

**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-559-502]

**Final Results of Expedited Sunset Review: Light-Walled Rectangular Pipe and Tube From Singapore**

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

**ACTION:** Notice of final results of Expedited Sunset Review: Light-walled rectangular pipe and tube from Singapore.

**SUMMARY:** On May 3, 1999, the Department of Commerce (the "Department") initiated a sunset review of the antidumping order on light-walled rectangular pipe and tube from Singapore (64 FR 23596) 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 and adequate substantive response filed on behalf of domestic interested parties and inadequate response (in this case, no response) from respondent interested parties, the Department determined to conduct an expedited sunset 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 at the levels indicated in the Final Result of Review section of this notice.

**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, NW., Washington, D.C. 20230; telephone: (202) 482-1698 or (202) 482-1560, respectively.

**EFFECTIVE DATE:** December 3, 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**

The subject merchandise under consideration is light-walled rectangular pipes and tubes ("rectangular pipes") from Singapore, which are mechanical pipes and tubes or welded carbon steel pipes and tubes of rectangular (including square) cross-section, having a wall thickness of less than 0.156 inch.

Light-walled rectangular pipes and tubes are currently classifiable under item number 7306.60.5000 of the Harmonized Tariff Schedule of the United States ("HTSUS"). The HTSUS item number is provided for convenience and customs purposes only. The written product description of the scope of this order remains dispositive.

**History of the Order**

The antidumping duty order on light-walled rectangular pipes and tubes from Singapore was published in the **Federal Register** on November 13, 1986 (51 FR 41142). In that order, the Department determined that the weighted-average dumping margins for Steel Tubes of Singapore, Ltd. ("PTE") as well as for all others are 12.03 percent. The Department has not conducted any administrative review since that time. We note that the Department has not conducted any investigation with respect to duty absorption regarding the exports of the subject merchandise. The order remains in effect for all manufacturers and exporters of the subject merchandise.

**Background**

On May 3, 1999, the Department initiated a sunset review of the antidumping duty order on rectangular pipes from Singapore (64 FR 23596) pursuant to section 751(c) of the Act. The Department received, on May 18, 1999, a Notice of Intent to Participate on behalf of members of The Committee on Pipe and Tube Imports ("CPTI")<sup>1</sup> within the deadline specified in section 351.218(d)(1)(i) of the Sunset Regulations. In its Notice of Intent to Participate, the CPTI notes that none of its members is related to foreign producers and exporters, nor are any of its members an importer of the subject merchandise within the meaning of 771(9)(B) of the Act. The members of the

<sup>1</sup> The CPTI is a trade association on whose behalf the original petition was filed. The members, who are participating in the instant review, are California Steel and Tube, Hannibal Industries Inc. Maruichi American Corporation, Searing Industries, Leavitt Tube, Vest Inc., and Western Tube and Conduit.

CPTI claimed interest party status under section 771(9)(C) of the Act as producers and manufacturers of the domestic like product.

We received a complete substantive response from the CPTI on June 2, 1999, within the 30-day deadline specified in the Sunset Regulations under section 351.218(d)(3)(i). In its substantive response, the CPTI noted that it participated in the original investigation. (See June 2, 1999, Substantive Response of the CPTI at 2.) We did not receive a substantive response from any respondent interested parties to this proceeding. Consequently, pursuant to section 351.218(e)(1)(ii)(C) of the Sunset Regulations, the Department determined to conduct an expedited, 120-day, review of this order.

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 (*i.e.*, an order in effect on January 1, 1995). Therefore, on September 7, 1999, the Department determined that the sunset reviews of the antidumping duty order on rectangular pipes from Singapore is extraordinarily complicated and extended the time limit for completion of the final results of these reviews until not later than November 29, 1999, in accordance with section 751(c)(5)(B) of the Act.<sup>2</sup>

**Determination**

In accordance with section 751(c)(1) of the Act, the Department conducted this review to determine whether revocation of the antidumping 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 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 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 determinations concerning continuation or recurrence of dumping and the magnitude of the margin are discussed below. In addition, the CPTI's comments with respect to continuation or recurrence of dumping and the magnitude of the margin are

<sup>2</sup> See Extension of Time Limit for Final Results of Five-Year Reviews, 64 FR 48579 (September 7, 1999).

addressed within the respective sections below.

### Continuation or Recurrence of Dumping

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 bases for likelihood determinations. In its Sunset Policy Bulletin, the Department indicated 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 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).

In addition to considering the guidance on likelihood cited above, section 751(c)(4)(B) of the Act provides that the Department shall determine that revocation of an order is likely to lead to continuation or recurrence of dumping where a respondent interested party waives its participation in the sunset review. In the instant review, the Department did not receive a response from any respondent interested party. Pursuant to section 351.218(d)(2)(iii) of the Sunset Regulations, this constitutes a waiver of participation.

In its substantive response, the CPTI argues that revocation of the antidumping order will result in resumption of sales of the subject merchandise at less-than-fair value by margins equivalent to or greater than those found in the original investigation. (See, June 2, 1999 Substantive Response of the CPTI at 2 & 3.) While arguing that a cessation of imports after the issuance of an antidumping order is highly probative of the likelihood of continuation or recurrence of dumping, the CPTI provided data which indicate that imports of the subject merchandise ceased after the issuance of the

antidumping duty order.<sup>3</sup> Based on the aforementioned data, the CPTI asserts that imports of the subject merchandise have ceased since the issuance of the antidumping duty order, and therefore the Department should find that dumping is likely to recur or continue should the order be revoked. *Id.*

According to U.S. International Trade Commission Trade Data, which integrates tariff and trade data from the Department, the U.S. Treasury, and the U.S. International Trade Commission, soon after the issuance of the antidumping order, the volume of imports of the subject merchandise fell drastically—the average volume of imports of the subject merchandise between 1989 and 1991 is 37 metric tons. This is less than 1.5 percent of 1985 pre-order volume of over 2700 metric ton.<sup>4</sup> Furthermore, the volume of imports of the subject merchandise for the period of seven years, 1992–1998, is zero. As a result, the Department agrees with the CPTI's claim that, after the issuance of the order, imports of the subject merchandise ceased.

As noted above, the Department normally will determine that the cessation of imports after the issuance of the order is highly probative of the likelihood of continuation or recurrence of dumping.

In conclusion, inasmuch as the respondent interested parties waived their right to participate in this review, the deposit rates continue to exist, and imports of the subject merchandise ceased after the imposition of the order, we find that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping.

### Magnitude of the Margin

In the Sunset Policy Bulletin, the Department stated that it normally will provide to the Commission the margin that was determined in the final determination in the original investigation. Further, for companies not specifically investigated or for companies that did not begin shipping until after the order was issued, the Department normally will provide a margin based on the all-others rate from the investigation. (See section II.B.1 of the Sunset Policy Bulletin.) Exceptions to this policy include the use of a more recently calculated margin, where appropriate, and consideration of duty absorption determinations. (See sections

<sup>3</sup> The CPTI compares the import volumes of the subject merchandise prior to the order, 2700 tons in 1985 to zero in 1998.

<sup>4</sup> This 1985 import volume was supplied by the CPTI.

II.B.2 and 3 of the Sunset Policy Bulletin.)

The Department, in its notice of the antidumping duty order on rectangular pipes from Singapore, established both company-specific and all-others weighted-average dumping margins of 12.03 percent for all imports of the subject merchandise from Singapore (51 FR 41142, November 13, 1986). We note that, to date, the Department has not issued any duty absorption findings in this case.

The CTPI urges the Department to determine that the magnitude of the dumping margins that are likely to prevail, if the order is revoked, should be those from the original investigation. (See the CTPI's June 2, 1999, substantive response.) We agree with the CPTI. Absent argument and evidence to the contrary, we find the margins calculated in the original investigation are probative of the behavior of Singaporean producers/exporters if the order were revoked, as those are the only margins which reflect the behavior of Singaporean producers/exporters absent the discipline of the order. Therefore, we will report to the Commission the company-specific and all-others margins reported in the Final Results of Review section of this notice.

### Final Results of Review

Based on the above analysis, the Department finds that revocation of the antidumping order would likely lead to continuation or recurrence of dumping at the margins listed below:

Manufacturer/exporter	Margin (percent)
Steel Tubes of Singapore (PTE), Ltd. ....	12.03
All others .....	12.03

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 29, 1999.

**Richard W. Moreland,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-357-802]

#### Final Results of Expedited Sunset Review: Light-Walled Welded Rectangular Carbon Steel Tubing From Argentina

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

**ACTION:** Notice of final results of expedited Sunset Review: Light-walled welded rectangular carbon steel tubing from Argentina.

**SUMMARY:** On May 3, 1999, the Department of Commerce ("the Department") initiated a sunset review of the antidumping duty order on light-walled welded rectangular carbon steel tubing from Argentina (64 FR 23596) 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 and substantive comments filed on behalf of the domestic interested parties and inadequate response (in this case, no response) from respondent interested parties, the Department determined to conduct an expedited review. As a result of this review, the Department finds that revocation of the antidumping order would be likely to lead to continuation or recurrence of dumping at the levels indicated in the Final Results of Review section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Kathryn B. McCormick 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) 482-1698 or (202) 482-1560, respectively.

**EFFECTIVE DATE:** December 3, 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 19 C.F.R. 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

The merchandise subject to this antidumping duty order is light-walled welded carbon steel tubing of rectangular (including square) cross-section, having a wall thickness of less than 0.156 inch, from Argentina. The subject merchandise is classifiable under item 7306.60.50.00 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS item number is provided for convenience and U.S. customs purposes, the written description remains dispositive.

This review covers imports from all producers and exporters of light-walled welded carbon steel tubing from Argentina.

#### History of the Order

In the original investigation, covering the period January 1, 1988, through June 30, 1988, the Department determined a margin of 56.26 percent for U.S. imports of subject merchandise from Argentina.<sup>1</sup> Since the issuance of the order, the Department has not conducted any administrative reviews.

#### Background

On May 3, 1999, the Department initiated a sunset review of the antidumping duty order on light-walled welded carbon steel tubing from Argentina (64 FR 23596), pursuant to section 751(c) of the Act. The Department received a notice of intent to participate on behalf of California Steel and Tube, Hannibal Industries Inc., Maruichi American Corporation, Searing Industries, Leavitt Tube, Vest Inc., and Western Tube and Conduit (collectively "domestic interested parties"), within the applicable deadline (May 18, 1999) specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. The domestic interested parties claimed interested party status under section 771(9)(C) of the Act as U.S. producers of a domestic like product. We received a complete substantive response from the domestic

interested parties on June 2, 1998, within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i). Many of the domestic interested parties are members of the Committee on Pipe and Tube Imports, the trade association on whose behalf the original petition was filed. We did not receive a substantive response from any respondent interested party to this proceeding. As a result, pursuant to 19 CFR 351.218(e)(1)(ii)(C), the Department determined to conduct an expedited, 120-day review of this order.

In accordance with 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 (*i.e.*, an order in effect on January 1, 1995). On September 7, 1999, the Department determined that the sunset review of the antidumping order on light-walled welded rectangular carbon steel tubing from Argentina is extraordinarily complicated and extended the time limit for completion of the final results of this review until not later than November 29, 1999, in accordance with section 751(c)(5)(B) of the Act.<sup>2</sup>

#### Determination

In accordance with section 751(c)(1) of the Act, the Department conducted 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 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 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 determination concerning continuation or recurrence of dumping and the magnitude of the margin are discussed below. Additionally, the domestic 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

Drawing on the guidance provided in the legislative history accompanying the

<sup>1</sup> See *Final Determination of Sales at Less than Fair Value: Light-Walled Welded Rectangular Carbon Steel Tubing from Argentina*, 54 FR 13913 (April 6, 1989).

<sup>2</sup> See *Extension of Time Limit for Final Results of Five-Year Reviews*, 64 FR 48579 (September 7, 1999).