

Antidumping duty proceedings	Period to be reviewed
<p>Xinjiang Uygur CMC Ningxia Hui CMC Xizang CMC Nanning CMC Hohhot CMC Urumqi CMC Yinchuan CMC Lhasa CMC Shanghai CMC Beijing CMC Tianjin CMC</p> <p>* If one of the above named companies does not qualify for a separate rate, all other exporters of tapered roller bearings from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporter is a part.</p> <p>** With respect to Shanghai General Bearing Co., Ltd., this initiation notice only applies with respect to subject merchandise entered or sold during the period by Shanghai General Bearing Co., Ltd., but not produced by Shanghai General Bearing Co., Ltd.</p> <p>Venezuela: Ferrosilicon A-307-807 Ferroatlantica de Venezuela S.A.</p>	<p>06/01/98-05/31/99</p>
Anti-Friction Bearings Proceeding and Firm	
<p>Japan: A-588-804 SNR Roulements* *Inadvertently omitted from previous initiation notice.</p>	<p>05/01/98-04/30/99 All</p>
Countervailing Duty Proceedings	
<p>Italy: Grain-Oriented Electrical Steel C-475-812 Acciai Speciali Terni S.p.A.</p>	<p>01/01/98-12/31/98</p>
Suspension Agreements	
<p>None.</p>	

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under section 351.211 or a determination under section 351.218(d) (sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, we will determine, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

For transition orders defined in section 751(c)(6) of the Act, the Secretary will apply paragraph (j)(1) of this section to any administrative review initiated in 1998 (19 CFR 351.213(j)(1-2)).

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19

U.S.C. 1675(a) and 19 CFR 351.221(c)(1)(i).

Dated: July 23, 1999.

Bernard T. Carreau,

Deputy Assistant Secretary for Group II, AD/CVD Enforcement.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-549-601]

Preliminary Results of Full Sunset Review: Malleable Cast Iron Pipe Fittings From Thailand

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

ACTION: Notice of preliminary results of Full Sunset Review: Malleable cast iron pipe fittings from Thailand.

SUMMARY: On January 4, 1999 the Department of Commerce ("the Department") initiated a sunset review of the antidumping duty order on malleable cast iron pipe fittings from Thailand (64 FR 364) 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 filed on behalf of domestic interested parties and adequate substantive comments filed on behalf of both domestic and respondent interested parties, the Department is conducting 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: Scott E. Smith or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th & Constitution, Washington, D.C. 20230; telephone: (202) 482-6397 or (202) 482-1560, respectively.

EFFECTIVE DATE: July 29, 1999.

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 351

(1998) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) ("*Sunset Policy Bulletin*").

Scope

Imports covered by this review are shipments of certain malleable cast iron pipe fittings, other than grooved, from Thailand. In the original order, these products were classified in the Tariff Schedules of the United States, Annotated, (TSUSA) under item numbers 610.7000 and 610.7400. These products are currently classifiable under item numbers 7307.19.90.30, 7307.19.90.60, and 7307.19.90.80 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS item numbers are provided for convenience and customs purposes. The written description remains dispositive.

This order applies to all imports of certain malleable cast iron pipe fittings from Thailand.

History of the Order

The Department issued a final determination of sales at less than fair value on July 6, 1989, finding a weighted-average margin of 1.70 percent for Siam Fittings Ltd. ("*Siam*") and for all others (52 FR 25282). The antidumping duty order on malleable cast iron pipe fittings from Thailand was published in the **Federal Register** on July 6, 1987 (52 FR 25282), as amended (52 FR 37351, October 6, 1987). Since that time the Department has not conducted an administrative review of this order.

Background

On January 4, 1999, the Department initiated a sunset review of the antidumping duty order on malleable cast iron pipe fittings from Thailand (64 FR 364) pursuant to section 751(c) of the Act. On January 19, 1999, the Department received a Notice of Intent to Participate on behalf of the Cast Iron Pipe Fittings Committee and its members, Grinnell Corporation and Ward Manufacturing (collectively "*CIPFC*"), within the applicable deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. The CIPFC claimed interested party status under section 771(9)(F) of the Act as an *ad hoc* trade association consisting entirely of U.S.

manufacturers of malleable cast iron pipe fittings.

We received a complete substantive response to the notice of initiation on February 3, 1999, on behalf of CIPFC. In its substantive response, CIPFC stated that both itself and its two current members have been participants in this proceeding since the Department's original investigation. We received a complete substantive response on behalf of Thai Malleable Iron and Steel Co., Ltd, BIS Pipe Fitting Industry Co., Ltd., and Siam (collectively respondent interested parties) on February 3, 1999. In their substantive response, each company claimed interested party status under section 771(9) of the Act, as a foreign manufacturer of malleable cast iron pipe fittings. Further, respondent interested parties claimed that although only Siam participated in the Department's original investigation, each company participated in the injury determination conducted by the International Trade Commission ("*the Commission*").

On February 8, 1999, we received rebuttal comments from CIPFC and respondent interested parties.

Respondent interested parties stated that they are the only known exporters of subject merchandise from Thailand to the United States and they claimed to account for more than 50 percent of imports of the subject merchandise over the most recent five years. Because the Department determined that respondent interested parties accounted for significantly more than 50 percent of the value of total exports of the subject merchandise over the five calendar years preceding the initiation of the sunset review, their response constituted an adequate response to the notice of initiation. Thus, the Department is conducting a full (240 day) review in accordance with section 351.218(e)(2)(i) of the *Sunset Regulations*.

The Department determined that the sunset review of the antidumping duty order on malleable cast iron pipe fittings from Thailand is extraordinarily complicated. In accordance with section 751(c)(6)(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, on May 3, 1999, the Department extended the time limit for completion of the preliminary results of this review until not later than July 23,

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 is conducting this review to determine whether revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping. Section 752(b) of the Act provides that, in making this determination, the Department shall consider the weighted-average dumping margins determined in the original 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 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 likely to prevail are discussed below. In addition, parties' comments with respect to continuation or recurrence of dumping and the magnitude of the margin likely to prevail are addressed within the respective sections below.

Continuation or Recurrence of Dumping

Party Comments

In its substantive response, CIPFC argued that revocation of the antidumping duty order would likely result in the continuation or resumption of dumping of malleable cast iron pipe fittings from Thailand. CIPFC asserted that, in accordance with the *Sunset Policy Bulletin*, the Department normally will determine that revocation of an antidumping duty order is likely to lead to continuation or recurrence of dumping where dumping continued at any level above de minimis after the issuance of the order. Further, CIPFC cited to the SAA and noted that continuation of dumping at any level above de minimis after the issuance of the order is highly probative of the likelihood of continuation or recurrence of dumping. Based on these policies, the CIPFC asserts that the estimated weighted-average dumping margin of 1.70 percent as determined in the original investigation has remained unchanged since the imposition of the antidumping duty order.

¹ See *Malleable Cast Iron Pipe Fittings From Brazil and Thailand: Extension of Time Limit for Preliminary Results of Five-Year Reviews*, 64 FR 23598 (May 3, 1999).

In their substantive response, respondent interested parties asserted that the likely effects of revocation are that the trade will continue as it has for the last ten years, with the Thai exporters shipping to the United States when there is sufficient demand. Further, respondent interested parties argued that exports of pipe fittings from Thailand have fluctuated during the last five years while the dumping margin has remained constant. In conclusion, the respondent interested parties asserted that the fact that revocation is unlikely to have any effect is supported by the fact that no member of the domestic industry has requested an administrative review of the order.

In its rebuttal comments CIPFC argued that the respondent interested parties failed to apply, or even identify, the test used by the Department to determine whether revocation of an order is likely to lead to continuation or recurrence of dumping. Rather, respondent interested parties proffered arguments that speak to the issues that may be relevant to the Commission. CIPFC asserted that dumping was not eliminated after the issuance of the order and, based on statistics provided by respondent interested parties, exports over the past five years have decreased. Therefore, CIPFC asserted that the evidence on the record justifies a determination that revocation would be likely to lead to continuation or recurrence of dumping.

In their rebuttal comments, respondent interested parties referred to the language of the SAA that specifies that declining (or no) dumping margins accompanied by steady or increasing imports may indicate that foreign companies do not have to dump to maintain market share in the United States and that dumping is less likely to continue or recur if the order were revoked. Citing to the volume of exports prior to the issuance of the order, as reported in their substantive response, and using import statistics CIPFC relied on in contemporaneous sunset reviews of other antidumping duty orders on pipe fittings, respondent interested parties argued that exports from Thailand after the issuance of the dumping order actually increased over three-fold. In conclusion, respondent interested parties argued that the Department must conclude that dumping is not likely to resume if the order were revoked given that exports from Thailand to the United States increased after the issuance of the order, that the 1.70 percent ad valorem margin would be deemed de minimis under the 1995 WTO standards, and that the

domestic industry never requested an administrative review of the order.

Department's Determination

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.3 of the *Sunset Policy Bulletin*). Additionally, the Department normally 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.a of the *Sunset Policy Bulletin*).

Although respondent interested parties argue that the 2.0 percent is the de minimis standard of Article 5.8 of the Antidumping Agreement should apply, we disagree. Both the statute and regulations clearly provide that in reviews of orders, the Department will treat as de minimis any weighted average dumping margin that is less than 0.5 percent ad valorem (see section 752(c)(4)(B) of the Act and 19 CFR 351.106(c)(1)). Further, the SAA specifies that the requirements of Article 5.8 apply only to investigations, not to reviews of antidumping duty orders or suspended investigations (see SAA at 845).

As discussed in section II.A.3 of the *Sunset Policy Bulletin*, the SAA at 890, and the House Report at 63-64, the 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, it is reasonable to assume that dumping would continue if the discipline were revoked. Deposit rates above de minimis remain in effect for exports of malleable cast iron pipe fittings from Thailand.

Therefore, since dumping margins have continued over the life of the

order, the Department preliminarily determines that dumping is likely to continue if the order were revoked.

Magnitude of the Margin

Party Comments

In its substantive response, CIPFC argued that the Department should determine that the margin likely to prevail if the antidumping duty order were to be revoked is the Siam-specific and all other rates from the original investigation, 1.70 percent. CIPFC asserted that they would be consistent with the provisions of the statute, SAA, and *Sunset Policy Bulletin*.

In their substantive response, the respondent interested parties asserted that Article 5.8 of the Antidumping Agreement approved by the WTO in 1995 provides that any dumping margin of less than 2 percent ad valorem is to be treated as de minimis. Further, respondent interested parties asserted that de minimis margins are regarded as zero margins and referred to the language of the SAA (at 844) for support. In conclusion, the respondent interested parties argued that given that the only margin ever calculated was 1.70 percent ad valorem, there has never been any sales in the United States with dumping margins. Further, because there is no factual information available upon which to forecast a dumping margin were the order to be revoked, the Department should assume a margin of zero.

In its rebuttal comments, CIPFC argued that respondent interested parties' reliance on the Antidumping Agreement Article 5.8 de minimis standard of 2 percent ad valorem is misplaced. CIPFC noted that 19 U.S.C. 1675a(c)(4)(B) and 19 CFR 351.106(c)(1) provide that the de minimis standard in sunset reviews is margins less than 0.5 percent ad valorem. Thus, CIPFC argued that the Department should provide the Commission with a magnitude of dumping margin of 1.7 percent for all Thai producers.

As noted above, in their rebuttal comments, the respondent interested parties asserted that the margin determined by the Department in the original investigation was only 1.70 percent ad valorem, a rate that would be deemed de minimis under the 1995 WTO standards. As such, respondent interested parties asserted that the Department must conclude that dumping is not likely to resume if the order were to be revoked.

Department's Determination

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 or suspension agreement 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.

As noted above, in its final determination, the Department published a weighted-average dumping margin of 1.70 percent for SIAM and applied that same rate to all other producers/exporters of malleable cast iron pipe fittings from Thailand. This is the only margin of dumping determined by the Department over the life of this order. For the reasons stated above, we agree with CIPFC that respondent interested parties' reliance on a 2 percent de minimis standard is misplaced. Therefore, the Department preliminarily determines that the weighted-averaged dumping margin likely to prevail if the order were to be revoked is 1.70 percent margin from the original investigation.

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. The magnitude of the margin that is likely to prevail is 1.70 percent for Siam and all others.

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 September 22, 1999. Interested parties may submit case briefs no later than September 13, 1999, in accordance with 19 CFR 351.309(c)(1)(i). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than September 20, 1999. The Department will issue a notice of final results of this sunset review, which will include the results of its analysis of issues raised in any such comments, no later than November 30, 1999.

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

Dated: July 23, 1999.

Robert S. LaRussa,
Assistant Secretary for Import
Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-351-505]

Preliminary Results of Full Sunset Review: Malleable Cast Iron Pipe Fittings From Brazil

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

ACTION: Notice of preliminary results of full sunset review: malleable cast iron pipe fittings from Brazil.

SUMMARY: On January 4, 1999, the Department of Commerce ("the Department") initiated a sunset review of the antidumping duty order on malleable cast iron pipe fittings from Brazil (64 FR 364) 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 filed on behalf of domestic interested parties and subsequent adequate responses from both domestic and respondent interested parties, the Department is conducting 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 a dumping at the levels indicated in the Preliminary Results of Review section of this notice.

FOR FURTHER INFORMATION CONTACT: Scott E. Smith or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th & Constitution, Washington, D.C. 20230; telephone: (202) 482-6397 or (202) 482-1560, respectively.

EFFECTIVE DATE: July 29, 1999.

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 C.F.R. Part 351 (1998) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of

sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) ("*Sunset Policy Bulletin*").

Scope

Imports covered by this review are shipments of certain malleable cast iron pipe fittings, other than grooved, from Brazil. In the original order, these products were classified in the Tariff Schedules of the United States, Annotated (TSUSA), under item numbers 610.7000 and 610.7400. These products are currently classifiable under item numbers 7307.19.90.30, 7307.19.90.60, and 7307.19.90.80 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS item numbers are provided for convenience and customs purposes. The written description remains dispositive.

This order applies to all imports of certain malleable cast iron pipe fittings from Brazil.

History of the Order

The Department issued a final determination of sales at less than fair value on March 31, 1986, finding a weighted-average margin of 5.64 percent for Industria de Fundicao Tupy, S.A. ("Tupy"), and for all others (51 FR 10897). The antidumping duty order on malleable cast iron pipe fittings from Brazil was published in the **Federal Register** on May 21, 1986 (51 FR 18640). Since that time the Department has conducted one administrative review of this order, which covered the period from May 1, 1993, to April 30, 1994.¹

Background

On January 4, 1999, the Department initiated a sunset review of the antidumping duty order on malleable cast iron pipe fittings from Brazil (64 FR 364) pursuant to section 751(c) of the Act. On January 19, 1999, the Department received a Notice of Intent to Participate on behalf of the Cast Iron Pipe Fittings Committee and its members, Grinnell Corporation and Ward Manufacturing (collectively "CIPFC"), within the applicable deadline specified in section 351.218(d)(1)(i) of the *Sunset*

¹ See *Malleable Cast Iron Pipe Fittings, Other Than Grooved, From Brazil; Final Determination of Sales at Less Than Fair Value*, 51 FR 10897 (May 31, 1986); *Antidumping Duty Order: Malleable Cast Iron Pipe Fittings From Brazil*, 51 FR 18640 (May 21, 1986); and *Malleable Cast Iron Pipe Fittings From Brazil; Final Results of Antidumping Duty Administrative Review*, 60 FR 41876 (August 14, 1995).