

to continuation or recurrence of dumping where a respondent interested party waives its participation in the sunset review. In the instant review, the respondent interested parties submitted a waiver of participation.

The domestic interested parties contend that revocation of the order would be likely to lead to continued dumping by French manufacturers/exporters of the subject merchandise. In support of their argument, the domestic interested parties note that the Department found French manufacturers/exporters dumping in every administrative review of the order. Moreover, the domestic interested parties indicate that the order has had a significant effect on the import volumes of subject merchandise. Specifically, the domestic interested parties state that, prior to the initiation of the investigation, the average import volume for the three year (1990–1992) period was 14.16 million pounds but that, subsequent to the order, the average import volume for the three year (1994–1996) period was 8.7 million pounds—a 38.6 percent decline. (See August 2, 1999, substantive response of the domestic interested parties at 14–17 and 18–20.) Since the import volumes of the subject merchandise decreased substantially and since the existence of dumping margins after the issuance of the order is highly probative of the likelihood of continuation or recurrence of dumping, the domestic interested parties contend the Department should conclude that French manufacturers/exporters cannot export SSWR to the United States without dumping and, hence, that revocation of the order would be likely to lead to continued dumping. *Id.*

The domestic interested parties' argument concerning the import volumes of the subject merchandise is in accord with the data in the Commission's Interactive Tariff and Trade Data Web. In the year preceding the initiation of the investigation, 1992, the import volume of the subject merchandise was 10,103 metric tons. In the year following the order, 1994, the import volume decreased to 5,346 metric tons—a decline of about 47 percent. In addition, from 1994 to 1998, the average import volume of the subject merchandise was about 3,914 metric tons, which is about 39 percent of the pre-order volume. Therefore, we determine that import volumes of the subject merchandise declined substantially after the issuance of the order.

As indicated in section II.A.3 of the *Sunshine Policy Bulletin* reflecting the SAA at 889–890, Senate Report at 52,

and the House Report at 63–64, the Department considered whether dumping continued at any level above *de minimis* after the issuance of the order. If companies continue to dump with the discipline of an order in place, the Department may reasonably infer that dumping would continue were the discipline of the order removed. After examining the published findings with respect to the weighted-average dumping margins in previous administrative reviews,<sup>4</sup> we determine that French manufacturers/exporters continued to dump the subject merchandise after the issuance of the order.

In conclusion, inasmuch as dumping continued after the issuance of the order, import volumes of the subject merchandise have declined significantly after the imposition of the order, and the respondent interested parties waived their right to participate in this review, we determine that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping.

#### 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, in its notice of the antidumping duty order on SSWR from France, established both company-specific and all-others weighted-average dumping margins.<sup>5</sup> We note that, to date, the Department has not issued any duty absorption findings in this case.

The domestic interested parties assert that the likely-to-prevail margins, if the order is revoked, should be those from the original investigation. (See the

<sup>4</sup> See footnote 2, *supra*. In its first administrative review of the order, as amended, the Department determined that French manufacturers/exporters of the subject merchandise were dumping the subject merchandise at the weighted-average margin of 14.15; in the second administrative review, as amended, 7.29; and in the third administrative review, as amended, 7.19.

<sup>5</sup> See footnote 1, *supra*.

domestic interested parties' June 2, 1999, substantive response at 24–25.)

We agree with the domestic interested parties. Absent argument and evidence to the contrary, we find that the margins calculated in the original investigation are probative of the behavior of French manufacturers/exporters of the subject merchandise were the order revoked because the margins from the original investigation are the only ones that reflect their behavior absent the discipline of the order. Therefore, the Department will report to the Commission the company-specific and all-others margins reported in the Final Results of Review section of this notice.

#### Final Results of Review

Based on the above analysis, the Department finds that revocation of the antidumping order would likely lead to continuation or recurrence of dumping at the margins listed below:

Manufacturer/exporter	Margin (percent)
Imphy .....	24.39
Ugine-Savoie .....	24.39
All others .....	24.39

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: January 27, 2000.

**Holly A. Kuga,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 00–2420 Filed 2–2–00; 8:45 am]

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#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A–351–819]

##### Final Results of Expedited Sunset Review: Stainless Steel Wire Rods From Brazil

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

**ACTION:** Notice of Final Results of Expedited Sunset Review: Stainless Steel Wire Rods From Brazil.

**SUMMARY:** On July 1, 1999, the Department of Commerce (the "Department") initiated a sunset review of the antidumping duty order on stainless steel wire rods from Brazil (64 FR 35588) 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 adequate substantive response filed on behalf of domestic interested parties and inadequate response (in this case, no response) from respondent interested parties, the Department determined to conduct an expedited sunset review. As a result of this review, the Department finds that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the levels indicated in the Final Result of Review section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Eun W. Cho or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-1698 or (202) 482-1560, respectively.

**EFFECTIVE DATE:** February 3, 2000.

### 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 the *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 (1999) 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").

### Scope

Imports covered by this order are shipments of stainless steel wire rods ("SSWR") from Brazil. 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 ("HTSUS").

The HTSUS item numbers are provided for convenience and customs purposes only. The written product description of the scope of this order remains dispositive.

### History of the Order

The antidumping duty order on SSWR from Brazil was published in the *Federal Register* on January 28, 1994 (59 FR 4021). In that order, the Department determined that the weighted-average dumping margins for Eletrometal-Metal Especiales S.A. ("Eletrometal"), Acos Finos Piratini S.A. ("Piratini"), Acos Villares S.A. ("Villares"), and all others are 24.63, 26.50, 26.50, and 25.88 percent *ad valorem*, respectively.<sup>1</sup> Since that time, the Department has not completed administrative review of the order. We note that the Department has not conducted any duty-absorption investigations with respect to the subject merchandise. The order remains in effect for all manufacturers and exporters of the subject merchandise.

### Background

On July 1, 1999, the Department initiated a sunset review of the antidumping duty order on SSWR from Brazil (64 FR 35588) pursuant to section 751(c) of the Act. The Department received a joint Notice of Intent to Participate on behalf of AL Tech Specialty Steel Corp., Carpenter Technology Corp., Republic Engineered Steels, Inc., Talley Metals Technology, Inc., and the United Steelworkers of America, AFL-CIO/CLC (hereinafter referred to as "domestic interested parties") on July 16, 1999, within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. In their Notice of Intent to Participate, the domestic interested parties note that they are not related to

foreign manufacturers/exporters or to domestic importers of the subject merchandise, nor are they importers of the subject merchandise within the meaning of section 771(4)(B) of the Act.

We received a complete substantive response from the domestic interested parties on August 2, 1999, within the 30-day deadline specified in section 351.218(d)(3)(i) of the *Sunset Regulations*. The domestic interested parties claim interested party status under sections 771(9)(C) and 771(9)(D) of the Act as producers/manufacturers of a domestic like product and as a union representing workers engaged in the production of the like product in the United States, respectively. The domestic interested parties note that each of the domestic interested parties has been involved in these proceedings since the investigation and that, as a group, they are willing to participate fully in the instant review.

We did not receive a substantive response from any respondent interested party to this proceeding. Consequently, pursuant to section 351.218(e)(1)(ii)(C) of the *Sunset Regulations*, we determined to conduct an expedited, 120-day, review of this order.

In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.*, an order in effect on January 1, 1995). Therefore, on November 16, 1999, the Department determined that the sunset review of the antidumping duty order on SSWR from Brazil is extraordinarily complicated and extended the time limit for completion of the final results of this review until not later than January 27, 2000, in accordance with section 751(c)(5)(B) of the Act.<sup>2</sup>

### 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-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 order, and shall provide to the International Trade

<sup>1</sup> See *Antidumping Duty Order: Certain Stainless Steel Wire Rods from Brazil*, 59 FR 4021 (January 28, 1994).

<sup>2</sup> See *Extension of Time Limit for Final Results of Five-Year Reviews*, 64 FR 62167 (November 16, 1999).

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, the comments of the domestic interested parties, 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.2). 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 considering the guidance on likelihood cited above, 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 respondent interested party. Pursuant to section 351.218(d)(2)(iii) of the *Sunset Regulations*, this constitutes a waiver of participation.

The domestic interested parties argue that if the order is revoked, Brazilian manufacturer/exporters of the subject merchandise would be likely to continue or to resume selling SSWR at less than fair market value in the United States. The domestic interested parties indicate that, prior to the initiation of the antidumping duty order (1990-

1992), Brazilian manufacturers/exporters exported, on the average, 4.73 million pounds of the subject merchandise per annum. The domestic interested parties further note that, subsequent to the issuance of the order (1994-1996), Brazilian manufacturers/exporters' annual average export of SSWR to the United States declined dramatically to 10,692 pounds per year: a 99.8 percent decline. In addition, during 1996-1998, no Brazilian SSWR was exported to the United States. The domestic interested parties urge that, based on the aforementioned cessation of imports of the subject merchandise, the Department should conclude that revocation of the order would be likely to lead to resumption of dumping of the subject merchandise in the United States. (See August 2, 1999, substantive response of the domestic interested parties at 14-18.)

In conclusion, the domestic interested parties contend that, since Brazilian manufacturers/exporters have not been able to export SSWR to the United States with the discipline of the order in place, the Department should determine that Brazilian manufacturers/exporters of the subject merchandise have to resume dumping if and when they reenter the U.S. market. *Id.*

According to the data in the Commission's Interactive Tariff and Trade Data Website, during 1992, the year prior to the initiation of the investigation, the import volume of the subject merchandise was about 1,275 metric tons. In the year following the order, 1994, the import volume decreased to about 7 metric tons—more than a 99 percent decline. Furthermore, from 1995 to 1998, imports of the subject merchandise completely stopped. Therefore, we determine that imports of the subject merchandise ceased after the issuance of the order.

As noted above, the Department normally will determine that the cessation of imports after the issuance of the order is highly probative of the likelihood of continuation or recurrence of dumping if the order is to be revoked.

Furthermore, pursuant to section II.A.3 of the *Sunset Policy Bulletin* reflecting the SAA at 889-890, Senate Report at 52, and the House Report at 63-64, the Department considered whether dumping had continued at any level above *de minimis* after the issuance of the order. If companies continue dumping with the discipline of an order in place, the Department may reasonably infer that dumping would continue were the discipline removed. In the instant case, the cash deposit requirements for the subject merchandise entering the United States

have been in effect since the imposition of the order.

In conclusion, inasmuch as imports of the subject merchandise ceased after the issuance of the order, the cash deposit rates continue to exist, and the respondent interested parties waived their right to participate in this review, we find that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping.

#### 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, in its notice of the antidumping duty order on SSWR from Brazil, established both company-specific and all-others weighted-average dumping margins.<sup>3</sup> We note that, to date, the Department has not issued any duty absorption findings in this case.

The domestic interested parties contend the Department should select the weighted-average margins from the original investigation when the Department determines the margins that are likely to prevail were the order to be revoked. (See the domestic interested parties' June 2, 1999, substantive response at 24-25.)

We agree with the domestic interested parties. Absent argument and evidence to the contrary, we determine that the margins calculated in the original investigation are representative of Brazilian manufacturers/exporters' behavior without the discipline of the order. Therefore, the Department will report to the Commission the company-specific and all-others margins reported in the *Final Results of Review* section of this notice.

#### Final Results of Review

Based on the above analysis, the Department finds that revocation of the antidumping order would likely lead to

<sup>3</sup> See footnote 1, *supra*.

continuation or recurrence of dumping at the margins listed below:

Manufacturer/exporter	Margin (per-cent)
Eletrometal .....	24.63
Piratini .....	26.50
Villares .....	26.50
All others .....	25.88

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: January 27, 2000.

**Holly A. Kuga,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 00-2421 Filed 2-2-00; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### University of Massachusetts Notice of Decision on Application for Duty-Free Entry of Electron Microscope

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:* 99-030. *Applicant:* University of Massachusetts, Amherst, MA 01003-5810. *Instrument:* Electron Microscope, Model Tecnai 12. *Manufacturer:* FEU Company, The Netherlands. *Intended Use:* See notice at 64 FR 72649, December 28, 1999. *Order Date:* August 4, 1999.

*Comments:* None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as the instrument is intended to be used, was being manufactured in the United States at the time the instrument was ordered. Reasons: The foreign instrument is a

conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of the instrument.

**Frank W. Creel,**

*Director, Statutory Import Programs Staff.*

[FR Doc. 00-2418 Filed 2-2-00; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 010600C]

#### Availability of a Draft Environmental Assessment/Finding of No Significant Impact and Receipt of an Application for an Incidental Take Permit (1232).

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Commerce

**ACTION:** Notice of availability.

**SUMMARY:** NMFS has received an application for an incidental take permit (Permit) from the Oregon Department of Fish and Wildlife (ODFW) and the Washington Department of Fish and Wildlife (WDFW) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA). As required by section 10 (a)(2)(B) of the ESA, ODFW and WDFW have also prepared a conservation plan (Plan) designed to minimize and mitigate any such take of endangered or threatened species. The Permit application is for the incidental take of ESA-listed adult and juvenile salmonids associated with otherwise lawful sport and commercial fisheries on non-listed species in the lower and middle Columbia River and its tributaries in the Pacific Northwest. The duration of the proposed Permit and Plan is one year. The Permit application includes the proposed Plan submitted by ODFW and WDFW. NMFS also announces the availability of a draft Environmental Assessment (EA) for the Permit application. NMFS is furnishing this notice in order to allow other agencies and the public an opportunity to review and comment on these documents. All comments received will become part of the public record and will be available for review pursuant to section 10(c) of the ESA.

**DATES:** Written comments from interested parties on the Permit application, Plan, and draft EA must be

received at the appropriate address or fax number no later than 5:00pm Pacific standard time on March 6, 2000.

**ADDRESSES:** Written comments on the application, Plan, or draft EA should be sent to Robert Koch, Protected Resources Division, F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232-2737. Comments may also be sent via fax to 503-230-5435. Comments will not be accepted if submitted via e-mail or the internet. Requests for copies of the Permit application, Plan, and draft EA should be directed to the Protected Resources Division (PRD), F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232-2737. Comments received will also be available for public inspection, by appointment, during normal business hours by calling 503-230-5424.

**FOR FURTHER INFORMATION CONTACT:** Robert Koch, Portland, OR (ph: 503-230-5424, fax: 503-230-5435, e-mail: Robert.Koch@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Section 9 of the ESA and Federal regulations prohibit the "taking" of a species listed as endangered or threatened. The term "take" is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may issue permits, under limited circumstances, to take listed species incidental to, and not the purpose of, otherwise lawful activities. NMFS regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

#### Species Covered in This Notice

The following species and evolutionarily significant units (ESU's) are included in the Plan and Permit application:

##### *Fish*

Chinook salmon (*Oncorhynchus tshawytscha*): threatened, naturally produced and artificially propagated Snake River (SnR) spring/summer, threatened SnR fall, endangered, naturally produced and artificially propagated upper Columbia River (UCR) spring, threatened lower Columbia River (LCR), threatened upper Willamette River (UWR).

Sockeye salmon (*O. nerka*): endangered SnR.

Steelhead (*O. mykiss*): threatened SnR, endangered naturally produced and artificially propagated UCR, threatened middle Columbia River (MCR), threatened LCR, threatened UWR.

To date, protective regulations for threatened LCR and UWR chinook