

antidumping and countervailing duty orders. On November 18, 1998, the Department received comments regarding this scope inquiry. The Department received rebuttal comments on November 30, 1998. In accordance with 19 CFR 351.225(f)(5), the Department will issue a scope ruling within 120 days of the initiation of the inquiry.

Price Comparisons

We calculated export price (EP) and normal value based on the same methodology used in the *Preliminary Results*, with the following exception:

We used a revised credit rate to calculate an imputed credit expense for U.S. and Australian sales, both of which were priced in Italian Lire (see memorandum from Constance Handley to the file, *Analysis Memorandum for CO.R.EX. S.r.l.*, (December 18, 1998)).

Analysis of Comment Received

We gave interested parties an opportunity to comment on the preliminary results. As noted above, we received one comment from Corex.

Comment 1: Commissions

Corex notes that during verification Department officials learned of commissions on Australian sales which Corex had inadvertently failed to include in its database. Corex notes further that the Department officials requested information relating to Corex's indirect selling expenses. Claiming there is no reason to believe that the information was ever intentionally withheld, Corex requests that this information be used in calculating the final margin.

DOC Position:

We are not including the information found at verification because inclusion of the information would not affect the final margin.

Final Results of Review

As a result of our review, we determine that the following margin exists for the period July 1, 1997 through December 31, 1997:

| Manufacturer/exporter | Margin (percent) |
|-----------------------|------------------|
| Corex | 0.0 |

As discussed in the *Preliminary Results*, because Corex is primarily a trading company, any entries of merchandise exported by Corex must identify Corex as the producer in order for the deposit rate established in this review to apply. If Corex is the exporter but not the producer, the deposit rate

will be the rate for the identified producer. Otherwise, the "all others" rate will apply.

Therefore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of new shipper administrative review, as provided by section 751(a) of the Act: (1) The cash deposit rate for Corex, when identified as the producer, will be zero; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a previous segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published in the most recent final results in which that manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review or in any previous segment of this proceeding, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in these final results of review or in the most recent final results in which that manufacturer participated; and (4) if neither the exporter nor the manufacturer is a firm covered in this review or in any previous segment of this proceeding, the cash deposit rate will be 11.26 percent, the "all others" rate established in the less-than-fair-value investigation. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as final reminder to importers of their responsibility under 19 CFR part 351 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 in the subsequent assessment of double antidumping duties.

This notice also is the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply is a violation of the APO.

This determination is issued and published in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act.

Dated: December 29, 1998.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99-244 Filed 1-5-99; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-475-059]

Final Results of Expedited Sunset Review: Pressure Sensitive Plastic Tape From Italy

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

ACTION: Notice of final results of expedited sunset review: pressure sensitive plastic tape from Italy.

SUMMARY: On September 1, 1998, the Department of Commerce ("the Department") initiated a sunset review of the antidumping finding on pressure sensitive plastic tape from Italy (63 FR 46410) 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 a complete substantive response filed on behalf of the domestic industry, 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 finding 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:

Martha V. Douthit or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th St. & Constitution Ave., NW., Washington, D.C. 20230; telephone (202) 482-3207 or (202) 482-1560, respectively.

EFFECTIVE DATE: January 6, 1999.

Statute and Regulations

This review was conducted pursuant to section 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

Imports covered by the review are shipments of pressure sensitive plastic tape ("PSPT") measuring over 1³/₈ inches in width and not exceeding 4 mils in thickness. The above described PSPT was classified under HTS subheadings 3919.90.20 and 3919.90.50. On May 7, 1992, the Department issued a scope ruling on highlighting "note tape" and determined that it was not within the scope of the order. See *Scope Rulings*, 57 FR 19602. The HTS subheadings are provided for convenience and for U.S. Customs purposes only. The written description remains dispositive as to the scope of the product coverage.

This review covers all manufacturers and exporters of pressure sensitive plastic tape from Italy, other than Plasturopa (which was excluded in the original less than fair value investigation conducted by the Treasury Department), and Autodesivitalia, S.p.A. and Boston S.p.A., for which the finding has been revoked.¹ The finding remains in effect for all other imports of the subject merchandise from Italy.

Background

On September 1, 1998, the Department initiated a sunset review of the antidumping finding on pressure sensitive plastic tape from Italy (63 FR 46410) pursuant to section 751(c) of the Act. The Department received a Notice of Intent to Participate from Minnesota Mining & Manufacturing Company ("3M"), within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. 3M claimed interested party status under section 771(9)(C) of the Act, as a United States producer of pressure sensitive plastic tape. 3M stated that it was the petitioner in the investigation and has participated in the Department's subsequent administrative reviews. On September 29, 1998, the

Department received a substantive response from 3M, within the 30-day deadline specified in *Sunset Regulations* under section 351.218(d)(3)(i). We did not receive a response from any respondent interested party. As a result, pursuant to section 751(c)(3)(B) of the Act, and our regulations (19 C.F.R. § 351.218(e)(1)(ii)(C)(2)), we determined to conduct an expedited review.

Determination

In accordance with section 751(c)(1) of the Act, the Department conducted this review to determine whether revocation of the antidumping finding 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 it shall provide to the International Trade 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 the margin are discussed below. In addition, 3M's comments with respect to the 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 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 finding on pressure sensitive plastic tape from Italy was published in the **Federal Register** as Treasury Decision 77-258, 42 FR 56110 (Oct. 21, 1977). The Department has conducted numerous administrative reviews.²

In its substantive response, 3M argued that revocation of the finding would result in the continuation or recurrence of dumping that has been persistent since 1977. Additionally, 3M concluded that without the discipline of the finding (1) the present dumping margins would increase to an even greater magnitude than has been evident in the preceding years when the order was in effect, and (2) the volume of dumped merchandise would sharply increase. 3M supported this conclusion on the basis that while the finding has been in effect, margins greater than *de minimis* have persisted and the import volume has declined.

With respect to the existence of dumping margins over the life of the finding, in its substantive response 3M stated that "although certain Italian producers have sporadically had zero or de minimis margins during certain review periods, it is apparent that the subject merchandise has been dumped at margins greater than *de minimis* throughout the history of the order,

² *Pressure Sensitive Plastic Tape From Italy; Final Results of Antidumping Duty Administrative Review*; 48 FR 35686 (Aug. 5, 1983); *Pressure Sensitive Plastic Tape From Italy; Final Results of Antidumping Duty Administrative Review*; 51 FR 43955 (Dec. 5, 1986); *Pressure Sensitive Plastic Tape From Italy; Final Results of Antidumping Duty Administrative Review and Revocation in Part*; 53 FR 16444 (May 9, 1988) with respect to Autodesivitalia, S.p.A.; *Pressure Sensitive Plastic Tape From Italy; Final Results of Antidumping Duty Administrative Review*; 54 FR 13091 (May 30, 1989); *Pressure Sensitive Plastic Tape From Italy; Final Results of Antidumping Duty Administrative Review and Revocation in Part*; 55 FR 6031 (Feb. 21, 1990) with respect to Boston, S.p.A.; *Pressure Sensitive Plastic Tape From Italy; Final Results of Antidumping Duty Administrative Review*; 55 FR 49670 (Nov. 30, 1990); *Pressure Sensitive Plastic Tape From Italy; Final Results of Antidumping Duty Administrative Review*; 56 FR 56630 (Nov. 6, 1991); *Pressure Sensitive Plastic Tape From Italy; Final Results of Antidumping Duty Administrative Review*; 58 FR 51616 (Oct. 4, 1993); *Pressure Sensitive Plastic Tape From Italy; Final Results of Antidumping Duty Administrative Review*; 59 FR 36162 (Apr. 13, 1994); *Pressure Sensitive Plastic Tape From Italy; Final Results of Antidumping Duty Administrative Review*; 60 FR 55362 (Oct. 31, 1995); *Pressure Sensitive Plastic Tape From Italy; Final Results of Antidumping Duty Administrative Review*; 63 FR 50882 (Sep. 23, 1998).

¹ See *Antidumping—Pressure Sensitive Plastic Tape Measuring Over One and Three-Eighths Inches in Width and Not Exceeding Four Millimeters in Thickness From Italy; Finding of dumping*; 42 FR 56110 (Oct. 21, 1977); *Pressure Sensitive Plastic Tape From Italy; Final Results of Antidumping Duty Administrative Review and Revocation in Part*; 53 FR 16444 (May 9, 1988) (revocation with respect to Autodesivitalia, S.p.A.) and *Pressure Sensitive Plastic Tape From Italy; Final Results of Antidumping Duty Administrative Review and Relocation in Part*; 55 FR 6031 (February 21, 1990) (revocation with respect to Boston, S.p.A.).

ranging from 1.19 percent to 12.66 percent.”³ 3M pointed to the fact that in the recent administrative review covering period October 1, 1996—September 9, 1997, the Italian producer subject to review was found to have a dumping margin of 12.66 percent.⁴

As discussed in Section II.A.3. of the *Sunset Policy Bulletin*, the SAA at 890, and the House Report at 63–64, “[i]f 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 removed.” The Department has found dumping margins for various companies during administrative reviews conducted over the life of this finding. Dumping margins above *de minimis* continue in effect for some of these companies. For example, margins of 12.66 percent were found in administrative reviews conducted on shipments of both N.A.R. S.p.A. (“NAR”) and Autoadesivi Magri for the period 1993–1994 and for NAR for the period 1996–1997.⁵ Therefore, given that dumping has continued over the life of the finding, and absent argument and evidence to the contrary, the Department determines that dumping is likely to continue if the finding were revoked.

Magnitude of the Margin

In the *Sunset Policy Bulletin*, the Department stated that it normally will provide to the Commission the company-specific margin from the investigation for each company. 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. The Department clarified that for sunset reviews of antidumping findings, the Department normally will provide the company-specific or all others rate included in the Treasury finding published in the *Federal Register*. Additionally, if no company-specific margin or all others rate is included in the Treasury finding, the Department

normally will provide to the Commission the company-specific margin from the first final results of administrative review published in the *Federal Register* by the Department. However, if the first final results do not contain a margin for a particular company, the Department normally will provide the Commission, as the margin for that company, the first “new shipper” rate established by the Department for that finding. 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 its May 31, 1977, determination of sales of less than fair value (“LTFV”) Treasury reported the following range of margins, by company: Boston—zero to 17 percent, Comet—2 to 19 percent, and Manuli 1—26 percent. Treasury did not identify weighted-average margins nor an all others rate.

In its substantive response, 3M requested that the Department select the highest company-specific margin identified in Treasury’s LTFV determination, specifically, Boston—17 percent, Comet—18 percent, and Manuli—26 percent. 3M also requested that, consistent with the *Sunset Policy Bulletin*, the Department use the first “new shippers” rate from the final results of the first review conducted by the Department as the margin likely to prevail for all other companies. Finally, 3M requested that the Department assign to Autoadesivitalia, S.p.A. the all others rate of 12.66 percent regardless of the fact that the Department determined a zero margin for Autoadesivitalia, S.p.A. in the first administrative review (because the company ceased shipments of the subject merchandise after October 5, 1982). 3M argued that it is apparent that Autoadesivitalia cannot presently sell the subject merchandise into the United States without dumping and, therefore, good cause exists for the Department to assume that the magnitude of the dumping margin for that company, at the present time, would similarly be 12.66 percent.

In its LTFV determination, Treasury specified the percentage of sales reviewed and the range of margins found, by company. Treasury did not, however, indicate a weighted-average margin by company. We do not agree with 3M’s suggestion that the highest margin found by Treasury is representative of the magnitude of the margin likely to prevail if the finding were revoked. Rather, consistent with Section 752(c) of the Act, which

provides that in making the determination of likelihood “the Department shall consider the *weighted-average* dumping margins determined in the investigation and subsequent reviews” (emphasis added), we determine that a weighted-average margin is more appropriate than the highest individual margin found by Treasury.

In section II.B.1. of the *Sunset Policy Bulletin*, the Department discussed the legislative history related to selection of the magnitude of the margin likely to prevail and clarified the preference for selecting 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.” We note that in its final affirmative determination of injury, the Commission identified the weighted-average margin found by Treasury in its investigation. See *Pressure Sensitive Plastic Tape From Italy; Determination of Injury or Likelihood Thereof*; 42 FR 44853 (September 7, 1977). Specifically, the Commission reported that the weighted-average margin for the three firms’ LTFV sales was about ten percent. Therefore, the Department determines that the magnitude of the margin likely to prevail if the finding were revoked is 10 percent, the weighted-average margin of dumping found in the original investigation.

With respect to Autoadesivitalia, we note that, based on a finding of *de minimis* dumping margins during the period October 1, 1980 through October 5, 1982, and no subsequent requests for review, the Department determined to revoke the finding with respect to Autoadesivitalia in the administrative review covering the period October 1985 through September 1986.⁶ Because the finding has been revoked with respect to Autoadesivitalia, we are not reporting a margin for that company to the ITC.

In its comments, 3M noted that the Department has not issued any determination with regard to duty absorption. However, 3M requested that the Department assume that duty absorption is taking place and adjust the margin by increasing the likely margin by the amount attributable to duty absorption. 3M stated that in instances where the foreign exporter sells the subject merchandise through an affiliated importer, and absent a finding in this sunset proceeding that no duty

³ See September 29, 1998, Substantive Response of 3M at 4.

⁴ See *Pressure Sensitive Plastic Tape From Italy; Final Results of Antidumping Duty Administrative Review*; 63 FR 50822 (September 23, 1998) and September 29, 1998, Substantive Response of 3M at 4.

⁵ See *Pressure Sensitive Plastic Tape From Italy; Final Results of Antidumping Duty Administrative Review*; 60 FR 55362 (October 31, 1995) with respect to NAR and Autoadesivi Magri, and *Pressure Sensitive Plastic Tape From Italy; Final Results of Antidumping Duty Administrative Review*; 63 FR 50882 (September 23, 1998) with respect to NAR.

⁶ See *Pressure Sensitive Plastic Tape From Italy; Final Results of Antidumping Duty Administrative Review and Revocation in Part*, 53 FR 16444 (May 9, 1988).

absorption is taking place, the Department should make this assumption and adjustment. We disagree with 3M. With respect to this finding, we note that 3M did not request a duty absorption determination during the administrative review initiated in 1996 (3M's first opportunity to request a duty absorption determination⁷).⁸ In fact, the administrative review initiated in 1996, covering NAR, was initiated in response to a request from Horizon Plastics, an importer of tape from Italy. Commerce did not conduct a duty absorption inquiry; thus the record does not support a finding of duty absorption. Therefore, we have not adopted 3M's request.

Final Results of Review

As a result of this review, the Department finds that revocation of the antidumping finding would be likely to lead to continuation or recurrence of dumping at the margins listed below.

| Manufacturer/exporter | Margin (percent) |
|-----------------------------------|------------------|
| Autoadesivitali, S.p.A | 1 |
| Boston, S.p.A | 1 |
| Comet SARA, S.p.A | 10.00 |
| Cosmonastri, S.p.A | 10.00 |
| Manuli Autoadesivi (Manuli) | 10.00 |
| Plasturopa | 1 |
| Nazionale Imballaggi | 10.00 |
| SMAC, S.p.A | 10.00 |
| All Others | 10.00 |

¹ Revoked.

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.

⁷ Section 751(a)(4) of the Act provides that, during the second and fourth administrative review of an order (or, for transition orders, during an administrative review initiated in 1996 or 1998 (see 19 CFR 351.213 (j)), upon request, the Department will determine whether antidumping duties have been absorbed by a foreign producer or exporter subject to a finding if the subject merchandise is sold in the United States through an importer who is affiliated with such foreign producer or exporter.

⁸ The deadline for requesting a duty absorption determination in the administrative review of this finding initiated on November 30, 1998, is December 30, 1998.

Dated: December 30, 1998.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99-250 Filed 1-5-99; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-808]

Certain Stainless Steel Wire Rod from India; Final Results of Antidumping Duty Administrative and New Shipper Reviews

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

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

SUMMARY: On September 9, 1998, the Department of Commerce ("the Department") published the preliminary results of its administrative review and new shipper reviews of the antidumping duty order on certain stainless steel wire rod ("SSWR") from India. These reviews covered one manufacturer/exporter, Mukand, Ltd. ("Mukand"), of the subject merchandise for the period December 1, 1996 through November 30, 1997, and two new shippers, Viraj Group ("Viraj") and Panchmahal Steel Ltd. ("Panchmahal"). We gave interested parties an opportunity to comment on our preliminary results. We received no comments and have not changed the results from those presented in the preliminary results of review.

EFFECTIVE DATE: January 6, 1999.

FOR FURTHER INFORMATION CONTACT: Maria Dybczak (Mukand), Carrie Blozy (Viraj), Stephen Bailey (Panchmahal) or Rick Johnson, AD/CVD Enforcement Group III, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1398 (Dybczak), (202) 482-0165 (Blozy), (202) 482-0413 (Bailey), or (202) 482-3818 (Johnson).

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise

indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (1998).

Background

On October 20, 1993, the Department published in the **Federal Register** the antidumping duty order on certain stainless steel wire rod from India (58 FR 54110). On December 5, 1997, the Department published in the **Federal Register** a notice of opportunity to request an administrative review of this antidumping duty order (62 FR 64353). On December 22, 1997, in accordance with 19 CFR 351.213(b), respondent Mukand requested that we conduct an administrative review. We published the notice of initiation of this antidumping duty administrative review on January 26, 1998 (62 FR 3702). On December 24, 1997, and December 31, 1997, Panchmahal and Viraj, respectively, submitted requests for new shipper reviews. On February 5, 1998, the notice of initiation of these new shipper reviews was published in the **Federal Register** (63 FR 5930).

On September 9, 1998, the Department published in the **Federal Register** (63 FR 48184) the preliminary results of its administrative review and new shipper reviews of the antidumping duty order on certain stainless steel wire rod from India (62 FR 3702). We gave interested parties an opportunity to comment on our preliminary results. We received no comments. The Department has now completed these reviews in accordance with section 751 of the Act.

Scope of the Review

Imports covered by this review are shipments of SSWR from India. SSWR are products which are hot-rolled or hot-rolled annealed and/or pickled rounds, squares, octagons, hexagons or other shapes, in coils. SSWR are made of alloy steels containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. These products are only manufactured by hot-rolling and are normally sold in coiled form, and are of solid cross-section. The majority of SSWR sold in the United States are round in cross-section shape, annealed and pickled. The most common size is 5.5 millimeters in diameter.

The SSWR subject to this review are currently classifiable under subheadings 7221.00.0005, 7221.00.0015, 7221.00.0020, 7221.00.0030, 7221.00.0040, 7221.00.0045, 7221.00.0060, 7221.00.0075, and 7221.00.0080 of the Harmonized Tariff Schedule of the United States