

## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-570-831]

**Fresh Garlic From the People's Republic of China: Notice of Extension of Time Limit for Final Results of Antidumping Duty Administrative Review**

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

**ACTION:** Notice of extension of time limit for final results of antidumping duty administrative review.

**SUMMARY:** The Department of Commerce is extending the time limit for the final results of the administrative review of the antidumping duty order on fresh garlic from the People's Republic of China. The review covers three producers/exporters of subject merchandise. The period of review is November 1, 1997, through October 31, 1998.

**EFFECTIVE DATE:** November 18, 1999.

**FOR FURTHER INFORMATION CONTACT:** Farah Naim, Office of Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 4203, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone (202) 482-3174.

**SUPPLEMENTARY INFORMATION:** Under section 751(a)(3)(A) of the Trade and Tariff Act of 1930, as amended (the Act), the Department of Commerce (the Department) may extend the deadline for completion of an administrative review if it determines that it is not practicable to complete the review within the statutory time limit of 120 days after the date on which the notice of preliminary results was published in the *Federal Register*. In the instant case, the preliminary results were published in the *Federal Register* on July 21, 1999 (64 FR 39115). The Department has determined that more time is needed to consider comments made by petitioners in their August 23, 1999, case brief. Therefore, pursuant to section 751(a)(3)(A) of the Act, because it is not practicable to complete this review within the original time limit, the Department is extending the time limit for the final results to no later than March 15, 2000.

Dated: November 18, 1999.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 99-30968 Filed 11-29-99; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-549-601]

**Final Results of Full Sunset Review: Malleable Cast Iron Pipe Fittings From Thailand**

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

**ACTION:** Notice of final results of full sunset review: Malleable cast iron pipe fittings from Thailand.

**SUMMARY:** On July 29, 1999, the Department of Commerce ("the Department") published a notice of preliminary results of the full sunset review of the antidumping duty order on malleable cast iron pipe fittings from Thailand (64 FR 41082) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). We provided interested parties an opportunity to comment on our preliminary results. We received comments from respondent interested parties and rebuttal comments from domestic interested parties. The Department did not receive a request for a public hearing and, therefore, no hearing was held. As a result of this review, the Department finds that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping.

**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 and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-6397 or (202) 482-1560, respectively.

**EFFECTIVE DATE:** November 30, 1999.

**Statute and Regulations**

This review was conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) ("*Sunset Regulations*") and in 19 CFR Part 351 (1998) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of

sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*; Policy Bulletin, 63 FR 18871 (April 16, 1998) ("*Sunset Policy Bulletin*").

**Scope**

Imports covered by this order are shipments of certain malleable cast iron pipe fittings, other than grooved, from Thailand. These products are currently classifiable under item numbers 7307.19.90.30, 7307.19.90.60, and 7307.19.90.80 of the Harmonized Tariff Schedule of the United States ("HTSUS"). The HTSUS item numbers are provided for convenience and customs purposes.

**Background**

On May 28, 1999, the Department issued the *Preliminary Results of Full Sunset Review: Malleable Cast Iron Pipe Fittings from Thailand* (64 FR 41082) ("*Preliminary Results*"). In our *Preliminary Results*, we found that revocation of the order would likely result in continuation or recurrence of dumping. In addition, we preliminarily determined that the magnitude of the margin of dumping likely to prevail if the order were revoked was 1.70 percent for Siam Fittings Co., Ltd. ("Siam") as well as for all other producers and/or exporters.

On September 13, 1999, within the deadline specified in 19 CFR 351.309(c)(1)(i), we received comments on behalf of Siam, Thai Malleable Iron and Steel Co., Ltd., and BIS Pipe Fittings Industry Co., Ltd. (collectively, "the Thai respondents"). On September 20, 1999, within the deadline specified in 19 CFR 351.309(d), the Department received rebuttal comments from the Cast Iron Pipe Fittings Committee and its individual members, Grinnell Corporation and Ward Manufacturing, Inc. (collectively, "CIPFC"). No public hearing was requested or held in this sunset review. We have addressed the comments received below.

**Comments**

*Comment 1:* The Thai respondents argue that the Department's preliminary determination concerning the likelihood of continuation or recurrence of dumping fails to reflect congressional intent. They argue that the Statement of Administrative Action ("SAA") expressly states that increasing exports after the issuance of an antidumping duty order is indicative that dumping is not likely to continue or resume if the order were revoked. Specifically,

quoting the SAA at 889–90, the Thai respondents state that declining (or no) dumping margins accompanied by steady or increasing imports may indicate that foreign companies do not have to dump to maintain market share in the United States and that dumping is less likely to continue or recur if the order were revoked. The Thai respondents state that imports of the subject merchandise from Thailand increased three-fold over the life of the order. Moreover, the Thai respondents assert that, during the past five years, exports of subject merchandise from Thailand consistently exceeded the quantity exported from Thailand prior to the issuance of the order. Thus, according to the Thai respondents, increasing imports of subject merchandise from Thailand favors a determination that dumping is not likely to prevail.

In rebuttal, the CIPFC argues that the Thai respondents increasing import volumes argument is inaccurate. The CIPFC states that the Thai respondents, in their February 3, 1999, substantive response, admitted that exports of pipe fittings from Thailand have fluctuated during the last five years. Furthermore, the CIPFC states that there has actually been a decline in import volumes in four of the last five years (1994–1998). Therefore, according to CIPFC, there are not legitimate grounds for the Department to make a “no likelihood” determination.

**Department:** The Department disagrees with the Thai respondents. The existence of increasing imports by itself does not indicate that there would be no likelihood of continuation or recurrence of dumping. Rather, as provided in the SAA and *Sunset Policy Bulletin*, declining or no dumping margins accompanied by steady or increasing imports may indicate that a company does not have to dump in order to maintain market share. In this case, there has been no decline in dumping margins. Rather, absent administrative review, the dumping margin from the original investigation is the only indicator available to the Department with respect to the level of dumping. Because 1.70 percent is above the 0.5 percent *de minimis* standard applied in sunset reviews, we find that dumping has continued over the life of the order and is likely to continue if the order were revoked.

**Comment 2:** The Thai respondents argue that the fact that the domestic producers have never bothered to request that the Department conduct an administrative review of this order further supports a finding of no likelihood of continuation or recurrence

of dumping. Citing to the preamble of the Department’s May 1997 final regulations, the Thai respondents indicate that the Department itself has recognized that, “[i]f domestic interested parties do not request a review, presumably it is because they acknowledge that subject merchandise continues to be fairly traded”. Furthermore, the Thai respondents cite to the Department’s final determination in the sunset review of sugar and syrups from Canada (64 FR 48362 (September 3, 1999)) in which, according to the Thai respondents, the Department concluded that the absence of a domestic party request for an administrative review points to a finding of no dumping.

The CIPFC argues that the Thai respondents have completely mischaracterized the Department’s sunset determination in sugar and syrups from Canada. The CIPFC asserts that the Department specifically rejected the proposition that the absence of administrative reviews could be equated with a lack of domestic industry interest in the order. More importantly, according to CIPFC, the sugar and syrups from Canada case involved a zero deposit rate which had remained in effect for many years, whereas respondents in this case have a 1.70 percent deposit rate.

**Department:** We do not agree that the absence of a request for an administrative review of this order supports an inference that the subject merchandise continues to be fairly traded or points to finding of no dumping. Unlike the facts in sugar and syrups from Canada, in which a zero deposit rate had been in effect for many years, the record in this case demonstrates the existence of an above *de minimis* deposit rate. Therefore, the domestic interested parties’ lack of request of an administrative review presumably reflects their belief that dumping continues at a rate of 1.70.

**Comment 3:** The Thai respondents reiterate their arguments from their February 3, 1999, substantive response concerning the *de minimis* standard in their comments on the Department’s *Preliminary Results*. The Thai respondents argue that, under current WTO standards, a 1.70 percent dumping margin would be *de minimis*. According to the Thai respondents, Article 5.8 of the Agreement on Implementation of Article VI (“Antidumping Agreement”) defines a *de minimis* margin of dumping as one that is less than two percent. The Thai respondents acknowledge that the Department’s regulations impose a 0.5 percent *de minimis* standard for reviews (see 19 CFR 351.106(c)(1)), however,

they argue that regulations which are inconsistent with the Antidumping Agreement should not be given effect.

The CIPFC, in its September 20, 1999, rebuttal comments, states that the Department has already soundly rejected the treatment of Siam’s 1.70 dumping margin as *de minimis*. The CIPFC further states that the statute and the regulations encompassing the Uruguay Round commitments establish a *de minimis* rate of 0.5 percent (see 19 USC § 1675a(c)(4)(B) and 19 CFR 351.106(c)(1)). Furthermore, according to the CIPFC, 19 USC § 3512(d) specifically provides that rates above 0.5 percent are not *de minimis* in sunset reviews.

**Department:** The Department agrees with the CIPFC. Both the statute and regulations clearly provide that in reviews of orders, the Department will treat as *de minimis* any weighted average dumping margin that is less than 0.5 percent *ad valorem* (see section 752(c)(4)(B) of the Act and 19 CFR 351.106(c)(1)). Further, section 752(c)(4)(B) of the Act specifically provides that the *de minimis* standard to be applied in sunset reviews is the standard applied in reviews conducted under subsections (a) and (b) of section 751 (i.e., 0.5 percent). Finally, we note that the SAA at 845 specifies that the requirements of Article 5.8 apply only to investigations, not to reviews of antidumping duty orders or suspended investigations. Therefore, we find that the 1.70 percent deposit are applied to Siam as well as all other Thai producers and/or exporters, is not *de minimis* for the purposes of this sunset review.

## Final Results of Review

As a result of this review, the Department finds that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping for the reasons set forth in our *Preliminary Results* of review and those above. Furthermore, for the reasons set forth in our *Preliminary Results* of review and those above, we find that margins calculated in the original investigations are probative of the behavior of Thai producers and/or exporters of the subject merchandise. As such, the Department will report to the Commission the company-specific and all others rates from the original investigation listed below:

Manufacturer/exporter	Margin (percent)
Siam .....	1.70
All Other Producers/Exporters ....	1.70

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 of judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

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

Dated: November 22, 1999.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 99-30961 Filed 11-29-99; 8:45]

BILLING CODE 3510-DS-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-351-505]

#### Final Results of Full Sunset Review: Malleable Cast Iron Pipe Fittings From Brazil

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

**ACTION:** Notice of final results of full sunset review: malleable cast iron pipe fittings from Brazil.

**SUMMARY:** On July 29, 1999, the Department of Commerce ("the Department") published a notice of preliminary results of the full sunset review of the antidumping duty order on malleable cast iron pipe fittings from Brazil (64 FR 41089) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). We provided interested parties an opportunity to comment on our preliminary results. We did not receive comments from any interested party. As a result of this review, the Department finds that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping.

**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 and Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482-6397 or (202) 482-1560, respectively.

**EFFECTIVE DATE:** November 30, 1999.

## Statute and Regulations

This review was conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) ("*Sunset Regulations*") and in 19 CFR Part 351 (1998) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*; Policy Bulletin, 63 FR 18871 (April 16, 1998) ("*Sunset Policy Bulletin*").

## Scope

Imports covered by this order are shipments of certain malleable cast iron pipe fittings, other than grooved, from Brazil. These products are currently classifiable under item numbers 7307.19.90.30, 7307.19.90.60, and 7307.19.90.80 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS item numbers are provided for convenience and customs purposes. The written description remains dispositive.

## Background

On July 29, 1999, the Department issued the *Preliminary Results of Full Sunset Review: Malleable Cast Iron Pipe Fittings from Brazil* (64 FR 41089) ("*Preliminary Results*"). In our preliminary results, we found that revocation of the order would likely result in the continuation or recurrence of dumping. In addition, we preliminarily determined that the magnitude of the margin of dumping likely to prevail if the order were revoked was 5.64 percent for Industria de Fundicao Tupy, S.A. ("Tupy") as well as for all other producers and/or exporters. No interested party commented on our *Preliminary Results*.

## Final Results of Review

As a result of this review, the Department finds that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping for the reasons set forth in our *Preliminary Results* of review. Furthermore, for the reasons set forth in our *Preliminary Results* of review, we find that the margins calculated in the original investigation are probative of the behavior of Brazilian producers/exporters of the subject merchandise. As such, the Department will report to the

Commission the company-specific and all others rates from the original investigation listed below:

Manufacturer/exporter	Margin (percent)
Tupy .....	5.64
All Other Producers/Exporters .....	5.64

This notice serves as the only reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

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

Dated: November 18, 1999.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 99-30965 Filed 11-29-99; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-122-506]

#### Notice of Preliminary Results of Antidumping Duty New Shipper Review and Extension of Time Limit for Final Results of New Shipper Review: Oil Country Tubular Goods From Canada

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

**ACTION:** Notice of preliminary results of antidumping duty new shipper review and extension of time limit for final results of new shipper review.

**SUMMARY:** In response to a request from the respondent, Atlas Tube, Inc. ("Atlas"), the Department of Commerce (the "Department") is conducting a new shipper review of the antidumping duty order on oil country tubular goods ("OCTG") from Canada. This review covers one manufacturer/exporter, Atlas, and the period June 1, 1998 through November 30, 1998.

We have preliminarily determined the dumping margin for Atlas to be 0.86 percent during the period June 1, 1998, through November 30, 1998. Interested