

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-840]

Manganese Metal From the People's Republic of China; Notice of Extension of Time Limit for Second Administrative Review

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

ACTION: Notice of extension of time limit.

SUMMARY: The Department of Commerce is extending the time limit for the final results of the second administrative review of the antidumping duty order on manganese metal from the People's Republic of China. The period of review is February 1, 1997 through January 31, 1998. This extension is made pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act.

EFFECTIVE DATE: July 1, 1999.

FOR FURTHER INFORMATION CONTACT: Greg Campbell, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482-2239.

SUPPLEMENTARY INFORMATION: Because it is not practicable to complete this review within the time limit mandated by section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act") (i.e., November 2, 1998), the Department of Commerce ("the Department") is extending the time limit for completion of the final results to not later than September 4, 1999. See *Memorandum from Deputy Assistant Secretary Richard W. Moreland to Assistant Secretary for Import Administration Robert LaRussa*, (June 1, 1999), a public copy of which is available in the Department's Central Records Unit, room B-099.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675 (a)(1)) and 19 CFR 351.213(h)(2).

Dated: June 21, 1999.

Richard W. Moreland,

Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-045]

Final Results of Expedited Sunset Review: Steel Wire Rope From Japan

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

ACTION: Notice of final results of expedited sunset review: Steel wire rope from Japan

SUMMARY: On January 4, 1999, the Department of Commerce ("the Department") initiated a sunset review of the antidumping finding on steel wire rope from Japan (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 and substantive comments filed on behalf of the domestic industry 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 finding 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: Scott Smith 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) 482-3207 or (202) 482-1560, respectively.

EFFECTIVE DATE: July 1, 1999.

Statute and Regulations

This review was conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) ("*Sunset Regulations*"). Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) ("*Sunset Policy Bulletin*").

Scope

The merchandise subject to this antidumping finding is steel wire rope, except brass electroplated steel truck tire cord of cable construction specially packaged for protection against moisture and atmosphere. Such merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 7312.109030, 7312.109060, and 7312.109090. The HTS item numbers are provided for convenience and customs purposes. The written description remains dispositive.

This review covers imports from all known manufacturers and exporters of steel wire rope from Japan.

Background

On January 4, 1999, the Department initiated a sunset review of the antidumping finding on steel wire rope from Japan (64 FR 364), pursuant to section 751(c) of the Act. The Department received a Notice of Intent to Participate on behalf of the Committee of Domestic Steel Wire Rope and Specialty Cable Manufacturers (the "Committee") and M & G Industries, Inc., on January 19, 1999, and January 7, 1999, respectively, both within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. We received a complete substantive response on behalf of the Committee on February 3, 1999, within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i). However, no substantive response was received from M & G Industries. The Committee claimed interested-party status under section 771(9)(C) and (F) as U.S. manufacturers of a domestic like product and an association, a majority of whose members is composed of interested parties described in subparagraph (C). We did not receive a substantive response from any respondent interested party to this proceeding. As a result, pursuant to section 351.218(e)(1)(ii)(C) of the *Sunset Regulations*, the Department determined to conduct an expedited review of this finding.

Determination

In accordance with section 751(c)(1) of the Act, the Department conducted this review to determine whether revocation of the antidumping finding 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 finding, and it shall provide to the International Trade Commission ("the Commission") the magnitude of the margin of dumping likely to prevail if the finding is revoked.

The Department's determinations concerning continuation or recurrence of dumping and the magnitude of the margin are discussed below. In addition, the Committee's comments 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 finding 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 determinations cited above, section 751(c)(4)(B) of the Act provides that the Department shall determine that revocation of the order would be likely to lead to continuation or recurrence of dumping when a respondent interested party waives its participation in the sunset review. In this instant review, the Department did not receive a substantive response from any respondent interested party. Pursuant to section 351.218(d)(2)(iii) of the *Sunset Regulations*, this constitutes a waiver of participation.

On October 15, 1973, the Department of Treasury ("Treasury") issued its Final

Affirmative Antidumping Duty Determination, T.D. 73-296 (38 FR 28571). Since that time, the Department has conducted several administrative reviews.¹ The finding remains in effect for all manufacturers and exporters of the subject merchandise.

In its substantive response, the Committee argued that actions taken by producers and exporters of Japanese steel wire rope during the life of the finding, including the dramatic decline in imports from Japan consequent to the antidumping finding and the subsequent administrative reviews, particularly in combination with the fact that a substantial number of Japanese producers/exporters continued to dump after the finding was issued, are a strong indication that dumping is likely to recur should the finding be revoked (see Substantive Response of the Committee, February 3, 1999, at 4). With respect to whether dumping continued at any level above *de minimis* after the issuance of the finding, the Committee argued that, as documented in several final determinations reached by the Department, dumping levels have varied greatly for respective Japanese producers/exporters during the life of the finding (see *id.* at 3).

With respect to whether imports of the subject merchandise ceased after the issuance of the finding, the Committee, citing U.S. Department of Commerce reports and U.S. Census Bureau statistics for U.S. imports (IM146 reports), asserted that the antidumping finding on steel wire rope from Japan has resulted in a steady decline in the volume of imports of subject merchandise from that country (see *id.* at 3).²

In its substantive response, the Committee also argued that the dramatic appreciation of the Japanese yen vis-à-vis the U.S. dollar in the recent months indicates that revocation of the antidumping finding is likely to lead to continuation or recurrence of dumping (see *id.* at 3).

¹ See *Steel Wire Rope from Japan; Final Results of Administrative Review of Antidumping Finding*, 47 FR 3395 (January 25, 1982); *Steel Wire Rope from Japan; Final Results of Administrative Review of Antidumping Finding*, 48 FR 8524 (March 1, 1983); *Steel Wire Rope from Japan; Final Results of Administrative Review of Antidumping Finding*, 49 FR 12294 (March 29, 1984); *Steel Wire Rope from Japan; Final Results of Antidumping Duty Administrative Review*, 52 FR 28585 (July 31, 1987); *Steel Wire Rope from Japan; Final Results of Antidumping Duty Administrative Review*, 54 FR 6737 (February 14, 1989); *Steel Wire Rope from Japan; Final Results of Antidumping Duty Administrative Review*, 54 FR 38541 (September 19, 1989).

² The Committee provided information on U.S. imports of steel wire rope from Japan, on an annual basis, in net tons, from 1985 through November 1998.

In conclusion, the Committee argued that the Department should determine that there is a likelihood that dumping would continue were the finding revoked because (1) dumping margins above *de minimis* continue to exist for several companies, and (2) imports of the subject merchandise decreased significantly after the imposition of the finding, although there were some later fluctuations. The Committee argued moreover that, as a direct result of the antidumping finding, Japan was reduced from being a leading supplier of the subject merchandise to the U.S. market in the early and mid-1980s to a supplier of negligible volume of imports over the past decade (see Substantive Response of the Committee, February 3, 1999, at 3).

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. The Department, after examining the final results of administrative reviews, can confirm that dumping margins above *de minimis* continue to exist for shipments of the subject merchandise from several Japanese producers/exporters.

Consistent with section 752(c) of the Act, the Department also considered the volume of imports before and after issuance of the finding. The statistics provided by the Committee on imports of the subject merchandise between 1985 and 1998, confirmed through the Department's examination of U.S. Census data (IM146 reports), demonstrate that imports of the subject merchandise have decreased almost every year since the finding. However, it must be noted that, while shipments of steel wire rope from Japan did fall steadily throughout most of the life of the finding, in the 1990s shipments from Japan began to fluctuate and in some cases actually increased. For example, import volumes increased from 1996 to 1997 and almost doubled in the period from 1997 to 1998.³ However, these statistics also establish that imports of steel wire rope from Japan have not surpassed 1000 net tons per year since 1990. This is consistent with the Department's findings of no shipments by several of the reviewed companies in many of the

³ See U.S. Department of Commerce, Bureau of the Census, Report IM146 and Substantive Response of the Committee, February 3, 1999, at 3.

administrative reviews conducted by the Department.⁴

Based on this analysis, the Department finds that the existence of dumping margins after the issuance of the finding along with declining import volumes is highly probative of the likelihood of continuation or recurrence of dumping. A deposit rate above *de minimis* continues in effect for exports of the subject merchandise by at least one known Japanese manufacturer/exporter. Therefore, given that dumping has continued since the issuance of the finding, respondent interested parties waived participation, and absent argument and evidence to the contrary, the Department determines that dumping is likely to continue if the finding were revoked.

Because the Department based this determination on the fact that dumping continued at levels above *de minimis*, it is not necessary to address the Committee's arguments concerning Japanese yen appreciation and its affect on this finding.

Magnitude of the Margin

In the *Sunset Policy Bulletin*, the Department stated that it normally will 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*.)

Further, in the *Sunset Policy Bulletin* the Department stated that, in a sunset review of an antidumping finding where the original investigation was conducted by Treasury and no company-specific margin or "all others" rate was included in the Treasury finding, the Department

normally will provide to the Commission the company-specific margin from the first administrative review published in the **Federal Register** by the Department. For any company not covered in the first administrative review, the Department normally will provide to the Commission, as the margin for any new company not reviewed by Treasury, the first "new shipper" rate established by the Department for that order (see section II.B.1). We note, that, to date, the Department has not issued any duty absorption findings in this case.

Treasury, in its original final determination, did not publish any dumping margins. Therefore, the Department normally will select the margin from the first administrative review conducted by the Department as the magnitude of the margin of dumping likely to prevail if the finding is revoked.

The Committee stated that, because Treasury did not publish a specific dumping margin in its original finding, the Department must select a rate calculated during one of the administrative reviews. It recommended that the Department select the highest rate determined by the Department for a Japanese producer/exporter of the subject merchandise for the most recent period reviewed—at least 17.18 percent, the dumping margin established by the Department for Tokyo Rope/Ataka for the period January 1, 1974, through September 30, 1984 (54 FR 6737) (see Substantive Response of the Committee, February 3, 1999, at 6).

As for Japanese companies not reviewed in the original investigation, the Committee did not recommend a specific margin to be applied; however, it seemed to suggest that the Department also assign these companies a rate of at least 17.18 percent.

The Department agrees with the Committee's observation that because Treasury issued no margins in its original final determination the Department must select dumping margins from an administrative review conducted by the Department. However, the Department disagrees with the Committee's assertion that it should report to the Commission the company-specific margins published in one of the later administrative reviews. While the *Sunset Policy Bulletin* does state that the Department may provide to the Commission a more recently calculated margin for a particular company where, for that particular company, dumping margins increased after the issuance of the finding or order, in this case, there has been no consistent pattern of increasing margins.

The Department finds no reason to deviate from the above-stated policy of utilizing the margins from the first administrative review. Therefore, the Department has selected the rates from the April 1, 1978, through September 30, 1980, administrative review of steel wire rope from Japan, published in the **Federal Register** on January 25, 1982 (47 FR 3395). The Department will report to the Commission the company-specific and "all others" rates from the original investigation 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 finding would likely to lead to continuation or recurrence of dumping at the margins listed in the attached Appendix.

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 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: July 25, 1999.

Richard W. Moreland,
Acting Assistant Secretary for Import Administration.

Appendix

Manufacturer/exporter	Margin (percent)
Ace Industrial Co., Ltd	11.88
Ako Rope & Wire Mfg. Co., Ltd	11.88
Asahii Mini Rope Co., Ltd/Dia Enterprises Ltd	11.88
Chrysanthemum Nippon Wire Rope Co., Ltd./Watanabe Trading Co	0.77
Chrysanthemum Nippon Wire Rope Co., Ltd./Kent-Moore Japan Ltd	0.00
Chrysathemum Nippon Wire Rope Co., Ltd./C. Itoh & Co., Ltd	11.88
Chuo Seisakusho Ltd./Kinyo Co., Ltd	0.00
Chuo Seisakusho Ltd./Koh-shin Co	0.00
Chuo Seisakusho Ltd./Other Trading Companies	11.88
Daido Corp	5.68
Daisen Kogyo	5.68

⁴ See *Steel Wire Rope from Japan; Final Results of Administrative Review of Antidumping Finding*, 47 FR 3395 (January 25, 1982); *Steel Wire Rope from Japan; Final Results of Administrative Review of Antidumping Finding*, 48 FR 8524 (March 1, 1983); *Steel Wire Rope from Japan; Final Results of Administrative Review of Antidumping Finding*, 49 FR 12294 (March 29, 1984); *Steel Wire Rope from Japan; Final Results of Antidumping Duty Administrative Review*, 52 FR 28585 (July 31, 1987); *Steel Wire Rope from Japan; Final Results of Antidumping Duty Administrative Review*, 54 FR 6737 (February 14, 1989); *Steel Wire Rope from Japan; Final Results of Antidumping Duty Administrative Review*, 54 FR 38541 (September 19, 1989).

