DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–602, A–570–814, A–588–602, A–583–605, A–549–807]

Continuation of Antidumping Duty Orders: Certain Carbon Steel Butt-Weld Pipe Fittings From Brazil, China, Japan, Taiwan, and Thailand

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

ACTION: Notice of continuation of antidumping duty orders: Certain carbon steel butt-weld pipe fittings from Brazil, China, Japan, Taiwan, and Thailand.

SUMMARY: On December 3, 1999, the Department of Commerce (''the Department''), pursuant to sections 751(c) and 752 of the Tariff Act of 1930, as amended (''the Act''), determined that revocation of the antidumping duty orders on certain carbon steel butt-weld pipe fittings from Brazil, China, Japan, Taiwan, and Thailand are likely to lead to continuation or recurrence of dumping (64 FR 67847). On December 22, 1999, the International Trade Commission (''the Commission''), pursuant to section 751(c) of the Act, determined that revocation of the antidumping duty orders on certain carbon steel butt-weld pipe fittings from Brazil, China, Japan, Taiwan, and Thailand would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (64 FR 71830). Therefore, pursuant to 19 CFR 351.218(e)(4), the Department is publishing notice of the continuation of the antidumping duty orders on certain carbon steel butt-weld pipe fittings from Brazil, China, Japan, Taiwan, and Thailand.

EFFECTIVE DATE: January 6, 2000.

FOR FURTHER INFORMATION CONTACT: Mark D. Young or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230; telephone: (202) 482–6397 or (202) 482–1560, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 3, 1999, the Department initiated, and the Commission instituted, sunset reviews (64 FR 23596 and 64 FR 23672, respectively) of the antidumping duty orders on certain carbon steel butt-weld pipe fittings from Brazil, China, Japan, Taiwan, and Thailand pursuant to section 751(c) of the Act. As a result of its reviews, the Department found that revocation of the antidumping duty orders would likely lead to continuation or recurrence of dumping and notified the Commission of the magnitude of the margins likely to prevail were the orders to be revoked (see Final Results of Expedited Sunset Review: Certain Carbon Steel Butt-Weld Pipe Fittings From Brazil, China, Japan, Taiwan, and Thailand, 64 FR 67847 (December 3, 1999)).

On December 22, 1999, the Commission determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty orders on certain carbon steel butt-weld pipe fittings from Brazil, China, Japan, Taiwan, and Thailand would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (see Certain Carbon Steel Butt-Weld Pipe Fittings From Brazil, China, Japan, Taiwan, and Thailand, 64 FR 71830 (December 22, 1999) and USITC Pub. 3263, Investigations Nos. 731–TA–308–310 and 520–521 (Review) (December 1999)).

Scope

The products covered by these reviews are pipe fittings from Brazil, China, Japan, Taiwan, and Thailand. Pipe fittings from Brazil, Taiwan, and Japan are defined as carbon steel butt-weld pipe fittings, other than couplings, under 14 inches in diameter, whether finished or unfinished form, that have been formed in the shape of elbows, tees, reducer, caps, etc., and, if forged, have been advanced after forging. These advancements may include any one or more of the following: coining, heat treatment, shot blasting, grinding, die stamping or painting. Such merchandise was classifiable under Tariff Schedules of the United States Annotated (''TSUSA'') item number 610.8800. These imports are currently classifiable under the Harmonized Tariff Schedule of the United States (''HTSUS'') item number 7307.93.30.

Pipe fittings from Thailand and China are defined as carbon steel butt-weld pipe fittings, having an inside diameter of less than 14 inches, imported in either finished or unfinished form. These formed or forged pipe fittings are used to join section in piping systems where conditions require permanent, welded connections, as distinguished from fittings based on other fastening methods (*e.g.*, threaded grooved, or bolted fittings). These imports are currently classifiable under the HTSUS item number 7307.93.30. The TSUSA and HTSUS subheadings are provided for convenience and United States Customs purposes. The written description remains dispositive as to the scope of the product coverage for each of the orders.

These reviews cover imports from all manufacturers and exporters of pipe fittings from Brazil, China, Japan, Taiwan, and Thailand.

Determination

As a result of the determinations by the Department and the Commission that revocation of these antidumping duty orders would be likely to lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty orders on certain carbon steel butt-weld pipe fittings from Brazil, China, Japan, Taiwan, and Thailand. The Department will instruct the U.S. Customs Service to continue to collect antidumping duty deposits at the rate in effect at the time of entry for all imports of subject merchandise. The effective date of continuation of these orders will be the date of publication in the **Federal Register** of this Notice of Continuation. Pursuant to sections 751(c)(2) and 751(c)(6) of the Act, the Department intends to initiate the next five-year review of these orders not later than December 2004.

Dated: December 29, 1999.

Holly Kuga,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–288 Filed 1–5–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–810]

Preliminary Results of Full Sunset Review: Mechanical Transfer Presses From Japan

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

ACTION: Notice of preliminary results of full sunset review: Mechanical transfer presses from Japan.

SUMMARY: On June 1, 1999, the Department of Commerce (''the Department'') initiated a sunset review of the antidumping duty order on mechanical transfer presses (''MTPs'') from Japan 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 a domestic interested party, and inadequate response from respondent interested parties, the Department determined to conduct an expedited sunset review. However, upon reconsideration of our initial adequacy determination, the Department determines that it is appropriate in this case to conduct a full review. As a result of this review, the Department preliminarily 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 Preliminary Results 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, D.C. 20230; telephone (202) 482–5050 or (202) 482–1560, respectively.

EFFECTIVE DATE: January 6, 2000.

Statute and Regulations

This review is being 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 covered by this order is MTPs from Japan. The term ''mechanical transfer press'' refers to automatic metal-forming machine tools with multiple die stations in which the workpiece is moved from station to station by a transfer mechanism designed as an integral part of the press and synchronized with the press action, whether imported as machines or parts suitable for use solely or principally with these machines. These presses may be assembled or unassembled. Spare and replacement parts are outside the scope of the order (*see Notice of Scope Rulings,* 57 FR 19602 (May 7, 1992)). A destack sheet feeder designed to be used with a mechanical transfer press is an accessory and, therefore, is not within the scope of the order (*see Notice of Scope Rulings,* 57 FR 32973 (July 24, 1992)). The FMX cold forging press is within the scope of the order (*see Notice of Scope Rulings,* 59 FR 8910 (February 24, 1994)). Finally, certain mechanical transfer press parts exported from Japan are outside the scope of the order (*see Notice of Scope Rulings,* 62 FR 9176 (February 28, 1997)). This merchandise is currently classifiable under Harmonized Tariff Schedule (''HTS'') item numbers 8462.99.0035 and 8466.94.5040. The HTS item numbers are provided for convenience and customs purposes. The written description remains dispositive.

History of the Order

On January 4, 1990, the Department issued a final determination of sales at less than fair value on imports of MTPs from Japan.[1] On February 16, 1990, the antidumping duty order on the subject merchandise was published in the **Federal Register**.[2]

In the antidumping duty order the Department established an estimated weighted-average dumping margin of 15.16 percent for Komatsu Ltd, 7.49 percent for Aida Engineering, Ltd. (''Aida''), and an ''all others'' rate of 14.51 percent. *Id.* There have been six administrative reviews of this order, and no investigations of duty absorption by the Department.

The order remains in effect for all producers and exporters of MTPs from Japan, except for Aida for which the Department revoked the antidumping duty order.[3]

Background

On June 1, 1999, the Department initiated a sunset review of the antidumping duty order on MTPs from Japan pursuant to section 751(c) of the Act. On June 16, 1999 we received a Notice of Intent to Participate on behalf of Verson Division of Allied Products Corporation (''Verson''), within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations.* We received a complete substantive response on July 1, 1999 from Verson, within the deadline specified in section 351.218(d)(3)(i) of the *Sunset Regulations.* Verson claimed interested party status under section 771(9)(C) of the Act as a U.S. manufacturer of a domestic like product and stated it was the petitioner in the original investigation.

We received complete substantive responses from respondent interested parties, Komatsu, Ltd. (''Komatsu''), Hitachi Zosen Corporation (''HZ'') and Fukui Machinery Co., (''Fukui'') (collectively ''the respondents''). Komatsu, HZ, and Fukui claimed interested party status as manufacturers and exporters of MTPs under section 771(9)(A) of the Act. Komatsu maintains that it was a respondent interested party in the original investigation and has participated in two of six subsequent administrative reviews conducted by the Department. Komatsu further notes that it is participating in the 1998–1999 administrative review that the Department is currently conducting. HZ and Fukui state that they did not participate in the original investigation; however, HZ states that it has participated in four of six subsequent administrative reviews and Fukui has participated in one administrative review.

On July 12, 1999, we received comments from Verson requesting that the Department determine that the individual respondent interested party responses to the notice of initiation are inadequate with regard to respondent interested parties as a whole. Verson argued, therefore, that an expedited review was appropriate. The regulations provide, at section 351.218(e)(1)(ii)(A), that the Secretary normally will conclude that respondent interested parties have provided adequate response to a notice of initiation where it receives complete substantive responses from respondent interested parties accounting on average for more than 50 percent, on a volume basis (or value basis, if appropriate) of the total exports of the subject merchandise to the United States over the five calendar years preceding the year of publication of the notice of initiation. In their substantive responses, the respondents provided the Department statistics on export volume and value of MTPs for the time period 1994 through 1998. After examining the statistical information, the Department concluded that it did not receive adequate response to the notice of initiation from respondent interested parties. As a result, pursuant to the regulations, on July 21, 1999, the Department determined to conduct an expedited sunset review of this order 19 CFR 351.218(e)(1)(ii)(C).

[1] *See MTPs From Japan; Final Determination of Sales at Less Than Fair Value,* 55 FR 335 (January 4, 1990).

[2] *See MTPs From Japan; Antidumping Duty Order,* 55 FR 5642 (February 16, 1990).

[3] *See MTPs From Japan; Final Results of Antidumping Duty Administrative Review and Revocation of Antidumping Duty Administrative Order in Part,* 63 FR 37331 (July 10, 1998).

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 October 12, 1999 , the Department determined that the sunset review of the antidumping duty order on MTPs from Japan is extraordinarily complicated and extended the time limit for completion of the final results of this review until not later than December 28, 1999, in accordance with section 751(c)(5)(B) of the Act.[4]

Adequacy

As noted above, on July 21, 1999, the Department determined that, during the five-year period from 1994 to 1998, the average annual percentage of the respondents' exports of MPTs to the United States with respect to the total subject merchandise exports to the United States falls significantly below the 50 percent threshold that the Department normally will consider to be an adequate foreign response. In light of the fact that, on July 10, 1998, the order was revoked with respect to Aida, our reliance on total imports during that time resulted in an underestimation of the percent of exports accounted for by respondent interested parties. Although, absent Aida-specific export statistics, we are unable to determine the exact percentage of subject merchandise exports accounted for by respondent interested parties, given Aida's historic participation in administrative reviews, including our finding that Aida had exported in commercial quantities over a three consecutive year period, we determine that the respondent interested parties account for a significantly greater percent of exports of subject merchandise than we had originally estimated and, therefore, that respondent interested parties may account for more than the 50 percent threshold that the Department applies in its adequacy determinations. Additionally, interested parties have raised significant issues in their submissions with respect to the significant decline in import volumes and the unique nature of the market such that the Department believes it is appropriate to conduct a full review and allow submission of additional data.

Determination

In accordance with section 751(c)(1) of the Act, the Department is conducting this review to determine whether revocation of the antidumping order would be likely to lead to continuation or recurrence of dumping. Section 752(c)(1) 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. Pursuant to section 752(c)(3) of the Act, the Department 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 preliminary determinations concerning continuation or recurrence of dumping and magnitude of the margin are discussed below. In addition, interested 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. The Department clarified that determinations of likelihood will be made on an order-wide basis (*see* section II.A.2 of the *Sunset Policy Bulletin*). Additionally, the Department normally 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 of the *Sunset Policy Bulletin*).

In its substantive response, Verson argues that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping by Japanese producers and exporters of MTPs. Verson maintains that the history of this order (*i.e.*, the administrative review history) demonstrates that since the issuance of the order, respondents have not been able, on a continuous basis, to sell MTPs in the United States at fair value.

Verson argues that section 752(c)(1) of the Act instructs the Department to consider not only the weighted-average dumping margins determined in the original investigation and subsequent reviews but also the volume of imports for the period before and the period after the issuance of the order. Verson contends that since the issuance of the order, only one company (Aida) has made sales to the U.S. at not less than fair value over a consecutive three year period. Verson asserts that although since the issuance of the order, imports of MTPs from Japan have remained relatively stable, during many of the administrative reviews conducted by the Department, several Japanese producers have reported ''no sales.'' In conclusion, Verson argues that a decline in import volume after the issuance of the order coupled with the continuation of dumping margins above *de minimis* is probative of the fact that producers and exporters of MTPs from Japan will continue to dump if the order is revoked. For these reasons, Verson maintains that the Department should determine that there is a likelihood of the continuation or recurrence of dumping of MTPs from Japan if the order is revoked.

In their substantive responses, the respondent interested parties argue that revocation of the order is not likely to lead to the continuation or recurrence of dumping. Komatsu argues that, with the exception of small dumping margins found in early reviews of Aida (a company for which the order has subsequently been revoked), in every single review the Department has found no dumping. Further, according to Komatsu, it is unlikely that this situation will change if the order is revoked. Komatsu argues that the original dumping finding was the result of a unique historical situation. Specifically, Komatsu argues that the mid-1980s saw unprecedented boom in demand for MTPs, with U.S. automakers retooling to compete with Japanese automakers and with Japanese automakers establishing transplant manufacturing operations in the United States. Komatsu asserts that once this process was completed in the late 1980s, there was a sharp drop in demand and since that time, the U.S. market for MTPs has been characterized by relatively few sales either for replacement of existing machines, or to supply the relatively few new automobile manufacturing plants that

[4] *See Extension of Time Limit for Final Results of Five-Year Reviews*, 64 FR 5523 (October 12, 1999).

have been built. Further, Komatsu asserts that as the MTP market has matured to more of a replacement market, a new dynamic has been created in which the number of bidders considered for each purchase has been reduced. This fundamental change in the nature of competition, Komatsu argues, has reduced the degree of competition and led to findings by the Department in all of its administrative reviews that the Japanese manufacturers subject to the order have not engaged in dumping.

HZ and Fukui note that in making determinations of likelihood of continuation or recurrence of dumping, the statute requires the Department to 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. However, citing to the SAA, at 890, they assert that the Department recognizes that observed patterns regarding dumping margins and import volumes are not necessarily indicative of the likelihood of dumping. Further, HZ and Fukui assert that, in this case, good cause exists sufficient to warrant that the Department consider factors other than import volume in determining whether revocation of an antidumping duty order is likely to lead to a continuation or recurrence of sales at less than normal value. Citing to the Commission's final report in the original investigation, HZ and Fukui argue that MTPs are big-ticket, made-to-order products, with relatively low and irregular sales volumes, and with peak sales occurring as the presses reach the end of their useful life of nearly 20 years. Similar to the arguments of Komatsu, HZ and Fukui argue that the late 1980s witnessed an unexpected increase in U.S. demand for MTPs which resulted in an increase in the importation of foreign made presses, including presses from Italy, the United Kingdom, and Japan. Further, as demand slackened in the late 1980s and early 1990s, so too did imports, with imports from foreign countries generally, and Japan in particular, declining significantly. This trough in the business cycle has lasted throughout the 1990s and, HZ and Fukui assert that it is expected to continue for another five to eight years. HZ and Fukui argue that, accordingly, any comparison between shipments prior to the imposition of the order and following the imposition of the order would be meaningless because the import levels from all producers declined, whether they were found to be dumping or not.

HZ and Fukui go on to assert that the extreme cyclical nature of the MTP market constitutes ''good cause'' for the Department to consider price, cost, market, and other economic factors in determining whether revocation of the order is likely to lead to continuation or recurrence of dumping. An examination of those factors, HZ and Fukui argue, will reveal that revocation of the order will not likely lead to continuation or recurrence of dumping.

We did not receive rebuttal from Verson or Komatsu. In their rebuttal comments, HZ and Fukui[5] reiterate their arguments that there is no likelihood that revocation of the order will result in continuation or recurrence of dumping. Again, HZ and Fukui assert that comparison of the pre- and post-order export volumes does not provide a valid measure of likelihood of dumping. They argue that the presumption that a post-order decline in shipment volumes indicates the foreign producer's inability to move the pre-order volumes without dumping does not apply to big-ticket items such as MTPs given that MTPs are unique pieces of machinery always are manufactured to exacting customer specifications, with extremely long useful lives, and sporadic sales. Additionally, citing to the July 1, 1999, substantive response of Verson, at page 10, they assert that Verson acknowledges that the lack of sales following the imposition of the order is closely correlated to the nature of the marketplace which is characterized by a very limited number of high value transactions. HZ and Fukui further assert that, in the original investigation, Verson argued that it was the unique nature of the market, with sporadic sales, that caused injury to the domestic industry. Therefore, Verson cannot now assert that respondents' sporadic sales following the imposition of the order demonstrate an inability to sell in the United States at fair value.

HZ and Fukui also take issue with Verson's argument that only one Japanese respondent has made sales for three years in a row without dumping. HZ and Fukui assert that the entire sales process from initial bid to delivery can take in excess of two years and, as a result, sales are infrequent and rarely occur in two consecutive years, let alone three. Further, HZ and Fukui assert that because the MTPs manufactured by Aida have more diverse applications and tend to be smaller than those manufactured by other Japanese respondents, these sales occur more frequently, thus enabling Aida to take advantage of the Department's policy allowing for revocation of the order for sales made three years in a row without dumping. In summary, HZ and Fukui argue that because of the unique nature of the market for MTPs, the Department's analysis of pre- and post-order import levels will not provide a reliable indicator of the likelihood of HZ and Fukui's resumption of dumping.

As noted above, in determining whether revocation of an order is likely to lead to continuation or recurrence of dumping, the Department considers the margins determined in the investigation and subsequent administrative reviews and the volume of imports for the period before and the period after the issuance of the order. In the original investigation, the Department estimated the margin of dumping for Komatsu at 15.16 percent, for Aida at 7.49 percent, and for ''all others'' at 14.51 percent. Although Aida was found to be dumping in the second and third administrative review, at rates of 0.87 percent and 3.51 percent, respectively, we subsequently revoked the order with respect to Aida (63 FR 37311 (July 11, 1998)) based on our determination that Aida subsequently made sales to the United States for three consecutive years without dumping.

Verson argues that margins above *de minimis* continue to exist. However, other than the post-investigation margins found for sales by Aida, for which the order has been revoked, the Department has found only zero margins for all of the Japanese respondents for which an administrative review has been conducted. With the exception of possible imports subject to the ''all others'' rate, dumping by the respondents Komatsu, HZ, and Fukui (as well as Ishikawajima-Harima Heavy Industry) has been eliminated since the issuance of the order. Our review of the public versions of Customs' annual reports to Congress on its administration of the antidumping and countervailing duty statutes indicates that no bonds have been posted on entries subject to this order since October 1, 1992. Therefore, the existence of an above *de minimis* all others rate is not controlling in this sunset review.

Verson also argues that none of the Japanese producers/exporters that remain subject to the order have made sales above fair value for a period of three consecutive years. However, three consecutive years of sales above fair value is the revocation standard in

[5] In their rebuttal comments, HZ and Fukui announced a name change for Fukui, pursuant to a resolution of the shareholders. Fukui was formerly known as ''Fukui Machinery Co., Ltd.'' The name change took effect on July 1, 1999.

administrative reviews conducted under section 351.222 of the regulations and is not controlling in this sunset review.

As noted in the *Sunset Policy Bulletin*, the Department normally will determine that revocation of an order is likely to lead to continuation or recurrence of dumping where dumping was eliminated after the issuance of the order and import volumes for the subject merchandise declined significantly. In their substantive and rebuttal comments, the respondents argue that, given the nature of the MTP market, the Department's reliance on the decrease between pre- and post-order export volumes as a basis for a determination that dumping would be likely to continue or recur would be inappropriate in this case. Although Verson did not provide any rebuttal to these arguments, respondents have not supported their assertions by placing facts or some sort of documentary evidence on the record. In essence, the respondents are claiming that the U.S. market for MTPs has shrunk without providing any support for this claim. While we agree with respondents that the Department has the discretion to deviate from its stated policies where the facts warrant such deviation, respondents have not provided any evidence to support their claims.

While the respondents provided argument that would suggest an explanation for the significant decrease in imports after the imposition of the order, given the absence of evidence with respect to pre- and post-order market share, we are not persuaded at this point that it is appropriate to deviate from our stated policy in this case. However, as indicated below, the Department is providing an opportunity for interested parties who have filed substantive responses in this review to provide additional factual evidence and arguments on this issue.

In sum, although we have determined that the level of respondents participation warrants a full review, we note the existence of additional producers/exporters that have waived their right to participate in this review, which under the statute constitutes grounds for finding likelihood (*See* section 751(c)(4)(B) of the Act). Therefore, we preliminarily determine that revocation of the order would likely result in continuation or recurrence of dumping.

Magnitude of the Margin

In the *Sunset Policy Bulletin*, the Department stated that, consistent with the SAA and House Report, the Department will provide to the Commission the company-specific margins from the investigation because that is the only calculated rate that reflects the behavior of exporters without the discipline of an order. 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*.)

As stated in the ''History of the Order'' section of this notice, the Department published a weighted-average dumping margin in the original investigation of 15.16 percent for Komatsu Ltd, 7.49 percent for Aida Engineering, Ltd., and of 14.51 percent for ''all others.''

In its substantive response, Verson cites to the *Sunset Policy Bulletin* and asserts that the Department makes clear that the magnitude of the margin of dumping in most cases is to be the company-specific rate from the original investigation, as that margin best reflects the behavior of the respondents free of the constraints of an antidumping duty order. Verson argues that, accordingly, the Department should report to the Commission the rates for Komatsu and ''all others'' from the original investigation as the magnitude of the margin likely to prevail if the antidumping duty order is revoked.

In their substantive responses, the respondents argue that a zero rate will likely prevail if the order on MTPs is revoked. Komatsu argues that, throughout the history of this order, the Department has consistently found no dumping by Komatsu and the other Japanese exporters. Therefore, the dumping margin for Komatsu and others will be zero should the order be revoked.

HZ and Fukui assert that the Department may, and in this case should, provide the Commission with a margin other than from the original investigation. In support of their argument that the Department select a margin other than the ''all others'' rate from the original investigation as representative of the magnitude of the margin likely to prevail with respect to their exports, HZ and Fukui argue that the ''all others'' rate from the investigation represents the weighted-average of the two companies subject to the original investigation and does not include HZ and Fukui sales. Furthermore, HZ and Fukui contend that they have received a zero margin in all their administrative reviews conducted by the Department. In conclusion, they argue that the ''all others'' rate of 14.51 percent is not representative of the rate likely to prevail if the order is revoked.

We agree with HZ and Fukui that the Department has the discretion to report a company-specific margin for a company that did not participate in the original investigation where, as in the *Final Results of Expedited Sunset Review: Steel Wire Rope From the Republic of Korea*, 64 FR 42166 (August 9, 1999), where we deviated from our policy with respect to the use of the ''all others'' rate for Kumho, a company not subject to the original investigation. However, in that review, a case that did not involve declining import volumes, we noted that although Kumho did not participate in the Department's original investigation, Kumho had participated in each of the administrative reviews and maintained a zero or *de minimis* margin over the life of the order. While we do not believe that participation in each review is necessary, as noted below, we preliminarily determine that use of a more recently calculated rate is not appropriate in this review.

In the *Sunset Policy Bulletin*, the Department noted that it may, in response to an argument from an interested party, provide the Commission a more recently calculated rate for a particular company where, for that particular company, dumping margins declined or dumping was eliminated after the issuance of the order and import volumes remained steady or increased. Further, in analyzing import volumes, the Department normally will consider the company's relative market share, with such information to be provided by the parties. In this review, the respondents have made arguments that post-order export volumes, although significantly decreased from pre-order import volumes, nonetheless provide sufficient support for a determination that more recently calculated margins are probative of their behavior without the discipline of the order. For the reasons stated above, we preliminarily determine that the respondent interested parties' assertions have not been supported by any evidence. specifically, in this review,the Department believes it more appropriate to base a determination with respect to the use of a more recently calculated margin on evidence regarding market share; such evidence currently is not on the record. Therefore, absent evidence that the respondents have maintained or

increased market share while eliminating dumping, we preliminarily determine that the margins from the original investigation are probative of the behavior of exporter without the discipline of the order.

Based on the above analysis, we preliminarily intend to report to the Commission the margins contained in the Preliminary Results of Review of this notice.

Preliminary Results of Review

As a result of this review, the Department preliminarily finds that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the levels indicated below.

Manufacturer/Exporter	Margin (percent)
Komatsu, Ltd. (Komatsu)	15.16
Aida Engineering, Ltd	(1)
All Others	14.51

[1]Revoked.

Any interested party may request a hearing within 30 days of publication of this notice in accordance with 19 CFR 351.310(c). Any hearing, if requested will be held on February 16, 2000, in accordance with 19 CFR 351.310(d). Interested parties may submit case briefs no later than February 7, 2000, in accordance with 19 CFR 351.309(c)(1)(i). We invite interested parties to submit arguments and, as an exception to our normal practice, factual evidence related to the issues identified in these preliminary results. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than February 14, 2000. Rebuttal briefs also may contain factual evidence to rebut, clarify, or correct factual evidence submitted in other parties' case briefs. The Department will issue a notice of final results of this sunset review no later than April 26, 2000.

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

Dated: December 28, 1999.

Holly Kuga,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–284 Filed 1–5–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–357–804]

Silicon Metal From Argentina; Antidumping Duty Administrative Review: Rescission of Antidumping Duty Administrative Review

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

ACTION: Notice of Rescission of Antidumping Duty Administrative Review.

SUMMARY: On November 4, 1999, the Department of Commerce (''the Department'') published in the **Federal Register** (64 FR 60161) a notice announcing the initiation of an administrative review of the antidumping duty order on silicon metal from Argentina. This administrative review covered one Argentine manufacturer and exporter of silicon metal, Electrometalurgica Andina S.A.I.C. (''Andina''), for the period of September 1, 1998 through August 31, 1999. The Department has now rescinded this review as a result of the absence of Andina's shipments and entries into the United States of subject merchandise during the period of review.

EFFECTIVE DATE: January 6, 2000.

FOR FURTHER INFORMATION CONTACT: Helen Kramer or Linda Ludwig, Office of AD/CVD Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–0405 or 482–3833, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended, are to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (1999).

Scope of Review

The product covered by this review is silicon metal. During the less-than-fair-value (LTFV) investigation, silicon metal was described as containing at least 96.00 percent, but less than 99.99 percent, silicon by weight. In response to a request by the petitioners for clarification of the scope of the antidumping duty order on silicon metal from the People's Republic of China, the Department determined that material with a higher aluminum content containing between 89 and 96 percent silicon by weight is the same class or kind of merchandise as silicon metal described in the LTFV investigation. See Final Scope Rulings—Antidumping Duty Orders on Silicon Metal From the People's Republic of China, Brazil and Argentina (February 3, 1993). Therefore, such material is within the scope of the orders on silicon metal from the PRC, Brazil and Argentina. Silicon metal is currently provided for under subheadings 2804.69.10 and 2804.69.50 of the Harmonized Tariff Schedule (HTS) and is commonly referred to as a metal. Semiconductor-grade silicon (silicon metal containing by weight not less than 99.99 percent of silicon and provided for in subheading 2804.61.00 of the HTS) is not subject to this review. These HTS subheadings are provided for convenience and U.S. Customs purposes. Our written description of the scope of the proceeding is dispositive.

Background

On September 9, 1999, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on silicon metal from Argentina (64 FR 48890). On September 30, 1999, petitioners in this proceeding, requested a review of sales made by Andina during the period September 1, 1998 through August 31, 1999. On November 4, 1999, the Department initiated an administrative review (64 FR 60161).

On November 23, 1999, Andina submitted a certification to the Department that it did not, directly or indirectly, enter for consumption, or sell, export, or ship for entry for consumption in the United States subject merchandise during the period of review. The Department performed a customs query for entries from Argentina classified under HTS numbers 2804.69.10 and 2804.69.50 during the period of review and found no entries during that time period. In response to a telephone inquiry, counsel for petitioners stated they had no information to the contrary. *See* Memorandum to the File from Helen M. Kramer dated November 30, 1999. Therefore, we have determined that Andina made no entries of the subject merchandise into the customs territory of the United States during the period of review.