

conduct an administrative review. The Department has changed its requirements for requesting reviews for countervailing duty orders. Pursuant to 771(9) of the Act, an interested party must specify the individual producers or exporters covered by the order or suspension agreement for which they are requesting a review (Department of Commerce Regulations, 62 FR 27295, 27494 (May 19, 1997)). Therefore, for both antidumping and countervailing duty reviews, the interested party must specify for which individual producers or exporter covered by an antidumping finding or an antidumping or countervailing duty order it is requesting a review, and the requesting party must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Seven copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/Countervailing Enforcement, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with section 351.303(f)(1)(i) of the regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the Federal Register a notice of Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation for requests received by the last day of March 1999. If the Department does not receive, by the last day of March 1999, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to

collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

Dated: March 3, 1999.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 99-5795 Filed 3-8-99; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-002]

Final Results of Expedited Sunset Review: Chloropicrin from the People's Republic of China

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

ACTION: Notice of final results of expedited sunset review: chloropicrin from the People's Republic of China

SUMMARY: On November 2, 1998, the Department of Commerce ("the Department") initiated a sunset review of the antidumping order on chloropicrin from the People's Republic of China (63 FR 58709) 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 order would be likely to lead to continuation or recurrence of dumping at the levels indicated in the Final Results of the 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 Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482-6397 or (202) 482-1560, respectively.

EFFECTIVE DATE: March 9, 1999.

SUPPLEMENTARY INFORMATION:

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 order is chloropicrin, also known as trichloronitromethane. A major use of the product is as a pre-plant soil fumigant (pesticide). Such merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item number 2904.90.50. The HTS item number is provided for convenience and U.S. Customs purposes. The written description remains dispositive.

This review covers imports from all manufacturers and exporters of chloropicrin from the People's Republic of China ("PRC").

Background

On November 2, 1998, the Department initiated a sunset review of the antidumping order on chloropicrin from the PRC (63 FR 58709), pursuant to section 751(c) of the Act. The Department received a Notice of Intent to Participate on behalf of ASHTA Chemicals, Inc., HoltraChem Manufacturing Company, L.L.C., Niklor Chemical Company, Inc., and Trinity Manufacturing, Inc. (collectively "the domestic interested parties"), on November 13, 1998, within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. Each company claimed interested party status under section 771(9)(C) of the Act, as a U.S. manufacturer of a domestic like product. The domestic interested parties note that LCP Chemicals & Plastics, Inc. ("LCP")¹ and Niklor Chemical Company, Inc. filed the original petition in this proceeding. We received a complete substantive response from the domestic interested parties on December 2, 1998, within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i). We did not receive a substantive response from any respondent interested party to this proceeding. As a result, pursuant to 19

¹ The Hanlin Group, Inc., the parent company of LCP, continued to participate in this case until 1993.

CFR 351.218(e)(1)(ii)(C), the Department determined to conduct an expedited, 120-day, review of this order.

Determination

In accordance with section 751(c)(1) of the Act, the Department conducted this review to determine whether revocation of the antidumping order 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-averaged 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 order, and shall provide to the International Trade Commission ("the Commission") the magnitude of the margin of dumping likely to prevail if the order is revoked.

The Department's determinations concerning continuation or recurrence of dumping and the magnitude of the margin are discussed below. In addition, parties' comments with respect to 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 bases 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). In addition, the Department indicated that normally it 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).

In addition to guidance on likelihood provided in the *Sunset Policy Bulletin*

and legislative history, section 751(c)(4)(B) of the Act provides that the Department shall determine that revocation of an order is likely to lead to continuation or recurrence of dumping where a respondent interested party waives its participation in the sunset review. In the instant review, the Department did not receive a response from any interested party. Pursuant to section 351.218(d)(2)(iii) of the *Sunset Regulations*, this constitutes a waiver of participation.

The antidumping order on chloropicrin from the PRC was published in the **Federal Register** on March 22, 1984 (49 FR 10691). Since the imposition of the order, the Department has conducted one administrative review.² The order remains in effect for all manufacturers and exporters of the subject merchandise.

The domestic interested parties argue that the Department should determine that there is a likelihood that dumping would continue were the order revoked for four reasons. First, according to the domestic interested parties, imports of the subject merchandise ceased after imposition of the order. The domestic interested parties argue that, according to the Commission's final determination in March, 1984, imports of chloropicrin ceased in September 1983 after the Department's preliminary antidumping determination.³ Second, there are significant imports to the United States of nitromethane from the PRC, a product that is used in the production of chloropicrin. The domestic interested parties argue that this indicates that the PRC producers have the immediate ability and interest to export chloropicrin to the United States and sell it at less than fair value. Third, chloropicrin is a price-competitive, commodity-type product which could provide an opportunity for PRC producers to capture a large percentage of the market if the order were revoked. And finally, a dumping margin of 58 percent on imports of PRC chloropicrin continues in effect for all PRC exporters (see December 2, 1998, Substantive Response of the Domestic Interested Parties at 10).

In making its determination, the Department considers the existence of dumping margins and the volume of imports before and after the issuance of the order. As discussed in section II.A.3 of the *Sunset Policy Bulletin*, the SAA at 890, and the House Report at 63-64,

² See *Chloropicrin from the People's Republic of China; Final Results of Administrative Review of Antidumping Order*, 50 FR 2844 (January 22, 1985).

³ See *Chloropicrin From the People's Republic of China, Inv. 731-TA-130 (Final)*, USITC Pub. No. 1505 (March 1984) at A-8.

if companies continue dumping with the discipline of an order in place, the Department may reasonably infer that dumping would continue if the discipline were removed. In the instant proceeding, a dumping margin above *de minimis* continues to exist for shipments of the subject merchandise from The China National Chemicals Import and Export Corporation ("SINOCHEM") and William Hunt & Co. of Hong Kong, a third country reseller.⁴

The Department also reviewed data on the volume of imports before and after issuance of the order, consistent with section 752(c) of the Act. The Department examined U.S. Census data (IM146 reports) for the years preceding the imposition of the order through the present. This information demonstrates that exports of chloropicrin from the PRC decreased sharply after the imposition of the order. In 1982, exports of the subject merchandise to the United States exceeded 1.25 million kilograms and, in 1983, exports of the subject merchandise to the United States exceeded 2.45 million kilograms. However, in 1985, the year after the imposition of the order, this volume fell to zero. In the years following the imposition of the order, exports of chloropicrin to the United States never reached their pre-order level and have, for the majority of the interim years, remained below 200,000 kilograms per year. Based on this analysis, the Department finds that the imports of the subject merchandise have fallen significantly since the imposition of the order.

We find the existence of deposit rates above *de minimis* levels and the reduction in export volumes over the life of the order is highly probative of the likelihood of continuation or recurrence of dumping.⁵ Dumping margins continue in effect for exports of the subject merchandise by all known PRC exporters and third country resellers. Given that dumping margins have continued over the life of the order, respondent interested parties waived participation in the sunset review, and absent argument and evidence to the contrary, the

⁴ The dumping margin for both SINOCHEM and William Hunt & Co. is 58 percent. See *Chloropicrin from The People's Republic of China; Final Results of Administrative Review of Antidumping Order*, 50 FR 2844 (January 22, 1985).

⁵ The SAA at 890, and the House Report at 63-64, state that the "[e]xistence of dumping margins after the order, or the cessation of imports after the order, is highly probative of the likelihood of continuation or recurrence of dumping. If 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."

Department determines that dumping is likely to continue if the order were revoked.

Because the Department based this determination on the continued existence of margins above *de minimis* and respondent interested parties' waiver of participation, it is not necessary to address the domestic interested parties' arguments concerning non-U.S. export markets, exports of nitromethane, or the price-competitive nature of chloropicrin.

Magnitude of the Margin

In the *Sunset Policy Bulletin*, the Department stated that it will normally provide to the Commission the margin that was determined in the final determination in the original investigation. Further, for companies not specifically investigated or for companies that did not begin shipping until after the order was issued, the Department normally will provide a margin based on the "all others" rate from the investigation. (See section II.B.1 of the *Sunset Policy Bulletin*.) Exceptions to this policy include the use of a more recently calculated margin, where appropriate, and consideration of duty absorption determinations. (See sections II.B.2 and 3 of the *Sunset Policy Bulletin*.)

The Department published, in the **Federal Register**, the antidumping duty order for chloropicrin from the PRC on March 22, 1984 (49 FR 10691). In this order, the Department established a weighted-averaged margin for SINOCEM of 58 percent. Also, in this order, the Department established a weighted-averaged margin for any other manufacturer/exporter of the subject merchandise of 58 percent.⁶ We note that, to date, the Department has not issued any duty absorption findings in this case.

In its substantive response, the domestic interested parties recommended that, consistent with the *Sunset Policy Bulletin*, the Department provide to the Commission the original dumping margin of 58 percent established by the Department for all PRC manufacturers/exporters of chloropicrin.

The Department agrees with the domestic interested parties' argument concerning the choice of the margin to report to the Commission. In the original investigation, the Department calculated a margin for SINOCEM and established an "all others" rate for the remaining companies. The margin from

the original investigation is the only calculated rate that reflects the behavior of exporters without the discipline of the order. Therefore, consistent with the *Sunset Policy Bulletin*, we will report to the Commission the company-specific rate for SINOCEM and the "all others" rate from the original investigation for all remaining companies as the dumping margin likely to prevail if the order were revoked. These margins are 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 order would be likely to lead to continuation or recurrence of dumping at the margins listed below:

Manufacturer/Exporter	Margin (percent)
SINOCEM	58.0
All Other Manufacturers/Exporters	58.0

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: March 3, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99-5793 Filed 3-8-99; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration
[A-570-601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Notice of Extension of Time Limit for Administrative Review

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

ACTION: Notice of Extension of Time Limit.

SUMMARY: The Department of Commerce is extending the time limit for the preliminary results of the eleventh review of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished, from the People's Republic of China. The period of review is June 1, 1997 through May 31, 1998. This extension is made pursuant to Section 751(a)(3)(A) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act ("the Act").

EFFECTIVE DATE: March 9, 1999.

FOR FURTHER INFORMATION CONTACT: Zak Smith, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482-0189.

SUPPLEMENTARY INFORMATION: Because it is not practicable to complete this review within the originally anticipated time limit (i.e., March 2, 1999), the Department of Commerce ("the Department") is extending the time limit for completion of the preliminary results to not later than June 30, 1999, in accordance with section 751(a)(3)(A) of the Act. See March 2, 1999 Memorandum from Deputy Assistant Secretary for AD/CVD Enforcement Richard W. Moreland to Assistant Secretary for Import Administration Robert LaRussa on file in the public file of the Central Records Unit, B-099 of the Department.

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

Dated: March 2, 1999.

Richard W. Moreland,

Deputy Assistant Secretary for AD/CVD Enforcement.

[FR Doc. 99-5792 Filed 3-8-99; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Johns Hopkins University; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This is a decision pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 98-067. Applicant: Johns Hopkins University, Baltimore,

⁶ See *Antidumping Duty Order; Chloropicrin from the People's Republic of China*, 49 FR 10691 (March 22, 1984).