DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–502]

Final Results of Expedited Sunset Review: Circular Welded Carbon Steel Pipes and Tubes from Thailand

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

ACTION: Notice of final results of expedited sunset review: Circular Welded Carbon Steel Pipes and Tubes from Thailand.

SUMMARY: On May 3, 1999, the Department of Commerce (''the Department'') initiated a sunset review of the antidumping duty order on circular welded carbon steel pipes and tubes from Thailand (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, DC 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 CFR 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 merchandise subject to this antidumping duty order is certain circular welded carbon steel pipes and tubes, commonly referred to in the industry as ''standard pipe'' or ''structural tubing,'' with walls not thinner than 0.065 inches, and 0.375 inches or more, but not over 16 inches in outside diameter. The subject merchandise was classifiable under items 610.3231, 610.3234, 610.3241, 610.3242, 610.3243, and 610.3252, 610.3254, 610.3256, 610.3258, 610.4925 of the Tariff Schedules of the United States Annotated (''TSUSA''); currently, it is classifiable under item numbers 7306.30.1000, 7306.30.5025, 7306.30.5032, and 7306.30.5040, 7306.30.5055, 7306.30.5805 and 7306.30.5090 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the TSUSA and HTSUS item numbers are provided for convenience and customs purposes, the written description remains dispositive.

There was one scope ruling in which British Standard light pipe 1387/67, Class A–1 was found to be within the scope of the order per remand (58 FR 27542, May 10, 1993).

History of the Order

In the original investigation, covering the period September 1, 1985, through August 31, 1986 (51 FR 3384, January 27, 1986), the Department determined a margin of 15.69 percent for Saha Thai Steel Pipe Co. (''Saha Thai''), 15.60 percent for Thai Steel Pipe Industry Co. (''Thai Steel''), and 15.67 percent for ''all others.''

There have been seven administrative reviews for the subject antidumping duty order. A summary of these reviews follows:

Period of review (''POR'')	Citation
1 Mar 1987–29 Feb 1988	56 FR 58355 (November 19, 1991). 59 FR 65753 (December 21, 1994) Amended.
1 Mar 1988–28 Feb 1989	57 FR 38668 (August 26, 1992). 57 FR 48017 (October 21, 1992) Amended. 61 FR 29533 (June 11, 1996) Amended.
1 Mar 1992–28 Feb 1993	61 FR 1328 (January 19, 1996). 61 FR 18375 (April 25, 1996) Amended.
1 Mar 1994–28 Feb 1995	61 FR 56515 (November 1, 1996). 62 FR 2131 (January 15, 1997) Amended. 62 FR 8423 (February 25, 1997) Amended.
1 Mar 1995–29 Feb 1996.	62 FR 53808 (October 16, 1997).
1 Mar 1996–29 Feb 1997	63 FR 55578 (October 16, 1998). 63 FR 65172 (November 25, 1998) Amended.
1 Mar 1997–28 Feb 1998	64 FR 56759 (October 21, 1999).

In addition to the two companies subject to the original investigation, the Department, has reviewed imports from producers/exporters Thai Hong Steel Pipe Import Export Co., Ltd. (''Thai Hong''), Thai Union Steel Co., Ltd. (''Thai Union''), Siam Steel Pipe Import Export Co., Ltd. (''Siam Steel Pipe''), and Pacific Pipe Company (''Pacific Pipe'') over the life of this order. To date, the Department has not issued a duty-absorption determination in this case.

Background

On May 3, 1999, the Department initiated a sunset review of the antidumping duty order on circular welded carbon steel pipes and tubes from Thailand (64 FR 23596), pursuant to section 751(c) of the Act. The Department received a notice of intent to participate on behalf of Allied Tube and Conduit Corp., Sawhill Tubular Division—Amoco, Century Tube, IPSCO Tubular Inc., LTV Steel Tubular Products, Maverick Tube Corporation, Sharon Tube Company, Western Tube and Conduit, and Wheatland Tube Company (collectively ''domestic interested parties'') on May 18, 1999, within the deadline specified in section 351.218(d)(1)(i) of the *Sunset*

Regulations. The domestic interested parties claimed interested-party status under 19 U.S.C. 1677(9)(C) as U.S. producers of circular welded carbon steel pipes and tubes. We received a complete substantive response from the domestic interested parties on June 2, 1999, within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i). 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 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). On September 27, 1999, the Department determined that the sunset review of the antidumping duty order on circular welded carbon steel pipes and tubes from Thailand 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.[1]

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 duty order, and shall provide to the International Trade Commission (''the Commission'') the magnitude of the margin of dumping likely to prevail if the order is revoked.

The Department's determinations 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.

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

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 an 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 result in the continuation 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 the domestic interested parties at 3). With respect to whether dumping continued at any level above *de minimis* after the issuance of the order, the domestic interested parties assert that increases in dumping margins have followed increases in imports. For example, a spike in imports between 1994 and 1996 resulted in a dumping margin of nearly 30 percent for Saha Thai and a margin of over 37 percent for several other producers. *Id.* With respect to whether import volumes for the subject merchandise declined significantly, the domestic interested parties note that imports were sharply curtailed by the issuance of the margins over 30 percent, dropping from 62,000 tons in 1997 to 28,000 tons in 1998. *Id.*

As discussed in section II.A.3 of the *Sunset Policy Bulletin,* the SAA at 890, and the House Report at 63–64, if companies continue dumping with the discipline of an order in place, the Department may reasonably infer that dumping would continue if the discipline were removed. With the exception of the 1987/88 and 1988/89 review periods, when the Department determined a *de minimis* margin for Saha Thai, dumping margins above *de minimis* have existed throughout the life of the order, and continue to exist, for shipments of subject merchandise from all other Thai producers/exporters investigated.

Consistent with section 752(c) of the Act, the Department considered the volume of imports before and after the issuance of the order in1986. The statistics on imports of the subject merchandise cited by the domestic interested parties and those examined by the Department (U.S. Census Bureau IM146 reports), show a pattern of decreasing import volumes following margin increases. Thai producers/exporters continued to dump after the order was issued; however, U.S. imports dramatically declined after margins peaked in the 1987/88 review. Imports also declined from 1996 to 1998 after margin increases in the 1995/96 review.

Based on this analysis, the Department finds that the existence of dumping margins after the issuance of the order is highly probative of the likelihood of continuation or recurrence of dumping. Given that dumping has continued at levels above *de minimis* after the issuance of the order, import volumes for subject merchandise declined significantly after dumping margins were increased, 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 if the order were revoked.

Magnitude of the Margin

In the *Sunset Policy Bulletin,* the Department stated that it will normally provide to the Commission the margin that was determined in the final determination in the original investigation. Further, for companies not specifically investigated or for companies that did not begin shipping

until after the order was issued, the Department normally will provide a margin based on the ''all others'' rate from the investigation (*see* section II.B.1 of the *Sunset Policy Bulletin*). Exceptions to this policy include the use of a more recently calculated margin, where appropriate, and consideration of duty absorption determinations (*see* sections II.B.2 and 3 of the *Sunset Policy Bulletin*).

In their substantive response, the domestic interested parties argue that as the volume of imports increased, the margin of dumping likewise increased, and imports decreased only as a result of increases in the dumping margins. Accordingly, the domestic interested parties assert that the Department should find the magnitude of the margin of dumping likely to prevail to be the highest margin found for the Thai producers/exporters investigated in any administrative reviews (*see* June 2, 1999, Substantive Response of domestic interested parties at 3).

According to the *Sunset Policy Bulletin* a company may choose to increase dumping in order to maintain or increase market share. As a result, increasing margins may be more representative of a company's behavior in the absence of an order (*see* section II.B.2 of the *Sunset Policy Bulletin*). In addition, the *Sunset Policy Bulletin* notes that the Department will normally consider market share. However, absent information on relative market share, and absent argument to the contrary, we have looked at import volumes in the present case.

The Department disagrees with domestic interested parties' assertion that the Department should report to the Commission the highest rates for Saha Thai, Thai Steel, and all others. As noted above, a company may choose to increase dumping in order to maintain or increase market share, and therefore, increasing margins may be more representative of a company's behavior in the absence of an order (*see* section II.B.2 of the *Sunset Policy Bulletin*). In this case, however, absent information on relative market share, the Department cannot determine whether Saha Thai and Thai Steel increased their exports into the U.S. in order to maintain or increase market share. Furthermore, the Department finds that, throughout the history of the order, increasing imports'as found in the U.S. Census Bureau IM146 Reports-do not necessarily correspond to margin increases for all respondents. For instance, when imports peaked at nearly 130 million kilograms in the 1987/88 review, Saha Thai's margin was *de minimis,* at 0.49 percent, and Thai Steel's margin increase from the original investigation was insignificant.

Therefore, without a correlation between increases in imports and dumping margins, the Department finds the original rates most probative of the behavior of Thai producers/exporters of circular welded carbon steel pipes and tubes if the order were revoked. Because Siam Steel Pipe, Thai Hong and Thai Union were not specifically investigated until after the order was issued, consistent with the Policy Bulletin (*see* section II.B.1), the Department will provide a margin based on the all others rate from the investigation for these companies. Thus, the Department will report to the Commission the company-specific and all others rates as contained in the Final Results of Review section of this notice.

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
Saha Thai Steel Pipe Co.	15.69
Thai Steel Pipe Industry Co.	15.60
All others	15.67

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–351–809, A–580–809, A–201–805, A–583–814, A–307–805]

Final Results of Expedited Sunset Reviews: Certain Circular Welded Non-Alloy Steel Pipe From Brazil, the Republic of Korea, Mexico, Taiwan, and Venezuela

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

ACTION: Notice of final results of expedited sunset reviews: Certain circular-welded non-alloy steel pipe from Brazil, the Republic of Korea, Mexico, Taiwan, and Venezuela.

SUMMARY: On May 3, 1999, the Department of Commerce (''the Department'') initiated sunset reviews of the antidumping duty orders on certain circular-welded non-alloy steel pipe from Brazil, the Republic of Korea (''Korea''), Mexico, Taiwan, and Venezuela 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 responses from respondent interested parties in each of these reviews, the Department conducted expedited sunset reviews. As a result of these reviews, the Department finds that revocation of the antidumping duty orders would likely lead to continuation or recurrence of dumping at the levels indicated in the Final Result of Reviews 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 Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–5050 or (202) 482–1560, respectively.

EFFECTIVE DATE: December 3, 1999.

Statute and Regulations

These reviews were 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 CFR 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