

UNITED STATES INTERNATIONAL TRADE COMMISSION

CERTAIN WELDED LARGE DIAMETER LINE PIPE FROM MEXICO

Investigation No. 731-TA-920 (Final)

DETERMINATION AND VIEWS OF THE COMMISSION

(USITC Publication No. 3487, February 2002)

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DETERMINATION

On the basis of the record¹ developed in the subject investigation, the United States International Trade Commission determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1673d(b)) (the Act), that an industry in the United States is materially injured by reason of imports from Mexico of certain welded large diameter line pipe, provided for in subheadings 7305.11.10, 7305.11.50, 7305.12.10, 7305.12.50, 7305.19.10, and 7305.19.50 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

BACKGROUND

The Commission instituted this investigation effective January 10, 2001, following receipt of a petition filed with the Commission and Commerce by Berg Steel Pipe Corp. (Panama City, FL); American Steel Pipe Division of American Cast Iron Pipe Co. (Birmingham, AL); and Stupp Corp. (Baton Rouge, LA). The final phase of the investigation was scheduled by the Commission following notification of a preliminary determination by Commerce that imports of certain welded large diameter line pipe from Mexico were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. § 1673b(b)). Notice of the scheduling of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the *Federal Register* of July 9, 2001 (66 FR 35811). The hearing was held in Washington, DC, on October 9, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

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 investigation, we determine that an industry in the United States is materially injured by reason of imports of certain welded large diameter line pipe from Mexico that the Department of Commerce (“Commerce”) has found to be sold in the United States at less than fair value (“LTFV”).

THE COMMISSION ADOPTS THE VIEWS STATED IN CERTAIN WELDED LARGE DIAMETER LINE PIPE FROM JAPAN

The instant investigation arose from a petition that was filed simultaneously with the petition for our recently completed investigation regarding LTFV imports of certain welded large diameter line pipe from Japan. We were required to issue our determination in the investigation of LTFV imports from Japan¹ in November 2001 because Commerce issued its final determination in that investigation earlier than it did in the current investigation. We cumulated subject imports from Japan and Mexico in making our determination with respect to subject imports from Japan. Under section 771(7)(G)(iii) of the Tariff Act of 1930, as amended, we are required to make our determination in the instant investigation on the same record as that used in the determination regarding LTFV imports of certain welded large diameter line pipe from Japan, except that the record in this investigation also includes Commerce’s final determination in this investigation and the parties’ final comments concerning the significance of that determination.^{2 3} The record in the present investigation is otherwise identical to that in the investigation regarding LTFV imports of certain welded large diameter line pipe from Japan. Therefore, in this investigation, we adopt the findings and analysis in our determination regarding LTFV imports from Japan for domestic like product, domestic industry, cumulation, conditions of competition, and material injury.

With respect to the material injury analysis, we note that Commerce found the same dumping margins as in its preliminary determination.^{4 5} Accordingly, for the reasons set forth in our determination with respect to certain welded large diameter line pipe from Japan,⁶ we conclude that the domestic industry

¹ Certain Welded Large Diameter Line Pipe From Japan, Inv. No. 731-TA-919 (Final), USITC Pub. 3464 (November 2001).

² 19 U.S.C. § 1677(7)(G)(iii).

³ The Commission’s record in this investigation closed on October 19, 2001, except with respect to Commerce’s final determination for Mexico and the parties’ comments on the significance of that determination. The Commission’s deadline for the parties to submit final comments was January 17, 2002. Only one party, Respondent Tubacero, submitted comments on January 16, 2002, but did not raise any new issues.

⁴ In its final antidumping duty determinations, Commerce found a margin of 49.86 percent *ad valorem* for respondent PMT-Tubacero. It applied this margin to all other manufacturers/exporters in Mexico. Notice of Final Determination of Sales at Less Than Fair Value: Welded Large Diameter Line Pipe From Mexico, 67 Fed. Reg. 566, 568 (Jan. 4, 2002); see also Notice of Preliminary Determination of Sales at Less Than Fair Value: Welded Large Diameter Line Pipe from Mexico, 66 Fed. Reg. 42841, 42843 (Aug. 15, 2001).

⁵ Commissioner Bragg notes that she does not ordinarily consider the magnitude of the margin of dumping to be of particular significance in evaluating the effects of subject imports on the domestic producers. See Separate and Dissenting Views of Commissioner Lynn M. Bragg in Bicycles from China, Inv. No. 731-TA-731 (Final), USITC Pub. 2968 (June 1996); Anhydrous Sodium Sulfate from Canada, Inv. No. 731-TA-884 (Preliminary), USITC Pub. 3345 (Sept. 2000) at 11, n.63.

⁶ Certain Welded Large Diameter Line Pipe From Japan, Inv. No. 731-TA-919 (Final), USITC Pub. 3464

(continued...)

producing certain welded large diameter line pipe is materially injured by reason of cumulated subject imports.

CONCLUSION

For the foregoing reasons, we determine that an industry in the United States is materially injured by reason of imports of certain welded large diameter line pipe from Mexico that are sold in the United States at less than fair value.

⁶ (...continued)
(November 2001).