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Sunset Reviews  
AD/CVD Operations O7/JD  
Public Document

DATE: March 1, 2006

MEMORANDUM TO: David M. Spooner  
Assistant Secretary  
for Import Administration

FROM: Stephen J. Claeys  
Deputy Assistant Secretary  
for Import Administration

SUBJECT: Issues and Decision Memorandum for the Expedited Sunset  
Reviews of the Antidumping Duty Orders on Certain Cut-to-  
Length Carbon Steel Plate from Belgium, Brazil, Finland,  
Germany, Mexico, Poland, Romania, Spain, Sweden, the United  
Kingdom, and the Antidumping Finding on Carbon Steel Plate  
from Taiwan; Final Results

#### Summary

We have analyzed the substantive responses of interested parties in the expedited sunset reviews of the antidumping duty orders covering cut-to-length carbon steel plate (“CTL Plate”) from Belgium, Brazil, Finland, Germany, Mexico, Poland, Romania, Spain, Sweden, and the United Kingdom, and the antidumping finding covering carbon steel plate from Taiwan. We recommend that for our final results you approve the positions we have developed in the “Discussion of the Issues” section of this memorandum. Below is the complete list of the issues in these expedited sunset reviews for which we received substantive responses by parties:

1. Likelihood of continuation or recurrence of dumping  
Weighted-average dumping margin  
Volume of imports
2. Magnitude of the margin likely to prevail  
Margins from investigation  
Use of a more recent margin

#### History of the Orders

The Department of Commerce (“the Department”) published its antidumping duty orders in the *Federal Register* with respect to imports of CTL Plate from Belgium, Brazil, Finland,

Germany, Mexico, Poland, Romania, Spain, Sweden, the United Kingdom, and its antidumping finding regarding carbon steel plate from Taiwan, at the following rates:<sup>1</sup>

Belgium

Forges de Clabecq, S.A.	6.78
Fabrique de Fer de Charleroi, S.A.	13.31
All Other Belgian Manufacturers and Exporters	6.84

Brazil

Companhia Siderurgica Paulista	109.00
Usinas Siderurgicas de Minas Gerais S.A.	42.08
All Other Brazilian Manufacturers and Exporters	75.54

Finland

Rautaruukki Oy	40.36 <sup>2</sup>
All Other Finnish Manufacturers and Exporters	40.36

Germany

Dillinger Huttenwerke	36.00
All Other German Manufacturers and Exporters	36.00

Mexico

AHMSA, S.A. de C.V.	49.25
All Other Mexican Manufacturers and Exporters	49.25

Poland

All Polish Exporters	61.98
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<sup>1</sup> See *Antidumping Duty Order: Certain Cut-to-Length Carbon Steel Plate from Romania*, 58 FR 44167 (August 19, 1993); *Antidumping Duty Order: Certain Cut-to-Length Carbon Steel Plate from Mexico*, 58 FR 44165 (August 19, 1993); *Antidumping Duty Order: Certain Cut-to-Length Carbon Steel Plate from Brazil*, 58 FR 44164 (August 19, 1993); *Antidumping Duty Order: Certain Cut-to-Length Carbon Steel Plate from Spain*, 58 FR 44167 (August 19, 1993); *Antidumping Duty Order: Certain Cut-to-Length Carbon Steel Plate from Sweden*, 58 FR 44168 (August 19, 1993); *Antidumping Duty Order and Amendment to Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from Finland*, 58 FR 44165 (August 19, 1993); *Antidumping Duty Orders and Amendments to Final Determinations of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate from Germany*, 58 FR 44170 (August 19, 1993); *Antidumping Duty Order and Amendment to Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate From Belgium*, 58 FR 44164 (August 19, 1993); *Antidumping Duty Order and Initiation of Changed Circumstance Antidumping Duty Administrative Review: Certain Cut-to-Length Carbon Steel Plate from Poland*, 58 FR 44166 (August 19, 1993); *Antidumping Duty Order: Certain Cut-to-Length Carbon Steel Plate From the United Kingdom*, 58 FR 44168 (August 19, 1993); and *Antidumping: Certain Carbon Steel Plate from Taiwan*, 44 FR 33877 (June 13, 1979).

<sup>2</sup> On remand, the Department amended the margins in this case and on May 13, 1997, the CIT affirmed the final remand results. See *Rautaruukki Oy v. United States*, 21 CIT 491, Slip Op. 97-56 (CIT May 13, 1997). The Department subsequently amended the Less Than Fair Value (“LTFV”) determination, raising the dumping margin for Rautaruukki and the “all others” rate from 32.80 percent to 40.36 percent. See *Certain Cut-to-Length Carbon Steel Plate From Finland: Amended Final Determination of Sales at Less Than Fair Value*, 62 FR 55782 (October 28, 1997).

<u>Romania</u>	
Metalexportimport SA	75.04
All Other Romanian Exporters	75.04
<u>Spain</u>	
Ensidesa	105.61
All Other Spanish Manufacturers and Exporters	105.61
<u>Sweden</u>	
Svenskt Staal ABC	24.23
All Other Swedish Manufacturers and Exporters	24.23
<u>Taiwan</u>	
China Steel Corporation	34.00 <sup>3</sup>
<u>United Kingdom</u>	
British Steel plc	109.22
All Other British Manufacturers and Exporters	109.22

On September 1, 1999, the Department initiated sunset reviews of the antidumping duty orders on CTL Plate and carbon steel plate for the countries listed above. *See Initiation of Five-Year (“Sunset”) Reviews of Antidumping and Countervailing Duty Orders or Investigations of Carbon Steel Plates and Flat Products*, 64 FR 47767 (September 1, 1999).

The Department published the final results of these reviews in the year 2000, as noted below in each country section.

On December 1, 2000, the International Trade Commission (“the ITC”), pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”), determined that revocation of the antidumping duty order on CTL Plate and carbon steel plate from the countries listed above would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See Certain Carbon Steel Products from Australia, Belgium, Brazil, Canada, Finland, France, Germany, Japan, Korea, Mexico, Netherlands, Poland, Romania, Spain, Sweden, Taiwan, and the United Kingdom*, 65 FR 75301 (December 1, 2000), as amended, 65 FR 77074 (December 8, 2000), and USITC Publication 3364, Investigations Nos. AA1921-197 (Review), 701-TA-231, 319-320, 322, 325-328, 340, 342, and 348-350 (Review), and 731-TA-573-576, 578, 582-587, 604, 607-608, 612, and 614-618 (November 2000). Accordingly, the Department published a notice of continuation of the antidumping duty orders on CTL Plate and carbon steel plate from the countries listed above, pursuant to 19 CFR 351.218(f)(4) of the Department’s regulations. *See Continuation of Antidumping and Countervailing Duty Orders on Certain Carbon Steel Products from Australia, Belgium, Brazil, Canada, Finland, France, Germany, Japan, South Korea, Mexico, Poland, Romania, Spain, Sweden, Taiwan, and the United Kingdom*, 65 FR 78469 (December 15, 2000).

#### Belgium

On August 19, 1993, the Department published the antidumping duty order on CTL Plate from Belgium and an amendment to the final determination. In the antidumping duty order, the

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<sup>3</sup> The Department of the Treasury (“the Treasury”) did not publish a company-specific or an “all others” rate in its antidumping finding; when rates have not been published in a finding or order, it has been the Department’s policy to rely on rates published in the LTFV determination.

Department assigned Forges de Clabecq, S.A. a margin of 6.78 percent, Fabrique de Fer de Charleroi, S.A. (“FFC”) a margin of 13.31 percent, and a margin of 6.84 percent for “all others.”

On September 1, 1999, the Department initiated a sunset review of the antidumping duty order on CTL Plate from Belgium. Prior to the first sunset review, the Department completed one administrative review of this order covering the period August 1, 1995 through July 31, 1996. In that administrative review, the Department assigned FFC a margin of 13.75 percent and also determined that FFC had absorbed antidumping duties on 100 percent of its U.S. sales. See *Certain Cut-to-Length Carbon Steel Plate From Belgium; Final Results of Antidumping Duty Administrative Review*, 63 FR 2959 (January 20, 1998). FFC appealed the final results of this administrative review to the Court of International Trade (“CIT”), contesting the Department’s calculation of FFC’s U.S. selling expenses. Pursuant to court remand, the Department revised the margin calculated for FFC to 12.96 percent. See *Certain Cut-to-Length Carbon Steel Plate from Belgium; Notice of Amended Final Results of Administrative Review in Accordance with Final Court Decision Affirming Redetermination*, 67 FR 35098 (May 17, 2002). As a result of the first sunset review, pursuant to sections 751(c) and 752 of the Act, the Department determined that revocation of the antidumping duty order on CTL Plate from Belgium would likely lead to continuation or recurrence of dumping. See *Cut-to-Length Carbon Steel Plate From Belgium; Final Results of Expedited Sunset Review of Antidumping Duty Order*, 65 FR 18292 (April 7, 2000).

On October 17, 2002, the CIT issued a final judgment based on a remand issued by the Court of Appeals for the Federal Circuit. See *Duferco Steel, Inc. v. United States*, 296 F. 3d 1087 (2002). The judgment excluded from this antidumping duty order floor plate imported by Duferco Steel, Inc. “with patterns in relief derived directly from the rolling process.” See *Duferco Steel, Inc. v. United States*, 26 CIT 1241, Slip Op. 02-125 (October 17, 2002).

Since the final results of the first sunset review, the Department has completed no administrative reviews of CTL Plate from Belgium.

### Brazil

The Department published its final affirmative determination of sales at LTFV in the *Federal Register* with respect to CTL Plate from Brazil on July 9, 1993. See *Final Determinations of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, Certain Corrosion-Resistant Carbon Steel Flat Products, and Certain Cut-to-Length Carbon Steel Plate From Brazil*, 58 FR 37091 (July 9, 1993). The Department published the antidumping duty order on CTL Plate from Brazil on August 19, 1993. The Department established weighted-average dumping margins of 109 percent for Companhia Siderurgica Paulista (“COSIPA”), 42.08 percent for Usinas Siderurgicas de Minas Gerais S.A. (“USIMINAS”), and 75.54 percent for all other Brazilian manufacturers/exporters of CTL Plate.

On September 1, 1999, the Department initiated the first sunset review of the antidumping duty order on CTL Plate from Brazil pursuant to section 751(c) of the Act. Prior to the first sunset review, the Department completed two administrative reviews for the periods 1994-1995 and 1995-1996. In the 1994-1995 administrative review, the Department calculated a zero percent margin for Companhia Siderurgica de Tuberao (“CST”) and also determined that “profile slab” produced by CST constitutes a type of plate and therefore falls within the scope of the order.<sup>4</sup> In the administrative review covering the period 1995-1996, the Department

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<sup>4</sup> See *Certain Cut-to-Length Carbon Steel Plate from Brazil: Final Results of Antidumping Duty Administrative Review*, 62 FR 18486 (April 15, 1997).

collapsed USIMINAS and COSIPA and treated them as a single entity. In that review, the Department calculated a 11.70 dumping margin for USIMINAS/COSIPA.<sup>5</sup>

As a result of the first sunset review, pursuant to sections 751(c) and 752 of the Act, the Department determined that revocation of the antidumping duty order on CTL Plate from Brazil would likely lead to continuation or recurrence of dumping. *See Certain Cut-to-Length Carbon Steel Plate From Brazil and Mexico; Final Results of Antidumping Duty Expedited Sunset Reviews*, 65 FR 18052 (April 6, 2000).

Since the final results of the first sunset review, there have been no administrative reviews of CTL Plate from Brazil. However, the Department conducted a scope ruling with respect to CTL Plate from Brazil in which it determined that continuous cast steel slab is outside the scope of the order. *See Notice of Scope Rulings and Anticircumvention Determinations*, 68 FR 36770 (June 19, 2003).

### Finland

The Department published its final determination of sales at LTFV in the *Federal Register* with respect to imports of CTL Plate from Finland on July 9, 1993. *See Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from Finland*, 58 FR 37122 (July 9, 1993). In this determination, the Department established one company-specific, weighted-average dumping margin of 32.25 percent for Rautaruukki Oy (“Rautaruukki”) as well as an “all others” rate of 32.25 percent. On August 19, 1993, the Department issued the antidumping duty order and published the amended LTFV determination on CTL Plate from Finland (58 FR 44165 (August 19, 1993)). For this order, due to a ministerial error, the Department amended the weighted-average dumping margin for Rautaruukki and the “all others” rate to 32.80 percent. Following the publication of the amended final determination of the LTFV investigation, Rautaruukki and petitioner, Inland Steel Industries, Inc., filed lawsuits with the CIT challenging certain aspects of the final determination. On March 31, 1995, the CIT remanded the determination to the Department. *See Rautaruukki Oy v. United States*, Slip Op. 95-56 (19 CIT 438, March 31, 1995). On remand, the Department amended the margins in this case and on May 13, 1997, the CIT affirmed the final remand results. *See Rautaruukki Oy v. United States*, Slip Op. 97-56 (CIT, May 13, 1997). The Department subsequently amended the LTFV determination, raising the dumping margin for Rautaruukki and the “all others” rate to 40.36 percent. *See Certain Cut-to-Length Carbon Steel Plate From Finland: Amended Final Determination of Sales at Less Than Fair Value*, 62 FR 55782 (October 28, 1997).

Prior to the first sunset review, the Department conducted three administrative reviews covering the periods 1993-1994, 1994-1995, and 1995-1996.<sup>6</sup> In these reviews, the Department calculated margins of 0 percent, 24.95 percent, and 0 percent, respectively, for Rautaruukki. The Department also issued a determination in a changed circumstances review with respect to the order on CTL Plate from Finland, revoking the order with regard to shipments of CTL Plate with a maximum thickness of 80 millimeters in steel grades BS 7191, 355 EM and 355 EMZ, as

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<sup>5</sup> *See Certain Cut-to-Length Carbon Steel Plate from Brazil: Amendment of Final Results of Antidumping Duty Administrative Review*, 63 FR 20570 (April 27, 1998).

<sup>6</sup> *See Certain Cut-to-Length Carbon Steel Plate from Finland: Final Results of Antidumping Duty Administrative Review*, 61 FR 2792 (January 29, 1996); *Certain Cut-to-Length Carbon Steel Plate from Finland; Notice of Amended Final Results of Administrative Review in Accordance with Final Court Decision*, 64 FR 68669 (December 8, 1999); and *Certain Cut-to-Length Carbon Steel Plate from Finland, Final Results of Antidumping Duty Administrative Review*, 63 FR 2952 (January 20, 1998).

amended by Sable Offshore Energy Project specification XB MOO Y 15 0001, types 1 and 2.<sup>7</sup>

The Department published the final results of the first sunset review in the *Federal Register* on August 6, 2000, finding that revocation of the order would be likely to lead to the continuation of dumping at levels found in the original investigation, *i.e.*, 40.36 percent. See *Cut-to-Length Carbon Steel Plate from Finland, Poland, and Sweden: Final Results of Expedited Sunset Reviews*, 65 FR 18054 (August 6, 2000). The order remains in effect for all known producers/exporters of the subject merchandise from Finland. To date, the Department has not issued any duty absorption findings in this case.

Since the final results of the first sunset review, no subsequent reviews of CTL Plate from Finland were requested or completed.

### Germany

The Department published its amended final determination in the LTFV investigation in the *Federal Register* with respect to imports of CTL Plate from Germany on August 19, 1993. See *Antidumping Duty Orders and Amendments to Final Determination of Sales at Less than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate from Germany*, 58 FR 44170 (August 19, 1993). In this determination, the Department established one company-specific, weighted-average dumping margin of 36.00 percent for AG der Dillinger Huttenwerke (“Dillinger”) as well as an “all others” rate of 36.00 percent.

Prior to the first sunset review, the Department conducted two administrative reviews covering the periods 1993-1994<sup>8</sup> and 1994-1995.<sup>9</sup> For the 1993-1994 administrative review, the Department calculated a 2.61 percent margin for Dillinger in the amended final results.<sup>10</sup> Pursuant to court remand, the Department amended its final results for the 1994-1995 review period, calculating a rate of 0.16 percent for Dillinger.<sup>11</sup> On May 18, 1999, the Department determined that “profile slabs” produced by Reiner Brach, GmbH and Co., and sold by Novosteel are within the scope of the order. On August 25, 1999, the Department issued the final results of a changed circumstances review partially revoking the order with respect to CTL Plate with a maximum thickness of 80 mm in steel grades BS 7191, 355 EM and 355 EMZ, as amended by Sable Offshore Energy Project Specification XB MOO Y 15 0001, types 1 and 2.<sup>12</sup>

Since the final results of the first sunset review, the Department has completed administrative reviews of CTL Plate from Germany for the periods 1997-1998 and 1998-1999. Specifically, Novosteel, a German exporter of CTL Plate requested an administrative review for the 1997-1998 review period. Novosteel subsequently requested a deferral of the review until the

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<sup>7</sup> See *Certain Cut-to-Length Carbon Steel Plate from Finland, Germany and the United Kingdom: Final Results of Changed Circumstances Antidumping Duty and Countervailing Duty Reviews, and Revocation of Orders in Part*, 64 FR 46343 (August 25, 1999).

<sup>8</sup> See *Certain Cut-To-Length Carbon Steel Plate From Germany: Final Results of Antidumping Duty Administrative Review*, 61 FR 13834 (March 28, 1996), as amended, *Certain Cut-To-Length Carbon Steel Plate From Germany: Amendment to Final Results of Antidumping Duty Administrative Review*, 61 FR 26159 (May 24, 1996).

<sup>9</sup> See *Certain Cut-To-Length Carbon Steel Plate From Germany: Final Results of Antidumping Duty Administrative Review*, 62 FR 18390 (April 15, 1997).

<sup>10</sup> See *Certain Cut-To-Length Carbon Steel Plate From Germany: Amendment to Final Results of Antidumping Duty Administrative Review*, 61 FR 26159 (May 24, 1996).

<sup>11</sup> See *Certain Cut-to-Length Carbon Steel Plate from Germany: Amended Final Results of Antidumping Duty Administrative Review in Accordance with Court Decision*, 66 FR 44114 (August 22, 2001).

<sup>12</sup> See *Certain Cut-to-Length Carbon Steel Plate from Finland, Germany and the United Kingdom: Final Results of Changed Circumstances Antidumping Duty and Countervailing Duty Reviews, and Revocation of Orders in Part*, 64 FR 46343 (August 25, 1999).

following period. Therefore, at the anniversary date of the order, the Department initiated administrative reviews for the 1997-1998 and the 1998-1999 review periods for merchandise exported by Novosteel.<sup>13</sup> For these two review periods, the Department discovered the producer of the subject merchandise, Reiner Brach GmbH and Co. (“Reiner Brach”), had knowledge of the destination of the exports, and the Department subsequently rescinded the review of Novosteel’s exports of subject merchandise to the United States for the two periods, and instead reviewed the sales made between Reiner Brach and Novosteel.<sup>14</sup> The Department assigned the Germany-wide rate of 36.00 percent to Reiner Brach as adverse facts available.<sup>15</sup>

### Mexico

The Department published its final affirmative determination of sales at LTFV in the *Federal Register* with respect to imports of CTL Plate from Mexico on July 9, 1993. See *Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from Mexico*, 58 FR 37192 (July 9, 1993). The antidumping duty order on CTL Plate from Mexico was published on August 19, 1993. The Department established weighted-average dumping margins of 49.25 percent for AHMSA, S.A. de C.V. (AHMSA), and 49.25 percent for all other Mexican manufacturers/exporters of CTL Plate.

The Department completed the first sunset review of this product and country on April 6, 2000. See *Cut-to-Length Carbon Steel Plate From Brazil and Mexico; Final Results of Expedited Sunset Reviews*, 65 FR 18052 (April 6, 2000).

The Department has published the final results for two administrative reviews since the first sunset review of CTL Plate from Mexico. On February 20, 2003, the Department issued the final results of review for the period August 1, 1997 through July 31, 1998, and determined a dumping margin 0.07 for AHMSA. See *Certain Cut-to-Length Carbon Steel Plate from Mexico: Notice of Final Court Decision and Amended Final Results of Antidumping Duty Administrative Review*, 68 FR 8202 (February 20, 2003). On March 19, 2003, the Department issued the final results of review for the period August 1, 2000 through July 31, 2001, and determined a dumping margin of zero percent for AHMSA. See *Certain Cut-to-Length Carbon Steel Plate from Mexico: Final Results of Antidumping Duty Administrative Review*, 68 FR 13260 (March 19, 2003).

### Poland

The Department published its final affirmative determination of sales at LTFV in the *Federal Register* with respect to imports of CTL Plate from Poland on July 9, 1993. See *Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from Poland*, 58 FR 37205 (July 9, 1993). The antidumping duty order on CTL Plate from Poland was published on August 19, 1993. The Department established a weighted-average margin of 61.98 percent for all Polish exporters of the subject merchandise.

Since the issuance of the antidumping order on CTL Plate from Poland, the Department has not completed an administrative review. There has been one sunset review of the subject merchandise from Poland. On April 6, 2000, the Department determined that revocation of the order would likely lead to the continuation of dumping at the identical levels found in the

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<sup>13</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 64 FR 53318 (October 1, 1999); and *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 64 FR 60161 (November 4, 1999).

<sup>14</sup> See *Certain Cut-to-Length Carbon Steel Plate from Germany: Final Results of Antidumping Duty Administrative Reviews*, 66 FR 3545 (January 16, 2001).

<sup>15</sup> *Id.*

original investigation. See *Cut-to-Length Carbon Steel Plate from Finland, Poland, and Sweden; Final Results of Expedited Sunset Reviews*, 65 FR 18054 (April 6, 2000).

### Romania

On August 19, 1993, as noted above, the Department published in the *Federal Register* an antidumping duty order on CTL Plate from Romania, and established a weighted-average antidumping duty margin of 75.04 percent for Metalexportimport, S.A. (“MEI”) and 75.04 percent for all other Romanian manufacturers/exporters of CTL Plate. On September 1, 1999, the Department initiated the first sunset review of the antidumping duty order on CTL Plate from Romania (64 FR 47767), pursuant to section 751(c) of the Act.

Prior to the first sunset review, the Department completed one administrative review covering the period 1997-1998. In that administrative review, the Department calculated a 21.07 percent margin for Windmill International PTE Ltd. of Singapore, Windmill International Romania Branch, and Windmill International Ltd. (USA) (collectively, “Windmill”).<sup>16</sup> The Department completed the first sunset review of this product and country on August 2, 2000. See *Cut-to-Length Carbon Steel Plate From Romania; Final Results of Full Sunset Review*, 65 FR 47382 (August 2, 2000).

Since the completion of the first sunset review of CTL Plate from Romania, the Department has published the final results for three administrative reviews and one changed circumstances review. On January 12, 2001, the Department issued the final results of review for the period August 1, 1998 through July 31, 1999, and determined a dumping margin of zero percent for MEI (66 FR 2879). Romania was treated as a non-market economy (“NME”) country for this review period. On March 15, 2005, the Department issued the final results of review for the period August 1, 2002 through July 31, 2003. The Department determined antidumping duty margins of 13.50 percent for both MEI and Ispat Sidex S.A. (“Ispat Sidex”) (70 FR 12651). For the first half of the period of review (“POR”), the Department treated Romania as an NME country. However, for the second half of the POR, the Department treated Romania as a market economy. On June 21, 2005, the Department published the results of a changed circumstances review, in which it determined that Mittal Steel Galati S.A. (“MS Galati”) is the successor-in-interest to Ispat Sidex. See *Notice of Final Results of Antidumping Duty Changed Circumstances Review: Certain Cut-to-Length Carbon Steel Plate from Romania*, 70 FR 35624 (June 21, 2005). On February 10, 2006, the Department issued the final results in the administrative review covering the period August 1, 2003 through July 31, 2004 (71 FR 7008). In this review, the Department treated Romania as a market economy and determined antidumping duty margins of 75.04 percent for both MEI and MS Galati.

### Spain

The Department published its final affirmative determination of sales at LTFV in the *Federal Register* with respect to CTL Plate from Spain on July 9, 1993. See *Final Determinations of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate From Spain*, 58 FR 37211 (July 9, 1993). The Department published the antidumping duty order on CTL from Spain on August 19, 1993. The Department established weighted-average dumping margins of 105.61 percent for Ensidesa and 105.61 percent for all other Spanish manufacturers/exporters of CTL Plate.

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<sup>16</sup> See *Certain Cut-to-Length Carbon Steel Plate From Romania: Final Results of Antidumping Duty Administrative Review*, 65 FR 1847 (January 12, 2000).

The Department completed the first sunset review of this product and country on April 6, 2000. *See Certain Cut-to-Length Carbon Steel Plate From Spain and the United Kingdom; Final Results of Expedited Sunset Reviews*, 65 FR 18056 (April 6, 2000). Since the publication of the antidumping duty order, no administrative reviews of CTL Plate from Spain have been requested or completed.

#### Sweden

The Department published its final affirmative determination of sales at LTFV in the *Federal Register* with respect to CTL Plate from Sweden on July 9, 1993. *See Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate From Sweden*, 58 FR 37213 (July 9, 1993). The Department published the antidumping duty order on CTL from Sweden on August 19, 1993. The Department established weighted-average dumping margins of 24.23 percent for Svenkst Staal ABC (“Svenkst Staal”) and 24.23 percent for all other Swedish manufacturers/exporters of CTL Plate. Prior to the first sunset review, the Department conducted three administrative reviews covering the periods 1993-1994, 1994-1995, and 1995-1996.<sup>17</sup> In these reviews, the Department calculated margins of 7.25 percent, 24.23 percent, and 34.00 percent, respectively, for Svenskt Staal.

The Department completed the first sunset review of CTL from Sweden on April 6, 2000. *See Cut-to-Length Carbon Steel Plate From Finland, Poland, and Sweden; Final Results of Expedited Sunset Reviews*, 65 FR 18054 (April 6, 2000). Since the final results of the first sunset review, no administrative reviews of CTL from Sweden have been requested or completed.

#### Taiwan

The Treasury published its final affirmative determination of sales at LTFV in the *Federal Register* with respect to carbon steel plate from Taiwan on February 14, 1979. *See Carbon Steel Plate from Taiwan*, 44 FR 9639 (February 14, 1979). In its final determination, the Treasury found a weighted-average dumping margin of 34 percent for China Steel Corporation (“CSC”). On June 13, 1979, the Treasury published an antidumping finding on carbon steel plate from Taiwan. *See Antidumping; Certain Carbon Steel Plate from Taiwan*, 44 FR 33877 (June 13, 1979).

On September 1, 1999, the Department initiated the first sunset review of the antidumping finding on carbon steel plate from Taiwan pursuant to section 751(c) of the Act. *See Initiation of Five-Year (“Sunset”) Reviews of Antidumping and Countervailing Duty Orders or Investigations of Carbon Steel Plates and Flat Products*, 64 FR 47767 (September 1, 1999). Prior to the first sunset review, the Department completed three administrative reviews of carbon steel plate from Taiwan.<sup>18</sup>

As a result of the first sunset review, pursuant to sections 751(c) and 752 of the Act, the Department determined that revocation of the antidumping finding on carbon steel plate from Taiwan would likely lead to continuation or recurrence of dumping. *See Certain Carbon Steel*

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<sup>17</sup> *See Amended Final Results of Antidumping Administrative Review: Certain Cut-to-Length Carbon Steel Plate from Sweden* 63 FR 27260 (May 18, 1998); *Certain Cut-to-Length Carbon Steel Plate from Sweden: Final Results of Antidumping Duty Administrative Review*, 62 FR 18396 (April 15, 1997); and *Certain Cut-to-Length Carbon Steel Plate from Sweden: Final Results of Antidumping Duty Administrative Review*, 62 FR 46947 (September 5, 1997).

<sup>18</sup> *See Carbon Steel Plate from Taiwan; Final Results of Administrative Review of Antidumping Finding*, 46 FR 48280 (October 1, 1981); *Carbon Steel Plate From Taiwan; Final Results of Administrative Review of Antidumping Finding*, 47 FR 13547 (March 31, 1982); and *Antidumping; Carbon Steel Plate From Taiwan; Final Results of Administrative Review*, 48 FR 43366 (September 23, 1983).

*Plate From Taiwan; Final Results of Antidumping Duty Expedited Sunset Review*, 65 FR 18043 (April 6, 2000).

Since the final results of the first sunset review, the Department initiated one administrative review of carbon steel plate from Taiwan for the period June 1, 2004 through May 31, 2005. However, the Department rescinded this review because there was no evidence that the respondent, CSC, had any reviewable U.S. transactions during the POR. See *Carbon Steel Plate from Taiwan: Notice of Rescission of Antidumping Duty Administrative Review*, 70 FR 72293 (December 2, 2005).

### United Kingdom

The Department published its final affirmative determination of sales at LTFV in the *Federal Register* with respect to CTL Plate from the United Kingdom on July 9, 1993. See *Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate From the United Kingdom*, 58 FR 37215 (July 9, 1993). The Department published the antidumping duty order on CTL Plate from the United Kingdom on August 19, 1993. The Department established weighted-average dumping margins of 109.22 percent for British Steel plc and all other British manufacturers/exporters of CTL Plate.

On September 1, 1999, the Department initiated the first sunset review of the antidumping duty order on CTL Plate from the United Kingdom pursuant to section 751(c) of the Act. See *Initiation of Five-Year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders or Investigations of Carbon Steel Plates and Flat Products*, 64 FR 47767 (September 1, 1999). Prior to the first sunset review, the Department published the final results of a changed circumstances review in which it partially revoked the order on certain CTL Plate from the United Kingdom. See *Certain Cut-To-Length Carbon Steel Plate from Finland, Germany and the United Kingdom: Final Results of Changed Circumstances Antidumping Duty and Countervailing Duty Reviews, and Revocation of Orders in Part*, 64 FR 46343 (August 25, 1999).

As a result of the first sunset review, pursuant to sections 751(c) and 752 of the Act, the Department determined that revocation of the antidumping duty order on CTL Plate from the United Kingdom would likely lead to continuation or recurrence of dumping. See *Certain Cut-to-Length Carbon Steel Plate From Spain and the United Kingdom; Final Results of Expedited Sunset Reviews*, 65 FR 18056 (April 6, 2000).

Since the final results of the first sunset review, there have been no administrative reviews of CTL Plate from the United Kingdom.

### Background

On November 1, 2005, the Department initiated sunset reviews of the antidumping duty orders on CTL Plate from Belgium, Brazil, Finland, Germany, Mexico, Poland, Romania, Spain, Sweden, and the United Kingdom, and the antidumping finding on carbon steel plate from Taiwan, pursuant to section 751(c) of the Act. See *Initiation of Five-Year ("Sunset") Reviews*, 70 FR 65884 (November 1, 2005). The Department invited parties to comment.

The Department received notices of intent to participate from the following domestic interested parties: Nucor Corporation ("Nucor"), IPSCO, Inc. ("IPSCO"), Oregon Steel Mills, Inc. ("Oregon Steel"), Mittal Steel USA ISG Inc. ("Mittal Steel USA"), and the United Steel, Paper, and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC ("USW") (collectively, "domestic interested parties") within the deadline specified in 19 CFR 351.218(d)(1)(i). The domestic interested parties claimed interested party status under section 771(9)(C) or (D) of the Act as U.S. producers of a domestic like product or a certified union or recognized union, or group of workers which is representative of an industry engaged in the manufacture, production, or wholesale in the United States of a

domestic like product. Mittal Steel USA is the successor to three companies (Bethlehem Steel Corporation, Inland Steel Industries Inc., and LTV Steel Col., Inc.) that were petitioners in the original investigations. In addition, both IPSCO and Oregon Steel state that they are petitioners or successors to petitioners in the original investigation and have participated in subsequent reviews. Nucor has participated in previous administrative reviews. The Department received comments from Nucor, IPSCO, Oregon Steel, Mittal Steel USA, and USW. The Department did not receive substantive responses to the notice of initiation from any respondent interested parties, except as described below. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted expedited sunset reviews of these orders.

#### Belgium

The Department received responses to the notice of initiation from two respondent interested parties, Arcelor and Duferco Clabecq S.A. (“Duferco”). Arcelor waived its participation in this sunset review. *See* Sunset Participation Waiver dated December 1, 2005. Duferco filed a substantive response and intent to participate within the deadline specified in 19 CFR 351.218(d)(3)(i). Duferco was formed in 1997 when Duferco S.A., Switzerland purchased Forges de Clabecq, S.A., which participated in the original investigation. Because we found that Duferco’s exports of subject merchandise to the United States during the period 2000-2004 did not account for 50 percent of total exports of subject merchandise to the United States, we determined that Duferco’s response was inadequate. *See* Memorandum to Stephen J. Claey, Deputy Assistant Secretary through Richard Weible, Office Director, AD/CVD Operations Office 7, “Adequacy Determination: Sunset Review of the Antidumping Duty Order on Cut-to-Length Carbon Steel Plate from Belgium (Second Review)” (December 21, 2005). As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited sunset review of this order.

#### Poland

The Department received an intent to participate and substantive response from a Polish producer of the subject merchandise, Huta Stali Czestochowa Sp. z o.o. (“HSC”), within the deadline specified in 19 CFR 351.218(d)(3)(i). Because we found that HSC’s exports of subject merchandise to the United States during the period 2000-2004 did not account for 50 percent of total exports of subject merchandise to the United States, the Department determined that HSC’s response was inadequate. *See* Memorandum to Stephen J. Claey, Deputy Assistant Secretary through Richard Weible, AD/CVD Operations Office 7, “Adequacy Determination: Sunset Review of the Antidumping Duty Order on Cut-to-Length Carbon Steel Plate From Poland (Second Review)” (December 21, 2005). As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited sunset review of this order.

#### United Kingdom

The Department received a substantive response from Niagara LaSalle (UK) Limited (“Niagara UK”), a manufacturer and exporter of the subject merchandise, within the deadline specified in 19 CFR 351.218(d)(3)(i). Niagara UK is the successor-in-interest to Glynwed Metals Processing Limited (“Glynwed”), which was not a mandatory respondent in the original investigation. Therefore, Niagara UK is currently subject to the “all others” rate. Because we found that Niagara UK’s exports of subject merchandise to the United States during the period 2000-2004 did not account for 50 percent of total exports of subject merchandise to the United States, we determined that Niagara UK’s response was inadequate. *See* Memorandum to Stephen J. Claey, Deputy Assistant Secretary through Richard Weible, Office Director, AD/CVD

Operations Office 7, “Adequacy Determination: Sunset Review of the Antidumping Duty Order on Cut-to-Length Carbon Steel Plate from United Kingdom (Second Review)” (December 21, 2005). Therefore, in accordance with section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C), the Department conducted an expedited sunset review of this order.

### Discussion of the Issues

In accordance with section 751(c)(1) of the Act, the Department conducted these sunset reviews to determine whether revocation of these antidumping duty orders would likely lead to the 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 period before and the periods after the issuance of the antidumping duty order. 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 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 believe that revocation of these antidumping duty orders would likely lead to a continuation or recurrence of dumping by the Belgian, Brazilian, Finnish, German, Mexican, Polish, Romanian, Spanish, Swedish, British and Taiwanese manufacturers, producers, and exporters of the subject merchandise due to continued or resumed dumping. *See* Substantive Response of Domestic Interested Parties for Belgium, December 1, 2005 (“Substantive Response for Belgium”); Substantive Response of Domestic Interested Parties for Brazil, December 1, 2005 (“Substantive Response for Brazil”); Substantive Response of Domestic Interested Parties for Finland, December 1, 2005 (“Substantive Response for Finland”); Substantive Response of Domestic Interested Parties for Germany, December 1, 2005 (“Substantive Response for Germany”); Substantive Response of Domestic Interested Parties for Mexico, December 1, 2005 (“Substantive Response for Mexico”); Substantive Response of Domestic Interested Parties for Poland, December 1, 2005 (“Substantive Response for Poland”); Substantive Response of Domestic Interested Parties for Romania, December 1, 2005 (“Substantive Response for Romania”); Substantive Response of Domestic Interested Parties for Spain, December 1, 2005 (“Substantive Response for Spain”); Substantive Response of Domestic Interested Parties for Sweden, December 1, 2005 (“Substantive Response for Sweden”); Substantive Response of Domestic Interested Parties for the United Kingdom November 30, 2005 (“Substantive Response for the United Kingdom”); and Substantive Response of Domestic Interested Parties for Taiwan, December 1, 2005 (“Substantive Response for Taiwan”). The domestic interested parties contend that the dumping margins remain at above *de minimis* levels for all manufacturers, producers, and exporters of the subject merchandise, as described below.

### Belgium

Domestic interested parties argue that revocation of the antidumping duty order on CTL Plate from Belgium is likely to lead to continued dumping because Belgian imports of the subject merchandise fell sharply from 115,345 tons prior to imposition of the antidumping duty order to 12,824 tons in 1995 and that imports of subject merchandise have continued to remain at relatively low levels. *See* Substantive Response for Belgium at 6. According to domestic interested parties, after the first sunset review, imports declined further from 18,119 tons in 2001 to 9,648 tons in 2003. *Id.* Thus, domestic interested parties conclude that the significant

decrease in imports of subject merchandise from Belgium after imposition of the antidumping order indicates a strong likelihood of recurrence of dumping should the order be revoked. *Id.* at 7.

Duferco argues that it does not foresee any negative impact from revocation of this order and indicates that the high prices for cut-to-length steel indicate there is no reason to sell at dumped prices in order to participate in any market. *See* Substantive Response of Duferco, December 1, 2005 (“Duferco Substantive Response”) at 2. Duferco also argues prices have risen in recent years and market projections continue to be strong. *Id.* Therefore, Duferco does not see any evidence in the market conditions to suggest that dumping would likely to recur in the event of revocation. *Id.*

### Brazil

Domestic interested parties contend that revocation of the antidumping duty order on CTL Plate from Brazil would result in continued dumping at margins equal to or greater than those found in the original investigation. *See* Substantive Response for Brazil at 5. According to domestic interested parties, the record demonstrates that U.S. imports of subject merchandise have declined substantially since the imposition of the antidumping duty order. *Id.* Domestic interested parties argue that in the year the antidumping duty order was imposed, Brazilian CTL Plate imports declined by 75 percent from their peak volume during the three years preceding the order. *Id.* at 6. Domestic interested parties claim imports dropped even further after the conclusion of the first sunset review. *Id.* In sum, domestic interested parties contend the significant decline in U.S. imports of CTL Plate from Brazil since the imposition of the order indicates that if the antidumping duty order were revoked, there is a strong likelihood dumping would recur. *Id.*

We did not receive any comments from respondent interested parties.

### Finland

In their substantive response, the domestic interested parties argue that revocation of the antidumping duty order on CTL Plate from Finland would likely result in the continuation or recurrence of dumping at margins equal to or greater than those found in the original investigation. *See* Substantive Response for Finland at 5. The domestic interested parties argue that the history of this proceeding, combined with a significant decline in import volumes since the imposition of the order demonstrate that dumping is likely to continue or recur if the order is revoked. Specifically, the domestic interested parties point out that the Department will normally find that dumping is likely to continue or recur where dumping has continued at any level above *de minimis* after the imposition of the order. Here, the domestic interested parties argue that, because Rautaruukki had a margin of 24.95 percent in the second review, the Department should not revoke the order.

Additionally, the domestic interested parties maintain that imports of the subject merchandise have fallen dramatically since the imposition of the order and are currently at less than 5 percent of their pre-order levels. Following the conclusion of the first sunset review in 2000, domestic interested parties indicate that imports fell to a mere 19 tons in 2001, followed by no imports in 2002 and 2003. *Id.* at 7. *See also* Attachment 1 of domestic interested parties’ December 19, 2005 submission. Therefore, the domestic interested parties conclude that dumping of CTL Plate from Finland is likely to continue or recur if the order is revoked.

We did not receive any comments from respondent interested parties.

### Germany

The domestic interested parties argue that revocation of the antidumping duty order on CTL Plate from Germany would likely result in the continuation or recurrence of dumping at

margins equal to or greater than those found in the original investigation. *See* Substantive Response for Germany at 5. The domestic interested parties argue that the history of this proceeding, combined with a significant decline in import volumes since the imposition of the order demonstrate that dumping is likely to continue or recur if the order is revoked. Specifically, the domestic interested parties point out that the Department will normally find that dumping is likely to continue or recur where dumping has continued at any level above *de minimis* after the imposition of the order. The domestic interested parties argue that because Dillinger had a margin above *de minimis* in the first review, and Reiner Brach was assigned a 36.00 percent rate (equal to the “all others” rate for Germany) at the conclusion of the initial sunset review, the Department should not revoke the order.

Additionally, the domestic interested parties maintain that imports of the subject merchandise have fallen dramatically since the imposition of the order. In the three years preceding the issuance of the antidumping duty order, imports of CTL Plate from Germany steadily decreased from 63,774 short tons in 1990 to 25,633 short tons in 1992, followed by a sharp drop in imports after issuance of the antidumping duty order. Following the conclusion of the first sunset review in 2000, domestic interested parties state that imports fell to 3,864 short tons in 2001, and that despite a sudden surge in imports in 2002, levels remained low in 2003. *Id.* at 6. *See also* Attachment 1 of domestic interested parties’ December 19, 2005 submission. Therefore, the domestic interested parties conclude that dumping of CTL Plate from Germany is likely to continue or recur if the order is revoked.

We did not receive any comments from respondent interested parties.

### Mexico

Domestic interested parties contend that revocation of the antidumping duty order on CTL Plate from Mexico would result in continued dumping at margins equal to or greater than those found in the original investigation. Domestic interested parties also argue that Mexican shipments of certain CTL Plate declined significantly following the initiation of the investigation. Domestic interested parties state that imports following issuance of the order dropped from a pre-initiation level of 19,437 tons in 1991 and 59,993 tons in 1992 to 472 tons in 1993, 322 tons in 1994 and 139 tons in 1995. Subsequent to the first sunset review, import volumes have remained well below pre-initiation levels according to domestic interested parties. Import totals were 7,144 tons in 2001, 6,951 tons in 2002, and 6,078 tons in 2003. Import figures for 2004 are 6,850 tons, or 11.42 percent of the 1992 figures. *See* Substantive Response for Mexico at 6 and Exhibit 1. Therefore, according to domestic interested parties, the steep drop in subject imports warrants the continuation of the order pursuant to subparagraph (c) of *Policies Regarding the Conduct of Five-year (“Sunset”) Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) (*Policy Bulletin*) (quoting 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) (“House Report”), and the Senate Report, S. Rep. No. 103-412 (1994) (“Senate Report”) at 889).

We did not receive any comments from respondent interested parties.

### Poland

Domestic interested parties state that since the issuance of the order, there have been no administrative reviews. However, domestic interested parties argue that revocation of the antidumping duty order on CTL Plate from Poland is likely to lead to continued dumping because import volumes significantly declined after the issuance of the order. *See* Substantive Response for Poland at 4. Domestic interested parties claim that import volumes have remained at low levels since the issuance of the antidumping duty order and that in both 2002 and 2003, there were zero tons of imports of CTL Plate from Poland. *Id.* at 5.

HSC, a Polish producer of the subject merchandise, states that it does not foresee any negative impact from the revocation of the dumping order because of high worldwide steel prices for carbon steel plate. *See* Substantive Response of HSC, December 7, 2005 (HSC Substantive Response) at 2.

#### Romania

Domestic interested parties contend that revocation of the antidumping duty order on CTL Plate from Romania would result in continued dumping at margins equal to or greater than those found in the original investigation. Three respondents, Windmill, MEI, and Ispat Sidex, have had administrative reviews since the issuance of the order, and two respondents, MEI and Ispat Sidex, have had administrative reviews during 2000 through 2004. Domestic interested parties note that all three respondents have been found to have margins in at least one administrative review. *See* Substantive Response for Romania at 5.

Domestic interested parties also argue that Romanian shipments of CTL Plate declined significantly following the initiation of the investigation. Domestic interested parties state that imports following issuance of the order dropped to zero in the two years immediately after the imposition of the order. Subsequently, the import levels remained low through 2001, with 6 short tons in 2000 and 5,981 short tons in 2001, as opposed to the pre-order level of 18,078 short tons in 1992. *Id.* at 6. Therefore, according to domestic interested parties, the steep drop in subject imports warrants the continuation of the order pursuant to subparagraph (c) of the *Policy Bulletin*, 63 FR at 18871 (quoting the SAA at 889).

We did not receive any comments from respondent interested parties.

#### Spain

Domestic interested parties state that import volumes dramatically decreased following the investigation in 1993. Specifically, domestic interested parties point out that import volumes fell from 68,136, 69,560, and 54,054 short tons in 1990, 1991, and 1992, respectively, to zero tons in 1993 and 1994, and just 57 short tons in 1995. Domestic interested parties argue that import volumes have remained at levels well below pre-order volumes. According to domestic interested parties, imports of subject merchandise from Spain decreased from 247 short tons in 2000 to only 3 short tons in 2003, and zero short tons in 2004. *See* Substantive Response for Spain at 4-5. To provide evidence for its claim of decreasing import volumes from 1990 through 1992, domestic interested parties relied on an ITC publication from 2000. *See Certain Carbon Steel Products from Australia et al.*, USITC Pub. 3364 at Plate-I-5 (November 2000) (“*Carbon Steel Products from Australia*”). For import volumes after 1992, domestic interested parties relied on IM-145 data.

Domestic interested parties note that there has been one sunset review of the subject merchandise from Spain and that the Department found a likelihood of continued or resumed dumping at that time. Citing the Department’s *Policy Bulletin*, quoting the SAA at 889 and 890, domestic interested parties add that the significant decrease in imports of the subject merchandise from Spain into the United States indicates a strong likelihood of a recurrence of dumping should the order be revoked. *See* 751(c)(1) and *Policy Bulletin*, 63 FR at 18871, 18872.

We did not receive any comments from respondent interested parties.

#### Sweden

Domestic interested parties state that import volumes dramatically decreased following the investigation in 1993. According to domestic interested parties, import volumes of CTL from Sweden fell from 91,269, 68,337, and 89,741 short tons in 1990, 1991, and 1992, respectively, to 1,181, 7,950, and 2,195 short tons in 1993, 1994, and 1995, respectively. Domestic interested parties argue that import volumes have remained at levels well below pre-order volumes.

According to domestic interested parties, imports of subject merchandise from Sweden were 5,282 short tons in 2000, 4,601 short tons in 2001, 5,102 short tons in 2002, 3,048 short tons in 2003, and 5,212 short tons in 2004. *See* Substantive Response for Sweden at 4 and 6. To provide evidence for their claim of decreasing import volumes from 1990 through 1992, domestic interested parties relied on *Carbon Steel Products from Australia*. For import volumes after 1992, domestic interested parties relied on IM-145 data.

With regard to dumping margins, domestic interested parties note that the Department has conducted several administrative reviews for Svenskt Staal, with the resulting margins: 7.25 percent for the period February 4, 1993 through July 31, 1994; 24.23 percent for the period August 1, 1994 through July 31, 1995; and 34.00 percent for the period August 1, 1995 through July 31, 1996. Additionally, domestic interested parties note that there has been one sunset review of CTL from Sweden, in which the Department determined that the margins for that sunset review were identical to those found in the original investigation. Domestic interested parties state that the antidumping duties assessed on CTL from Sweden continue to protect the U.S. industry from injury caused by dumped subject merchandise. Citing the Department's *Policy Bulletin*, quoting the SAA at 889 and 890, domestic interested parties add that the significant decrease in imports of the subject merchandise from Sweden into the United States indicates a strong likelihood of a recurrence of dumping should the order be revoked. *See* section 751(c)(1) of the Act and *Policy Bulletin*, 63 FR at 18871 and 18872.

We did not receive any comments from respondent interested parties.

#### Taiwan

Domestic interested parties contend that revocation of the antidumping finding on Taiwanese carbon steel plate would result in continued dumping at margins equal to or greater than those found in the original investigation. *See* Substantive Response for Taiwan at 5. According to domestic interested parties, the record demonstrates that U.S. imports of subject merchandise have declined substantially since the imposition of the antidumping finding. *Id.* Domestic interested parties also argue that imports of carbon steel plate from Taiwan have remained at low levels from 1990 to the present. *Id.* at 6. Domestic interested parties maintain the significant decline in U.S. imports of carbon steel plate from Taiwan since the imposition of the antidumping finding indicates that if the finding were revoked, there is a strong likelihood dumping would recur. *Id.*

We did not receive any comments from respondent interested parties.

#### United Kingdom

Domestic interested parties claim that revocation of the antidumping duty order on CTL Plate from the United Kingdom would result in continued dumping at margins equal to or greater than those found in the original investigation. *See* Substantive Response for the United Kingdom at 4. Domestic interested parties contend the antidumping duty order has had a direct impact on the level of imports of subject merchandise from the United Kingdom. Specifically, domestic interested parties argue that in the year the order was imposed and the two subsequent years, import volumes were significantly lower than the level of imports in the three years prior to imposition of the order. *Id.* Citing trade statistics from the IM-145 reports from the U.S. Census Bureau, domestic interested parties maintain that since the completion of the first sunset review, British imports of CTL Plate have remained at relatively low volumes. *Id.* at 6. Therefore, domestic interested parties contend the substantial decline in U.S. imports of CTL Plate from the United Kingdom since the imposition of the antidumping duty order indicates there is a strong likelihood dumping would recur if the order were revoked. *Id.*

In its rebuttal to domestic interested parties' comments, Niagara UK, a manufacturer and exporter of the subject merchandise, argues that domestic interested parties make presumptions

that have nothing to do with Niagara UK's plate sales in the United States. *See* Rebuttal of Niagara UK, December 12, 2005 (Niagara Rebuttal) at 1. According to Niagara UK, domestic interested parties argue that because revocation of the antidumping duty order would allow Niagara UK to increase its U.S. sales, the Department should determine that revocation would lead to dumped U.S. sales. Niagara UK claims domestic interested parties' logic is faulty, asserting that while revocation may result in increased sales, there is no reason to believe that revocation would lead to increased dumping. *Id.* Niagara UK contends the Department should rely on the information it provided in its own substantive response rather than the baseless information presented by domestic interested parties. Niagara UK argues that the only conclusion to make based on the facts on the record is that revocation will not lead to dumping of subject merchandise in the United States by Niagara UK. *Id.*

Niagara UK also claims, in its rebuttal to domestic interested parties' comments, that its products that are subject to the antidumping duty order have a limited demand in the United States. *Id.* at 3. Niagara UK states its subject merchandise is a "hot-rolled, special bar quality product in wide flat sizes, which most typically must be further processed by cold finishing prior to its consumption by the ultimate manufacturer." *Id.* Niagara UK maintains that this product is not usually sold to or used by producers in hot-rolled form, but must first be further processed. Niagara UK contends the standard cut-to-length plate that is the subject of the order is not cold finished, but is sold to and used by manufacturers as a finished hot-rolled product. Niagara UK argues that since its products are sold into a different market and to a different industry for different purposes, its products do not compete with domestic interested parties' standard cut-to-length products. *Id.* Niagara UK asserts that prior to the imposition of the order, the annual U.S. sales volume of its predecessor, Glynwed, was minuscule, and that the total U.S. demand continues to be minuscule. Therefore, Niagara UK argues, its potential impact on the U.S. market, given the narrow range of products covered by the order, is minuscule. *Id.* at 4.

In its substantive response, Niagara UK argues that although there is no antidumping duty order on the vast majority of its products, its pricing patterns on sales of similar flat bar products show it would not dump the subject merchandise if the antidumping duty order were revoked. *See* Substantive Response of Niagara UK, December 1, 2005 (Niagara UK Substantive Response), at 4. Referring to data presented for the period 2001 to 2005 (year-to-date) regarding Niagara UK's monthly sales of flat bar in the United States and United Kingdom, Niagara UK contends that its U.S. prices are always higher than its prices in the U.K. for the same product in the same period. *Id.* Niagara UK explains that these data reflect sales of flat bar products in mild steel (C1018 type), which are virtually identical to the subject merchandise except that their dimensions place them outside the scope of the order. *Id.* at 5. Niagara UK claims its pricing patterns are identical for all of its flat bar products, and therefore these data show how Niagara UK would price subject merchandise if the order were revoked. Niagara UK argues that even in the absence of an antidumping duty order, its U.S. prices are consistently higher than its prices in the home market. Therefore, Niagara UK maintains, revocation of the antidumping duty order would not result in it dumping the small proportion of its product line that is now within the scope of the order. *Id.* at 5 and 6.

In addition, Niagara UK asserts that it manufactures hot-rolled bars and rods, not "cut-to-length plate" as that term is understood in the industry. Niagara UK claims that a very narrow band of its flat bar products (*i.e.*, "universal flat bar") fall under the scope of the order, but emphasizes that its products are bar, not plate. *Id.* Niagara UK contends the adverse "best information available" (BIA) all-others rate that currently applies was based on the U.S. domestic interested parties' assertions regarding the pricing patterns of standard plate manufacturers and sellers, and therefore bears no relationship to Niagara UK's product. *Id.* at 6-7. Niagara UK also argues that since its predecessor-in-interest, Glynwed, did not participate in the original investigation, the "all-others" rate was not based on Glynwed's pricing or policies. *Id.* at 7.

Lastly, Niagara UK argues that since there is no reason to believe that revocation of the order would result in Niagara UK dumping universal flat bar and since there is every reason to believe Niagara UK will continue its current pricing patterns, the antidumping duty order should be revoked. *Id.*

### Department's Position

Consistent with the guidance provided in the legislative history accompanying the Uruguay Round Agreements Act, specifically the SAA, H.R. Doc. No. 103-316, vol. 1 (1994), the House Report, and the Senate Report, the Department's determination of likelihood will be made on an order-wide basis. In addition, the Department normally will determine that revocation of an 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 an order and import volumes for the subject merchandise declined significantly. In addition, pursuant to section 752(c)(1)(B) of the Act, the Department considered the volume of imports of the subject merchandise for the period before and after the issuance of the antidumping order.

Using import trade statistics from the IM-145 reports from the U.S. Census Bureau, and the ITC Interactive Tariff and Trade Data Web ("USITC DataWeb"), the Department compared import volumes for the period before and the period following the imposition of the antidumping duty orders, to import volumes covering the period 2000 through 2004, the years following the first sunset review. See Memorandum to the File from John Drury, Deborah Scott, Patrick Edwards, and Dena Aliadinov, Case Analysts, Through Abdelali Elouaradia, Program Manager, "Regarding the Import Volumes for the Final Results of Expedited Five-Year (Sunset) Reviews of the Antidumping Duty Orders on Certain Cut-to-Length Carbon Steel Plate from Belgium Brazil, Finland, Germany, Mexico, Poland Romania, Spain, Sweden, the United Kingdom, and Carbon Steel Plate from Taiwan," dated February 28, 2006 ("Import Volumes Memo"). We note that import volumes for all countries except Romania continue to be well below pre-initiation levels.

In the first sunset review, the Department made an affirmative likelihood determination for these antidumping duty orders and continued these orders based on the ITC's affirmative injury determination. See *Continuation of Antidumping and Countervailing Duty Orders on Certain Carbon Steel Products from Australia, Belgium, Brazil, Canada, Finland, France, Germany, Japan, South Korea, Mexico, Poland, Romania, Spain, Sweden, Taiwan, and the United Kingdom*, 65 FR 78469 (December 15, 2000) ("*Continuation Notice*"). No party challenged these determinations. Collection and assessment of dumping duties on entries of subject merchandise continue. Also, in subsequent administrative reviews of certain orders, the Department has found margins above *de minimis* levels. On the basis of the information on the record, we find that dumping would be likely to continue or recur if the antidumping duty orders were revoked.

Below is the Department's analysis for each country:

### Belgium

The Department has not conducted any administrative reviews of the antidumping duty order on CTL Plate from Belgium during the period at issue for this sunset review. However, the Department determined rates above *de minimis* for all Belgian producers and exporters in the first sunset review. Cash deposit rates above *de minimis* remain in effect for all imports of CTL Plate from Belgium, and no party has challenged these rates by requesting an administrative review since the first sunset review. Furthermore, using data from the USITC DataWeb, the

Department finds that imports of subject merchandise ranged from 9,696 short tons to 19,798 short tons during the period at issue for the current sunset review (2000-2004). This is in contrast to pre-order volumes of 89,218 short tons and 49,780 short tons, respectively, in 1991 and 1992. *See* Import Volumes Memo.

The SAA provides that declining import volumes accompanied by the continued existence of dumping margins after the issuance of the order may provide a strong indication that, absent an order, dumping would be likely to continue because the evidence would indicate that the exporter needs to dump to sell at pre-order volumes. *See* SAA at 890. If companies continue to dump with the discipline of an order in place, it is reasonable to assume that dumping would continue if the order were removed. *See* SAA at 889-890.

Duferco has not placed any factual information on the record to show that revocation would not lead to a recurrence of dumping. Rather, Duferco simply stated that it did not foresee any negative impact from revocation, citing the high prices of steel to justify its point. Because above *de minimis* cash deposit rates remain in effect and import volumes have declined substantially since imposition of the order, the Department determines that dumping would be likely to continue or recur if the order were revoked.

### Brazil

The Department has not conducted any administrative reviews of the antidumping duty order on CTL Plate from Brazil during the period at issue for this sunset review. However, the Department determined rates above *de minimis* for all Brazilian producers and exporters in the first sunset review. Above *de minimis* cash deposit rates remain in effect for all but one Brazilian producer/exporter, and no party has challenged these rates by requesting an administrative review since the first sunset review. Additionally, using statistics from the USITC DataWeb, the Department finds that annual imports of CTL Plate from Brazil ranged from 355 short tons to 3,969 short tons during the period 2000-2004, as opposed to pre-order volumes of 77,703 tons in 1991 and 62,832 short tons in 1992. *See* Import Volumes Memo.

The SAA provides that declining import volumes accompanied by the continued existence of dumping margins after the issuance of the order may provide a strong indication that, absent an order, dumping would be likely to continue because the evidence would indicate that the exporter needs to dump to sell at pre-order volumes. *See* SAA at 889-890. If companies continue to dump with the discipline of an order in place, it is reasonable to assume that dumping would continue if the order were removed. *See* SAA at 890. Because cash deposit rates remain above *de minimis* levels and import volumes have decreased significantly since the time preceding the investigation, we find that dumping would be likely to continue or recur if the order were revoked.

### Finland

The Department has not conducted any administrative reviews of this order subsequent to the first sunset review. Although the cash deposit rate for Rautaruukki is currently zero percent, cash deposit rates for all other Finnish manufacturers and exporters remain above *de minimis* (40.36 percent). In addition, using statistics provided by the USITC DataWeb, the Department finds that imports of CTL Plate from Finland ranged from zero short tons to 4,556 short tons during the period 2000-2004, as opposed to the pre-order volumes of 83,442 short tons in 1990, 55,649 short tons in 1991, and 46,876 short tons in 1992. *See* Import Volumes Memo.

The SAA provides that declining import volumes accompanied by the continued existence of dumping margins after the issuance of the order may provide a strong indication that, absent an order, dumping would be likely to continue because the evidence would indicate that the exporter needs to dump to sell at pre-order volume. *See* SAA at 889-890. Because of the continued existence of dumping margins and the substantial decline in import volumes of

CTL Plate from Finland, the Department determines that dumping is likely to continue or recur if the order were revoked.

#### Germany

The Department has completed two administrative reviews since the first sunset review. Cash deposit rates remain at levels above *de minimis* for all German manufacturers and exporters, with the exception of Dillinger, for which the Department calculated a *de minimis* rate in the 1994-1995 administrative review. Using statistics provided by the USITC DataWeb, the Department finds that imports of CTL Plate from Germany totaled 63,774 short tons in 1990, 43,571 short tons in 1991, and 25,633 short tons in 1992. Import volumes were substantially lower in the years 2000, 2001, and 2003, ranging from 3,891 short tons to 13,306 short tons; however, in 2002 and 2004 import volumes equaled 42,651 short tons and 26,335 short tons, respectively. *See* Import Volumes Memo.

The SAA provides that the 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. *See* SAA at 889-890. Import volumes have fluctuated during the period 2000-2004; in some years during that period, import volumes were significantly lower than pre-order volumes, while in other years import volumes approximated pre-order volumes. Thus, on the basis of above *de minimis* cash deposit rates, the Department determines that dumping is likely to continue or recur if the order on CTL Plate from Germany is revoked.

#### Mexico

The Department has published the final results for two administrative reviews of this order subsequent to the first sunset review. In the most recent administrative review, the Department determined a zero percent margin for AHMSA. However, since the Department has not conducted reviews for any other Mexican exporters, their rates remain above *de minimis* (49.25 percent for the Mexico-wide rate). In addition, using statistics provided by the USITC DataWeb, the Department finds that imports of CTL Plate from Mexico ranged from 6,078 short tons to 7,144 short tons during the period 2000-2004, as opposed to the pre-order volume of 59,993 short tons in 1992. *See* Import Volumes Memo.

The SAA provides that declining import volumes accompanied by the continued existence of dumping margins after the issuance of the order may provide a strong indication that, absent an order, dumping would be likely to continue because the evidence would indicate that the exporter needs to dump to sell at pre-order volumes. *See* SAA at 889-890. If companies continue to dump with the discipline of an order in place, it is reasonable to assume that dumping would continue if the order were removed. *See* SAA at 890. Cash deposit rates remain above *de minimis* levels (*i.e.*, 49.25 percent) for some Mexican manufacturers/exporters of CTL Plate and imports have substantially declined since issuance of the order. Thus, the Department determines that dumping would be likely to continue or recur if the order were revoked.

#### Poland

The Department has never conducted an administrative review of the antidumping duty order on CTL Plate from Poland. Thus, an above *de minimis* cash deposit rate of 61.98 percent remains in effect for all Polish exporters of the subject merchandise.

Pursuant to section 752(c)(1)(B) of the Act, the Department considered the volume of imports of the subject merchandise for the period before issuance of the order and import volumes over the past five years. Using statistics provided by the USITC DataWeb, the Department finds that imports of CTL Plate from Poland ranged from zero short tons to 386 short tons during the period 2000-2004, as opposed to pre-order volumes of 38,357 short tons and 24,605 short tons in 1991 and 1992, respectively. *See* Import Volumes Memo.

The SAA provides that declining import volumes accompanied by the continued existence of dumping margins after the issuance of the order may provide a strong indication that, absent an order, dumping would be likely to continue because the evidence would indicate that the exporter needs to dump to sell at pre-order volumes. *See* SAA at 889-890. If companies continue to dump with the discipline of an order in place, it is reasonable to assume that dumping would continue if the order were removed. *See* SAA at 890.

HSC has not placed any factual information on the record to show that revocation would not lead to a recurrence of dumping. Because cash deposit rates remain above *de minimis* levels and import volumes have decreased significantly since the time preceding the investigation, we find that dumping would be likely to continue or recur if the order were revoked.

### Romania

The Department has conducted three reviews of exporter MEI, one review of exporter Windmill, one review of producer Ispat Sidex, and one review of producer MS Galati, since the issuance of the order. The Department has found that dumping continued at levels above *de minimis* for all, with the exception of the 2002-2003 administrative review of MEI. A subsequent review of MEI found dumping at levels above *de minimis*. Since the Department has not conducted reviews for any other Romanian exporters/producers, their cash deposit rates remain above *de minimis* (75.04 percent).

Using statistics provided by the USITC DataWeb, the Department finds that imports of certain CTL Plate from Romania remained below the pre-order level of 36,429 short tons in 1991 in 2000 (6 short tons) and 2001 (5,981 short tons). However, since 2002 import levels are above the pre-order levels, with a recent level of 112,394 short tons in 2004. *See* Import Volumes Memo.

If companies continue to dump with the discipline of an order in place, it is reasonable to assume that dumping would continue if the order were removed. *See* SAA at 890. Given that cash deposit rates remain above *de minimis* levels for all Romanian producers/exporters, the Department determines that dumping is likely to continue or recur if the order were revoked.

### Spain

With respect to this order, the Department has conducted no administrative reviews during the period of this sunset review. However, the Department determined rates above *de minimis* for all Spanish manufacturers and exporters during the first sunset review (*i.e.*, rates of 105.61 percent for both Ensidesa and all other Spanish manufacturers/exporters). Antidumping duties remain in effect and no party has challenged the rates by requesting an administrative review. Additionally, using statistics provided by the USITC DataWeb, the Department finds that imports of CTL from Spain have steadily decreased from the pre-order level of 54,055 short tons in 1992 to a range of zero short tons in 2004 to 247 short tons in 2000. *See* Import Volumes Memo.

The record of this order shows that dumping has continued since the imposition of the antidumping duty order. The SAA states that declining import volumes accompanied by the continued existence of dumping margins after the issuance of the order may provide a strong indication that, absent an order, dumping would be likely to continue because the evidence would indicate that the exporter needs to dump to sell at pre-order volume. *See* SAA at 889-890. Thus, the Department determines that dumping is likely to continue or recur if the order were revoked.

### Sweden

The Department has not conducted any administrative reviews of this order subsequent to the first sunset review. The cash deposit rate for Svenskt Staal currently is 34 percent and for all other Swedish manufacturers and exporters the deposit rate is 24.23 percent. Using statistics

provided by the USITC DataWeb, the Department finds that imports of CTL from Sweden have steadily decreased from the pre-order level of 90,857 short tons in 1992 to a range of 3,048 short tons in 2003 to 5,282 short tons in 2000. *See* Import Volumes Memo.

The SAA states that declining import volumes accompanied by the continued existence of dumping margins after the issuance of the order may provide a strong indication that, absent an order, dumping would be likely to continue because the evidence would indicate that the exporter needs to dump to sell at pre-order volume. *See* SAA at 889-890. Because of the continued existence of dumping margins and the substantial decline in import volumes of CTL Plate from Sweden, the Department determines that dumping is likely to continue or recur if the order were revoked.

### Taiwan

The Department has not completed any administrative reviews during the period at issue for this sunset review. However, the Department found rates above *de minimis* for all Taiwanese manufacturers and exporters in the first sunset review. While CSC currently has a zero percent cash deposit rate, the rate for all other Taiwanese producers and exporters remains at an above *de minimis* level (34.00 percent).

Using statistics provided by the USITC DataWeb, the Department finds that imports of subject merchandise from Taiwan have virtually ceased since 1989.<sup>19</sup> During the period 2000-2004, import volumes ranged from only 115 short tons to 1,081 short tons. *See* Import Volumes Memo.

The SAA states that declining import volumes accompanied by the continued existence of dumping margins after the issuance of the order may provide a strong indication that, absent an order, dumping would be likely to continue because the evidence would indicate that the exporter needs to dump to sell at pre-order volumes. *See* SAA at 889-890. If companies continue to dump with the discipline of an order in place, it is reasonable to assume that dumping would continue if the order were removed. *See* SAA at 890. Cash deposit rates remain above *de minimis* levels for some Taiwanese manufacturers/exporters of carbon steel plate and imports have virtually ceased since issuance of the order. Thus, the Department determines that dumping would be likely to continue or recur if the order were revoked.

### United Kingdom

The Department has never conducted an administrative review of the antidumping duty order on CTL Plate from the United Kingdom. Therefore, cash deposit rates above *de minimis* continue to be in effect for all British manufacturers and exporters of the subject merchandise.

Pursuant to section 752(c)(1)(B) of the Act, the Department considered the volume of imports of the subject merchandise for the period before issuance of the order and import volumes over the past five years. Using statistics from the USITC DataWeb, the Department finds that, in the five calendar years prior to the initiation of this sunset review, imports of CTL Plate from the United Kingdom ranged from only 2,243 to 4,740 tons per year. This volume is far below the pre-order volumes of 36,948 tons in 1991 and 24,160 tons in 1992. *See* Import Volumes Memo.

The SAA states that declining import volumes accompanied by the continued existence of dumping margins after the issuance of the order may provide a strong indication that, absent an order, dumping would be likely to continue because the evidence would indicate that the exporter needs to dump to sell at pre-order volumes. *See* SAA at 889-890. If companies continue to

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<sup>19</sup> Import statistics for years prior to 1989 were not readily available to the Department.

dump with the discipline of an order in place, it is reasonable to assume that dumping would continue if the order were removed. *See* SAA at 890.

Niagara UK has not placed any factual information on the record to show that revocation would not lead to a recurrence of dumping. In its December 1, 2005 and December 12, 2005 submissions, Niagara UK argues that it mainly produces non-subject merchandise, *i.e.*, flat bar products, which are similar to subject merchandise but have different dimensions. Niagara UK provides flat bar product data, of which only a small subset of the data pertains to subject merchandise, and argues that based on their selling experience with flat bar products, there is no likelihood of dumping of subject merchandise. Because Niagara UK's production of the subject merchandise is minuscule, as was production by its predecessor, Glynwed, prior to the imposition of the order, the Department finds Niagara UK's argument to be unavailing since it does not relate to the vast majority of exports of subject merchandise. Since cash deposit rates remain above *de minimis* levels and imports of British CTL Plate have decreased significantly since the time preceding the order, we find that dumping would be likely to continue or recur if the order were revoked.

In sum, on the basis of information provided by domestic interested parties, information on the record, and the lack of information provided by the respondent parties, we continue to find that it is likely that if the antidumping duty orders for Belgium, Brazil, Finland, Germany, Mexico, Poland, Romania, Spain, Sweden, and the United Kingdom, and the antidumping finding for Taiwan were revoked, dumping would continue or recur.

## 2. Magnitude of the Margin Likely to Prevail

### Interested Party Comments

#### Belgium

Domestic interested parties contend that in accordance with the legislative history and the Department's normal policy and practice, the Department should find the magnitude of the margin of dumping to be equal to or greater than the rates determined to exist in the original investigation, as indicated in the first sunset review. *See* Substantive Response for Belgium at 7. Respondent Duferco argues the rate likely to prevail is zero but does not provide any factual information, argument or reason to justify its position. *See* Duferco Substantive Response at 2.

#### Brazil

Domestic interested parties argue that revocation of the antidumping duty order on CTL Plate from Brazil would likely result in margins no less than those calculated in the investigation. *See* Substantive Response for Brazil at 7. Domestic interested parties state that with the exception of COSIPA, in the first sunset review the Department found the same margins as those determined in the original investigation. *Id.* Domestic interested parties maintain that in accordance with the legislative history and the Department's normal policy, the Department should provide the ITC with the dumping margins from the original investigation. *Id.*

#### Finland

Domestic interested parties assert that the *Policy Bulletin* at 18873 (quoting the SAA at 890) states that the Department normally is to select a margin "from the investigation, because that is the only calculated rate that reflects the behavior of exporters...without the discipline of an order or suspension agreement in place." Domestic interested parties further state that as the final determination was reached in the original investigation (which in this case was finalized

following the CIT affirmation of the final remand results in 1997), and the margins were left unchanged at the conclusion of the first sunset review, the Department should forward to the ITC the margin of 40.36 percent determined for both Rautaruukki and the Finland-wide rate in the original investigation. *See* Substantive Response for Finland at 7.

#### Germany

Domestic interested parties assert that the *Policy Bulletin* at 18873 (quoting the SAA at 890) states that the Department normally is to select a margin “from the investigation, because that is the only calculated rate that reflects the behavior of exporters...without the discipline of an order or suspension agreement in place.” Domestic interested parties further state that as the final determination was reached in the original investigation, and the margins were left unchanged at the conclusion of the first sunset review, the Department should forward to the ITC the margin of 36.00 percent determined for Dillinger and Reiner Brach. *See* Substantive Response for Germany at 7.

#### Mexico

Domestic interested parties assert that the *Policy Bulletin* at 18873 (quoting the SAA at 890) states that the Department normally is to select a margin “from the investigation, because that is the only calculated rate that reflects the behavior of exporters. . .without the discipline of an order or suspension agreement in place.” Domestic interested parties further state that because the margins were left unchanged in the first sunset review, the Department should find that the magnitude of the dumping margin likely to prevail is identical to the margins found in the original investigation. Therefore, domestic interested parties conclude that the Department should report the margins from the investigation to the ITC as the likely margins if the antidumping duty order were revoked.

#### Poland

Domestic interested parties assert that in accordance with the legislative history and the Department’s policy, the Department should provide the ITC the rate from the original investigation, *i.e.*, 61.98 percent, for all Polish producers. *See* Substantive Response for Poland at 6. HSC states that the antidumping duty rate that is likely to prevail in the event of revocation of the order is zero. HSC points out that the original investigation used a non-market economy methodology and that Poland obtained market economy status in 1993. HSC also claims the Polish steel industry has undergone dramatic changes in recent years, including privatizations of major steel producers such as the respondent interested party. *See* HSC Substantive Response at 2.

#### Romania

Domestic interested parties assert that the *Policy Bulletin*, 63 FR at 18873 (quoting the SAA at 890) states that the Department normally is to select a margin “from the investigation, because that is the only calculated rate that reflects the behavior of exporters. . .without the discipline of an order or suspension agreement in place.” Domestic interested parties further state that because the margins were left unchanged in the first sunset review, the Department should find that the magnitude of the dumping margin likely to prevail is identical to the margins found in the original investigation. Therefore, domestic interested parties conclude that the Department should report the margins from the investigation to the ITC as the likely margins if the antidumping duty order were revoked.

### Spain

The domestic interested parties suggest that the Department report to the ITC the dumping margins established in the investigation for CTL Plate from Spain. *See* Substantive Response for Spain at 7. These margins were the same as those determined in the first sunset review.

### Sweden

The domestic interested parties suggest that the Department report to the ITC the dumping margins established in the investigation for CTL Plate from Sweden. *See* Substantive Response for Sweden at 7. These margins were the same as those determined in the first sunset review.

### Taiwan

Domestic interested parties argue that if the antidumping finding on carbon steel plate from Taiwan were revoked, the prevailing dumping margin would be at least the rate computed for all Taiwanese manufacturers in the original investigation. *See* Substantive Response for Taiwan at 7. Domestic interested parties contend that in accordance with the legislative history and the Department's normal policy, the Department should provide the ITC the dumping margin from the original investigation. *Id.*

### United Kingdom

Domestic interested parties argue that revocation of the antidumping duty order on CTL Plate from the United Kingdom would likely result in dumping margins equal to or greater to those calculated in the investigation. *See* UK Substantive Response at 7. Domestic interested parties maintain that in the first sunset review the Department found the same margins as those determined in the original investigation. *Id.* Therefore, domestic interested parties claim that in accordance with the Department's normal policy, the Department should report to the ITC with the dumping margins from the original investigation. *Id.*

In its rebuttal to domestic interested parties' substantive response, Niagara UK asserts this sunset review is one case where the Department should make its determination on a company-specific basis. *See* Niagara Rebuttal at 5. Niagara UK argues the Department should determine that with respect to Niagara UK there is no basis for continuing the order, even if it cannot make such a finding with respect to other British producers. *Id.* Niagara UK claims the Department's history of making determinations on a country-wide basis is strictly a matter of policy, and not a statutory requirement. *Id.* Niagara UK contends a company-specific revocation would justly recognize that its universal flat bar is not like the standard plate products that the dumping order originally targeted. *Id.* Therefore, Niagara UK urges the Department to inform the ITC that revocation of the order with respect to Niagara UK would result in no dumping of the subject merchandise. *Id.*

In its own substantive response, Niagara UK asserts that its pricing policy for all of its bar products, including universal flat bar, ensures that its U.S. prices will be equal to or higher than prices in the United Kingdom. *See* Niagara UK Substantive Response at 7-8. Therefore, Niagara UK contends the margin likely to prevail if the order is revoked is zero percent. *Id.*

### Department's Position

Section 752(c)(3) of the Act provides that the Department will report to the ITC the magnitude of the margin of dumping that is likely to prevail if the order were revoked. The Department normally will select a margin from the final determination of the investigation because that is the only calculated rate that reflects the behavior of exporters without the discipline of an order. *See* SAA at 890; and the House Report at 64. For companies not

investigated specifically or for companies that did not begin shipping until after the order was issued, the Department normally will provide a margin based on the “all others” rate from the investigation. 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 an order or suspension agreement in place. Under certain circumstances, however, the Department may select a more recently calculated margin to report to the ITC.

The Department must determine the appropriate rates to report to the ITC for certain CTL Plate from Belgium, Brazil, Finland, Germany, Mexico, Poland, Romania, Spain, Sweden, and the United Kingdom, and carbon steel plate from Taiwan.

Below is the Department’s analysis for each country:

### Belgium

In the final determination of the first sunset review of CTL Plate from Belgium, the Department determined that the margins calculated in the original investigation were probative of the behavior of Belgian producers and exporters, with the exception of FFC.<sup>20</sup> The Department has not conducted any administrative reviews of CTL Plate from Belgium since the first sunset review. The Department finds that the margins calculated in the original investigation are probative of the behavior of all Belgian producers and exporters, including FFC,<sup>21</sup> because these are the only calculated rates that reflect the behavior of manufacturers, producers, and exporters without the discipline of an order in place. Therefore, the Department finds that the margins from the original investigation are the appropriate margins to report to the ITC. Consistent with section 752(c) of the Act, the Department will report to the ITC the company-specific and “all others” rates from the investigation as indicated in the “Final Results of Review” section of this memorandum below.

### Brazil

In the final determination of the first sunset review of CTL Plate from Brazil, the Department determined that the margins calculated in the original investigation were probative of the behavior of Brazilian producers and exporters, with the exception of COSIPA, as domestic

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<sup>20</sup> In the original investigation, the Department calculated a margin of 13.31 percent for FFC. However, for the first sunset review, the Department reported to the ITC a margin of 27.5 percent for FFC. This rate was based on the 13.75 percent margin found in the 1995-1996 administrative review, doubled to account for a 100 percent finding of duty absorption. As stated in the final results of the first sunset review, the Department reported the 27.5 percent margin “[c]onsistent with our stated policy of providing the Commission the higher of the margin the Department otherwise would have reported to the Commission or the most recent margin for that company adjusted to account for the Department’s findings on duty absorption.” See *Cut-to-Length Carbon Steel Plate From Belgium; Final Results of Expedited Sunset Review of Antidumping Duty Order*, 65 FR 18292 (April 7, 2000) and the accompanying Issues and Decision Memorandum at Comment 2. However, on March 22, 2000, the CIT ruled that the Department lacked authority to conduct a duty absorption inquiry for an antidumping order issued prior to January 1, 1995. See *SKF USA Inc. v. United States*, 24 CIT 174 (CIT 2000). Thus, for this sunset review, we have reported the rate calculated for the original investigation for FFC.

<sup>21</sup> Because the CIT found that Commerce lacked the authority to conduct a duty absorption inquiry for an antidumping duty order issued prior to January 1, 1995 (see *SKF USA Inc. v. United States*, 24 CIT 174 (CIT 2000)), we are not reporting the rate reported for FFC in the first sunset review (*i.e.*, the rate based on a duty absorption inquiry). Thus, for this sunset review, we are reporting the rate calculated for the original investigation for FFC.

interested parties correctly note.<sup>22</sup> The Department has not conducted any administrative reviews of CTL Plate from Brazil since the first sunset review. The Department continues to find that the margins calculated in the original investigation are probative of the behavior of all Brazilian producers and exporters if the order were revoked because these are the only rates that reflect the behavior of manufacturers, producers, and exporters without the discipline of an order in place. Thus, the Department finds that the margins from the original investigation are the appropriate margins to report to the ITC. Consistent with section 752(c) of the Act, the Department will report to the ITC the company-specific and “all others” rates from the investigation as indicated in the “Final Results of Review” section of this memorandum below.

#### Finland

In the final determination of the investigation of CTL Plate from Finland, the Department found dumping margins of 32.80 percent for Rautaruukki, and 32.80 percent for “all others.” As previously noted, in response to direction from the CIT, the Department recalculated the dumping margins for the original investigation and found dumping margins of 40.36 percent for both Rautaruukki and “all others.” In the first sunset review of CTL Plate from Finland, the Department determined that the margins in the original investigation were probative of the behavior of Finnish producers and exporters. The Department has not conducted any administrative reviews of CTL Plate from Finland since the first sunset review. The Department finds that the margins in the original investigation are probative of the behavior of all Finnish producers and exporters because these rates reflect the behavior of manufacturers, producers, and exporters without the discipline of an order in place. Therefore, the Department finds that the margins from the original investigation are the appropriate margins to report to the ITC. Consistent with section 752(c) of the Act, the Department will report to the ITC the company-specific and “all others” rates from the investigation as indicated in the “Final Results of Review” section of this memorandum below.

#### Germany

With regard to CTL Plate from Germany, administrative reviews have resulted in margins of 2.16 percent, 0.16 percent, and 36.00 percent for various companies since the imposition of the order. The Department has not conducted a review of the order on CTL Plate from Germany since the completion of the first sunset review. The Department may provide the ITC with a more recently assigned margin for a particular company where dumping margins increased for that company, even if the increase was a result of the application of facts available. The Department continues to find that the margins in the original investigation are probative of the behavior of all German producers and exporters if the order were revoked because these are the only rates that reflect the behavior of manufacturers, producers, and exporters without the discipline of an order in place. Additionally, the most recently completed review of CTL Plate from Germany (*i.e.*, 1998-1999) yielded an adverse facts available margin equivalent to the “all others” rate in the investigation, *i.e.*, 36.00 percent. Thus, the Department finds that the margins from the original investigation are the appropriate margins to report to the ITC. Consistent with section 752(c) of the Act, the Department will report to the ITC the company-specific and “all

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<sup>22</sup> In the first sunset review of CTL Plate from Brazil, the Department reported one margin for USIMINAS and COSIPA because it had collapsed them and treated them as a single entity in the most recently completed administrative review. Since USIMINAS is the dominant firm in the USIMINAS/COSIPA entity, we reported the rate for USIMINAS from the investigation for the combined entity in the first sunset review. See *Certain Cut-to-Length Carbon Steel Plate From Brazil and Mexico; Final Results of Antidumping Duty Expedited Sunset Reviews*, 65 FR 18052 (April 6, 2000) and the accompanying Issues and Decision Memorandum at Comment 2.

others” rates from the investigation as indicated in the “Final Results of Review” section of this memorandum.

#### Mexico

In the final determination of the first sunset review of CTL Plate from Mexico, the Department determined that the margins in the original investigation were probative of the behavior of Mexican producers and exporters. The Department has not conducted any administrative reviews of CTL Plate from Mexico since the first sunset review. The Department finds that the margins in the original investigation are probative of the behavior of all Mexican producers and exporters without the discipline of the order in place. Therefore, the Department finds that the margins from the original investigation are the appropriate margins to report to the ITC because these rates reflect the behavior of manufacturers, producers, and exporters without the discipline of an order in place. Consistent with section 752(c) of the Act, the Department will report to the ITC the company-specific and “all others” rates from the investigation as indicated in the “Final Results of Review” section of this memorandum.

#### Poland

In the final determination of the investigation from Poland, the Department found a dumping margin of 61.98 percent for all Polish producers of the subject merchandise. The Department has not conducted an administrative review of CTL Plate from Poland. Therefore, the Department finds that the margin from the original investigation is the appropriate margin to report to the ITC with respect to the order on CTL Plate from Poland because this is the only margin on the record of this proceeding. Furthermore, the Department continues to find that the margin in the original investigation is probative of the behavior of Polish producers and exporters without the discipline of the order in place because this is the only rate on the record, and this rate reflects the behavior of manufacturers, producers, and exporters without the discipline of an order in place. Consistent with section 752(c) of the Act, the Department will report to the ITC the rate from the investigation as indicated in the “Final Results of Review” section of this memorandum.

#### Romania

With respect to CTL Plate from Romania, administrative reviews have resulted in margins of 0.04 percent, zero percent, 1.35 percent, and 15.15 percent for various companies since the imposition of the order. Since the first sunset review on CTL Plate from Romania, the Department has conducted administrative reviews for MEI and Ispat Sidex. Dumping margins did not increase after the issuance of the order for any of the reviewed companies. The Department may provide the ITC with a more recently assigned margin for a particular company where dumping margins increased for that company, even if the increase was a result of the application of best information or facts available. For both MEI and Ispat Sidex, the Department determines that it is appropriate to report to the ITC the rates from the investigation because these are the only rates that reflect the behavior of manufacturers, producers, and exporters without the discipline of an order in place. Therefore, consistent with section 752(c) of the Act, the Department will report to the ITC the company-specific and “all others” rates from the investigation as listed in the “Final Results of Reviews” section of this memorandum.

#### Spain

In the final determination of the investigation of CTL from Spain, the Department found dumping margins of 105.61 for both Ensidesa and all other Spanish producers/exporters of the subject merchandise. The Department has not conducted an administrative review of CTL Plate from Spain. The Department thus finds that the margins from the original investigation are

appropriate margins to report to the ITC with respect to the order on CTL Plate from Spain. Furthermore, the Department continues to find that the margins in the original investigation are probative of the behavior of Spanish producers and exporters if the order were revoked because these are the only rates that reflect the behavior of manufacturers, producers, and exporters without the discipline of an order in place. Consistent with section 752(c) of the Act, the Department will report to the ITC the rates from the investigation as indicated in the “Final Results of Review” section of this memorandum because these are the only rates on the record, and these rates reflect the behavior of manufacturers, producers, and exporters without the discipline of an order in place.

#### Sweden

In the final determination of the first sunset review of CTL Plate from Sweden, the Department determined that the margins in the original investigation were probative of the behavior of Swedish producers and exporters. The Department has not conducted any administrative reviews of CTL Plate from Sweden since the first sunset review. The Department continues to find that the margins in the original investigation are probative of the behavior of all Swedish producers and exporters if the order were revoked because these are the only rates that reflect the behavior of manufacturers, producers, and exporters without the discipline of an order in place. Thus, the Department finds that the margins from the original investigation are the appropriate margins to report to the ITC because these rates reflect the behavior of manufacturers, producers, and exporters without the discipline of an order in place. Consistent with section 752(c) of the Act, the Department will report to the ITC the company-specific and “all others” rates from the investigation as indicated in the “Final Results of Review” section of this memorandum.

#### Taiwan

In the final determination of the investigation of Taiwanese carbon steel plate, the Treasury found a dumping margin of 34 percent for CSC. For the first sunset review of carbon steel plate from Taiwan, the Department reported a margin of 34 percent for CSC and all other Taiwanese producers and exporters.<sup>23</sup> The Department has not conducted an administrative review of carbon steel plate from Taiwan since the first sunset review. The Department continues to find that the margin in the original investigation is probative of the behavior of all Taiwanese producers and exporters if this finding were revoked because this is the only rate that reflect the behavior of manufacturers, producers, and exporters without the discipline of an order in place. The Department thus finds that the margin from the original investigation is the appropriate margin to report to the ITC with respect to the finding on carbon steel plate from Taiwan because this rate reflects the behavior of manufacturers, producers, and exporters without the discipline of an order in place. Consistent with section 752(c) of the Act, the Department will report to the ITC the rate from the investigation as indicated in the “Final Results of Reviews” section of this memorandum.

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<sup>23</sup> The Treasury did not publish a company-specific or an “all others” rate in its antidumping finding; when rates have not been published in a finding or order, it has been the Department’s policy to rely on rates published in the LTFV determination. *See, e.g., Certain Carbon Steel Plate From Taiwan; Final Results of Antidumping Duty Expedited Sunset Review*, 65 FR 18043 (April 6, 2000).

## United Kingdom

In the final determination of the first sunset review of CTL Plate from the United Kingdom, the Department determined that the margins in the original investigation were probative of the behavior of British producers and exporters. The Department has not conducted any administrative reviews of CTL Plate from the United Kingdom since the first sunset review. The Department continues to find that the margins in the original investigation are probative of the behavior of all British producers and exporters if these orders were revoked because these are the only rates that reflect the behavior of manufacturers, producers, and exporters without the discipline of an order in place. Therefore, consistent with section 752(c) of the Act, the Department will report to the ITC the company-specific and “all others” rates from the investigation as indicated in the “Final Results of Review” section of this memorandum.

## Final Results of Reviews

As a result of these reviews, the Department determines that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping at the following weighted-average percentage margins:

Manufacturers/Exporters/Producers	Weighted-Average Margin (percent)
<u>Belgium</u>	
Forges de Clabecq, S.A. <sup>24</sup>	6.78
Fabrique de Fer Chaleroi, S.A. (FFC)	13.31 <sup>25</sup>
All Other Belgian Manufacturers and Exporters	6.84
<u>Brazil</u>	
Usinas Siderurgicas de Minas Gerais S.A. (USIMINAS)/ Companhia Siderurgica Paulista (COSIPA)	42.08 <sup>26</sup>
All Other Brazilian Manufacturers and Exporters	75.54
<u>Finland</u>	
Rautaruukki Oy	40.36
All Other Finnish Manufacturers and Exporters	40.36
<u>Germany</u>	
Dillinger Huttenwerke	36.00
All Other German Manufacturers and Exporters	36.00
<u>Mexico</u>	
AHMSA, S.A. de C.V.	49.25
All Other Mexican Manufacturers and Exporters	49.25
<u>Poland</u>	
All Polish Manufacturers and Exporters	61.98

<sup>24</sup> The Department has never conducted a changed circumstance review finding that Duferco is the successor-in-interest to Forges de Clabecq, S.A. As a result, Duferco is subject to the “all others” rate.

<sup>25</sup> See footnote 18.

<sup>26</sup> As noted previously, the Department continued to treat USIMINAS and COSIPA as a single entity in the first sunset review. In doing this, the Department reported USIMINAS’s margin from the investigation as the margin most likely to prevail. Thus, we will report a single margin to the ITC as we did for the first sunset review.

<u>Romania</u>	
Metalexportimport SA	75.04
All Other Romanian Manufacturers and Exporters	75.04

<u>Spain</u>	
Ensidesa	105.61
All Other Spanish Manufacturers and Exporters	105.61

<u>Sweden</u>	
Svenskt Staal ABC	24.23
All Other Swedish Manufacturers and Exporters	24.23

<u>Taiwan</u>	
China Steel Corporation	34.00
All Other Taiwanese Manufacturers and Exporters	34.00

<u>United Kingdom</u>	
British Steel plc <sup>27</sup>	109.22
All Other British Manufacturers and Exporters	109.22

Recommendation

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

AGREE \_\_\_\_\_

DISAGREE \_\_\_\_\_

\_\_\_\_\_  
 David M. Spooner  
 Assistant Secretary  
 for Import Administration

\_\_\_\_\_  
 Date

<sup>27</sup> The Department has never conducted a changed circumstance review finding that Corus Group plc (Corus) is the successor-in-interest to British Steel plc. Therefore, Corus is subject to the all others rate.