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Sunset Reviews  
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MEMORANDUM TO:        Ronald K. Lorentzen  
                                 Acting Assistant Secretary  
                                 for Import Administration

FROM:                     John M. Andersen /i/ JMA  
                                 Acting Deputy Assistant Secretary  
                                 for Antidumping and Countervailing Duty Operations

SUBJECT:                 Issues and Decision Memorandum for the Expedited Sunset  
                                 Reviews of the Antidumping Duty Finding/Orders on Prestressed  
                                 Concrete Steel Wire Strand from Brazil, India, Japan, the Republic  
                                 of Korea, Mexico, and Thailand

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### Summary

We have analyzed the substantive responses of the interested parties in the sunset reviews of the antidumping duty finding/orders on prestressed concrete steel wire strand (PC strand) from Brazil, India, Japan, the Republic of Korea (Korea), Mexico, and Thailand. We recommend that you approve the positions described in the Discussion of the Issues section of this memorandum. Below is the complete list of the issues in these sunset reviews for which we received substantive responses:

1.        Likelihood of continuation or recurrence of dumping
2.        Magnitude of the margin likely to prevail

### History of the Finding/Orders

#### *Brazil*

On December 8, 2003, the Department of Commerce (the Department) published the final determination of sales at less than fair value on PC strand from Brazil in the United States. See *Notice of Final Determination of Sales at Less Than Fair Value: Prestressed Concrete Steel Wire Strand from Brazil*, 68 FR 68354 (December 8, 2003). In the final determination, the Department found the antidumping duty margins as follows:

| <u>Company</u>            | <u>Weighted Average Margin (Percent)</u> |
|---------------------------|--|
| Belgo Bekaert Arames S.A. | 118.75                                   |

Following the publication of the Department's final determination, the U.S. International Trade Commission (ITC) found that the U.S. industry was materially injured by reason of the imports of subject merchandise. See *Prestressed Concrete Steel Wire Strand from Brazil, et al.*, Investigation. Nos. 701-TA-432 (Final) and 731-TA-1024-1028 (Final), Publication No. 3663 (January 2004), and *Prestressed Concrete Steel Wire Strand From Brazil, et al.*, 69 FR 4177 (January 28, 2004) (collectively *ITC Determination*). On January 28, 2004, the Department published the antidumping duty order on PC strand from Brazil. See *Notice of Antidumping Duty Order: Prestressed Concrete Steel Wire Strand from Brazil*, 69 FR 4112 (January 28, 2004).

### *India*

On December 8, 2003, the Department published the final determination of sales at less than fair value on PC strand from India in the United States. See *Notice of Final Determination of Sales at Less Than Fair Value: Prestressed Concrete Steel Wire Strand from India*, 68 FR 68352 (December 8, 2003). In the final determination, the Department found the antidumping duty margins as follows:

| <u>Company</u>                | <u>Weighted Average Margin (Percent)</u> |
|-------------------------------|--|
| Tata Iron and Steel Co., Ltd. | 102.07                                   |
| All Others                    | 83.65                                    |

Following the publication of the Department's final determination, the ITC found that the U.S. industry was materially injured by reason of the imports of subject merchandise. See *ITC Determination*. On January 28, 2004, the Department published the antidumping duty order on PC strand from India. See *Notice of Antidumping Duty Order: Prestressed Concrete Steel Wire Strand from India*, 69 FR 4110 (January 28, 2004).

### *Japan*

On August 28, 1978, the Department of the Treasury (Treasury) published the final affirmative determination of sales at less than fair value and final discontinuance of antidumping investigation in part. See *Determination of Sales at Less Than Fair Value and Final Discontinuance of Antidumping Investigation*, 43 FR 38495 (August 28, 1978) (*Final Determination – Japan*). In the determination, Treasury found the weighted-average dumping margins for five companies as follows:

| <u>Company</u>                     | <u>Weighted Average Margin (Percent)</u> |
|------------------------------------|--|
| Kawatetsu Wire Products Co., Ltd.  | 0.60 ( <i>de minimis</i> )               |
| Shinko Wire Co., Ltd.              | 13.30                                    |
| Sumitomo Electric Industries, Ltd. | 15.80                                    |
| Suzuki Metal Industry Co., Ltd.    | 6.90                                     |
| Tokyo Rope Manufacturing Co., Ltd. | 4.50                                     |

Treasury discontinued its investigation with respect to Kawatetsu Wire Products Co., Ltd., because of its *de minimis* margin. *Id.* For all other companies, Treasury determined that PC strand from Japan was being sold at less than fair value. *Id.*

Treasury did not publish an all-others rate for the antidumping duty finding on PC strand from Japan. The ITC stated that the “weighted average dumping margin for all the sales compared was 9.76 percent.” See *Steel Wire Strand for Prestressed Concrete from Japan*, Investigation No. AA1921-188, Publication No. 928 at 4 (November 1978), and *Steel Wire Strand for Prestressed Concrete from Japan*, 43 FR 55826 (November 29, 1978) (*ITC Determination – Japan*). The 9.76 percent is the rate which the Department has reported to the ITC as the all-others rate. See *Final Results of Expedited Sunset Review: Steel Wire Strand from Japan*, 64 FR 857, 859-60 (January 6, 1999) (*Sunset Review – Japan I*), and *Prestressed Concrete Wire Strand From Japan; Final Results of Expedited Sunset Review of Antidumping Finding*, 69 FR 25563 (May 7, 2004) (*Sunset Review – Japan II*).

On November 24, 1978, the ITC notified Treasury that a U.S. industry was being injured by reason of the imports of PC strand from Japan. On November 29, 1978, the ITC published its findings of injury to a U.S. industry. See *ITC Determination – Japan*. On December 8, 1978, Treasury published the antidumping duty finding on PC strand from Japan. See *Steel Wire Strand for Prestressed Concrete from Japan; Finding of Dumping*, 43 FR 57599 (December 8, 1978) (*AD Finding*).

#### *Korea*

On December 8, 2003, the Department published the final determination of sales at less than fair value on PC strand from Korea in the United States. See *Notice of Final Determination of Sales at Less Than Fair Value: Prestressed Concrete Steel Wire Strand from the Republic of Korea*, 68 FR 68353 (December 8, 2003). In the final determination, the Department found the antidumping duty margins as follows:

| <u>Company</u>                        | <u>Weighted Average Margin (Percent)</u> |
|---------------------------------------|--|
| Dong-Il Steel Manufacturing Co., Ltd. | 54.19                                    |
| Kiswire Ltd.                          | 54.19                                    |
| All Others                            | 35.64                                    |

Following the publication of the Department’s final determination, the ITC found that the U.S. industry was materially injured by reason of the imports of subject merchandise. See *ITC Determination*. On January 28, 2004, the Department published the antidumping duty order on PC strand from Korea. See *Notice of Antidumping Duty Order: Prestressed Concrete Steel Wire Strand from the Republic of Korea*, 69 FR 4109 (January 28, 2004).

#### *Mexico*

On December 8, 2003, the Department published the final determination of sales at less than fair value on PC strand from Mexico in the United States. See *Notice of Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances:*

*Prestressed Concrete Steel Wire Strand from Mexico*, 68 FR 68350 (December 8, 2003). In the final determination, the Department found the antidumping duty margins as follows:

| <u>Company</u>             | <u>Weighted Average Margin (Percent)</u> |
|----------------------------|--|
| Aceros Camesa S.A. de C.V. | 62.78                                    |
| Cablesa S.A. de C.V.       | 77.20                                    |
| All Others                 | 62.78                                    |

Following the publication of the Department's final determination, the ITC found that the U.S. industry was materially injured by reason of the imports of subject merchandise. See *ITC Determination*. On January 28, 2004, the Department published the antidumping duty order on PC strand from Mexico. See *Notice of Antidumping Duty Order: Prestressed Concrete Steel Wire Strand from Mexico*, 69 FR 4112 (January 28, 2004).

#### *Thailand*

On December 8, 2003, the Department published the final determination of sales at less than fair value on PC strand from Thailand in the United States. See *Notice of Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances: Prestressed Concrete Steel Wire Strand from Thailand*, 68 FR 68348 (December 8, 2003), as amended in *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Prestressed Concrete Steel Wire Strand from Thailand*, 69 FR 4111 (January 28, 2004) (*Amended Final and AD Order*). In the final determination, the Department found the antidumping duty margins as follows:

| <u>Company</u>                 | <u>Weighted Average Margin (Percent)</u> |
|--------------------------------|--|
| Siam Industrial Wire Co., Ltd. | 12.91                                    |
| All Others                     | 12.91                                    |

Following the publication of the Department's final determination, the ITC found that the U.S. industry was materially injured by reason of the imports of subject merchandise. See *ITC Determination*. On January 28, 2004, the Department published the antidumping duty order on PC strand from Thailand. See *Amended Final and AD Order*.

#### Administrative Reviews

##### *Brazil, India, Korea, Mexico, and Thailand*

Since the publication of the antidumping duty orders, the Department has conducted no administrative reviews of the antidumping duty orders on PC strand from Brazil, India, Korea, Mexico, and Thailand.

## *Japan*

Since the publication of the antidumping duty finding, the Department has conducted several administrative reviews of the antidumping duty finding on PC strand from Japan.<sup>1</sup> On August 29, 1986, the Department revoked the antidumping duty finding with respect to PC strand from Japan produced by Sumitomo Electric Industries, Ltd., and exported by Sumitomo Corporation. See *Final Results – 1980-82*.

## Duty-Absorption Findings, Changed-Circumstances Reviews, Scope Inquiries

### *Brazil, India, Korea, and Thailand*

There have been no duty-absorption findings, changed-circumstances reviews, or scope inquiries concerning the antidumping duty orders on PC strand from Brazil, India, Korea, and Thailand.

### *Japan*

Since the publication of the antidumping duty finding, the Department published one notice of final results of changed-circumstances review with respect to the antidumping duty finding on PC strand from Japan. See *Steel Wire Strand for Prestressed Concrete From Japan; Final Results of Changed Circumstances Antidumping Duty Administrative Review*, 55 FR 28796 (July 13, 1990). In this changed-circumstances review, the Department determined that Kawasaki Steel Techno-Wire was the successor to Kawatetsu Wire Products Co., Ltd., and that the discontinuance issued to Kawatetsu Wire Products Co., Ltd., applied to Kawasaki Steel Techno-Wire. *Id.* There have been no duty-absorption findings or scope inquiries concerning the antidumping duty finding on PC strand from Japan.

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<sup>1</sup> See *Steel Wire Strand for Prestressed Concrete From Japan; Final Results of Administrative Review of Antidumping Finding*, 48 FR 45586 (October 6, 1983), for the period covering April 1, 1978, through November 30, 1980; *Steel Wire Strand for Prestressed Concrete From Japan: Final Results of Antidumping Duty,[sic] Administrative Review and Revocation in Part*, 51 FR 30894 (August 29, 1986) (*Final Results – 1980-82*), for the period covering December 1, 1980, through November 30, 1982; *Steel Wire Strand for Prestressed Concrete From Japan; Final Results of Antidumping Duty Administrative Review*, 52 FR 4373 (February 11, 1987), as amended in *Steel Wire Strand for Prestressed Concrete From Japan; Final Results of Antidumping Duty Administrative Review; Correction*, 52 FR 37997 (October 13, 1987) (*Final Results – 1982-85*), for the period covering December 1, 1982, through November 30, 1985; *Steel Wire Strand for Prestressed Concrete From Japan; Final Results of Antidumping Duty Administrative Review*, 53 FR 9787 (March 25, 1988), as amended in *Steel Wire Strand for Prestressed Concrete From Japan; Final Results of Antidumping Duty Administrative Review*, 53 FR 11162 (April 5, 1988) (*Final Results – 1985-86*), for the period covering December 1, 1985, through November 30, 1986; *Steel Wire Strand for Prestressed Concrete From Japan; Final Results of Antidumping Duty Administrative Review*, 55 FR 46853 (November 7, 1990), as amended in *Steel Wire Strand for Prestressed Concrete From Japan; Notice of Final Court Decision and Amended Final Results of Antidumping Duty Administrative Reviews*, 62 FR 60688 (November 12, 1997), for the period covering April 1, 1978, through November 30, 1983, for one exporter, Mitsui & Co. Ltd.; *Steel Wire Strand for Prestressed Concrete From Japan; Final Results of Antidumping Administrative Review*, 56 FR 66840 (December 26, 1991), for the period covering April 1, 1985, through November 30, 1988, for one exporter, Mitsui & Co. Ltd.

## *Mexico*

On June 16, 2004, the Department issued a scope ruling with respect to the antidumping duty order on PC strand from Mexico. See the June 16, 2004, memorandum to Deputy Assistant Secretary Jeffrey May entitled “Prestressed Concrete Steel Wire Strand from Mexico: Scope Inquiry Final Determination.” See also *Notice of Scope Rulings*, 70 FR 24533 (May 10, 2005). In this scope ruling, the Department found that 0.05 oz/sq. ft. zinc-coated PC strand is within the scope of the antidumping duty order. The court upheld the Department’s scope determination in *Cablesa S.A. de C.V. v. United States*, 29 Int’l Trade Rep. 1438 (CIT 2007).

There have been no duty-absorption findings or changed-circumstances reviews concerning the antidumping duty order on PC strand from Mexico.

## Sunset Reviews

### *Brazil, India, Korea, Mexico, and Thailand*

There have been no sunset reviews of the antidumping duty orders on PC strand from Brazil, India, Korea, Mexico, and Thailand.

### *Japan*

On January 6, 1999, the Department published the notice of the final results of the first sunset review of the antidumping duty finding on PC strand from Japan in which it determined that the revocation of the antidumping duty finding on PC strand from Japan would be likely to lead to the continuation or recurrence of dumping. See *Sunset Review – Japan I*. On January 27, 1999, the ITC published its determination that the revocation of the antidumping duty finding on PC strand from Japan would be likely to lead to the continuation or recurrence of material injury to a U.S. industry within a reasonably foreseeable time. See *Prestressed Concrete Steel Wire Strand From Japan*, Investigation No. AA1921-188 (Review), Publication No. 3156 (February 1999), and *Prestressed Concrete Steel Wire Strand From Japan*, 64 FR 4123 (January 27, 1999). Based on these results, the Department published a notice of continuation of the antidumping duty finding on PC strand from Japan. See *Continuation of Antidumping Finding: Prestressed Concrete Steel Wire Strand From Japan*, 64 FR 40554 (July 27, 1999).

On May 7, 2004, the Department published the notice of the final results of the second sunset review of the antidumping duty finding on PC strand from Japan in which it determined that the revocation of the antidumping duty finding on PC strand from Japan would be likely to lead to the continuation or recurrence of dumping. See *Sunset Review – Japan II*. On June 14, 2004, the ITC published its determination that the revocation of the antidumping duty finding on PC strand from Japan would be likely to lead to continuation or recurrence of material injury to a U.S. industry within a reasonably foreseeable time. See *Prestressed Concrete Steel Wire Strand From Japan*, Investigation No. AA1921-188 (Second Review), Publication No. 3699 (June 2004), and *Prestressed Concrete Steel Wire Strand From Japan*, 69 FR 33071 (June 14, 2004). Based on these results, the Department published a notice of continuation of the antidumping duty finding on PC strand from Japan. See *Continuation of Antidumping Duty Findings: Prestressed*

*Concrete Wire Strand from Japan and Pressure Sensitive Plastic Tape From Italy*, 69 FR 35584 (June 25, 2004).

### Current Sunset Reviews

On December 1, 2008, the Department published the notice of initiation of the sunset reviews of the antidumping duty finding/orders on PC strand from Brazil, India, Japan, Korea, Mexico, and Thailand pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). See *Initiation of Five-year (“Sunset”) Reviews*, 73 FR 72770 (December 1, 2008) (*Notice of Initiation*).

On December 11, 2008, the Department received notices of intent to participate in these sunset reviews from American Spring Wire Corp., Insteel Wire Products Company, and Sumiden Wire Products Corp. (collectively, the domestic interested parties) within the 15-day period specified in 19 CFR 351.218(d)(1)(i). The domestic interested parties claimed interested-party status under section 771(9)(C) of the Act as producers of a domestic like product in the United States.

On December 19, 2008, the Department received complete substantive responses to the *Notice of Initiation* from the domestic interested parties within the 30-day period specified in 19 CFR 351.218(d)(3)(i). The Department received no substantive responses from respondent interested parties. As a result, in accordance with 19 CFR 351.218(e)(1)(ii)(C)(2), the Department is conducting expedited (120-day) sunset reviews of the antidumping duty finding/orders on PC strand from Brazil, India, Japan, Korea, Mexico, and Thailand.

### Discussion of the Issues

In accordance with section 751(c)(1) of the Act, the Department is conducting these sunset reviews to determine whether revocation of the antidumping duty finding/orders would be likely to lead to a continuation or recurrence of dumping. Sections 752(c)(1)(A) and (B) of the Act provide that, in making these determinations, the Department shall consider both the weighted-average dumping margins determined in the investigation and subsequent reviews and the volume of imports of the subject merchandise for the periods before and the periods after the issuance of the antidumping duty finding/orders. In addition, section 752(c)(3) of the Act provides that the Department shall provide to the ITC the magnitude of the margins of dumping likely to prevail if the finding/orders were revoked. Below we address the comments of the interested parties.

#### 1. Likelihood of Continuation or Recurrence of Dumping

### Interested-Party Comments

The domestic interested parties argue that the revocation of the antidumping duty finding/orders on PC strand from Brazil, India, Japan, Korea, Mexico, and Thailand would likely lead to a continuation or recurrence of dumping by the manufacturers/producers and exporters of the subject merchandise. See the December 19, 2008, substantive responses of the domestic interested parties for Brazil, India, Korea, Mexico, and Thailand at 5 (substantive responses) and

the December 19, 2008, substantive response of the domestic interested parties for Japan at 14 (substantive response – Japan).

The domestic interested parties state that the antidumping duty margins have remained at a high level and the imports of subject merchandise from Brazil, India, Japan, Korea, Mexico, and Thailand have either ceased or declined dramatically since the imposition of the finding/orders. The imports of subject merchandise from India, Japan, Korea, Mexico, and Thailand have declined drastically since the imposition of the finding/orders, according to the statistical data provided by the domestic interested parties, and the imports of subject merchandise from Brazil and Thailand ceased after 2005 and 2007, respectively. See the substantive responses at 6-8, Exhibit 1, and the substantive response – Japan at 14-19, Exhibit 1.

The domestic interested parties contend that the comparisons of the import-volume levels before and after the issuance of the antidumping duty finding/orders demonstrate that producers of PC strand in Brazil, India, Japan, Korea, Mexico, and Thailand are not able to sell the subject merchandise in commercial volumes in the United States under the finding/orders. *Id.* Citing *Policies Regarding the Conduct of Five-year (“Sunset”) Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871, 18872 (April 16, 1998) (*Sunset Policy Bulletin*), quoting the Statement of Administrative Action, H.R. Doc. No. 316, Vol. 1, 103d Cong., 2d Sess., at 889-890 (SAA), the domestic interested parties argue that the cessation or dramatic reduction of imports of PC strand from these countries after the issuance of the antidumping duty finding/orders with margins above the *de minimis* level indicates that the producers in these countries are not able to sell PC strand in the United States under the finding/orders. *Id.*

The domestic interested parties comment further that, although the Department revoked the antidumping duty finding for Kawasaki Steel Techno-Wire and Sumitomo Electric Industries, Ltd., the final results of numerous administrative reviews demonstrate that at least one known exporter, Tokyo Rope Manufacturing, continues to dump at a rate above a *de minimis* level, 4.5 percent. See the substantive response – Japan at 16-17. The domestic interested parties also claim that Japanese companies which received dumping margins of zero percent or for which the Department found that they made no shipments of subject merchandise in subsequent reviews have not been able to demonstrate that they are able to sell a steady or increasing volume of PC strand into the United States at declining or zero-percent margins of dumping. According to the domestic interested parties, the Department found no shipments by Shinko Wire Co., Ltd., in the administrative reviews after the first administrative review. Moreover, according to the domestic parties, for Suzuki Metal Industry Co., Ltd., the Department found the absence of dumping in the first two administrative reviews and then no shipments of the subject merchandise in the subsequent administrative reviews. See the substantive response – Japan at 16-18.

The domestic interested parties argue that section 752(c)(1) of the Act requires that, in determining whether revocation of the orders is likely to lead to further dumping, the Department consider the weighted-average 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 or acceptance of the suspension agreement.” See the substantive responses at 6 and the substantive response – Japan at 14 quoting section

752(c)(1)(B) of the Act. The domestic interested parties claim that, in light of section 752(c)(1) of the Act, dumping is likely to resume if the revocation of the finding/orders occurs. See the substantive responses at 5-6 and the substantive response – Japan at 14.

#### Department's Position:

Consistent with the guidance provided in the legislative history accompanying the Uruguay Round Agreements Act (URAA), specifically the SAA, the House Report, H. Rep. No. 103-826, pt. 1, (1994) (House Report), and the Senate Report, S. Rep. No. 103-412 (1994) (Senate Report), the Department's determinations of likelihood will be made on a proceeding-wide basis.<sup>2</sup> In addition, the Department normally will determine that revocation of an antidumping duty finding/order is likely to lead to continuation or recurrence of dumping if one or more of the following factors are met: (a) dumping continued at any level above *de minimis* after the issuance of the finding/order, (b) imports of the subject merchandise ceased after the issuance of the finding/order, or (c) dumping was eliminated after the issuance of the finding/order and import volumes for the subject merchandise declined significantly.<sup>3</sup> In addition, pursuant to section 752(c)(1)(B) of the Act, in order to determine whether revocation of an antidumping duty finding/order would be likely to lead to continuation of dumping, the Department considers the volume of imports of the subject merchandise for the period before and after the issuance of the antidumping duty finding/order.

Further, section 751(c)(4)(B) of the Act provides that, in a sunset review in which an interested party waives its participation, the Department shall conclude that revocation of the antidumping duty finding/order would be likely to lead to continuation of recurrence of dumping with respect to that interested party. In these sunset reviews, the Department did not receive a substantive response from any respondent interested party. Pursuant to section 752(c)(1)(A) of the Act, the Department considered the weighted-average dumping margins determined in the investigations and, for the antidumping duty finding on PC strand from Japan, in subsequent reviews.

#### *Brazil, India, Korea, Mexico, and Thailand*

The Department obtained the ITC data for the relevant periods which show that imports of PC strand from Brazil, India, Korea, Mexico, and Thailand ceased or declined after the Department issued the antidumping duty orders in January 2004 and have not returned to pre-order levels. By 2008, the quantity in kilograms of imports of PC strand from these five countries had dropped from 2003, the year before the issuance of the orders, as follows:

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<sup>2</sup> See SAA at 879 and House Report at 56. See also, e.g., *Refined Brown Aluminum Oxide from the People's Republic of China: Final Results of Expedited Sunset Review*, 74 FR 4138 (January 23, 2009), and the accompanying Issues and Decision Memorandum (I&D Memo) at 3, and *Freshwater Crawfish Tail Meat from the People's Republic of China: Final Results of the Expedited Second Sunset Review of the Antidumping Duty Order*, 73 FR 65832 (November 5, 2008), and the accompanying I&D Memo at 3 (*Crawfish Tail Meat – PRC*).

<sup>3</sup> See SAA at 889-890, House Report at 63-64, and Senate Report at 52. See also, e.g., *Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Notice of Final Results of Expedited Sunset Review of Antidumping Duty Order*, 74 FR 5819 (February 2, 2009), and the accompanying I&D Memo at 3, *Crawfish Tail Meat – PRC*, and *Folding Gift Boxes from the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 72 FR 16765 (April 5, 2007), and the accompanying I&D Memo at 5.

| <u>Country</u> | <u>2003</u> | <u>2008</u> |
|----------------|-------------|-------------|
| Brazil         | 9,757,225   | 0           |
| India          | 1,456,074   | 94,768      |
| Korea          | 16,752,960  | 1,508,419   |
| Mexico         | 17,353,244  | 686,794     |
| Thailand       | 3,080,450   | 0           |

See the March 19, 2009, memorandum entitled “Prestressed Concrete Steel Wire Strand from Brazil, India, Japan, the Republic of Korea, Mexico, and Thailand: ITC Data” (ITC Data Memo) for more details. Because there have been no administrative reviews since the publication of the orders, because dumping of the subject merchandise continues at above *de minimis* margins, and because no party argued or submitted any evidence to the contrary, the Department determines that dumping is likely to continue or recur if the orders were revoked. Further, because imports of the subject merchandise declined significantly or have ceased completely after the issuance of each respective antidumping duty order, the Department determines that dumping is likely to continue or recur if the orders were revoked.

### *Japan*

Since the publication of the *AD Finding*, the Department has conducted several administrative reviews. In those reviews, the Department found that dumping has continued. See Footnote 1, *supra*. Furthermore, the Department made an affirmative likelihood determination in its two prior sunset reviews of this finding. See *Sunset Review – Japan I* and *Sunset Review – Japan II*. No party argued or submitted any evidence that the dumping of the subject merchandise has ceased with respect to this antidumping duty proceeding.

Accordingly, if companies continue dumping with the discipline of a finding in place, the Department may reasonably infer that dumping would continue if the discipline were removed. See Footnote 3, *supra*. A dumping margin above *de minimis* continues to exist for shipments of the subject merchandise from the Tokyo Wire Rope Manufacturing Company, Ltd., as well as “all others.” See *Final Results – 1985-86, Sunset Review – Japan I*, and *Sunset Review – Japan II*.

The import statistics provided by the domestic interested parties on imports of the subject merchandise from Japan between 1975 and 2003, and confirmed through the Department’s examination of import volumes, demonstrate that imports of the subject merchandise decreased significantly after the imposition of the finding. See *Sunset Review – Japan I*, 64 FR at 859, and *Sunset Review – Japan II* and the accompanying I&D Memo at 9.

For example, in the two years following the imposition of the finding, imports of the subject merchandise declined by more than 60 percent (from approximately 80,000 short tons in 1978 to approximately 30,000 short tons in 1980). *Id.* Since that period, imports of subject merchandise have decreased every year with few exceptions. *Id.* The statistics demonstrate that imports of PC strand from Japan have not been above 1,000 short tons (1 million kilograms) per year since 1990. *Id.* See also the ITC Data Memo. This is consistent with several previous final results of administrative reviews of the antidumping duty finding on PC strand from Japan in which the

Department found no shipments of PC strand by several reviewed companies. See *Final Results – 1980-82*, *Final Results – 1982-85*, and *Final Results – 1985-86*.

Moreover, since the publication of the *Sunset Review – Japan II*, import volumes of PC strand from Japan continued to remain at a significantly low level compared to the pre-finding levels. The level of imports for the years after the *Sunset Review – Japan II* has consistently been below 1,000 short tons (1 million kilograms) per year. See the ITC Data Memo for more details. Thus, we agree with the domestic interested parties that the levels of imports have not reached pre-order volumes but have remained at significantly low levels compared to the period before and after the imposition of the finding.

Based on the analysis of the existence of dumping in the investigation and in the administrative reviews, the Department finds that dumping is likely to continue or recur if the antidumping duty finding on PC strand from Japan is revoked. Based on the volume of imports of the subject merchandise for the period before and after the *AD Finding*, the Department finds that dumping is likely to continue or recur if the antidumping duty finding on PC strand from Japan is revoked. Indeed, a deposit rate above a *de minimis* level continues to be in effect for the subject merchandise produced and/or exported by at least one known Japanese producer/exporter as a result of the unchallenged second sunset review by both the Department and the ITC. Therefore, because dumping has continued after the issuance of the *AD Finding* and there is no argument or evidence to the contrary and, alternatively, because the imports of the subject merchandise declined significantly after the issuance of the antidumping duty finding, the Department determines that dumping is likely to continue if the finding is revoked.

## 2. Magnitude of the Margin Likely to Prevail

### Interested-Party Comments

Citing *Sunset Policy Bulletin*, 63 FR at 18873, section II.B.1, and the SAA at 890, the domestic interested parties request that the Department report to the ITC the antidumping duty margins that were determined in the respective original investigations. Thus, the domestic interested parties recommend that the Department report the antidumping duty margins for PC strand from Brazil, India, Japan, Korea, Mexico, and Thailand as follows:

| <u>Country</u> | <u>Company</u>                        | <u>Recommended Weighted-Average Margin (Percent)</u> |
|----------------|---------------------------------------|--|
| Brazil         | Belgo Bekaert Arames S.A.             | 118.75   |
|                | All Others                            | 118.75   |
| India          | Tata Iron and Steel Co., Ltd.         | 102.07   |
|                | All Others                            | 83.65  |
| Japan          | Shinko Wire Co., Ltd.                 | 13.30  |
|                | Suzuki Metal Industry Co., Ltd.       | 6.90   |
|                | Tokyo Rope Manufacturing Co., Ltd.    | 4.50   |
|                | All Others                            | 9.76   |
| Korea          | Dong-II Steel Manufacturing Co., Ltd. | 54.19  |
|                | Kiswire Ltd.                          | 54.19  |

|          |                                |       |
|----------|--------------------------------|-------|
|          | All Others                     | 35.64 |
| Mexico   | Aceros Camesa S.A. de C.V.     | 62.78 |
|          | Cablesa S.A. de C.V.           | 77.20 |
|          | All Others                     | 62.78 |
| Thailand | Siam Industrial Wire Co., Ltd. | 12.91 |
|          | All Others                     | 12.91 |

Department's Position:

Normally, the Department will provide to the ITC the company-specific margin from the investigation for each company. See *Eveready Battery Co., Inc. v. United States*, 77 F. Supp. 2d 1327, 1333 (CIT 1999). For companies not investigated specifically or for companies that did not begin shipping until after the finding/order was issued, the Department normally will provide a margin based on the all-others rate from the investigation. See *Certain Hot-Rolled Carbon Steel Flat Products from Argentina, et al.; Final Results of Expedited Sunset Reviews of the Antidumping Duty Orders*, 71 FR 70506 (December 5, 2006), and the accompanying I&D Memo at 20.

The Department's preference for selecting a margin from the investigation is based on the fact that it is the only calculated rate that reflects the behavior of manufacturers, producers, and exporters without the discipline of a finding/order or suspension agreement in place. *Id.* at 20-21. Under certain circumstances, however, the Department may select a more recently calculated margin to report to the ITC. See section 752(c)(3) of the Act and *Final Results of Full Sunset Review: Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide From the Netherlands*, 65 FR 65294 (November 1, 2000), and the accompanying I&D Memo at "Magnitude of the Margin Likely to Prevail," Comment 3.

*Brazil, India, Korea, Mexico, and Thailand*

Since the publication of the antidumping duty orders, the Department has conducted no administrative reviews of the antidumping duty orders on PC strand from Brazil, India, Korea, Mexico, and Thailand. Also, there were no imports of PC strand from Brazil and Thailand in 2008, while imports of PC strand from India, Korea, and Mexico have been below the pre-order levels in quantity. Therefore, the Department finds that it is appropriate to provide the ITC with the antidumping duty margins from the original investigations for Brazil, India, Korea, Mexico, and Thailand because they are the only antidumping duty margins that the Department has determined.

*Japan*

In a sunset review of an antidumping duty finding in which no company-specific margin or all-others rate is included in the antidumping duty finding, it is the Department's practice to provide the ITC with company-specific margin from the first administrative review. See *Sunset Review – Japan II* and the accompanying I&D Memo at 11. In addition, if the first administrative review does not contain a margin for a specific company, the Department normally will provide the ITC with the first new-shipper margin that the Department established for that specific company for

the antidumping duty finding. *Id.* Exceptions to our practice include the use of a more recently calculated margin, where appropriate, and consideration of duty-absorption determinations. *Id.*

On August, 23, 1978, Treasury published weighted-average dumping margins for five Japanese manufacturers and exporters of the subject merchandise. See *Final Determination – Japan*. Treasury discontinued its investigation with respect to Kawatetsu Wire Products Co., Ltd., because of its *de minimis* margin. *Id.* On August 29, 1986, the Department revoked the antidumping duty finding with respect to PC strand from Japan produced by Sumitomo Electric Industries, Ltd., and exported by Sumitomo Corporation. See *Final Results – 1980-82*.

Treasury did not publish an all-others rate for the antidumping duty finding on PC strand from Japan. The ITC stated that the “weighted average dumping margin for all the sales compared was 9.76 percent.” See *ITC Determination – Japan*. The 9.76 percent is the rate which the Department has reported to the ITC as the all-others rate. See *Sunset Review – Japan I* and *Sunset Review – Japan II*.

In determining the magnitude of the margins of dumping that would likely prevail in the event of revocation, the Department will normally select antidumping duty margins established in the investigation because these margins are the only calculated margins that best reflect the behavior of exporters without the discipline of the finding in place. Only where no company-specific margin was published in an antidumping duty finding does the Department resort to an antidumping duty margin from the first administrative review.

Consistent with the final results of the *Sunset Review – Japan I* and *Sunset Review – Japan II*, we find that the antidumping duty margins in the *Final Determination – Japan* are probative of the behavior of Japanese manufacturers/exporters if the finding were revoked because these margins are the only margins which reflect the behavior of these manufacturers/exporters absent the discipline of the finding.

In addition, although administrative reviews have been conducted and the margins for Shinko Wire Co., Ltd., and Suzuki Metal Industry Co., Ltd., have decreased and the margin for Tokyo Rope Manufacturing Co., Ltd., has remained the same since the publication of the *AD Finding*, imports of PC strand from Japan are significantly below pre-finding levels in quantity. Moreover, there is no information on the record of this sunset review to indicate that exports of the subject merchandise by these companies have remained the same or increased since the issuance of the *AD Finding*. This indicates that the antidumping duty finding has imposed a discipline on the exports of the subject merchandise. Thus, the antidumping duty margins from the investigation reflect the behavior of manufacturers, producers, and exporters without the discipline of the antidumping duty finding in place. See *Polyvinyl Alcohol From Japan, et al.: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders*, 73 FR 57596 (October 3, 2008), and the accompanying I&D Memo at 6.

Because Treasury published antidumping duty margins in the investigation and because we find that the antidumping duty margins in the investigation are probative of the behavior of Japanese manufacturers/exporters if the finding were revoked, we will report to the ITC the antidumping duty margins for Shinko Wire Co., Ltd., Suzuki Metal Industry Co., Ltd., Tokyo Rope

Manufacturing Co., Ltd., as published in the *Final Determination – Japan*, and the all-others rate of 9.76 percent, which is the rate identified by the ITC in the *ITC Determination – Japan*.

Final Results of Reviews

We determine that revocation of the antidumping duty finding/orders on PC strand from Brazil, India, Japan, Korea, Mexico, and Thailand would be likely to lead to continuation or recurrence of dumping at the following weighted-average percentage margins:

| <u>Country</u> | <u>Company</u>                        | <u>Weighted-Average Margin (Percent)</u> |
|----------------|---------------------------------------|--|
| Brazil         | Belgo Bekaert Arames S.A.             | 118.75                                   |
|                | All Others                            | 118.75                                   |
| India          | Tata Iron and Steel Co., Ltd.         | 102.07                                   |
|                | All Others                            | 83.65                                    |
| Japan          | Shinko Wire Co., Ltd.                 | 13.30                                    |
|                | Suzuki Metal Industry Co., Ltd.       | 6.90                                     |
|                | Tokyo Rope Manufacturing Co., Ltd.    | 4.50                                     |
|                | All Others                            | 9.76                                     |
| Korea          | Dong-Il Steel Manufacturing Co., Ltd. | 54.19                                    |
|                | Kiswire Ltd.                          | 54.19                                    |
|                | All Others                            | 35.64                                    |
| Mexico         | Aceros Camesa S.A. de C.V.            | 62.78                                    |
|                | Cablesa S.A. de C.V.                  | 77.20                                    |
|                | All Others                            | 62.78                                    |
| Thailand       | Siam Industrial Wire Co., Ltd.        | 12.91                                    |
|                | All Others                            | 12.91                                    |

Recommendation

Based on our analysis of the responses received, we recommend adopting all of the above positions. If these recommendations are accepted, we will publish the final results of reviews in the Federal Register.

AGREE   X  

DISAGREE \_\_\_\_\_

/s/ John M. Andersen for

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 Ronald K. Lorentzen  
 Acting Assistant Secretary  
 for Import Administration

March 19, 2009

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 Date