assessment and Cash Deposit Rates

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. The Department will issue appraisalment instructions directly to Customs.

In order to assess duties on appropriate entries as a result of this review, we have calculated entry-specific duty assessment rates based on the ratio of the amount of duty calculated for each of CMIECHN/CNIECHN's verified sales during the POR to the total entered value of the corresponding entry. The Department will instruct Customs to assess these rates only on those entries which correspond to sales verified by the Department as having been made directly by CMIECHN/CNIECHN. The Department will also instruct Customs to liquidate all POR entries by bona fide third-country resellers at rates equal to the cash deposit rate required at the time of their entry.

On all remaining entries that entered under CMIECHN/CNIECHN's cash deposit rate, the Department will instruct Customs to assess the PRC-wide rate of 143.32 percent. The Department will likewise instruct Customs to assess the facts available rate, also 143.32 percent, on all POR entries which entered under HIED's cash deposit rate.

Moreover, the following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section

751(a)(1) of the Act: (1) For HIED and CMIECHN/CNIECHN, the cash deposit rate will be the rates for these firms established in the final results of this review; (2) for Minmetals and CEIEC, which we determined to be entitled to a separate rate in the *LTFV Investigation* but which did not have shipments or entries to the United States during the POR, the rates will continue to be 5.88 percent and 11.77 percent, respectively (these are the rates which currently apply to these companies); (3) for all other PRC exporters, all of which were found not to be entitled to a separate rate, the cash deposit rate will continue to be 143.32 percent; and (4) for non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this determination in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: September 7, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99-23777 Filed 9-10-99; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration [C-508-605]

Industrial Phosphoric Acid From Israel: final results and partial rescission of countervailing duty administrative review

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

ACTION: Notice of final results and partial rescission of Countervailing Duty administrative review.

SUMMARY: On May 7, 1999, the Department of Commerce published in the **Federal Register** its preliminary

results of administrative review of the countervailing duty order on industrial phosphoric acid (IPA) from Israel for the period January 1, 1997 through December 31, 1997 (64 FR 24582). The Department has now completed this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended. For information on the net subsidy for each reviewed company, and for all non-reviewed companies, please see the *Final Results of Review* section of this notice. We will instruct the U.S. Customs Service to assess countervailing duties as detailed in the *Final Results of Review* section of this notice.

EFFECTIVE DATE: September 13, 1999.

FOR FURTHER INFORMATION CONTACT:

Dana Mermelstein or Sean Carey, Office of CVD/AD Enforcement VII, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3208 or (202) 482-3964, respectively.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 CFR 351.213(b), this review covers only those producers or exporters of the subject merchandise for which a review was specifically requested. Accordingly, this review covers Rotem-Amfert Negev Ltd. (Rotem) and Haifa Chemicals Ltd. (Haifa). Haifa did not export the subject merchandise during the period of review (POR). Therefore, in accordance with section 351.213(d)(3) of the Department of Commerce's (the Department) regulations, we are rescinding the review with respect to Haifa. This review also covers eleven programs.

Since the publication of the preliminary results, the following events have occurred. We invited interested parties to comment on the preliminary results. On June 7, 1999 case briefs were filed by both petitioners (FMC Corporation and Albright & Wilson Americas Inc.) and respondents (the Government of Israel (GOI) and Rotem-Amfert Negev, the producer/exporter of IPA to the United States during the review period). On June 11, 1999, respondents filed a rebuttal brief; petitioners filed a rebuttal brief on June 14, 1999.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended by the Uruguay Round

Agreements Act (URAA) effective January 1, 1995 (the Act). The Department is conducting this administrative review in accordance with section 751(a) of the Act. All citations to the Department's regulations reference 19 CFR Part 351 (1998), unless otherwise indicated.

Scope of the Review

Imports covered by this review are shipments of industrial phosphoric acid (IPA) from Israel. Such merchandise is classifiable under item number 2809.20.00 of the *Harmonized Tariff Schedule* (HTS). The HTS item number is provided for convenience and U.S. Customs Service purposes. The written description of the scope remains dispositive.

Subsidies Valuation Information

Period of Review

The period for which we are measuring subsidies is calendar year 1997.

Allocation Period

In *British Steel plc. v. United States*, 879 F. Supp. 1254 (CIT 1995) (*British Steel I*), the U.S. Court of International Trade (the Court) ruled against the allocation period methodology for non-recurring subsidies that the Department had employed for the past decade, a methodology that was articulated in the *General Issues Appendix* appended to the *Final Affirmative Countervailing Duty Determination: Certain Steel Products from Austria*, 58 FR 37217 (July 9, 1993) (*GIA*). In accordance with the Court's decision on remand, the Department determined that the most reasonable method of deriving the allocation period for non-recurring subsidies is a company-specific average useful life (AUL) of non-renewable physical assets. This remand determination was affirmed by the Court on June 4, 1996. *British Steel plc. v. United States*, 929 F.Supp 426, 439 (CIT 1996) (*British Steel II*).

However, in administrative reviews where the Department examines non-recurring subsidies received prior to the period of review (POR) which have been countervailed based on an allocation period established in an earlier segment of the proceeding, it is not practicable to reallocate those subsidies over a different period of time. Where a countervailing duty rate in earlier segments of a proceeding was calculated based on a certain allocation period and resulted in a certain benefit stream, redefining the allocation period in later segments of the proceeding would entail taking the original grant amount and

creating an entirely new benefit stream for that grant.

In this administrative review, the Department is considering non-recurring subsidies previously allocated in earlier administrative reviews under the old practice, non-recurring subsidies also previously allocated in recent administrative reviews under the new practice, and non-recurring subsidies received during the instant POR. Therefore, for purposes of these preliminary results, the Department is using the original allocation period of 10 years assigned to non-recurring subsidies received prior to the 1995 administrative review (the first review for which the Department implemented the *British Steel I* decision). For non-recurring subsidies received since 1995, Rotem has submitted, in each administrative review including this one, AUL calculations based on depreciation and asset values of productive assets reported in its financial statements. In accordance with the Department's practice, we derived Rotem's company-specific AUL by dividing the aggregate of the annual average gross book values of the firm's depreciable productive fixed assets by the firm's aggregated annual charge to depreciation for a 10-year period. In the current review, this methodology has resulted in an AUL of 23 years; thus, non-recurring subsidies received during the POR have been allocated over 23 years.

Privatization

Israel Chemicals Limited (ICL), the parent company which owns 100 percent of Rotem's shares, was partially privatized in 1992, 1993, 1994, and 1995. In this administrative review, the Government of Israel (GOI) and Rotem reported that additional shares of ICL were sold in 1997. We have previously determined that the partial privatization of ICL represents a partial privatization of each of the companies in which ICL holds an ownership interest. See *Final Results of Countervailing Duty Administrative Review: Industrial Phosphoric Acid from Israel*, 61 FR 53351, 53352 (October 11, 1996) (*1994 Final Results*). In this review and prior reviews of this order, the Department found that Rotem and/or its predecessor, Negev Phosphates Ltd., received non-recurring countervailable subsidies prior to these partial privatizations. Further, the Department found that a portion of the price paid by a private party for all or part of a government-owned company represents partial repayment of prior subsidies. See *GIA*, 58 FR at 37262. Therefore, in 1992, 1993, and 1995 reviews, we calculated

the portion of the purchase price paid for ICL's shares that went toward the repayment of prior subsidies. In the 1994 privatization, less than 0.5 percent of ICL shares were privatized. We determined that the percentage of subsidies potentially repaid through this privatization could have no measurable impact on Rotem's overall net subsidy rate. Thus, we did not apply our repayment methodology to the 1994 partial privatization. See *1994 Final Results*, 61 FR at 53352. However, we are applying this methodology to the 1997 partial privatization because 17 percent of ICL's shares were sold. This approach is consistent with our findings in the *GIA* and Department precedent under the URAA. See e.g., *GIA*, 58 FR at 37259; *Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom: Final Results of Countervailing Duty Administrative Review*, 61 FR 58377 (November 14, 1996); *Final Affirmative Countervailing Duty Determination: Certain Pasta from Italy*, 61 FR 30288 (June 14, 1996).

Discount Rates

We considered Rotem's cost of long-term borrowing in U.S. dollars as reported in the company's financial statements for use as the discount rate used to allocate the countervailable benefit over time. However, this information includes Rotem's borrowing from its parent company, ICL, and thus does not provide an appropriate discount rate. Therefore, we considered ICL's cost of long-term commercial borrowing in U.S. dollars in each year from 1984 through 1997 as the most appropriate discount rate. ICL's interest rates are shown in the notes to the company's financial statements, public documents which are in the record of this review. See *Comment 9* in the *1995 Final Results*.

Analysis of Programs

Based upon the responses to our questionnaire and written comments from the interested parties, we determine the following:

I. Programs Conferring Subsidies

A. Encouragement of Capital Investments Law (ECIL)

In the preliminary results, we found that this program conferred countervailable subsidies on the subject merchandise. Our review of the record and our analysis of the comments submitted by the interested parties, summarized below, has not led us to modify our calculations for this program from the preliminary results. Accordingly, the net subsidy for this

program remains unchanged from the preliminary results and is as follows:

[Percent ad valorem]

Manufacturer/exporter	Rate
Rotem Amfert Negev	5.43

B. Infrastructure Grant Program

In the preliminary results, we found that this program conferred countervailable subsidies on the subject merchandise. We did not receive any comments on this program from the interested parties, and our review of the record has not led us to change any findings or calculations. Accordingly, the net subsidy for this program remains unchanged from the preliminary results and is as follows:

[Percent ad valorem]

Manufacturer/exporter	Rate
Rotem Amfert Negev	0.22

II. Programs Found to be Not Used

In the preliminary results, we found that the producers and/or exporters of the subject merchandise did not apply for or receive benefits under the following programs:

1. Encouragement of Industrial research and Development Grants (EIRD)
2. Environmental Grant Program
3. Reduced Tax Rates under ECIL
4. ECIL Section 24 Loans
5. Dividends and Interest Tax Benefits under Section 46 of the ECIL
6. ECIL Preferential Accelerated Depreciation
7. Exchange Rate Risk Insurance Scheme
8. Labor Training Grants
9. Long-Term Industrial Development Loans

We did not receive any comments on these programs from the interested parties, and our review of the record has not led us to change our findings from the preliminary results.

Analysis of Comments

Comment 1: The Privatization Calculation

Respondents contend that the Department's privatization calculation is incorrect and should be corrected in two areas: the numerators used in the ratios which are averaged to calculate the "gamma" should include all of the subsidies received by Rotem over the years; and, the gamma itself is understated because the numerators contain only the grants received in a given year, while the denominators are accumulated values in that they contain

Rotem's net worth in each year (*i.e.*, net worth is, by definition, the accumulation of a company's financial results since its inception), resulting in a ratio of apples to oranges.

Respondents note that in calculating the "gamma" used in the privatization calculation, the Department did not include in the numerators the subsidies received by Rotem arising from ECIL grants to projects 8, 12, and 13. Respondents note that although grants to projects 12 and 13 were fully countervailed in prior administrative reviews, Rotem nevertheless reported these grants so the Department could include them in the gamma calculation. However, the Department failed to include these grants in the gamma numerators in the relevant years, and did not include any grants to project 8 in the gamma numerators, presumably because of the earlier finding that grants to project 8 do not benefit IPA production. Respondents argue that in calculating gamma, the Department is not seeking to determine the level of countervailable subsidization, but rather the level of total subsidization, relative to a company's net worth. Respondents cite the final results of the prior administrative review, where the Department stated that the "gamma calculation serves as a reasonable historic surrogate for the percentage of subsidies that constitute the overall value (*i.e.* net worth of the company) at a given point in time," (64 FR at 2884) and argue that the only way the gamma can be an accurate historic surrogate is if *all* the subsidies received are included in its calculation. Respondents note that the Department rejected this argument in the previous administrative review, and urge the Department to reconsider its position. *See Final Results of Countervailing Duty Administrative Review; Industrial Phosphoric Acid from Israel*, 64 FR 2879 (January 19, 1999) (1996 Final Results).

Respondents also argue that the numerators and the denominators used in calculating the gamma are not consistent in that the value of the denominators, Rotem's net worth in each of the relevant years is, by definition, an accumulated value, while the value the Department uses in the numerators, the value of the subsidies in the same year, is not an accumulated value. Respondents argue that the Department should correct this methodological error by using a value in the numerator which represents the accumulated value of the subsidies in the relevant year.

Respondents note that in both the 1996 and the 1995 administrative reviews, the Department rejected this

argument. In the 1995 review, the Department reasoned that respondents had ignored the fact that the value of the subsidies is eroding over time. *See 1995 Final Results*. Respondents further note that in the 1996 review, the Department took the position that respondents incorrectly assumed "that the company's net worth increased in direct proportion to the value of the subsidies received by the firm." 64 FR at 2884. Respondents now argue that the Department's 1995 conclusion ignores the fact that the net worth of the company is also eroding to a comparable degree as a result of the depreciation of the company's assets (that is, but for additional capital infusions, some of which are subsidies included in the gamma numerator which increase the company's net worth, the net worth would also decline over time, just as the subsidies do). This depreciation of assets (which is manifest in the denominator), according to respondents, offsets the erosion of the subsidies (manifest in the numerator) over time. Respondents also argue that the Department's 1996 reasoning ignores the fact that the grants to Rotem were "capital infusions" used by Rotem to build infrastructure, illustrating that, contrary to the Department's conclusion, Rotem's equity is increasing as a result of the grants, in direct proportion to their value. Finally, respondents argue that the Department's privatization calculation methodology is internally inconsistent because the Department does not accumulate the subsidies to calculate the gamma, but does so to calculate the percent of subsidies repaid: the net present value (NPV) used in the privatization formula is nothing more than the subsidies accumulated, based on a ten year, declining benefit stream. Thus, respondents argue, the subsidies are being accumulated for the "percent repaid" calculation, but are not being accumulated for the gamma calculation. According to respondents, either both should be accumulated or neither should be accumulated.

Petitioners note that respondents make two now familiar attacks on the Department's privatization methodology. Petitioners contend that the Department has properly rejected these arguments in the past two administrative reviews of this order. With respect to including all, rather than just countervailable subsidies in the gamma numerators, petitioners argue that this would lead to the absurd result of requiring the Department to investigate all subsidies, regardless of their countervailability, to construct an

appropriate privatization calculation. With respect to respondents' arguments about the mismatch between the gamma numerators and denominators, petitioners urge the Department to continue to apply the sound reasoning applied in the two previous administrative reviews.

Department's Position

The Department has considered respondents' arguments with respect to the privatization methodology in the last two administrative reviews of this countervailing duty order. See *1995 Final Results*; *1996 Final Results*. We continue to believe that these arguments are without merit. First, the Department does not calculate a benefit from subsidies which have been fully countervailed, or subsidies that are not countervailable because they do not benefit the subject merchandise. Therefore, the Department's privatization methodology does not address the repayment of such subsidies. After calculating the gamma, and therefore determining the portion of the purchase price which "repays" past subsidies, that portion of the purchase price is deducted from the net present value of the remaining benefit stream of all non-recurring subsidies that are being countervailed. If all subsidies were included in the gamma numerator, the net present value calculation would also have to include all other subsidies, even if they were found not to benefit the production of subject merchandise, or if they have already been fully countervailed. Accepting respondents' arguments would require the Department to monitor and allocate over time even subsidies which were found non-countervailable, in the event that a company were to experience a change in ownership at some time during the administration of a countervailing duty order. This practice could give rise to many unintended consequences, including increasing respondents' burden of complying with the countervailing duty law, and allowing the parties to continue to address issues relating to a program's countervailability, regardless of earlier findings.

Second, we reject respondents' argument that the Department's privatization methodology is inconsistent by virtue of the gamma denominator representing accumulated net worth and the gamma numerator not representing the accumulated value of subsidies received over time. Thus, we reject respondents' conclusion that the methodology assumes that the benefits of a subsidy disappear at the end of the year of receipt. As we stated in the *1995*

Final Results and the *1996 Final Results*, the gamma calculation attempts to determine the portion of the company's net worth which is comprised of subsidies in the year prior to privatization. Once again, we believe that respondents' proposal to compare the accumulated value of a company's subsidies in the year before privatization to the company's net worth in that year would overstate the value of the subsidies in relationship to the company's net worth by assuming that a company's net worth increases in direct proportion to the value of the subsidies received by that firm. Moreover, as we stated in the last administrative review, a company's net worth is not increasing in direct proportion to the value of the subsidies received because the value of the subsidies is eroding over time. See *1996 Final Results*.

We also reject respondents' suggestion that the Department either remove the net present value element from the "percent repaid" calculation or add it to the gamma calculation (by accumulating the subsidies). This suggestion might have merit if our gamma methodology only considered the subsidies to net worth ratio in the year prior to privatization in isolation. However, the gamma looks at ten years of data and averages those ten years, thus providing a historical context to the ratio of subsidies to net worth over time. In addition, we note that while the gamma itself does not factor in the net present value of past subsidies, the results of the gamma calculation are applied to the present value of the remaining benefit streams at the time of privatization. Thus, our current calculations, as a whole, do properly account for the present value of the remaining benefits at the time of privatization. See *Final Affirmative Countervailing Duty Determination: Certain Hot-Rolled Flat Rolled Carbon Quality Steel Products from Brazil*, 64 FR 38742 (July 19, 1999); *1996 Final Results*.

Finally, respondents have once again provided a Coopers & Lybrand report in support of their privatization methodology arguments and maintain that the Department's failure to accept this report in the last two administrative reviews indicates that the Department does not understand the arguments presented therein. As explained above, while the Department does appreciate the argument, we do not believe that it merits a change in our privatization methodology. This methodology aims, through the calculation of the gamma, to determine the percentage of subsidies that constitute the overall value (i.e., net worth) of the company at a given point

in time, and then to use that gamma to determine the portion of total subsidies which are repaid through the privatization transaction and the portion which remains with the company and continues to provide countervailable benefits. See *GIA*, 58 FR at 37263, and *1995 Final Results*, 63 FR at 13635, 13636. This methodology has been accepted by the courts as a reasonable way to determine the impact of privatization on previously bestowed subsidies. See *Inland Steel Bar Co., v. United Engineering Steels, Ltd.*, 155 F.3d 1370, 1374-75 (Fed. Cir. 1998) (the Court affirmed the Department's methodology for determining the amount of a subsidy that is repaid); *Saarstahl AG v. United States*, 177 F.3d 1314 (Fed. Cir. 1999).

Comment 2: Rotem's AUL Calculation

Petitioners contend that the Department's calculation of Rotem's AUL is flawed in that it excludes a category of assets referred to as "Furniture, vehicles, and equipment." Petitioners argue that it is inappropriate for the Department to accept Rotem's explanation that these assets should be excluded from the AUL calculation because they are not "productive assets." Some of these assets are identified by Rotem as "office equipment" which, according to petitioners consists of computers and/or related software which may be essential to Rotem's production and operations; assets identified as "vehicles" could, petitioners maintain, be used in, or essential to, production and operations. Petitioners believe that the determination of what constitutes productive assets is a factual determination which the Department must make on a case-by-case basis; petitioners maintain that the record in this review does not contain the necessary factual information for this determination. Petitioners urge the Department to require Rotem to provide a detailed listing of the specific assets which comprise this category and their uses so that the Department can evaluate and petitioners can comment on whether they should be included in the AUL calculation.

Respondents note that it should be clear from the items enumerated that the category is intended for office-type assets. Productive assets are accounted for in the category "facilities, machinery, and equipment," and respondents believe that the difference between productive and non-productive assets is clear from the accounting records.

Department's Position

We disagree with petitioners' argument that the category of Rotem's assets entitled "furniture, vehicles, and office equipment," requires any further examination by the Department. Rotem complied with the Department's request and provided information from its audited financial statements for use in the Department's company-specific AUL calculations. We note that the verification reports from the 1995 administrative review, which were submitted on the record of the current review, discuss the calculation of Rotem's company-specific AUL and its components. The information discussed in these reports is consistent with the information that Rotem submitted during the current review. Therefore, because respondent submitted its AUL information in the manner that the Department requested and this information has previously been verified and tied to Rotem's audited financial statements, we find no reason to change the calculation of Rotem's AUL for these final results.

Final Results of Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated an individual subsidy rate for each producer/exporter subject to this administrative review. For the period January 1, 1997 through December 31, 1997, we determine the net subsidy for Rotem to be 5.65 percent *ad valorem*.

We will instruct the U.S. Customs Service (Customs) to assess countervailing duties as indicated above. The Department will also instruct Customs to collect cash deposits of estimated countervailing duties in the percentages detailed above of the f.o.b. invoice price on all shipments of the subject merchandise from reviewed companies, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

Because the URAA replaced the general rule in favor of a country-wide rate with a general rule in favor of individual rates for investigated and reviewed companies, the procedures for establishing countervailing duty rates, including those for non-reviewed companies, are now essentially the same as those in antidumping cases, except as provided for in § 777A(e)(2)(B) of the Act. The requested review will normally cover only those companies specifically named. See 19 CFR 351.213(b). Pursuant to 19 CFR 351.212(c), for all companies for which a review was not requested, duties must be assessed at the cash

deposit rate, and cash deposits must continue to be collected at the rate previously ordered. As such, the countervailing duty cash deposit rate applicable to a company can no longer change, except pursuant to a request for a review of that company. See *Federal-Mogul Corporation and The Torrington Company v. United States*, 822 F.Supp. 782 (CIT 1993); *Floral Trade Council v. United States*, 822 F.Supp. 766 (CIT 1993). Therefore, the cash deposit rates for all companies except those covered by this review will be unchanged by the results of this review.

We will instruct Customs to continue to collect cash deposits for non-reviewed companies at the most recent company-specific or country-wide rate applicable to the company. Accordingly, the cash deposit rates that will be applied to non-reviewed companies covered by this order will be the rate for that company established in the most recently completed administrative proceeding conducted under the Act, as amended by the URAA. If such a review has not been conducted, the rate established in the most recently completed administrative proceeding pursuant to the statutory provisions that were in effect prior to the URAA amendments is applicable. See *1992/93 Final Results*, 61 FR at 28842. These rates shall apply to all non-reviewed companies until a review of a company assigned these rates is requested. In addition, for the period January 1, 1997 through December 31, 1997, the assessment rates applicable to all non-reviewed companies covered by this order are the cash deposit rates in effect at the time of entry.

This notice serves as a 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(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply is a violation of the APO.

This administrative review is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act (19 U.S.C. 1675(a)(1)).

Dated: September 7, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99-23776 Filed 9-10-99; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Final Results of Full Sunset Review: Sugar From the European Community

[C-408-046]

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

ACTION: Notice of Final Results of Full Sunset Review: Sugar From the European Community.

SUMMARY: On April 26, 1999, the Department of Commerce ("the Department") issued the preliminary results of full sunset review of the countervailing duty order on sugar from the European Community ("the EC") (64 FR 20257) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). We provided interested parties an opportunity to comment on our preliminary results. We received comments filed on behalf of domestic interested parties. As a result of this review, the Department finds that revocation of the countervailing duty order would be likely to lead to continuation or recurrence of a countervailable subsidy. The net countervailable subsidy and the nature of the subsidy are identified 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 & Constitution, N.W., Washington, D.C. 20230; telephone: (202) 482-6397 or (202) 482-1560, respectively.

EFFECTIVE DATE: September 13, 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") and in 19 CFR Part 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").