

A-351-832, A-201-830  
A-122-840, A-841-805  
A-560-815, A-274-804  
A-823-812  
Sunset Reviews  
Public Document  
Office 1: ART

DATE: December 31, 2007

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 Carbon and Certain Alloy Steel  
Wire Rod from Brazil, Canada, Indonesia, Mexico, Moldova, Trinidad  
and Tobago, and Ukraine; Final Results

---

### Summary

We have analyzed the responses of the interested parties in the sunset reviews of the antidumping duty orders covering carbon and certain alloy steel wire rod (“wire rod”) from Brazil, Canada, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine. We recommend that you approve the positions described in the Discussion of the Issues section of this memorandum. Below is the complete list of the issues in these sunset reviews for which we received substantive responses:

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

## History of the Orders

### *Brazil*

On August 30, 2002, the Department of Commerce (“the Department”) published its final determination in the investigation of wire rod from Brazil.<sup>1</sup> For Brazil, the Department found the following antidumping duty margins:

Companhia Siderurgica Belgo Mineira and Belgo-Mineira Participacao Industria e Comercio S.A. (“Belgo Mineira”)	94.73
All-Others Rate	74.45

### *Canada*

On August 30, 2002, the Department published its final determination in the investigation of wire rod from Canada.<sup>2</sup> On October 29, 2002, the Department published its amended final determination in the investigation of wire rod from Canada.<sup>3</sup> For Canada, the Department found the following amended antidumping duty margins:

Ispat Sidbec Inc.	3.86
Ivaco, Inc.	9.90
Stelco Inc.	1.18 excluded from the order
All-Others Rate	8.11

### *Indonesia*

On August 30, 2002, the Department published its final determination in the investigation of wire rod from Indonesia.<sup>4</sup> For Indonesia, the Department found the following antidumping duty margins:

P.T. Ispat Indo	4.06
All-Others Rate	4.06

---

<sup>1</sup> See Notice of Final Determination of Sales at Less Than Fair Value and Final Negative Critical Circumstances: Carbon and Certain Alloy Steel Wire Rod from Brazil, 67 FR 55792 (August 30, 2002).

<sup>2</sup> See Notice of Final Determination of Sales at Less Than Fair Value: Carbon and Certain Alloy Steel Wire Rod from Canada, 67 FR 55782 (August 30, 2002).

<sup>3</sup> See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Carbon and Certain Alloy Steel Wire Rod from Canada, 67 FR 65944 (October 29, 2002).

<sup>4</sup> See Notice of Final Determination of Sales at Less Than Fair Value: Carbon and Certain Alloy Steel Wire Rod from Indonesia, 67 FR 55798 (August 30, 2002).

*Mexico*

On August 30, 2002, the Department published its final determination in the investigation of wire rod from Mexico.<sup>5</sup> For Mexico, the Department found the following antidumping duty margins:

Siderurgica Lazaro Cardenas Las Truchas, S.A. de C.V. (“SICARTSA”)	20.11
All-Others Rate	20.11

*Moldova*

On August 30, 2002, the Department published its final determination in the investigation of wire rod from Moldova.<sup>6</sup> For Moldova, the Department found the following antidumping duty margin:

Moldova-wide Rate	369.10
-------------------	--------

*Trinidad and Tobago*

On August 30, 2002, the Department published its final determination in the investigation of wire rod from Trinidad and Tobago.<sup>7</sup> For Trinidad and Tobago, the Department found the following antidumping duty margins:

Caribbean Ispat Ltd.	11.40
All-Others Rate	11.40

Caribbean Ispat Ltd. (“CIL”) challenged the International Trade Commission’s (“ITC’s”) affirmative material injury determination in the Court of International Trade (“CIT”), but the CIT upheld the ITC’s affirmative determination. See Caribbean Ispat Limited v. United States, 366 F. Supp. 2d 1300 (Ct. Int’l Trade 2005). CIL then appealed to the Court of Appeals for the Federal Circuit (“CAFC”). The CAFC remanded the case back to the CIT with instructions to further remand the case to the ITC so that the ITC could reconsider its injury analysis. See Caribbean Ispat Limited v. United States, 450 F. 3d 1336 (Fed. Cir. 2006). On remand, the ITC made a

---

<sup>5</sup> See Notice of Final Determination of Sales at Less Than Fair Value: Carbon and Certain Alloy Steel Wire Rod from Mexico, 67 FR 55800 (August 30, 2002).

<sup>6</sup> See Notice of Final Determination of Sales at Less Than Fair Value: Carbon and Certain Alloy Steel Wire Rod from Moldova, 67 FR 55790 (August 30, 2002).

<sup>7</sup> See Notice of Final Determination of Sales at Less Than Fair Value: Carbon and Certain Alloy Steel Wire Rod from Trinidad and Tobago, 67 FR 55788 (August 30, 2002).

negative material injury determination with respect to Trinidad and Tobago, which was affirmed by the CIT. See Mittal Steel Point Lisas Ltd v. United States, 495 F. Supp. 2d 1374 (Ct. Int'l Trade 2007). Domestic interested parties have appealed that determination to the CAFC.

### *Ukraine*

On August 30, 2002, the Department published its final determination in the investigation of wire rod from Ukraine.<sup>8</sup> For Ukraine, the Department found the following antidumping duty margins:

Krivorozhstal State Mine-Metallurgical Works ("Krivorozhstal")	116.37
All-Others Rate	116.37

On October 29, 2002, the Department published antidumping duty orders on wire rod from Brazil, Canada, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine.<sup>9</sup>

### Administrative Reviews

#### *Brazil*

Since the issuance of the antidumping duty orders, the Department has conducted one administrative review with respect to wire rod from Brazil for the period 4/15/2002 - 9/30/2003 in which Belgo Mineira received a 98.69 percent margin.<sup>10</sup>

#### *Indonesia*

The Department has conducted one administrative review with respect to wire rod from Indonesia for the period 10/1/2003 - 9/30/2004 in which P.T. Ispat Indo received a *de minimis* rate of 0.38 percent.<sup>11</sup>

---

<sup>8</sup> See Notice of Final Determination of Sales at Less Than Fair Value: Carbon and Certain Alloy Steel Wire Rod from Ukraine, 67 FR 55785 (August 30, 2002).

<sup>9</sup> See Notice of Antidumping Duty Orders: Carbon and Certain Alloy Steel Wire Rod from Brazil, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine, 67 FR 65945 (October 29, 2002), and Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Carbon and Certain Alloy Steel Wire Rod from Canada, 67 FR 65944 (October 29, 2002).

<sup>10</sup> See Notice of Final Results of Antidumping Duty Administrative Review: Carbon and Certain Steel Alloy Wire Rod from Brazil, 70 FR 28271 (May 17, 2005).

<sup>11</sup> See Carbon and Certain Steel Alloy Wire Rod from Indonesia; Final Results of Antidumping Duty Administrative Review, 70 FR 60787 (October 19, 2005).

### *Trinidad & Tobago*

The Department has conducted four administrative reviews with respect to wire rod from Trinidad and Tobago for the periods 4/10/2002 - 9/30/2003, 10/1/2003 - 9/30/2004, 10/1/2004 - 9/30/2005, and 10/1/2005 - 9/30/2006 in which Caribbean Ispat Ltd. received a 3.61 percent margin, then 4.13 percent, then 0.06 percent, and finally 0.40 percent, respectively.<sup>12</sup>

### *Mexico*

The Department has conducted two administrative reviews with respect to wire rod from Mexico for the periods 4/10/2002 - 9/30/2003 and 10/1/2003 - 9/30/2004 in which SICARTSA received a 1.06 percent margin, then a 1.26 percent margin, respectively, and Hylsa Puebla, S.A. de C.V. (“Hylsa Puebla”) received a 5.45 percent margin and then a 1.81 percent margin, respectively.<sup>13</sup> For the preliminary results of the third review, Hylsa Puebla received a 17.78 percent rate.<sup>14</sup>

### *Canada*

The Department has conducted three administrative reviews with respect to wire rod from Canada for the periods 4/10/2002 - 9/30/2003, 10/1/2003 - 9/30/2004, and 10/1/2004 - 9/30/2005 in which Ivaco, Inc. received a 4.16 percent margin, then 3.08 percent, then 2.06 percent, respectively.<sup>15</sup> Also, in the second administrative review, Ispat Sidbec Inc. received a 6.13 percent margin.<sup>16</sup> For the preliminary results of the fourth review, Ivaco Rolling Mills 2004 L.P.

---

<sup>12</sup> See Notice of Final Results of Antidumping Duty Administrative Review: Carbon and Certain Alloy Steel Wire Rod from Trinidad and Tobago, 70 FR 12648 (March 15, 2005); Notice of Final Results of Antidumping Duty Administrative Review: Carbon and Certain Alloy Steel Wire Rod from Trinidad and Tobago, 70 FR 69512 (November 16, 2005); Carbon and Certain Alloy Steel Wire Rod from Trinidad and Tobago: Final Results of Antidumping Duty Administrative Review, 72 FR 9922 (March 6, 2007); and Carbon and Certain Alloy Steel Wire Rod From Trinidad and Tobago; Final Results of Antidumping Duty Administrative Review, 72 FR 62824 (November 7, 2007).

<sup>13</sup> See Notice of Final Results of Antidumping Duty Administrative Review: Carbon and Certain Alloy Steel Wire Rod from Mexico, 70 FR 25809 (May 16, 2005); and Notice of Final Results of Antidumping Duty Administrative Review: Carbon and Certain Alloy Steel Wire Rod from Mexico, 71 FR 27989 (May 15, 2006).

<sup>14</sup> See Preliminary Results of Antidumping Duty Administrative Review: Carbon and Alloy Steel Wire Rod From Mexico, 72 FR 62820 (November 7, 2007).

<sup>15</sup> See Notice of Final Results of Antidumping Duty Administrative Review: Carbon and Certain Alloy Steel Wire Rod from Canada, 69 FR 68309 (November 24, 2004); Notice of Final Results of Antidumping Duty Administrative Review: Carbon and Certain Alloy Steel Wire Rod from Canada, 71 FR 3822 (January 24, 2006); and Notice of Final Results of Antidumping Duty Administrative Review: Carbon and Certain Alloy Steel Wire Rod from Canada, 72 FR 26591 (May 10, 2007).

<sup>16</sup> See Notice of Final Results of Antidumping Duty Administrative Review: Carbon and Certain Alloy Steel Wire Rod from Canada, 71 FR 3822 (January 24, 2006).

and Sivaco Ontario, a division of Sivaco Wire Group 2004 L.P. received a 4.44 percent rate.<sup>17</sup>

### *Moldova and Ukraine*

The Department has not conducted any administrative reviews of the antidumping duty orders on wire rod from Moldova or Ukraine.

### *Duty Absorption, Changed Circumstances Reviews, and Scope Inquiries*

There have been no duty absorption findings concerning the wire rod antidumping duty orders.

On August 21, 2003, following a request by petitioners, the Department initiated a changed circumstances review to clarify the technical description of certain grade 1080 tire cord quality wire rod and certain grade 1080 tire bead quality wire rod that were excluded from the original scope of the orders. See Carbon and Certain Alloy Steel Wire Rod from Brazil, Canada, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine: Initiation of Changed Circumstances Antidumping Duty Administrative Review and Countervailing Duty Administrative Reviews, and Intent to Revoke Orders in Part, 68 FR 50513 (August 21, 2003). In its final results, the Department amended the technical description so that certain grade 1080 tire cord steel wire rod and grade 1080 tire bead quality “having no non-deformable inclusions greater than 20 microns and no deformable inclusions greater than 35 microns” rather than just those “having no inclusions greater than 20 microns” were revoked from the orders effective July 24, 2003. See Carbon and Certain Alloy Steel Wire Rod from Brazil, Canada, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine: Final Results of Changed Circumstances Review, 68 FR 64079 (November 12, 2003).

On May 11, 2004, the Department initiated a scope inquiry to clarify the exclusion for grade 1080 tire cord quality wire rod and tire bead quality wire rod from the antidumping and countervailing duty orders on wire rod from Brazil. See Memorandum to Jeffrey May from Carol Henninger, dated May 11, 2004. On May 9, 2005, the Department issued a final scope ruling and determined that for grade 1080 tire cord quality wire rod and tire bead quality wire rod, the phrase, “having no inclusions greater than 20 microns” means no inclusions greater than 20 microns in any direction. See Notice of Scope Rulings, 70 FR 55110 (September 20, 2005).

On February 25, 2004, the Department initiated a changed circumstances review to clarify the meaning of the exclusion of the Stelco Group from the antidumping duty order. See Carbon and Certain Alloy Steel Wire Rod From Canada; Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review, 69 FR 8623 (February 25, 2004). Petitioners participated in that review. On May 7, 2004, the Department published the final results of its changed circumstances review and determined that only subject merchandise produced and exported by

---

<sup>17</sup>See Notice of Preliminary Results of Antidumping Duty Administrative Review: Carbon and Certain Alloy Steel Wire Rod From Canada, 72 FR 62816 (November 7, 2007).

the Stelco Group is excluded from the antidumping duty order. See Carbon and Certain Alloy Steel Wire Rod From Canada; Final Results of Antidumping Duty Changed Circumstances Review, 69 FR 25560 (May 7, 2004).

On March 9, 2005, the Department initiated a changed circumstances review to determine whether Mittal Canada is the successor-in-interest to Ispat Sidbec, Inc. See Initiation of Changed Circumstances Antidumping Duty Administrative Review: Carbon and Certain Alloy Steel Wire Rod From Canada, 70 FR 11612 (March 9, 2005). On July 8, 2005, the Department published the final results and determined that Mittal Canada is the successor-in-interest to Ispat Sidbec, Inc., and as a result, should be accorded the same treatment previously accorded to Ispat Sidbec, Inc. in regard to the antidumping duty order on wire rod from Canada as of the publication of its final results. See Notice of Final Results of Antidumping Duty Changed Circumstances Review: Carbon and Certain Alloy Steel Wire Rod from Canada, 70 FR 39484 (July 8, 2005).

On November 6, 2006, the Department initiated a changed circumstances review to determine whether Ivaco Rolling Mills 2004 L.P. (“IRM”) and Sivaco Wire Group 2004 L.P., including its divisions, Sivaco Ontario and Sivaco Quebec, are successors-in-interest to Ivaco Rolling Mills L.P. and Ivaco Inc. See Notice of Preliminary Results of Antidumping Duty Administrative Review and Notice of Initiation of Changed Circumstances Review: Carbon and Certain Alloy Steel Wire Rod from Canada, 71 FR 64921 (November 6, 2006). On March 30, 2007, the Department published its final results and determined that (1) Ivaco Rolling Mills 2004 L.P. is the successor-in-interest to Ivaco Rolling Mills L.P. and that (2) Sivaco Ontario, a division of Sivaco Wire Group 2004 L.P., is the successor-in-interest to Ivaco Inc. See Notice of Final Results of Antidumping Duty Changed Circumstances Review: Carbon and Certain Alloy Steel Wire Rod from Canada, 72 FR 15102 (March 30, 2007). As a result, Ivaco Rolling Mills 2004 L.P. and Sivaco Ontario, a division of Sivaco Wire Group 2004 L.P., (collectively “Ivaco”) should receive the same antidumping duty treatment with respect to wire rod from Canada as Ivaco Rolling Mills L.P. and Ivaco Inc. Id.

On May 2, 2005, at the request of petitioners and Caribbean Ispat Ltd., the Department initiated a changed circumstances review to determine whether MSPL is the successor-in-interest to Caribbean Ispat Ltd. See Notice of Initiation and Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review: Carbon and Certain Alloy Steel Wire Rod From Trinidad and Tobago, 70 FR 22634 (May 2, 2005). On July 6, 2005, the Department published the final results and determined that MSPL is the successor-in-interest to Caribbean Ispat Ltd., and as a result, should be accorded the same treatment previously accorded to Caribbean Ispat Ltd. in regard to the antidumping duty order on wire rod from Trinidad and Tobago as of the date of publication of its final results. See Notice of Final Results of Antidumping Duty Changed Circumstances Review: Carbon and Certain Alloy Steel Wire Rod from Trinidad and Tobago, 70 FR 38871 (July 6, 2005).

On April 26, 2005, the Department initiated another changed circumstances review to determine whether Ukraine should continue to be treated as a non-market economy country for purposes of the antidumping duty law. See Initiation of a Changed Circumstances Review of the

Antidumping Duty Order on Carbon and Certain Alloy Steel Wire Rod from Ukraine, 70 FR 21396 (April 26, 2005). That review, in which petitioners participated, resulted in the revocation of Ukraine's non-market economy status under section 771(18)(B) of the Tariff Act of 1930, as amended ("the Act"), effective February 1, 2006. See Final Results of Inquiry Into Ukraine's Status as a Non-Market Economy Country, 71 FR 9520 (February 24, 2006).

The orders remain in effect for all manufacturers, producers, and exporters of the subject merchandise except for Stelco, in Canada, which was excluded from the original Canadian order.

### Background

On September 4, 2007, the Department published the notice of initiation of the sunset reviews of the antidumping duty orders on wire rod from Brazil, Canada, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine, pursuant to section 751(c) the Act. See Initiation of Five-Year ("Sunset") Reviews, 72 FR 50659 (September 4, 2007) ("Notice of Initiation"). The Department received a notice of intent to participate from the following domestic parties: Gerdau Ameristeel U.S. Inc.; ISG Georgetown, Inc.; Keystone Consolidated Industries, Inc.; and Rocky Mountain Steel Mills within the deadline specified in 19 CFR 351.218(d)(1)(i). The companies claimed interested party status under section 771(9)(C) of the Act, as manufacturers of a domestic like product in the United States. The Department received a separate notice of intent to participate from Nucor Corporation within the deadline specified in 19 CFR 351.218(d)(1)(i). Nucor Corporation also claimed interested party status under section 771(9)(C) of the Act, as a manufacturer of a domestic like product in the United States.

Gerdau Ameristeel U.S. Inc. reported that it is related to Gerdau S.A., a producer and exporter of subject merchandise in Brazil. ISG Georgetown, Inc. reported that it is related to the following producers and exporters of subject merchandise: Belgo Siderurgia S.A. in Brazil; Mittal Canada, Inc. in Canada; Siderurgica Lazaro Cardenas Las Truchas, SA in Mexico; Mittal Steel Point Lisas Ltd. in Trinidad and Tobago; and OJSC Mittal Steel Kryviy Rih in Ukraine. Pursuant to section 771(4)(B) of the Act, a domestic interested party may be excluded from participating as part of the domestic industry if it is related to an exporter of subject merchandise. In this sunset review, even if we excluded the parties above from participating as part of the domestic industry in the sunset review of the order, there would still be sufficient participation by other domestic interested parties to merit a sunset review of the order. Since there is sufficient industry support regardless of whether the two companies are included, we do not need to resolve the issue of whether to include or exclude Gerdau Ameristeel U.S. Inc. and ISG Georgetown, Inc. Therefore, collectively, Gerdau Ameristeel U.S. Inc., ISG Georgetown, Inc., Keystone Consolidated Industries, Inc.; Rocky Mountain Steel Mills; and Nucor Corporation will be known as the "domestic interested parties."

The Department received a complete substantive response to the notice of initiation from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). We received no responses from respondent interested parties with respect to any of the orders covered by these sunset reviews, nor was a hearing requested. As a result, pursuant to 19 CFR

351.218(e)(1)(ii)(C)(2), the Department is conducting expedited (120-day) sunset reviews of the antidumping duty orders for Brazil, Canada, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine.

### Discussion of the Issues

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

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

##### Interested Party Comments

Domestic interested parties believe that revocation of these antidumping duty orders would likely lead to a continuation or recurrence of dumping by the manufacturers, producers, and exporters of the subject merchandise. See domestic interested parties' substantive responses for Brazil, Canada, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine (October 4, 2007).

*Brazil:* Domestic interested parties state that the volume of imports subject to this order declined significantly after the imposition of the order and the import volume has not recovered to pre-order levels. Also, domestic interested parties state that antidumping duty margins have remained at a level above *de minimis* and increased to 98.69 for Belgo Mineira in the one administrative review that was conducted. Thus, domestic interested parties argue that the substantial antidumping duty margins and significant decline in the volume of imports following the issuance of the antidumping duty order demonstrate that revocation of the order will certainly lead to a continuation of dumping. See domestic interested parties' Substantive Response for Brazil, at 10-12 (October 4, 2007).

*Canada:* Domestic interested parties state that the volume of imports subject to this order declined significantly after the imposition of the order and the import volume has not recovered to pre-order levels. Also, domestic interested parties state that antidumping duty margins have remained at a level above *de minimis*. Thus, domestic interested parties argue that the substantial antidumping duty margins and significant decline in the volume of imports following the issuance of the antidumping duty order demonstrate that revocation of the order will certainly lead to a continuation of dumping. See domestic interested parties' Substantive Response for Canada, at 13-15 (October 4, 2007).

*Indonesia:* Domestic interested parties state that the volume of imports subject to this order declined significantly after the imposition of the order and were at zero in 2006. Thus, domestic interested parties argue that the significant decline in the volume of imports following the issuance of the antidumping duty order demonstrates that revocation of the order will certainly lead to a continuation of dumping. See domestic interested parties' Substantive Response for Indonesia, at 9-12 (October 4, 2007).

*Mexico:* Domestic interested parties state that the volume of imports subject to this order declined significantly after the imposition of the order and the import volume has not recovered to pre-order levels. Also, domestic interested parties state that antidumping duty margins have remained at levels above *de minimis*. Thus, domestic interested parties argue that the substantial antidumping duty margins and significant decline in the volume of imports following the issuance of the antidumping duty order demonstrate that revocation of the order will certainly lead to a continuation of dumping. See domestic interested parties' Substantive Response for Mexico, at 11-14 (October 4, 2007).

*Moldova:* Domestic interested parties state that imports of subject merchandise stopped completely after the imposition of the order. Also, domestic interested parties state that antidumping margins remain at 369.10 percent for all producers because there have been no administrative reviews. Thus, the domestic interested parties argue that the substantial antidumping duty margins and the cessation of imports following the issuance of the antidumping duty order demonstrate that revocation of the order will certainly lead to a continuation of dumping. See domestic interested parties' Substantive Response for Moldova, at 8-11 (October 4, 2007).

*Trinidad & Tobago:* Domestic interested parties state that imports of subject merchandise decreased significantly after the imposition of the order. Also, the domestic interested parties state that there continue to be above *de minimis* margins. Thus, the domestic interested parties argue that the above *de minimis* antidumping duty margins and the decrease of imports following the issuance of the antidumping duty order demonstrate that revocation of the order will certainly lead to a continuation of dumping. See domestic interested parties' Substantive Response for Trinidad and Tobago, at 12-15 (October 4, 2007).

*Ukraine:* Domestic interested parties state that imports of subject merchandise decreased drastically after the imposition of the order and were zero for the years 2003, 2004, and 2006. Also, the domestic interested parties state that the antidumping margin remains at 116.37 percent because there have been no administrative reviews. Thus, the domestic interested parties argue that the substantial antidumping duty margin and the dramatic decrease of imports following the issuance of the antidumping duty order demonstrate that revocation of the order will certainly lead to a continuation of dumping. See domestic interested parties' Substantive Response for Ukraine, at 9-12 (October 4, 2007).

## Department's Position

The Department makes its determinations of likelihood on an order-wide basis. See section 751(c)(1) of the Act: “{T}he administering authority and the Commission shall conduct a review to determine . . . whether revocation of the countervailing or antidumping duty order . . . would be likely to lead to continuation or recurrence of dumping{.}” In addition, the Department normally will determine that revocation of an antidumping duty order is likely to lead to continuation or recurrence of dumping where (a) dumping continued at any level above *de minimis* after the issuance of the order, (b) imports of the subject merchandise ceased after the issuance of the order, or (c) dumping was eliminated after the issuance of the order and import volumes for the subject merchandise declined significantly. Final Results of Expedited Sunset Review: Tapered Roller Bearings from Hungary, 64 FR 60272, 60273 (November 4, 1999). In addition, pursuant to 752(c)(1)(B) of the Act, the Department considers the volume of imports of the subject merchandise for the period before and after the issuance of the antidumping order.

*Brazil*: Census Bureau data provided by the domestic interested parties show that imports of wire rod from Brazil declined after issuance of the order and have not returned to pre-order levels. In 2001, the import statistics show 257,469 short tons of wire rod from Brazil. Imports decreased to 149,766 short tons by 2006. See domestic interested parties' Substantive Response for Brazil, at 11-12 (October 4, 2007). Further, the margin for the single respondent increased to 98.69 percent in the one administrative review that was conducted. Given that dumping continues at above *de minimis* levels and imports are below pre-order levels, the Department determines that dumping is likely to continue or recur if the order were revoked.

*Canada*: Census Bureau data provided by the domestic interested parties show that imports of wire rod from Canada declined after issuance of the order and have not returned to pre-order levels. In 2001, imports of subject merchandise were 757,047 short tons. By 2006, the imports had dropped to 431,957 short tons. See domestic interested parties' Substantive Response for Canada, at 14-15 (October 4, 2007). In the administrative reviews, one party's margin increased while the other party's margin decreased, but remained above *de minimis*. Given that dumping continues at above *de minimis* levels, and imports are below pre-order levels, the Department determines that dumping is likely to continue or recur if the order were revoked.

*Indonesia*: Census Bureau data provided by the domestic interested parties show that imports of wire rod from Indonesia declined after issuance of the order and have not returned to pre-order levels. In 2001, imports of subject merchandise were 60,066 short tons. By 2006, the imports had ceased. See domestic interested parties' Substantive Response for Indonesia, at 11 (October 4, 2007). In the one administrative review the sole respondent received a *de minimis* rate, and the all-others rate remained the same. Given that imports have ceased, the Department determines that dumping is likely to continue or recur if the order were revoked.

*Mexico*: Census Bureau data provided by the domestic interested parties show that imports of wire rod from Mexico declined after issuance of the order and have not returned to pre-order

levels. In 2001, imports of subject merchandise were 266,928 short tons. By 2006, imports were 4,256 short tons. See domestic interested parties' Substantive Response for Mexico, at 13 (October 4, 2007). Although SICARTSA's margin decreased in subsequent administrative reviews, it remains above *de minimis*, and a new respondent has received a margin above *de minimis*. Given that dumping continues at above *de minimis* levels, and imports are below pre-order levels, the Department determines that dumping is likely to continue or recur if the order were revoked.

*Moldova*: Census Bureau data provided by the domestic interested parties show that imports of wire rod from Moldova declined after issuance of the order and ceased in 2003. See domestic interested parties' Substantive Response for Moldova, at 10 (October 4, 2007). Given that there have been no reviews since the investigation, dumping margins continue at above *de minimis* levels, and imports have ceased, the Department determines that dumping is likely to continue or recur if the order were revoked.

*Trinidad & Tobago*: Census Bureau data provided by the domestic interested parties show that imports of wire rod from Trinidad and Tobago declined after issuance of the order and have not returned to pre-order levels. In 2001, imports of subject merchandise were 355,093 short tons. By 2006, imports were 133,327 short tons. See domestic interested parties' Substantive Response for Trinidad and Tobago, at 14 (October 4, 2007). In subsequent reviews, margins have declined for the single respondent, but imports have not returned to pre-order levels. Therefore, the Department determines that dumping is likely to continue or recur if the order were revoked.

*Ukraine*: Census Bureau data provided by the domestic interested parties show that imports of wire rod from Ukraine declined after issuance of the order and eventually ceased altogether. In 2001, imports of subject merchandise were 258,529 short tons. In 2003, 2004, and 2006, imports were at zero. See domestic interested parties' Substantive Response for Ukraine, at 11 (October 4, 2007). Given that there have been no reviews since the investigation, dumping margins continue at above *de minimis* levels, and imports have ceased, the Department determines that dumping is likely to continue or recur if the order were revoked.

## 2. Magnitude of the Margin Likely to Prevail

### Interested Party Comments

*Brazil*: Domestic interested parties request that the Department report to the ITC the antidumping duty margins that were determined in the investigation. See domestic interested parties' Substantive Response for Brazil, at 6-7 (October 4, 2007). Thus, the domestic interested parties recommend the following antidumping duty margins: for Belgo Mineira, 94.73 percent and for the all others rate, 74.45 percent.

*Canada*: Domestic interested parties request that the Department report to the ITC the

antidumping duty margins that were determined in the investigation. See domestic interested parties' Substantive Response for Canada, at 15-17 (October 4, 2007). Thus, the domestic interested parties recommend the following antidumping duty margins: for Ispat Sidbec Inc., 3.86 percent; for Ivaco, Inc., 9.90 percent; and for the all-others rate, 8.11 percent.

*Indonesia:* Domestic interested parties request that the Department report to the ITC the antidumping duty margins that were determined in the investigation. See domestic interested parties' Substantive Response for Indonesia, at 12-13 (October 4, 2007). Thus, the domestic interested parties recommend the following antidumping duty margins: for P.T. Ispat Indo, 4.06 percent and for the all-others rate, 4.06 percent.

*Mexico:* Domestic interested parties request that the Department report to the ITC the antidumping duty margins that were determined in the investigation. See domestic interested parties' Substantive Response for Mexico, at 14-15 (October 4, 2007). Thus, the domestic interested parties recommend the following antidumping duty margins: for SICARTSA, 20.11 percent and for the all-others rate, 20.11 percent.

*Moldova:* Domestic interested parties request that the Department report to the ITC the antidumping duty margin that was determined in the investigation. See domestic interested parties' Substantive Response for Moldova, at 11-12 (October 4, 2007). Thus, the domestic interested parties recommend the following antidumping duty margin: Moldova-wide rate, 369.10 percent.

*Trinidad & Tobago:* Domestic interested parties request that the Department report to the ITC the antidumping duty margins that were determined in the investigation. See domestic interested parties' Substantive Response for Trinidad and Tobago, at 15-16 (October 4, 2007). Thus, the domestic interested parties recommend the following antidumping duty margins: for Caribbean Ispat Ltd., 11.40 percent and for the all-others rate, 11.40 percent.

*Ukraine:* Domestic interested parties request that the Department report to the ITC the antidumping duty margins that were determined in the investigation. See domestic interested parties' Substantive Response for Ukraine, at 12-13 (October 4, 2007). Thus, the domestic interested parties recommend the following antidumping duty margins: for Krivorozhstal, 116.37 percent and for the all-others rate, 116.37 percent.

#### Department's Position

Normally, the Department will provide to the ITC the company-specific margin from the investigation for each company. See *Eveready Battery Co. v. United States*, 77 F. Supp.2d 1327, 1333 (CIT 1999). For companies not investigated specifically, or for companies that did not begin shipping until after the order was issued, the Department normally will provide a margin based on the all-others rate from the investigation. Certain Hot-Rolled Carbon Steel Flat Products from Argentina, the People's Republic of China, India, Indonesia, Kazakhstan,

Romania, South Africa, Taiwan, Thailand, and Ukraine; Final Results of Expedited Sunset Reviews of the Antidumping Duty Orders, 71 FR 70506 (December 5, 2006), and accompanying Issues and Decision Memorandum at Comment 2. 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. Id. Under certain circumstances, however, the Department may select a more recently calculated margin to report to the ITC. Section 752(c)(3) of the Act. See, e.g., Final Results of Full Sunset Review: Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide From the Netherlands, 65 FR 65294 (November 1, 2000), and accompanying Issues and Decision Memorandum at Margin Likely to Prevail Comment 3.

Since the order, the Department has conducted no administrative reviews of the antidumping duty orders on wire rod from Moldova or Ukraine. Also, for Moldova, exports to the United States ceased after imposition of the order, and for Ukraine, exports to the United States are presently at zero. Therefore, the Department finds that it is appropriate to provide the ITC with the antidumping duty rates from the investigation for Moldova and Ukraine because these are the only calculated antidumping duty rates that exist.

We also recommend reporting the investigation rates to the ITC for the remaining orders. Although administrative reviews have been conducted and, in many of the cases, margins have decreased since the investigation, in all instances exports are below pre-order levels. This indicates that the orders have imposed a discipline on exports. Thus, the antidumping duty rates from the investigations reflect the behavior of manufacturers, producers, and exporters without the discipline of an order in place.

#### Final Results of Reviews

We determine that revocation of the antidumping duty orders on wire rod from Brazil, Canada, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine 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>Brazil</u>	
Belgo Mineira	94.73
All-Others Rate	74.45
<u>Canada</u>	
Ispat Sidbec Inc.	3.86
Ivaco, Inc.	9.90
All-Others Rate	8.11

<u>Indonesia</u>	
P.T. Ispat Indo	4.06
All-Others Rate	4.06
<u>Mexico</u>	
SICARTSA	20.11
All-Others Rate	20.11
<u>Moldova</u>	
Moldova-wide Rate	369.10
<u>Trinidad and Tobago</u>	
Caribbean Ispat Ltd.	11.40
All-Others Rate	11.40
<u>Ukraine</u>	
Krivorožstal	116.37
All-Others Rate	116.37

---

Recommendation

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

AGREE \_\_\_\_\_

DISAGREE \_\_\_\_\_

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

\_\_\_\_\_  
Date