

determined that the dumping margin for Prayon was zero (61 FR 20227). In the subsequent three administrative reviews conducted, however, the Department calculated dumping margins above *de minimis* for Prayon. As for Prayon's assertion that it expects dumping margins to decline in the future based on the weakened Belgian franc vis-a-vis the dollar, the Department cannot anticipate future exchange rates, and therefore, cannot rely on Prayon's statement in making a determination.

In addition, consistent with section 752(c) of the Act, the Department also considered whether imports of the subject merchandise ceased after the issuance of the order. Utilizing U.S. Census data, the Department agrees with the domestic interested parties that imports of IPA decreased sharply following the issuance of the order and have only occurred in intermittent years, and even then, at levels significantly below pre-order levels. However, imports of the subject merchandise from Belgium have continued throughout the life of the order.<sup>4</sup>

Therefore, given that dumping has continued over the life of the order and import volumes declined significantly following the imposition of the order, the Department preliminarily determines that dumping is likely to continue were the order revoked.

**Magnitude of the Margin**

*Interested Parties' Comments*

The domestic interested parties argue that the Department should adhere to its normal procedure and report to the Commission the dumping margin of 14.67 percent calculated in the original investigation since that is the only calculated rate that reflects the behavior of exporters without the discipline of the order in place. They argue that the most recent margin calculated for Prayon, 4.35 percent, is not a true indication of Prayon's actions as it reflects Prayon's pricing practices with the antidumping order in place (see March 31, 1999, Substantive Response of the domestic interested parties at 13). Moreover, they argue, that the 4.35 percent margin is for a period in which imports from Prayon were less than half of what they had been prior to the issuance of the order. Therefore, they argue, the 4.35 percent margin clearly should not be used (see *id.*).

<sup>4</sup>The Department bases this determination on information submitted by the domestic interested parties in their March 31, 1999, submission, as well as U.S. IM146 Reports, U.S. Department of Commerce statistics, U.S. Department of Treasury statistics, and information obtained from the U.S. International Trade Commission.

Prayon argues that should the Department determine that, were the order revoked, dumping is likely to continue or recur, the Department should find that a dumping margin no higher than the margin found in the current review is likely to prevail (see March 31, 1999, Substantive Response of Prayon at 6). Here, Prayon is apparently referring to the dumping margin of 4.35 percent calculated in the 1996-97 administrative review.<sup>5</sup>

*Department's Determination*

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 agrees with the domestic interested parties. Section II.B.2 of the *Sunset Policy Bulletin* states that if dumping margins have declined over the life of an order and imports have remained steady or increased, the Department may conclude that exporters are likely to continue dumping at the lower rates found in a more recent review. However, in this case, imports of the subject merchandise from Belgium have fluctuated over the life of the order but have never regained their pre-order levels. Therefore, we preliminarily determine that the margin from the Department's original investigation is probative of the behavior of Belgian producers and exporters of industrial phosphoric acid if the order were revoked because that is the only calculated rate which reflects the behavior of exporters without the discipline of the order in place. We will report to the Commission the company-specific and "all others" rates from the original investigation contained in the Preliminary Results of Review section of this notice.

**Preliminary Results of Review**

As a result of this review, the Department preliminarily finds that

<sup>5</sup> See *Industrial Phosphoric Acid from Belgium; Final Results of Antidumping Duty Administrative Review*, 63 FR 55087 (October 14, 1998).

revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping at the margins listed below:

Manufacturer/exporter	Margin (percent)
Prayon .....	14.67
All Others .....	14.67

Any interested party may request a hearing within 30 days of publication of this notice in accordance with 19 CFR 351.310(c). Any hearing, if requested, will be held on November 17, 1999. Interested parties may submit case briefs no later than November 8, 1999, in accordance with 19 CFR 351.309(c)(1)(i). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than November 15, 1999. The Department will issue a notice of final results of this sunset review, which will include the results of its analysis of issues raised in any such comments, no later than January 25, 2000.

This five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: September 17, 1999.

**Bernard T. Carreau,**

*Acting Assistant Secretary for Import Administration.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-570-504]

**Continuation of Antidumping Duty Order: Petroleum Wax Candles From the People's Republic of China**

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

**ACTION:** Notice of continuation of antidumping duty order: Petroleum wax candles the People's Republic of China.

**SUMMARY:** On June 17, 1999, the Department of Commerce ("the Department"), pursuant to sections 751(c) and 752 of the Tariff Act from 1930, as amended ("the Act"), determined that revocation of the antidumping duty order on petroleum wax candles from the People's Republic of China ("China") would be likely to lead to continuation or recurrence of dumping (64 FR 32481 (June 17, 1999)). On September 8, 1999, the International Trade Commission ("the Commission"), pursuant to section 751(c) of the Act,

determined that revocation of the antidumping duty order on petroleum wax candles from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (64 FR 48851 (September 8, 1999)). Therefore, pursuant to 19 CFR 351.218(f)(4) the Department is publishing notice of the continuation of the antidumping duty order on petroleum wax candles from China.

**FOR FURTHER INFORMATION CONTACT:** Scott G. Smith or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230; telephone: (202) 482-6397 or (202) 482-1560, respectively.

**EFFECTIVE DATE:** September 23, 1999.

### Background

On January 4, 1999, the Department initiated, and the Commission instituted, a sunset review (64 FR 364 and 64 FR 365, respectively) of the antidumping duty order on petroleum wax candles from China pursuant to section 751(c) of the Act. As a result of this review, the Department found that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping and notified the Commission of the magnitude of the margin likely to prevail were the order to be revoked (see *Final Results of Expedited Sunset Review: Petroleum Wax Candles from the People's Republic of China*, 64 FR 32481 (June 17, 1999)).

On September 8, 1999, the Commission determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty order on petroleum wax candles from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (see *Petroleum Wax Candles from the People's Republic of China*, 64 FR 48851 (September 8, 1999) and USITC Pub. 3226, Inv. No. 731-TA-282 (Review) (August 1999)).

### Scope

The products covered by this order are certain scented or unscented petroleum wax candles made from petroleum wax and having fiber or paper-cored wicks. They are sold in the following shapes: tapers, spirals and straight-sided dinner candles; rounds, columns, pillars, votives; and various wax-filled containers. The products were classified under the Tariff

Schedules of the United States (TSUS) item 755.25, Candles and Tapers. The products are currently classified under the Harmonized Tariff Schedule ("HTS") item number 3406.00.00. The written description remains dispositive.

For a complete description of scope clarifications see Appendix A to the Department's final results of sunset review.

### Determination

As a result of the determinations by the Department and the Commission that revocation of this antidumping duty order would be likely to lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty order on petroleum wax candles from China. The Department will instruct the U.S. Customs Service to continue to collect antidumping duty deposits at the rate in effect at the time of entry for all imports of subject merchandise. The effective date of continuation of this order will be the date of publication in the **Federal Register** of this Notice of Continuation. Pursuant to sections 751(c)(2) and 751(c)(6)(A) of the Act, the Department intends to initiate the next five-year review of this order not later than August 2004.

Dated: September 19, 1999.

**Bernard T. Carreau,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-475-059]

### Continuation of Antidumping Finding: Pressure Sensitive Plastic Tape From Italy

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

**ACTION:** Notice of continuation of antidumping finding: Pressure sensitive plastic tape from Italy.

**SUMMARY:** On January 6, 1999, the Department of Commerce ("the Department"), pursuant to sections 751(c) and 752 of the Tariff Act of 1930, as amended ("the Act"), determined that revocation of the antidumping finding on pressure sensitive plastic tape from Italy would likely lead to continuation or recurrence of dumping

(64 FR 853 (January 6, 1999)). On February 10, 1999, the International Trade Commission ("the Commission"), pursuant to section 751(c) of the Act, determined that revocation of the antidumping finding on pressure sensitive plastic tape from Italy would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (64 FR 6681 (February 10, 1999)). Therefore, pursuant to 19 CFR 351.218(f)(4), the Department is publishing notice of the continuation of the antidumping finding on pressure sensitive plastic tape from Italy.

**FOR FURTHER INFORMATION CONTACT:** Martha V. Douthit or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Ave., NW, Washington, D.C. 20230; telephone: (202) 482-5050 or (202) 482-1560, respectively.

**EFFECTIVE DATE:** February 17, 1999.

### Background

On September 1, 1998, the Department initiated, and the Commission instituted, a sunset review (63 FR 46410 and 63 FR 46475, respectively) of the antidumping finding on pressure sensitive plastic tape from Italy pursuant to section 751(c) of the Act. As a result of its review, the Department found that revocation of the antidumping finding would likely lead to continuation or recurrence of dumping and notified the Commission of the magnitude of the margin likely to prevail were the finding to be revoked (see *Final Results of Expedited Sunset Review: Pressure Sensitive Plastic Tape from Italy*, 64 FR 853 (January 6, 1999)).

On February 10, 1999, the Commission determined, pursuant to section 751(c) of the Act, that revocation of the antidumping finding on pressure sensitive plastic tape from Italy would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (see *Pressure Sensitive Plastic Tape from Italy*, 64 FR 6681 (February 10, 1999) and USITC Pub. 3157, Inv. No. AA1921-167 (Review) (February 1999)).

### Scope

The merchandise covered by this antidumping finding is shipments of pressure sensitive plastic tape ("PSPT") measuring over 1 3/8 inches in width and not exceeding 4 mils in thickness from Italy. The above described PSPT is classified under HTS subheadings 3919.90.20 and 3919.90.50. The HTS