

DEPARTMENT OF COMMERCE**International Trade Administration**

[A-122-047]

**Elemental Sulphur From Canada;
Preliminary Results of Antidumping
Duty Administrative Review**

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

ACTION: Notice of Preliminary Results
and Partial Rescission of Antidumping
Duty Administrative Review of
Elemental Sulphur from Canada.

SUMMARY: This administrative review
covers Husky Oil, Ltd. ("Husky") and
Petrosul International ("Petrosul"). The
period of review ("POR") is December 1,
1997, through November 30, 1998.

For the reasons provided in the "Facts
Available" section of this notice, we
have preliminarily determined Husky's
antidumping rate based on total adverse
facts available, and have applied the
highest rate calculated for Husky in
prior reviews. If these preliminary
results are adopted in our final results
of administrative review, we will
instruct the U.S. Customs Service to
assess antidumping duties based on this
margin.

On March 10, 1999, Petrosul informed
the Department of Commerce ("the
Department") that it did not have any
shipments of subject merchandise to the
United States during the POR. We have
confirmed this with information from
the U.S. Customs Service. Therefore, in
accordance with section 351.213(d)(3) of
the Department's regulations and
consistent with the Department's
practice, we are rescinding our review
for Petrosul. For further information, see
the "Partial Rescission of Review"
section of this notice, below.

Interested parties are invited to
comment on these preliminary results.
Parties who submit arguments in this
proceeding are requested to submit with
the argument: (1) a statement of the
issue; and (2) a brief summary of the
argument.

EFFECTIVE DATE: September 7, 1999.

FOR FURTHER INFORMATION CONTACT:
Brandon Farlander or Rick Johnson,
Import Administration, International
Trade Administration, U.S. Department
of Commerce, 14th and Constitution
Avenue, NW., Washington, DC 20230;
telephone: (202) 482-0182 or (202) 482-
3818, respectively.

Applicable Statute and Regulations

Unless otherwise indicated, all
citations to the statute are references to
the provisions effective January 1, 1995,

the effective date of the amendments
made to the Tariff Act of 1930 ("the
Act") by the Uruguay Rounds
Agreements Act ("URAA"). In addition,
unless otherwise indicated, all citations
to the Department's regulations are to
the regulations codified at 19 CFR Part
351 (1998).

Background

On December 8, 1998, the Department
published in the **Federal Register** a
notice of "Opportunity to Request
Administrative Review" of the
antidumping duty order on elemental
sulphur from Canada (63 FR 67646). In
accordance with 19 CFR 351.213(b)(1),
on December 31, 1998, the petitioner,
Freeport-McMoRan Sulphur, Inc.
("Freeport"), requested an
administrative review of the
antidumping order covering the period
December 1, 1997, through November
30, 1998, for Husky and Petrosul. On
January 25, 1999, the Department
published in the **Federal Register** a
notice of initiation of administrative
review of this order (64 FR 3682). On
February 5, 1999, Husky requested that
the Department rescind the review and
revoke, in whole or in part, the above
antidumping order based on changed
circumstances. On March 22, 1999, the
Department denied Husky's request for
a changed circumstances review. See
*Decision Memorandum: Request of
Husky Oil, Ltd. to Initiate A Changed
Circumstances Review of the
Antidumping Duty Order on Elemental
Sulphur from Canada*, March 22, 1999.
On April 19, 1999, Husky submitted a
letter to the Department stating that it
would not further respond to the
Department's questionnaire (a partial
response to the Department's
questionnaire had been submitted on
March 16, 1999), because "it (could not)
justify the time and considerable costs
necessitated by full participation in this
review."

Scope of the Review

Imports covered by this review are
shipments of elemental sulphur from
Canada. This merchandise is classifiable
under Harmonized Tariff Schedule
("HTS") subheadings 2503.10.00,
2503.90.00, and 2802.00.00. Although
the HTS subheadings are provided for
convenience and for U.S. Customs
purposes, the written description of the
scope of this finding remains
dispositive.

Partial Rescission of Review

As noted above, on March 10, 1999,
Petrosul informed the Department that it
had no shipments of subject
merchandise to the United States during

the POR. We have confirmed this with
information received from the U.S.
Customs Service. Therefore, in
accordance with 19 CFR 351.213(d)(3)
and consistent with the Department's
practice, we are rescinding our review
with respect to Petrosul (see e.g., *Certain
Welded Carbon Steel Pipe and Tube
from Turkey; Final Results and Partial
Rescission of Antidumping
Administrative Review*, 63 FR 35190,
35191 (June 29, 1998)).

Facts Available

In accordance with section
776(a)(2)(A) of the Act, we preliminarily
determine that the use of facts available
is appropriate as the basis for Husky's
dumping margin. Section 776(a)(2) of
the Act provides that if an interested
party: (A) withholds information that
has been requested by the Department;
(B) fails to provide such information in
a timely manner or in the form or
manner requested, subject to
subsections 782(c)(1) and (e) of the Act;
(C) significantly impedes a
determination under the antidumping
statute; or (D) provides such information
but the information cannot be verified,
the Department shall, subject to
subsection 782(d) of the Act, use facts
otherwise available in reaching the
applicable determination. In this case,
section 776(a)(2)(A) of the Act applies
because Husky failed to respond to
sections B, C, and D of the Department's
February 16, 1999 questionnaire.

Because Husky failed to respond to
significant sections of the Department's
questionnaire (i.e., including
submissions relating to home market
sales, U.S. sales, and cost of production
information), and indicated that it
would not continue to participate fully
in this administrative review, we
preliminarily determine that, in
accordance with sections 776(a) and
782(e) of the Act, the use of total facts
available is appropriate. See, e.g.,
*Certain Grain-Oriented Electrical Steel
from Italy: Final Results of
Antidumping Duty Administrative
Review*, 62 FR 2655 (January 17, 1997).

Section 776(b) of the Act provides
that adverse inferences may be used
with respect to a party that has failed to
cooperate by not acting to the best of its
ability to comply with requests for
information. See Statement of
Administrative Action ("SAA")
accompanying the URAA, H.R. Rep. No.
103-316, at 870. Husky's failure to
participate in this review demonstrates
that it has failed to act to the best of its
ability and, therefore, an adverse
inference is warranted. See, e.g.,
*Extruded Rubber Thread from Malaysia;
Final Results of Antidumping Duty*

Administrative Review, 63 FR 12752 (March 16, 1998).

Section 776(b) of the Act authorizes the Department to use as adverse facts available secondary information, that is, information derived from the petition, the final determination, a previous administrative review, or any other information placed on the record. The SAA further provides that "{i}n employing adverse inferences, one factor the {Department} will consider is the extent to which a party may benefit from its own lack of cooperation." SAA at 870. It is the Department's normal practice, in situations involving non-cooperating respondents such as Husky, to select as adverse facts available the highest margin from the current or any prior segment of the same proceeding. Therefore, as total adverse facts available, we have applied the rate of 40.38 percent, which was Husky's calculated final margin in the 1992/93 administrative review. See *Final Elemental Sulphur from Canada; Final Results of Antidumping Duty Administrative Reviews* 62 FR 37970, 37990 (July 15, 1997). The Department previously applied this rate as a total adverse facts available rate for Mobil Oil Canada, Ltd. in the 1994/95 administrative review. See *Elemental Sulphur from Canada; Final Results of Antidumping Duty Administrative Review*, 62 FR 37958, 37969 (July 15, 1997).

Section 776(c) of the Act provides that the Department shall, to the extent practicable, corroborate secondary information by reviewing independent sources reasonably at its disposal. The SAA provides that "corroborate" means that the Department will satisfy itself that the secondary information to be used has probative value, that is, that it is both reliable and relevant. See SAA at 870. The 40.38 percent rate we selected meets these corroboration criteria.

Regarding the reliability of the selected rate, because there are no independent sources for calculated dumping margins, unlike other types of information, such as input costs or selling expenses, the only source for margins is administrative determinations. Thus, in an administrative review, if the Department chooses as total adverse facts available a calculated dumping margin from a prior segment of the proceeding, it is not necessary to question the reliability of that earlier calculated margin. See, e.g., *Elemental Sulphur from Canada; Preliminary Results of Antidumping Duty Administrative Review*, 62 FR 971 (January 7, 1997); *Antifriction Bearings (Other Than Tapered Roller Bearings)*

and Parts Thereof from France, et al.: Final Results of Administrative Review, 62 FR 2081, 2088 (January 15, 1997); and *Final Results of Antidumping Duty Administrative Review: Brass Sheet and Strip from Germany*, 64 FR 43342, 43343 (August 10, 1999). Thus, because we have selected Husky's own calculated margin from a prior administrative review, we do not need to question its reliability.

With respect to the relevance aspect of corroboration, however, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render a margin inappropriate. Where circumstances indicate that the selected margin is not appropriate as adverse facts available, the Department will disregard the margin and determine an appropriate margin. See, e.g., *Fresh Cut Flowers from Mexico; Final Results of Antidumping Duty Administrative Review*, 61 FR 6812, 6814 (February 22, 1996) (where the Department disregarded the highest margin for use as adverse facts available because the margin was based on another company's uncharacteristic business expense, resulting in an unusually high margin). In this review, the rate selected stems from Husky itself, and we are not aware of any circumstances that would render this rate inappropriate.

Preliminary Results of Review

As a result of our review, we preliminarily determine that the following margin exists for the period December 1, 1997, through November 30, 1998:

Manufacturer/Exporter	Margin (percent)
Husky Oil, Ltd	40.38

Any interested party may request a hearing within 30 days of publication of this notice in the **Federal Register**. Case briefs from interested parties may be submitted not later than 30 days after the date of publication of this notice in the **Federal Register**; rebuttal briefs may be submitted not later than five days thereafter. Any hearing, if requested, will be held 2 days after the scheduled date for submission of rebuttal briefs. Issues raised in the hearing will be limited to those raised in the case briefs. The Department will publish the final results of this administrative review, including its analysis of issues raised in any written comments or at a hearing, not later than 120 days after the date of publication of this notice.

Assessment Rate

In the event these preliminary results are made final, we intend to assess antidumping duties on Husky's entries at the same rate as the dumping margin (i.e., 40.38 percent) since the margin is not a current calculated rate for the respondent, but a rate based upon total facts available pursuant to section 776(a) of the Act.

Cash Deposit

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Act: (1) the cash deposit rate for Husky will be the rate established in the final results of this administrative review (no deposit will be required for a zero or de minimis margin, i.e., a margin lower than 0.5 percent); (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a previous segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent segment; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers will be the "all others" rate as indicated in the final results of the 1993/94 administrative review of these orders (see *Elemental Sulphur from Canada; Final Results of Antidumping Duty Administrative Reviews* 62 FR 37970, 37990 (July 15, 1997)). These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 31, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99-23214 Filed 9-3-99; 8:45 am]

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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 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 preliminary results of the third review of the antidumping duty order on manganese metal from the People's Republic of China. The period of review is February 1, 1998 through January 31, 1999. 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: September 7, 1999.

FOR FURTHER INFORMATION CONTACT: Greg Campbell or Craig Matney, 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 or 482-1778, respectively.

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 1, 1998), the Department of Commerce ("the Department") is extending the time limit for completion of the preliminary results to not later than December 2, 1999. See August 26, 1999, Memorandum from Deputy Assistant Secretary for AD/CVD Enforcement Richard W. Moreland to Assistant Secretary for Import Administration Robert S. LaRossa on file in the public file of the Central Records Unit, B-099 of the Department.

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: August 31, 1999.

Richard W. Moreland,

Deputy Assistant Secretary for AD/CVD Enforcement.

[FR Doc. 99-23213 Filed 9-3-99; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-835]

Oil Country Tubular Goods From Japan: Preliminary Results and Recission in Part of Antidumping Duty Administrative Review

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

ACTION: Notice of preliminary results and recission in part of the antidumping duty administrative review: Oil Country Tubular Goods From Japan.

SUMMARY: In response to requests from interested parties, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on Oil Country Tubular Goods From Japan (OCTG). This review covers the period August 1, 1997 through July 31, 1998.

We have preliminarily determined that sales have not been made below normal value (NV). If these preliminary results are adopted in our final results, we will instruct the U.S. Customs Service to liquidate appropriate entries without regard to antidumping duties. Interested parties are invited to comment on these preliminary results. Parties who submit comments are requested to submit with each comment a statement of the issue and a brief summary of the comment.

EFFECTIVE DATE: September 7, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas Gilgunn or Maureen Flannery, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-0648 and (202) 482-3020, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act) are to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the

Department's regulations are to 19 CFR part 351 (April 1998).

Background

On June 28, 1995, the Department published in the **Federal Register** (60 FR 33560) the antidumping duty order on OCTG from Japan. On August 31, 1998, U.S. Steel Group, a unit of USX Corporation (the petitioner) requested that the Department conduct a review of Sumitomo Metal Industries, Ltd. (SMI). On August 31, 1998, Okura and Company (Okura) requested that the Department conduct a review of its exports of OCTG. The Department initiated this antidumping administrative review for SMI on September 23, 1998 (63 FR 51893, September 29, 1998) and for Okura on October 26, 1998 (63 FR 58009, October 29, 1998).

Under section 751(a)(3)(A) of the Act, the Department may extend the deadline for completion of an administrative review if it determines that it is not practicable to complete the review within the statutory time limit of 365 days. On March 10, 1999, the Department published a notice of extension of the time limit for the preliminary results of review to August 15, 1999. See *Oil Country Tubular Goods From Japan: Notice of Extension of Preliminary Results of Antidumping Duty Administrative Review*, 64 FR 11837. On July 27, 1999, the Department published a second notice of extension of the time limit for the preliminary results of review to August 31, 1999. See *Oil Country Tubular Goods From Japan: Notice of Extension of Preliminary Results of Antidumping Duty Administrative Review*, 64 FR 40554. The Department is conducting this review in accordance with section 751(a) of the Act.

Scope of Review

The products covered by this order are oil country tubular goods (OCTG), hollow steel products of circular cross-section, including oil well casing, tubing, and drill pipe, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished or unfinished (including green tubes and limited service OCTG products). This scope does not cover casing, tubing, or drill pipe containing 10.5 percent or more of chromium. The products subject to this order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.21.30.00, 7304.21.60.30, 7304.21.60.45,