

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

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 these antidumping duty orders is circular welded non-alloy steel pipe and tube from Brazil, Korea, Mexico, and Venezuela. The product consists of circular cross-section, not more than 406.4mm (16 inches) in outside diameter, regardless of wall thickness, surface finish (black, galvanized, or painted), or end finish (plain end, beveled end, threaded, or threaded and coupled). These pipes and tubes are generally known as standard pipes and tubes and are intended for the low-pressure conveyance of water, steam, natural gas, air and other liquids and gases in plumbing and heating systems, air-conditioning units, automatic sprinkler systems, and other related uses. Standard pipe may also be used for light load-bearing applications, such as for fence tubing, and as structural pipe tubing used for framing and as support members for reconstruction or load-bearing purposes in the construction, shipbuilding, trucking, farm equipment, and other related industries. Unfinished conduit pipe is also included in this order. All carbon-steel pipes and tubes within the physical description outlined above are included within the scope of this investigation, except line pipe, oil country tubular goods, boiler tubing, mechanical tubing, pipe and tube hollows for redraws, finished scaffolding, and finished conduit. Standard pipe that is dual or triple certified/stenciled that enters the U.S. as line pipe of a kind used for oil and gas pipelines is also not included in this investigation. Imports of the products covered by this order are currently classifiable under the following Harmonized Tariff Schedule (HTS) subheadings: 7306.30.10.00, 7306.30.50.25, 7306.30.50.32, 7306.30.50.40, 7306.30.50.55, 7306.30.50.85, 7306.30.50.90. Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of these proceedings is dispositive.

Scope Clarification: Brazil, Korea, Mexico, and Venezuela

On March 21, 1996, in a final scope ruling, the Department determined that: (i) Pipe certified to the API 5L line pipe specification, and (ii) pipe certified to

both the API 5L line pipe specifications and the less-stringent ASTM A-53 standard pipe specifications which fall within the physical parameters outlined in the scope of the orders and enter as line pipe of a kind used for oil and gas pipelines are outside the scope of the antidumping duty orders on certain welded carbon steel non-alloy pipe from Brazil, Korea, Mexico and Venezuela, irrespective of end use.¹ Mexico—On December 31, 1995, Tubacero International Corporation requested clarification to determine whether circular welded carbon steel piping, 16 inches in outside diameter with $\frac{3}{8}$ inch wall thickness, for use in extremely heavy load bearing applications, is within the scope of the order. On April 25, 1996, the Department determined that circular welded carbon steel piping, 16 inches in outside diameter with $\frac{3}{8}$ inch wall thickness, for use in extremely heavy load bearing applications, is within the scope of the order (*see Notice of Scope Rulings*, 61 FR 18381 (April 25, 1996)).

Mexico—Pending Scope Clarification

Cierra Pipe, Incorporated submitted a request for a scope clarification of the subject merchandise to determine whether line pipe "shorts", or "old line pipe" which has rushed and pitted after sitting in storage, constitute line pipe of a kind used for oil and gas pipelines or is pipe and tubed covered by the order (*see* 63 FR 59544 (November 4, 1998)).

Mexico—Pending Anti-Circumvention Inquiry

The domestic interested parties requested a circumvention inquiry to determine whether imports of: (i) Pipe certified to the American Petroleum Institute (API) 5L line pipe specifications (API 5L, and (ii) pipe certified to both the API 5L line pipe specifications and the less stringent American Society for Testing and Materials ("ASTM") A-53 standard pipe specifications (dual certified pipe), falling within the physical dimensions outlined in the scope of the order, are circumventing the antidumping duty order (*see* 63 FR 41545 (August 4, 1998)).

History of the Orders

On September 17, 1992, the Department issued final determinations of sales at less than fair value ("LTFV") on imports of certain circular welded non-alloy steel pipe from Brazil, Korea,

Mexico, Taiwan, and Venezuela (57 FR 42940, 42942, 42953, 42961, and 42962, respectively). On November 2, 1992, the Department published the *Notice of Antidumping Orders on Certain Circular Welded Non-Alloy Steel Pipe from Brazil, the Republic of Korea, Mexico, and Venezuela, and Amendment to Final Determination of Sales at Less Than Fair Value: Circular Welded Non-Alloy Steel Pipe From the Republic of Korea*, 57 FR 49453 (November 2, 1992). The order on Korea was subsequently amended (*see Notice of Final Court Decision and Amended Final Determination*, 60 FR 55833 (November 3, 1995)).

In the investigations, the Department estimated weighted-average dumping margins that ranged from 4.91 percent to 103.38 percent *ad valorem*. There have been no administrative reviews of the orders on circular welded non-alloy steel pipe from Brazil, Taiwan, and Venezuela. The Department conducted two administrative reviews of the order covering Korea and two administrative reviews of the order covering from Mexico.² The Department has not found duty absorption for any country subject to these antidumping duty orders.

The antidumping duty orders remain in effect for all producers and exporters of the subject merchandise from Brazil, Korea, Mexico, Taiwan, and Venezuela.

Background

On May 3, 1999, the Department initiated sunset reviews of the antidumping duty orders on certain circular welded non-alloy steel pipe from Brazil, Korea, Mexico, Taiwan, and Venezuela pursuant to section 751(c) of the Act. On May 18, 1999, within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulation*, we received notices of intent to participate from Allied Tube and Conduit Corporation, Sawhill Tubular Division—Armco, Inc., Century Tube, IPSCO Tubular Inc., LTV Steel Tubular Products, Maverick Tube Corporation, Sharon Tube Company, Western Tube and Conduit, and Wheatland Tube Co. (collectively "the

² *See Final Results of Antidumping Duty Administrative Review and Partial Termination of Administrative Review: Circular Welded Non-Alloy Steel Pipe From the Republic of Korea*, 62 FR 55574 (October 27, 1997), *Final Results of Antidumping Duty Administrative Review: Circular Welded Non-Alloy Steel Pipe From the Republic of Korea*, 63 FR 32833 (June 16, 1998), as amended, 63 FR 39071 (July 21, 1998), *Final Results of Antidumping Duty Administrative Review: Circular Welded Non-Alloy Steel Pipe and Tube from Mexico*, 62 FR 37014 (July 10, 1997), and *Final Results of Antidumping Duty Administrative Review: Circular Welded Non-Alloy Steel Pipe and Tube from Mexico*, 63 FR 33041 (June 17, 1998), as amended, 63 FR 38370 (July 16, 1998).

¹ *Final Negative Scope Determination of Scope Inquiry on Certain Welded Non-Alloy Steel Pipe and Tube from Brazil, the Republic of Korea, Mexico, and Venezuela*, 61 FR 11608 (March 21, 1996).

domestic interested parties"). Each of these parties claimed status as domestic interested parties on the basis that they are domestic producers of the products subject to these orders. In its substantive responses, the domestic interested parties assert that all parties except IPSCO, LTV Tubular, and Maverick participated in the original investigation and subsequent administrative reviews of the subject orders. With respect to related party status, the domestic interested parties state that they are not related to any foreign producers or foreign exporters, and are not importers of the subject merchandise, or related to importers of the subject merchandise.

Within the deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i), on June 2, 1999, the Department received complete substantive responses from the domestic interested parties. In addition, we received a complete substantive response from, Tuberia Nacional, S.A. de C.V. ("TUNA") a Mexican producer/exporter of circular welded non-alloy steel pipe in the sunset review of the order on Mexico. TUNA stated it was not a participant in the original investigation, however, it participated in the 1994–1995 administrative review, and the 1997–1998 administrative review currently being conducted by the Department. On June 2, 1999, the Korea Iron and Steel Association ("KOSA") and its individual members SeAH Steel Corporation, Ltd., Sinho Steel Company, Hyundai Pipe Company, and Korea Iron and Steel Company, waived their right to participate in the Department's sunset review of circular welded non-alloy steel pipe from Korea. On June 2, 1999, C.A. Conduven ("Conduven") waived its right to participate in the Department's sunset review of circular welded non-alloy steel pipe from Venezuela.

On June 22, 1999, we informed the International Trade Commission ("Commission") that on the basis of inadequate responses from respondent interested parties, we were conducting expedited sunset reviews of these orders consistent with 19 CFR 351.218(e)(1)(ii)(C)(2). (See Letter to Lynn Featherstone, Director, Office of Investigations from Jeffrey A. May, Director, Office of Policy.)

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 September 7, 1999, the Department determined that the sunset reviews of the antidumping duty orders on circular-welded non-alloy steel pipe

from Brazil, Korea, Mexico, Taiwan, and Venezuela are extraordinarily complicated and extended the time limit for completion of the final results of these reviews until not later than November 29, 1999, in accordance with section 751(c)(5)(B) of the Act.³

Determination

In accordance with section 751(c)(1) of the Act, the Department conducted these reviews to determine whether revocation of the antidumping duty orders 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 import volume of the subject merchandise for the period before the issuance of the antidumping duty orders and the period after the issuance of the antidumping duty orders. Pursuant to section 752(c)(3) of the Act, the Department shall provide to the Commission the magnitude of the margin likely to prevail if the orders are revoked.

The Department's determinations concerning continuation or recurrence of dumping, and magnitude of the margin are discussed below. In addition, the parties' comments with respect to the continuation or recurrence of dumping, and the magnitude of the margin are addressed in 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. In its Sunset Policy Bulletin, the Department indicates that determinations of likelihood will be made on an order-wide basis (see section II.A.2). In addition, the Department indicated that normally it will determine that revocation of an antidumping duty order is likely to lead to continuation or recurrence of dumping where: (a) Dumping continued

at any level above *de minimis* after the issuance of the order, (b) imports of the subject merchandise ceased after the issuance of the order, or (c) dumping was eliminated after the issuance of the order and import volumes for the subject merchandise declined significantly (see section II.A.3).

In addition to considering the guidance on likelihood cited above, section 751(c)(4)(B) of the Act provides that the Department shall determine that revocation of an order is likely to lead to continuation or recurrence of dumping where a respondent interested party waives its participation in the sunset review. In the instant reviews, the Department either did not receive a response, or did receive a waiver, from producers and exporters of circular welded non-alloy steel pipe from Brazil, Korea, Taiwan, and Venezuela. Pursuant to section 351.218(d)(2)(iii) or section 351.218(d)(2)(i), as applicable, of the *Sunset Regulations*, this constitutes a waiver of participation.

In their substantive responses, the domestic interested parties assert that revocation of the antidumping duty orders on the subject merchandise from Brazil, Korea, Mexico, Taiwan, and Venezuela, would be likely to lead to continuation of dumping at margins equivalent to or greater than the margins above found in the original investigations. The domestic interested parties support their argument by stating that after the issuance of the antidumping duty orders, dumping margins above *de minimis* levels continued to exist. In addition, import volumes declined significantly, and in some instances, no shipments were reported. The domestic interested parties provided the Department the following import statistics:

Brazil—In 1991 (the year prior to the imposition of the antidumping duty order), shipment of Brazilian circular-welded non-alloy steel pipe to the United States totaled 54,000 tons. After the issuance of the order imports declined dramatically. By 1998, no imports were reported.

Korea—Imports declined from 321,000 in 1991, to 174,000 in 1998.

Mexico—Imports declined from 48,000 tons in 1991, to 13,500 tons in 1998.

Taiwan—Imports were over 38,000 tons in 1991, and in 1998, almost ceased as the volume declined dramatically to 60 tons.

Venezuela—Imports accounted for over 16,000 tons in 1991. In 1998, imports dropped significantly to 3,300 tons, down nearly 80 percent compared to 1991 import volume.

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

The domestic interested parties, citing to the Department's Sunset Policy Bulletin, state that existence of dumping margins after the order, or the cessation of imports after the order, is highly probative of the likelihood of continuation or recurrence of dumping. Therefore, they argue that the continued existence of dumping margins coupled with the significant decrease in imports, strongly indicates the likelihood of continuation or recurrence of dumping should the antidumping duty orders be revoked.

In its substantive response, TUNA, the only respondent in the sunset review of the antidumping duty order of circular welded non-alloy steel pipe from Mexico, argues that revocation of the antidumping duty order would not result in continuation or recurrence of dumping. TUNA basis its assertion on the decline of dumping margins and increase in import volumes. TUNA argues that the Department, in the original investigation, assigned Hylsa S.A. de C.V. ("Hylsa") (the only respondent reviewed in the investigation) a 32.62 percent dumping margin, and established an "all others" duty deposit rate of 32.62 percent.⁴ After the investigation, Hylsa's rate of 32.62 percent declined to a single digit level. Although TUNA was not a participant in the original investigation, in the 1994–1995 administrative review, the Department assigned TUNA a 1.77 percent dumping margin. TUNA argues that 1.77 percent (its current duty deposit rate) is considered *de minimis* under the World Trade Organization ("WTO") Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 ("Antidumping Agreement"). Therefore TUNA argues that the order should be revoked (see TUNA's Substantive Response at 4). In addition, TUNA argues that import volume and value of the subject merchandise from Mexico has increased significantly in recent years. From 1993, the year after the imposition of the order, to 1998, imports from Mexico more than tripled, from approximately \$2.5 million to approximately \$7.8 million in 1998 (see TUNA's Substantive Response at 10). In Attachment 3 and Attachment 5 of its substantive response, TUNA provides its volume and value of exports to the U.S., and its estimate of the percentage of exports to the U.S. TUNA concludes that Mexican producers and exporters of the subject merchandise can ship to the U.S. without dumping should the

antidumping duty order be revoked because dumping margins declined after the issuance of the order and imports increased or remained steady.

Finally, TUNA argues that good cause exists to consider other factors. TUNA argues that because the URAA presumes revocation unless there is evidence that dumping will continue, a reasoned decision will often require consideration of factors other than the dumping margin. TUNA argues that in most cases it will be impossible for the Department to render a reasoned determination without considering all relevant information.

TUNA argues that in this case, the original dumping margin was determined when domestic demand was at or near the bottom of a business cycle of several years' duration. Since that time, demand has increased steadily and is expected to continue to increase. TUNA notes that in 1996, the ITC issued a negative injury determination regarding imports of circular welded non-alloy pipe from Romania and South Africa. TUNA asserts that the domestic industry has clearly benefitted from increases in construction activity and that the strong domestic demand has enabled TUNA to achieve increasing volumes of exports. In this situation, TUNA asserts that dumping is unlikely to continue or recur.

Section II.A.3. of the *Sunset Policy Bulletin*, the SAA at 890, and the House Report at 63–64 provide that the existence of dumping margins after the order, or cessation of imports 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 removed. Further, 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 volume of imports.

With respect to dumping margins in the antidumping duty orders on circular welded non-alloy steel pipe from Brazil, Korea, Mexico, Taiwan, and Venezuela, we agree with the domestic interested parties that margins above *de minimis* levels continued to exist. We disagree with TUNA's assertion that its margin of 1.77 percent should be considered *de minimis* for purposes of this sunset review. Both the statute and regulation 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 (section 752 (c)(4)(B) of the Act and 19 CFR 351.106 (C)(1)). The 2.0 percent *de minimis* level in Article 5.8 of the Antidumping Agreement applies only to investigations, not reviews (see SAA at 844–45).

With respect to import volumes of the subject merchandise, our analysis of import statistics covering total imports and company-specific imports demonstrate that import volumes and values have fluctuated over the life of these orders and have not reached pre-order volumes for any of the subject countries. Although TUNA's imports increased after the issuance of the order, its reported post-order import volumes were nonetheless insignificant compared to its pre-order volumes. Therefore, given that dumping margins above *de minimis* levels were found to exist and continue in effect with respect to each of these orders, and respondent interested parties waived their right to participate in these (other than Mexico) reviews before the Department, the Department determines that dumping is likely to continue or recur if the orders were revoked.

Magnitude of the Margin

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 in place. Further, for companies not specifically investigated or for companies that did not begin shipping until after the order was issued, we 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 its substantive responses, the domestic interested parties argue that the Department should report to the Commission the dumping margins determined in the original investigations because these rates best reflect the behavior of producers and exporters of circular welded non-alloy steel pipe from Brazil, Korea, Mexico, Taiwan, and Venezuela absent the antidumping duty orders.

With respect to the Mexican case, TUNA reasserts that the dumping margins that are likely to prevail were the order revoked are *de minimis*. Additionally, citing to the SAA (at 890–

⁴ See *Final Determination of Sales at Less Than Fair Value: Circular Welded Non-Alloy Steel Pipe from Mexico*, 57 FR 42953 (September 17, 1992).

891), TUNA notes that in certain instances, it may be more appropriate to provide the Commission a more recently calculated margin. TUNA argues that it is not appropriate to report the margins from the original investigation where, as in this case, dumping margins decreased and import volume remained steady or increased. TUNA argues that the weighted-average dumping margins for Hylsa (the only respondent in the investigation), declined to single digit levels, from 32.62 percent in the investigation to 2.99 percent in 1994–1995, and to 7.39 percent in 1995–1996. Further, TUNA notes that it was subject to the all others rate until the 1994–1995 administrative review, when the Department assigned TUNA a 1.77 percent dumping margin (its only individual margin) (see 62 FR 37014, July 10, 1997)).

In addition, TUNA argues that dumping margins assigned in the original investigation are inappropriate as indicators of the rates that would be found upon revocation in light of changes in the methodology used to calculate antidumping duty margins introduced by the Uruguay Round. TUNA asserts that the use of margins that would not be obtained under current law would be unfair and contrary to the Antidumping Agreement.

With respect to duty absorption, TUNA notes although the Department has not made any duty absorption findings, in the 1997–1998 administrative review, the petitioners requested a duty absorption investigation.

As discussed above, we disagree with TUNA's assertion that a dumping margin of 1.77 percent is *de minimis*. Further, we note that the current deposit rates for Hylsa (7.39 percent) and all others Mexican producers/exporters (32.63 percent) are not *de minimis*.

With respect to TUNA's argument concerning the magnitude of the margin likely to prevail, we disagree. In the *Sunset Policy Bulletin* we indicated that, consistent with the SAA at 889–90 and the House Report at 63, we may determine, in cases where declining (or no) dumping margins are accompanied by steady or increasing imports, that a more recently calculated rate reflects that companies do not have to dump to maintain market share in the United States and, therefore, that dumping is less likely to continue or recur if the order were revoked. Further, we noted that, in determining whether a more recently calculated margin is probative of an exporters's behavior absent the discipline of an order, we will normally consider the company's relative market

share, with such information to be provided by the parties. It is clear, therefore, that in determining whether a more recently calculated margin is probative of the behavior of exporters were the order to be revoked, the Department considers company-specific exports and company-specific margins. In its substantive response, TUNA provided the volume and value of its exports to the United States for 1990 (the year prior to the issuance of the order) and for years 1994 through 1998. Additionally, for the years 1994 through 1998, TUNA reported its exports as a percentage of total consumption imports of subject merchandise from Mexico. This information shows the post-order exports from TUNA continue to be significantly below TUNA's pre-order exports. Additionally, although as TUNA argues, its exports in 1998 are greater than its exports in 1994, TUNA's exports over this five-year period have greatly fluctuated. Therefore, we are not persuaded that the use of a more recently calculated rate is appropriate in this case. Additionally, we find there is no basis to reject margins calculated in an investigation because of subsequent changes in methodology. Such changes do not invalidate margins calculated under prior methodology.

The Department agrees with the domestic interested parties concerning the margins likely to prevail if these orders were revoked. Absent argument and evidence to the contrary, and consistent with the Sunset Policy Bulletin, we determine that the margins calculated in the Department's original investigation are probative of the behavior of Brazilian, Korean, Taiwanese, and Venezuelan producers and exporters of circular welded non-alloy steel pipe without the discipline of the orders in place. Further, based on the above analysis, we find that the margins calculated in the original investigation covering Mexico are probative of the behavior of Mexican producers and exporters of circular welded non-ally steel pipe without the discipline of the order. Therefore, we will report to the Commission the margins indicated in the Final Results of the Reviews section of this notice.

Final Results of Reviews

As a result of these reviews, the Department finds that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping at the margins listed below:

Manufacturers/exporters	Margin (percent)
Brazil	
Persico Pizzamiglio S.A	103.38
All Others	103.38
Korea	
Hyundai Steel Pipe Co., Ltd	4.62
Korea Steel Pipe Co., Ltd	4.08
Masan Steel Tube Works Co., Ltd	11.63
Pusan Steel Pipe Co., Ltd	5.35
All Others	4.80
Mexico	
Hylsa, S.A. de C.V	32.62
All Others	32.62
Taiwan	
Kao Hsing Chang Iron & Steel Corporation	19.46
Yieh Hsing Enterprise Co., Ltd	27.65
All Others	23.56
Venezuela	
C.A. Conduven	52.51
All Others	52.51

These notices 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 regulation. 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 sanctionable violation.

These five-year ("sunset") reviews and notice are published 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–588–806]

Final Results of Expedited Sunset Review: Electrolytic Manganese Dioxide From Japan

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