

**ACTION:** Notice of final results of antidumping duty administrative review.

**SUMMARY:** On March 17, 1995, the Department of Commerce (the Department) issued the preliminary results of its 1992-94 administrative review of the antidumping duty order on steel wire rope from Korea (60 FR 14421; March 17, 1995). The review covers 25 manufacturers/exporters for the period September 30, 1992, through February 28, 1994 (the POR). We gave interested parties an opportunity to comment on our preliminary results. Based on our analysis of the comments received, we have made changes, including corrections of certain clerical errors, in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins for each of the reviewed firms are listed below in the section entitled "Final Results of Review."

**EFFECTIVE DATE:** December 11, 1995.

**FOR FURTHER INFORMATION CONTACT:** Thomas O. Barlow, Davina Friedmann, Matthew Rosenbaum, or Michael Rill, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, Washington, DC 20230; telephone: (202) 482-4733.

**SUPPLEMENTARY INFORMATION:**

**Background**

On March 17, 1995, the Department published in the Federal Register the preliminary results of its 1992-94 administrative review of the antidumping duty order on steel wire rope from the Republic of Korea (60 FR 14421). There was no request for a hearing. The Department has now conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

**Applicable Statute and Regulations**

Unless otherwise indicated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

**Scope of Review**

The product covered by this review is steel wire rope. Steel wire rope encompasses ropes, cables, and cordage of iron or carbon steel, other than stranded wire, not fitted with fittings or made up into articles, and not made up of brass-plated wire. Imports of these products are currently classifiable under the following Harmonized Tariff

Schedule (HTS) subheadings: 7312.10.9030, 7312.10.9060, and 7312.10.9090. Excluded from this review is stainless steel wire rope, *i.e.*, ropes, cables and cordage other than stranded wire, of stainless steel, not fitted with fittings or made up into articles, which is classifiable under HTS subheading 7312.10.6000. Although HTS subheadings are provided for convenience and Customs purposes, our own written description of the scope of this review is dispositive.

**Best Information Available**

In accordance with section 776(c) of the Act, we have determined that the use of BIA is appropriate for certain firms. In determining what to use as BIA, the Department employs a two-tiered methodology. In the case of respondents who do not cooperate, or who significantly impede the review, we use as BIA the higher of (1) the highest of the rates found for any firm for the same class or kind of merchandise in the LTFV investigation or prior administrative reviews; or (2) the highest calculated rate in the current review for any firm. When a company substantially cooperates with our requests for information, but fails to provide all information requested in a timely manner or in the form requested, we use as BIA the higher of (1) the highest rate (including the "all others" rate) ever applicable to the firm for the same class or kind of merchandise from the same country from either the LTFV investigation or a prior administrative review; or (2) the highest calculated rate in the current review for any firm for the same class or kind of merchandise from the same country (*see Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, et al.: Final Results of Antidumping Duty Administrative Reviews*, 57 FR 28360 (June 24, 1992)). *See also Allied-Signal Aerospace Co. v. United States*, 996 F.2d 1185 (Fed. Cir. 1993) (*Allied Signal*); *Krupp Stahl AG et al. v. United States*, 822 F. Supp. 789 (CIT 1993).

For a discussion of our application of BIA regarding specific firms, see comments one through five, below.

**Analysis of Comments Received**

We gave interested parties an opportunity to comment on the preliminary results. We received case briefs and rebuttal briefs from the petitioner, the Committee of Domestic Steel Wire Rope and Specialty Cable Manufacturers (the Committee), and nine respondents including Boo-Kook Corp. (Boo-Kook), Chung-Woo Rope Co., Ltd. (Chung Woo), Chun Kee Steel & Wire Rope Co. Ltd. (Chun Kee), Hanboo

Wire Rope, Inc. (Hanboo), Manho Rope & Wire Ltd. (Manho), Kumho Wire Rope Mfg. Co., Ltd. (Kumho), Ssang Yong Steel Wire Co., Inc. (Ssang Yong), Sungjin Company (Sungjin), and Yeonsin Metal Industrial Co., Ltd. (Yeonsin).

*Comment 1:* The Committee argues that the Department should not use its two-tiered methodology for establishing the BIA rate for uncooperative respondents, but instead should apply a dumping margin of 48.8 percent to these firms, as calculated by the Committee. Referring to its letter of November 15, 1994, the Committee urges the Department to establish a rate reflective of POR costs and values based on a comparison of the constructed value of Korean steel wire rope and the U.S. price of Korean wire rope. It claims that the U.S. price of steel wire rope from Korea should be based upon an actual price quotation for sales to the United States.

The Committee cites, in support of that proposition, *Sodium Thiosulfate from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 59 FR 12934 (March 8, 1993) (*Sodium Thiosulfate from China*). The Committee asserts that, in that review, the Department used a BIA rate premised upon petitioner-supplied information because the petitioner demonstrated that costs and prices in the relevant industry had changed substantially since the original investigation. The Committee argues that substantial evidence indicates that Korean wire rope producers' raw material costs increased dramatically over the POR, while the U.S. price of Korean imports of carbon steel wire rope declined. The Committee also cites a decision by the Court of Appeals for the Federal Circuit that states that first-tier BIA "merely establishes a presumption that the highest prior margins are the best information available" (*Allied-Signal* at 1185 and 1187). The Committee argues that the presumption may be rebutted with evidence which included "all information that is accessible or may be obtained, whatever its sources," citing *Timken Co. v. United States*, 11 CIT 786, 673 F. Supp. 495, 500 (October 29, 1987).

In further support of its position, the Committee refers to *Silicon Metal From Argentina: Final Results of Antidumping Duty Administrative Review*, 58 FR 65336, 65337 (December 14, 1993) (*Silicon Metal from Argentina*). The Committee argues that, in that decision, the Department reiterated its position and explained that the BIA provision of the statute