

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 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).

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 their substantive response, the domestic interested parties argue that revocation of the subject order would have the effect of resumption of sales at less than fair value by margins equivalent to or greater than those found in the original investigation and subsequent reviews (see June 2, 1999, Substantive Response of domestic interested parties at 3).

With respect to whether imports of the subject merchandise ceased after the issuance of the order, the domestic interested parties assert that, since the issuance of the order, imports of subject tubing from Taiwan to the United States have almost disappeared entirely. *Id.* For instance, they contend, whereas in 1988 (the year before the antidumping duty order was issued), there were nearly 16,000 tons of U.S. imports of subject merchandise from Taiwan, in 1998, there were less than 100 tons of subject imports from Taiwan. *Id.* Thus, the domestic interested parties argue that continuing margins and the nearly total cessation of U.S. imports of the subject merchandise from Taiwan indicate a strong likelihood of continuation of dumping should the Department revoke this order. *Id.*

The Department agrees with the domestic interested parties' argument that continuing margins and the nearly total cessation of U.S. imports from Taiwan indicate a strong likelihood that Taiwanese importers/producers will continue to export at less than fair value in the absence of the order. We found that, according to U.S. Census Bureau IM149 reports, imports declined significantly during the period following the order and margins continue to exist at levels above *de minimis*. If imports cease or decline significantly, it is reasonable to assume that exporters could not sell in the United States without dumping and that, to reenter the U.S. market, they would have to resume dumping.³ Further, if dumping continues after the issuance of an order, it is reasonable to determine that dumping would continue were the order revoked.

Given that dumping has continued at levels above *de minimis* after the issuance of the order, import volumes for subject merchandise declined significantly, respondent interested parties have waived their right to participate in this review before the Department, and absent argument and evidence to the contrary, the Department determines that dumping is likely to continue were the order revoked.

Magnitude of the Margin

In the *Sunset Policy Bulletin*, the Department states 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*).

In their substantive response, the domestic interested parties assert that, because imports of subject merchandise from Taiwan into the United States declined significantly after the issuance of the order, the Department should

report to Commission the margin from the original investigation (see June 2, 1999, Substantive Response of domestic interested parties at 3).

The Department agrees with the domestic interested parties' argument concerning the margins to report to the Commission. The margins from the original investigation are the only rates that reflect the behavior of Taiwanese producers/exporters without the discipline of the order and, therefore, are probative of the behavior of producers/exporters of subject merchandise from Taiwan if the order were revoked.

Final Results of Review

As a result of this review, the Department finds that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping at the margins listed below:

Producer/exporter	Margin (percent)
Ornatube Enterprise ("Ornatube")	5.51
Vulcan Industrial Corp.	40.97
Yieh Hsing Industries, Ltd.	40.97
All Others	29.15

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 27, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99-31424 Filed 12-2-99; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-008]

Final Results of Expedited Sunset Review: Small Diameter Carbon Steel Pipes and Tubes From Taiwan.

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

³ Department of Commerce Policy Bulletin, *Policies Regarding the Conduct of Five-Year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, quoting the Uruguay Round Agreements Act, Statement of Administrative Action (citation omitted), 63 FR 18871, 18872 (April 16, 1998).

ACTION: Notice of final results of expedited sunset review: Small diameter carbon steel pipes and tubes from Taiwan.

SUMMARY: On May 3, 1999, the Department of Commerce (the "Department") initiated a sunset review of the antidumping order on small diameter carbon steel pipes and tubes from Taiwan (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 C.F.R. Part 351 (1999) 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 welded carbon steel pipes and tubes of circular cross section, from Taiwan ("steel pipes"), with walls not thinner than 0.065 inch and outside diameter 0.375 inch or more but not over 4½ inches. These products are commonly referred to in the industry as standard pipe and are produced to

various American Society of Testing Materials specifications, most notably A-53, A-120, or A-135.

Standard pipe is currently classified under Harmonized Tariff Schedule of the United States ("HTSUS") item numbers 7306.30.5025, 7306.30.5032, 7306.30.5040, and 7306.30.5055.

The HTSUS item numbers are 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 small diameter carbon steel pipes and tubes from Taiwan was published in the **Federal Register** on May 7, 1984 (49 FR 19369). In that order, the Department determined that the weighted-average dumping margins for Kao Hsing Chang, Tai Feng, Yieh Hsing, and all others are 9.7, 43.7, 38.5, and 9.7 percent, respectively. Since that time, the Department has completed several administrative reviews, one revision of a review, and is currently conducting a sixth administrative review, for which the Department has published the preliminary results.¹ We note that the Department has not conducted any investigation 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

¹ See, Circular Welded Carbon Steel Pipes and Tubes From Taiwan; Final Results of Administrative Review of Antidumping Duty Order, 51 FR 43946 (December 5, 1986); Revised Final Results of Administrative Review of Antidumping Duty Order; Circular Welded Carbon Steel Pipes and Tubes From Taiwan, 53 FR 51128 (December 20, 1988); Certain Circular Welded Carbon Steel Pipes and Tubes From Taiwan; Final Results of Antidumping Duty Administrative Review, 53 FR 41218 (October 20, 1988); Certain Circular Welded Carbon Steel Pipes and Tubes From Taiwan; Amendment to Final Results of Antidumping Duty Administrative Review, 54 FR 1752 (January 17, 1989); Certain Circular Welded Carbon Steel Pipes and Tubes From Taiwan; Final Results of Antidumping Duty Administrative Review, 54 FR 46432 (November 3, 1989); Certain Circular Welded Carbon Steel Pipes and Tubes From Taiwan; Final Results of Antidumping Duty Administrative Review and Determination not to Revoke in Part, 56 FR 8741 (March 1, 1991); and Certain Circular Welded Carbon Steel Pipes and Tubes From Taiwan; Final Results of Antidumping Duty Administrative Review, 62 FR 52971 (October 10, 1997). Currently, the Department is conducting an administrative review covering the period between May 1, 1997 and April 30, 1998, and has issued preliminary results of review. See, Certain Circular Welded Carbon Steel Pipes and Tubes From Taiwan; Preliminary Results of Antidumping Duty Administrative Review and Partial Recission of Review, 64 FR 30306 (June 7, 1999).

antidumping duty order on steel pipes from Taiwan (64 FR 23596) pursuant to section 751(c) of the Act. The Department received a joint Notice of Intent to Participate on behalf of Allied Tube and Conduit Corp., Sawhill Tubular Division—Armco, Inc., Century Tube, IPSCO Tubular Inc., LTV Steel Tubular Products, Maverick Tube Corporation, Sharon Tube Company, Western Tube and Conduit, and Wheatland Tube Co. (hereinafter referred to as "domestic interested parties") on May 18, 1999, within the deadline specified in section 351.218(d)(1)(i) of the Sunset Regulations. In their Notice of Intent to Participate, the domestic interested parties note that they are not related to foreign producers and exporters, nor are they importers of the subject merchandise within the meaning of 771(4)(B) of the Act.

We received a complete substantive response from the domestic interested parties on June 2, 1999, within the 30-day deadline specified in section 351.218(d)(3)(i) of the Sunset Regulations. The domestic interested parties claim interest party status under section 771(9)(C) of the Act as producers or manufacturers of a domestic like product. The domestic interested parties note that while some companies participated in the original investigation and a particular company in previous administrative reviews, others are partaking in the instant review for the first time.² We did not receive a substantive response from any respondent interested party 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.*, order in effect on January 1, 1995). Therefore, on September 7, 1999, the Department determined that the sunset review of the antidumping duty order on steel pipes from Taiwan is extraordinarily complicated and extended the time limit for completion of the final results of this review until not later than

² Allied Tube and Conduit Corp. and Western Tube and Conduit participated in the original investigation. Sawhill Tubular Division participated in subsequent administrative reviews. The rest of the interested parties are participating in the ongoing review for the first time. (See June 2, 1999, Substantive Response of Domestic interested parties at 3.)

November 29, 1999, in accordance with section 751(c)(5)(B) of the Act.³

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 comments of the domestic interested parties, 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 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.

The domestic interested parties argue that the sales of the subject merchandise at less-than-fair value would resume if the antidumping order were revoked. (See June 2, 1999 Substantive Response of the domestic interested parties at 3.) In support of their argument, the domestic interested parties proffer data pertaining to the import volumes and dumping margins of the subject merchandise during the relevant period. Specifically, the domestic interested parties note that the volume of imports of the subject merchandise immediately and dramatically decreased after the discipline of the antidumping order was put into effect. *Id.* Furthermore, the domestic interested parties indicate that, at least for some companies, the dumping margins have continuously existed at levels above *de minimis* since the issuance of the order. *Id.*

Domestic interested parties' argument concerning the import volumes of the subject merchandise are supported by the data in both U.S. Census Bureau IM146 reports ("IM146") and U.S. International Trade Commission Interactive Tariff and Trade Data Web ("ITC Data Web"). A year before the issuance of antidumping order, 1983, the import volume of the subject merchandise was 118,510 metric tons. In the year of the order, in 1984, the import volume fell to 3,250 metric tons—a drop of more than 97 percent. From 1985 to 1994, although the volumes of import of the subject merchandise varied widely,⁴ the average import volume of the subject merchandise was 9,191 metric tons, which is less than 8 percent of the pre-order volume.

As the Sunset Policy Bulletin notes, the continued existence of dumping margins with the discipline of an order in place is highly indicative of the likelihood that dumping would

continue or recur if the discipline is removed. (See the Sunset Policy Bulletin, 63 FR at 18872, the SAA at 890, and the House Report at 63-64.) The Department has issued five final results of administrative reviews with respect to the antidumping order under consideration. Also, the Department currently is conducting an administrative review and has issued its preliminary results.⁵ Except in one review, in which the Department did not find any dumping by the companies reviewed, the Department found the dumping margins above the *de minimis* level in all other reviews. As a result, we find that, since the issuance of the antidumping duty order, dumping of steel pipes from Taiwan has continued at margins above the *de minimis* level.

In conclusion, inasmuch as the respondent interested parties waived their right to participate in this review, import volumes of the subject merchandise have declined significantly after the imposition of the order, and dumping of the subject merchandise continued at margins above *de minimis*, 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 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.)

The Department, in its notice of the antidumping duty order on steel pipes from Taiwan, established both company-specific and all-others weighted-average dumping margins (49 FR 19369, May 7, 1984).⁶ We note that, to date, the Department has not issued any duty absorption findings in this case.

The domestic interested parties urge the Department to find that the dumping

³ See Extension of Time Limit for Final Results of Five-Year Reviews, 64 FR 48579 (September 7, 1999).

⁴ In 1986, the import volume of the subject merchandise was 48,027 metric tons (about 40 percent of pre-order volume). In 1993, however, the volume of the subject merchandise dropped to zero. See, IM146 reports and ITC Data Web.

⁵ See footnote 1 above.

⁶ See Certain Circular Welded Carbon Steel Pipes and Tubes From Taiwan; Antidumping Duty Order, 49 FR 19369 (May 7, 1984).

margins likely to prevail if the order is revoked should be those from the original investigation. (See the domestic interested parties' June 2, 1999 substantive response.) We agree with the domestic interested parties. Absent argument and evidence to the contrary, we find that the margins calculated in the original investigation are probative of the behavior of Taiwanese producers/exporters of the subject merchandise if the order were revoked because the margins from the original investigation are the only ones that reflect their behavior absent the discipline of the order. Therefore, the Department 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)
Kao Hsing Chang	9.7
Tai Feng	¹ 43.7
Yieh Hsing	38.5
All-others	9.7

¹ Tai Feng Industries supposedly went out of business in November 1983. See, Circular Welded Carbon Steel Pipes and Tubes From Taiwan; Final Results of Administrative Review of Antidumping Duty Order, 51 FR 43946 (December 5, 1986). However, in response to the Department's request, the Economic Division of the Taipei Economic and Cultural Representative Office in the United States indicated that it cannot acquire clear information regarding Tai Feng Industries.

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.

[FR Doc. 99-31432 Filed 12-2-99; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-549-502]

Notice of Extension of Time Limit for Antidumping Duty Administrative Review of Certain Welded Carbon Steel Pipes and Tubes From Thailand.

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

EFFECTIVE DATE: December 3, 1999.

SUMMARY: The Department of Commerce (the Department) is extending the time limit for the preliminary results of the antidumping duty administrative review of the antidumping order on certain welded carbon steel pipes and tubes from Thailand, covering the period March 1, 1998 through February 28, 1999.

FOR FURTHER INFORMATION CONTACT:

Javier Barrientos, AD/CVD Enforcement Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC, 20230, telephone (202) 482-2243.

SUPPLEMENTARY INFORMATION: Under section 751(a)(3)(A) of the Tariff Act, as amended (the Act), 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 365 days. In the instant case, the Department has determined that it is not practicable to complete the review within the statutory time limit. See Memorandum from Joseph A. Spetrini to Robert S. LaRussa (November 19, 1999).

Therefore, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time limit for the preliminary results until March 30, 2000.

Dated: November 22, 1999.

Joseph A. Spetrini,

Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 99-31413 Filed 12-2-99; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-489-501]

Final Results of Expedited Sunset Review: Certain Welded Carbon Steel Pipes and Tubes From Turkey

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

ACTION: Notice of final results of Expedited Sunset Review: Certain welded carbon steel pipes and tubes from Turkey.

SUMMARY: On May 3, 1999, the Department of Commerce ("the Department") initiated a sunset review of the antidumping duty order on certain welded carbon steel pipes and tubes from Turkey (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 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 duty 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) 482-1930 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(1999) 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