

within 30 days of the date of publication of this notice. Parties who submit arguments in this proceeding are requested to submit with each argument: (1) A statement of the issue and (2) a brief summary of the argument. All case briefs must be submitted within 30 days of the date of publication of this notice. Rebuttal briefs, which are limited to issues raised in the case briefs, may be filed not later than seven days after the case briefs are filed. A hearing, if requested, will be held two days after the date the rebuttal briefs are filed or the first business day thereafter.

The Department will publish a notice of the final results of this administrative review, which will include the results of its analysis of the issues raised in any written comments or at the hearing, within 180 days from the publication of these preliminary results.

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. Upon completion of this review, the Department will issue appraisal instructions directly to Customs. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the determination and for future deposits of estimated duties. For duty assessment purposes, we calculated a per unit customer or importer-specific assessment rate by aggregating the dumping margins calculated for all U.S. sales to each customer/importer and dividing this amount by the total quantity of those sales.

Furthermore, the following deposit requirements will be effective for all shipments of silicon metal from Brazil entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies will be those established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) for all other manufacturers and/or exporters of this merchandise, the cash deposit rate will continue to be 91.06 percent, the "all others" rate established in the LTFV

investigation, 56 FR 36135 (July 31, 1991). These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are published in accordance with sections 751(a)(1) and 777(i)(1) of the Act (19 U.S.C. sections 1675(a)(1) and 1677f(i)(1)), and 19 CFR 351.221.

Dated: August 2, 1999.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99-20451 Filed 8-6-99; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-811]

Final Results of Expedited Sunset Review: Steel Wire Rope From the Republic of Korea

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

ACTION: Notice of final results of expedited sunset review: steel wire rope from the Republic of Korea.

SUMMARY: On January 4, 1999, the U.S. Department of Commerce ("the Department") initiated a sunset review of the antidumping duty order on steel wire rope from the Republic of Korea ("Korea") 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 an adequate response filed on behalf of a domestic interested party and inadequate response from respondent interested parties, the Department conducted 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:

Martha V. Douthit or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th St. & Constitution Ave., NW, Washington, DC 20230; telephone (202) 482-3207 or (202) 482-1560, respectively.

EFFECTIVE DATE: August 9, 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*"). 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 product covered by this order is steel wire rope from Korea. Steel wire rope encompasses ropes, cables, and cordage of iron or carbon steel, other than stranded wire, not fitted with fittings or made up into articles, and not made up of brass-plated wire. Imports of these products are currently classifiable under the following Harmonized Tariff Schedule (HTS) subheadings: 7312.10.9030, 7312.10.9060, and 7312.10.9090. Excluded from this review is stainless steel wire rope, *i.e.*, ropes, cables and cordage other than stranded wire, of stainless steel, not fitted with fittings or made up into articles, which is classifiable under HTS subheading 7312.10.6000. Although HTS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

History of the Order

On February 23, 1993, the Department published in the **Federal Register** the final determination of sales at less than fair value on steel wire rope from Korea (see 58 FR 11029). In the original investigation, three companies were investigated and found to be dumping at the following weighted-average dumping margins: Korean Iron & Steel Wire, Ltd., (now KISWIRE, Ltd. ("KIS")), 0.23 percent; Young Heung Iron & Steel Co., Ltd., ("YHC"), 0.10

percent; and Manho Mfg., Ltd. ("Manho"), 1.51 percent. In addition an "all others" rate of 1.51 percent was established. On March 26, 1993, the Department's antidumping duty order on steel wire rope from Korea was published in the **Federal Register** (see 58 FR 16397). As a result of the *de minimis* margins, entries of steel wire rope produced and sold by KIS and entries produced either by YHC or Dae Heung Industrial Co., Ltd. and sold by YHC were excluded from the application of the antidumping duty order.

The Department has conducted several administrative reviews of this antidumping duty order.¹ The antidumping duty order was subsequently revoked for Manho Rope Mfg., Ltd., and Chun Kee Steel & Wire Rope Co., Ltd., effective March 1, 1996 (see 62 FR 17171 (April 9, 1997)). The antidumping duty order was revoked for Chung Woo Rope Co., Ltd., Ssang Yong Cable Manufacturing Co., Ltd. and Sung Jin Co., effective March 1, 1997 (see 63 FR 17986 (April 13, 1998)).

To date, no duty absorption findings have been made with respect to this case.

Background

On January 4, 1999, the Department initiated a sunset review of the antidumping duty order on steel wire rope from Korea, pursuant to section 751(c) of the Act, as amended. On January 19, 1999, the Department received a Notice of Intent to Participate from the Committee of Domestic Steel Wire Rope and Specialty Cable Manufacturers ("the Committee"), within the deadline specified in § 351.218(d)(1)(i) of the *Sunset Regulation*.

On February 3, 1999, the Department received a complete substantive response from the Committee within the deadline specified in the *Sunset Regulations* under § 351.218(d)(3)(i). The Committee claimed interested party status under section 19 U.S.C. 1677(9)(C) and (F). The Committee

asserts that it was the petitioner in the original investigation and has actively participated in the administrative reviews conducted by the Department since that time.

On February 3, 1999 the Department received a substantive response from respondent, Kumho Wire Rope Manufacturer Co., Ltd. ("Kumho"), within the 30-day deadline specified in the *Sunset Regulations* under § 351.218(d)(3)(i). Kumho asserts that it is a foreign manufacturer and exporter of the subject merchandise and is therefore, an interested party within the meaning of section 771(9)(A) of the Act. Kumho asserts that it was not a participant in the Department's original investigation, although it has participated in the four completed administrative reviews and is currently participating in the on-going fifth administrative review.

On February 23, 1999, the Department informed the Commission that, on the basis of inadequate response from respondent interested parties, we were conducting an expedited sunset review of this order consistent with 19 CFR 351.218(e)(1)(ii)(C)(2). (See Letter to Lynn Featherstone, Director, Office of Investigations from Barbara E. Tillman, Director for Policy and Analysis.) On March 12, 1999, we extended the deadline for filing comments on our adequacy determination. On March 18, 1999, we received comments from Kumho and the Committee regarding our adequacy determination. The Department determined on May 7, 1999, that the sunset review of the antidumping duty order on steel wire rope from Korea is extraordinarily complicated. 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). (See section 751(c)(6)(C) of the Act.) Therefore, the Department extended the time limit for completion of the final results of this review until not later than August 2, 1999, in accordance with section 751(c)(5)(B) of the Act.²

Adequacy

Kumho argues that despite the fact that it accounts for significantly less than 50 percent of total imports from Korea of steel wire rope, Kumho accounts for significantly more than 50 percent of covered merchandise. Kumho asserts that the Department failed to consider that seven of the largest

producers/exporters have already been excluded from the order. As a result, total import statistics overstate the volume and value of imports of subject merchandise.

In its comments, the Committee agrees with the Department's original adequacy determination. The Committee argues that the Department's calculation of adequacy is correctly based on total imports of steel wire rope from Korea. The Committee asserts that companies that were excluded from the order, or for which the order has been revoked, may be brought back within the scope of the order if they were subsequently found to be selling at less than fair value (or below normal value) so long as the order continues to exist.

The Department continues to find that Kumho's response does not form an adequate basis for conducting a full review, i.e., because Kumho does not account for enough of the total exports of subject merchandise (see 19 CFR 351.218(e)(1)(ii)(A)). However, we disagree with the Committee that the determination should be based on total imports of steel wire rope from Korea. We agree with Kumho that the total value of imports used in our determination of adequacy should not include imports from revoked or excluded companies. The U.S. Customs Service, in its annual reports to Congress on the administration of the antidumping and countervailing duty, reports the value of entries subject to orders on an order-specific basis.³ As noted above, on May 12, 1997, the order was revoked with respect to two companies and on April 13, 1998, the order was revoked with respect to an additional three companies. Therefore, the value of imports reported by Customs for the fiscal years 1993 through 1997 include the value of imports from companies for which the order has been revoked. The fiscal year 1998 import values reported by Customs would, however, include only half-year imports from the three companies for which revocation notice was published in April 1998. We note that the value of imports on which Customs was collecting antidumping duty deposits in fiscal 1998 (approximately \$16 million) declined by approximately five million dollars from the value in fiscal 1997 (approximately \$21 million). We therefore considered that decline could be attributed to the April 1998 revocation of the order with respect to three companies. We doubled the five

¹ See *Steel Wire Rope from the Republic of Korea; Final Results of Antidumping Duty Administrative Review*; 60 FR 63499 (December 11, 1995); *Steel Wire Rope from the Republic of Korea; Final Results of Antidumping Duty Administrative Review*; 61 FR 55965 (October 30, 1996); *Steel Wire Rope from the Republic of Korea; Final Results of Antidumping Duty Administrative Review*; 62 FR 17171 (April 9, 1997); *Steel Wire Rope from the Republic of Korea; Final Results of Antidumping Review and Revocation in Part of Antidumping Duty Order*; 63 FR 17986 (April 13, 1998); and *Steel Wire Rope From the Republic of Korea; Final Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review*, 64 FR 17995 (April 13, 1999).

² See *Steel Wire Rope From Japan, et. al.: Extension of Time Limit for Final Results of Five-Year Reviews*, 64 FR 24573 (May 7, 1999).

³ As reported in Kumho's substantive response, exhibit 2. As a courtesy we make these statistics available to the public on the Import Administration sunset website at "http://www.ita.doc.gov/import-admin/records/sunset".

million dollar decline to take into account full year imports from the three companies for which the order was revoked in 1998, and, therefore, determine that entries subject to the order during fiscal 1998 were approximately \$10 million. Comparing the value of Kumho's exports⁴ and the estimated value of imports subject to the antidumping duty order on steel wire rope from Korea in fiscal 1998, we continue to find that Kumho accounted for significantly less than 50 percent of the value of imports of subject merchandise.

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 it shall provide to the International Trade Commission ("the Commission") the magnitude of the margin likely to prevail if the order is revoked.

The Department's determinations concerning continuation or recurrence of dumping and magnitude of the margin are discussed below. In addition, the parties' comments with respect to the 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 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 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 its substantive response, the Committee argues that revocation of the antidumping duty order of the subject merchandise would be likely to lead to continuation or recurrence of dumping. The Committee asserts that as many as 20 companies remain subject to the order. Further, the Committee argues that most of these companies have failed to respond to the Department's questionnaires in any of the administrative reviews to which they were subject. In addition, the Committee argues that most of the Korean companies that are presently subject to the order have been assigned dumping margins based on the best information available (or facts otherwise available). Because the Department assigned dumping margins to these non-responding companies, the Committee argues that, in the instant proceeding, the Department must assume that these companies will continue to sell at dumped prices if the order is revoked.

Additionally, the Committee argues that Korea is by far the largest foreign supplier of carbon steel wire rope to the U.S. market. Specifically, based on U.S. Department of Commerce, Bureau of the Census, Report IM 146, the Committee asserts that for the period January through November 1998, imports from Korea accounted for nearly 48 percent of the total imports of carbon steel wire rope. The Committee further asserts that the companies that remain subject to the order account for upwards of one third of the total volume of carbon steel wire rope imports from Korea.

The Committee notes that the Korean won appreciated 24 percent against the U.S. dollar between the beginning of the second quarter of 1998 and the present, and argues that current exchange rate trends give rise to the probability that revocation of the order is likely lead to continuation or recurrence of dumping. The Committee argues that the marked appreciation of the Korean won over the past several months makes it likely that Korean companies will sell subject merchandise in the United States at dumped prices since the strengthening won will make home market prices in Korea higher relative to U.S. prices.

Using import volume and value statistics, the Committee asserts that over the past several months the average unit value of imports from Korea classified under one of the covered HTSUS item numbers has decreased from \$1,020 per net ton in January 1998 to \$818 per net ton in November 1998.

In its substantive response, Kumho argues that revocation of the order would not likely lead to a recurrence of material injury or dumping. Kumho asserts that it is the only Korean company subject to the order actively shipping steel wire rope to the United States and it has never been found to sell the subject merchandise at less than fair value. Kumho further argues that since the major Korean wire rope companies have already been excluded from the order, and Kumho has never been found to be dumping, there are no grounds to believe that revocation would likely to lead to a continuation of injury or a recurrence of dumping. Additionally, Kumho argues that there is no evidence that any other Korean company subject to the order is actively shipping subject merchandise or, indeed, would be likely to ship subject merchandise in the event of revocation. Kumho argues that, of the 19 companies (including Kumho) for which petitioners requested administrative reviews in March 1998, three had previously been excluded from the order, five did not ship subject merchandise, four had gone out of business, and Kumho responded. While the remaining six companies did not respond to the Department's questionnaire, Kumho asserts that two had ceased operations, two had no shipments to the United States, and one had only one shipment to the United States and is not actively producing and shipping subject merchandise to the United States. As to the sixth company, Kumho asserts that it has no reason to believe that this company has ever shipped subject merchandise to the United States. In conclusion, Kumho argues that it is the only company that would be affected by the revocation of the order.

In its rebuttal comments the Committee argues that Kumho's assertion that it is the only exporter of steel wire rope from Korea still subject to the order is mere conjecture. The Committee asserts that Kumho would like the Department to believe that Kumho is the only company subject to the order because, under the sunset mechanism, an order cannot be revoked on a company-specific basis. The Committee argues that, during the fifth administrative review, the Department found that both Kwangshin Rope and

⁴ As reported in Kumho's substantive response, exhibit 2.

Sungsan Special Steel Processing shipped subject merchandise to the United States. In addition, the Committee argues that the Department applied adverse facts available to four additional Korean companies that received, but did not respond to the Department's questionnaire. Thus the Committee concludes that the Department must find at least seven Korean companies remain subject to the order. Further, the Committee argues that the fact that some companies did not ship subject merchandise during the most recent administrative review, or declared bankruptcy, does not mean that these companies cannot or will not again sell subject merchandise to the United States.

Finally, the Committee argues that a zero or *de minimis* dumping margin shall not by itself require the Department to determine that revocation of the order would not likely lead to continuation or recurrence of dumping. Rather, in many instances, a zero or *de minimis* dumping margin is likely a result of the antidumping duty order. Therefore, the Committee submits that the recent zero and *de minimis* margins are a testament to the remedial purpose of the antidumping duty order.

In its rebuttal comments Kumho argues that the Committee's assertion that several Korean companies remain subject to the order is not supported by any evidence whatsoever in the history of this case. With respect to the two companies identified by the Committee as having exported during the most recent completed administrative review, Kumho argues that in the preliminary determination of that administrative review, the Department found that Sungsan had sold a quantity of merchandise purchased from another producer and that Kwangshin had some shipments during the period of review. Kumho asserts that with respect to the remaining companies that have recently received adverse facts available margins, the Committee has not provided any evidence that these companies actually exist, that they produce subject merchandise, that they ship merchandise, or that they would ship merchandise in the event of revocation. Kumho argues that it would be wrong for the Department to place on Kumho an affirmative burden of establishing that the companies named in the Committee's requests for administrative reviews do not ship to the United States. Kumho further argues that, given that the Department's role in the sunset review process is to determine whether dumping margins would exist in the event of revocation, such a determination must be based on actual

and projected shipments rather than conjecture or automatic inferences regarding companies that may not even exist.

Additionally, with respect to the Committee's arguments related to exchange rates, Kumho asserts that the Committee ignores the fact that Kumho and other respondents were nonetheless found to be selling at zero or *de minimis* dumping margins in the Department's recent administrative reviews. Finally, Kumho argues that the Committee's reliance on import statistics is misplaced. Specifically, Kumho asserts that its exports enter the United States under a different HTSUS item number than that relied on by the Committee and, that the unit values for the HTSUS item number under which Kumho imports have remained relatively stable.

In compliance with section 752(c) of the Act, the Department examined the volume of imports before and after the issuance of the antidumping duty order on steel wire rope from Korea. Import data provided by Kumho, for the period covering 1992 through 1998, and confirmed by the Department's U.S. Census data, demonstrate that imports of steel wire rope from Korea have remained relatively steady.

As discussed in section II.A.3 of the *Sunset Policy Bulletin*, the SAA at 890, and the House Report at 63-64, existence of dumping margins after the order is highly probative of the likelihood of continuation or recurrence of dumping. If companies continue to dump with the discipline of an order in place, the Department may reasonably infer that dumping would continue if the discipline of the order were removed.

In the instant proceeding, although the order has been revoked with respect to imports from several Korean producers/exporters of steel wire rope, and Kumho has maintained a zero or *de minimis* margin in each of the four completed administrative reviews, deposit rates above *de minimis* continue in effect for several producers/exporters of steel wire rope from Korea. Therefore, given that dumping has continued over the life of the order, the Department determines that dumping is likely to continue if the order were revoked.

Because the Department has based this determination on the fact that dumping continued at levels above *de minimis*, we have not addressed the Committee's and Kumho's arguments concerning factors other than previously calculated margins and import volumes.

Magnitude of the Margin

In the *Sunset Policy Bulletin*, the Department stated that, consistent with

the SAA and House Report, the Department normally will provide to the Commission a margin from the investigation because that is the only calculated rate that reflects the behavior of exporters without the discipline of an order in place. Further, for companies not specifically investigated, or for companies that did not begin shipping until after the order was issued, the Department normally will provide a margin based on the "all others" rate from the investigation. (See section II.B.1 of the *Sunset Policy Bulletin*.) Exceptions to this policy include the use of a more recently calculated margin, where appropriate, and consideration of duty absorption determinations. (See sections II.B.2 and 3 of the *Sunset Policy Bulletin*.)

The Committee argues that, in this case, where the Department has applied adverse facts available to uncooperative respondents in a recent administrative review (1996/1997 review (see 63 FR 17986 (April 13, 1998))), the use of the more recently calculated margin is appropriate. As it did in the fifth administrative review, however, the Committee asserts that rate is likely to be much higher.

Kumho argues that the magnitude of the margin likely to prevail is zero. Kumho asserts that its margin has been *de minimis* for five consecutive administrative reviews. Therefore, Kumho argues that there is no reasonable basis to conclude that the dumping margin would increase in the event of revocation of the order.

The Department disagrees with the Committee's argument that we should select the margin from the most recently completed administrative review as the margin likely to prevail if the order is revoked. As noted above, the Department normally will provide a margin from the original investigation because that is the rate that reflects the behavior of exporters absent the discipline of the order. The *Sunset Policy Bulletin* suggests that the Department select, as one alternative, a recently calculated rate, in cases where companies choose to increase dumping in order to maintain or increase market share. However, in the instant case, the Committee did not argue or provide evidence that the uncooperative exporters from the administrative reviews have increased dumping in order to maintain or increase market share. Review of import statistics compiled from tariff and trade data from the U.S. Department of Commerce, the U.S. Treasury, and the Commission demonstrate that imports of steel wire rope from Korea have remained relatively stable over the life of the

order. Therefore, we find no reason to deviate from our policy of selecting margins from the original investigation as probative of the behavior of absent the discipline of the order.

With respect to the magnitude of the margin likely to prevail on exports by Kumho, we agree with Kumho. Although Kumho was not a participant in the original investigation, Kumho has participated in each of the administrative reviews of this order conducted by the Department. In each review, Kumho received a zero or *de minimis* margin. Although we acknowledge the Committee's assertion that the discipline of an order will, in many instances, lead to a zero or *de minimis* margin, we are not persuaded that Kumho is likely to begin dumping were the order revoked.

Based on the above analysis, we will report to the Commission the margins indicated in the Final Results of the Review section of this notice.

Final Results of 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 margins listed below:

Manufacturers/exporters	Margin (percent)
Kumho Wire Rope Manufacturer Co., Ltd	0
All Korean Manufacturers/Exporters	1.51

In addition, as noted above, entries of steel wire rope produced and sold by Korean Iron & Steel Wire, Ltd. (KIS) were excluded from the scope of the order, as were entries produced by either Young Heung Iron & Steel Co., Ltd., (YHC) or Dae Heung Industrial Co., Ltd. and sold by YHC. Finally, the order has been revoked with respect to Manho Rope Mfg., Ltd.; Chun Kee Steel & Wire Rope Co., Ltd.; Chung Woo Rope Co., Ltd.; Ssang Yong Cable Manufacturing Co., Ltd.; and Sung Jin Co.

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 section 19 CFR 351.305 of the Department's regulation. 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 sanctionable violation.

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

Dated: August 2, 1999.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99-20452 Filed 8-6-99; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of application to amend Certificate.

SUMMARY: The Office of Export Trading Company Affairs ("OETCA"), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review. This notice summarizes the proposed amendment and requests comments relevant to whether the amended Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Morton Schnabel, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five

copies, plus two copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1104H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as "Export Trade Certificate of Review, application number 87-14A04."

The Association for Manufacturing Technology's ("AMT") original Certificate was issued on May 19, 1987 (52 FR 19371, May 22, 1987) and previously amended on December 11, 1987 (52 FR 48454, December 22, 1987); January 3, 1989 (54 FR 837, January 10, 1989); April 20, 1989 (54 FR 19427, May 5, 1989); May 31, 1989 (54 FR 24931, June 12, 1989); May 29, 1990 (55 FR 23576, June 11, 1990); June 7, 1991 (56 FR 28140, June 19, 1991); November 27, 1991 (56 FR 63932, December 6, 1991); July 20, 1992 (57 FR 33319, July 28, 1992); May 10, 1994 (59 FR 25614, May 17, 1994); December 1, 1995 (61 FR 13152, March 26, 1996); October 11, 1996 (61 FR 55616, October 28, 1996); May 6, 1998 (63 FR 31738, June 10, 1998); and November 10, 1998 (63 FR 63909, November 17, 1999). A summary of the application for an amendment follows.

Summary of the Application

Applicant: AMT—The Association For Manufacturing Technology, 7901 Westpark Drive, McLean, Virginia 22102-4269.

Contact: Cara Maggioni, Legal Counsel, Telephone: (202) 662-6000.

Application No.: 87-14A04.

Date Deemed Submitted: August 2, 1999.

Proposed Amendment: AMT seeks to amend its Certificate to:

1. Add the following companies as new "Members" of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)): Ex-Cell-O Machine Tools, Inc., Sterling Heights, MI; HYD-MECH Inc., Pueblo, CO; Fryer Machine Systems, Paterson, NJ; Denford Machine Tools USA, Inc., Medina, OH; and Flow International Corporation, Kent, WA;
2. Delete The Dunham Tool Company, Inc.; Excel/Control; Goldcrown Machinery; Hypneumat Inc.; The J.L. Wickham Co., Inc.; Oliver Machinery Co.; Perfecto Industries, Inc.; Lynn