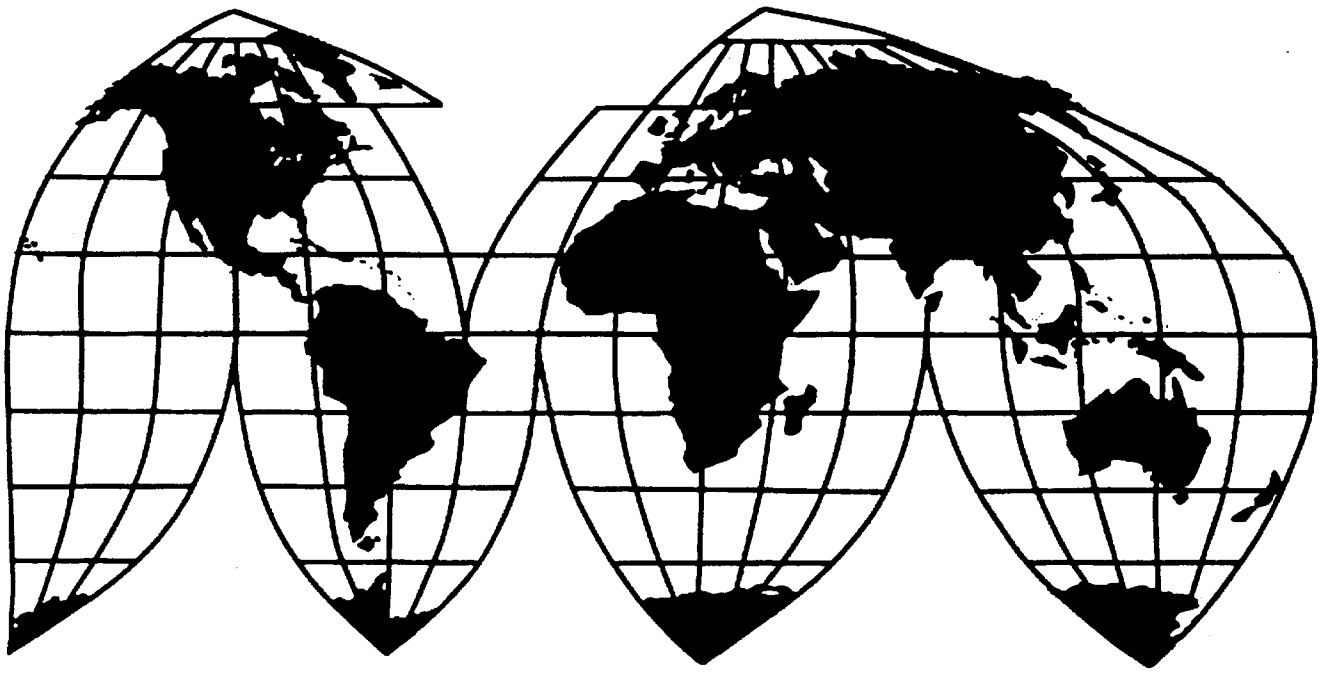
# Prestressed Concrete Steel Wire Strand From Japan

Investigation No. AA1921-188 (Second Review)

**Publication 3699** **June 2004**

**U.S. International Trade Commission**



Washington, DC 20436

# U.S. International Trade Commission

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# U.S. International Trade Commission

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**Appendices**



Note.–Information that would reveal confidential operations of individual concerns may not be published and therefore has been deleted from this report. Such deletions are indicated by asterisks.

## GLOSSARY OF TERMS

| | |
|---|---|
| ASTM | American Society for Testing and Materials |
| AUV | Average unit value |
| COGS | Cost of goods sold |
| Commerce | U.S. Department of Commerce |
| Commission | U.S. International Trade Commission |
| Customs | U.S. Bureau of Customs and Border Protection |
| FR | *Federal Register* |
| FY | Fiscal year |
| HTS | Harmonized Tariff Schedule of the United States |
| LTFV | Less than fair value |
| PC strand | Prestressed concrete steel wire strand |
| PRWs | Production and related workers |
| SG&A | Selling, general and administrative expenses |
| Treasury | U.S. Department of the Treasury |
| TSUSA | Tariff Schedule of the United States Annotated |

## GLOSSARY OF FIRMS

| | |
|---|---|
| American | American Spring Wire Corp. |
| Camesa | Aceros Camesa |
| CF&I | CF & I Steel Corp. |
| FW&C | Florida Wire & Cable Co. |
| Insteel | Insteel Wire Products Co. |
| Kawatetsu | Kawatetsu Wire Products Company, Ltd. |
| Kokoku | Kokoku Steel Wire Co., Ltd. |
| Shinko | Shinko Wire Company, Ltd. |
| Sivaco | Sivaco Georgia LLC |
| Strand Tech | Strand Tech Martin, Inc. |
| Sumiden | Sumiden Wire Products Corp. |
| Sumitomo | Sumitomo Electric Industries, Ltd. |
| Suzuki | Suzuki Metal Company, Ltd. |
| Tokyo Rope | Tokyo Rope Manufacturing Company, Ltd. |

## UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation No. AA-1921-188 (Second Review)

## PRESTRESSED CONCRETE STEEL WIRE STRAND FROM JAPAN

### DETERMINATION

On the basis of the record[1] developed in the subject five-year review, the United States International Trade Commission determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)) (the Act), that revocation of the antidumping finding on prestressed concrete steel wire strand from Japan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

### BACKGROUND

The Commission instituted this review on January 2, 2004 (69 FR 103), and determined on April 6, 2004, that it would conduct an expedited review (69 FR 21160, April 20, 2004).

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

## VIEWS OF THE COMMISSION

Based on the record in this five-year review, we determine under section 751(c) of the Tariff Act of 1930, as amended (the Act), that revocation of the antidumping finding on prestressed concrete steel wire strand (PC strand) from Japan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

PC strand is steel strand produced from hot-rolled, high-carbon steel wire rod which, after cleaning and descaling, is drawn into wire, fabricated into multi-wire strand, and thermally stress-relieved. PC strand is used to "prestress" concrete structural members to improve their ability to withstand loads. The PC strand is stretched either prior to the pouring of concrete (pre-tensioning) or after the pouring of the concrete (post-tensioning) to impart compressive force to the concrete in which it is placed. Five domestic companies currently make PC strand.

Demand for PC strand is derived from demand for prestressed concrete which, in turn, is derived from demand for construction projects. Typical applications for prestressed concrete include bridge decks, bridge girders, pilings, precast concrete panels and structural supports, roof trusses, floor supports, and certain concrete foundations. Apparent U.S. consumption, a proxy for demand, declined modestly between 2000 and 2001 and again between 2001 and 2002, then increased in the first half of 2003 relative to the first half of 2002.

## I. BACKGROUND

In November 1978, the Commission determined, pursuant to section 201 of the Antidumping Act of 1921 (the 1921 Act), that an industry in the United States was being injured by reason of dumped or likely to be dumped imports of PC strand from Japan.[1] Treasury published its final antidumping finding on PC strand from Japan on December 8, 1978.[2] In September 1998, the Commission instituted its first five-year review of the antidumping finding for PC strand from Japan pursuant to section 751(c) of the Tariff Act of 1930 (the Act).[3]

In five-year reviews, the Commission initially determines whether to conduct a full review (which would include a public hearing, the issuance of questionnaires, and other procedures) or an expedited review. In order to make this decision, the Commission first determines whether individual responses to the notice of institution are adequate. Next, based on those responses deemed individually adequate, the Commission determines whether the collective responses submitted by two groups of interested parties – domestic interested parties (such as producers, unions, trade associations, or worker groups) and respondent interested parties (such as importers, exporters, foreign producers, trade associations, or subject country governments) – demonstrate a sufficient willingness among each group to participate and provide information requested in a full review. If the Commission finds the responses

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[1] Steel Wire Strand for Prestressed Concrete from Japan, Inv. No. AA-1921-188, USITC Pub. 928 (Nov. 1978) (Original Determination) at 1.

[2] 43 Fed. Reg. 57599 (Dec. 8, 1978). Since the original antidumping finding, Commerce has conducted several administrative reviews. Commerce revoked the finding with respect to imports produced by Sumitomo Electric Industries, Ltd. and exported by Sumitomo Corporation in 1986. 51 Fed. Reg. 30894 (Aug. 29, 1986). In 1990, Commerce determined that the "discontinuance" applicable to Kawatetsu Wire Products Company, Ltd. in the original investigation (because of a de minimis margin) also applied to Kawasaki Steel Techno-Wire as a successor corporation. 55 Fed. Reg. 28796 (July 13, 1990).

[3] 63 Fed. Reg. 46477 (Sept. 1, 1998).

from both groups of interested parties adequate, or if other circumstances warrant, it will determine to conduct a full review.[4]

The only interested parties to respond to the notice of institution in the first five-year review were members of the domestic interested party group – the four producers of PC strand that accounted for 100 percent of domestic production at the time. Because this response was adequate and no respondent interested parties responded to the notice, the Commission conducted an expedited review pursuant to section 1675(c)(3)(B) of the Act. The Commission ultimately determined that revocation of the antidumping finding would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[5] Commerce published its notice of continuation of the antidumping finding on July 27, 1999.[6]

On January 2, 2004, the Commission instituted the present review to determine whether revocation of the antidumping finding on PC strand from Japan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.[7] The Commission received a substantive response to the notice of institution from three domestic producers that account for a significant share of domestic production of PC strand, American Spring Wire Corp. (American), Insteel Wire Products Co. (Insteel), and Sumiden Wire Products Corp. (Sumiden) (Domestic Producers' Response).[8] As in its first review, the Commission received no responses from respondent interested parties.

On April 6, 2004, the Commission determined that the response from the domestic interested party group was adequate and that the respondent interested party group response was inadequate because no respondent interested party responded to the notice. The Commission voted to conduct an expedited review.[9]

## II. DOMESTIC LIKE PRODUCT AND INDUSTRY

### A. Domestic Like Product

In making its determination under section 751(c), the Commission defines the "domestic like product" and the "industry."[10] The Act defines the "domestic like product" as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an

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[4] See 19 C.F.R. § 207.62(a); 63 Fed. Reg. 30599, 30602-05 (June 5, 1998).

[5] Prestressed Concrete Steel Wire Strand from Japan, Inv. No. AA-1921-188, USITC Pub. 3156 (Feb. 1999) (1999 Review) at 3. One Commissioner dissented. *Id.* at 15 (Dissenting Views of Commissioner Thelma J. Askey).

[6] 64 Fed. Reg 40554 (July 27, 1999).

[7] 69 Fed. Reg. 103 (Jan. 2, 2004). That same month, the Commission made affirmative final material injury determinations in antidumping and countervailing duty investigations of PC strand from five countries. Prestressed Concrete Steel Wire Strand from Brazil, India, Korea, Mexico, and Thailand, Invs. Nos. 701-TA-432 (Final) and 731-TA-1024-1028 (Final), USITC Pub. 3663 (Jan. 2004) (2003-04 investigations or 2004 Determinations) (instituted January 2003). A copy of the opinion and excerpts from the report in those investigations is appended to Domestic Producers' Response and marked Exh. 1.

[8] Confidential Staff Report, INV-BB-058 (May 10, 2004) (CR) at I-8, Public Staff Report (PR) at I-7.

[9] 69 Fed. Reg. 21160 (April 20, 2004); see also CR, PR at App. B (Explanation of Commission Determination on Adequacy). American, Insteel, and Sumiden have filed comments, pursuant to 19 C.F.R. § 207.62(d), regarding the determination they advocate the Commission should reach in this expedited second review.

[10] 19 U.S.C. § 1677(4)(A).

investigation under this subtitle."[11] The Department of Commerce (Commerce) has defined the imported product subject to review as shipments of "steel wire strand, other than alloy steel, not galvanized, which are stress-relieved and suitable for use in prestressed concrete."[12] This scope remains unchanged from the first five-year review.

The starting point of the Commission's like product analysis in a five-year review is the Commission's like product determination in the original investigation.[13] The original investigation of PC strand from Japan was conducted under the 1921 Act, whose provisions did not require a separate like product finding.[14] In the original investigation, the Commission found that the relevant domestic industry consisted of facilities in the United States devoted to the production of steel wire strand for prestressed concrete.[15] Thus, as the Commission noted in the 1999 review, while the Commission did not make a like product finding *per se* in the original investigation, it essentially treated all PC strand as the domestic like product.[16]

In the 1999 review, the domestic producers agreed with the implicit like product finding from the original investigation. The Commission found, based on the facts available, that the appropriate domestic like product definition was the same as Commerce's scope, that is, "all steel wire strand, other than alloy steel, not galvanized,[17] which has been stress-relieved and is suitable for use in prestressed concrete."[18]

In the Commission's 2003-04 original investigations of PC strand from Brazil, India, Korea, Mexico, and Thailand, the Commission similarly defined the domestic like product as all PC strand, co-extensive with Commerce's scope in those investigations. The Commission considered whether plastic-

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[11] 19 U.S.C. § 1677(10). See Nippon Steel Corp. v. United States, 19 CIT 450, 455 (1995); Timken Co. v. United States, 913 F. Supp. 580, 584 (Ct. Int'l Trade 1996); Torrington Co. v. United States, 747 F. Supp. 744, 748-49 (Ct. Int'l Trade 1990), aff'd, 938 F.2d 1278 (Fed. Cir. 1991). See also S. Rep. No. 249, 96th Cong., 1st Sess. 90-91 (1979).

[12] 69 Fed. Reg. 25563 (May 7, 2004). Commerce noted that the subject merchandise is currently classifiable under subheading 7312.10.30.12 of the Harmonized Tariff Schedule of the United States (HTSUS), but added that its written description of the merchandise is dispositive of the scope. *Id.*

[13] In its like product determinations, the Commission generally considers a number of factors including: (1) physical characteristics and uses; (2) interchangeability; (3) channels of distribution; (4) common manufacturing facilities, production processes, and production employees; (5) customer or producer perceptions; and, where appropriate, (6) price. See Timken, 913 F. Supp. at 584. No single factor is dispositive, and the Commission may consider other factors it deems relevant based on the facts of a particular investigation. The Commission looks for clear dividing lines among possible like products, and disregards minor variations. See, e.g., S. Rep. No. 249, 96th Cong., 1st Sess. 90-91 (1979); Torrington, 747 F. Supp. at 748-49.

[14] Section 201 of the 1921 Act simply directed the Commission to determine "whether an industry in the United States is being or is likely to be injured, or is prevented from being established by reason of the importation of . . . merchandise into the United States" that the Secretary of Treasury had determined is being or is likely to be sold in the United States at less than fair value (LTFV). 19 U.S.C. § 160(a) (1971).

[15] Original Determination, USITC Pub. 928 at 4 (Statement of Reasons of Chairman Joseph O. Parker and Commissioners George M. Moore and Catherine Bedell). See also *id.* at 7 (Statement of Reasons of Commissioner Bill Alberger).

[16] 1999 Review, USITC Pub. 3156 at 4.

[17] In its 1987 administrative review, Commerce explained that galvanized steel wire strand was not included in the scope of the antidumping finding. 52 Fed. Reg. 37997 (Oct. 13, 1987).

[18] 1999 Review, USITC Pub. 3156 at 4 (footnote added).

coated and bare PC strand should be considered separate domestic like products.[19] The Commission concluded that there was no clear dividing line between plastic-coated PC strand and the continuum of PC strand products and thus determined that there was one domestic like product corresponding to the scope.[20]

In response to the Commission's notice of institution, the domestic producers argued the Commission should find one domestic like product co-extensive with the scope, consistent with the domestic like product findings from the 1999 review and the 2003-04 investigations.[21] No new facts have been presented on this record to warrant a conclusion different from that reached by the Commission in the prior review. We therefore find one domestic like product, co-extensive with the scope: all steel wire strand, other than alloy steel, not galvanized, that is stress-relieved and suitable for use in prestressed concrete.

### B. Domestic Industry

Section 771(4)(A) of the Act defines the relevant domestic industry as the "producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product."[22] In the 1999 review, the Commission defined the domestic industry as all domestic producers of PC strand. The industry at that time consisted of four non-integrated producers, American, Insteel, Sumiden, and Florida Wire & Cable Co. (FW&C).[23] Sumiden was included in the domestic industry definition, notwithstanding its corporate relationship with the Japanese producer Sumitomo, because Sumitomo was not subject to the antidumping finding.[24]

In the 2003-04 investigations of PC strand, the Commission considered whether the definition of the domestic industry warranted including firms that merely coat PC strand with plastic, rather than produce the bare PC strand. The Commission concluded that plastic coating did not constitute sufficient production-related activity to qualify coaters as members of the domestic industry producing PC strand.[25]

Domestic producers concur with our previous domestic industry definitions.[26] Consistent with our domestic like product finding, we define the domestic industry as all producers of PC strand,

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[19] Responding parties from Mexico, the only country with significant exports of plastic-coated PC strand to the U.S. market, raised the issue. We note that between 1994 and 2003, "covered" PC strand from Japan was imported in only one year, 2001. CR at I-12 n.30, PR at I-10 n.30.

[20] 2004 Determinations, USITC Pub. 3663 at 7-9. The written description of the scope in those investigations was more detailed than the instant scope's description (*e.g.*, expressly stating that "covered" PC strand and "all types, grades and diameters" of PC strand are included). The wire used for PC strand was also described there as "non-stainless," whereas the instant scope refers to wire "other than alloy steel."

[21] Domestic Producers' Response at 20-21.

[22] 19 U.S.C. § 1677(4)(A). In defining the domestic industry, the Commission's general practice has been to include in the industry producers of all domestic production of the like product, whether toll-produced, captively consumed, or sold in the domestic merchant market, provided that adequate production-related activity is conducted in the United States. See United States Steel Group v. United States, 873 F. Supp. 673, 682-83 (Ct. Int'l Trade 1994), aff'd, 96 F.3d 1352 (Fed. Cir. 1996).

[23] Insteel has since acquired FW&C. CR, PR at I-7.

[24] 1999 Review, USITC Pub. 3156 at 4.

[25] 2004 Determinations, USITC Pub. 3663 at 10-12.

[26] Domestic Producers' Response at 20-21.

currently identified as American, Insteel, Sumiden,[27] Strand Tech Martin, Inc. (Strand Tech),[28] and Camesa, Inc. (Camesa).[29]

## III. LIKELIHOOD OF CONTINUATION OR RECURRENCE OF MATERIAL INJURY IF THE ANTIDUMPING FINDING IS REVOKED

### A. Legal Standard In A Five-Year Review

In a five-year review conducted under section 751(c) of the Act, Commerce will revoke an antidumping finding unless: (1) it makes a determination that dumping is likely to continue or recur, and (2) the Commission makes a determination that revocation of the antidumping finding "would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time."[30] The SAA states that "under the likelihood standard, the Commission will engage in a counter-factual analysis; it must decide the likely impact in the reasonably foreseeable future of an important change in the status quo – the revocation or termination of a proceeding and the elimination of its restraining effects on volumes and prices of imports."[31] Thus, the likelihood standard is prospective in nature.[32] [33] The statute states that "the Commission shall consider that the effects of revocation or termination may not be imminent, but may manifest themselves only over a longer period of time."[34] According to the SAA, a

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[27] The related parties provision of the Act (19 U.S.C. § 1677(4)(B)) remains inapplicable to Sumiden because Sumiden's corporate parent, Sumitomo, is not subject to the antidumping finding and thus does not produce subject merchandise within the meaning of the Act. CR, PR at I-5.

[28] Strand Tech began producing PC strand after the first review. CR at I-7-I-8, PR at I-7.

[29] CR at I-8, PR at I-7. Based on the facts available, Camesa was established by the Mexican producer Aceros Camesa and started production in Texas in late 2003. CR at I-8 & n.24, PR at I-7 & n.24.

[30] 19 U.S.C. § 1675a(a).

[31] SAA, H.R. Rep. No. 103-316, vol. I, at 883-84 (1994). The SAA states that "[t]he likelihood of injury standard applies regardless of the nature of the Commission's original determination (material injury, threat of material injury, or material retardation of an industry). Likewise, the standard applies to suspended investigations that were never completed." SAA at 883.

[32] While the SAA states that "a separate determination regarding current material injury is not necessary," it indicates that "the Commission may consider relevant factors such as current and likely continued depressed shipment levels and current and likely continued [sic] prices for the domestic like product in the U.S. market in making its determination of the likelihood of continuation or recurrence of material injury if the order is revoked." SAA at 884.

[33] See NMB Singapore Ltd. v. United States, 288 F. Supp. 2d 1306, 1352 (Ct. Int'l Trade 2003); Nippon Steel Corp. v. United States, Slip Op. 02-153 at 7-8 (Dec. 24, 2002); Usinor Industeel, S.A. v. United States, Slip Op. 02-152 at 6 n.6 (Dec. 20, 2002); Indorama Chemicals Ltd. v. United States, Slip Op. 02-105 at 20-21 (Sept. 4, 2002); Usinor v. United States, Slip Op. 02-70 at 43-44 (July 19, 2002).

[34] 19 U.S.C. § 1675a(a)(5).

"'reasonably foreseeable time' will vary from case-to-case, but normally will exceed the 'imminent' timeframe applicable in a threat of injury analysis [in antidumping investigations]."[35] [36]

Although the standard in a five-year review is not the same as the standard applied in an original antidumping investigation, it contains some of the same fundamental elements. The statute provides that the Commission is to "consider the likely volume, price effect, and impact of imports of the subject merchandise on the industry if the order is revoked or the suspended investigation is terminated."[37] It directs the Commission to take into account its prior injury determination, whether any improvement in the state of the industry is related to the order or the suspension agreement under review, whether the industry is vulnerable to material injury if the order is revoked or the suspension agreement is terminated, and any findings by Commerce regarding duty absorption pursuant to 19 U.S.C. § 1675(a)(4).[38]

Section 751(c)(3) of the Act and the Commission's regulations provide that in an expedited five-year review the Commission may issue a final determination "based on the facts available, in accordance with section 776 of the Act."[39] We have relied on the facts available in this review, which consist primarily of information from the original investigation and first review, information submitted by the domestic producers, and official Commerce statistics.

For the reasons stated below, we determine that revocation of the antidumping finding on PC strand from Japan would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time.

### B. Conditions of Competition

In evaluating the likely impact of the subject imports on the domestic industry, the statute directs the Commission to consider all relevant economic factors "within the context of the business cycle and

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[35] SAA at 887. Among the factors that the Commission should consider in this regard are "the fungibility or differentiation within the product in question, the level of substitutability between the imported and domestic products, the channels of distribution used, the methods of contracting (such as spot sales or long-term contracts), and lead times for delivery of goods, as well as other factors that may only manifest themselves in the longer term, such as planned investment and the shifting of production facilities." Id.

[36] In analyzing what constitutes a reasonably foreseeable time, Commissioner Koplan examines all the current and likely conditions of competition in the relevant industry. He defines "reasonably foreseeable time" as the length of time it is likely to take for the market to adjust to a revocation or termination. In making this assessment, he considers all factors that may accelerate or delay the market adjustment process including any lags in response by foreign producers, importers, consumers, domestic producers, or others due to: lead times; methods of contracting; the need to establish channels of distribution; product differentiation; and any other factors that may only manifest themselves in the longer term. In other words, this analysis seeks to define "reasonably foreseeable time" by reference to current and likely conditions of competition, but also seeks to avoid unwarranted speculation that may occur in predicting events into the more distant future.

[37] 19 U.S.C. § 1675a(a)(1).

[38] 19 U.S.C. § 1675a(a)(1). The statute further provides that the presence or absence of any factor that the Commission is required to consider shall not necessarily give decisive guidance with respect to the Commission's determination. 19 U.S.C. § 1675a(a)(5). While the Commission must consider all factors, no one factor is necessarily dispositive. SAA at 886. We note that Commerce has made no duty absorption findings.

[39] 19 U.S.C. § 1675(c)(3)(B); 19 C.F.R. § 207.62(e). Section 776 of the Act, in turn, authorizes the Commission to "use the facts otherwise available" in reaching a determination when: (1) necessary information is not available on the record or (2) an interested party or any other person withholds information requested by the agency, fails to provide such information in the time or in the form or manner requested, significantly impedes a proceeding, or provides information that cannot be verified pursuant to section 782(i) of the Act. 19 U.S.C. § 1677e(a).

conditions of competition that are distinctive to the affected industry."[40] The following conditions of competition in the PC strand industry are relevant to our determination.

Demand for PC strand is derived from demand for construction, particularly infrastructure projects, commercial and institutional construction, large housing projects and, to a lesser degree, single-family housing.[41] Apparent U.S. consumption of PC strand more than doubled from 291 million pounds in 1977, the last full year prior to the imposition of the antidumping finding against Japan, to 588 million pounds in 1997, the last full year for which the Commission had data in the 1999 review.[42] Apparent U.S. consumption increased an additional 22 percent between 1997 and 2002,[43] and showed a 7.5 percent increase in the first half of 2003 relative to the first half of 2002.[44] Demand for PC strand since the first review has thus been strong overall, and most recently shows signs of increasing strength following modest, relative declines in 2001 and 2002.[45] [46]

The U.S. market is currently supplied, virtually entirely, by domestic production and nonsubject imports. Since the first review, the domestic industry has remained the largest source of supply, although it has experienced a decline from 77.3 percent of the market in 1997 to 72.8 percent in 2002.[47] The domestic industry has capacity levels approximately equal to apparent U.S. consumption.[48] Subject imports accounted for 0.1 percent of apparent U.S. consumption at the time of the first review, a level that has remained constant.[49] In contrast, before the antidumping finding was imposed, subject imports accounted for more than 60 percent of domestic consumption and approximately 90 percent of all imports of PC strand.[50]

Nonsubject imports, on the other hand, have steadily increased their presence in the U.S. market since the imposition of the finding, reflecting new and diversified sources of supply. Between 1977 and 1997, nonsubject import volume grew more than five-fold, in the process gaining more than 14 percentage points in share of domestic consumption.[51] Nonsubject imports have continued to increase their presence since the first review, growing 45.7 percent in volume and 4.5 percentage points in share of domestic consumption through 2002.[52] PC strand is imported into the United States from no fewer

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[40] 19 U.S.C. § 1675a(a)(4).

[41] CR at I-7, PR at I-6.

[42] CR, PR at Table I-5.

[43] Apparent U.S. consumption in 2002 was 715.8 million pounds. CR, PR at Table I-5.

[44] CR, PR at Table I-5 (360.3 million pounds in interim 2002 as compared to 387.2 million pounds in interim 2003).

[45] Apparent U.S. consumption was 743.2 million pounds and 715.8 million pounds in 2001 and 2002, respectively. CR, PR at Table I-5.

[46] The parties in the 2003-04 investigations disagreed as to the existence and significance of market distinctions in the domestic PC strand market, with petitioners arguing that there is a single unified market and respondents contending that the market is strictly segmented between pre- and post-tensioned applications. The Commission found insufficient evidence of strict segmentation in the market. 2004 Determinations, USITC Pub. 3663 at 16-17.

[47] CR, PR at Table I-5.

[48] CR, PR at Tables I-2 and I-5.

[49] CR, PR at Table I-5.

[50] CR, PR at Tables I-4 and I-5.

[51] Nonsubject imports accounted for 8.0 percent of apparent U.S. consumption in 1977 and 22.6 percent in 1997, with volumes growing from 23.3 million pounds in 1977 to 133.1 million pounds in 1997. CR, PR at Table I-5.

[52] CR, PR at Table I-5 (volume increased to 194 million pounds and share increased to 27.1 percent).

than twenty nonsubject countries.[53] As a result of the 2003-04 investigations, antidumping duty orders were imposed on imports of PC strand from Brazil, India, Korea, Mexico, and Thailand, and a countervailing duty order was imposed on imports from India. Imports from each of these countries declined toward the end of 2003 and into 2004.[54] However, the total volume of "nonsubject" imports – i.e., imports from countries other than Japan – was higher in 2003 than in any prior year of the period examined, indicating that other nonsubject imports took the place of imports from those five countries.[55]

PC strand, as the Commission found in the first review, is predominantly a commodity product. It conforms to applicable ASTM specifications for use in the United States. Almost all types of PC strand are available from multiple sources, and the vast majority sold in the United States is of a single form (seven strand), size (0.5 inch), and strength (270,000 psi).[56] Thus, whether foreign or domestically produced, PC strand is largely interchangeable, and price plays an important role in competition for sales.[57]

Except as otherwise noted, we find that the foregoing conditions of competition are likely to prevail for the reasonably foreseeable future and thus provide an adequate basis upon which to assess the likely effects of revocation of the antidumping finding within the reasonably foreseeable future.

### C. Likely Volume of Subject Imports

In evaluating the likely volume of imports of subject merchandise if the antidumping finding is revoked, the Commission is directed to consider whether the likely volume of imports would be significant either in absolute terms or relative to production or consumption in the United States.[58] In doing so, the Commission must consider "all relevant economic factors," including four enumerated factors: (1) any likely increase in production capacity or existing unused production capacity in the exporting country; (2) existing inventories of the subject merchandise, or likely increases in inventories; (3) the existence of barriers to the importation of the subject merchandise into countries other than the United States; and (4) the potential for product shifting if production facilities in the foreign country, which can be used to produce the subject merchandise, are currently being used to produce other products.[59]

In the original investigation, exports of PC strand from Japan increased from 139 million pounds in 1976 to 176 million pounds in 1977, and held over 60 percent of the U.S. market. In the two years prior to the antidumping finding, Japanese producers shipped approximately two-thirds of their total production to the United States.[60] Once the finding was in place, subject imports decreased sharply, to less than 152 million pounds in 1979 and 126 million pounds in 1980. They continued to decline to less

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[53] PC Strand: Imports into the United States (break-out of Commerce statistics from 2003 and 2004 upon which CR, PR at Figure I-2 relies).

[54] CR, PR at Figure I-2 and PC Strand: Imports into the United States.

[55] CR, PR at Table I-4.

[56] CR, PR at I-6; 1999 Review, USITC Pub. 3156 at 7; 2004 Determinations, USITC Pub. 3663 at 17-18.

[57] CR, PR at I-6; 1999 Review, USITC Pub. 3156 at 7-8; 2004 Determinations, USITC Pub. 3663 at 17-18. We note that U.S. purchasers of foreign-produced PC strand may face restrictions due to "Buy America" programs. Under an expansive definition that includes preferences rather than strictly legal limitations, Buy America programs cover approximately 30 percent of the entire domestic PC strand market. A substantial part of the market therefore contains no such restrictions or preferences. CR at I-6-I-7, PR at I-6; 2004 Determinations, USITC Pub. 3663 at 18.

[58] 19 U.S.C. § 1675a(a)(2).

[59] 19 U.S.C. § 1675a(a)(2)(A-D).

[60] Original Determination, USITC Pub. 928 at 5 & A-9.

than four million pounds per year in the late 1980s and to levels of less than two million pounds per year in the 1990s.[61]

In the 1999 review, the Commission found that subject import volume was likely to increase to significant levels if the antidumping finding were revoked. The Commission noted that Japanese capacity far exceeded home market demand, in part due to the severe economic recession that Japan and other Asian countries were experiencing. Given attractive demand conditions in the United States, the Commission explained that PC strand from Japan that might otherwise be consumed in Japan or shipped to other Asian countries would be diverted here if the finding were revoked.[62] The Commission found that although it was unlikely that subject imports would regain the 60 percent market share they once held within a reasonably foreseeable time, given their historical emphasis on the U.S. market and the relative conditions in the U.S. and world markets, subject imports would increase to a significant level. Thus, while U.S. market share for subject imports was less than one percent, subject producers would likely regain significant share absent the finding's restraining effect.[63]

Japanese producers subject to the antidumping finding continue to retain substantial excess capacity to manufacture PC strand. According to current estimates, annual production capacity is *** pounds. Given production of approximately *** pounds annually, subject producers are operating at a capacity utilization rate of only *** percent.[64] The excess capacity of these producers, approximately *** pounds or *** percent of the U.S. industry's production, could supply *** percent of the U.S. market, based on the most recent data.[65] The exportation to the U.S. market of even a limited amount of this excess capacity would result in significant volume increases, in absolute terms and relative to production or consumption, in the United States.

Moreover, current market conditions create incentives for subject producers to target the U.S. market for exportation absent the restraining effects of the antidumping finding. Demand conditions in the U.S. market contrast sharply with those prevailing in Japan. Due to a generally burgeoning domestic construction industry, demand for PC strand has increased overall since the last review and shows signs of further growth based on the most recent data.[66] Demand for PC strand in the Japanese home market, in contrast, is sluggish. The Japanese government has reduced spending on certain infrastructure projects and has suspended work on other construction projects.[67] Available data regarding market conditions in Japan confirm declines in construction investment across the public and private sectors in fiscal year (FY) 2003, with further overall declines forecast for FY 2004.[68] Indeed, projected construction investment in Japan for FY 2004 reflects a six-year low for the period of 1999 to 2004.[69]

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[61] 1999 Review, USITC Pub. 3156 at 9.

[62] 1999 Review, USITC Pub. 3156 at 8-9.

[63] 1999 Review, USITC Pub. 3156 at 9.

[64] CR, PR at Table I-6; Domestic Producers' Response at Exh. 5 (Decl. of ***). We note that the only information on the record concerning current Japanese capacity and production is estimates provided by ***.

[65] CR, PR at Tables I-2, I-5 (annualized 2003 data), and I-6. Based on the most recent full year data for apparent U.S. consumption (2002), the excess capacity of subject producers could supply *** percent of the U.S. market. CR, PR at Tables I-5 and I-6.

[66] CR, PR at Table I-5.

[67] CR at I-19, PR at I-17; Domestic Producers' Response at Exh. 5.

[68] CR at I-19, PR at I-17; Domestic Producers' Response at Exhs. 10 (Japanese Quarterly Outlook of Construction and Macro Economy (Jan. 2004)) and 11 (excerpts of Construction Economy Report No. 41 (Aug. 2003), prepared by Japan's Research Institute of Construction and Economy).

[69] Domestic Producers' Response at Exh. 11.

Because the demand for PC strand is tied to the demand for construction, declines in construction investment directly impact subject producers' efforts to sell in the Japanese home market. One Japanese producer has stated that it will increase its exports by attempting to expand sales in China and other export markets.[70] Other subject producers are likely to target overseas markets as well. A strong and growing U.S. market, historically the destination for significant volumes of subject imports, is a likely export market for Japan's PC strand industry absent the antidumping finding.[71]

The effects of the Commission's 2003-04 PC strand investigations further evidence the likely significant increase in the volume of subject imports if the antidumping finding is revoked. As a result of these investigations, as previously noted, Commerce issued antidumping duty orders on imports from Brazil, India, Korea, Mexico, and Thailand, and a countervailing duty order on imports from India.[72] Imports from these five countries had accounted for 22 percent of apparent U.S. consumption and 73 percent of total imports in 2002.[73] The volume of imports from these five countries experienced significant declines in the second half of 2003 through March 2004 as a result of the investigations and then the orders being imposed.[74] As these imports declined, U.S. imports from nonsubject countries, such as China, Argentina, South Africa, and Portugal, replaced them.[75] Such rapid penetration reflects the generally price-based nature of competition for this commodity product. Revocation of the antidumping finding would create a similar incentive for subject producers from Japan to increase sales to accounts previously supplied by nonsubject imports from Brazil, India, Korea, Mexico, and Thailand.

Accordingly, based on the available information, including the unrebutted information provided by the domestic industry, we conclude that the likely volume of imports of the subject merchandise, both in absolute terms and relative to production or consumption in the United States, would be significant absent the restraining effect of the antidumping finding.[76]

### 2. Likely Price Effects of Subject Imports

In evaluating the likely price effects of subject imports if the antidumping finding is revoked, the Commission is directed to consider whether there is likely to be significant underselling by the subject imports as compared to domestic like products and whether the subject imports are likely to enter the United States at prices that otherwise would have a significant depressing or suppressing effect on the price of domestic like products.[77]

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[70] Domestic Producers' Response at Exh. 12 (Japan Metal Bulletin, Dec. 23, 2003).

[71] See 1999 Review, USITC Pub. 3156 at 9 (noting that Japanese producers shipped approximately two-thirds of their total production of PC strand to the United States in the two years before the antidumping finding was imposed).

[72] 69 Fed. Reg. 4109-12 (Jan. 28, 2004) and 5319 (Feb. 4, 2004) (final antidumping and countervailing duty orders).

[73] CR at I-20-I-21, PR at I-21; 2004 Determinations, USITC Pub. 3663 at Table C-1.

[74] CR, PR at Figure I-2 and PC Strand: Imports into the United States.

[75] CR, PR at Figure I-2; See Domestic Producers' Response at Exh. 3. Indeed, by February 2004, the volume of these nonsubject imports had exceeded any level reached by imports from the five subject countries after the petitions were filed. CR, PR at Figure I-2.

[76] We note that, as in the first review, there is no information on the record regarding the potential for product shifting, the level of inventories in Japan, or significant barriers to importation from other countries. See 1999 Review, USITC Pub. 3156 at 10.

[77] 19 U.S.C. § 1675a(a)(3). The SAA states that "[c]onsistent with its practice in investigations, in considering the likely price effects of imports in the event of revocation and termination, the Commission may rely on

(continued...)

In the original investigation, the Commission found that subject imports consistently undersold the domestic product for most of the period examined, resulting in lost sales and price depression.[78] In the 1999 review, the Commission found that imports of subject merchandise would likely have significant negative price effects if the finding were revoked. The record contained little pricing data. The Commission noted that the commodity nature of the product resulted in competition being largely price-based, a factor of particular significance insofar as the types of product commonly sold had narrowed since the original investigation in 1978. The Commission further noted that average unit values for domestic shipments were declining despite generally high demand levels. Subject producers, the Commission found, likely would win sales in re-entering the diverse U.S. market of nearly two dozen sources by discounting from prevailing price levels. The Commission therefore concluded that significant underselling was likely in the event the finding were revoked, and such pricing practices would likely have a significant depressing or suppressing effect on domestic prices.[79]

The significance of price in the U.S. market, the high degree of interchangeability of this commodity product, and the diversity of sources of supply remain unchanged from the first review. We have very limited pricing data on PC strand imports from Japan given the small quantities of subject imports currently in the U.S. market. The average unit value (AUV) data for such imports show that values rose from a pre-antidumping finding low of $195 per thousand pounds in 1977, to $306 per thousand pounds in 1979, after the imposition of the finding.[80] Since the first review, these AUVs have experienced a steady decline from $607 in 1997 to $519 in 2003, but have remained consistently higher than the AUVs of other countries, a factor that the domestic industry attributes to the existence of the antidumping finding against Japan.[81] Given the highly limited shipment volumes from Japan upon which any recent data are based, and the lack of further information regarding subject import pricing practices, we do not rely upon such data.[82]

Since the first review, we have found that the domestic industry has experienced price depression, substantial lost sales and lost revenues, and significant adverse price effects attributable to unfairly traded imports from other countries.[83] These 2003-04 trade investigations confirm the intense, price-based nature of competition in the domestic PC strand market. The sensitivity of this market to price-based competition shows no signs of abating in the foreseeable future. The competitive conditions in this market are such that subject imports would likely re-enter at prices below prevailing levels in order to win sales.

Given the importance of price in the PC strand market, the interchangeability of subject imports and domestically-produced PC strand, the likely significant volume of imports, the likely significant underselling by such imports, the pricing practices demonstrated in the original investigation, and the incentives that currently exist for subject imports to enter the U.S. market, we find a likelihood of significant negative price effects from the subject imports. We conclude that, if the antidumping finding

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[77] (...continued)
circumstantial, as well as direct, evidence of the adverse effects of unfairly traded imports on domestic prices." SAA at 886.

[78] Original Determination, USITC Pub. 928 at 6 ("Japanese strand undersold U.S. strand in every quarter from October 1975 through June 1978.").

[79] 1999 Review, USITC Pub. 3156 at 10-11.

[80] Domestic Producers' Response at Exh. 2 (Commerce data).

[81] CR, PR at Table I-4; Domestic Producers' Response at 8.

[82] We note that domestic AUVs declined steadily from 2000 to 2002, but increased in interim 2003 as compared to interim 2002. CR, PR at Table I-2.

[83] 2004 Determinations, USITC Pub. 3663 at 20-24.

were revoked, significant volumes of PC strand from Japan likely would significantly undersell the domestic like product to gain market share and likely would have significant depressing or suppressing effects on the prices of the domestic like product.

### 3. Likely Impact of Subject Imports

In evaluating the likely impact of imports of subject merchandise if the antidumping finding is revoked, the Commission is directed to consider all relevant economic factors that are likely to have a bearing on the state of the industry in the United States, including but not limited to: (1) likely declines in output, sales, market share, profits, productivity, return on investments, and utilization of capacity; (2) likely negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment; and (3) likely negative effects on the existing development and production efforts of the industry, including efforts to develop a derivative or more advanced version of the domestic like product.[84] All relevant economic factors are to be considered within the context of the business cycle and the conditions of competition that are distinctive to the industry.[85] As instructed by the statute, we have considered the extent to which any improvement in the state of the domestic industry is related to the finding at issue and whether the industry is vulnerable to material injury if the finding is revoked.[86] [87]

In the original investigation, the Commission found that the domestic industry clearly was being injured by reason of dumped imports from Japan, experiencing a declining rate of capacity utilization, a decrease in shipments, an increase in inventories, a drop in employment, and a precipitous decline in profitability between 1974 and 1977. The ratio of operating profit or loss to net sales for domestic producers dropped from a profit of about 20 percent in both 1974 and 1975 to a loss of 3 percent in 1976 and to an even greater loss of 7 percent in 1977, the year in which Treasury found that imports from Japan were sold at less than fair value.[88]

In the 1999 review, the Commission stated that the existing conditions of competition in the industry, together with the restraining effect of the antidumping finding, suggested that Japanese producers would again become significant competitors in the U.S. market if the finding were revoked.

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[84] 19 U.S.C. § 1675a(a)(4).

[85] 19 U.S.C. § 1675a(a)(4). Section 752(a)(6) of the Act states that "the Commission may consider the magnitude of the margin of dumping" in making its determination in a five-year review. 19 U.S.C. § 1675a(a)(6). The statute defines the "magnitude of the margin of dumping" to be used by the Commission in five-year reviews as "the dumping margin or margins determined by the administering authority under section 1675a(c)(3) of this title." 19 U.S.C. § 1677(35)(C)(iv). See also SAA at 887. In the final results of its expedited sunset review of the antidumping finding in PC strand from Japan, Commerce determined that revocation of the finding would likely lead to a continuation or recurrence of dumping at weighted-average margins as follows: 13.3 percent for Shinko Wire Co. Ltd.; 6.9 percent for Suzuki Metal Industry Co. Ltd.; 4.5 percent for Tokyo Rope Manufacturing Co., Ltd.; and 9.76 percent for all others (with the exception of Sumitomo and Kawasaki Steel Techno-Wire, for which Commerce had previously revoked the antidumping finding). 69 Fed. Reg. 25563 (May 7, 2004).

[86] The antidumping finding resulted in imports from Japan largely exiting the U.S. market, enabling the domestic industry, following issuance of the finding, to regain market share. 1999 Review, USITC Pub. 3156 at 12. U.S. market share for subject imports has remained consistently low since the first review. CR, PR at Table I-5 (subject imports have accounted for 0.1 percent to 0.2 percent of apparent U.S. consumption since 2000).

[87] The SAA states that in assessing whether the domestic industry is vulnerable to injury if the order is revoked, the Commission "considers, in addition to imports, other factors that may be contributing to overall injury. While these factors, in some cases, may account for the injury to the domestic industry, they may also demonstrate that an industry is facing difficulties from a variety of sources and is vulnerable to dumped or subsidized imports." SAA at 885.

[88] Original Determination, USITC Pub. No. 928 at 4-5.

The Commission characterized the data respecting the industry's vulnerability as mixed. Operating income in 1997 was positive, and production capacity, domestic shipments and net sales had shown recent increases. On the other hand, operating income declined in interim 1998 as compared to interim 1997 as a result of much lower unit sales values combined with an increase in the cost of goods sold (COGS) and in selling, general and administrative expenses. As the ratio of COGS to sales increased substantially, the domestic industry was experiencing a cost-price squeeze in a highly competitive, price-based market supplied by some two dozen other sources that were contributing to an environment of declining prices. The Commission found that the domestic industry was vulnerable to material injury in this environment. The Commission concluded that subject imports would likely have significant negative effects on the domestic industry's prices, output, profitability, capacity utilization, cash flow, and ability to raise capital and make future investments within a reasonably foreseeable time if the finding were revoked.[89]

In the 2003-04 investigations, the Commission found that imports from Brazil, India, Korea, Mexico, and Thailand had a significant adverse impact on the domestic industry, with most indicators of the domestic industry's condition showing marked declines between 2000 and 2002. The industry was expanding at the beginning of the period and contracting at the end. Domestic output declined, as did capacity utilization. Even without the increase in domestic capacity evidenced by the domestic industry, capacity utilization declines would have exceeded 10 percentage points. Shipment volumes were down, accompanied by a decrease in AUVs. Employment trends similarly showed declines between 2000 and 2002, and were stabilizing between interim 2002 and 2003. The financial performance of the domestic industry followed the same downward trends as output, sales, and employment. Among other things, profitability evaporated over the period examined, with operating margins declining from 7.6 percent in 2000 to negative 4.4 percent in 2002, before increasing to 2.5 percent in the first half of 2003. The Commission stated that while there was some improvement in the domestic industry's performance in the first half of 2003, such improvement was a modest reflection of higher apparent U.S. consumption and price increases in the second quarter of 2003, following the filing of the petition.[90]

Based on the record in these reviews, which includes the U.S. producers' trade and financial data from the 2003-04 investigations upon which the Commission relied for its present material injury determination, we find that the domestic industry is vulnerable to further injury if the antidumping finding on subject imports from Japan is revoked.[91] As noted previously, the total volume of nonsubject imports has not declined, but increased toward the end of the period examined, as nonsubject imports from other countries apparently replaced imports from the five countries on which orders were imposed in early 2004.

As stated above, revocation of the antidumping finding would likely lead to a significant increase in the volume of subject imports that would undersell the domestic like product and significantly suppress or depress U.S. prices. We also find that the volume and price effects of the subject imports would likely have a significant adverse impact on the production, shipments, sales, market share, and revenues of this vulnerable domestic industry. These reductions, in turn, would have a direct adverse impact on the industry's profitability as well as its ability to raise capital and make and maintain necessary capital investments. Accordingly, we conclude that, if the antidumping finding on subject imports from Japan is revoked, subject imports would be likely to have a significant adverse impact on the domestic industry within a reasonably foreseeable time.

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[89] 1999 Review, USITC Pub. 3156 at 11-13.

[90] 2004 Determinations, USITC Pub. 3663 at 24-27.

[91] CR, PR at Table I-2.

## CONCLUSION

For the above-stated reasons, we determine that revocation of the antidumping finding on PC strand from Japan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

# INFORMATION OBTAINED IN THE REVIEW

# INTRODUCTION

## Background

On January 2, 2004, the Commission gave notice that it had instituted a second five-year ("sunset") review to determine whether revocation of the antidumping finding on prestressed concrete steel wire strand ("PC strand") from Japan would be likely to lead to a continuation or recurrence of material injury within a reasonably foreseeable time.[1] On April 6, 2004, the Commission determined that the domestic interested party response to its notice of institution was adequate;[2] the Commission also determined that the respondent interested party response was inadequate. The Commission found no other circumstances that would warrant conducting a full review. Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)(3)).[3] The Commission voted on this review on May 27, 2004, and notified Commerce of its determination on June 7, 2004. Information relating to the background of the review is presented below.[4]

| Effective date | Action | *Federal Register* citation |
|---|---|---|
| Dec. 8, 1978 | Treasury's antidumping finding issued | 43 FR 34655 |
| Feb. 3, 1999 | Commerce's continuation of antidumping finding after first five-year review | 64 FR 40554 (July 27, 1999) |
| Jan. 2, 2004 | Commission's institution of second five-year review | 69 FR 103 |
| Apr. 6, 2004 | Commission's determination to conduct expedited second five-year review | 69 FR 21160 (Apr. 20, 2004) |
| May 7, 2004 | Commerce's final results of expedited sunset review | 69 FR 25563 |
| May 27, 2004 | Commission's expedited review determination | NA |
| June 7, 2004 | Commission's determination to Commerce | NA |

[1] All interested parties were invited to respond to the notice by submitting information requested by the Commission.

[2] The Commission received one submission in response to its notice of institution for the subject review. It was filed on behalf of American Spring Wire Corp. ("American"), Insteel Wire Products Co. ("Insteel"), and Sumiden Wire Corp. ("Sumiden"). American, Insteel, and Sumiden are believed to account for approximately *** percent of U.S. PC strand production in 2003. *U.S. Producers' February 23, 2004 Response* to the notice of institution ("*U.S. Producers' Response*"), p. 13.

[3] *See* the Commission's web site *(http://www.usitc.gov)* for Commissioner votes on whether to conduct an expedited or full review.

[4] Cited *Federal Register* notices since Commerce's first five-year review finding are presented in app. A. The Commission's statement on adequacy is presented in app. B.

## The Original Investigation and First Five-Year Review

The Commission completed its original investigation in November 1978, determining that an industry in the United States was materially injured by reason of imports of PC strand from Japan which the Secretary of Treasury determined were being sold, or likely to be sold, at less than fair value.[5] The Commission identified PC strand in the original investigation as "all steel wire strand, other than alloy steel, which has been stress-relieved and is suitable for use in prestressing concrete," and found the relevant domestic industry to consist of "facilities in the United States devoted to the production" of PC strand.[6]

In January 1999, the Commission completed an expedited five-year review of the antidumping finding on PC strand from Japan, and determined that revocation of the finding would be likely to lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[7]

## Related Investigations

In January 2003, the Commission instituted antidumping and countervailing duty investigations on imports of PC strand from Brazil, India, Korea, Mexico, and Thailand, following receipt of petitions filed with the Commission and Commerce by American, Insteel, and Sumiden.[8] [9] In January 2004, the Commission determined that an industry in the United States was materially injured by reason of imports of PC strand from India that had been found by Commerce to be subsidized by the government of India, and by reason of imports of PC strand from Brazil, India, Korea, Mexico, and Thailand that had been found by Commerce to be sold in the United States at less than fair value.[10] After receipt of the Commission's determination, Commerce issued antidumping duty orders on imports of PC strand from each of the five subject countries, and a countervailing duty order on imports of PC strand from India.[11]

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[5] The investigation resulted from a complaint filed with Treasury on behalf of five U.S. PC strand producers: American, Bedford Heights, OH; Armco Steel Corp., Kansas City, MO; Bethlehem Steel Corp., Sparrows Point, MD; CF & I Steel Corp., Pueblo, CO.; and Florida Wire & Cable Co., Jacksonville, FL. *Steel Wire Strand for Prestressed Concrete from Japan, Investigation No. AA1921-188*, USITC Pub. 928, November 1978, p. A-3.

[6] *Steel Wire Strand for Prestressed Concrete from Japan, Investigation No. AA1921-188*, USITC Pub. 928, November 1978, pp. 3 and 4.

[7] *Prestressed Concrete Steel Wire Strand from Japan, Investigation No. AA1921-188 (Review)*, USITC Pub. 3156, February 1999. Commissioner Askey determined that revocation of the antidumping finding in this case would not be likely to lead to continuation or recurrence of material injury to an industry in the United States. *See* her dissenting views, *Id.*, p. 15.

[8] 68 FR 6511 (February 7, 2003).

[9] The scope in the 2003 PC strand investigations encompassed both covered and uncovered PC strand, as reported in HTS statistical reporting numbers 7312.10.3010 (covered) and 7312.10.3012 (other). The scope of the antidumping finding against PC strand from Japan, as identified by Commerce, includes only HTS number 7312.10.3012.

[10] 69 FR 4177 (January 28, 2004).

[11] 69 FR 4112 (Brazil), 4110 (India), 4109 (Korea), 4112 (Mexico), and 4111 (Thailand) (January 28, 2004); and 69 FR 5319 (India) (February 4, 2004). The antidumping orders on PC strand from Brazil, India, Korea, Mexico, and Thailand required the posting of a cash deposit equal to the estimated weighted-average antidumping duty margins, which ranged from 12.99 to 118.75 percent. The countervailing duty order on imports of PC strand from India required the posting of a cash deposit equal to the estimated countervailing duty rate of 62.92 percent for all subject imports from India.

### Commerce's Final Results of Expedited Sunset Review

On May 7, 2004, the Commission received notification of Commerce's "Final Results of Expedited Sunset Review" concerning PC strand from Japan.[12] The review covered all manufacturers and exporters of PC strand from Japan. Commerce determined that dumping is likely to continue or recur if the antidumping finding is revoked. The following tabulation provides information with regard to the margins (*in percent ad valorem*) of dumping that Commerce found would likely prevail if the finding is revoked:[13]

| Company | Margin |
|---|---|
| Shinko Wire Co., Ltd | 13.3 |
| Suzuki Metal Industry Co., Ltd. | 6.9 |
| Tokyo Rope Manufacturing Co., Ltd. | 4.5 |
| Sumitomo Electric Industries, Ltd. | Revoked |
| Kawasaki Steel Techno-Wire | Revoked |
| All others | 9.76 |

Since the imposition of Treasury's finding, Commerce has conducted numerous administrative reviews with respect to imports of PC strand from Japan. In August 1986, Commerce revoked the antidumping finding with respect to Sumitomo Electric Industries, Ltd.[14] In July 1990, Commerce determined that Kawasaki Steel Techno-Wire was the successor company to Kawatetsu Wire Products Company, Ltd., and that the discontinuance of the finding issued to Kawatetsu applied to Kawasaki.[15] The finding remains in effect for all other producers and exporters of PC strand from Japan. Commerce has conducted no administrative reviews since completion of the first sunset review of the finding in 1999.

## THE PRODUCT

### Scope

Commerce's final results of its expedited sunset review provides the following definition of the product subject to investigation: steel wire strand, other than alloy steel, not galvanized, which are stress-relieved and suitable for use in prestressed concrete. PC strand is classified under HTS

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[12] 69 FR 25563.

[13] Commerce's likelihood determination was based on the fact that dumping at levels above *de minimis* has continued over the life of the finding against PC strand from Japan, and on examination of the volume of imports of subject PC strand in the periods before and after imposition of the finding. *See Issues and Decision Memorandum* from James Jochum, Assistant Secretary, Import Administration to Ronald Lorentzen, Acting Director, Office of Policy, May 3, 2004. *http://ia.ita.doc.gov/frn.*

[14] 51 FR 30894 (August 29, 1986).

[15] 55 FR 28796 (July 13, 1990). Treasury discontinued its original investigation with respect to Kawatetsu Wire Products Company because it determined that the margin for PC strand sold by Kawatetsu at LTFV was *de minimis*. Commerce's *Issues and Decision Memorandum*, May 3, 2004.

subheading 7312.10.30[16] and enters free of duty under the column 1-general rate. The U.S. industry agrees with the definitions of domestic like product and domestic industry made by the Commission in its original investigation and previous five-year review, which are coextensive with Commerce's scope.[17]

## Description and Uses[18]

PC strand is made from hot-rolled, high-carbon steel wire rod. After cleaning and descaling, steel wire rod is drawn into wire, fabricated into multi-wire strand, and thermally stress-relieved. The most common PC strand configuration consists of six wires wound helically around a single wire core. Nominal diameters of PC strand typically range from 0.25 to 0.70 inch. PC strand is used in the construction of prestressed concrete structural members. It is used to introduce desirable compressive forces into a concrete member, either through pre- or post-tensioning, to offset, or neutralize, forces that occur when the prestressed concrete member is subject to load. Typical applications for prestressed concrete include bridge decks, bridge girders, pilings, precast concrete panels and structural supports, roof trusses, floor supports, and certain concrete foundations.

PC strand used in the United States conforms to applicable ASTM specifications based on the physical size, physical configuration, and grade (minimum ultimate strength) of the strand. When produced in accordance with ASTM specifications, PC strand is interchangeable, whether produced by a domestic or foreign company.[19] U.S. purchasers of foreign-produced PC strand may, however, face restrictions at the federal, state, or local government, or private sector level, as a result of "Buy America" programs that limit or favor purchases of PC strand to material of U.S. origin, either as a matter of formal policy or informal practice. In the Commission's 2003 related investigations, purchasers accounting for 29.5 percent of apparent U.S. consumption of PC strand in 2002 indicated that "Buy America(n)" purchases represented 23.7 percent of their total purchases in 2002.[20]

Demand for PC strand is derived from the demand for construction, particularly infrastructure projects, commercial and institutional construction, large housing projects, and, to a lesser degree, single-family housing.

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[16] PC strand is imported under HTS statistical reporting numbers 7312.10.3010 and 7312.10.3012. Reporting number 7312.10.3010 applies to PC strand "covered with textile or other non-metallic material," while reporting number 7312.10.3012 applies to "other" PC strand.

[17] *U.S. Producers' Response*, p. 21.

[18] The discussion in this section is taken from the public record in the Commission's 2003 related investigations. *Prestressed Concrete Steel Wire Strand from Brazil, India, Korea, Mexico, and Thailand, Investigations Nos. 701-TA-432 (Final) and 731-TA-1024-1028 (Final)*, USITC Pub. 3663, January 2004, pp. I-7 and I-8.

[19] *Prestressed Concrete Steel Wire Strand from Brazil, India, Korea, Mexico, and Thailand, Investigations Nos. 701-TA-432 (Final) and 731-TA-1024-1028 (Final)*, USITC Pub. 3663, January 2004, p. I-8.

[20] *Prestressed Concrete Steel Wire Strand from Brazil, India, Korea, Mexico, and Thailand, Investigations Nos. 701-TA-432 (Final) and 731-TA-1024-1028 (Final)*, USITC Pub. 3663, January 2004, p. II-6.

## THE INDUSTRY IN THE UNITED STATES

### U.S. Producers

In 1978, there were six firms producing PC strand in the United States:[21] integrated producers Armco Steel Corp., Kansas City, MO; Bethlehem Steel Corp., Sparrows Point, MD; and CF & I Steel Corp., Pueblo, CO ("CF&I"); and nonintegrated producers American Spring Wire Corp., Bedford Heights, OH ("American"); Florida Wire & Cable Co., Jacksonville, FL ("FW&C"); and Washburn Wire Products Co.,[22] New York, NY. In the previous five-year review, the Commission found the industry to consist of four nonintegrated producers: American, FW&C, Insteel, and Sumiden.[23]

Between 1998, when the Commission conducted its first review, and 2002, Insteel acquired FW&C, and two new producers, Strand Tech Martin, Inc., Summerville, SC ("Strand Tech"), and Sivaco Georgia LLC, Newman, GA ("Sivaco"), began producing PC strand in the United States. Sivaco, however, shut down its operations in 2003. Late in 2003, Mexican producer Aceros Camesa ("Camesa") began producing PC strand in a facility in Rosenberg, TX.[24] The PC strand industry in the United States is thus believed to currently consist of five producers: American, Camesa, Insteel, Strand Tech, and Sumiden. The three domestic producers who submitted a response to the Commission's notice of institution, American, Insteel, and Sumiden, accounted for approximately *** percent of estimated U.S. production of PC strand in 2003.[25] A summary of changes in the U.S. industry since the Commission's original investigation is presented in table I-1.

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[21] *Steel Wire Strand for Prestressed Concrete from Japan, Investigation No. AA1921-188*, USITC Pub. 928, November 1978, p. A-8.

[22] Washburn Wire Products Co. began producing PC strand in the United States shortly before the filing of the 1978 complaint. U.S. industry data in the original investigation did not include Washburn, whose production was estimated at the time to be negligible. *Id.*

[23] Sumiden Wire Products Co. is a subsidiary of Sumitomo Electric Industries, Ltd., a Japanese producer of PC strand. Sumitomo, as stated earlier, is no longer subject to the antidumping finding against imports of PC strand from Japan. *U.S. Producers' Response*, p. 11; and *Prestressed Concrete Steel Wire Strand from Japan, Investigation No. AA1921-188 (Review)*, USITC Pub. 3156, February 1999, p. I-11.

[24] According to the U.S. industry, the exact nature of Camesa's operations at its Rosenberg facility is unclear, including to what extent the manufacturing of PC stand is undertaken in the United States or Mexico. *U.S. Producers' Response*, p. 10. Although the U.S. industry's response to the Commission's notice of institution identifies Camesa's Rosenberg facility as operating under the name "PCS America" (*Id*, p. 10), no evidence of such a company is available in the public domain. There is, however, evidence of a company named "Camesa, Inc." operating at the address in Rosenberg, TX provided by the U.S. industry for "PCS of America." See *http://www.camesainc.com.*

[25] *U.S. Producers' Response*, p. 13. U.S. producers American, Insteel, and Sumiden collectively produced *** pounds of PC strand in 2003. They estimated total U.S. industry production of PC strand in 2003 to be 552 million pounds, based on annualized January-June 2003 data collected in the Commission's 2003 investigations. See *Prestressed Concrete Steel Wire Strand from Brazil, India, Korea, Mexico, and Thailand, Investigations Nos. 701-TA-432 (Final) and 731-TA-1024-1028 (Final)*, USITC Pub. 3663, January 2004, table III-2.

**Table I-1**
**PC strand: Changes in the U.S. industry, 1978-2003**

| Year | Number of U.S. PC strand producers (end of period) | Notes |
|---|---|---|
| 1978 | 6 | • Integrated producers: Armco, Bethlehem, and CF&I.<br>• Nonintegrated producers: American, FW&C, and Washburn. |
| 1979-1998 | 4 | • Armco, Bethlehem, CF&I, and Washburn exit industry.<br>• Insteel and Sumiden enter industry.<br>• Shinko enters (1979), then exits (1996) the industry. |
| 1999-2000 | 4 | • Insteel acquires the common stock of FW&C (January 2000).<br>• Strand Tech enters the industry. |
| 2001-2003 | 5 | • Sivaco enters, then exits (Sept. 2003), the industry.<br>• Camesa enters the industry (late 2003). |

Source: *Prestressed Concrete Steel Wire Strand from Japan, Investigation No. AA1921-188 (Review)*, USITC Pub. 3156, February 1999; *Prestressed Concrete Steel Wire Strand from Brazil, India, Korea, Mexico, and Thailand, Investigations Nos. 701-TA-432 (Final) and 731-TA-1024-1028 (Final)*, USITC Pub. 3663, January 2004; and *U.S. Producers' Response.*

## U.S. Production, Capacity, and Shipments[26]

Data reported by U.S. producers in the Commission's original investigation, in the Commission's previous five-year review, and in the Commission's related 2003 investigations are presented in table I-2. In the period of the original investigation, from 1974 to 1977, U.S. PC strand production declined by 23 percent, while capacity utilization fell from 89 percent to 51 percent. Between 1977, just prior to imposition of the antidumping finding on PC strand from Japan, and 2002, the U.S. PC strand industry's production capacity quadrupled, and the industry's production of PC strand increased nearly sixfold. U.S. industry capacity utilization increased from 51 percent in 1977, before the imposition of the antidumping finding on Japanese PC strand, to 71 percent in 2002. In the most recent period for which data are available, 2000 to 2002, U.S. industry production declined by 15 percent, while capacity utilization declined from 89 percent to 71 percent. In 1997, the year preceding the Commission's first five-year review, capacity utilization stood at 90 percent.

From 2000 to 2002, U.S. shipments of U.S.-produced PC strand experienced a yearly decline of about 7 percent, and an overall decline in unit value of 8 percent. Between 2000 and 2001, the industry experienced a decline in operating income from $12.5 million to $2.1 million, and in 2002 experienced an operating loss of $5.8 million. As a percentage of net sales, operating income declined from 7.6 percent in 2000 to 1.4 percent in 2001, and in 2002 fell to a loss of 4.4 percent. In the period of the Commission's original investigation, the industry experienced a similar financial trend: a positive operating income of $6.1 million in 1974 turned into a loss of $1.7 million by 1977. As a percentage of

[26] Trade and financial data for the U.S. industry refer to the production of both covered and uncovered PC strand. As stated previously, Commerce's scope in the antidumping finding against Japan presently identifies only HTS number 7312.10.3012, or uncovered PC strand. In 2002, uncovered PC strand accounted for *** percent of total U.S. industry production of PC strand, and *** percent of U.S. producers' U.S. shipments. *Staff Report* of December 19, 2003, app. C, Table C-1.

**Table I-2**
**PC strand: U.S. producers' trade and financial data, 1974-77, 1997, 2000-02, Jan.-June 2002, and Jan.-June 2003**

| Item | Calendar years | | | | | | | | Jan.-June | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1974 | 1975 | 1976 | 1977 | 1997 | 2000 | 2001 | 2002 | 2002 | 2003 |
| Capacity (*1,000 pounds*) | 133,600 | 129,600 | 176,600 | 180,800 | 533,715 | 714,675 | 732,475 | 763,577 | 390,242 | 375,060 |
| Production (*1,000 pounds*) | 118,916 | 77,418 | 78,112 | 92,020 | 482,666 | 633,505 | 576,210 | 539,601 | 259,785 | 276,093 |
| Capacity utilization (*percent*) | 89.0 | 59.7 | 44.2 | 50.9 | 90.4 | 88.6 | 78.7 | 70.7 | 66.6 | 73.6 |
| U.S. shipments[1] | | | | | | | | | | |
| Quantity (*1,000 pounds*) | 117,075 | 72,580 | 80,452 | 90,737 | 454,460 | 603,855 | 561,824 | 521,323 | 259,843 | 282,064 |
| Value (*$1,000*) | N/A | N/A | N/A | N/A | N/A | 159,384 | 142,959 | 126,778 | 61,961 | 69,096 |
| Unit value (*per 1,000 pounds*) | N/A | N/A | N/A | N/A | N/A | $264 | $254 | $243 | $238 | $245 |
| Net sales[2] (*$1,000*) | 28,063 | 24,636 | 20,905 | 24,848 | 155,705 | 164,347 | 145,849 | 132,712 | 61,690 | 69,015 |
| COGS (*$1,000*) | 20,328 | 17,940 | 19,575 | 24,261 | 128,952 | 139,500 | 133,909 | 125,756 | 58,177 | 63,341 |
| Gross profit (*$1,000*) | 7,735 | 6,696 | 1,330 | 587 | 26,753 | 24,847 | 11,940 | 6,956 | 3,513 | 5,674 |
| SG&A (*$1,000*) | 1,673 | 1,908 | 1,942 | 2,314 | 9,302 | 12,339 | 9,874 | 12,805 | 8,488 | 3,917 |
| Operating income or (loss) (*$1,000*) | 6,062 | 4,788 | (612) | (1,727) | 17,451 | 12,508 | 2,066 | (5,849) | (4,975) | 1,757 |
| COGS/sales (*percent*) | 72.4 | 72.8 | 93.6 | 97.6 | 82.8 | 84.9 | 91.8 | 94.8 | 94.3 | 91.8 |
| Operating income or (loss)/sales (*percent*) | 21.6 | 19.4 | (2.9) | (7.0) | 11.2 | 7.6 | 1.4 | (4.4) | (8.1) | 2.5 |

[1] U.S. producers reported *** of PC strand in 1997 or for 2001-03. In 2000, U.S. producers transferred *** pounds to PC strand to related firms, accounting for *** percent of total U.S. shipments by quantity. Data on internal consumption/transfers to related firms for 1974-77 are unavailable.

[2] Net sales data for 1997, 2000-02, Jan.-June 2002, and Jan.-June 2003 include small quantities of export shipments, ranging from *** percent.

Source: *Prestressed Concrete Steel Wire Strand from Japan, Investigation No. AA1921-188 (Review)*, USITC Pub. 3156, February 1999, table I-1; *Prestressed Concrete Steel Wire Strand from Brazil, India, Korea, Mexico, and Thailand, Investigations Nos. 701-TA-432 (Final) and 731-TA-1024-1028 (Final)*, USITC Pub. 3663, January 2004, table C-1; *Confidential Staff Report* of December 19, 2003, table III-3.

net sales, operating margins were positive at 22 percent in 1974, and negative at 7 percent in 1977. In the years for which data are available, operating income was at its highest level in 1997, at $17.5 million, or 11.2 percent of net sales.

In their response to the Commission's notice of initiation, U.S. producers of PC strand stated that the declines in trade and financial conditions experienced by the industry from 2000 to 2002, and the Commission's subsequent finding of material injury, demonstrate the weakened state of the U.S. PC strand industry.[27] Although certain indicators of trade and financial performance showed improvement in the first half of 2003, domestic parties maintain that the industry remains vulnerable to material injury should the antidumping finding on PC strand from Japan be revoked.[28] Employment data for the U.S. industry, collected in the Commission's related 2003 investigations, are presented in table I-3. U.S. PC strand producers point to the approximately 25-percent reduction in production and related workers, hours worked, and wages from 2000 to 2002 as further evidence of the industry's weakened state.[29]

**Table I-3**
**PC strand: U.S. producers' employment-related indicators, 2000-02, January-June 2002, and January-June 2003**

| Item | Calendar year | | | January-June | |
|---|---|---|---|---|---|
| | 2000 | 2001 | 2002 | 2002 | 2003 |
| Production and related workers (PRWs) | 409 | 353 | 308 | 289 | 290 |
| Hours worked by PRWs (*1,000 hours*) | 926 | 788 | 671 | 330 | 341 |
| Wages paid to PRWs (*1,000 dollars*) | 13,481 | 12,109 | 10,171 | 4,984 | 5,324 |
| Hourly wages | $14.56 | $15.36 | $15.15 | $15.12 | $15.61 |
| Productivity (*pounds produced per hour*) | 684.3 | 730.9 | 803.9 | 750.6 | 780.8 |
| Unit labor costs (*per 1,000 pounds*) | $21.28 | $21.01 | $18.85 | $20.14 | $19.99 |

Note.--Interim period data do not include data of ***.

Source: *Prestressed Concrete Steel Wire Strand from Brazil, India, Korea, Mexico, and Thailand, Investigations Nos. 701-TA-432 (Final) and 731-TA-1024-1028 (Final)*, USITC Pub. 3663, January 2004, table III-6.

## U.S. IMPORTS AND CONSUMPTION[30]

### U.S. Imports

In the mid- to late-1970s, the period examined in the original investigation, PC strand from Japan was imported into the United States principally by eight large importing companies, although several

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[27] *U.S. Producers' Response*, pp. 3-5.

[28] *Id.*

[29] *Id.*

[30] The discussion in this section refers to imports and consumption of uncovered PC strand only. As stated previously, uncovered PC strand accounted for *** percent of total U.S. PC strand production, and *** percent of U.S. producers' U.S. shipments in 2002. Between 1994 and 2003, uncovered PC strand accounted for 99.4 percent of total U.S. imports of PC strand from Japan, based on official Commerce statistics. In the same period, covered PC strand from Japan was imported into the United States in only one year, 2001.

smaller companies made occasional purchases from Japan.[31] Companies engaged in importing PC strand into the United States included some of Japan's largest trading houses, such as Kawasho, Mitsubishi, and Mitsui. In the Commission's prior review, the domestic industry identified three firms that they believed to be importers of PC stand from Japan: Mitsubishi International Corp.; Nippon Express USA, Inc.; and Mitrans Corp.[32] In addition to these three firms, the domestic industry identified two more companies in their response to the Commission's notice of initiation in the present review that they believe currently import PC strand from Japan into the United States: Mitsui & Co. (USA), Inc., and Nissho Iwai Corporation.[33]

Figure I-1 represents the volume of U.S. imports of PC strand from Japan over the period from 1975 to 2003. As shown, imports of PC strand from Japan have exhibited a steady decline since imposition of Treasury's December 1978 antidumping finding. Import volumes declined from a pre-finding level of 158 million pounds in 1978 to 59 million pounds by 1981, further declining to 5 million pounds in 1988. By 1992, imports of PC strand from Japan were less than one million pounds. In 2003, imports from Japan stood at 768,000 pounds, representing 0.4 percent of total U.S. imports of PC strand. By contrast, at the time of the Commission's original investigation, PC strand from Japan accounted for the vast majority of PC strand imports into the United States, ranging from 93.4 percent of total imports in 1974 to 88.3 percent in 1977. Data on the quantity, value, and average unit value ("AUV") of U.S. imports of PC strand are presented in table I-4.

AUVs of PC strand imports from Japan more than tripled from $195 per 1,000 pounds in 1977, the last full year before imposition of the antidumping finding, to $607 per 1,000 pounds in 1997. Although the AUVs of imports of PC strand from Japan have exhibited a downward trend between 1997 and 2003, they have remained substantially higher than the AUVs for U.S. imports of PC strand from all other countries combined. Domestic industry parties attribute the disparity in AUVs of imports from Japan, as compared to those of total imports from all other sources, to the existence of the present antidumping finding on PC strand from Japan.[34]

### Apparent U.S. Consumption

From 1966, the first year in which statistics relating to PC strand imports were collected by Commerce, imports from Japan constituted a major portion of the U.S. PC strand market, accounting for no less than half of apparent U.S. PC strand consumption in every year between 1968 and 1978.[35] Penetration of Japanese PC strand reached its peak in 1972, when imports from Japan accounted for 68.5 percent of apparent U.S. consumption.[36]

Data on apparent U.S. consumption of PC strand, and the market shares of imports, are presented in table I-5. Apparent U.S. consumption of PC strand more than doubled from 291 million pounds in 1977, the last full year prior to the imposition of the antidumping finding against Japan, to 715 million

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[31] *Steel Wire Strand for Prestressed Concrete from Japan, Investigation No. AA1921-188*, USITC Pub. 928, November 1978, p. A-9.

[32] *Prestressed Concrete Steel Wire Strand from Japan, Investigation No. AA1921-188 (Review)*, USITC Pub. 3156, February 1999, p. I-7.

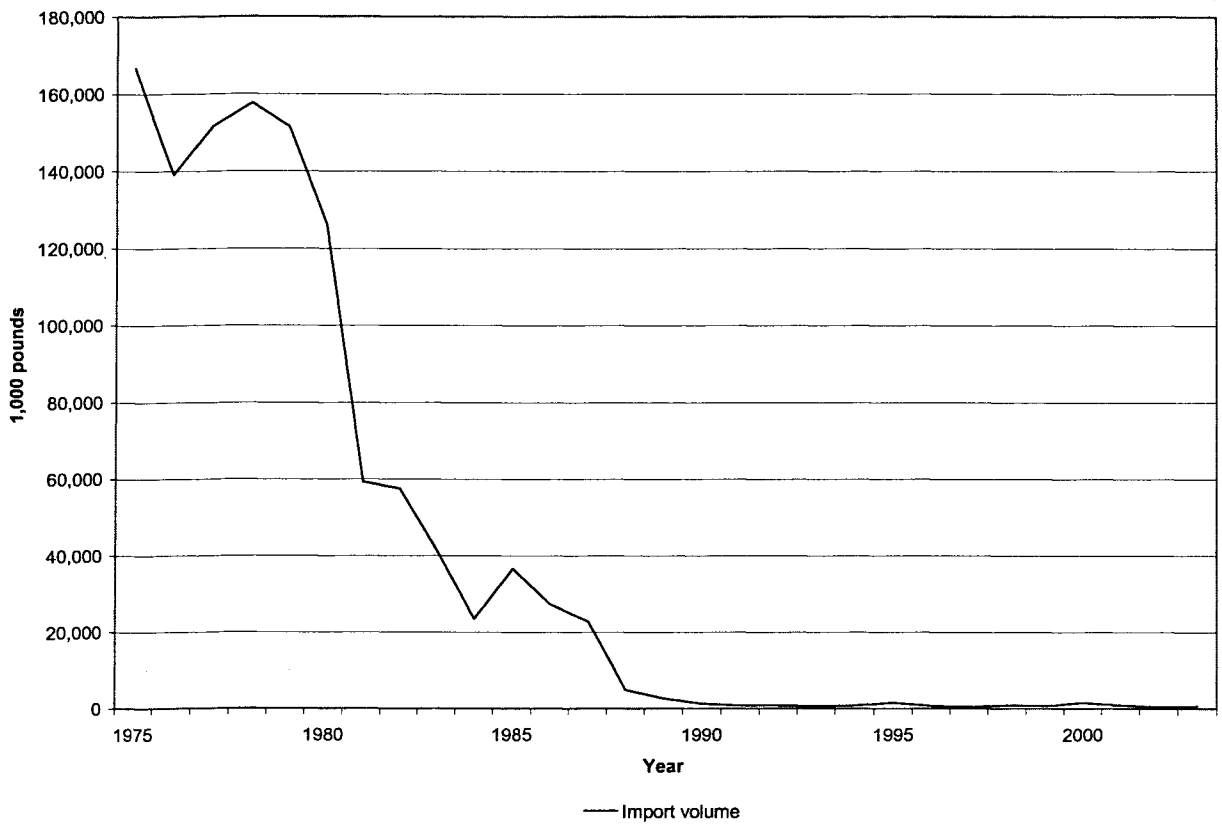
[33] *U.S. Producers' Response*, p. 12.

[34] *U.S. Producers' Response*, p. 8.

[35] *Steel Wire Strand for Prestressed Concrete from Japan, Investigation No. AA1921-188*, USITC Pub. 928, November 1978, p. A-22.

[36] *Id.*

**Figure I-1**
**PC strand: U.S. imports from Japan, by quantity, 1975-2003**




Source: Import volumes for 1975-1990 are compiled from data provided by the U.S. industry in response to the Commission's notice of institution in the present review. *U.S. Producers' Response*, Exhibit 2. Data for 1991-2003 are based on official Commerce statistics. Subject PC strand entered the United States under TSUSA number 642.1020 from 1975-1976, TSUSA number 642.1120 from 1977-1988, HTS statistical reporting number 7312.10.3015 from 1989-1990, and HTS statistical reporting number 7312.10.3012 from 1991-present.

**Table I-4**
**PC strand: U.S. imports, by source, 1974-77, 1997, and 2000-03[1]**

| Source | Calendar years | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1974 | 1975 | 1976 | 1977 | 1997 | 2000 | 2001 | 2002 | 2003 |
| | Quantity (*1,000 pounds*) | | | | | | | | |
| Japan | 295,304 | 166,750 | 139,096 | 176,452 | 597 | 1,655 | 976 | 494 | 768 |
| Other sources | 20,740 | 15,659 | 9,657 | 23,311 | 133,096 | 165,053 | 180,385 | 193,979 | 212,167 |
| Total imports[2 3] | 316,044 | 182,409 | 148,753 | 199,763 | 133,693 | 166,708 | 181,361 | 194,474 | 212,935 |
| | Value (*$1,000*) | | | | | | | | |
| Japan | 67,589 | 52,973 | 28,662 | 34,372 | 362 | 918 | 533 | 262 | 399 |
| Other sources | 5,876 | 5,592 | 1,891 | 4,474 | 37,311 | 40,500 | 43,748 | 43,765 | 52,356 |
| Total imports[2 3] | 73,465 | 58,565 | 30,553 | 38,846 | 37,673 | 41,418 | 44,281 | 44,026 | 52,754 |
| | Average unit value (*per 1,000 pounds*) | | | | | | | | |
| Japan | $229 | $318 | $206 | $195 | $607 | $554 | $546 | $529 | $519 |
| Other sources | 283 | 357 | 196 | 192 | 280 | 245 | 243 | 226 | 247 |
| Total imports | 232 | 321 | 205 | 194 | 282 | 248 | 244 | 226 | 248 |
| | Share of quantity (*percent*) | | | | | | | | |
| Japan | 93.4 | 91.4 | 93.5 | 88.3 | 0.4 | 1.0 | 0.5 | 0.3 | 0.4 |
| Other sources | 6.6 | 8.6 | 6.5 | 11.7 | 99.6 | 99.0 | 99.5 | 99.7 | 99.6 |
| Total imports | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| | Share of value (*percent*) | | | | | | | | |
| Japan | 92.0 | 90.5 | 93.8 | 88.5 | 1.0 | 2.2 | 1.2 | 0.6 | 0.8 |
| Other sources | 8.0 | 9.5 | 6.2 | 11.5 | 99.0 | 97.8 | 98.8 | 99.4 | 99.2 |
| Total imports | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |

[1] Interim data for January-February 2004, while available, are not presented because imports of PC strand from Japan enter the United States at irregular intervals over the course of the calendar year. Year-to-year comparisons of limited monthly data are, therefore, inaccurate indicators of import trends.

[2] Data on the quantity and value of imports for 1997 and 2000-03 correspond to HTS statistical reporting number 7312.10.3012.

[3] Total import data for 2000-03 include PC strand imported from Thailand improperly classified under HTS subheading 7312.10.20. *Prestressed Concrete Steel Wire Strand from Brazil, India, Korea, Mexico, and Thailand, Investigations Nos. 701-TA-432 (Final) and 731-TA-1024-1028 (Final)*, USITC Pub. 3663, January 2004, p. I-4.

Source: *Prestressed Concrete Steel Wire Strand from Japan, Investigation No. AA1921-188 (Review)*, USITC Pub. 3156, February 1999, table I-2; and official Commerce statistics.

**Table I-5**
**PC strand: Apparent U.S. consumption and market shares, by sources, 1974-77, 1997, 2000-02, Jan.-June 2002, and Jan.-June 2003**

| Source | Calendar years | | | | | | | | Jan.-June | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1974 | 1975 | 1976 | 1977 | 1997 | 2000 | 2001 | 2002 | 2002 | 2003 |
| | Quantity (*1,000 pounds*) | | | | | | | | | |
| U.S. producers' U.S. shipments[1] | 117,075 | 72,580 | 80,452 | 90,737 | 454,460 | 603,855 | 561,824 | 521,323 | 259,843 | 282,064 |
| U.S. imports: Japan | 295,304 | 166,750 | 139,096 | 176,452 | 597 | 1,655 | 976 | 494 | 494 | 366 |
| Other imports | 20,740 | 15,659 | 9,657 | 23,311 | 133,096 | 165,053 | 180,385 | 193,979 | 99,919 | 104,767 |
| Total imports[2] | 316,044 | 182,409 | 148,753 | 199,763 | 133,693 | 166,708 | 181,361 | 194,474 | 100,413 | 105,133 |
| Apparent U.S. consumption | 433,119 | 254,989 | 229,205 | 290,500 | 588,153 | 770,563 | 743,185 | 715,797 | 360,256 | 387,197 |
| | Share of apparent U.S. consumption (*percent*) | | | | | | | | | |
| U.S. producers' U.S. shipments | 27.0 | 28.5 | 35.1 | 31.2 | 77.3 | 78.4 | 75.6 | 72.8 | 72.1 | 72.8 |
| U.S. imports: Japan | 68.2 | 65.4 | 60.7 | 60.7 | 0.1 | 0.2 | 0.1 | 0.1 | 0.1 | 0.1 |
| Other imports | 4.8 | 6.1 | 4.2 | 8.0 | 22.6 | 21.4 | 24.3 | 27.1 | 27.7 | 27.1 |
| Total imports | 73.0 | 71.5 | 64.9 | 68.8 | 22.7 | 21.6 | 24.4 | 27.2 | 27.9 | 27.2 |

[1] U.S. producers' data refer to shipments of both covered and uncovered PC strand. As stated previously, uncovered PC strand represented *** percent of U.S. producers' U.S. shipments of PC strand in 2002.

[2] Import data provided for 1997, 2000-02, Jan.-June 2002, and Jan.-June 2003 correspond to HTS statistical reporting number 7312.10.3012. Data for 2000-02, Jan.-June 2002, and Jan.-June 2003 include PC strand imported from Thailand improperly classified under HTS subheading 7312.10.20.

Source: *Prestressed Concrete Steel Wire Strand from Japan, Investigation No. AA1921-188 (Review)*, USITC Pub. 3156, February 1999, table I-3; *Prestressed Concrete Steel Wire Strand from Brazil, India, Korea, Mexico, and Thailand, Investigations Nos. 701-TA-432 (Final) and 731-TA-1024-1028 (Final)*, USITC Pub. 3663, January 2004, table IV-6; *Staff Report* of December 19, 2003, app. C, table C-1; and official Commerce statistics.

pounds in 2002. Over the same period, the U.S. industry's share of apparent U.S. consumption increased from 31.2 percent in 1977 to 72.9 percent in 2002. The share of apparent consumption accounted for by non-Japanese PC strand imports increased from 8.0 percent in 1977 to 27.1 percent in 2002. Between 1997, the year preceding the Commission's first review of the antidumping finding against Japan, and 2002, the U.S. industry lost 4.4 percentage points in share of apparent consumption to imports of PC strand from countries other than Japan.[37]

## THE INDUSTRY IN JAPAN

In 1978, five Japanese companies were identified by Treasury as producing PC strand for export to the United States: Shinko Wire Company, Ltd. ("Shinko"); Sumitomo Electric Industries, Ltd. ("Sumitomo");[38] Suzuki Metal Company, Ltd. ("Suzuki"); Tokyo Rope Manufacturing Company, Ltd. ("Tokyo Rope"); and Kawatetsu Wire Products Company, Ltd. ("Kawatetsu").[39] At the time of the Commission's previous five-year review, five Japanese companies were believed to be producing merchandise subject to the antidumping finding on PC strand: original producers Shinko, Suzuki, and Tokyo Rope, as well as Kokoku Steel Wire Co., Ltd. ("Kokoku"), and Tesac Corp.[40] In its response to the Commission's notice of institution in the present review, the domestic industry excluded Kokoku and added JFE Techno-Wire Corp.[41] to the list of Japanese companies believed to be producing and/or exporting PC strand to the United States subject to the existing antidumping finding.

Available data regarding the industry producing the subject merchandise in Japan are provided in table I-6. In the period examined in the Commission's original investigation, the vast majority of PC strand produced by the industry in Japan was for export. In 1977, shipments to markets outside Japan equaled nearly 90 percent of the Japanese industry's production of PC strand. From 1974 to 1977, the United States served as the primary destination for shipments of PC strand produced in Japan, receiving 77 percent of all PC strand exported from Japan in 1977, equivalent to 69 percent of total Japanese PC

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[37] Imports of PC strand from Brazil, India, Korea, Mexico, and Thailand, subject countries in the Commission's 2003 investigations, accounted for 70 percent of total U.S. imports of PC strand in 2002. As noted earlier, as a result of the U.S. industry's successful petition for import injury relief, Commerce imposed antidumping and countervailing duties (India only) ranging from 12.99 to 118.75 percent on imports of PC strand from these countries.

[38] As stated earlier, the antidumping finding against Sumitomo was revoked by Commerce in 1986.

[39] As stated earlier, Kawatetsu was excluded from Treasury's 1978 antidumping finding because its margins of dumping were minimal and because it provided formal assurances that it would make no future sales at LTFV. *Steel Wire Strand for Prestressed Concrete from Japan, Investigation No. AA1921-188*, USITC Pub. 928, November 1978, p. A-2. Subsequent to the imposition of Treasury's antidumping finding, Shinko and Sumitomo each established subsidiaries in the United States to produce PC strand: Shinko Wire America, Inc. (1979 - 1996) and Sumiden (1980 - present). *Prestressed Concrete Steel Wire Strand from Japan, Investigation No. AA1921-188 (Review)*, USITC Pub. 3156, February 1999, p. I-11.

[40] *Prestressed Concrete Steel Wire Strand from Japan, Investigation No. AA1921-188 (Review)*, USITC Pub. 3156, February 1999, p. I-11.

[41] JFE Techno-Wire Corp., formerly Kawasaki Steel Techno-Wire Co., Ltd., is the successor company to Kawatetsu. *See* www.jfe-holdings.co.jp/en/company/index.html. Commerce has not conducted a changed circumstances review with respect to JFE Techno-Wire Corp.

**Table I-6**
**PC strand: Japanese producers' trade data, 1974-1977, 1998, and 2003**

| Item | Calendar years | | | | | |
|---|---|---|---|---|---|---|
| | 1974 | 1975 | 1976 | 1977 | 1998 | 2003 |
| Capacity (*1,000 pounds*) | 449,298 | 487,217 | 487,217 | 533,513 | ***[1] | ***[2] |
| Production (*1,000 pounds*)[3] | 400,384 | 216,373 | 211,199 | 282,037 | *** | *** |
| Capacity utilization (*percent*) | 89.1 | 44.4 | 43.3 | 52.5 | ***[1] | ***[2] |
| Export shipments (*1,000 pounds*) | N/A | N/A | 212,832 | 253,485 | N/A | N/A |
| Shipments to the U.S. (*1,000 pounds*)[4] | 295,304 | 166,750 | 143,023 | 195,414 | 992 | 766 |
| Exports/production (*percent*) | N/A | N/A | 100.8 | 89.9 | N/A | N/A |
| U.S. shipments/Export shipments (*percent*) | N/A | N/A | 67.2 | 77.1 | N/A | N/A |
| U.S. shipments/production (*percent*) | 73.8 | 77.1 | 67.7 | 69.3 | *** | *** |

[1] Capacity and utilization data for 1998 are based on estimates provided by *** in the Commission's 1998 review. *Staff Report* of Dec. 31, 1998, table I-4, fn. 2.

[2] Capacity and utilization data for 2003 are based on estimates provided by *** in response to the Commission's notice of institution in the present review. Based on information available to it, *** estimates Japanese production capacity to stand at roughly ***, and estimates that Japanese producers are currently operating at a capacity utilization rate of *** percent. ***. *U.S. Producers' Response*, exh. 5 and p. 11.

[3] Production data for 1998 and 2003 are calculated from *** capacity and utilization estimates.

[4] Shipments to the United States for 1974, 1975, 1998, and 2003 are based on official Commerce import statistics. Data for 1976 and 1977 are based on information collected in the Commission's original investigation.

Source: *Steel Wire Strand for Prestressed Concrete from Japan, Investigation No. AA1921-188*, USITC Pub. 928, November 1978, p. A-9; *Staff Report* of December 31, 1998, p. I-13; and *U.S. Producers' Response*, exh. 5.

strand production in that year.[42] Capacity utilization of the Japanese industry in 1977 stood at 52.5 percent, a decline from its 1974 peak of 89.1 percent. Estimates provided by the U.S. industry in the present review suggest that the production capacity of the PC strand industry in Japan has approximately *** since the time of the original investigation. Since the imposition of the antidumping finding against Japan, exports of PC strand to the United States have declined remarkably, representing *** percent of total estimated Japanese PC strand production in 2003.

In its response to the Commission's notice of institution in the present review, the domestic industry suggested that the PC strand industry in Japan continues to have substantial production capacity,

[42] Treasury estimated that the five Japanese companies for which data were collected in the original investigation accounted for 92 percent of PC strand sold for export to the United States. *Steel Wire Strand for Prestressed Concrete from Japan, Investigation No. AA1921-188*, USITC Pub. 928, November 1978, p. A-5.

and significant excess capacity.[43] The domestic industry further alleges that diminished home market demand in Japan provides Japanese producers with an incentive to increasingly look abroad for markets for PC strand. The U.S. industry points to evidence of reduced spending by the Japanese government on construction projects, the suspension and/or reduction in size of government-funded infrastructure projects, and statistics indicating declines in building construction and construction investment, as confirmation that the demand for PC strand in Japan has declined in recent years. Research evidence provided by the U.S. industry projects that the decline in overall construction investment in Japan will continue into 2004.[44]

The domestic industry has also highlighted the potential effects of the Commission's determination of material injury in the related 2003 investigations of PC strand imports from Brazil, India, Korea, Mexico, and Thailand on the U.S. market for PC strand should the antidumping finding on Japan be revoked. Imports from the five countries subject to the 2003 investigations accounted for 22 percent of apparent U.S. consumption in 2002.[45] The domestic industry contends that a reduction in the level of imports from these countries as a result of the antidumping and countervailing duty orders instituted against them will encourage Japanese producers to divert shipments of PC strand to the U.S. market in the event that the antidumping finding against imports of PC strand from Japan is revoked.[46] A representation of the volume effect of the 2003 duty orders on imports of PC strand from Brazil, India, Korea, Mexico, and Thailand is presented in figure I-2.

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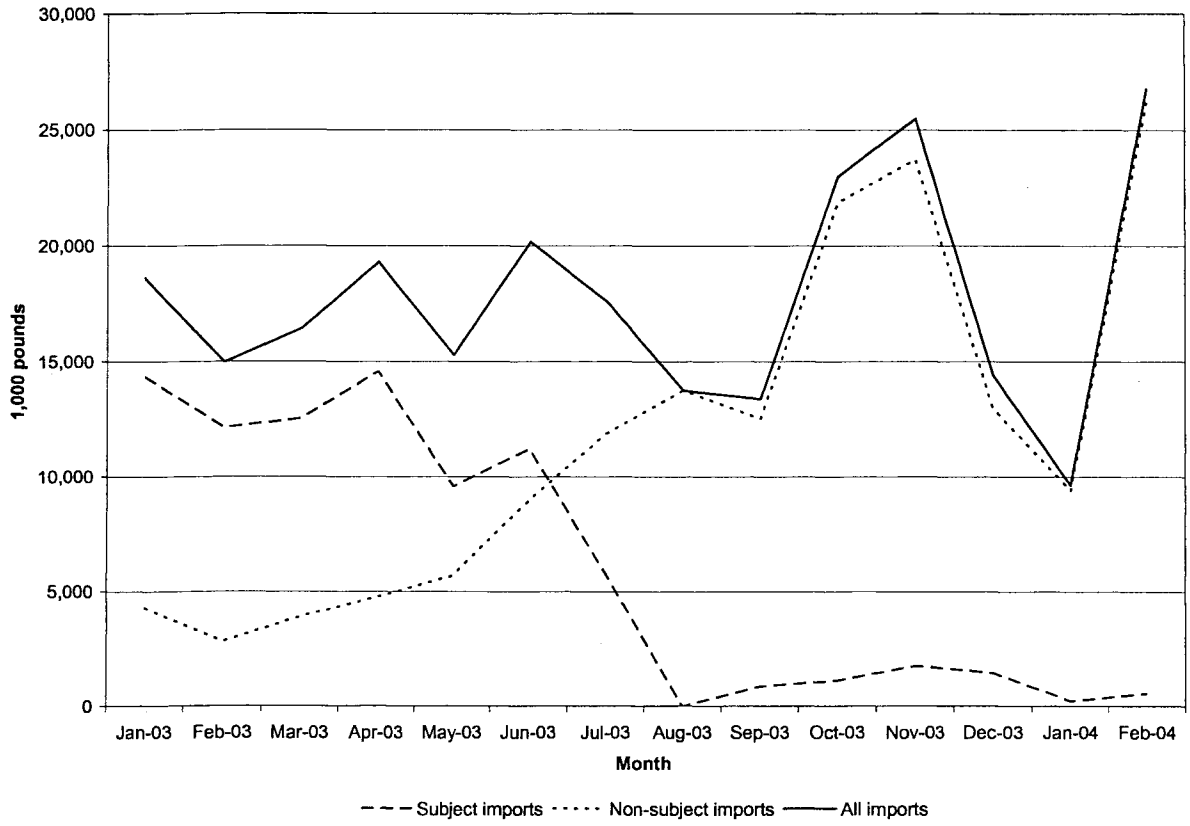
[43] *U.S. Producers' Response*, p. 17.

[44] *Id.*, exh. 11.

[45] *Prestressed Concrete Steel Wire Strand from Brazil, India, Korea, Mexico, and Thailand, Investigations Nos. 701-TA-432 (Final) and 731-TA-1024-1028 (Final)*, USITC Pub. 3663, January 2004, table C-1.

[46] *U.S. Producers' Response*, p. 20.

**Figure I-2**
**PC strand: U.S. imports from Brazil, India, Korea, Mexico, and Thailand, by months, January 2003–February 2004[1]**




[1] "Subject imports" reflect entries of PC strand imported under HTS statistical reporting number 7312.10.3012 from Brazil, India, Korea, Mexico, and Thailand, and imports of PC strand from Thailand improperly classified under HTS subheading 7312.10.20.

Source: Calculated from official Commerce statistics.

# APPENDIX A

# *FEDERAL REGISTER* NOTICES

(a) Production (quantity) and, if known, an estimate of the percentage of total production of Subject Merchandise in the Subject Country accounted for by your firm's(s') production; and

(b) the quantity and value of your firm's(s') exports to the United States of Subject Merchandise and, if known, an estimate of the percentage of total exports to the United States of Subject Merchandise from the Subject Country accounted for by your firm's(s') exports.

(10) Identify significant changes, if any, in the supply and demand conditions or business cycle for the Domestic Like Product that have occurred in the United States or in the market for the Subject Merchandise in the Subject Country after 1997, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the Domestic Like Product produced in the United States, Subject Merchandise produced in the Subject Country, and such merchandise from other countries.

(11) (Optional) A statement of whether you agree with the above definitions of the Domestic Like Product and Domestic Industry; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

**Authority:** This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

Issued: December 22, 2003.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary.*

[FR Doc. 03–32298 Filed 12–31–03; 8:45 am]

BILLING CODE 7020–02–P

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. AA1921–188 (Review)]**

## Prestressed Concrete Steel Wire Strand From Japan

**AGENCY:** International Trade Commission.

**ACTION:** Institution of a five-year review concerning the antidumping finding on prestressed concrete steel wire strand from Japan.

**SUMMARY:** The Commission hereby gives notice that it has instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping finding on prestressed concrete steel wire strand from Japan would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission;[1] to be assured of consideration, the deadline for responses is February 23, 2004. Comments on the adequacy of responses may be filed with the Commission by March 16, 2004. For further information concerning the conduct of this review and rules of general application, consult the Commission's rules of practice and procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

**EFFECTIVE DATE:** January 2, 2004.

**FOR FURTHER INFORMATION CONTACT:** Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

**SUPPLEMENTARY INFORMATION:**

### Background

On December 8, 1978, the Department of the Treasury issued an antidumping finding on imports of prestressed concrete steel wire strand from Japan (43 FR 57599). Following five-year reviews by Commerce and the Commission, effective February 3, 1999, Commerce issued a continuation of the antidumping duty order on imports of prestressed concrete steel wire strand from Japan (64 FR 40554, July 27, 1999). The Commission is now conducting a second review to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

### Definitions

The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by the Department of Commerce.

(2) The *Subject Country* in this review is Japan.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the Subject Merchandise. In its expedited five-year review, the Commission found that the appropriate definition of the Domestic Like Product was the same as Commerce's scope: all steel wire strand, other than alloy steel, not galvanized, which has been stress-relieved and is suitable for use in prestressed concrete. The Commission did not make a like production determination *per se* in its original determination.

(4) The *Domestic Industry* is the U.S. producers as a whole of the Domestic Like Product, or those producers whose collective output of the Domestic Like Product constitutes a major proportion of the total domestic production of the product. In its original determination and its expedited five-year review, the Commission defined the Domestic Industry as producers of prestressed concrete steel wire strand.

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 04–5–079, expiration date June 30, 2005. Public reporting burden for the request is estimated to average 7 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

(5) The *Order Date* is the date that the antidumping duty order or finding under review became effective. In this review, the Order Date is December 8, 1978.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the Subject Merchandise into the United States from a foreign manufacturer or through its selling agent.

**Participation in the Review and Public Service List**

Persons, including industrial users of the Subject Merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the review as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the review.

Former Commission employees who are seeking to appear in Commission five-year reviews are reminded that they are required, pursuant to 19 CFR 201.15, to seek Commission approval if the matter in which they are seeking to appear was pending in any manner or form during their Commission employment. Former employees may seek informal advice from Commission ethics officials concerning their eligibility to appear in five-year reviews. However, any informal consultation will not relieve former employees of the obligation to seek approval to appear from the Commission under its rule 201.15. For ethics advice, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

**Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and APO Service List**

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this review available to authorized applicants under the APO issued in the review, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the review. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

**Certification**

Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this review must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

**Written Submissions**

Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is February 23, 2004. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is March 16, 2004. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the review you do not need to serve your response).

**Inability to Provide Requested Information**

Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determination in the review.

*Information to be Provided in Response to This Notice of Institution*

As used below, the term "firm" includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address if available) and name, telephone number, fax number, and E-mail address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the Domestic Like Product, a U.S. union or worker group, a U.S. importer of the Subject Merchandise, a foreign producer or exporter of the Subject Merchandise, a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this review by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping finding on the Domestic Industry in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of Subject Merchandiseon the Domestic Industry.

(5) A list of all known and currently operating U.S. producers of the Domestic Like Product. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the Subject Merchandise and producers of the Subject Merchandise in the Subject Country that currently export or have exported Subject Merchandise to the United States or other countries after 1997.

(7) If you are a U.S. producer of the Domestic Like Product, provide the following information on your firm's operations on that product during calendar year 2003 (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the Domestic Like Product accounted for by your firm's(s') production;

(b) The quantity and value of U.S. commercial shipments of the Domestic Like Product produced in your U.S. plant(s); and

(c) The quantity and value of U.S. internal consumption/company transfers of the Domestic Like Product produced in your U.S. plant(s).

(8) If you are a U.S. importer or a trade/business association of U.S. importers of the Subject Merchandise from the Subject Country, provide the following information on your firm's(s') operations on that product during calendar year 2003 (report quantity data in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of Subject Merchandise from the Subject Country accounted for by your firm's(s') imports;

(b) The quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of Subject Merchandise imported from the Subject Country; and

(c) The quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of Subject Merchandise imported from the Subject Country.

(9) If you are a producer, an exporter, or a trade/business association of producers or exporters of the Subject Merchandise in the Subject Country, provide the following information on your firm's(s') operations on that product during calendar year 2003 (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of Subject Merchandise in the Subject Country accounted for by your firm's(s') production; and

(b) The quantity and value of your firm's(s') exports to the United States of Subject Merchandise and, if known, an estimate of the percentage of total exports to the United States of Subject Merchandise from the Subject Country accounted for by your firm's(s') exports.

(10) Identify significant changes, if any, in the supply and demand conditions or business cycle for the Domestic Like Product that have occurred in the United States or in the market for the Subject Merchandise in the Subject Country after 1997, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the Domestic Like Product produced in the United States, Subject Merchandise produced in the Subject Country, and such merchandise from other countries.

(11) (*Optional*) A statement of whether you agree with the above definitions of the Domestic Like Product and Domestic Industry; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

**Authority:** This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

Issued: December 22, 2003.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary.*

[FR Doc. 03–32299 Filed 12–31–03; 8:45 am]

BILLING CODE 7020–02–P

## INTERNATIONAL TRADE COMMISSION

**[USITC SE–03–045]**

### Sunshine Act Meeting

**AGENCY:** International Trade Commission.

**TIME AND DATES:** January 9, 2004 at 11 a.m.

**PLACE:** Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

**STATUS:** Open to the public.

**Matters To Be Considered**

1. Agenda for future meetings: none.
2. Minutes.
3. Ratification List.
4. Inv. No. 731–TA–1058 (Preliminary) (Wooden Bedroom Furniture from China)—briefing and vote. (The Commission is currently scheduled to transmit its determination to the Secretary of Commerce on or before January 12, 2004; Commissioners' opinions are currently scheduled to be transmitted to the Secretary of Commerce on or before January 20, 2004.)
5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission:

Issued: December 29, 2003.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 03–32316 Filed 12–30–03; 10:29 am]

BILLING CODE 7020–02–P

## INTERNATIONAL TRADE COMMISSION

**[USITC SE–03–044]**

### Sunshine Act Meeting

**AGENCY:** International Trade Commission.

**TIME AND DATES:** January 8, 2004 at 11 a.m.

**PLACE:** Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

**STATUS:** Open to the public.

**Matters To Be Considered**

1. Agenda for future meetings: none
2. Minutes
3. Ratification List
4. Inv. Nos. 701–TA–432 and 731–TA–1024–1028 (Final) (Prestressed Concrete Steel Wire Strand from Brazil,

completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by § 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002).

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

*Determination.* The Commission has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

**Authority:** This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.62 of the Commission's rules.

Issued: April 14, 2004.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 04–8882 Filed 4–19–04; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. AA–1921–188 (Review)]**

### Prestressed Concrete Steel Wire Strand From Japan

**AGENCY:** International Trade Commission.

**ACTION:** Scheduling of an expedited five-year review concerning the antidumping finding on prestressed concrete steel wire strand from Japan.

**SUMMARY:** The Commission hereby gives notice of the scheduling of an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)) (the Act) to determine whether revocation of the antidumping finding on prestressed concrete steel wire strand from Japan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

**EFFECTIVE DATE:** April 6, 2004.

**FOR FURTHER INFORMATION CONTACT:** Jai Motwane (202–205–3176), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server *(http://www.usitc.gov).* The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

**SUPPLEMENTARY INFORMATION:**

*Background.*—On April 6, 2004, the Commission determined that the domestic interested party group response to its notice of institution (69 FR 101, January 2, 2004) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act.

*Staff report.*—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on May 10, 2004, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

*Written submissions.*—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before May 13, 2004, and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by May 13, 2004. However, should the Department of Commerce extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

*Determination.*—The Commission has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

**Authority:** This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: April 14, 2004.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 04–8883 Filed 4–19–04; 8:45 am]

**BILLING CODE 7020–02–P**

## DEPARTMENT OF JUSTICE

**[AAG/A Order No. 003–2004]**

### Privacy Act of 1974: System of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), the Department of Justice,

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's web site.

[2] The Commission has found the responses submitted on behalf of American Spring Wire Corp., Insteel Wire Products Co., and Sumiden Wire Corp. to be individually adequate. Comments from other interested parties will not be accepted (see 19 CFR 207.62(d)(2)).

Dated: April 30, 2004.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

[FR Doc. 04-10484 Filed 5-6-04; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A-588-068]**

### Prestressed Concrete Wire Strand From Japan; Final Results of Expedited Sunset Review of Antidumping Finding

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

**ACTION:** Notice of final results of expedited sunset review of antidumping finding on prestressed concrete wire strand from Japan.

**SUMMARY:** On January 2, 2004, the Department of Commerce ("the Department") published the notice of initiation of sunset review on Prestressed Concrete Wire Strand from Japan. On the basis of the notice of intent to participate, and the adequate substantive comments filed on behalf of a domestic interested party and inadequate response (in this case, no response) from respondent interested party, we determined to conduct an expedited 120-day, sunset review. As a result of this review, we find that revocation of the antidumping duty finding would be likely to lead to continuation or recurrence of dumping at the levels listed below in the section entitled "Final Results of Review."

**DATES:** *Effective Date:* May 7, 2004.

**FOR FURTHER INFORMATION CONTACT:** Alessandra Cortez or Ozlem Koray, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC, 20230; telephone: (202) 482-5925 or (202) 482-3675.

**SUPPLEMENTARY INFORMATION:**

#### Background

On January 2, 2004, the Department published the notice of initiation of a sunset review of the antidumping finding on Prestressed Concrete Wire Strand from Japan pursuant to section 751(c) of the Tariff Act of 1930, as amended (the "Act").[1] On January 16, 2004, the Department received the Notice of Intent to Participate on behalf of American Spring Wire Corporation, Insteel Wire Products Company and Sumiden Wire Products Corporation (collectively, "the domestic interested parties"), within the deadline specified in section 351.218(d)(1)(i) of the Department's regulations. The domestic interested parties claimed interested party status under section 771(9)(C) of the Act, as U.S. producers of a domestic like product. We received a complete substantive response in the sunset review from the domestic interested parties within the 30-day deadline specified in the Department's regulations under section 351.218(d)(3)(i).

We did not receive a substantive response from any respondent interested party to this proceeding. As a result, pursuant to section 751(c)(3)(B) of the Act and section 351.218(e)(1)(ii)(C) of the Department's regulations, the Department conducted an expedited, 120-day review of this finding.

#### Scope of Review

The products covered in this sunset review are shipments of steel wire strand, other than alloy steel, not galvanized, which are stress-relieved and suitable for use in prestressed concrete. Such merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item number 7312.10.30.12. The HTS item number is provided for convenience and Customs purposes. The written description remains dispositive.

#### Analysis of Comments Received

All issues raised in this case by the domestic interested parties are addressed in the "Issues and Decision Memorandum" ("Decision Memo") from Ronald K. Lorentzen, Acting Director, Office of Policy, Import Administration, to James J. Jochum, Assistant Secretary for Import Administration, dated May 3, 2004, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail if the finding was to be revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in room B-099, Central Records Unit of the Department.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at *http://ia.ita.doc.gov/frn*, under the heading "May 2004." The paper copy and electronic version of the Decision Memorandum are identical in content.

#### Final Results of Review

We determine that revocation of the antidumping finding on Prestressed Concrete Wire Strand from Japan would be likely to lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

| Japan manufacturers/exporters | Weighted-average margin percent |
|---|---|
| Shinko Wire Co., Ltd | 13.3. |
| Suzuki Metal Industry Co., Ltd | 6.9. |
| Tokyo Rope Manufacturing Co., Ltd. | 4.5. |
| Sumitomo | Revoked. |
| Kawasaki Steel Techno-Wire | Revoked. |
| All Others | 9.76. |

This notice also serves as the only reminder to parties subject to administrative protective orders ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with section 351.305 of the Department's regulations. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing the results and notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: May 3, 2004.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 04-10485 Filed 5-6-04; 8:45 am]

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[1] *Initiation of Five-Year (Sunset) Reviews*, 69 FR 50 (January 2, 2004) ("Initiation Notice"). Although the initiation notice states that the sunset review is "of antidumping duty orders," the Department hereby corrects the inadvertent misstatement to reference the original "finding" on steel wire strand from Japan, as originally stated in the Treasury Decision. *See Treasury Decision 78-478* (Finding of Dumping), 43 FR 57599 (December 8, 1978).

# APPENDIX B

# STATEMENT ON ADEQUACY

**EXPLANATION OF COMMISSION DETERMINATION ON ADEQUACY**
in
*Prestressed Concrete Steel Wire Strand from Japan*, Inv. No. AA1921-188 (Review)

On April 6, 2004, the Commission determined that it should proceed to an expedited review in the subject five-year review pursuant to section 751(c)(3)(B) of the Tariff Act of 1930, as amended, 19 U.S.C. § 1675(c)(3)(B).

The Commission received responses from domestic producers American Spring Wire, Insteel Wire Products Company, and Sumiden Wire Corporation. The Commission determined that the responses were individually adequate. The Commission also determined that the responses were an adequate domestic interested party group response because the three producers account for a significant share of domestic production of the like product.

The Commission did not receive a response from any respondent interested party. Consequently, the Commission determined that the respondent interested party group response was inadequate. The Commission did not find any circumstances that would warrant conducting a full review. The Commission therefore determined to conduct an expedited review. A record of the Commissioners' votes is available from the Office of the Secretary and the Commission's web site (http://www.usitc.gov).