

is estimated to average 2 hours per response.

Respondents: Small cooperatives or similar organizations.

Estimated Number of Respondents: 6.

Estimated Number of Responses per Respondent: 1.

Estimate Total Annual Burden on Respondents: 12 hours.

Copies of this information collection can be obtained from Bob Turner, Program Development and Regulatory Analysis, at (202) 720-0696.

Comments are invited on (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumption used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques on other forms of information technology. Comments may be sent to F. Lamont Heppe, Jr., Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Ave., SW., Stop 1522, Room 4034 South Building, Washington, DC 20250-1522.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: August 19, 1999.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 99-22244 Filed 8-25-99; 8:45 am]

BILLING CODE 3410-15-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-810]

Certain Welded ASTM A-312 Stainless Steel Pipe From Korea: Extension of Time Limits for Preliminary Results of Antidumping Administrative Review

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

ACTION: Notice of Extension of Time Limits For Preliminary Results of Administrative Review.

EFFECTIVE DATE: August 26, 1999.

FOR FURTHER INFORMATION CONTACT: Michael Strollo or Maureen Flannery,

AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone: (202) 482-3782 or (202) 482-3020, respectively.

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. In addition, unless otherwise indicated, all citations to the Departments's regulations are to the current regulations, codified at 19 CFR part 351, (1999).

Background

On December 30, 1998, the Department of Commerce (the Department) received a request from Avesta Sheffield Pipe Co., Damascus Tube Division, Damascus-Bishop Tube Co., and the United Steelworkers of America (AFL-CIO/CLC), herein referred to as "the domestic industry," for administrative review of the antidumping duty order on certain welded ASTM A-312 stainless steel pipe from Korea. On January 25, 1999, the Department published its initiation of this administrative review covering the period of December 1, 1997 through November 30, 1998 (64 FR 3682).

Extension of Time Limits for Preliminary Results

Because of the complexities enumerated in the Memorandum from Joseph A. Spetrini to Robert S. LaRussa, *Extension of Time Limit for the Administrative Review of Certain Welded ASTM A-312 Stainless Steel Pipe from Korea*, dated August 17, 1999, it is not practical to complete this review within the time limits mandated by section 751(a)(3)(A) of the Act.

Therefore, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time limits for the preliminary results to December 13, 1999. The final results continue to be due 120 days after the publication of the preliminary results.

Dated: August 17, 1998.

Joseph A. Spetrini,

Deputy Assistant Secretary for AD/CVD Enforcement III.

[FR Doc. 99-22196 Filed 8-25-99; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Preliminary Results of Full Sunset Review: Brass Sheet and Strip From the Netherlands

[A-421-701]

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

ACTION: Notice of Preliminary Results of Full Sunset Review: Brass Sheet and Strip from the Netherlands.

SUMMARY: On February 1, 1999, the Department of Commerce ("the Department") initiated a sunset review of the antidumping duty order on brass sheet and strip from the Netherlands (64 FR 4840) 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 filed on behalf of domestic interested parties and adequate substantive responses filed on behalf of the domestic and respondent interested parties, the Department determined to conduct a full review. As a result of this review, the Department preliminarily finds that revocation of the antidumping duty order would not be likely to lead to continuation or recurrence of a dumping.

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: August 26, 1999.

Statute and Regulations

This review is being 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

Imports covered by this order are brass sheet and strip, other than leaded and tin brass sheet and strip, from the Netherlands. The chemical composition of the products under order is currently defined in the Copper Development Association (CDA) 200 Series or the Unified Numbering System (UNS) C20000 series. This order does not cover products the chemical composition of which are defined by other CDA or UNS series. The physical dimensions of the products covered by this order are brass sheet and strip of solid rectangular cross section over 0.006 inch (0.15 millimeter) through 0.188 inch (4.8 millimeters) in gauge, regardless of width. Coiled, wound-on-reels (traverse-wound), and cut-to-length products are included. The merchandise subject to this order is currently classifiable under items numbers 7409.21.00 and 7409.29.20 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this order is dispositive.

History of the Order

The antidumping duty order on brass sheet and strip from the Netherlands was published in the **Federal Register** on August 12, 1988 (53 FR 30455).¹ In that order, the Department announced estimated weighted-average dumping margins of 16.99 percent for the Metallwerken Nederland B.V. and all others.²

The Department has conducted several administrative reviews since that time.³ The order remains in effect

for all producers and exporters of brass sheet and strip from the Netherlands.

Background

On February 1, 1999, the Department initiated a sunset review of the antidumping duty order on brass sheet and strip from the Netherlands (64 FR 4840) pursuant to section 751(c)(6)(A)(i) of the Act. On February 16, 1999, the Department received a Notice of Intent to Participate on behalf of Heyco Metals, Inc. ("Heyco"), Hussey Copper Ltd. ("Hussey"), Olin Corporation-Brass Group ("Olin"), Outokumpu American Brass ("American Brass"), PMX Industries, Inc. ("PMX"), Wieland Metals, Inc. ("Wieland"), Revere Copper Products, Inc. ("Revere"), the International Association of Machinists and Aerospace Workers, the United Auto Workers (Local 2367), and the United Steelworkers of America (AFL-CIO/CLC) (collectively referred to as "domestic interested parties"), within the applicable deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. The domestic interested parties claimed interested party status under sections 771(9)(C) and 771(9)(D) of the Act as U.S. brass mills, rerollers, and unions whose workers are engaged in the production of subject brass sheet and strip in the United States.

In their Notice of Intent to Participate, the domestic interested parties acknowledge that American Brass is related to Outokumpu Copper Strip, B.V. ("OBV"),⁴ a Netherlands producer/exporter of the subject merchandise and respondent interested party in this proceeding; PMX is related to Poongsan Corp., a Korean producer of the domestic like products; and Wieland is related to Wieland Werke Metallwerke AG,⁵ a German producer and exporter of the domestic like products. Moreover, American Brass, PMX, and Wieland stipulate that they have had experience of importing the subject merchandise and/or the domestic like products.

We received a complete substantive response to the notice of initiation from

the domestic interested parties on March 3, 1999. In their substantive response, the domestic interested parties indicate that most of their members were parties to the original investigation with a few exceptions: Heyco did not participate in the original investigation but fully supports the instant review, and PMX was established after the original petitions were filed. The domestic party also notes that American Brass was formerly known as American Brass Company.⁶

The Department received a complete substantive response on behalf of OBV on March 4, 1999. In its substantive response, OBV, a Dutch producer of the subject merchandise, indicates that it was the respondent in the original investigation and a participant in several administrative reviews of the order. See March 4, 1999, Substantive Response of OBV at 1. Also, OBV states that American Brass belongs to the same parent company to which OBV belongs. *Id.* OBV further notes that it is the sole producer of the subject merchandise in the Netherlands; therefore, OBV's exports account for 100 percent of the subject merchandise imported to the United States.⁷ *Id.* at 9. We received rebuttal responses on behalf of both the domestic interested parties and OBV on March 12, 1999.⁸

Using the Department's Trade Statistics, the United States Census Bureau's IM146s, and the information provided by OBV concerning its exports of the subject merchandise to the United States, the Department determined that OBV accounted for significantly more than 50 percent of the total exports of the subject merchandise over the five calendar years preceding the initiation of the sunset review; hence, respondent interested parties provided an adequate response.⁹ Since OBV provided an adequate response to the notice of initiation, the Department determined to

¹ See *Antidumping Duty Order of Sales at Less Than Fair Value: Brass Sheet and Strip From the Netherlands*, 53 FR 30455 (August 12, 1988).

² In the original investigation, Outokumpu Copper Strip, B.V. ("OBV") was doing business under the name Metallwerken Nederland B.V., see, March 4, 1999, Substantive Response of OBV at 5 (footnote 4); also, March 3, 1999, Substantive Response of the domestic interested parties at 24.

³ See *Brass Sheet and Strip From the Netherlands; Final Results of Antidumping Duty Administrative Reviews (Corrections)*, 57 FR 11352 (April 2, 1992); *Brass Sheet and Strip From the Netherlands; Final Results of Antidumping Administrative Reviews*, 57 FR 9534 (March 19, 1992) (this review consolidated first and second reviews); *Brass Sheet and Strip From the Netherlands; Final Results of Antidumping Duty Administrative Review*, 61 FR 1324 (January 19, 1996); *Brass Sheet and Strip From the Netherlands; Amendment to Final Results of Antidumping Duty Administrative Review*, 62 FR 33395 (June 19, 1997); *Brass Sheet and Strip From the Netherlands; Final Results of Antidumping Duty Administrative Review*, 61 FR 1324, (January 19, 1996); *Brass Sheet and Strip From the Netherlands; Final Results of Antidumping Duty Administrative Review*, 62 FR 51449 (October 1, 1997); and *Brass Sheet and Strip From the Netherlands; Final Results of Antidumping Duty Administrative Review*, 63 FR 49544 (September 16, 1998).

⁴ American Brass, indicated that it does not support continuation of this antidumping duty order against OBV, see March 3, 1999 Substantive Response of the domestic interested parties, at page 3, footnote 1; also, see American Brass's February 26, 1999 letter in Exhibit 8 of OBV's March 4, 1999 substantive response. Also, American Brass subsequently disassociated itself from the Rebuttal of the domestic interested parties, see the domestic interested parties' rebuttal at 2, footnote 1. Consequently, the Department excluded American Brass from the domestic interested parties in the instant review.

⁵ Wieland subsequently withdrew its name from the domestic interested parties claiming it no longer supports continuation of the antidumping order, see March 1, 1999 letter from Counsel to the domestic interested parties.

⁶ In 1990, OBV's parent company, Outokumpu Oyj, purchased American Brass Company (hereinafter referred to as "the acquisition") and renamed the latter as Outokumpu American Brass ("American Brass"), see OBV's March 4, 1999 substantive response at 11 & Exhibit 7 thereof.

⁷ OBV also provides the Department with affidavits from the Ministry of Economic Affairs of the Government of the Netherlands and the Dutch Federation of the Non-Ferrous Industries, certifying that OBV is the sole producer of the subject merchandise, see Exhibits 6A & 6B in March 4, 1999, Substantive Response of OBV.

⁸ On March 4, 1999, the domestic interested parties requested a four (4) day extension of the deadline for filing rebuttal comments to the substantive responses. The Department extended the deadline until March 12, 1999 for all participants who are eligible to file rebuttal comments.

⁹ As noted earlier, OBV is the only producer of brass sheet and strip from the Netherlands, see footnote 7.

conduct a full (240 day) sunset review in accordance with section 351.218(e)(2)(i) of the *Sunset Regulations*.¹⁰

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—an order which was in effect on January 1, 1995, see section 751(c)(6)(C) of the Act. The Department determined that the sunset review of the antidumping duty order on brass sheet and strip from the Netherlands is extraordinarily complicated. Therefore, on May 28, 1999, the Department extended the time limit for completion of the preliminary results of this review until not later than August 20, 1999, in accordance with section 751(c)(5)(B) of the Act.¹¹

Determination

In accordance with section 751(c)(1) of the Act, the Department is conducting this review to determine whether revocation of the antidumping duty 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 original 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 duty 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 preliminary determinations concerning continuation or recurrence of dumping and magnitude of the margin are discussed below. In addition, interested 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

Parties’ Comments

The domestic interested parties, in their substantive response of March 3, 1999, at 32, argue that dumping of brass sheet and strip by OBV will continue if the order is revoked. To support their argument, the domestic interested parties point to decreased import volumes of the subject merchandise after the issuance of the order, *id.* at 43–44. Although they acknowledge that OBV’s average dumping margins have had a downward trend and are currently at zero, the domestic interested parties, nonetheless, insist that OBV achieved lower weighted-average dumping margins primarily by drastically reducing import volumes of the subject merchandise after the issuance of the order, *id.* To illustrate their contention, first, the domestic interested parties put forth import data pertaining to the period before and the period after the issuance of the order. The domestic interested parties compare a three year (1984–1986) average of import volumes prior to the issuance of the order with a three year (1989–1991) average subsequent to the order: 15.1 million pounds versus 7.8 million pounds—a 48.3 percent decrease, *id.*

Next, the domestic interested parties indicate that, with respect to imports of brass sheet and strip from the Netherlands, between 1992 and 1998, imports of the subject merchandise never exceeded 552,000 pounds. This volume, the domestic interested parties note, is less than four percent of the average volume in the pre-petition period, *id.*

Therefore, the domestic interested parties conclude that the Department must determine that OBV is incapable of selling commercially significant quantities of the subject merchandise in the U.S. without resuming the practice of dumping. In other words, to the domestic interested parties, revocation of the current order would result in resumed dumping and major increases in import volumes of the subject merchandise, *id.*

OBV, in its Substantive Response of March 4, 1999, at 1 and 12–14, argues that if the order were revoked, OBV is not likely to resume dumping. OBV also states that mere existence of the order and past margins, in and of themselves, should not be justifications for the maintenance of the order; instead, the Department should consider all other relevant information and arguments that OBV put forth in its substantive response, *id.*

Although OBV points out that the Department has found zero average-dumping margins for OBV in the two most recent administrative reviews, *id.* at 17,¹² OBV’s primary contention lies with its notion that the comparison of pre- and post-order volumes is a meaningless way to determine whether dumping of the subject merchandise would recur. While not denying its export volumes of the subject merchandise to the U.S. have declined since the issuance of the order, OBV goes one step further by asserting that the volume comparison is not a valid measure and carries no probative value in determining OBV’s ability to continue to export without dumping, insofar as OBV poses unique circumstances, *id.* at 14–17.

As to why its situation is unique, OBV claims that it does not have to dump to preserve its position in the United States market because it has a sister company, American Brass, as a U.S. domestic producer, see OBV’s substantive response at 15.¹³ In other words, OBV argues that it no longer has to dump the subject merchandise in order to maintain or preserve market share in the United States, for its sister company American Brass, alone, is adequate in producing and in selling the subject merchandise in the United States. Put differently, OBV argues that, via its sister company, OBV can maintain its market share in the U.S. while exporting significantly smaller quantities than before the imposition of the order, *id.* at 17. Consequently, in a situation like this, OBV avers, the fact that imports of subject merchandise have significantly declined carries no probative value with respect to OBV’s ability to continue to export the subject merchandise without dumping.

OBV goes on to point out that it is not even permitted to compete with American Brass in the U.S. market because OBV and American Brass are sister companies, thereby precluding OBV from competing with any other domestic producers and eliminating the possibility that OBV would even consider dumping its products in the U.S. market.¹⁴ Consequently, OBV states, since the acquisition, it only played and will continue to play, a

¹⁰ The domestic interested parties filed comments, pertaining to the Department’s decision to conduct a full sunset review, in which the domestic party concurred with the Department’s decision, see May 12, 1999 the domestic interested parties’ comments on the Adequacy of Responses and the Appropriateness of Expedited Sunset Review at 2.

¹¹ See *Brass Sheet and Strip From Canada, Brass Sheet and Strip From the Netherlands, Porcelain-on-Steel Cooking Ware From Mexico, Porcelain-on-Steel Cooking Ware From Mexico: Extension of Time Limit for Preliminary Results of Five-Year Reviews*, 64 FR 28983 (May 28, 1999).

¹² See footnote 3, *supra*.

¹³ See footnote 6, *supra*. Also, according to OBV, American Brass is the largest mill (almost four-times larger than OBV in terms of production capacity) in the world for rolled copper and copper alloy (*i.e.*, brass) products, see substantive response of OBV at 20.

¹⁴ OBV currently exports only a specific type of brass strip (radiator strip) in which OBV claims a comparative advantage over American Brass, and which American Brass does not produce in significant quantity, *id.* at 27–28.

relatively minor role as a supplier of brass sheet and strip products in the United States, *id.* at 21–22.¹⁵ According to OBV, it merely wants the order revoked so that it can avoid costs, burdens, legal fees, inherent uncertainties, and management disruptions that are intrinsic to administrative reviews of the order, *id.* at 17.

In support of its assertions, OBV compiles an extensive Economic Experts' Report, which lists various findings: assuming no foreseeable major changes in the U.S. market, due to a significant investment, OBV became world cost leader in radiator strip achieving its objective; regarding radiator strip, OBV faces no competition from U.S. mills; OBV is operating at full capacity while American Brass's production capacity is expanding; the Dutch guilder has been weak against the U.S. dollar, and an appreciation of the former is unlikely; OBV will not export any products besides radiator cap because it does not want to compete with American Brass; and the circumstances surrounding the production and importation of the subject merchandise have changed significantly and permanently since the original investigation, *id.* at 26–29. The upshot of these economic findings is that OBV would not resume dumping if the order is revoked, *id.*

OBV further elaborates that strong and increasing U.S. domestic demand coupled with projected new and technology-induced demand will not permit downward pricing pressure on the subject merchandise in the U.S. market.¹⁶ That is, OBV would not have to sell the subject merchandise at less than normal value, *id.* 29–32. Also, making reference to the effects of currency fluctuations upon the imports of the subject merchandise, OBV explains that, even if the Dutch guilder becomes stronger, such a change would not create an environment in which OBV has to resort to dumping. Finally, OBV points out that it has reached full production capacity (*i.e.*, no excess capacity), that it has well-diversified and well-established world-wide

markets,¹⁷ and that it has made a commitment not to dump in the U.S. market, *id.* 34–39.¹⁸

In conclusion, OBV argues strenuously that the Department's normal policies and procedures for determining likelihood of continuation or recurrence of dumping based on pre- and post-order import volumes and dumping margins are not valid measurements with respect to OBV. OBV urges that a wide range of other information and arguments it has submitted should be taken into account by the Department in making its likelihood determination; that, on the basis of this additional information the Department should find that it is unlikely that OBV will continue to dump the subject merchandise in the United States; and, consequently, that the Department should revoke the antidumping order.

In their rebuttal, the domestic interested parties emphasize that the decline in OBV's weighted-average dumping margin from 16.99 percent to the current rate of 0.00 percent was achieved by one method only—the virtual elimination of its exports to the United States, *see* Rebuttal Response of the domestic interested parties at 18.²⁰ The domestic interested parties state that OBV's behavior can be best described as one with dual characters: OBV has high dumping margins when it exports large volumes of the subject merchandise to the United States, and has small dumping margins when it exports low volumes, *id.* at 19.

Regarding OBV's argument that the Department to consider various other factors outside of dumping margins and import volumes, the domestic interested parties urge that the Department should not be distracted by OBV's speculative contentions and claims, *id.* at 20. The domestic interested parties claim that the acquisition does not change the fact

that, previously, OBV was unable to sell brass sheet and strip without dumping. Furthermore, the evidence (with its zero current dumping margin, OBV is only exporting very small, commercially insignificant volumes) indicates that, currently, OBV cannot sell in the United States without dumping.

While citing the case of Wieland-Werke AG, an exporter of brass sheet and strip from Germany, the domestic interested parties urge the Department to be consistent with the findings of that review.²¹ Also, the domestic interested parties argue that OBV's "Economic Experts Report" is, in many respects, flawed and that it makes unsupported and incorrect claims, *id.* at 22. In short, the domestic interested parties argue that OBV's characterization of the multinational nature of the automotive industry is completely irrelevant in ascertaining the possibility of price discrimination; that OBV used the wrong period in discerning "price effects of Dutch imports"; and that OBV's usage of aggregate import data provide no meaningful information with respect to relative product mix of imports of like products from various countries, *id.* at 22–25.

In concluding their rebuttal, the domestic interested parties contend that OBV has not demonstrated why the Department should consider other factors, outside of import volumes and dumping margins, in determining whether continuation or recurrence of dumping of the subject merchandise is likely if the order is revoked. As in their substantive response, the domestic interested parties urge the Department to find that dumping would recur were the order revoked.

OBV, in its rebuttal to the substantive response of the domestic interested parties, restates its positions from its own substantive response: dumping will not recur if the order is revoked because its situation is unique, and import levels do not provide a reliable indicator of the likelihood of OBV's resumption of dumping, *see* OBV's March 12, 1999 Rebuttal to Petitioners' Substantive Response at 1–3.

OBV stresses, again, that its pre- and post-order import volumes of the subject merchandise are not valid measurements and bear absolutely no probative value in the Department's making of likelihood determination because American Brass maintains market share for OBV without OBV having to dump in the United States. In

¹⁵To this effect, OBV presents a company memo, a letter written by the President of Outokumpu Copper Products Oy in which the President indicated that American Brass should be the sole supplier of brass and strip products in the U.S., *id.* at 25.

¹⁶OBV strongly believes that a new and better product "CuproBraz radiator strip," which is created to compete with aluminum radiator strip, would further increase demand of brass products in general including the demand for the subject merchandise although CuproBraz itself is not covered by the scope of the order, *see* substantive response of OBV at 30–32.

¹⁷Over the ten year period (1988–1998) after the issuance of the order, OBV has exported brass strip products to seventy-five countries: exports to the U.S. account for twenty-seven percent of OBV's total exports. Furthermore, over ninety percent of OBV's total shipments to the U.S. during the period of 1996–1998 is non-subject merchandise, *id.* 36–38.

¹⁸For this last point, OBV stresses that for last two review periods covering 1995–96 and 1996–97, the Department's administrative reviews show OBV's dumping margins were zero. Also, OBV points out that Resolutions Adopted by the Board of Directors of OBV on 18 November 1998 resolve not to violate the U.S. antidumping laws, *see id.* at 38 and Exhibit 23.

²⁰To support this, the domestic interested parties utilize proprietary information provided by OBV in its March 3, 1999 substantive response, which seem to indicate that the current rate of zero percent is associated with rather insignificant import volumes of the subject merchandise, compared to those of pre-order volume.

²¹*See Brass Sheet and Strip From Germany; Final Results of Antidumping Duty Administrative Review and Determination Not to Revoke in Part*, 61 FR 49727 (September 23, 1996).

addition, OBV argues that, because of the size of American Brass and the large investment that Outokumpu OYJ has made in it, American Brass clearly has virtually exclusive responsibility for the sale of the broad range of brass sheet and strip products required by U.S. customers, *id.* at 2–3. Therefore, OBV implies, there is no need for OBV to resume dumping were the order revoked.

Department's Determination

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 basis for likelihood determinations. In its *Sunset Policy Bulletin*, the Department indicates 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 duty 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.)

The order on brass sheet and strip from the Netherlands remains in place for the sole respondent interested party: OBV.²²

Consistent with section 752(c) of the Act, the Department considered whether dumping continued at any level above *de minimis* after the issuance of the order. Although dumping of the subject merchandise continued until 1991 at varying and generally declining degrees, we preliminarily determine that OBV did not dump, at any level above *de minimis*, during the periods, 1995–1996 and 1996–1997 (last two administrative review periods).²³

With respect to import volumes of the subject merchandise, the data supplied

by both OBV and the domestic interested parties indicate that, since the imposition of the order, import volumes of the subject merchandise have declined substantially. Moreover, data in United States Census Bureau IM146s and import data from the United States International Trade Commission clearly indicate that imports of the subject merchandise have declined over the life of the order: in 1985, import volumes of brass sheet and strip exceeded 20 million pounds; whereas, in 1998 import volumes were well under 1 million pounds. In addition, as noted above, OBV does not negate the statistics which show that OBV's import volumes of the subject merchandise decreased significantly during the life of the order. Therefore, the Department preliminarily determines that import volumes of the subject merchandise decreased significantly after the issuance of the order.

Normally, as per (c) of section II.A.3. of the *Sunset Policy Bulletin* (a situation in which dumping is eliminated after the issuance of the order and import volumes for the subject merchandise declined significantly), the Department would determine that dumping is likely to recur if the order is revoked. Nonetheless, in the instant case, the Department has decided to consider other relevant information and arguments, which OBV provides to the Department in its substantive response.

First and foremost, the Department agrees with OBV's contention that the acquisition of American Brass makes OBV's position in the U.S. market rather unique: OBV no longer has to dump in order to supply in the U.S. market because its much bigger sister company, American Brass, has more than adequate capacity to meet the demand in the U.S. market for the subject merchandise. The fact that immediately after the acquisition, imports of the subject merchandise fell to zero and stayed zero until 1995, also buttresses the above notion that American Brass basically took over OBV's exports of the subject merchandise.

Consequently, OBV's argument that it does not make sense for OBV to jeopardize the economic well being of American Brass by undercutting the prices of the subject merchandise in the U.S. by resuming dumping, is persuasive. This point is especially relevant considering Outokumpu OYJ spent hundreds of millions of dollars in purchasing and investing in American Brass.

In addition, given the facts of this case, we believe that the zero dumping margins calculated in the most recent reviews to be probative: when OBV

resumed exporting the subject merchandise to the United States in 1996, it could export without dumping.²⁴ This is contrary to domestic interested parties' contention that OBV cannot export the subject merchandise without dumping.

Considering all the relevant information and arguments provided by OBV, the Department is convinced that American Brass bears the primary responsibility of satisfying the U.S. customers and that OBV will play a minor role by supplying only radiator strip at a normal price in the U.S. market. Therefore, in conclusion, although import volumes of the subject merchandise declined significantly after the issuance of the order, since the two most recent administrative reviews indicate that dumping of the subject merchandise has been eliminated, and since OBV presents effective "other relevant information and arguments" explaining why it is unlikely that OBV would resume dumping in the U.S., the Department preliminarily determines that recurrence of dumping of brass sheet and strip from the Netherlands is not likely if the order is revoked.

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*.)

However, since the Department determined that dumping would not be likely to recur, the question of magnitude of margin is moot.

Preliminary Results of Review

As a result of this review, the Department preliminarily finds that revocation of the antidumping duty order would not be likely to lead to continuation or recurrence of dumping.

Any interested party may request a hearing within 30 days of publication of this notice in accordance with 19 CFR

²² See footnote 2, *supra*.

²³ See footnote 3, *supra*, for the list of final determinations of administrative reviews in which the Department found zero weighted-average margins for OBV in respective period of investigation. Also, see OBV's substantive response at 7.

²⁴ See footnote 3, for the Department's findings that OBV did not dump during 1995–1996 and 1996–1997.

351.310(c). Any hearing, if requested, will be held on October 20, 1999. Interested parties may submit case briefs no later than October 11, 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 October 18, 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 December 28, 1999.

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

Dated: August 20, 1999.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-122-601]

Preliminary Results of Full Sunset Review: Brass Sheet and Strip From Canada

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

ACTION: Notice of Preliminary Results of Full Sunset Review: Brass Sheet and Strip from Canada.

SUMMARY: On February 1, 1999, the Department of Commerce ("the Department") initiated a sunset review of the antidumping duty order on brass sheet and strip from Canada (64 FR 4840) 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 filed on behalf of domestic interested parties and adequate substantive responses filed on behalf of domestic interested parties and respondent interested parties, the Department determined to conduct a full review. As a result of this review, the Department preliminarily 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 *Preliminary Results of 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 & Constitution

Avenue, NW, Washington, D.C. 20230; telephone: (202) 482-5050 or (202) 482-1560, respectively.

EFFECTIVE DATE: August 26, 1999.

Statute and Regulations

This review is being 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

Imports covered by this order are shipments of brass sheet and strip, other than leaded or tinned, from Canada. The chemical composition of the subject merchandise is defined in the Copper Development Association (C.D.A.) 200 Series or the Unified Numbering System (U.N.S.) C2000 Series. This order does not cover products the chemical compositions of which are defined by other C.D.A. or U.N.S. series. In physical dimensions, the products covered by this order have a solid rectangular cross section over 0.006 inches (0.15 millimeters) through 0.188 inches (4.8 millimeters) in finished thickness or gauge, regardless of width. Coiled, wound-on-reels (traverse wound), and cut-to-length products are included. The merchandise is currently classifiable under item numbers 7409.21.00 and 7409.29.00 of the Harmonized Tariff Schedule of the United States ("HTS"). The HTS item numbers are provided for convenience and customs purposes only. The written description remains dispositive.

On February 28, 1990, the Department determined that Arrowhead Metals Limited ("Arrowhead") had officially gone out of business and, therefore, would no longer be subject to the order (55 FR 39682, September 28, 1990). On November 8, 1991, the Department revoked the order with regard to Ratcliffs/Severn Limited ("Ratcliffs") (56 FR 57317, November 8, 1991). Finally, on May 13, 1992, the Department determined that Wolverine Tube, Inc. ("Wolverine") had acquired the production facilities of Noranda Metals, Inc. ("Noranda") and, therefore,

had become the successor-in-interest to Noranda (57 FR 20460, May 13, 1992). Only Arrowhead and Noranda were involved in the original investigation. Due to the revocations of the order for Arrowhead and Ratcliffs, Wolverine is currently the only company subject to the order.

History of the Order

The antidumping duty order on brass sheet and strip from Canada was published in the **Federal Register** on January 12, 1987 (52 FR 1217). During the original investigation, the Department calculated a dumping margin of 2.51 percent for Arrowhead and 11.54 percent for Noranda. The Department also established an all others rate of 8.10 percent.

Since that time the Department has conducted eight administrative reviews of this order.⁶ On May 13, 1992, the Department determined that Wolverine was the successor-in-interest to Noranda (57 FR 20460). As discussed in the section above, the only known producer/exporter currently subject to the order is Wolverine. The Department notes that, to date, there have been no duty absorption findings in this proceeding.

Background

On February 1, 1999, the Department initiated a sunset review of the antidumping duty order on brass sheet and strip from Canada (64 FR 4840) pursuant to section 751(c) of the Act. On February 16, 1999, the Department received a Notice of Intent to Participate on behalf of the Heyco Metals, Inc., Hussey Copper Ltd., Olin Corporation-Brass Group, Outokumpu American Brass, PMX Industries, Inc., Revere Copper Products, Inc., the International Association of Machinists and Aerospace Workers, the United Auto

⁶ See *Brass Sheet and Strip from Canada; Final Results of Antidumping Duty Administrative Review*, 55 FR 31414 (August 2, 1990); *Brass Sheet and Strip from Canada; Final Results and Revocation, in Part, of Antidumping Duty Administrative Review*, 56 FR 57317 (November 8, 1991); *Brass Sheet and Strip from Canada; Final Results of Antidumping Duty Administrative Review*, 57 FR 20460 (May 13, 1992) ("1990 Review Final"); *Brass Sheet and Strip from Canada; Final Results of Antidumping Duty Administrative Review*, 60 FR 49582 (September 26, 1995); *Brass Sheet and Strip from Canada; Final Results of Antidumping Duty Administrative Review*, 61 FR 46618 (September 4, 1996); *Brass Sheet and Strip from Canada; Final Results of Antidumping Duty Administrative Review*, 62 FR 16759 (April 8, 1997); *Brass Sheet and Strip from Canada; Final Results of Antidumping Duty Administrative Review*, 63 FR 33037 (January 17, 1998); and *Brass Sheet and Strip from Canada; Final Results of Antidumping Duty Administrative Review and Notice of Intent Not To Revoke Order in Part*; issued on August 9, 1999, the expected date of publication in the **Federal Register** is August 24, 1999.