

determined that there were no shipments from any of the known exporters of melamine from Japan.<sup>3</sup> We find, therefore, that the cessation of imports after the issuance of the finding and the existence of dumping margins after the issuance of the finding are highly probative of the likelihood of continuation of dumping. Deposit rates above *de minimis* levels continue in effect for exports by all known Japanese exporters of melamine, in crystal form. 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 the exporters could not sell in the United States without dumping and that, to reenter the U.S. market, they would have to resume dumping. Furthermore, if companies continue to dump with the discipline of an order in place, we may reasonably assume that dumping would continue if the discipline were removed. Therefore, absent argument and evidence to the contrary and, given that exports of the subject merchandise have ceased and dumping margins above *de minimis* continue in effect, the Department determines that dumping is likely to continue or recur if the finding were revoked.

Because the Department based this determination on the cessation of dumping and the continued existence of margins above *de minimis*, it is not necessary to address MCI's arguments concerning competitive pricing pressures, global market conditions, or excess U.S. production capacity in this notice.

#### Magnitude of the Margin

In the *Sunset Policy Bulletin*, the Department stated that, in a sunset review of an antidumping finding for which no company-specific margin or all others rate is included in the Treasury finding published in the **Federal Register**, 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. Additionally, 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*.)

Treasury did publish a weighted-average dumping margin in this finding for Nissan Chemical Industries, Ltd. of 60 percent (41 FR 41727, September 23, 1976). However, Treasury did not publish a "new shipper" rate or a rate for any other company exporting subject merchandise in this or any subsequent determination. Under these circumstances, the Department normally will provide the Commission, as the margin for any new company not reviewed by Treasury, the first "new shipper" rate established by the Department for that finding. The first "new shipper" rate established by the Department was 70.22 percent (47 FR 23507, May 28, 1982).

In its substantive response, MCI suggests that the Department choose the 60% dumping margin originally imposed by Treasury for Nissan Chemical Industries, Ltd. In addition, according to MCI, the Department should select the 70.22% dumping margin for other companies applied by the Department in subsequent administrative reviews.

We agree with MCI and, consistent with the policy, we determine that the original margins calculated by the Department and Treasury are probative of the behavior of the Japanese manufacturers and exporters of melamine, in crystal form. We will report to the Commission the company-specific and "all other's" margins contained in the Final Results section of this notice.

#### 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 levels indicated below.

Manufacturer/exporter	Margin (percent)
Nissan Chemicals, Ltd. ....	60
All Others .....	70.22

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 1, 1998.

**Robert S. LaRussa,**

*Assistant Secretary for Import Administration.*

[FR Doc. 98-32537 Filed 12-7-98; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-588-046]

#### Final Results of Expedited Sunset Review: Polychloroprene Rubber From Japan

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

**ACTION:** Notice of final results of expedited sunset review: Polychloroprene rubber from Japan.

**SUMMARY:** On August 3, 1998, the Department of Commerce ("the Department") initiated a sunset review of the antidumping finding on polychloroprene rubber from Japan (63 FR 41227) 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 substantive comments 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 Magnitude of the Margin 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, Washington, D.C. 20230; telephone: (202) 482-6397 or (202) 482-1560, respectively.

**EFFECTIVE DATE:** December 8, 1998.

<sup>3</sup> See *Melamine in Crystal Form From Japan; Final Results of Administrative Review of Antidumping Finding*; 47 FR 23507 (May 28, 1982), *Melamine in Crystal Form From Japan; Final Results of Administrative Review of Antidumping Finding*; 47 FR 44597 (October 8, 1982), *Melamine in Crystal Form From Japan; Final Results of Administrative Review of Antidumping Finding*; 48 FR 38527 (August 24, 1983), and *Melamine in Crystal Form From Japan; Final Results of Administrative Review of Antidumping Finding and Determination Not To Revoke*; 49 FR 32634 (August 14, 1984).

## 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*"). 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 this antidumping finding are shipments of polychloroprene rubber, an oil resistant synthetic rubber also known as polymerized chlorobutadiene or neoprene, currently classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) as items 4002.42.00, 4002.49.00, 4003.00.00, 4462.15.21 and 4462.00.00. HTSUS item numbers are provided for convenience and for Customs purposes. The written descriptions remain dispositive.

This review covers all manufacturers and exporters of polychloroprene rubber from Japan.

## Background

On August 3, 1998, the Department initiated a sunset review of the antidumping finding on polychloroprene rubber from Japan (63 FR 41227), pursuant to section 751(c) of the Act. The Department received a Notice of Intent to Participate from Dupont Dow Elastomers L.L.C. ("DuPont") on August 18, 1998, within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. DuPont claimed interested party status under section 771(9)(C) of the Act, as a manufacturer of the domestic like product. We received a complete substantive response from Dupont on September 2, 1998, within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i). We did not receive a response from any respondent interested party to this proceeding. 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 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 a 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 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 base for likelihood determinations. In its *Sunset Policy Bulletin*, the Department indicated that determinations of likelihood will be made on an order-wide basis (see section II.A.3 of the *Sunset Policy Bulletin*). In addition, the Department indicated that it 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 polychloroprene rubber from Japan was

published in the **Federal Register** as Treasury Decision 73-333 (38 FR 33593, December 6, 1973). Since that time, the Department has conducted a number of administrative reviews.<sup>1</sup> The finding remains in effect for all imports of polychloroprene rubber from Japan.

In its substantive response, DuPont argues that the history of the case and actions taken by Japanese producers and exporters of polychloroprene rubber prior to and during the pendency of this proceeding demonstrate that revocation likely would result in recurrence of dumping of polychloroprene rubber in the United States (see September 2, 1998 Substantive Response of DuPont). With respect to whether imports of the subject merchandise ceased after the issuance of the finding, DuPont states that in the four years prior to the finding of dumping by Treasury in 1973, Japanese imports of polychloroprene rubber trebled. However, according to DuPont, after the issuance of the finding, imports of polychloroprene rubber from Japan declined and then ceased. DuPont states that the results of final determination by Treasury and by the Department indicate shipments of polychloroprene rubber from Japan ceased after the issuance of the finding and have not resumed. In conclusion, DuPont argues that the Department should determine that there is a likelihood that dumping would continue were the finding revoked because imports of polychloroprene rubber ceased soon after the issuance of the order.

In each of the administrative reviews conducted by the Department, with the exception of the first administrative review covering various periods from July 1, 1973 through November 30, 1980, the Department found that there were no known shipments by the known exporters of polychloroprene rubber from Japan.<sup>2</sup> We find, therefore,

<sup>1</sup> See *Polychloroprene Rubber From Japan; Final Results of Administrative Review of Antidumping Finding*; 47 FR 14746 (April 6, 1982); *Polychloroprene Rubber From Japan; Final Results of Administrative Review of Antidumping Finding*; 48 FR 9678 (March 8, 1983); *Polychloroprene Rubber From Japan; Final Results of Administrative Review of Antidumping Finding*; 49 FR 10694 (March 22, 1984); *Polychloroprene Rubber From Japan; Final Results of Administrative Review of Antidumping Finding*; 49 FR 46454 (November 26, 1984); *Polychloroprene Rubber From Japan; Final Results of Administrative Review of Antidumping Finding*; 61 FR 29344 (June 10, 1996); and *Polychloroprene Rubber From Japan; Final Results of Administrative Review of Antidumping Finding*; 61 FR 67318 (December 20, 1996).

<sup>2</sup> See *Polychloroprene Rubber From Japan; Final Results of Administrative Review of Antidumping Finding*; 47 FR 14746 (April 6, 1982); *Polychloroprene Rubber From Japan; Final Results of Administrative Review of Antidumping Finding*; 48 FR 9678 (March 8, 1983); *Polychloroprene Rubber From Japan; Final Results of Administrative Review of Antidumping Finding*; 49 FR 10694 (March 22, 1984); *Polychloroprene Rubber From Japan; Final Results of Administrative Review of Antidumping Finding*; 49 FR 46454 (November 26, 1984); *Polychloroprene Rubber From Japan; Final Results of Administrative Review of Antidumping Finding*; 61 FR 29344 (June 10, 1996); and *Polychloroprene Rubber From Japan; Final Results of Administrative Review of Antidumping Finding*; 61 FR 67318 (December 20, 1996).

Continued

that the cessation of imports after the issuance of the finding is highly probative of the likelihood of continuation or dumping. Furthermore, deposit rates above *de minimis* levels continue in effect for two of the eight known Japanese polychloroprene rubber producers and/or exporters. 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, and given that shipments of the subject merchandise ceased soon after the issuance of the finding and that dumping margins continued after the issuance of the finding, the Department, consistent with Section II.A.3 of the *Sunset Policy Bulletin*, determines that dumping is likely to continue or recur if the finding were revoked.

#### Magnitude of the Margin

In the *Sunset Policy Bulletin*, the Department stated that, in a sunset review of an antidumping finding for which no company-specific margin or all others rate is included in the Treasury finding published in the **Federal Register**, 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. Additionally, 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*.)

Because Treasury did not publish weighted-average dumping margins in its finding, the margins determined in

the original investigation are not available to the Department for use in this sunset review. Under these circumstances, the Department normally will select the margin from the first administrative review conducted by the Department as the magnitude of the margin of dumping likely to prevail if the finding is revoked. We note that, to date, the Department has not issued any duty absorption findings in this case.

In its substantive response, DuPont argues that because Treasury did not publish company-specific margins or a "new shipper's" rate in this finding, the Department, consistent with its *Sunset Policy Bulletin*, should report the company-specific margins and "new shipper's" rate calculated by the Department in the final results of the first administrative review.

The Department finds no reason to deviate from our *Sunset Policy Bulletin* in this review. We determine that the original margins calculated by the Department are probative of the behavior of the Japanese manufacturers and exporters of polychloroprene rubber. (See *Polychloroprene Rubber From Japan; Final Results of Administrative Review of Antidumping Finding*; 47 FR 14746 (April 6, 1982). We will report to the Commission the company-specific and "all other's" rate contained in the Final Results section of this notice.

#### 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)
Denki Kagaku Kogyo, K.K. ....	0
Denki Kagaku Kogyo, K.K./Hoei Sango Co., Ltd. ....	55
Suzugo Corporation ....	55
All Other's Rate ....	55

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 1, 1998.

**Robert S. LaRossa,**

*Assistant Secretary for Import Administration.*

[FR Doc. 98-32539 Filed 12-7-98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-401-040]

#### Final Results of Expedited Sunset Review: Stainless Steel Plate From Sweden

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

**ACTION:** Notice of final results of expedited sunset review: stainless steel plate from Sweden.

**SUMMARY:** On August 3, 1998, the Department of Commerce ("the Department") initiated a sunset review (63 FR 41227) of the antidumping finding on stainless steel plate from Sweden 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 filed on behalf of the domestic industry and substantive comments filed on behalf of the domestic industry and a respondent interested party, 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 Magnitude of the Margin 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 Avenue, NW, Washington, DC 20230; telephone: (202) 482-6397 or (202) 482-1560, respectively.

**EFFECTIVE DATE:** December 8, 1998.

#### 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"). Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the

48 FR 9678 (March 8, 1983); *Polychloroprene Rubber From Japan; Final Results of Administrative Review of Antidumping Finding*; 49 FR 10694 (March 22, 1984); *Polychloroprene Rubber From Japan; Final Results of Administrative Review of Antidumping Finding*; 49 FR 46454 (November 26, 1984); *Polychloroprene Rubber From Japan; Final Results of Administrative Review of Antidumping Finding*; 61 FR 29344 (June 10, 1996); and *Polychloroprene Rubber From Japan; Final Results of Administrative Review of Antidumping Finding*; 61 FR 67318 (December 20, 1996).