SUMMARY: Notice is hereby given of the decision of NRCS to adopt a revised policy for providing nutrient management technical assistance. This revised policy will be disseminated within the agency through updates of the agency's General Manual. This includes revision of existing policy in Title 450, Part 401, Subpart A Technical Guides, Policy and Responsibilities; and new policy in Title 190, Part 402, Ecological Sciences, Nutrient Management Policy. This policy will be implemented through revision of the agency's conservation practice standards for Nutrient Management (Code 590) and Waste Utilization (Code 633). These national conservation practice standards have been revised and reissued to reflect the new policy.

EFFECTIVE DATES: The new policy and revised conservation practice standards are effective upon the date of adoption by the agency. They will be implemented by NRCS State Conservationists as quickly as possible, but not more than 2 years after their date of adoption by NRCS.

FOR FURTHER INFORMATION CONTACT: Questions about this policy should be directed to Ecological Sciences Division, NRCS, Washington, D.C. Submit questions in writing to Charles H. Lander, Nutrient Management Specialist, Natural Resources Conservation Service, Post Office Box 2890, Room 6155–S, Washington, D.C. 20013–2890.

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 requires NRCS to make available for public review and comment proposed revisions to conservation practice standards used to carry out the highly erodible land and wetland provisions of the law. The policy supporting the revised conservation practice standard for Nutrient Management (Code 590) was published for comment in the **Federal Register** on Wednesday, April 22, 1998 (Vol. 163, No. 77, pgs. 19889–19893). Comments were received for 90 days. The revised standard for Waste Utilization (Code 633) was published for comment in the **Federal Register** on Wednesday, October 28, 1998 (Vol. 63, No. 208, pgs. 19889–19893). Comments were received for 60 days.

Signed in Washington, D.C., on March 30, 1999.

Pearlie S. Reed,

Chief, Natural Resources Conservation Service, Washington, D.C.

[FR Doc. 99–9704 Filed 4–16–99; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–815]

Notice of Final Determination of Sales at Less Than Fair Value and Final Affirmative Finding of Critical Circumstances: Elastic Rubber Tape From India

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

EFFECTIVE DATE: April 19, 1999.

FOR FURTHER INFORMATION CONTACT: Alysia Wilson or Cynthia Thirumalai, Office of AD/CVD Enforcement 1, Group I, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–0108 or (202) 482–4087, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department of Commerce (''Department'') regulations are to the regulations at 19 CFR Part 351 (April 1998).

Final Determination

We determine that elastic rubber tape (''ERT'') from India is being sold in the United States at less than fair value (''LTFV''), as provided in section 735 of the Act. The estimated margins are shown in the ''Suspension of Liquidation'' section of this notice.

Case History

On February 5, 1999, after the publication of our preliminary determination in this investigation (*see Notice of Preliminary Determination of Sales at Less Than Fair Value and Preliminary Negative Critical Circumstances Determination: Elastic Rubber Tape from India*, 64 FR 5025 (February 2, 1999) (*Preliminary Determination*)), Garware Elastomerics Limited (''GEL'') withdrew from the remainder of the proceeding. No interested parties provided comments on the *Preliminary Determination* and no request for a hearing was received by the Department.

Scope of the Investigation

For purposes of this investigation, the product covered is elastic rubber tape. Elastic rubber tape is defined as vulcanized, non-cellular rubber strips, of either natural or synthetic rubber, 0.006 inches to 0.100 inches (0.15 mm to 2.54 mm) in thickness and ⅛ inches to 1⅝ inches (3 mm to 42 mm) in width. Such product is generally used in swim wear and underwear.

The merchandise subject to this investigation is classified in the *Harmonized Tariff Schedule of the United States* (''HTSUS'') at subheading 4008.21.00. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

Period of Investigation

The period of investigation (''POI'') is July 1, 1997, through June 30, 1998.

Adverse Facts Available

Section 776(a)(2) of the Act provides that if an interested party or any other person (A) withholds information that has been requested by the administering authority; (B) fails to provide such information by the deadlines for the submission of the information or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782 of the Act; (C) significantly impedes a proceeding under the antidumping statute; or (D) provides such information but the information cannot be verified as provided in section 782(i) of the Act, the administering authority shall, subject to section 782(d) of the Act, use the facts otherwise available in reaching the applicable determination.

GEL failed to respond to the Department's requests for information; namely, GEL withdrew from the investigation. Accordingly, since GEL has withheld necessary information and withdrawn from the proceeding, which prevented the Department from verifying any of GEL's responses and impeded the Department from further investigation, we have determined, under sections 776(a)(2)(A), (C) & (D) of the Act, that we must base our determination for that company on the facts available.

Section 776(b) of the Act further provides that adverse inferences may be used for a party that has failed to cooperate by not acting to the best of its ability to comply with a request for information (*see* also the Statement of Administrative Action (''SAA''), accompanying the URAA, H. Doc. No. 316, 103rd Cong., 2d Sess. 870). Given GEL's refusal to comply with the

Department's request for information and its withdrawal from participation in the investigation, the Department has determined that GEL has failed to cooperate to the best of its ability in this investigation. Therefore, the Department has determined that an adverse inference is warranted with respect to GEL.

As adverse facts available, the Department is assigning GEL a margin based on the highest margin in the petition. The Department finds that the highest petition margin is appropriate and indicative of GEL's selling practices because if GEL could have submitted information demonstrating the appropriateness of a lower margin, it would have done so. *See,* Notice of Final Determination of Sales at Less Than Fair Value: Steel Wire Rod from Venezuela, 63 FR 8946 (February 23, 1998). The court has upheld the Department's assumption that the petition information is probative of a respondent's experience when a respondent failed to submit information in a proceeding. *See, Koenig and Bauer-Albert AG* v. *United States,* 15 F. Supp 2d 834, 858 (Court of International Trade (CIT) 1998) (stating that ''Commerce had a right to assume that the petition information was more probative of [respondent's] experience because if [respondent] could have submitted information demonstrating that it ought to receive a lower margin, it would have done so.'').

Therefore, the final rate for GEL is 66.51 percent, which is based on the highest margin alleged in the petition. We used this same petition margin as partial adverse facts available in the *Preliminary Determination,* and as discussed there, the Department has, to the extent practicable, corroborated that margin as required by Section 776(c) of the Act. *See* also, Memorandum to Susan Kuhbach regarding ''Corroboration of Secondary Information, Use of Adverse Facts Available'' dated January 26, 1999. Furthermore, no record evidence or argument has been submitted that would cause the Department to call into question the accuracy of the data in the petition. Therefore, we determine that the use of this margin as facts available for GEL is appropriate.

Critical Circumstances

Section 733(e)(1) of the Act provides that, if a petitioner alleges critical circumstances, the Department will determine whether there is a reasonable basis to believe or suspect that (A)(i) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales, and (B) there have been massive imports of the subject merchandise over a relatively short period.

As discussed above in the ''Facts Available'' section, GEL has not cooperated to the best of its ability in this investigation and application of adverse facts available is appropriate. Since there is no verified information on the record with respect to GEL's volume of imports, and U.S. import statistics are unavailable because ERT is entered under an HTSUS basket category which includes a variety of other products, we have no choice but to apply the adverse inference that GEL has made massive imports of the subject merchandise over a relatively short period of time. Therefore, we find that the second criterion for determining whether critical circumstances exist with respect to GEL's exports of subject merchandise has been met. *See,* Notice of Final Determination of Sales at Less Than Fair Value: Certain Carbon Steel Butt-Weld Pipe Fittings From Malaysia, 60 FR 10550, 10551 (February 27, 1995) where the Department determined critical circumstances existed since it was unable to verify the accuracy of this data.

In determining whether an importer knew or should have known that the exporter was selling the subject merchandise at less than its fair value and thereby causing material injury, the Department normally considers margins over 15 percent for CEP sales and 25 percent for EP sales to impute knowledge of dumping and of resultant material injury. *See,* Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from the Russian Federation, 62 FR 61787, 61793 (November 19, 1997). In this investigation, we have determined, pursuant to an application of adverse facts available, the margin to be 66.51 percent. As this margin indicates dumping over the 15 and 25 percent thresholds for all of GEL's sales, we determine that the first criterion for ascertaining whether critical circumstances exist has also been satisfied. Therefore, since both criteria for finding critical circumstances under section 733(e)(1) of the Act have been met, we determine that critical circumstances exist with respect to exports of ERT from India by GEL.

The All Others Rate

The foreign manufacturer/exporter in this investigation is being assigned a dumping margin entirely on the basis of facts otherwise available. Section 735(c)(5)(B) of the Act provides that, where the dumping margins established for all exporters and producers individually investigated are determined entirely under section 776 of the Act, the Department may use any reasonable method to establish the estimated ''All Others'' rate for exporters and producers not individually investigated, including averaging the estimated weighted-average dumping margins determined for the exporters and producers individually investigated. Further, the SAA at 873 provides that where the data do not permit weight-averaging, the Department may use other reasonable methods. In this case, the margin assigned to the only company investigated is based on adverse facts available. Therefore, consistent with the SAA at 873, we are using an alternative method. As our alternative, we are basing the ''All Others'' rate on a simple average of the margins in the petition, based both on price-to-price comparisons and constructed value. As a result, the ''All Others'' rate is 45.55 percent.

Continuation of Suspension of Liquidation

In accordance with section 733(d)(1) and 735(c)(4)(A) of the Act, we are directing the U.S. Customs Service (''Customs'') to continue to suspend liquidation of all entries of ERT from India, that are entered, or withdrawn from warehouse, for consumption on or after February 2, 1999 the date of publication of our preliminary determination in the **Federal Register**. In addition, as a result of our critical circumstances determination in our final determination, we will instruct Customs to suspend liquidation of GEL's entries of ERT from India between November 4, 1999, and February 1, 1999 (i.e., 90 days prior to the date of publication of our preliminary determination in the **Federal Register**). We will instruct Customs to require a cash deposit or the posting of a bond equal to the percentage margins, as indicated in the chart below. These suspension-of-liquidation instructions will remain in effect until further notice. The dumping margins are as follows:

Exporter/Manufacturer	Margin percentage
Garware Elastomerics Limited (GEL)	66.51

Exporter/Manufacturer	Margin percentage
All Others	45.55

The ''All Others'' rate, which we derived from the average of the margins calculated in the petition, applies to all entries of subject merchandise other than those manufactured or exported by the named respondent.

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. As our final determination is affirmative, the ITC will, within 45 days, determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry. If the ITC determines that material injury, or threat of material injury, does not exist the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

In accordance with section 735(c)(3) of the Act, if the ITC makes a final negative finding of critical circumstances, the Department will instruct Customs to terminate the retroactive suspension of liquidation of GEL's entries from the period beginning November 4, 1998, through February 1, 1999 (i.e., the 90 day period prior to publication of the preliminary determination). The Department will also instruct Customs to release any bond or other security and refund any cash deposit collected on subject merchandise retroactively suspended during this 90-day period.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: April 12, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–9760 Filed 4–16–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–816]

Final Negative Countervailing Duty Determination: Elastic Rubber Tape From India

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

EFFECTIVE DATE: April 19, 1999.

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

Final Determination

The Department of Commerce (''the Department'') determines that countervailable subsidies are being provided to Garware Elastomerics Ltd. and that these subsidies are *de minimis.*

Petitioners

The petition in this investigation was filed by Fulflex, Inc., Elastomer Technologies Group, Inc., and RM Engineered Products, Inc. (''petitioners'').

Respondents

The respondents in this investigation are Garware Elastomerics Ltd. (''GEL''), its affiliate, and the Government of India (''GOI'').

Case History

Since our preliminary determination on December 7, 1998 (63 FR 67457), the following events have occurred: On January 11, 1999, January 13, 1999, February 8, 1999, and February 12, 1999, we issued supplemental questionnaires to respondents. We received responses to these questionnaires prior to verification. On January 8, 1999, we aligned the date of our final determination with the date of the final determination in the companion antidumping duty investigation of elastic rubber tape from India (63 FR 4973). We conducted a verification in India of the questionnaire responses received from the Government of India, Garware Elastomeric Ltd., (GEL) and one of GEL's affiliates from February 21 through March 6, 1999. Petitioners filed a case brief on March 24, 1999. Respondents filed a rebuttal brief on March 26, 1999.

Period of Investigation

The period for which we are measuring subsidies (''the POI'') is GEL's 1997 fiscal year from April 1, 1997 through March 31, 1998.

Scope of Investigation

For purposes of this investigation, the product covered is elastic rubber tape. Elastic rubber tape is defined as vulcanized, non-cellular rubber strips, of either natural or synthetic rubber, 0.006 inches to 0.100 inches (0.15 mm to 2.54 mm) in thickness, and ⅛ inches to 1⅝ inches (3 mm to 42 mm) in width. Such product is generally used in swim wear and underwear.

The merchandise subject to this investigation is classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') at subheading 4008.21.00. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (''URAA''), effective January 1, 1995 (''the Act''). The Department is conducting this investigation in accordance with section 701 of the Act.

Injury Test

Because India is a ''Subsidies Agreement Country'' within the meaning of section 701(b) of the Act, the International Trade Commission (''ITC'') is required to determine whether imports of the subject merchandise from India materially injure, or threaten material injury to, a U.S. industry. On October 15, 1998, the ITC published its preliminary determination finding that there is a reasonable indication that an industry in the United States is being materially injured, or threatened with material injury, by reason of imports of the subject merchandise from India (*see* 63 FR 55407 (October 15, 1998)).

De Minimis Threshold for Least Developed Countries

Section 705(3) of the Act requires the Department to disregard *de minimis* subsidies in making countervailing duty determinations. The Agreement on Subsidies and Countervailing Measures extends special and differential treatment to developing and least-developed members of the World Trade Organization, inter alia, by raising the *de minimis* level for these members. Normally, *de minimis* is defined as a