other Turkish producers/exporters, antidumping duty deposit rates remain in effect and we have no reason to believe that dumping has been eliminated. On the basis of this analysis, in conjunction with the fact that respondent interested parties have waived their right to participate in this review before the Department, and, absent argument and evidence to the contrary, the Department determines that dumping is likely to continue if the order were revoked.

**Magnitude of the Margin**

In the *Sunset Policy Bulletin,* the Department stated that it normally will 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 final determination of sales at less than fair value, published weighted-average dumping margins for two Turkish producers/exporters of the subject merchandise, Atabay and Proses, and for all other producers/exporters (52 FR 24492, July 1, 1987). The margins calculated in that determination were 27.35 percent for Atabay, 38.60 percent for Proses, and an ''all others'' rate of 32.98 percent. Atabay, as mentioned above, received a zero margin during the sole administrative review for the 1996–1997 review period (63 FR 34146, June 23, 1998). We note that, to date, we have not issued any duty absorption findings in this case.

In its substantive response, Rhodia argued that the Department, consistent with its *Sunset Policy Bulletin,* should provide the Commission with the company-specific and all others rates from the original investigation as the magnitude of the margin likely to prevail if the order were revoked. Alternatively, Rhodia suggested that the Department could conclude that higher margins would prevail if the order were revoked. In this case, Rhodia suggests that, using Turkish import and export statistics coupled with average U.S. import statistics, the Department could calculate a new margin of 63.14 percent.

Consistent with section II.B.1 of the *Sunset Policy Bulletin,* the Department finds that the rates from the original investigation are probative of the behavior of producers/exporters without the discipline of the order. As a result, the Department determines, absent argument and evidence to the contrary, that the margins from the original investigation are the ones most likely to prevail if the order were revoked. As such, we will report to the Commission the company-specific and all others rates 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 likely lead to continuation or recurrence of dumping at the margins listed below:

| Manufacturer/exporter | Margin (percent) |
|---|---|
| Atabay Kimya Sanayi ve Ticaret | 27.35 |
| Proces Kimya Sanayi ve Ticaret | 38.60 |
| All Others | 32.98 |

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.

**Richard W. Moreland,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 99–17051 Filed 7–2–99; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–570–855]**

### Initiation of Antidumping Duty Investigation: Certain Non-Frozen Apple Juice Concentrate From the People's Republic of China

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

**EFFECTIVE DATE:** July 6, 1999.

**FOR FURTHER INFORMATION CONTACT:** Suresh Maniam or Vincent Kane, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 3099, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–0176 or 482–2815, respectively.

**INITIATION OF INVESTIGATION:**

*The 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 as amended (''the Act'') by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department of Commerce's (''the Department's'') regulations are to the provisions codified at 19 CFR Part 351 (1998).

*The Petition*

On June 7, 1999, the Department received a petition filed in proper form by Tree Top, Inc.; Knouse Foods Cooperative, Inc.; Green Valley Packers; Mason County Fruit Packers; and Coloma Frozen Foods, Inc., hereinafter collectively referred to as ''the petitioners. On June 17 and 25, 1999, at the request of the Department, petitioners provided public summaries for certain business proprietary information contained in the petition. On June 23, 1999, petitioners supplied information relating to their standing as petitioners and on June 25, 1999, petitioners clarified their calculation concerning industry support of the petition.

In accordance with section 732(b) of the Act, the petitioners allege that imports of certain non-frozen apple juice concentrate (''NFAJC'') from the People's Republic of China (''PRC'') are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are both materially injuring and threatening material injury to an industry in the United States.

The Department finds that the petitioners filed this petition on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) of the Act and they have demonstrated that they account for at least 25 percent of the total production of the domestic like product and more than 50 percent of the production of the domestic like product produced by that portion of the industry

expressing support for, or opposition to, the petition (*see* ''Determination of Industry Support for the Petition'' section, below).

*Scope of the Investigation*

For purposes of this investigation, the product covered by the scope is non-frozen concentrated apple juice having a Brix value of 40 or greater, whether or not containing added sugar or other sweetening matter. Excluded from the scope of this investigation are: frozen concentrated apple juice, non-frozen concentrated apple juice fortified with vitamins or minerals, non-frozen concentrated apple juice that has been fermented, and non-frozen concentrated apple juice to which spirits have been added.

The merchandise subject to this investigation is classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') at subheading 2009.70.20. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

As discussed in the preamble to the Department's regulations (62 FR 27323 February 26, 1997), we are setting aside a period for parties to raise issues regarding product coverage. The Department encourages all parties to submit such comments within 20 days of publication of this notice in the **Federal Register**. Comments should be addressed to Import Administration's Central Records Unit at Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. The period of scope consultations is intended to provide the Department with ample opportunity to consider all comments and consult with parties prior to the issuance of our preliminary determination.

*Determination of Industry Support for the Petition*

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (1) at least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

Section 771(4)(A) of the Act defines the ''industry'' as: ''the producers as a whole of a domestic like product.'' Thus, to determine whether the petition has the requisite industry support, the statute directs the Department to look to producers and workers who account for production of the domestic like product. The International Trade Commission (''ITC''), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product, they do so for different purposes and pursuant to separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to the law.[1] Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this subtitle.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation,'' *i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition.

The domestic like product referred to in the petition is the single domestic like product defined in the ''Scope of Investigation'' section, above. The Department has no basis on the record to find this definition of the domestic like product to be inaccurate. The Department, therefore, has adopted this domestic like product definition.

In this case, the Department has determined that the petition and supplemental information contained adequate evidence of sufficient industry support; therefore, polling was not necessary. *See* Initiation Checklist dated June 28, 1999 (public versions on file in the Central Records Unit of the Department of Commerce, Room B–099). To the best of the Department's knowledge, the producers who support the petition account for more than 50 percent of the production of the domestic like product. Additionally, no person who would qualify as an interested party pursuant to section 771(b)(A), (C), (D), (E) or (F) of the Act has expressed opposition on the record to the petition. Accordingly, the Department determines that this petition is filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

A potential respondent in this proceeding requested that the Department poll the U.S. industry to determine industry support and check the validity of petitioners' calculations of their percent of U.S. production. We addressed this respondent's concerns in the June 28, 1998 initiation checklist.

*Export Price and Normal Value*

The following is a description of the allegation of sales at less than fair value upon which our decision to initiate this investigation is based. Should the need arise to use any of this information in our preliminary or final determination for purposes of facts available under section 776 of the Act, we may re-examine the information and revise the margin calculations, if appropriate.

The petitioners have based U.S. price on export price (''EP'') because information obtained by the petitioners indicates that PRC producers sold NFAJC outside the United States to unaffiliated importers in the United States prior to importation. As a basis for its EP calculation, the petitioners have used an invoice price for sale of the subject merchandise by an unaffiliated U.S. distributor to an unaffiliated purchaser in the United States in the last quarter of 1998. The petitioners calculated a net U.S. price by subtracting from the invoice price the U.S. distributor's markup, ocean freight, and insurance. The petitioners based the cost of ocean freight and insurance on the difference between the C.I.F. price and the F.A.S. price of NFAJC from the PRC as reflected in the IM–145 statistics published by the U.S. Bureau of the Census. The petitioners used the IM–145 statistics for the month in which the U.S. sale occurred for calculating ocean freight and insurance. Petitioners based the distributor's markup on an affidavit attesting to the standard distributor markup in the industry.

Because the PRC is considered a nonmarket economy (NME) country under section 771(18) of the Act, the petitioners based normal value (NV) on the factors of production valued in a surrogate country, in accordance with section 773(c)(3) of the Act. The petitioners selected India as the most appropriate surrogate market economy. For the factors of production, the petitioners relied upon the factor usage rates of what it claimed was the world's most efficient NFAJC producer.

The petitioners first derived a cost for apple juice and then, based on this cost,

[1] *See Algoma Steel Corp. Ltd.*, v. *United States*, 688 F. Supp. 639, 642–44 (CIT 1988); *High Information Content Flat Panel Displays and Display Glass from Japan: Final Determination; Rescission of Investigation and Partial Dismissal of Petition*, 56 FR 32376, 32380–81 (July 16, 1991).

they derived a cost of apple juice concentrate. The cost of apples was based on the current price of juice apples in India as reported in a market research study included in the petition. Labor was valued using the methodology described by the Department in 19 CFR 351.408(c)(3). For energy, the petitioners used data from *Energy Prices & Taxes*, Fourth Quarter 1998, which shows 1995 electricity rates in India to be Rs. 2.1836 per kwh. They then adjusted this 1995 electricity rate for inflation based on the increase in the wholesale price index in India from 1995 to 1998 as reported in the IMF's *International Financial Statistics*. For natural gas, the petitioners obtained a price of US $1.96 per thousand cubic feet based on the first quarter 1999 report of Enron Corp., a large, publicly traded oil and gas company selling energy products in India. For processing agents, maintenance supplies, and miscellaneous costs, the petitioners used the costs of a U.S. producer because Indian values for these inputs were not reasonably available to them.

Selling, general, and administrative (SG&A) expenses, depreciation, and financial expenses were based on the 1997 financial statements of an Indian NFAJC producer. For packing costs, including drums, liners, and pallets, the petitioners used the costs of a U.S. NFAJC producer because Indian values for these inputs were not reasonably available to them.

Based on a comparison of EP to NV, as adjusted by the Department, the information in the petition and other information reasonably available to the Department indicates dumping margins of 51.69 and 65.64 percent. A description of the adjustments which the Department made to petitioners' calculations of export price and normal value are contained in the June 28, 1999 initiation checklist, a public version of which is available in the Central Records Unit, Room B-099, Main Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

*Fair Value Comparisons*

Based on the data provided by the petitioners, there is reason to believe that imports of NFAJC from the PRC are being, or are likely to be, sold at less than fair value.

*Allegations and Evidence of Material Injury and Causation*

The petition alleges that the U.S. industry producing the domestic like product is being materially injured, and is threatened with material injury, by reason of the imports of the subject merchandise sold at less than NV. The petitioners explained that the industry's injured condition is evident in the declining trends in net operating profits and income, net sales volumes and values, profit to sales ratios, and capacity utilization. The allegations of injury and causation are supported by relevant evidence including U.S. Customs import data, lost sales, and pricing information. The Department assessed the allegations and supporting evidence regarding material injury and causation and determined that these allegations are supported by accurate and adequate evidence and meet the statutory requirements for initiation. *See* Initiation Checklist.

*Allegation of Critical Circumstances*

The petitioners allege that critical circumstances exist with respect to imports of NFAJC from the PRC and have supported their allegations with the following information.

First, the petitioners claim that the importers knew, or should have known, that NFAJC from the PRC was being sold at less than normal value. Specifically, the petitioners allege that the margins calculated in the petition exceed the 25 percent threshold used by the Department to impute importer knowledge of dumping.

The petitioners also have alleged that imports have been massive over a relatively short period. Alleging that there was sufficient pre-filing notice of this antidumping petition, the petitioners contend that the Department should compare imports during June 1998–October 1998 to imports during November 1998–March 1999 for purposes of this determination. Specifically, petitioners supported this allegation with copies of a news article and a transcript of a television program. The new article appeared in the September 1998 edition of ''The Great Lakes Fruit Grower News,'' which reported that the U.S. Apple Association was considering filing an antidumping action against NFAJC from the PRC. The television program, ''The World Today,'' aired on CNN on October 5, 1998. The program also reported that the U.S. Apple Association was considering filing an antidumping action on NFAJC from the PRC. On October 6, 1998, the Associated Press Newswire carried a story that the apple industry planned to file an antidumping action on NFAJC from the PRC. Accordingly, the petitioners provided import statistics for the periods November 1998–March 1999 and June 1998–October 1998. Based on this comparison, imports of NFAJC from the PRC increased by 111 percent.

Although the ITC has not yet made a preliminary decision with respect to injury, the petitioners note that in the past the Department has also considered the extent of the increase in the volume of imports of the subject merchandise as one indicator of whether a reasonable basis exists to impute knowledge that material injury was likely. In this case, the petitioners allege that the increase in imports was more than double the amount considered ''massive.'' Taking into consideration the foregoing, we find that the petitioners have alleged the elements of critical circumstances and supported them with information reasonably available for purposes of initiating a critical circumstances inquiry. For these reasons, we will investigate this matter further and will make a preliminary determination at the appropriate time, in accordance with section 735(e)(1) of the Act and Department practice (see Policy Bulletin 98/4 (63 FR 55364, October 15, 1998)).

*Initiation of Antidumping Investigation*

Based upon our examination of the petition, we have found that the petition meets the requirements of section 732 of the Act. Therefore, we are initiating an antidumping duty investigation to determine whether imports of NFAJC from the PRC are being, or are likely to be, sold in the United States at less than fair value. Unless this deadline is extended, we will make our preliminary determination by November 15, 1999.

*Distribution of Copies of the Petition*

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of the petition has been provided to the representatives of the Government of the People's Republic of China. We will attempt to provide a copy of the public version of the petition to the exporters named in the petition.

*International Trade Commission Notification*

We have notified the ITC of our initiation of this investigation, as required by section 732(d) of the Act.

*Preliminary Determination by the ITC*

The ITC will determine by July 22, 1999, whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, by reason of imports of NFAJC from the PRC. A negative ITC determination will result in the investigation being terminated; otherwise, this investigation will proceed according to statutory and regulatory time limits.

This notice is published in accordance with section 777(i) of the Act.

Dated: June 28, 1999.

**Richard W. Moreland,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 99–17050 Filed 7–2–99; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–831–801, A–822–801, A–447–801, A–451–801, A–485–601, A–821–801, A–842–801, A–843–801, A–823–801, A–844–801, A–122–605, A–588–609, A–580–605, A–559–601]**

### Solid Urea From Armenia, Solid Urea From Belarus, Solid Urea From Estonia, Solid Urea From Lithuania, Solid Urea From Romania, Solid Urea From Russia, Solid Urea From Tajikistan, Solid Urea From Turkmenistan, Solid Urea From Ukraine, Solid Urea From Uzbekistan, Color Picture Tubes From Canada, Color Picture Tubes From Japan, Color Picture Tubes From Korea (South), Color Picture Tubes From Singapore: Extension of Time Limit for Final Results of Five-Year Reviews

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

**ACTION:** Notice of extension of time limit for final results of five-year (''sunset'') reviews

**SUMMARY:** The Department of Commerce (''the Department'') is extending the time limit for the final results of the sunset reviews on the antidumping duty orders on solid urea from Armenia, solid urea from Belarus, solid urea from Estonia, solid urea from Lithuania, solid urea from Romania, solid urea from Russia, solid urea from Tajikistan, solid urea from Turkmenistan, solid urea from Ukraine, solid urea from Uzbekistan, color picture tubes from Canada, color picture tubes from Japan, color picture tubes from Korea (South), and color picture tubes from Singapore. Based on adequate responses from domestic interested parties and inadequate responses from respondent interested parties, the Department is conducting expedited sunset reviews to determine whether revocation of the orders would be likely to lead to continuation or recurrence of dumping. As a result of this extension, the Department intends to issue its final results of its sunset reviews of these orders no later than August 30, 1999.

**EFFECTIVE DATE:** July 6, 1999.

**FOR FURTHER INFORMATION CONTACT:** Scott E. Smith, Martha V. Douthit or Melissa G. Skinner, Import Administration, International Trade Administration, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, NW, Washington, D.C. 20230; telephone: (202) 482–6397, (202) 482–3207 or (202) 482–1560 respectively.

#### Extension of Final Results

The Department has determined that the sunset reviews of the antidumping duty orders on solid urea from Armenia, solid urea from Belarus, solid urea from Estonia, solid urea from Lithuania, solid urea from Romania, solid urea from Russia, solid urea from Tajikistan, solid urea from Turkmenistan, solid urea from Ukraine, solid urea from Uzbekistan, color picture tubes from Canada, color picture tubes from Japan, color picture tubes from Korea (South), and color picture tubes from Singapore are extraordinarily complicated. In accordance with section 751(c)(5)(C)(v) of the Tariff Act of 1930, as amended (''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). *See* section 751(c)(6)(C) of the Act. The Department is extending the time limit for completion of the final results of these reviews until not later than August 30, 1999, in accordance with section 751(c)(5)(B) of the Act.

Dated: June 29, 1999.

**Richard W. Moreland,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 99–17052 Filed 7–2–99; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–588–833]**

### Stainless Steel Bar From Japan: Final Results of Antidumping Administrative Review

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

**ACTION:** Notice of Final Results of Antidumping Administrative Review.

**SUMMARY:** On March 4, 1999, the Department of Commerce published the preliminary results of administrative review of the antidumping duty order on stainless steel bar from Japan. This review covers one producer/exporter, Aichi Steel Corporation, during the period February 1, 1997, through January 31, 1998.

We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments received, we have made certain changes for the final results.

**EFFECTIVE DATE:** July 6, 1999.

**FOR FURTHER INFORMATION CONTACT:** Minoo Hatten or Robin Gray, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–1690 or (202) 482–4023, respectively.

**SUPPLEMENTARY INFORMATION:**

#### The Applicable Statute

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 of Commerce's (the Department's) regulations are to 19 CFR Part 351 (1998).

#### Background

On March 4, 1999, the Department published in the **Federal Register** the preliminary results of administrative review of the antidumping duty order on stainless steel bar from Japan. *Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Bar from Japan,* 64 FR 10445 (preliminary results). Al Tech Specialty Steel Corp., Dunkirk, N.Y., Carpenter Technology Corp., Reading, PA, Republic Engineered Steels, Inc., Massillon, OH, Slater Steels Corp., Fort Wayne, IN, Talley Metals Technology, Inc., Hartsville, SC, and the United Steel Workers of America, AFL-CIO/CLC, collectively petitioners in the less-than-fair-value (LTFV) investigation (hereafter petitioners), submitted their case brief on April 5, 1999. Aichi Steel Corporation (Aichi), respondent in this review, also submitted its case brief on April 5, 1999. The petitioners and Aichi submitted rebuttal briefs on April 12, 1999. The Department has conducted this administrative review in accordance with section 751 of the Act.

#### Scope of Review

The merchandise covered by this review is stainless steel bar (SSB). For purposes of this review, the term ''stainless steel bar'' means articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section