

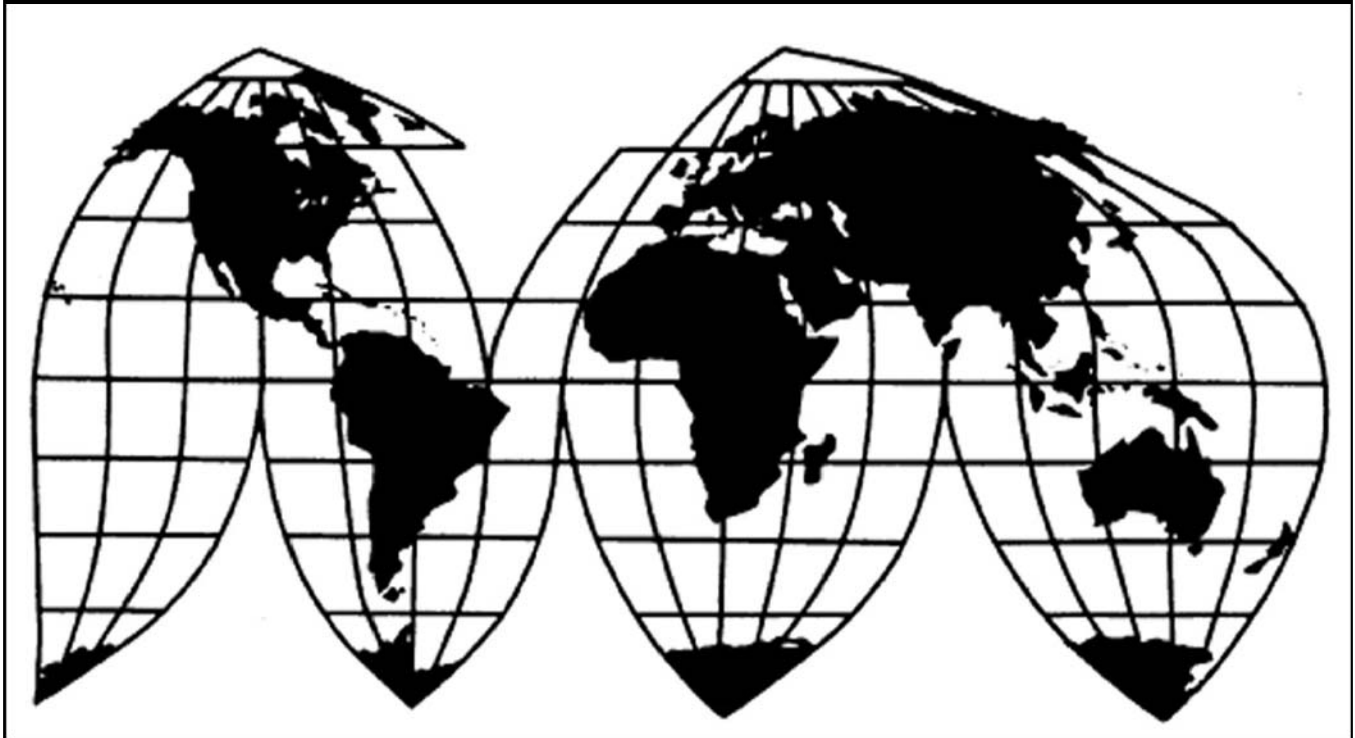
Non-Malleable Cast Iron Pipe Fittings from China

Investigation No. 731-TA-990 (Review)

Publication 4023

July 2008

U.S. International Trade Commission



Washington, DC 20436

U.S. International Trade Commission

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Note.—Information that would reveal confidential operations of individual concerns may not be published and therefore has been deleted from this report.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.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation No. 731-TA-990 (Review)

NON-MALLEABLE CAST IRON PIPE FITTINGS FROM CHINA

DETERMINATION

On the basis of the record¹ developed in the subject five-year review, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)), that revocation of the antidumping duty order on non-malleable cast iron pipe fittings from China 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 March 3, 2008 (73 F.R. 11440) and determined on June 6, 2008 that it would conduct an expedited review (73 F.R. 34325, June 17, 2008).

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 duty order on non-malleable cast iron pipe fittings from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

I. BACKGROUND

The original investigation of non-malleable cast iron pipe fittings from China was instituted on February 21, 2002, based on a petition filed by Anvil International, LP (“Anvil”) and Ward Manufacturing, LLC (“Ward”) (referred to herein collectively as the “Domestic Parties”).¹ In March 2003, the Commission determined that an industry in the United States was threatened with material injury by reason of imports of non-malleable cast iron pipe fittings from China that the U.S. Department of Commerce (“Commerce”) had determined were sold in the United States at less than fair value.² Commerce imposed an antidumping duty order on imports of non-malleable cast iron pipe fittings from China on April 7, 2003.³

The Commission instituted this review on March 3, 2008.⁴ The Commission received a joint response to its notice of institution from Anvil and Ward. The Commission did not receive any responses from producers or exporters of non-malleable cast iron pipe fittings in China or from any U.S. importers of the subject merchandise.

On June 6, 2008, the Commission found the domestic interested party response to the notice of institution adequate and the respondent interested party response inadequate.⁵ The Commission did not find any circumstances that would warrant conducting a full review. It determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act.⁶ Accordingly, for our determination in this review, we rely on the facts available on the record when appropriate, which consist primarily of information from the original investigation and information collected in this five-year review, including that submitted by the Domestic Parties.⁷

¹ Non-Malleable Cast Iron Pipe Fittings from China, Inv. No. 731-TA-990 (Final), USITC Pub. 3586 (March 2003) at I-1 (“Original Determination”).

² Original Determination at 3.

³ Antidumping Duty Order: Non-Malleable Cast Iron Pipe Fittings From The People’s Republic of China, 68 Fed. Reg. 16765 (April 7, 2003).

⁴ Non-Malleable Cast Iron Pipe Fittings from China, 73 Fed. Reg. 11440 (March 3, 2008).

⁵ See Explanation of Commission Determination on Adequacy.

⁶ Id.; 19 U.S.C. § 1675(c)(3). Chairman Shara L. Aranoff and Vice Chairman Daniel R. Pearson found that certain changes in the conditions of competition during the period of review warranted conducting a full review. See Explanation of Commission Determination on Adequacy.

⁷ Section 751(c)(3)(B) of the Act indicates that the Commission in an expedited five-year review may issue a determination based on the facts available. See 19 U.S.C. § 1677e(a). Accordingly, we have relied upon the facts otherwise available in this review, including information from the original investigation. See 19 U.S.C. § 1677e(a).

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.”⁸ 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 investigation under this subtitle.”⁹ In five-year reviews, the Commission looks to the domestic like product definition from the original determination and any previous reviews and considers whether the record indicates any reason to revisit that definition.¹⁰

In its expedited sunset determination, Commerce defined the subject merchandise as: finished and unfinished non-malleable cast iron pipe fittings with an inside diameter ranging from 1/4 inch to 6 inches, whether threaded or un-threaded, regardless of industry or proprietary specifications. The subject fittings include elbows, ells, tees, crosses, and reducers as well as flanged fittings. These pipe fittings are also known as “cast iron pipe fittings” or “gray iron pipe fittings.” These cast iron pipe fittings are normally produced to ASTM A-126 and ASME B.16.4 specifications and are threaded to ASME B1.20.1 specifications. Most building codes require that these products are Underwriters Laboratories (“UL”) certified. The scope does not include cast iron soil pipe fittings or grooved fittings or grooved couplings.

Fittings that are made out of ductile iron that have the same physical characteristics as the gray or cast iron fittings subject to the scope above or which have the same physical characteristics and are produced to ASME B.16.3, ASME B.16.4, or ASTM A-395 specifications, threaded to ASME B1.20.1 specifications and UL certified, regardless of metallurgical differences between gray and ductile iron, are also included in the scope of this petition. These ductile fittings do not include grooved fittings or grooved couplings. Ductile cast iron fittings with mechanical joint ends (“MJ”), or push on ends (“PO”), or flanged ends and produced to the American Water Works Association (“AWWA”) specifications AWWA C110 or AWWA C153 are not included.¹¹

The scope definition set out above is unchanged from Commerce’s scope definition from the original investigation.

The subject imports include non-malleable cast iron pipe fittings as well as certain ductile cast iron pipe fittings, such as those that can be used in traditionally non-malleable pipe fitting applications. Non-malleable iron (also referred to as gray iron) is defined by ASTM International (“ASTM”) as cast

⁸ 19 U.S.C. § 1677(4)(A).

⁹ 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).

¹⁰ See Stainless Steel Sheet and Strip from France, Germany, Italy, Japan, Korea, Mexico, Taiwan, and the United Kingdom, Invs. Nos. 701-TA-380 to 382 and 731-TA-797 to 804 (Review), USITC Pub. 3788 at 6 (July 2005); Crawfish Tail Meat from China, Inv. No. 731-TA-752 (Review), USITC Pub. 3614 at 4 (July 2003); Steel Concrete Reinforcing Bar from Turkey, Inv. No. 731-TA-745 (Review), USITC Pub. 3577 at 4 (Feb. 2003).

¹¹ Non-Malleable Cast Iron Pipe Fittings from the People’s Republic of China; Final Results of Expedited Sunset Review of the Antidumping Duty Order, 73 Fed. Reg. 39656, 39657 (July 10, 2008).

iron in which fine graphite flakes are formed during cooling.¹² Ductile iron fittings are cast from iron to which a very small amount of magnesium has been added in the liquid state to induce the formation of graphites as spheroids or nodules.¹³ Pipe fittings generally are used to connect the bores of two or more pipes or tubes, connect a pipe to another apparatus, change the direction of fluid flow, or close a pipe. Cast iron, the material from which the subject fittings are made, is a general term for alloys which are primarily composed of iron, carbon (more than two percent), and silicon.¹⁴

In its original investigation the Commission found a single domestic like product consisting of non-malleable and ductile cast iron pipe fittings corresponding to the scope of the investigation.¹⁵ In this review, the Domestic Parties have stated that they agree with the Commission's definition of the domestic like product in the original investigation.¹⁶ No new information was obtained in this review that would suggest any reason for the Commission to revisit its domestic like product definition in the original investigation. Therefore, we continue to find a single domestic like product consisting of non-malleable and ductile cast iron pipe fittings corresponding to the scope.

B. Domestic Industry and Related Parties

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.”¹⁷

In the original determination, the Commission defined the domestic industry as consisting of all producers of non-malleable and ductile cast iron pipe fittings corresponding to the scope.¹⁸ The Commission recognized that one domestic producer was a related party, but found that appropriate circumstances did not exist to exclude that producer from the domestic industry.¹⁹

In light of our definition of the domestic like product, we continue to find one domestic industry consisting of all domestic producers of non-malleable cast iron pipe fittings.²⁰ The only domestic industry issue that arises in this review is whether a producer should be excluded under the related parties

¹² Confidential Report (CR) at I-14, Public Report (PR) at I-10.

¹³ Id.

¹⁴ CR at I-13, PR at I-10.

¹⁵ Original Determination at 5-8.

¹⁶ Domestic Parties' Response to the Commission's Notice of Institution (April 21, 2008) at 11.

¹⁷ 19 U.S.C. § 1677(4)(A). In defining the domestic industry, the Commission's general practice has been to include in the industry 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).

¹⁸ Original Determination at 8. At the time of the original investigation, three producers – Anvil, Ward, and Frazier and Frazier Industries, Inc. (collectively, “Frazier”) – were believed to account for almost all production of the domestic like product. CR at I-19, PR at I-13. A *** small portion of Anvil and Ward's production was cast at outside jobber facilities. Original Determination at III-1 n. 2.

¹⁹ Original Determination at 8 n.39.

²⁰ The composition of the domestic industry appears to be substantially the same as it was during the original investigation. CR at I-19, PR at I-13.

provision, 19 U.S.C. § 1677(4)(B). Anvil is a related party because it imported subject merchandise during the period of review.²¹

We therefore examine whether Anvil should be excluded from the domestic industry pursuant to section 771(4)(B) of the Act. That provision of the statute allows the Commission, if appropriate circumstances exist, to exclude from the domestic industry producers that are related to an exporter or importer of subject merchandise or which are themselves importers.²² Exclusion of such a producer is within the Commission's discretion based upon the facts presented in each case.²³ The purpose of the provision is to exclude domestic producers that substantially benefit from importation of subject merchandise or their relationships with foreign exporters.²⁴

The circumstances relating to Anvil in this review appear to raise a significant issue as to whether appropriate circumstances exist to support excluding this producer from the domestic industry. Anvil purchased a major importer of subject pipe fittings in January 2004, after the period covered by the original investigation.²⁵ Anvil's domestic capacity and volume of production have both declined *** since 2001.²⁶ Significantly, in 2007, Anvil accounted for *** of the subject imports from China (***), and its subject imports that year ***. It imported *** short tons of subject merchandise in 2007 and produced *** short tons; thus, its subject imports were equivalent to *** percent of its domestic production.²⁷ On the other hand, we note that Anvil supports continuation of the order.²⁸ Because this is an expedited five-year review with a limited record, we have declined to exercise our discretion to exclude Anvil from the industry.²⁹

²¹ While the Domestic Parties did not directly address the question of whether Anvil should be excluded from the domestic industry as a related party, they did take the position that "Anvil's purchase of Star Pipe clearly has not insulated Anvil's domestic production operations from imports of subject fittings from China or from the threat of increased subject fittings from China in the event of revocation of the order." Domestic Parties' Final Comments at 3.

²² 19 U.S.C. § 1677(4)(B).

²³ See, e.g., Sandvik AB v. United States, 721 F. Supp. 1322, 1331-32 (Ct. Int'l Trade 1989), aff'd mem., 904 F.2d 46 (Fed. Cir. 1990); Empire Plow Co. v. United States, 675 F. Supp. 1348, 1352 (Ct. Int'l Trade 1987). The primary factors the Commission has examined in deciding whether appropriate circumstances exist to exclude the related parties include: (1) the percentage of domestic production attributable to the importing producer; (2) the reason the U.S. producer has decided to import the product subject to investigation, *i.e.*, whether the firm benefits from the less than fair value sales or subsidies or whether the firm must import in order to enable it to continue production and compete in the U.S. market; and (3) the position of the related producers vis-a-vis the rest of the industry, *i.e.*, whether inclusion or exclusion of the related party will skew the data for the rest of the industry. See, e.g., Torrington Co. v. United States, 790 F. Supp. 1161, 1168 (Ct. Int'l Trade 1992), aff'd mem., 991 F.2d 809 (Fed. Cir. 1993). The Commission has also considered the ratio of import shipments to U.S. production for related producers and whether the primary interests of the related producers lie in domestic production or in importation. See, e.g., Melamine Institutional Dinnerware from China, Indonesia, and Taiwan, Invs. Nos. 731-TA-741-743 (Final), USITC Pub. 3016 at 14 n.81 (Feb. 1997).

²⁴ See, e.g., USEC, Inc. v. United States, 132 F. Supp.2d 1, 12 (Ct. Int'l Trade 2001).

²⁵ CR at I-27, PR at I-17.

²⁶ CR/PR at Table I-5.

²⁷ CR at I-28, PR at I-17-I-18.

²⁸ See Domestic Parties' Response to the Commission's Notice of Institution at 2.

²⁹ Chairman Aranoff and Vice Chairman Pearson found that changes in the conditions of competition had occurred during the period of review. Specifically, they found that the purchase during the period of review by Anvil, one of the two petitioning domestic producers, of the largest importer of subject product was a change in the U.S. market that warranted conducting a full review.

(continued...)

III. LIKELIHOOD OF CONTINUATION OR RECURRENCE OF MATERIAL INJURY IF THE ANTIDUMPING DUTY ORDER IS REVOKED

For the reasons stated below, we determine that revocation of the antidumping duty order on non-malleable cast iron pipe fittings from China would be likely to lead to continuation or recurrence of material injury to the domestic industry producing the domestic like product within a reasonably foreseeable time.

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 duty order unless (1) it makes a determination that dumping or subsidization is likely to continue or recur and (2) the Commission makes a determination that revocation of the antidumping duty order “would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.”³⁰ The Uruguay Round Agreements Act (“URAA”), Statement of Administrative Action (“SAA”), states that “under the likelihood standard, the Commission will engage in a counterfactual 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 The U.S. Court of International Trade has found that “likely,” as used in the five-year review

²⁹ (...continued)

Furthermore, they note that Anvil’s ratio of subject imports to domestic production for 2007 *** percent; Anvil reduced its domestic capacity by *** percent and production by almost *** percent during the period of review; Anvil’s imports of subject product were produced by ***; and Anvil accounted for *** percent of subject imports in 2007. These facts would cast doubt on a claim by the domestic industry in a full review that Anvil’s primary interests lie in domestic production, an assertion the domestic industry did not make in this expedited review. The comprehensive record compiled in a full review would have given us an opportunity to make a finding on this issue. Based on the limited record in this expedited review, however, these facts lead us to conclude only that it is likely we would have excluded Anvil from the domestic industry as a related party in a full review.

³⁰ 19 U.S.C. § 1675a(a).

³¹ The 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.

provisions of the Act, means “probable,” and the Commission applies that standard in five-year reviews.^{33 34 35}

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.”³⁶ According to the SAA, a “‘reasonably foreseeable time’ will vary from case-to-case, but normally will exceed the ‘imminent’ timeframe applicable in a threat of injury analysis in original investigations.”³⁷

Although the standard in a five-year review is not the same as the standard applied in an original antidumping duty 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 orders are revoked or the suspended investigation is terminated.”³⁸ 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 orders are revoked or the suspension agreement is terminated, and any findings by Commerce regarding duty absorption pursuant to 19 U.S.C. § 1675(a)(4).³⁹

No respondent interested party has participated in this review. The record, therefore, contains limited information with respect to the industry producing non-malleable cast iron pipe fittings in China. Accordingly, we rely on the facts available on the record when appropriate, which consist primarily of

³³ See NMB Singapore Ltd. v. United States, 288 F. Supp. 2d 1306, 1352 (Ct. Int’l Trade 2003) (“‘likely’ means probable within the context of 19 U.S.C. § 1675(c) and 19 U.S.C. § 1675a(a)”), aff’d without opinion, 140 Fed. Appx. 268 (Fed. Cir. 2005); Nippon Steel Corp. v. United States, Slip Op. 02-153 at 7-8 (Ct. Int’l Trade Dec. 24, 2002) (same); Usinor Industeel, S.A. v. United States, Slip Op. 02-152 at 4 n.3 & 5-6 n.6 (Ct. Int’l Trade Dec. 20, 2002) (“more likely than not” standard is “consistent with the court’s opinion”; “the court has not interpreted ‘likely’ to imply any particular degree of ‘certainty’”); Indorama Chemicals (Thailand) Ltd. v. United States, Slip Op. 02-105 at 20 (Ct. Int’l Trade Sept. 4, 2002) (“standard is based on a likelihood of continuation or recurrence of injury, not a certainty”); Usinor v. United States, Slip Op. 02-70 at 43-44 (Ct. Int’l Trade July 19, 2002) (“‘likely’ is tantamount to ‘probable,’ not merely ‘possible’”).

³⁴ For a complete statement of Commissioner Okun’s interpretation of the likely standard, see Additional Views of Vice Chairman Deanna Tanner Okun Concerning the “Likely” Standard in Certain Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe from Argentina, Brazil, Germany, and Italy, Inv. Nos. 701-TA-362 (Review) and 731-TA-707-710 (Review) (Remand), USITC Pub. 3754 (Feb. 2005).

³⁵ Commissioner Lane notes that, consistent with her views in Pressure Sensitive Plastic Tape from Italy, Inv. No. AA1921-167 (Second Review), USITC Pub. 3698 (June 2004) at 15-17, she does not concur with the U.S. Court of International Trade’s interpretation of “likely” but she will apply the Court’s standard in this review and all subsequent reviews until either Congress clarifies the meaning or the U.S. Court of Appeals for the Federal Circuit addresses the issue.

³⁶ 19 U.S.C. § 1675a(a)(5).

³⁷ 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.

³⁸ 19 U.S.C. § 1675a(a)(1).

³⁹ 19 U.S.C. § 1675a(a)(1). Commerce did not make any duty absorption findings with respect to the order under review. See Commerce’s Review Determination, 73 Fed. Reg. 39656. 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.

information from the original investigation and information collected in this five-year review, including that submitted by Anvil and Ward.^{40 41}

B. Conditions of Competition and the Business Cycle

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 conditions of competition that are distinctive to the affected industry.”⁴² The following conditions of competition are relevant to our determination.

Demand. In the original investigation, the Commission found that demand for non-malleable cast iron pipe fittings had been declining, with apparent domestic consumption (measured by weight) falling by *** from 1999 to 2001, and by *** percent when comparing the first nine months of 2002 (“interim 2002”) with the first nine months of 2001 (“interim 2001”). The Commission noted that 90-95 percent of non-malleable/ductile cast iron pipe fittings were used in fire protection/sprinkler systems.⁴³ There is no evidence on the record of this expedited review to suggest that this condition has changed significantly since the original investigation. We note that there is some indication in the record that demand for non-malleable cast iron pipe fittings will weaken in the second half of 2008 and in 2009 if non-residential construction spending declines.⁴⁴

Supply. In the original investigation, the Commission noted that Anvil and Ward accounted for the bulk of domestic production (*** percent in 2001) and that Frazier, a jobber, accounted for the rest. Several other jobbing foundries produced small amounts of the domestic product for Ward and Anvil.⁴⁵ The Commission also observed that, during the period of investigation, there was no home market for the subject merchandise in China and that *** exports from China of the subject merchandise were to the

⁴⁰ 19 U.S.C. § 1677e(a) 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 other person withholds information requested by the agency, fails to provide such information in the time, 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). The verification requirements in section 782(i) are applicable only to Commerce. 19 U.S.C. § 1677m(i). See *Titanium Metals Corp.*, 155 F. Supp. 2d at 765 (“[T]he ITC correctly responds that Congress has not required the Commission to conduct verification procedures for the evidence before it, or provided a minimum standard by which to measure the thoroughness of a Commission investigation.”).

⁴¹ Commissioner Okun notes that the statute authorizes the Commission to take adverse inferences in five-year reviews, but such authorization does not relieve the Commission of its obligation to consider the record evidence as a whole in making its determination. 19 U.S.C. § 1677e. She generally gives credence to the facts supplied by the participating parties and certified by them as true, but bases her decision on the evidence as a whole, and does not automatically accept participating parties’ suggested interpretations of the record evidence. Regardless of the level of participation and the interpretations urged by participating parties, the Commission is obligated to consider all evidence relating to each of the statutory factors and may not draw adverse inferences that render such analysis superfluous. “In general, the Commission makes determinations by weighing all of the available evidence regarding a multiplicity of factors relating to the domestic industry as a whole and by drawing reasonable inferences from the evidence it finds most persuasive.” SAA at 869.

⁴² 19 U.S.C. § 1675a(a)(4).

⁴³ Original Confidential Views at 12.

⁴⁴ Domestic Parties’ Response to the Commission’s Notice of Institution at 11.

⁴⁵ Original Confidential Views at 12.

United States. Finally, the Commission noted that there were some nonsubject imports of non-malleable cast iron pipe fittings during the period examined.⁴⁶

As noted above, one development in the conditions of competition since the original investigation is that Anvil purchased a major importer of subject pipe fittings in January 2004 and thus accounted for *** of the subject imports in 2007. In addition, a publicly available source indicates that the United States may no longer be the predominant market for the subject merchandise.⁴⁷ There is no evidence on the record of this expedited review to suggest that the other supply conditions have changed significantly since the original investigation.

Substitutability. In the original investigation, the Commission observed that purchasers generally focus on quality, supply, and price considerations and that a majority of purchasers viewed U.S. and Chinese non-malleable and ductile fittings as comparable in terms of supply and quality, while almost all purchasers ranked the Chinese product as superior in terms of lower price. Most purchasers also reported that U.S. and Chinese non-malleable and ductile fittings were used in the same applications. The Commission noted that use of the domestic product was sometimes required in government projects to which “Buy America” provisions applied and that there also may have been a strong preference for the domestic product in certain projects, particularly ones in which the workers are members of trade unions.⁴⁸ There is no evidence on the record of this expedited review to suggest that these conditions have changed significantly since the original investigation.

Based on the record evidence, we find that these conditions of competition are not likely to change significantly in the reasonably foreseeable future.

C. Likely Volume of Subject Imports

In evaluating the likely volume of imports of subject merchandise if the antidumping duty order 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.⁴⁹ 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.⁵⁰

In its original determination, the Commission found that subject import volume increased *** between 1999 and 2001, but that it rose by *** percent in interim 2002 as compared with interim 2001, even as apparent U.S. consumption fell by *** percent. The market share of subject imports increased from *** percent in 1999 to *** percent in 2000 and *** percent in 2001. Subject imports’ market share reached *** percent in interim 2002, as compared with *** percent in interim 2001. The domestic

⁴⁶ Original Confidential Views at 14.

⁴⁷ In 2001, *** percent of exports of the subject merchandise were to the United States. CR/PR at Table I-12. Data from the *Global Trade Atlas* for one of the relevant tariff subheadings (which also includes nonsubject merchandise) showed that in 2007, 46.8 percent of China’s exports went to the United States, while 53.2 percent went to other export markets. CR/PR at Table 13.

⁴⁸ Original Determination at 10.

⁴⁹ 19 U.S.C. § 1675a(a)(2).

⁵⁰ 19 U.S.C. § 1675a(a)(2)(A)-(D).

industry's market share fell over the period examined. The Commission found the increase in the volume of subject imports, most notably during the interim period, to be significant.⁵¹

As noted above, the Commission made an affirmative determination based on a threat of material injury. It found that a significant increase in the volume and market share of subject imports from China was likely in the imminent future, given the accelerating rate of subject imports toward the end of the period examined, the presence of large volumes of subject import inventories in the United States, the substantial and growing available capacity in China to produce subject merchandise, the reliance of the Chinese industry almost exclusively on the U.S. market, declining subject import prices, and increasing margins of underselling.⁵²

Official import statistics show that subject imports declined for two years after the antidumping duty order was imposed in early 2003, but then increased irregularly.⁵³ The market share of subject imports was *** higher in 2007 than in 2001, the last full year of the original period of investigation.⁵⁴ As noted above, the Commission found in its original injury determination that China had a substantial and growing capacity to produce the subject merchandise and that the Chinese industry relied almost exclusively on the U.S. market. Nothing in the record of this expedited review contradicts the Commission's earlier findings that Chinese producers of the subject merchandise have substantial excess capacity and that the United States is an important market for Chinese producers. Moreover, because the Chinese producers are also subject to an antidumping duty order on malleable pipe fittings, Chinese producers that are subject to the order may have an incentive to shift their production from malleable fittings to the subject merchandise if the order were revoked.⁵⁵

Based on the significant increase in the volume of subject imports during the original investigation, especially at the end of the period examined, the continued significant levels of subject imports since then, the increase in the market share held by subject imports, the excess capacity of the Chinese industry, the importance of the U.S. market to Chinese producers, and the potential for product-shifting, we find that Chinese producers would have the incentive and ability to ship significant volumes of additional exports to the United States if the order were revoked. We therefore find that the likely volume of subject imports, both in absolute terms and relative to production and consumption in the United States, would be significant if the order were revoked.

D. Likely Price Effects of Subject Imports

In evaluating the likely price effects of subject imports if the antidumping order is revoked, the Commission is directed to consider whether there is likely to be significant underselling by the subject imports as compared to the domestic like product and whether the subject imports are likely to enter the

⁵¹ Original Confidential Views at 14-16.

⁵² Original Determination at 16-18.

⁵³ Subject imports were 15,387 short tons in 2002, 12,697 short tons in 2003, 9,814 short tons in 2004, 12,702 short tons in 2005, 11,348 short tons in 2006, and 12,832 short tons in 2007. CR/PR at Table I-8. As explained in the Staff Report, these data are based on only two of the four tariff item numbers referenced in Commerce's description of the scope, because in the original investigation most of the subject imports appeared to have been entered under those two numbers. CR at I-30 n. 64, PR at I-19 n. 64.

⁵⁴ U.S. imports from China accounted for *** percent of apparent U.S. consumption in 2007, while U.S. shipments of imports from China accounted for only *** percent of apparent U.S. consumption in 2001. CR/PR at Table I-10.

⁵⁵ Domestic Parties' Response to the Commission's Notice of Institution at 8.

United States at prices that otherwise would have a significant depressing or suppressing effect on the price of the domestic like product.⁵⁶

In the original determination, the Commission noted that the domestic like product and subject imports were largely substitutable and that price was an important factor in purchasing decisions. The Commission observed that the price comparisons showed underselling by the subject merchandise in each calendar-year quarter examined and that the margins of underselling increased markedly toward the end of the period examined. Nonetheless, the Commission found that the record did not indicate depression or suppression of domestic prices, because the prices for the domestic product rose *** over the period and it did not appear that the domestic industry would have been able to make additional price increases given the weak market conditions. Accordingly, the Commission found the price effects of subject imports not to be significant.⁵⁷

In determining threat of material injury, the Commission found that the domestic industry's apparent strategy of not matching the prices of subject imports would likely change and that the growing volume and margins of underselling of subject imports from China could cause the domestic industry to lower its prices, or refrain from raising its prices, in order to limit its loss of additional sales.⁵⁸

There is no new product-specific pricing information on the record in this expedited review. As explained above, we find that Chinese producers likely would increase exports to the United States significantly in the reasonably foreseeable future upon revocation of the antidumping duty order. There is nothing in the record of this review to suggest that price does not continue to be an important factor in purchasing decisions. Consequently, as in the original investigation, subject imports would likely undersell the domestic like product to gain market share. As the volume of low-priced subject imports increased, and the disparity between prices for the domestic like product and subject imports grew, any preference of certain purchasers for the domestic like product would likely erode. The volume of subject imports at those prices, in turn, would likely have significant depressing or suppressing effects on prices of the domestic like product. Therefore, we conclude that, were the order revoked, subject imports from China likely would increase significantly at prices that likely would undersell the domestic like product, and those imports would likely have a significant depressing or suppressing effect on prices for the domestic like product.

E. Likely Impact of Subject Imports

In evaluating the likely impact of imports of subject merchandise if the antidumping duty order 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 the following: (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.⁵⁹ All relevant economic factors are to be considered within the context of the

⁵⁶ 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 circumstantial, as well as direct, evidence of the adverse effects of unfairly traded imports on domestic prices.” SAA at 886.

⁵⁷ Original Determination at 12-13.

⁵⁸ Original Determination at 18.

⁵⁹ 19 U.S.C. § 1675a(a)(4).

business cycle and the conditions of competition that are distinctive to the industry.⁶⁰ 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 order at issue and whether the industry is vulnerable to material injury if the order is revoked.

In its original determination, the Commission found that the subject imports did not have a significant adverse impact on the domestic industry's performance.⁶¹ Although a number of the performance indicators for the domestic industry declined, the Commission found that the decline mainly resulted from declining apparent consumption. The Commission also found, however, that the domestic industry was vulnerable to the effects of subject imports in the imminent future in light of its weakened state.⁶²

In making its affirmative determination of threat of material injury, the Commission found that the significantly increased volume and market share of imports in the imminent future would have a significant negative impact on the domestic industry's production, capacity utilization, employment, revenues, and profitability. It further found that, given the already weakened condition of the domestic industry, this negative impact would be such that the industry would be materially injured.⁶³

There is only limited information on the record concerning the performance and condition of the domestic industry since the original injury determination. This information is limited to certain economic factors and is available only for one year after the original investigation (2007). It shows that the domestic industry's capacity, production, capacity utilization, and shipments all were lower in 2007 than in 2001, the last full year of the original period of investigation.⁶⁴ Many of these declines were ***.⁶⁵ The domestic industry's inventories, however, were lower in 2007 than in 2001.⁶⁶ The value of the industry's net sales was *** higher in 2007 than in 2001;⁶⁷ this was attributable to a *** increase in the unit value of its shipments, rather than an increase in the quantity of sales.⁶⁸ The domestic industry's

⁶⁰ 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. Commerce expedited its determination in its review of non-malleable cast iron pipe fittings from China and found that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the following margins: 7.08 percent for Jinan Meide Casting Co., 6.34 percent for Shanghai Foreign Trade Enterprises Co., Ltd., and 75.50 percent for the PRC-wide rate. Non-Malleable Cast Iron Pipe Fittings From the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order, 73 Fed. Reg. 39656, 39657 (July 10, 2008).

⁶¹ Original Confidential Views at 26-28.

⁶² Original Determination at 13-15.

⁶³ Original Determination at 18.

⁶⁴ The industry's capacity was *** short tons in 2007 as compared with *** short tons in 2001. CR/PR at Table I-4. Its production was *** short tons in 2007 as compared with *** short tons in 2001. Its shipments were *** short tons in 2007 as compared with *** short tons in 2001. Id. Its capacity utilization was *** percent in 2007 as compared with *** percent in 2001. Id.

⁶⁵ See CR/PR at Tables I-5 and I-6.

⁶⁶ The industry's inventories were *** short tons in 2007 as compared with *** short tons in 2001. CR/PR at Table I-4.

⁶⁷ The domestic industry's net sales were \$*** in 2007 as compared with \$*** in 2001. CR/PR at Table I-4.

⁶⁸ The unit value of the domestic industry's shipments was \$*** per short ton in 2007 as compared with \$*** per short ton in 2001. CR/PR at Table I-4.

financial performance appears to have deteriorated ***.⁶⁹ The Domestic Producers contend that this is the result of the domestic industry's inability to pass through to its customers significant increases in raw material, energy and labor benefit costs during the period of review.⁷⁰

There is no current information in the record, however, pertaining to many of the other indicators, such as productivity, return on investments, cash flow, wages, ability to raise capital, investment capacity, and employment levels, that we customarily consider in assessing whether the domestic industry is in a weakened condition. The limited evidence in this expedited review is insufficient for us to make a finding on whether the domestic industry producing non-malleable cast iron pipe fittings is vulnerable to the continuation or recurrence of material injury in the event of revocation of the order.

Based on the information available in this review, including information in the record of the original investigation, we find that revocation of the order would likely lead to a significant increase in the volume of subject imports that would likely undersell the domestic like product to a significant degree and significantly suppress or depress U.S. prices. We further find that the significant likely volume of low-priced non-malleable cast iron pipe fittings, when combined with the likely adverse price effects of those imports, would likely have a significant adverse impact on the production, shipments, sales, and revenue levels of the domestic industry. This reduction in the industry's production, shipments, sales, and revenue levels likely would have a direct adverse impact on the industry's profitability and employment, as well as its ability to raise capital and make and maintain necessary capital investments.

Accordingly, we conclude that, if the antidumping duty order on non-malleable cast iron pipe fittings from China were revoked, subject imports from China would be likely to have a significant adverse impact on the domestic industry within a reasonably foreseeable time. Thus, we determine that revocation of the antidumping duty order on non-malleable cast iron pipe fittings from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

CONCLUSION

For the foregoing reasons, we determine that revocation of the antidumping duty order on non-malleable cast iron pipe fittings from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

⁶⁹ The domestic industry reported *** in 2007, as compared with *** in 2001. CR/PR at Table I-4. Its operating income ratio was *** percent in 2007, as compared with *** percent in 2001. Id.

⁷⁰ Domestic Parties' Response to the Commission's Notice of Institution at 5.

INFORMATION OBTAINED IN THE REVIEW

INTRODUCTION

On March 3, 2008, in accordance with section 751(c) of the Tariff Act of 1930, as amended (“the Act”),¹ the U.S. International Trade Commission (“Commission” or “USITC”) gave notice that it had instituted a review to determine whether revocation of the antidumping duty order on non-malleable cast iron pipe fittings from China would be likely to lead to a continuation or recurrence of material injury within a reasonably foreseeable time.^{2 3} On June 6, 2008, the Commission determined that the domestic interested party group response to its notice of institution was adequate⁴ and that the respondent interested party group response was inadequate.⁵ In the absence of respondent interested party responses and any other circumstances that would warrant the conduct of a full review, the Commission determined to conduct an expedited review of the antidumping duty order pursuant to section 751(c)(3) of the Act (19 U.S.C. § 1675(c)(3)).⁶ The Commission voted on this review on July 16, 2008, and notified Commerce of its determination on July 24, 2008. Selected information relating to the schedule of this five-year review is presented below:⁷

¹ 19 U.S.C. 1675(c).

² 73 FR 11440, March 3, 2008. All interested parties were requested to respond to this notice by submitting the information requested by the Commission. The Commission’s notice of institution is presented in app. A.

³ In accordance with section 751(c) of the Act, the U.S. Department of Commerce (“Commerce”) published a notice of initiation of a five-year review of the subject antidumping duty order concurrently with the Commission’s notice of institution. 73 FR 11392, March 3, 2008.

⁴ The Commission received one submission from domestic producers Anvil International, LP (“Anvil”) and Ward Manufacturing, LLC (“Ward”) (collectively referred to herein as “domestic interested parties”) in response to its notice of institution for the subject review. The domestic interested parties are represented by the law firm of Schagrin Associates. Anvil and Ward reported that together they accounted for 90-95 percent of total U.S. production of non-malleable cast iron pipe fittings in 2007. *Response of domestic interested parties*, April 21, 2008, p. 10.

⁵ The Commission did not receive a response from any respondent interested parties to its notice of institution. However, an entry of appearance in the review was filed by White & Case on behalf of Jinan Meide Casting Co., Ltd. (“Jinan Meide”), a Chinese producer and exporter of pipe fittings. Although no response to the Commission’s notice of institution was received from Jinan Meide, counsel noted in the entry of appearance that Jinan Meide “intends to provide written submissions to the Commission in connection with this review.” *Letter from Adams C. Lee, White & Case LLP*, March 12, 2008. In addition, an entry of appearance was also received from Middleton & Shrull on behalf of its client, Taco Inc. (“Taco”), an importer, producer, and distributor of various pumps, pump parts, flanges, and fittings. The company indicated that it imports specialty tees and flanges of non-malleable cast iron from China, for which it has filed a scope ruling request with Commerce. Commerce has not made a final determination on Taco’s request. Even though the company did not provide a response to the Commission’s notice of institution, it indicated that it “would like to preserve our right to enter briefs in this investigation by filing an entry of appearance as an interested party.” *Letter from Paula M. Connelly, Esq., Middleton & Shrull*, March 18, 2008.

⁶ 73 FR 34325, June 17, 2008. Notwithstanding their finding that the respondent interested party group response to the Commission’s notice of institution was inadequate, Chairman Daniel R. Pearson (currently Vice Chairman) and Vice Chairman Shara L. Aranoff (currently Chairman) noted that during the period of review Anvil purchased the single-largest importer of the subject product and they determined that the resulting changes in the conditions of competition warranted conducting a full review. The Commission’s notice of an expedited review appears in app. A. The Commission’s statement on adequacy is presented in app. B.

⁷ Cited *Federal Register* notices beginning with the Commission’s institution of a five-year sunset review are presented in app. A.

Effective date	Action	Federal Register citation
March 3, 2008	Commission's institution of five-year review	73 FR 11440 March 3, 2008
March 3, 2008	Commerce's initiation of five-year review	73 FR 11392 March 3, 2008
June 6, 2008	Commission's determination to conduct an expedited five-year review	73 FR 34325 June 17, 2008
July 1, 2008	Expected date for Commerce's final result of expedited five-year review	Not applicable
July 16, 2008	Commission's vote	Not applicable
July 24, 2008	Commission's determination transmitted to Commerce	Not applicable

The Original Investigation

On February 21, 2002, a petition was filed with Commerce and the Commission alleging that an industry in the United States was materially injured and threatened with further material injury by reason of less-than-fair-value (“LTFV”) imports of non-malleable cast iron pipe fittings from China.⁸ On February 18, 2003, Commerce made an affirmative final LTFV determination⁹ and, on March 24, 2003, the Commission completed its original investigation, determining that an industry in the United States was threatened with material injury by reason of LTFV imports of the pipe fittings from China.¹⁰ After receipt of the Commission’s final affirmative determination, Commerce issued an antidumping duty order on imports of non-malleable cast iron pipe fittings from China.¹¹

Commerce’s Original Determination and Subsequent Review Determinations

Since the issuance of the antidumping duty order, Commerce has conducted two administrative reviews with respect to imports of non-malleable cast iron pipe fittings from China. There have been no new shipper reviews, no changed circumstances determinations, no duty absorption findings, and no scope clarifications or scope rulings¹² concerning the antidumping duty order. No HTS categories have been added to the scope and the scope description itself has not changed. The order remains in effect for all manufacturers, producers, and exporters of the subject merchandise. Information on Commerce’s final determination, antidumping duty order, and administrative review determinations is presented in table I-1.

⁸ The petition was filed by counsel on behalf of Anvil, Portsmouth, NY, and Ward, Blossburg, PA. *Non-Malleable Cast Iron Pipe Fittings From China: Investigation No. 731-TA-990 (Final)*, USITC Publication 3586, March 2003, p. I-1.

⁹ 68 FR 7765, February 18, 2003.

¹⁰ 68 FR 15743, April 1, 2003; *Non-Malleable Cast Iron Pipe Fittings From China: Investigation No. 731-TA-990 (Final)*, USITC Publication 3586, March 2003, p. 1.

¹¹ 68 FR 16765, April 7, 2003.

¹² On September 6, 2007, Taco requested a scope ruling on whether black cast iron flange, green ductile iron flange, and cast iron “Twin Tee” are included within the scope of the antidumping duty order. Commerce has not published its final determination concerning importer Taco’s scope ruling request. 73 FR 29739, May 22, 2008.

Table I-1

Non-malleable cast iron pipe fittings: Commerce’s final determination, antidumping duty order, and administrative review determinations

Action	Date of action	Federal Register citation	Period of review	Antidumping duty margins	
				Firm-specific	Country-wide ¹
				Percent ad valorem	
Final determination	02/18/2003	68 FR 7765	07/01/2001-12/31/2001	7.08 ² 6.34 ³	75.50
Antidumping duty order	04/07/2003	68 FR 16765	--	7.08 ² 6.34 ³	75.50
Final results of administrative review	12/01/2006	71 FR 69546	04/01/2004-03/31/2005	75.50 ⁴	
Final results of administrative review	07/13/2007	72 FR 38563	04/01/2005-03/31/2006	75.50 ⁴	75.50

¹ The country-wide rate applies to all companies that otherwise have not received a “firm-specific” rate.
² Jinan Meide Casting Co., Ltd.
³ Shanghai Foreign Trade Enterprises Co.
⁴ Myland Industrial Co., Ltd. and Myland Buxin Foundry Ltd.

Source: Cited *Federal Register* notices.

Commerce’s Final Result of Expedited Five-Year Review

On April 22, 2008, Commerce notified the Commission that it did not receive an adequate substantial response to its notice of initiation from respondent interested parties with respect to non-malleable cast iron pipe fittings from China and that it would conduct an expedited review of the order. Commerce indicated that it would issue the final result of its review based on the facts available by not later than 120 days after the date of publication of the *Federal Register* notice of initiation, or in this case by July 1, 2008.¹³

Distribution of Continued Dumping and Subsidy Offset Act Funds to Affected Domestic Producers

Qualified U.S. producers of non-malleable cast iron pipe fittings are eligible to receive disbursements from U.S. Customs and Border Protection (“Customs”) under the Continued Dumping and Subsidy Offset Act of 2000 (“CDSOA”), also known as the Byrd Amendment.¹⁴ Certifications were filed with Customs by two claimants (Anvil and Ward) with respect to non-malleable cast iron pipe fittings from China during 2004-07. No other CDSOA claims and disbursements were made with respect to the

¹³ Letter from Abdelali Elouaradia, Director, AD/CVD Operations, Office 4, Import Administration, U.S. Department of Commerce, April 22, 2008.

¹⁴ 19 CFR 159.64(g).

subject merchandise from China prior to 2004.¹⁵ Table I-2 presents CDSOA claims and disbursements for Federal fiscal years 2004-07.

Table I-2
Non-malleable cast iron pipe fittings: CDSOA claims and disbursements, Federal fiscal years 2004-07^{1 2}

Year	Claimant	Share of yearly allocation	Certification amount ³	Amount disbursed
		Percent	Dollars	
2004	Anvil	16.67	22,058,000.00	22,524.26
	Ward	83.33	110,296,030.00	112,627.44
	Total, 2004	100.00	132,354,030.00	135,151.70
2005	Anvil	47.19	74,001,476.00	309,746.58
	Ward	52.81	82,804,662.00	346,593.90
	Total, 2005	100.00	156,806,138.00	656,340.48
2006	Anvil	46.76	106,480,729.00	4,493.19
	Ward	53.24	121,223,351.00	5,115.29
	Total, 2006	100.00	227,704,080.00	9,608.48
2007	Anvil	46.48	142,003,235.97	367,816.64
	Ward	53.52	163,487,862.00	423,466.10
	Total, 2007	100.00	305,491,097.97	791,282.74

¹ The Federal fiscal year is October 1-September 30.
² No CDSOA claims and disbursements were made with respect to non-malleable cast iron pipe fittings from China prior to 2004.
³ Qualifying expenditures incurred by domestic producers since the issuance of an order.

Source: Customs' *CDSOA Annual Reports 2003-07*,
http://www.cbp.gov/xp/cgov/trade/priority_trade/add_cvd/cont_dump/, retrieved on June 13, 2008.

Related Commission Investigations and Reviews

On April 13, 1977, the Commission instituted investigation No. TA-201-26 under section 201 of the Trade Act of 1974 concerning malleable cast iron pipe and tube fittings in response to a petition filed by the American Pipe Fittings Association (“APFA”). On September 19, 1977, the Commission reported to the President its unanimous finding that malleable cast iron pipe and tube fittings were not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing a like or directly competitive article.¹⁶

On January 7, 1980, Commerce advised the Commission that a countervailing duty investigation had resulted in a preliminary determination that the Government of Japan was providing benefits that

¹⁵ Customs' *CDSOA Annual Reports 2003-07*,
http://www.cbp.gov/xp/cgov/trade/priority_trade/add_cvd/cont_dump/, retrieved on June 13, 2008.

¹⁶ *Malleable Cast-Iron Pipe and Tube Fittings*, Investigation No. TA-201-26, USITC Publication 835, September 1977.

might constitute bounties or grants on the manufacture, production, or exportation of certain malleable cast iron pipe fittings. Accordingly, the Commission instituted investigation No. 701-TA-9 (Final) under section 703(a) of the Tariff Act of 1930 to determine whether an industry in the United States was materially injured or threatened with material injury by reason of the importation of these pipe fittings into the United States. On March 20, 1980, the Commission terminated the investigation upon written request by petitioners, the APFA.

On September 18, 1984, the Cast Iron Pipe Fittings Committee (“CIPFC”) filed a petition with the Commission and Commerce alleging that an industry in the United States was materially injured or threatened with material injury by reason of imports from Brazil and India of certain cast iron pipe fittings, other than for cast iron soil pipe, which were allegedly subsidized by the Governments of Brazil and India. On October 9, 1984, following receipt of a letter from counsel for the petitioners withdrawing the petition relating to imports of the subject merchandise from India, the Commission discontinued the subsidy investigation concerning India. In the remaining investigation concerning Brazil, the Commission made final determinations that there were two domestic like products, malleable cast iron pipe fittings and non-malleable cast iron pipe fittings, other than for cast iron soil pipe, and that there was no material injury or threat thereof to domestic industries by reason of imports of malleable or non-malleable cast iron pipe fittings which were subsidized by the Government of Brazil.¹⁷

Effective July 31, 1985, the Commission instituted investigation Nos. 731-TA-278-281 following receipt of an antidumping petition from the CIPFC alleging that malleable cast iron pipe fittings from Brazil, Korea, and Taiwan were being sold in the United States at LTFV and that non-malleable cast iron pipe fittings, other than for cast iron soil pipe, from Taiwan were being sold in the United States at LTFV.¹⁸ On January 14, 1986, Commerce published notice of its preliminary determinations that malleable cast iron pipe fittings from Brazil, Korea, and Taiwan were being, or were likely to be, sold in the United States at LTFV and that non-malleable cast iron pipe fittings from Taiwan were not being, nor likely to be, sold in the United States at LTFV.¹⁹ Accordingly, effective January 13, 1986, the Commission instituted investigation Nos. 731-TA-278-280 (Final) concerning malleable pipe fittings from Brazil, Korea, and Taiwan. In its final investigations, the Commission found that an industry in the United States was materially injured by reason of LTFV imports from Brazil, Korea, and Taiwan of malleable cast iron pipe fittings, excluding “groove-lock” pipe fittings, whether or not advanced in condition by operations or processes (such as threading) subsequent to the casting process. No information was presented nor arguments made during the investigations which indicated that the Commission should adopt definitions of the domestic like products different from those made in the previous subsidy investigation concerning Brazil.²⁰

On August 29, 1986, an antidumping petition was filed on behalf of the CIPFC alleging that malleable cast iron pipe fittings from Japan and Thailand were being sold at LTFV. In June 1987, the Commission determined that an industry in the United States was materially injured by reason of LTFV imports of malleable cast iron pipe fittings from Japan, and in August 1987, the Commission determined

¹⁷ *Certain Cast-Iron Pipe Fittings From Brazil*, Investigation No. 701-TA-221 (Final), USITC Publication 1681, April 1985.

¹⁸ On August 7, 1985, the Commission received a letter from counsel for the petitioner amending the petition to exclude “groove-lock pipe” fittings.

¹⁹ Subsequently, the petition with respect to non-malleable cast iron pipe fittings was withdrawn and the investigation terminated (51 FR 10648, March 28, 1986).

²⁰ *Certain Cast-Iron Pipe Fittings From Brazil, the Republic of Korea, and Taiwan*, Investigation Nos. 731-TA-278-281 (Preliminary), USITC Publication 1753, September 1985; and *Certain Cast-Iron Pipe Fittings From Brazil, the Republic of Korea, and Taiwan*, Investigation Nos. 731-TA-278-280 (Final), USITC Publication 1845, May 1986.

that an industry in the United States was materially injured by reason of LTFV imports of malleable cast iron pipe fittings from Thailand.²¹

On January 4, 1999, the Commission instituted reviews to determine whether revocation of the antidumping duty orders on malleable cast iron pipe fittings from Brazil, Japan, Korea, Taiwan, and Thailand would likely lead to the continuation or recurrence of material injury to a domestic industry. After conducting full reviews pursuant to section 751(c)(5) of the Act, the Commission determined that revocation of the antidumping duty orders covering malleable cast iron pipe fittings from Brazil, Taiwan, and Thailand would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time²² and that revocation of the antidumping duty orders concerning malleable cast iron pipe fittings from Japan and Korea would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.²³ In each of the original investigations, the Commission had defined the domestic like product as all malleable cast iron pipe fittings other than grooved.²⁴ In the reviews, no party argued for a different like product definition. The Commission found no need to revisit its original determinations concerning domestic like product and adopted the same definition as was used in the original determinations.²⁵

On October 30, 2002, Anvil and Ward filed a petition alleging that an industry in the United States was being materially injured or threatened with material injury by reason of imports from China of malleable cast iron pipe fittings that were allegedly sold at LTFV. In December 2003, the Commission determined that an industry in the United States was threatened with material injury by reason of imports from China of malleable cast iron pipe fittings that were found by Commerce to be sold in the United States at LTFV. Consistent with its previous findings concerning the subject pipe fittings, the Commission defined the domestic like product as all malleable cast iron pipe fittings other than grooved. In its determination, it noted that “because of differences in physical characteristics, uses and production processes, the lack of interchangeability, and the perceptions of those in the trade, malleable fittings were distinct from non-malleable fittings and grooved fittings.”²⁶ The Commission is scheduled to conduct a five-year review of the antidumping duty order on malleable cast iron pipe fittings from China beginning in November 2008.

²¹ The Commission rejected arguments presented in the Japan/Thailand investigations that the domestic like product should be defined to include grooved and/or non-malleable pipe fittings, as well as malleable cast iron pipe fittings. *Certain Malleable Cast-iron Pipe Fittings From Japan*, Investigation No. 731-TA-347 (Final), USITC Publication 1987, June 1987; and *Certain Malleable Cast-iron Pipe Fittings From Thailand*, Investigation No. 731-TA-348 (Final), USITC Publication 2004, August 1987.

²² Commerce published notice of the revocation of the orders on malleable cast iron pipe fittings from Brazil, Taiwan, and Thailand, effective January 1, 2000. 65 FR 10470, February 28, 2000.

²³ The Commission instituted its second five-year reviews concerning the antidumping duty orders on malleable cast iron pipe fittings from Japan and Korea on January 3, 2005. Commerce subsequently published notice that it was revoking the orders because of the lack of participation in the second five-year reviews by the domestic interested parties. 70 FR 18368, April 11, 2005. Accordingly, the Commission terminated its five-year reviews effective February 28, 2005. 70 FR 20595, April 20, 2005.

²⁴ *Certain Cast-Iron Pipe Fittings From Brazil, the Republic of Korea, and Taiwan*, Investigation Nos. 731-TA-278-280 (Final), USITC Publication 1845, May 1986; *Certain Malleable Cast-Iron Pipe Fittings From Japan*, Inv. No. 731-TA-347 (Final), USITC Publication 1987, June 1987; and *Certain Malleable Cast-Iron Pipe Fittings From Thailand*, Investigation No. 731-TA-348 (Final), USITC Publication 2004, August 1987.

²⁵ *Malleable Cast-Iron Pipe Fittings From Brazil, Japan, Korea, Taiwan, and Thailand*, Investigation Nos. 731-TA-278-280 and 731-TA-347-348 (Review), USITC Publication 3274, February 2000, p. 5.

²⁶ *Malleable Iron Pipe Fittings From China*, Investigation No. 731-TA-1021 (Final), USITC Pub. 3649, December 2003, pp. 1 and 5-6.

THE PRODUCT

Scope

In its original antidumping duty order and subsequent administrative reviews, Commerce has defined the subject merchandise as

. . . finished and unfinished non-malleable cast iron pipe fittings with an inside diameter ranging from 1/4 inch to 6 inches, whether threaded or unthreaded, regardless of industry or proprietary specifications. The subject fittings include elbows, ells, tees, crosses, and reducers as well as flanged fittings. These pipe fittings are also known as “cast iron pipe fittings” or “gray iron pipe fittings.” These cast iron pipe fittings are normally produced to ASTM A-126 and ASME B.16.4 specifications and are threaded to ASME B1.20.1 specifications. Most building codes require that these products are Underwriters Laboratories (“UL”) certified. The scope does not include cast iron soil pipe fittings or grooved fittings or grooved couplings. Fittings that are made out of ductile iron that have the same physical characteristics as the gray or cast iron fittings subject to the scope above or which have the same physical characteristics and are produced to ASME B.16.3, ASME B.16.4, or ASTM A-395 specifications, threaded to ASME B1.20.1 specifications and UL certified, regardless of metallurgical differences between gray and ductile iron, are also included in the scope of the order. These ductile fittings do not include grooved fittings or grooved couplings. Ductile cast iron fittings with mechanical joint ends (“MJ”), or push on ends (“PO”), or flanged ends and produced to the American Water Works Association (“AWWA”) specifications AWWA C110 or AWWA C153 are not included.²⁷

U.S. Tariff Treatment

Non-malleable cast iron pipe fittings, provided for under subheading 7307.11.00 (tube or pipe fittings (for example, couplings, elbows, sleeves), of iron or steel, cast fittings, of nonmalleable cast iron), have a normal trade relations tariff rate of 4.8 percent applicable to imports from China. When provided for under subheading 7307.19.30 (tube or pipe fittings (for example, couplings, elbows, sleeves), of iron or steel, cast fittings, other, ductile fittings), they have a normal trade relations tariff rate of 5.6 percent applicable to imports from China.

Domestic Like Product and Domestic Industry

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. 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.

Consistent with its previous findings concerning related pipe fittings products, the Commission found in its original investigation concerning non-malleable cast iron pipe fittings from China that there was a single domestic like product consisting of non-malleable and ductile cast iron pipe fittings corresponding to Commerce’s scope and that the domestic industry consisted of all domestic producers of

²⁷ 68 FR 16765, April 7, 2003; and 72 FR 38563, July 13, 2007.

non-malleable and ductile cast iron pipe fittings corresponding to Commerce's scope.²⁸ The domestic interested parties indicated in their response to the Commission's notice of institution in this current five-year review that they agree with the definitions of the domestic like product and domestic industry as set out in the Commission's notice of institution and the Commission's final determination in the original investigation.²⁹

Physical Characteristics and Uses³⁰

Pipe fittings are generally used for connecting the bores of two or more pipes or tubes, connecting a pipe to some other apparatus, changing the direction of fluid flow, or closing the pipe. The material from which the subject fittings are made, cast iron, is a general term for alloys which are primarily composed of iron, carbon (more than two percent), and silicon. Made to ASTM/ASME specifications, iron castings exhibit mechanical properties which are determined by the cooling rate during and after solidification, by chemical composition, by heat treatment, by design, and by the nature of the molding technique. During the cooling and solidification processes, carbon is segregated within the crystalline structure of the iron in the form of iron carbide or graphite, resulting in different types of cast irons with different physical properties. In practice, iron castings are best identified by their micro-structures rather than by their chemical compositions.³¹

There are three basic metallurgical types of cast iron pipe fittings, namely non-malleable (or gray) fittings, ductile fittings, and malleable fittings. These types of fittings and the cast iron from which they are made are discussed below.

Non-malleable iron (also referred to as gray iron) is defined by the ASTM as cast iron that has fine graphite flakes which are formed during cooling. Gray iron has excellent machinability, wear resistance, and high hardness value. Gray irons exhibit no elastic behavior and are comparatively weak, with a tensile strength ranging from 20,000 to 58,000 psi. Fittings produced from gray iron are used primarily in fire protection/sprinkler systems, but are also used in the steam conveyance systems installed in buildings in older inner cities. The fire protection/sprinkler system market is by far the dominant use for these fittings in the United States, accounting for approximately 90 to 95 percent of shipments. The steam conveyance market represents another 5 percent of shipments, with other uses constituting less than 5 percent of shipments. These non-malleable cast iron pipe fittings are primarily produced to ASTM A-126 and ASME B.16.4 specifications.

Ductile iron is a cast iron that has a very small but definite amount of magnesium added in the liquid state so as to induce the formation of graphites as spheroids or nodules. Ductile iron fittings have exceptional tensile strength, good machinability, high impact resistance, and corrosion resistance. Ductile iron has the ductility of malleable iron and the corrosion resistance of alloy cast iron. It compares in strength and elastic properties with cast steel and can be stronger than malleable iron, with a tensile strength ranging from 60,000 to 100,000 psi. Ductile iron fittings are superior to gray iron fittings in elastic properties, impact resistance, yield strength/weight, and wear resistance; ductile fittings are comparable to gray fittings in castability, surface hardenability, and corrosion resistance; and ductile fittings are inferior to gray fittings in ease of machining, vibration damping, and cost of manufacture.

²⁸ *Non-Malleable Cast Iron Pipe Fittings From China: Investigation No. 731-TA-990 (Final)*, USITC Publication 3586, March 2003, p. 8.

²⁹ *Response* of domestic interested parties, April 21, 2008, p. 11.

³⁰ The discussion in this section is based on information from *Non-Malleable Cast Iron Pipe Fittings From China: Investigation No. 731-TA-990 (Final)*, USITC Publication 3586, March 2003, pp. I-5-I-9.

³¹ In normal iron casting, the ASTM/ASME standard specifications and the desirable mechanical properties of the castings, but not their chemical analyses, are specified to the manufacturer (or foundry) because the chemical compositions of these cast irons overlap.

The subject ductile cast iron pipe fittings marketed in the United States are used in the same primary applications as gray cast iron pipe fittings, *i.e.*, fire protection/sprinkler systems, and are typically produced to ASME B.16.3 specifications. Other nonsubject ductile cast iron pipe fittings are used in the United States for soil pipe and waterworks applications, such as fittings for underground water mains and main water supply fittings for buildings.³²

Malleable iron is characterized by the existence of graphite as irregularly shaped nodules in its microscopic structure. The overall production and heat treatment process performed on malleable cast iron pipe fittings distinguishes the product from non-malleable cast iron pipe fittings in chemical composition, microstructure, material strength, size, and weight. Malleable cast iron pipe fittings are lighter, thinner, stronger, and less brittle than non-malleable cast iron fittings and are used where shock and vibration resistance is required and where fittings are subject to quick temperature changes. The principal uses of malleable cast iron pipe fittings are in gas lines, piping systems of oil refineries, and building gas and water systems. In some applications, malleable cast iron pipe fittings may be substituted for non-malleable cast iron pipe fittings, but due to the higher cost of the product, such substitution is uneconomical. Malleable fittings are not included in the imported products subject to this review.

Products specifically excluded from the scope include soil pipe and grooved fittings and couplings. Also excluded from the scope are flanged ductile cast iron fittings and ductile fittings produced to AWWA C110 or AWWA C153 specifications.³³ Cast iron soil pipe and fittings, which are typically produced from gray iron, are used primarily in building construction for sanitary and storm drain, waste, and vent piping applications. The product is installed in residential construction, hospitals, schools, and commercial and industrial structures. Cast iron soil pipe and fittings are typically produced in accordance with ASTM A-888, ASTM A-74, or Cast Iron Soil Pipe Institute (CISPI) 301 specifications and are available in sizes ranging from 2 to 15 inches. Grooved fittings and couplings, which are produced from ductile or malleable cast iron, are different forms of fittings in which a split coupling attaches to a circumferential groove near the end of each piece to be joined. A gasket inside the coupling serves as a seal for the pipe and the coupling. Flanged fittings are different from threaded fittings in that the flanged fittings are cast with an integral rim, or flange, at the end of the fitting. The flanged connection is made by inserting a gasket between the flanged ends of two separate pieces and securing the ends with several bolts.

Manufacturing Process³⁴

Cast iron pipe fittings are manufactured using a technologically mature process. It begins with the making of molten iron in a foundry with fuel provided by foundry coke or an electric furnace. The raw materials are scrap steel, iron scrap, and other materials such as silicon carbide and carbon. The molten iron for cast iron fittings contains approximately 3.5 percent carbon, 2.5 percent silicon, and 0.5 percent manganese by weight, but may vary.

The casting process begins with the making of a pattern, which has the same external form and shape as the designed fitting. Sand casting is the predominant method used in the making of cast iron fittings. Molding sand, after being mixed with a binder, is spread around the pattern in a mold, and then rammed by a machine to compact the sand. The pattern is then withdrawn, leaving a mold cavity in the sand. Solid molded sand cores are inserted to form the internal shape of the fitting. Two mold halves are

³² Fittings for use with soil pipe and ductile fittings for use in waterworks applications meeting AWWA C110 and AWWA C153 specifications are excluded from the scope of this investigation.

³³ Also excluded are ductile fittings with mechanical joint ends and push-on ends. These fittings are produced for waterworks applications and must meet AWWA C110 and AWWA C153 specifications.

³⁴ The discussion in this section is based on information from *Non-Malleable Cast Iron Pipe Fittings From China: Investigation No. 731-TA-990 (Final)*, USITC Publication 3586, March 2003, pp. I-9-I-10.

put together with the core in the center. A system of gates, risers, and vents is provided in the casting cavity to ensure a smooth flow of the molten iron into the mold cavity under gravity.

To form the shape of the fittings, molten iron is poured into the mold cavity. After the iron solidifies, the red-hot fittings are shaken out of the sand on a shaker table or belt and allowed to cool for four to five hours.

The specific chemical compositions and manufacturing processes of malleable, non-malleable, and ductile iron fittings differ somewhat, although all are comprised mainly of iron. Many malleable, non-malleable, and ductile cast iron pipe fittings are available in similar configurations and all are produced using sand casting; however, the specific molds for the individual castings are reportedly not interchangeable. After casting, the production of non-malleable and ductile cast iron pipe fittings is essentially complete, except for cooling, cleaning, and, if necessary, machining, threading, or finishing. In contrast, malleable fittings are subjected to an additional process of annealing and controlled cooling after casting.

A ductile cast iron fitting, because of its superior physical yield strength, is lighter and has thinner walls than a non-malleable cast iron fitting of the same inside diameter. Therefore, on the basis of weight, ductile iron is more expensive to produce than non-malleable iron because of the inoculation of magnesium during the production process, more tightly controlled production conditions requiring a longer production process, and the relative difficulties in finishing compared with non-malleable iron. Malleable iron castings are more expensive to produce per pound than both the ductile iron and non-malleable iron castings because of the additional heat treatment process required. On the basis of pieces, however, the stronger ductile fittings have been described as a cost effective alternative to malleable fittings in that the ductile fittings cost less than the malleable fittings to manufacture, but are sold at prices similar to those of non-malleable fittings.

Manufacturing processes and technologies for iron castings are well-established and are similar throughout the world, although it was argued in the original investigation that the production process used in China to produce the subject merchandise is not as technologically advanced as that used in the United States.³⁵

Interchangeability and Customer and Producer Perceptions

The Commission determined in the final phase of the original investigation that although there were perceived differences between non-malleable fittings and ductile fittings relating to physical properties and individual users' preferences, these two types of fittings were generally interchangeable in their dominant application (i.e., fire protection sprinkler systems).³⁶ In addition, *** indicated that the U.S. and Chinese fittings were used interchangeably in the same applications.³⁷

³⁵ U.S. producers operate highly automated, state-of-the-art, high-volume plants, whereas the Chinese producers apparently use a variety of production methods, some of which are reportedly not as technologically advanced nor environmentally friendly as those used in the United States (e.g., "floor molding") and which were abandoned by U.S. producers decades ago. In addition, the U.S. foundry industry is heavily regulated and continued investment in pollution abatement is required of domestic producers as a condition of operations as new, more stringent standards are issued by the Environmental Protection Agency (EPA). The Chinese producers, on the other hand, are not required to comply with these strict environmental regulations.

³⁶ *Non-Malleable Cast Iron Pipe Fittings From China: Investigation No. 731-TA-990 (Final)*, USITC Publication 3586, March 2003, p. 6.

³⁷ *Staff Report on Non-Malleable Cast Iron Pipe Fittings From China, Investigation No. 731-TA-990 (Final)*, February 27, 2003 (INV-AA-022), p. II-3.

Channels of Distribution

Industry participants in the original investigation reported that non-malleable cast iron pipe fittings are sold on a nationwide basis by the domestic manufacturers and importers to distributors which, in turn, sell to contractors of fire protection/sprinkler and steam heat conveyance systems. They also indicated that some ductile and non-malleable pipe fittings are distributed through the same channels with some distributors carrying both ductile and non-malleable pipe fittings and some dealing with only one type of fitting.³⁸

Pricing

The record in the original investigation indicated that the domestic like product and subject imports were largely substitutable and that price was an important factor in purchasing decisions. In the final phase of the original investigation, the Commission collected pricing data for four non-malleable and four ductile cast iron pipe fitting products. The price comparison data indicated underselling by the subject non-malleable/ductile product in every comparison in each of the 15 quarters of the period from January 1999 to September 2002 for sales to distributors and to end users. Margins of underselling ranged from 1.6 percent to 44.4 percent, with a marked increase in underselling toward the end of the 15-quarter period. The Commission noted, however, that although underselling by the subject imports reached significant levels late in the period examined in the final phase of the original investigation, the pricing data and other record information did not show depression or suppression of prices for the domestic like product. Instead, the Commission noted that the pricing data showed that prices for the domestic products increased over the period examined, notwithstanding declining apparent U.S. consumption. The Commission added that, given the prevailing weak market conditions, the domestic industry would not have been able to raise prices further, regardless of the effects of subject imports from China, and did not find the price effects of the subject imports to be significant.³⁹

THE INDUSTRY IN THE UNITED STATES

U.S. Producers

The U.S. industry data presented in the original investigation staff report were based on the questionnaire responses of three firms—Anvil, Ward, and Frazier and Frazier Industries, Inc. (“Frazier”).⁴⁰ These three firms were believed to have accounted for virtually all U.S. production of non-malleable/ductile cast iron pipe fittings during 2001. Petitioners Anvil and Ward together accounted for *** percent of 2001 domestic production.⁴¹

The domestic interested parties indicated in their response to the Commission’s notice of institution in this five-year review that there are currently three U.S. producers of the domestic like

³⁸ *Ibid.*, p. I-18.

³⁹ *Non-Malleable Cast Iron Pipe Fittings From China: Investigation No. 731-TA-990 (Final)*, USITC Publication 3586, March 2003, pp. 11-12, V-2-V-4, and tables V-1-V-8.

⁴⁰ Frazier was identified as a domestic job shop foundry (or “jobber” facility). The data reported by Frazier during the original investigation were *** of ductile pipe fittings. In addition, a fourth firm (Buck), a jobbing facility for Ward, accounted for *** percent of total reported domestic production in 2001. Buck, however, did not provide a usable questionnaire response in the original investigation.

⁴¹ *Staff Report on Non-Malleable Cast Iron Pipe Fittings From China, Investigation No. 731-TA-990 (Final)*, February 27, 2003 (INV-AA-022), pp. III-1-III-2.

product (i.e., Anvil, Ward, and Frazier).⁴² The domestic interested parties indicated that during 2007 Anvil and Ward together accounted for 90-95 percent of the domestic production of non-malleable cast iron pipe fittings. Of the three domestic producers identified by the domestic interested parties in their response to the Commission’s notice of institution, only Anvil reportedly imports the subject merchandise from China. The domestic interested parties’ response explained that “[i]n an effort to remain competitive in the U.S. market, Anvil purchased Star Pipe Products in 2004 and became a major importer of non-malleable cast iron pipe fittings from China.”⁴³ Details regarding each firm’s location(s), parent company, and company shares of 2001 and 2007 total domestic production of non-malleable cast iron pipe fittings are presented in table I-3.

**Table I-3
Non-malleable cast iron pipe fittings: U.S. producers, locations, parent companies, and company shares of 2001 and 2007 total domestic production**

Firm	Location	Parent company	Share of 2001 reported non-malleable/ductile production (percent)	Share of 2007 domestic production (percent)
Anvil	Portsmouth, NH (headquarters) Columbia, PA Albertville, AL	Mueller Water Products, Inc.	***	***
Buck	Quarryville, PA	DVCC	(¹)	(¹)
Frazier	Coolidge, TX	None	***	***
Ward	Blossburg, PA	Hitachi Metals America, Ltd.	***	***

¹ Buck’s production of the subject fittings for Ward during 2001 accounted for *** percent of total reported domestic production in that year. The domestic interested parties did not identify Buck as a current domestic producer in their response to the Commission’s notice of institution in this review.

Source: *Staff Report on Non-Malleable Cast Iron Pipe Fittings From China, Investigation No. 731-TA-990 (Final)*, February 27, 2003 (INV-AA-022), table III-1; *Response of domestic interested parties*, April 21, 2008, p. 10 and exh. II; *Supplemental Response of domestic interested parties*, May 8, 2008, p. 1; and *Anvil website* at <http://www.anvilintl.com>.

⁴² *Response of domestic interested parties*, April 21, 2008, p. 10. Although the domestic interested parties reported that there have not been any significant changes in the supply conditions for non-malleable cast iron pipe fittings in the United States, they also indicated that one contract producer of pipe fittings, Lancaster Foundry of Lancaster, PA, had gone out of business after the order went into effect. *Supplemental Response of domestic interested parties*, May 8, 2008, p. 2.

⁴³ *Response of domestic interested parties*, April 21, 2008, pp. 3 and 10.

Anvil

Anvil is headquartered in Portsmouth, NH, and is wholly owned by Mueller Water Products.⁴⁴ Anvil manufactures and sells a variety of products including pipe fittings, couplings, pipe hangers, pipe nipples, and related products, which are primarily used in commercial, industrial, and energy piping systems. The company employs approximately 2,000 workers nationwide and operates 12 high-volume manufacturing facilities in the United States and Canada, which include foundry, machining, fabrication, assembly, testing, and painting operations. Anvil reported that it utilizes highly automated equipment and that it expects to continue to invest in modern manufacturing technology to maintain its competitiveness in quality and productivity. Anvil's products are sold to end users, including commercial construction contractors, municipalities, publicly and privately owned water and wastewater utilities, and gas utilities, through its network of wholesale distributors, which are serviced through four domestic regional distribution centers located in Illinois, Nevada, Pennsylvania, and Texas. Anvil indicated that although it has long-term relationships with most of its top distributors, it generally does not maintain written contracts.

Anvil reported that during 2007 it experienced "solid demand across its businesses and realized operational efficiencies that led to revenue and operating profit." Its total company sales were \$555.8 million in fiscal 2007 and \$534.6 million in fiscal 2006, of which approximately \$200.4 million and \$179.4 million, respectively, were sales of products imported or otherwise not manufactured by Anvil. Anvil indicated that the four percent increase in total company sales from fiscal year 2006 to fiscal year 2007 was due primarily to higher pricing and volumes in hydrants, water valves, and brass water products, increases in ductile iron pipe selling prices, continued strength in the non-residential construction, oilfield, and mechanical markets, and growth in the sales of foreign-sourced products.

Anvil indicated in its response to the Commission's notice of institution in this review that it accounted for an estimated *** percent of domestic production of non-malleable cast iron pipe fittings during 2007.⁴⁵ The company appropriately advertises on its website that it is "one of the largest manufacturers of cast iron fittings in the United States and Canada." The company indicated that cast iron is the most economical threaded fittings material and that it is typically used in low pressure applications such as sprinkler systems and other fire protection systems for the fire protection industry, with the remainder used in steam and other HVAC applications. It also indicated that the market for its products is "highly competitive, price sensitive, and vulnerable to the increased acceptance of foreign products." Anvil reported that it "competes primarily on the basis of price, availability, and service."⁴⁶

As indicated earlier, Anvil imports the subject fittings from China through its subsidiary Star Pipe Products. Information concerning Anvil's subject imports is presented in the section of this report entitled "Related Party Issues."

⁴⁴ Mueller Water Products is a leading North American manufacturer and marketer of a broad range of water infrastructure and flow control products for use in water distribution networks and treatment facilities. It also acts as a distributor for products that are manufactured by other companies. Its broad product portfolio includes engineered valves, hydrants, ductile iron pipe, and pipe fittings, which are used by municipalities as well as by the commercial and residential construction, oil and gas, HVAC, and fire protection industries. With revenues of approximately \$1.85 billion in fiscal 2007, the company is comprised of three main operating segments: Mueller Co., U.S. Pipe, and Anvil. Based in Atlanta, GA, the company employs approximately 6,800 people. *Mueller Water Products, Inc., 2007 Annual Report*, <http://library.corporate-ir.net/library/19/196/196762/items/273829/mwa2008AnnualReport.pdf>.

⁴⁵ *Supplemental Response* of domestic interested parties, May 8, 2008, p. 1.

⁴⁶ *Anvil website* at <http://www.anvilintl.com>; and *Mueller Water Products, Inc., 2007 Annual Report*, <http://library.corporate-ir.net/library/19/196/196762/items/273829/mwa2008AnnualReport.pdf>.

Ward

Ward indicated in its response to the Commission's notice of institution in this review that it accounted for an estimated *** percent of domestic production of non-malleable cast iron pipe fittings during 2007.⁴⁷ The company, which is located in Blossburg, PA, has been a wholly owned subsidiary of Hitachi Metals America, Ltd., which is wholly owned by Hitachi, Inc., a Japanese company, since 1990.⁴⁸ At its Blossburg facility, Ward produces a full line of malleable pipe fittings and unions, cast iron pipe fittings, and nipples, along with a corrugated stainless steel gas piping system (called Wardflex). The company sells its products to professional wholesalers through an established distributor network of sales representative agencies across the United States. Ward recently announced price increases of approximately nine percent for its malleable and non-malleable cast iron pipe fittings (effective June 2, 2008). The company explained that the increase in price was necessary "due to continuing increases in our raw material and energy costs."⁴⁹ As indicated in its response to the Commission's notice of institution in this review, Ward does not import or otherwise purchase the subject Chinese fittings.⁵⁰

U.S. Producers' Trade, Employment, and Financial Data

Data reported by U.S. producers of non-malleable cast iron pipe fittings in the Commission's original investigation and in response to its five-year review institution notice are presented in table I-4. Company-specific data reported by Anvil and Ward are presented in tables I-5 and I-6. During the period examined in the final phase of the Commission's original investigation, the domestic industry's capacity, production, capacity utilization, sales (U.S. shipments), market share, and employment and financial indicia generally were stable or decreased modestly between 1999 and 2000, then declined more noticeably in 2001 and in January-September 2002 (relative to January-September 2001). In its determination, the Commission found that, while sales lost to imports from China were a factor in the domestic industry's decline, a large majority of the decline in domestic producers' performance indicators resulted from a reduction in total consumption.⁵¹

Table I-4

Non-malleable cast iron pipe fittings: U.S. producers' trade, employment, and financial data, 1999-2001, January-September 2001, January-September 2002, and 2007

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Table I-5

Non-malleable cast iron pipe fittings: Anvil's trade data, 1999-2001 and 2007

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⁴⁷ *Supplemental Response* of domestic interested parties, May 8, 2008, p. 1.

⁴⁸ *Ward Manufacturing website* at <http://www.wardmfg.com/>; and *Hitachi Metals America, Ltd. website* at <http://www.hitachimetals.com/>.

⁴⁹ *Ward website* at <http://www.wardmfg.com/>.

⁵⁰ Anvil was the only related party ***. ***.

⁵¹ *Non-Malleable Cast Iron Pipe Fittings From China: Investigation No. 731-TA-990 (Final)*, USITC Publication 3586, March 2003, pp. 14-15.

Table I-6
Non-malleable cast iron pipe fittings: Ward's trade data, 1999-2001 and 2007

* * * * *

The domestic interested parties noted in their response to the Commission's notice of institution in this review that after the imposition of antidumping duties, the subject imports from China fell, which "contributed to an immediate improvement in the domestic industry's performance, as the domestic industry was able to stabilize after years of deteriorating operations." The domestic interested parties added that "the domestic industry continues to be vulnerable to unfairly traded subject imports because the industry has not experienced significant recovery following the investigation, despite stabilization following the dumping order." In fact, the domestic interested parties reported that, despite the antidumping duty order on non-malleable pipe fittings from China, the industry experienced declines in capacity, production, capacity utilization, and shipments (quantity) in 2007 as compared with 2001. Despite a *** increase in unit value of shipments from 2001 to 2007, the industry also reported ***. The industry's *** performance *** is reportedly a result of significant increases in raw material, energy, and labor benefit costs.⁵²

Related Party Issues

Of the three firms identified as domestic producers of non-malleable cast iron pipe fittings in the domestic interested parties' response to the Commission's notice of institution in this review, only Anvil was identified as a related party.⁵³ The Commission's staff report in the original investigation indicated that Anvil ***. ***.⁵⁴ In January 2004, Anvil purchased Star Pipe Products ("Star Pipe"), a major importer of subject non-malleable cast iron pipe fittings from China located in Houston, TX, and formed AnvilStar Fire Products Division. Anvil indicated that its purchase of Star Pipe was done in order to "remain competitive in the U.S. market."⁵⁵ In its 2007 Annual Report, Anvil's parent company noted the following concerning Star Pipe:

We are leveraging our AnvilStar operations to establish a lead position in the United States for the import and sale of piping component products, including fittings and couplings manufactured in China and India, and we will continue to seek internationally sourced products . . . Additionally, Anvil will continue to increase sourcing of products from foreign countries. These sourced products typically have lower gross margins, but management expects to more than offset this through the results of its synergy actions completed in 2007, as well as other cost saving initiatives.⁵⁶

By 2007, the quantity of Anvil's imports of subject merchandise ***. Anvil reported that, during 2007, its imports of subject merchandise from China amounted to ***. These imports accounted for ***

⁵² *Response* of domestic interested parties, April 21, 2008, pp. 5 and 9.

⁵³ *Supplemental Response* of domestic interested parties, May 8, 2008, p. 1.

⁵⁴ *Staff Report on Non-Malleable Cast Iron Pipe Fittings From China, Investigation No. 731-TA-990 (Final)*, February 27, 2003 (INV-AA-022), table IV-1.

⁵⁵ *Response* of domestic interested parties, April 21, 2008, p. 3; *Anvil website* at <http://www.anvilintl.com>; and *Conference transcript*, March 14, 2002, pp. 109-110.

⁵⁶ *Mueller Water Products, Inc., 2007 Annual Report*, <http://library.corporate-ir.net/library/19/196/196762/items/273829/mwa2008AnnualReport.pdf>.

percent of total U.S. imports of subject merchandise during 2007 as reported in Commerce’s official import statistics (HTS 7307.11.0030 and 7307.11.0060). Anvil’s imports of subject merchandise during 2007 *** the firm’s domestic production of pipe fittings during 2007 ***.⁵⁷ Trade and related data provided by Anvil in its response to the Commission’s notice of institution in this review concerning its 2007 U.S. production and U.S. imports of subject non-malleable cast iron pipe fittings are presented in table I-7.

**Table I-7
Non-malleable cast iron pipe fittings: Anvil’s subject imports, 2007**

* * * * *

According to proprietary official import statistics, ***. ***. The PRC-wide rate was 75.5 percent and the margins for Shanghai Foreign Trade and Jinan Meide were 6.34 percent and 7.08 percent, respectively; these antidumping duty rates are still in effect.

U.S. IMPORTS AND APPARENT U.S. CONSUMPTION

U.S. Imports

The information presented on U.S. imports in the Commission’s staff report in the final phase of the original investigation was based on the questionnaire responses of 11 firms that were estimated to have accounted for greater than 90 percent of the subject imports during 2001.⁵⁸ The domestic interested parties in this review provided the names of the following four companies that are believed to be U.S. importers of subject merchandise, both currently and at the time of the original investigation: Matco-Norca, Brewster, NY; Smith-Cooper International, Montebello, CA; Star Pipe, Houston, TX; and JDH Pacific Inc., Downey, CA.⁵⁹

According to Commerce’s scope description, imports of covered merchandise are classifiable in the Harmonized Tariff Schedule of the United States (“HTS”) under item numbers 7307.11.0030, 7307.11.0060, 7307.19.3060, and 7307.19.3085.⁶⁰ The domestic interested parties indicated in their response to the Commission’s notice of institution in this review that all U.S. imports entering under HTS items 7307.11.0030 and 7307.11.0060 are subject merchandise.⁶¹ According to official import statistics for these two HTS statistical reporting numbers combined, U.S. imports of pipe fittings from China during 2007 amounted to 12,832 short tons, valued at \$15.538 million. The domestic interested parties also indicated that “most” U.S. imports entering the United States under HTS statistical reporting number 7307.19.3060 are subject merchandise and “a portion” of U.S. imports entering under HTS number 7307.19.3085 are subject imports.⁶² During 2007, U.S. imports from China of products classified under

⁵⁷ *Response* of domestic interested parties, April 21, 2008, exh. II.

⁵⁸ These 11 importing firms were ***. As previously noted, ***. *Staff Report on Non-Malleable Cast Iron Pipe Fittings From China, Investigation No. 731-TA-990 (Final)*, February 27, 2003 (INV-AA-022), p. I-2, table IV-1.

⁵⁹ *Response* of domestic interested parties, April 21, 2008, exh. III.

⁶⁰ 68 FR 16765, April 7, 2003; and 72 FR 38563, July 13, 2007.

⁶¹ *Supplemental Response* of domestic interested parties, May 8, 2008, p. 2.

⁶² *Ibid.*

HTS statistical reporting numbers 7307.19.3060 and 7307.19.3085 amounted to 7,284 short tons (valued at \$11.028 million) and 9,328 short tons (valued at \$13.047 million), respectively.⁶³

Non-malleable cast iron pipe fittings import data for 1999-2007 are presented in table I-8.⁶⁴ The quantity of the subject imports increased overall during the period examined in the original investigation, while the unit value of the subject imports declined. The domestic interested parties indicated in their response to the Commission's notice of institution in this review that the antidumping duty order under review has had "a significant beneficial impact on the domestic industry."⁶⁵ After the imposition of the antidumping duty order, subject imports from China fell by 36.2 percent from 15,387 short tons in 2002 to 9,814 short tons in 2004, before once again climbing during 2005-07. The domestic interested parties explained in their response to the Commission's notice of institution in this review that subject imports from China during 2005-07 increased partially because of "subsidized raw material and energy inputs in China."⁶⁶ The unit value of subject imports steadily increased from \$817 per short ton in 2002 to \$1,211 per short ton in 2007. As was the case during the period examined in the final phase of the original investigation, U.S. imports of non-malleable cast iron pipe fittings during 2002-07 were primarily from China, which accounted for slightly more than two-thirds of total imports during the period examined in this review. Subject imports made by domestic producer Anvil through its subsidiary Star Pipe during 2007 accounted for *** percent of total U.S. imports from China and *** percent of total U.S. imports from all sources. Most nonsubject imports of fittings were from Taiwan, India, Mexico, Japan, Canada, and Thailand.

Leading Nonsubject Sources of Imports

During the period for which data were collected, imports of non-malleable cast iron pipe fittings entered the United States from a variety of sources. Taiwan, India, and Mexico were the largest nonsubject sources of imports during 2002-07, together accounting for almost one-quarter of total U.S. imports during 2007. The leading nonsubject suppliers are shown in table I-9. The total quantity of imports of non-malleable cast iron pipe fittings from all nonsubject sources fell overall by 15.1 percent from 6,288 short tons in 2002 to 5,340 short tons in 2007. The average unit value of all nonsubject imports rose steadily from 2002 to 2007 and was consistently higher than the average unit value of subject imports from China. Of the leading nonsubject imports, only imports from India during 2002-05 had lower unit values than the imports from China.

⁶³ Official import statistics for all four HTS statistical reporting numbers for 1999-2007 are presented separately in app. C (table C-1).

⁶⁴ The data for 1999-2001 are from responses to Commission questionnaires in the original investigation. The data for 2002-07 are from official Commerce statistics for imports entered under statistical reporting numbers 7307.11.0030 and 7307.11.0060; the reason why only data for those two HTS numbers were selected is that in the original investigation the import data from questionnaire responses, which according to industry participants were believed to have accounted for more than 90 percent of the subject imports during 2001, were much closer to the amount of subject imports under those two numbers than to the amount of imports which entered under all four HTS statistical reporting numbers discussed above. *Non-Malleable Cast Iron Pipe Fittings From China: Investigation No. 731-TA-990 (Final)*, USITC Publication 3586, March 2003, p. IV-1 (citing conference transcript, p. 143).

⁶⁵ *Response* of domestic interested parties, April 21, 2008, p. 5.

⁶⁶ *Ibid.*, p. 7.

Table I-8
Non-malleable cast iron pipe fittings: U.S. imports, by source, 1999-2007

Source	1999	2000	2001	2002	2003	2004	2005	2006	2007
Quantity (short tons)									
China	***	***	***	15,387	12,697	9,814	12,702	11,348	12,832
Other ¹	***	***	***	6,288	5,691	5,268	5,440	4,905	5,340
Total	***	***	***	21,675	18,388	15,083	18,142	16,253	18,171
Landed, duty-paid value (1,000 dollars)									
China	***	***	***	12,578	10,860	8,945	12,479	12,452	15,538
Other ¹	***	***	***	11,158	10,790	11,615	12,628	12,832	14,532
Total	***	***	***	23,735	21,649	20,560	25,106	25,284	30,070
Unit value (per short ton)									
China	***	***	***	\$817	\$855	\$911	\$982	\$1,097	\$1,211
Other ¹	***	***	***	1,774	1,896	2,205	2,321	2,616	2,721
Average	***	***	***	1,095	1,177	1,363	1,384	1,556	1,655
Share of total quantity (percent)									
China	***	***	***	71.0	69.1	65.1	70.0	69.8	70.6
Other ¹	***	***	***	29.0	30.9	34.9	30.0	30.2	29.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
<p>¹ The largest "other" sources and their respective shares of the total quantity of non-malleable cast iron pipe fittings imported during 2007 include the following: Taiwan (14.3 percent), India (6.0 percent), Mexico (3.3 percent), Japan (2.1 percent), Canada (1.4 percent), and Thailand (0.7 percent).</p> <p>Source: <i>Staff Report on Non-Malleable Cast Iron Pipe Fittings From China, Investigation No. 731-TA-990 (Final)</i>, February 27, 2003 (INV-AA-022), table IV-2 (1999-2001); official Commerce statistics, HTS statistical reporting numbers 7307.11.0030 and 7307.11.0060 (2002-07).</p>									

Table I-9
Non-malleable cast iron pipe fittings: U.S. imports from leading nonsubject sources, 2002-07

Source	Calendar year					
	2002	2003	2004	2005	2006	2007
Quantity (short tons)						
Taiwan	2,278	1,754	2,039	2,956	2,188	2,601
India	1,777	1,515	1,019	882	1,230	1,096
Mexico	1,742	1,794	1,115	410	423	607
Japan	150	139	141	156	295	388
Canada	106	161	258	389	284	251
Thailand	124	152	157	171	245	136
Other nonsubject	111	176	539	476	240	261
Total, nonsubject imports	6,288	5,691	5,268	5,440	4,905	5,340
Value (1,000 dollars)¹						
Taiwan	3,726	2,776	3,458	5,145	4,140	5,011
India	1,235	1,130	903	802	1,488	1,518
Mexico	2,748	2,717	1,485	565	625	819
Japan	1,806	1,899	2,144	2,227	3,278	3,951
Canada	731	869	1,429	1,648	1,144	1,410
Thailand	174	304	276	450	559	299
Other nonsubject	738	1,095	1,920	1,791	1,598	1,524
Total, nonsubject imports	11,158	10,790	11,615	12,628	12,832	14,532

Table continued on following page.

Table I-9--Continued

Non-malleable cast iron pipe fittings: U.S. imports from leading nonsubject sources, 2002-07

Source	Calendar year					
	2002	2003	2004	2005	2006	2007
Unit value (per short ton)						
Taiwan	\$1,636	\$1,583	\$1,696	\$1,741	\$1,892	\$1,927
India	695	746	886	909	1,210	1,385
Mexico	1,577	1,514	1,332	1,378	1,478	1,349
Japan	12,040	13,662	15,206	14,276	11,112	10,183
Canada	6,896	5,398	5,539	4,237	4,028	5,618
Thailand	1,403	2,000	1,758	2,632	2,282	2,199
Other nonsubject	6,649	6,222	3,562	3,763	6,658	5,839
Average, nonsubject imports	1,774	1,896	2,205	2,321	2,616	2,721
Share of quantity (percent)						
Taiwan	36.2	30.8	38.7	54.3	44.6	48.7
India	28.3	26.6	19.3	16.2	25.1	20.5
Mexico	27.7	31.5	21.2	7.5	8.6	11.4
Japan	2.4	2.4	2.7	2.9	6.0	7.3
Canada	1.7	2.8	4.9	7.2	5.8	4.7
Thailand	2.0	2.7	3.0	3.1	5.0	2.5
Other nonsubject	1.8	3.1	10.2	8.8	4.9	4.9
Total, nonsubject imports	100.0	100.0	100.0	100.0	100.0	100.0
¹ Landed, duty-paid. Source: Compiled from official Commerce statistics, HTS statistical reporting numbers 7307.11.0030 and 7307.11.0060.						

Apparent U.S. Consumption and Market Shares

The Commission reported in the original investigation that approximately 90 to 95 percent of non-malleable/ductile cast iron pipe fitting shipments are used domestically in fire protection/sprinkler systems. Domestic demand for subject cast iron fittings and the domestic like product is ultimately derived from demand for end uses in which they are employed.⁶⁷

Apparent U.S. consumption and market shares of non-malleable cast iron pipe fittings for 1999-2001, January-September 2001, January-September 2002, and 2007 are presented in table I-10. During the period examined in the final phase of the original investigation, apparent U.S. consumption of non-malleable cast iron pipe fittings fell. The decline was associated with the U.S. recession and the downturn in the domestic non-residential construction industry.⁶⁸ Calculated apparent U.S. consumption for 2007 was lower than the level reported in 2001.⁶⁹ Regardless, the domestic interested parties indicated in their response to the Commission's notice of institution in this review that demand for non-malleable cast iron pipe fittings increased as the United States exited the 2001 recession and continued to strengthen through 2006. However, the domestic interested parties explained that demand subsequently "leveled off" in 2007 and is expected to fall in 2008 and 2009 as U.S. residential and non-residential construction is expected to decline and demand for sprinkler systems is expected to fall.⁷⁰

The domestic producers' market share based on quantity fell between 1999 and 2001, whereas the subject imports from China gained market share in the same period. The market share held by the domestic industry was even lower in 2007 than in 2001. During the period examined in the original investigation, the domestic producers accounted for more than *** of the U.S. market. By 2007, the domestic producers held only *** of the U.S. market. On the other hand, the share of the U.S. market held by imports from China increased to almost **. As noted earlier, *** of the market share held by subject imports from China was imported by domestic producer Anvil.

ANTIDUMPING ACTIONS OUTSIDE THE UNITED STATES

No antidumping actions concerning non-malleable cast iron pipe fittings outside the United States were identified in the domestic interested parties' response to the Commission's notice of institution in this review. However, the domestic interested parties identified an antidumping duty order levied by the European Communities ("EC") against malleable cast iron fittings from China. They argued that this EC order "will provide even more incentive for Chinese producers to move away from producing malleable fittings and instead produce non-malleable fittings for export to the United States if the order is not continued."⁷¹

⁶⁷ *Non-Malleable Cast Iron Pipe Fittings From China: Investigation No. 731-TA-990 (Final)*, USITC Publication 3586, March 2003, p. 9.

⁶⁸ *Staff Report on Non-Malleable Cast Iron Pipe Fittings From China, Investigation No. 731-TA-990 (Final)*, February 27, 2003 (INV-AA-022), p. IV-5.

⁶⁹ Apparent consumption may be understated by the amount of U.S. imports entering the United States under HTS statistical reporting numbers other than 7307.11.0030 and 7307.11.0060.

⁷⁰ *Response* of domestic interested parties, April 21, 2008, p. 5; and *Supplemental Response* of domestic interested parties, May 8, 2008, p. 2. However, Anvil's parent company reported in its 2007 annual report that sales of Anvil segment products are driven principally by spending on commercial construction projects and that it expects a modest growth in commercial construction spending in fiscal 2008. *Mueller Water Products, Inc., 2007 Annual Report*, <http://library.corporate-ir.net/library/19/196/196762/items/273829/mwa2008AnnualReport.pdf>.

⁷¹ *Response* of domestic interested parties, April 21, 2008, p. 8.

Table I-10

Non-malleable cast iron pipe fittings: U.S. producers' U.S. shipments, U.S. shipments of imports, and apparent U.S. consumption, 1999-2001, January-September 2001, January-September 2002, and 2007

Item	1999	2000	2001	Jan.-Sept.		2007
				2001	2002	
Quantity (short tons)						
U.S. producers' U.S. shipments	***	***	***	***	***	***
U.S. shipments of imports from-- China	***	***	***	***	***	12,832 ¹
Other sources	***	***	***	***	***	5,340 ¹
Total import shipments	***	***	***	***	***	18,171 ¹
Apparent U.S. consumption	***	***	***	***	***	*** ²
Value (1,000 dollars)						
U.S. producers' U.S. shipments	***	***	***	***	***	***
U.S. shipments of imports from-- China	***	***	***	***	***	15,538 ¹
Other sources	***	***	***	***	***	14,532 ¹
Total import shipments	***	***	***	***	***	30,070 ¹
Apparent U.S. consumption	***	***	***	***	***	*** ²
Share of consumption based on quantity (percent)						
U.S. producers' U.S. shipments	***	***	***	***	***	***
U.S. shipments of imports from-- China	***	***	***	***	***	*** ¹
Other sources	***	***	***	***	***	*** ¹
Total import shipments	***	***	***	***	***	*** ¹
Apparent U.S. consumption	100.0	100.0	100.0	100.0	100.0	100.0
Share of consumption based on value (percent)						
U.S. producers' U.S. shipments	***	***	***	***	***	***
U.S. shipments of imports from-- China	***	***	***	***	***	*** ¹
Other sources	***	***	***	***	***	*** ¹
Total import shipments	***	***	***	***	***	*** ¹
Apparent U.S. consumption	100.0	100.0	100.0	100.0	100.0	100.0
<p>¹ U.S. imports are presented for 2007 because U.S. shipments of imports are not available for that period.</p> <p>² Apparent U.S. consumption presented for 2007 may be understated by the amount of U.S. imports of non-malleable cast iron pipe fittings entering the United States under HTS statistical reporting numbers other than 7307.11.0030 and 7307.11.0060.</p>						
<p>Source: <i>Staff Report on Non-Malleable Cast Iron Pipe Fittings From China, Investigation No. 731-TA-990 (Final)</i>, February 27, 2003 (INV-AA-022), tables III-1, III-2, III-3, III-4, III-5, IV-2, and VI-1; <i>Response of domestic interested parties</i>, April 21, 2008, pp. 9-10 and ex. II; <i>Supplemental Response of domestic interested parties</i>, May 8, 2008, p. 1 and ex. I; and official Commerce statistics, HTS statistical reporting numbers 7307.11.0030 and 7307.11.0060.</p>						

THE WORLD MARKET

The Commission reported in the original investigation that the United States is the primary market for non-malleable cast iron pipe fittings.⁷² In fact, *Global Trade Atlas* data show that the United States and Japan have historically been net importers of non-malleable cast iron pipe fittings. *Global Trade Atlas* data concerning the net trade balance reported for the United States, China, and other selected nonsubject countries are presented in table I-11.⁷³ These data show that China consistently held the largest net export trade balance during every annual period from 2002 to 2007. In fact, China's net export status increased from 2002 to 2007.

THE SUBJECT INDUSTRY IN CHINA

The Commission's staff report in the final phase of the original investigation presented data for the Chinese industry based on the preliminary phase questionnaire responses of five firms, whose exports of the subject merchandise to the United States were estimated to have accounted for *** percent of the reported U.S. imports of the subject Chinese merchandise during 2001.⁷⁴ The domestic interested parties provided in their response to the Commission's notice of institution in this five-year review a list of the following five producers in China that currently export or have exported non-malleable cast iron pipe fittings to the United States or other countries since the 2003 injury determination: Eathu Casting & Forging Co., Ltd.; GMS; Shen Yang Metalcast Co., Ltd.; JMC; and Shanghai Foreign Trade Enterprises Co., Ltd.⁷⁵

Table I-12 presents trade data for the Chinese non-malleable cast iron pipe fittings industry received during the original investigation (1999-2001) and export data for 2007.⁷⁶ As these data show, Chinese production increased by 9.3 percent from 1999 to 2001 and capacity increased by 29.8 percent during the same period. Moreover, the Chinese producers also reported in their questionnaire responses in the original investigation that they forecasted production to increase by 25.2 percent in 2003 over the 2001 level. During the period examined in the original investigation, the Chinese producers operated their facilities at relatively low aggregate capacity utilization rates ranging from 55.3 to 65.6 percent.⁷⁷

⁷² *Staff Report on Non-Malleable Cast Iron Pipe Fittings From China, Investigation No. 731-TA-990 (Final)*, February 27, 2003 (INV-AA-022), p. IV-5.

⁷³ *Global Trade Atlas* data are for HTS subheading 7307.11 and include not only subject merchandise but also nonsubject merchandise such as cast iron soil pipe fittings.

⁷⁴ These five firms were Beijing JDH Metal Products, Ltd. ("JDH"); GMS Pipe Fittings Industries, Inc. ("GMS"); JMC; Linyi Luozhuang Yongli Casting Steel Foundry; and Shanghai Padong Malleable Iron Plant. Only one Chinese producer/exporter (JDH) provided a response to the Commission's questionnaire in the final phase of the investigation. Therefore, data received in the preliminary phase of the investigation were presented in the Commission's final phase staff report. *Staff Report on Non-Malleable Cast Iron Pipe Fittings From China, Investigation No. 731-TA-990 (Final)*, February 27, 2003 (INV-AA-022), p. VII-1.

⁷⁵ *Response of domestic interested parties*, April 21, 2008, exh. IV.

⁷⁶ No Chinese producer provided a response to the Commission's notice of institution in this review and there are no known sources of trade data for the Chinese non-malleable cast iron pipe fittings industry other than export and import data maintained by *Global Trade Atlas*.

⁷⁷ *Staff Report on Non-Malleable Cast Iron Pipe Fittings From China, Investigation No. 731-TA-990 (Final)*, February 27, 2003 (INV-AA-022), p. VII-2.

Table I-11

Non-malleable cast iron pipe fittings: China and selected nonsubject country exports, imports, and trade balances, 2002-07¹

Item	2002	2003	2004	2005	2006	2007
Quantity (short tons)						
China:						
Exports	81,085	86,239	101,666	136,387	199,469	245,485
Imports	708	1,115	1,011	1,133	846	730
Trade balance	80,377	85,124	100,655	135,254	198,623	244,755
India:						
Exports	7,046	14,800	15,354	20,215	28,220	(²)
Imports	129	171	408	492	534	(²)
Trade balance	6,917	14,629	14,946	19,723	27,686	(²)
Brazil:						
Exports	13,162	20,497	22,108	19,661	21,816	19,479
Imports	419	163	142	158	132	89
Trade balance	12,743	29,334	21,965	19,503	21,684	19,390
United States:						
Exports	11,672	9,931	10,872	11,523	14,069	16,648
Imports	27,172	26,086	27,967	32,616	34,483	36,476
Trade balance	(15,500)	(16,155)	(17,095)	(21,093)	(20,414)	(19,828)
Mexico:						
Exports	1,657	846	1,277	3,042	4,136	4,903
Imports	995	906	1,058	1,052	1,277	1,335
Trade balance	663	(60)	219	1,990	2,859	3,568
Croatia:						
Exports	2,389	1,941	2,051	2,457	4,267	4,018
Imports	269	323	423	538	657	801
Trade balance	2,120	1,618	1,628	1,919	3,610	3,217
Japan:						
Exports	1,459	3,289	1,415	2,719	2,459	2,306
Imports	20,383	20,297	21,328	21,117	22,824	21,719
Trade balance	(18,924)	(17,008)	(19,913)	(18,398)	(20,365)	(19,413)
Thailand:						
Exports	1,049	1,170	1,531	1,481	1,777	2,072
Imports	45	37	51	62	83	30
Trade balance	1,004	1,133	1,480	1,419	1,694	2,042
¹ Positive numbers presented for "trade balance" show net exports and numbers in parentheses presented for "trade balance" show net imports. ² Not available.						
Source: Global Trade Atlas (HTS subheading 7307.11, which includes not only the subject merchandise, but also nonsubject merchandise, such as cast iron soil pipe fittings).						

Table I-12

Non-malleable cast iron pipe fittings: China's capacity, production, shipments, and inventories, 1999-2001, and 2007¹

Item	1999	2000	2001	2007
Quantity (short tons)				
Capacity	8,294	9,024	10,767	(²)
Production	5,442	5,731	5,949	(²)
End-of-period inventories	***	***	***	(²)
Shipments: Home market	0	0	0	0 ³
Exports: United States	5,044	5,492	5,749	114,793 ⁴
All other markets	***	***	***	130,691 ⁴
Total exports	***	***	***	245,485 ⁴
Total shipments	***	***	***	245,485 ⁴
Ratios and shares (percent)				
Capacity utilization	65.6	63.5	55.3	(²)
Inventories to production	***	***	***	(²)
Inventories to total shipments	***	***	***	(²)
Share of total quantity of shipments: Home market	0.0	0.0	0.0	0.0 ³
Exports to: United States	***	***	***	46.8 ⁴
All other markets	***	***	***	53.2 ⁴
All export markets	100.0	100.0	100.0	100.0 ⁴

¹ Data presented for 1999-2001 were provided in the preliminary phase of the original investigation by the following five producers of non-malleable cast iron pipe fittings in China: Beijing JDH Metal Products, Ltd.; GMS; JMC; Linyi Luozhuang Yongli Casting Steel Foundry; and Shanghai Padong Malleable Iron Plant. These five producers' exports of the subject merchandise to the United States were estimated to have accounted for *** percent of the total U.S. imports of the subject merchandise during 2001. Only one Chinese producer provided a response to the Commission's questionnaire in the final phase of the original investigation and no response to the Commission's notice of institution in this review was received from any Chinese producer.

² Not available.

³ The domestic interested parties in this current review indicated in their supplemental response to the Commission's notice of institution that there is currently no home market demand in China.

⁴ *Global Trade Atlas* data are for HTS subheading 7307.11, which includes not only the subject merchandise, but also nonsubject merchandise such as cast iron soil pipe fittings. According to official import statistics for HTS statistical reporting numbers 7307.11.0030 and 7307.11.0060 combined, U.S. imports of pipe fittings from China during 2007 amounted to 12,832 short tons. If HTS items 7307.19.3060 and 7307.19.3085 are also included, the total U.S. imports from China during 2007 would amount to 29,444 short tons.

Source: *Staff Report on Non-Malleable Cast Iron Pipe Fittings From China, Investigation No. 731-TA-990 (Final)*, February 27, 2003 (INV-AA-022), table VII-1 (for 1999-2001 data), pp. I-2 and VII-1-VII-2; *Supplemental Response of domestic interested parties*, May 8, 2008, p. 2; and *Global Trade Atlas* (HTS subheading 7307.11) (for 2007 data).

According to *Global Trade Atlas* data, China exported 245,485 short tons of non-malleable cast iron pipe fittings during 2007, almost half of which were destined for the United States.⁷⁸

The domestic interested parties explained in their response to the Commission's notice of institution in this review that subsidized raw material and energy inputs in China explain, in part, the Chinese producers' increase in exports of non-malleable cast iron pipe fittings in recent years. They also argued that, as was the case in the original investigation, "the domestic industry is still threatened by Chinese over-capacity, underselling, and product shifting by Chinese producers."⁷⁹ They argued that, since the same production facilities in China are used to produce both malleable and non-malleable cast iron pipe fittings, the Chinese producers will be able to shift from production of malleable to non-malleable cast iron pipe fittings if the order is not continued. Moreover, they argued that there will be an incentive to shift products to avoid the U.S. antidumping duty on malleable fittings; the five-year review concerning that order is scheduled for institution in November 2008. The domestic interested parties also indicated that, as was the case in the original investigation, there is currently no home market demand for non-malleable cast iron pipe fittings in China and that the Chinese producers do not have access to markets other than the United States.⁸⁰

Global Trade Atlas statistics concerning exports of non-malleable cast iron pipe fittings (HTS subheading 7307.11) from China for 2002-07 are presented in table I-13.⁸¹ These data show that total exports of non-malleable cast iron pipe fittings from China to the world increased by 202.8 percent from 81,085 short tons in 2002 to 245,485 short tons in 2007. The largest export market for Chinese non-malleable cast iron pipe fittings, by far, during 2002-07 was the United States.

⁷⁸ As previously noted, *Global Trade Atlas* data also include nonsubject merchandise, such as cast iron soil pipe fittings. According to official import statistics for HTS statistical reporting numbers 7307.11.0030 and 7307.11.0060 combined, U.S. imports of pipe fittings from China during 2007 amounted to 12,832 short tons. If HTS items 7307.19.3060 and 7307.19.3085 are also included, the total U.S. imports from China during 2007 would amount to 29,444 short tons. The domestic interested parties indicated in their response to the Commission's notice of institution in this review that all U.S. imports entering under HTS items 7307.11.0030 and 7307.11.0060 are subject merchandise, "most" U.S. imports entering the United States under HTS item 7307.19.3060 are subject merchandise, and "a portion" of U.S. imports entering under HTS item 7307.19.3085 are subject imports.

⁷⁹ *Response* of domestic interested parties, April 21, 2008, p. 5.

⁸⁰ *Ibid.*, pp. 7-8; and *Supplemental Response* of domestic interested parties, May 8, 2008, p. 2.

⁸¹ As previously noted, *Global Trade Atlas* data also include nonsubject merchandise, such as cast iron soil pipe fittings.

Table I-13
Non-malleable cast iron pipe fittings: China's export shipments, 2002-07

Item	2002	2003	2004	2005	2006	2007
Quantity (short tons)						
Exports:						
United States	28,613	28,419	31,358	46,512	75,746	114,793
Korea	4,103	6,177	8,829	13,767	15,096	14,893
Spain	7,000	7,836	9,969	10,990	14,033	11,247
Canada	2,001	1,463	2,086	3,928	6,183	9,474
United Kingdom	2,918	3,900	3,886	4,477	6,922	8,788
Japan	5,350	5,667	5,995	7,610	8,635	8,001
Hong Kong	6,202	8,354	7,818	6,989	7,594	7,409
Germany	543	1,127	1,545	4,273	5,185	5,310
All other ¹	24,355	23,296	30,180	37,841	60,075	65,570
World	81,085	86,239	101,666	136,387	199,469	245,485
Value (\$1,000)²						
Exports:						
United States	21,259	23,234	29,437	44,628	65,627	112,918
Korea	1,801	2,625	3,885	7,420	8,149	9,035
Spain	4,127	4,719	7,842	9,939	13,338	12,208
Canada	1,810	1,289	2,069	4,414	7,838	10,098
United Kingdom	2,510	2,956	3,049	3,451	5,993	9,983
Japan	4,015	4,129	5,275	7,443	8,738	8,890
Hong Kong	3,184	4,495	5,175	5,273	7,011	7,310
Germany	430	945	1,666	4,282	5,160	6,283
All other ¹	14,715	15,484	25,265	35,871	60,124	73,115
World	53,850	59,877	83,663	122,721	181,976	249,839

Table continued on following page.

Table I-13—Continued

Non-malleable cast iron pipe fittings: China's export shipments, 2002-07

Item	2002	2003	2004	2005	2006	2007
Unit value (per short ton)						
Exports:						
United States	\$743	\$818	\$939	\$960	\$866	\$984
Korea	439	425	440	539	540	607
Spain	590	602	787	904	950	1,085
Canada	904	881	992	1,124	1,268	1,066
United Kingdom	860	758	785	771	866	1,136
Japan	750	729	880	978	1,012	1,111
Hong Kong	513	538	662	754	923	987
Germany	792	839	1,078	1,002	995	1,183
All other ¹	604	665	837	948	1,001	1,115
World	664	694	823	900	912	1,018
Share of the quantity of total exports (percent)						
Exports:						
United States	35.3	33.0	30.8	34.1	38.0	46.8
Korea	5.1	7.2	8.7	10.1	7.6	6.1
Spain	8.6	9.1	9.8	8.1	7.0	4.6
Canada	2.5	1.7	2.1	2.9	3.1	3.9
United Kingdom	3.6	4.5	3.8	3.3	3.5	3.6
Japan	6.6	6.6	5.9	5.6	4.3	3.3
Hong Kong	7.6	9.7	7.7	5.1	3.8	3.0
Germany	0.7	1.3	1.5	3.1	2.6	2.2
All other ¹	30.0	27.0	29.7	27.7	30.1	26.7
World	100.0	100.0	100.0	100.0	100.0	100.0
¹ Other substantial export markets for the Chinese product include Singapore, the United Arab Emirates, Australia, Syria, Saudi Arabia, Malaysia, Netherlands, Taiwan, Brazil, Denmark, Belgium, and Italy. ² F.o.b. port in China.						
Source: <i>Global Trade Atlas</i> , (HTS subheading 7307.11, which includes not only the subject merchandise but also nonsubject merchandise such as cast iron soil pipe fittings).						

APPENDIX A
***FEDERAL REGISTER* NOTICES**

deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(I). The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of this notice.

Notification of Interested Parties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders ("APOs") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/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.

This notice is issued and published in accordance with sections 751(a)(3)(A), 777(I), 751, and 777(I) of the Act and 19 CFR 351.213(d)(4).

Dated: February 22, 2008.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E8-4052 Filed 2-29-08; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-year ("Sunset") Reviews

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

SUMMARY: In accordance with section 751(c) of the Tariff Act of 1930, as amended ("the Act"), the Department of Commerce ("the Department") is automatically initiating a five-year review ("Sunset Review") of the antidumping duty order listed below. The International Trade Commission ("the Commission") is publishing concurrently with this notice its notice of Institution of Five-year Review which covers the same order.

EFFECTIVE DATE: March 3, 2008.

FOR FURTHER INFORMATION CONTACT: The Department official identified in the Initiation of Review(s) section below at AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th & Constitution Ave., NW, Washington, DC 20230. For information from the Commission contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205-3193.

SUPPLEMENTARY INFORMATION:

Background

The Department's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in the Department's Policy Bulletin 98.3 - *Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998).

Initiation of Reviews

In accordance with 19 CFR 351.218(c), we are initiating the Sunset Review of the following antidumping duty order:

DOC Case No.	ITC Case No.	Country	Product	Department Contact
A-570-875	731-TA-990	PRC	Non-Malleable Cast Iron Pipe Fittings	Juanita Chen (202) 482-1904

Filing Information

As a courtesy, we are making information related to Sunset proceedings, including copies of the pertinent statute and Department's regulations, the Department's schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on the Department's sunset Internet Web site at the following address: "http://ia.ita.doc.gov/sunset/." All submissions in these Sunset Reviews must be filed in accordance with the Department's regulations regarding format, translation, service, and certification of documents. These rules can be found at 19 CFR 351.303.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition

as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation.

Because deadlines in Sunset Reviews can be very short, we urge interested parties to apply for access to proprietary information under administrative protective order ("APO") immediately following publication in the **Federal Register** of the notice of initiation of the sunset review. The Department's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304-306.

Information Required from Interested Parties

Domestic interested parties (defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b)) wishing to participate in these Sunset

Reviews must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the orders without further review.

See 19 CFR 351.218(d)(1)(iii).

For sunset reviews of countervailing duty orders, parties wishing the Department to consider arguments that countervailable subsidy programs have been terminated must include with their substantive responses information and documentation addressing whether the changes to the program were (1) limited to an individual firm or firms and (2)

effected by an official act of the government. Further, a party claiming program termination is expected to document that there are no residual benefits under the program and that substitute programs have not been introduced. Cf. 19 CFR 351.526(b) and (d). If a party maintains that any of the subsidies countervailed by the Department were not conferred pursuant to a subsidy program, that party should nevertheless address the applicability of the factors set forth in 19 CFR 351.526(b) and (d). Similarly, parties wishing the Department to consider whether a company's change in ownership has extinguished the benefit from prior non-recurring, allocable, subsidies must include with their substantive responses information and documentation supporting their claim that all or almost all of the company's shares or assets were sold in an arm's length transaction, at a price representing fair market value, as described in the *Notice of Final Modification of Agency Practice Under Section 123 of the Uruguay Round Agreements Act*, 68 FR 37125 (June 23, 2003) ("*Modification Notice*"). See *Modification Notice* for a discussion of the types of information and documentation the Department requires.

If we receive an order-specific notice of intent to participate from a domestic interested party, the Department's regulations provide that all parties wishing to participate in the Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that the Department's information requirements are distinct from the Commission's information requirements. Please consult the Department's regulations for information regarding the Department's conduct of Sunset Reviews.¹ Please consult the Department's regulations at 19 CFR Part 351 for definitions of terms and for other general information concerning antidumping and

¹ In comments made on the interim final sunset regulations, a number of parties stated that the proposed five-day period for rebuttals to substantive responses to a notice of initiation was insufficient. This requirement was retained in the final sunset regulations at 19 CFR 351.218(d)(4). As provided in 19 CFR 351.302(b), however, the Department will consider individual requests for extension of that five-day deadline based upon a showing of good cause.

countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: February 22, 2008.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E8-4055 Filed 2-29-08; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

Exporters' Textile Advisory Committee; Notice of Open Meeting

A meeting of the Exporters' Textile Advisory Committee will be held on Tuesday, April 23, 2008. The meeting will be from 1:00-4:00 p.m. at the Trade Information Center, Ronald Reagan Building and International Trade Center, 1300 Pennsylvania Ave., N.W., Washington, D.C. 20004, Training Room "C".

The Committee provides advice and guidance to Department officials on the identification and surmounting of barriers to the expansion of textile exports, and on methods of encouraging textile firms to participate in export expansion.

The Committee functions solely as an advisory body in accordance with the provisions of the Federal Advisory Committee Act.

The meeting will be open to the public with a limited number of seats available. For further information contact Larry Brill at (202) 482-1856. Minutes of all ETAC meetings are posted at otexa.ita.doc.gov. Dated: February 26, 2008.

Janet E. Heinzen,

Acting Chairman, Committee for Implementation of Textile Agreements.

[FR Doc. E8-4049 Filed 2-29-08; 8:45 am]

BILLING CODE 3510-DR-S

DEPARTMENT OF COMMERCE

International Trade Administration

Exporters' Textile Advisory Committee; Notice of Open Meeting

A meeting of the Exporters' Textile Advisory Committee will be held on May 8, 2008 from 10:00AM- 1:00 PM at the U.S. Department of Commerce, U.S. Export Assistance Center, 444 S. Flower St. 34th Floor, Los Angeles, CA 90071.

The Committee provides advice and guidance to Department officials on the

identification and surmounting of barriers to the expansion of textile exports, and on methods of encouraging textile firms to participate in export expansion.

The Committee functions solely as an advisory body in accordance with the provisions of the Federal Advisory Committee Act.

The meeting will be open to the public with a limited number of seats available. For further information contact Larry Brill at (202) 482-1856. Minutes of all ETAC meetings are posted at otexa.ita.doc.gov. Dated: February 26, 2008.

Janet E. Heinzen,

Acting Chairman, Committee for Implementation of Textile Agreements.

[FR Doc. E8-4053 Filed 2-29-08; 8:45 am]

BILLING CODE 3510-DR-S

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-850]

Carbon and Alloy Seamless Standard, Line, and Pressure Pipe (over 4½ Inches) from Japan: Notice of Rescission of Antidumping Duty Administrative Review

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

SUMMARY: On July 26, 2007, the U.S. Department of Commerce (the Department) published a notice of initiation of an administrative review of the antidumping duty order on carbon and alloy seamless standard, line, and pressure pipe (over 4½ inches) from Japan. The review covers four manufacturers/exporters: JFE Steel Corporation; Nippon Steel Corporation; NKK Tubes; and Sumitomo Metal Industries, Ltd. The period of review (POR) is June 1, 2006, through May 31, 2007. Following the receipt of a certification of no shipments from all four respondents, we notified the domestic interested party of the Department's intent to rescind this review and provided an opportunity to comment on the rescission. We received no comments. Therefore, we are rescinding this administrative review. **EFFECTIVE DATE:** March 3, 2008.

FOR FURTHER INFORMATION CONTACT: Salim Bhabhrawala, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1784.

Act (19 U.S.C. 1673b). The investigations were requested in a petition filed on June 18, 2007, by Titan Tire Corporation (Des Moines, IA) and The United Steelworkers (Pittsburgh, PA).

Participation in the investigations 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 final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on June 18, 2008, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on July 2, 2008, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before June 25, 2008. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement

at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on June 30, 2008, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is June 25, 2008. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is July 10, 2008; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before July 10, 2008. On July 31, 2008, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before August 4, 2008, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also 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). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II (C) of the Commission's Handbook on

Electronic Filing Procedures, 67 Fed. Reg. 68168, 68173 (November 8, 2002).

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (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.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: February 27, 2008.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E8-3977 Filed 2-29-08; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-990 (Review)]

Non-Malleable Cast Iron Pipe Fittings From China

AGENCY: United States International Trade Commission.

ACTION: Institution of a five-year review concerning the antidumping duty order on non-malleable cast iron pipe fittings from China.

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 duty order on non-malleable cast iron pipe fittings from China 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

¹No 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. 08-5-180, expiration date June 30, 2008. Public reporting burden for the request is estimated to average 10

consideration, the deadline for responses is April 22, 2008. Comments on the adequacy of responses may be filed with the Commission by May 16, 2008. 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: March 3, 2008.

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 April 7, 2003, the Department of Commerce issued an antidumping duty order on imports of non-malleable cast iron pipe fittings from China (68 FR 16765). The Commission is conducting a 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 China.

(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 original determination, the Commission determined that there was a single *Domestic Like Product* consisting of non-malleable and ductile cast iron pipe fittings corresponding to Commerce's scope.

(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, the Commission defined the *Domestic Industry* to consist of all domestic producers of non-malleable and ductile cast iron pipe fittings corresponding to Commerce's scope.

(5) The *Order Date* is the date that the antidumping duty order under review became effective. In this review, the *Order Date* is April 7, 2003.

(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. The Commission's designated agency ethics official has advised that a five-year review is the "same particular matter" as the underlying original investigation for purposes of 19 CFR 201.15 and 18 U.S.C. 207, the post employment statute for Federal employees. Former employees may seek informal advice

from Commission ethics officials with respect to this and the related issue of whether the employee's participation was "personal and substantial." 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 April 22, 2008. 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 May 16, 2008. 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

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.

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 duty order 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 Merchandise* on 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 since the *Order Date*.

(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 2007 (report quantity data in short tons 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 2007 (report quantity data in short tons 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 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 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 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 2007 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping 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* since the *Order Date*, 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.

By order of the Commission.
Issued: February 26, 2008.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E8-3973 Filed 2-29-08; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[OMB Number 1117-0010]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review—U.S. Official Order Forms for Schedule I and II Controlled Substances (Accountable Forms), Order Form Requisition DEA Form 222 and 222a.

The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until May 2, 2008. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Mark W. Caverly, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information will have practical utility;
—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this Information Collection:

(1) Type of Information Collection: Extension of a currently approved collection.

(2) Title of the Form/Collection: U.S. Official Order Forms for Schedule I and II Controlled Substances (Accountable Forms), Order Form Requisition (DEA Form 222 and 222a).

(3) Agency form number, if any, and the applicable component of the Department sponsoring the collection: Form number: DEA Form 222 and 222a.

Component: Office of Diversion Control, Drug Enforcement Administration, Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract:

Primary: Business or other for-profit.
Other: Not-for-profit, State, local or tribal government.

Abstract: DEA-222 is used to transfer or purchase Schedule I and II controlled substances and data are needed to provide an audit of transfer and purchase. DEA-222a Requisition Form is used to obtain the DEA-222 Order Form. Persons may also digitally sign and transmit orders for controlled substances electronically, using a digital certificate. Orders for Schedule I and II controlled substances are archived and transmitted to DEA.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: DEA estimates that 96,280 registrants submit forms annually for this collection, taking an estimated 13.34 hours annually.

(6) An estimate of the total public burden (in hours) associated with the collection: DEA estimates that there will be 1,283,935 annual burden hours associated with the collection.

If additional information is required contact: Lynn Bryant, Department

Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC 20530.

Dated: February 26, 2008.

Lynn Bryant,

*Department Clearance Officer, PRA,
Department of Justice.*

[FR Doc. E8-3954 Filed 2-29-08; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[OMB Number 1117-0021]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review Records and Reports of Registrants.

The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until May 2, 2008. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Mark W. Caverly, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

Land Management and U.S. Fish and Wildlife Service contractors working under the supervision of the Alaska Office of History and Archaeology professional staff in consultation with representatives of the Qawalangin Tribe of Unalaska.

In 1950, human remains representing a minimum of 10 individuals were removed from the Eider Point site near Unalaska on Unalaska Island in the Fox Island group of the eastern Aleutian Islands, AK. No known individuals were identified. No associated funerary objects are present.

During the 1950s or 1960s, human remains representing a minimum of one individual were removed from an undetermined site near Unalaska on Amaknak Island in the Fox Island group of the eastern Aleutian Islands, AK. No known individual was identified. No associated funerary objects are present.

According to museum records, the human remains from both sites were excavated by Dr. Ted Bank of Western Michigan University, Kalamazoo, MI, under federal permits. All excavations were done on land managed by the Bureau of Land Management authority at the time. In about 1998, the Museum of the Aleutians received the Western Michigan University archeological collections from Unalaska and Amaknak Islands, AK, including human remains that had been in the possession of the now-deceased Dr. Bank. In about 2003, human remains were moved to the University of Alaska, Anchorage, Anthropology Department. In 2004, the human remains were sent to the State of Alaska Office of History and Archaeology for inventory.

Unalaska Island and nearby Amaknak Island have been inhabited for over 8,000 years by Aleut (Unangan) people. Based on geographical location, oral history, and archeological evidence, the human remains from these two islands are determined to be Native American and ancestors of the Qawalangin Tribe of Unalaska.

Officials of the Bureau of Land Management have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of 11 individuals of Native American ancestry. Officials of the Bureau of Land Management also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Qawalangin Tribe of Unalaska.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Dr. Robert E. King,

Alaska State NAGPRA Coordinator, Bureau of Land Management, 222 W. 7th Avenue, Box 13, Anchorage, AK 99513–7599, telephone (907) 271–5510, before July 17, 2008. Repatriation of the human remains to the Qawalangin Tribe of Unalaska may proceed after that date if no additional claimants come forward.

The Bureau of Land Management is responsible for notifying the Ounalaska Corporation and Qawalangin Tribe of Unalaska that this notice has been published.

Dated: May 21, 2008

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E8–13584 Filed 6–16–08; 8:45 am]

BILLING CODE 4312–50–S

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–990 (Review)]

Non-Malleable Cast Iron Pipe Fittings From China

AGENCY: United States International Trade Commission.

ACTION: Scheduling of an expedited five-year review concerning the antidumping duty order on non-malleable cast iron pipe fittings from China.

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 duty order on non-malleable cast iron pipe fittings from China 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).

DATES: *Effective Date:* June 6, 2008.

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 June 6, 2008, the Commission determined that the domestic interested party group response to its notice of institution (73 FR 11440, March 3, 2008) 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.²

Staff report. A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on June 26, 2008, 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,³ 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 July 1, 2008, 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 July 1, 2008. 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

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 Chairman Daniel R. Pearson and Vice Chairman Shara L. Aranoff determined that the changes in the conditions of competition warranted conducting a full review.

³ The Commission has found the responses submitted by Anvil International, LP, and Ward Manufacturing, LLP, to be individually adequate. Comments from other interested parties will not be accepted (see 19 CFR 207.62(d)(2)).

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). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II (C) of the Commission's Handbook on Electronic Filing Procedures, 67 FR 68168, 68173 (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.

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: June 11, 2008.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E8-13528 Filed 6-16-08; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

Notice is hereby given that on June 2, 2008, a proposed Settlement Agreement in the case of *In re ASARCO LLC, et al.*, No. 05-21207, Chapter 11, regarding the Iron Mountain Site located in Mineral County, Montana, near the Town of Superior, Montana, was lodged with the United States Bankruptcy Court for the Southern District of Texas.

The United States, on behalf of the Forest Service, and the Montana Department of Environmental Quality (DEQ) alleged that they incurred past response costs, and will incur future response costs, under CERCLA in connection with the Site for which ASARCO LLC is liable. The Settlement Agreement for the Iron Mountain Site would provide a \$500,000 unsecured claim for the Forest Service and a \$1.7

million unsecured claim for the State of Montana. In addition, ASARCO LLC would agree to negotiate an Administrative Order on Consent with the Montana DEQ for the investigation and analysis of remedial options and to implement the remedy for portions of the Iron Mountain Site currently owned by ASARCO LLC.

For thirty (30) days after the date of this publication, the Department of Justice will receive comments relating to the Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to pubcomment-ees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. In either case, the comments should refer to *In re ASARCO LLC, et al.*, Iron Mountain Site, D.J. Ref. No. 90-11-3-09141.

During the comment period, the Settlement Agreement may be examined on the following Department of Justice Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the Settlement Agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or by faxing or e-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$4.75 (25 cents per page reproduction cost) payable to the United States Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Robert E. Maher, Jr.,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E8-13637 Filed 6-16-08; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

Notice of Proposed Settlement Agreement Under the Park System Resource Protection Act

Notice is hereby given that the United States Department of Justice, on behalf of the U.S. Department of the Interior, National Park Service ("DOI") has reached a settlement with Thomas G. Mundy, on behalf of himself and the M/V Sea Ya regarding claims for response costs and damages under the Park System Resource Protection Act ("PSRPA"), 16 U.S.C. 19jj.

The United States' claim arises from the grounding of the vessel "Sea Ya" in Everglades National Park on September 3, 2001. The grounding injured Park resources. Pursuant to the Agreement, the United States will recover \$150,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to pubcomment-ees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to the Settlement Agreement between the United States and Thomas G. Mundy and the M/V Sea Ya, DOJ Ref. No. 90-5-1-1-08517.

The proposed Settlement Agreement may be examined at Everglades National Park, 40001 State Road 9336, Homestead, FL 33034-6733, and at the Department of the Interior, Office of the Solicitor, Southeast Regional Office, Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, Georgia 30303. During the public comment period, the Settlement Agreement may also be examined on the following Department of Justice Web site, http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the Settlement Agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$2.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by email or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E8-13635 Filed 6-16-08; 8:45 am]

BILLING CODE 4410-15-P

APPENDIX B
STATEMENT ON ADEQUACY

EXPLANATION OF COMMISSION DETERMINATION ON ADEQUACY

in

Non-Malleable Cast Iron Pipe Fittings from China

Inv. No. 731-TA-990 (Review)

On June 6, 2008, 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).¹

The Commission received a joint response to its notice of institution from Anvil International, LP (“Anvil”) and Ward Manufacturing, LLC (“Ward”), domestic producers of non-malleable cast iron pipe fittings. The Commission determined that the individual responses from Anvil and Ward, which together represented an estimated 90-95 percent of domestic production over the period of review, were adequate. The Commission also determined that the domestic interested party group response was adequate.

The Commission received no response from any respondent interested party, and therefore determined that the respondent interested party group response to the notice of institution was inadequate. In the absence of an adequate respondent interested party group response, and any other circumstances warranting a full review, the Commission 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>).

¹ Chairman Daniel R. Pearson and Vice Chairman Shara L. Aranoff, noting that during the period of review Anvil purchased the single-largest importer of the subject product, determined that the resulting changes in the conditions of competition warranted conducting a full review, notwithstanding their finding that the respondent interested party group response to the Commission’s notice of institution was inadequate.

APPENDIX C
OFFICIAL IMPORT STATISTICS

Table C-1
Non-malleable cast iron pipe fittings: U.S. imports, by source and by HTS number, 1999-2007¹

Source	1999	2000	2001	2002	2003	2004	2005	2006	2007
Quantity (short tons)									
China:									
7307.11.0030	1,744	1,161	2,017	2,586	5,217	6,597	8,626	7,345	9,935
7307.11.0060	12,664	13,941	13,573	12,801	7,480	3,217	4,077	4,004	2,896
Subtotal	14,408	15,102	15,590	15,387	12,697	9,814	12,703	11,349	12,831
7307.19.3060	2,219	2,746	3,616	7,478	5,807	6,657	4,361	3,053	7,284
7307.19.3080 ²	24,832	21,777	33,678	0	0	0	0	0	0
7307.19.3085 ²	0	0	0	23,146	7,547	7,853	13,812	11,829	9,328
Total, China	41,459	39,625	52,884	46,011	26,051	24,324	30,876	26,231	29,443
All other sources:									
7307.11.0030	2,945	3,375	3,832	217	329	212	228	321	543
7307.11.0060	4,830	6,727	3,402	6,071	5,362	5,056	5,212	4,584	4,796
Subtotal	7,775	10,102	7,234	6,288	5,691	5,268	5,440	4,905	5,339
7307.19.3060	1,187	879	828	1,283	560	679	1,027	1,005	953
7307.19.3080 ²	18,141	23,619	26,656	0	0	0	0	0	0
7307.19.3085 ²	0	0	0	23,413	5,521	4,072	4,877	4,795	3,620
Total, all other sources:	27,103	34,600	34,718	30,984	11,772	10,019	11,344	10,705	9,912
All sources:									
7307.11.0030	4,689	4,536	5,850	2,803	5,546	6,809	8,854	7,666	10,479
7307.11.0060	17,494	20,668	16,975	18,872	12,843	8,273	9,288	8,587	7,693
Subtotal	22,183	25,204	22,825	21,675	18,389	15,082	18,142	16,253	18,172
7307.19.3060	3,406	3,624	4,444	8,761	6,367	7,336	5,388	4,057	8,237
7307.19.3080 ²	42,973	45,396	60,334	0	0	0	0	0	0
7307.19.3085 ²	0	0	0	46,559	13,068	11,925	18,689	16,623	12,949
Total, all sources	68,562	74,224	87,603	76,995	37,824	34,343	42,219	36,933	39,358

Continued on the following page.

Table C-1--Continued
Non-malleable cast iron pipe fittings: U.S. imports, by source and by HTS number, 1999-2007¹

Source	1999	2000	2001	2002	2003	2004	2005	2006	2007
Landed, duty-paid value (1,000 dollars)									
China:									
7307.11.0030	1,520	1,021	1,353	1,526	3,806	6,016	8,611	7,815	11,459
7307.11.0060	9,567	11,299	10,103	11,051	7,054	2,929	3,868	4,637	4,079
Subtotal	11,087	12,320	11,456	12,578	10,860	8,945	12,479	12,452	15,538
7307.19.3060	2,406	3,189	4,053	7,509	6,270	7,792	5,626	4,186	11,028
7307.19.3080 ²	23,250	21,203	32,562	0	0	0	0	0	0
7307.19.3085 ²	0	0	0	22,895	8,286	9,305	15,328	13,079	13,047
Total, China	36,744	36,712	48,071	42,981	25,416	26,042	33,432	29,717	39,613
All other sources:									
7307.11.0030	4,887	6,041	5,237	2,288	2,241	2,383	2,664	3,483	5,149
7307.11.0060	7,173	8,788	5,686	8,869	8,549	9,232	9,963	9,348	9,383
Subtotal	12,060	14,829	10,923	11,158	10,790	11,615	12,628	12,832	14,532
7307.19.3060	2,332	2,081	2,739	2,566	1,732	2,262	2,917	4,624	3,848
7307.19.3080 ²	24,195	29,403	31,191	0	0	0	0	0	0
7307.19.3085 ²	0	0	0	33,637	9,357	8,808	10,289	11,406	10,072
Total, all other sources:	38,586	46,313	44,852	47,361	21,879	22,685	25,834	28,862	28,452
All sources:									
7307.11.0030	6,407	7,062	6,590	3,815	6,047	8,398	11,275	11,299	16,608
7307.11.0060	16,740	20,087	15,789	19,921	15,603	12,161	13,831	13,985	13,462
Subtotal	23,147	27,148	22,378	23,735	21,650	20,560	25,106	25,284	30,070
7307.19.3060	4,738	5,270	6,792	10,075	8,002	10,054	8,543	8,810	14,875
7307.19.3080 ²	47,445	50,606	63,753	0	0	0	0	0	0
7307.19.3085 ²	0	0	0	56,532	17,644	18,113	25,617	24,485	23,120
Total, all sources	75,330	83,025	92,923	90,342	47,295	48,727	59,266	58,579	68,065

Continued on the following page.

Table C-1--Continued
Non-malleable cast iron pipe fittings: U.S. imports, by source and by HTS number, 1999-2007¹

Source	1999	2000	2001	2002	2003	2004	2005	2006	2007
Unit value (per short ton)									
China:									
7307.11.0030	\$872	\$879	\$671	\$590	\$730	\$912	\$998	\$1,064	\$1,153
7307.11.0060	755	810	744	863	943	911	949	1,158	1,408
Average	770	816	735	817	855	911	982	1,097	1,211
7307.19.3060	1,084	1,162	1,121	1,004	1,080	1,171	1,290	1,371	1,514
7307.19.3080 ²	936	974	967	(³)	(³)	(³)	(³)	(³)	(³)
7307.19.3085 ²	(³)	(³)	(³)	989	1,098	1,185	1,110	1,106	1,399
Average, China	886	926	909	934	976	1,071	1,083	1,133	1,345
All other sources:									
7307.11.0030	1,660	1,790	1,367	10,565	6,816	11,239	11,670	10,856	9,479
7307.11.0060	1,485	1,306	1,671	1,461	1,594	1,826	1,912	2,039	1,956
Average	1,551	1,468	1,510	1,774	1,896	2,205	2,321	2,616	2,722
7307.19.3060	1,964	2,369	3,306	2,000	3,092	3,330	2,839	4,603	4,036
7307.19.3080 ²	1,334	1,245	1,170	(³)	(³)	(³)	(³)	(³)	(³)
7307.19.3085 ²	(³)	(³)	(³)	1,437	1,695	2,163	2,110	2,379	2,782
Average, all other sources	1,424	1,339	1,292	1,529	1,859	2,264	2,277	2,696	2,870
All sources:									
7307.11.0030	1,367	1,557	1,127	1,361	1,090	1,233	1,273	1,474	1,585
7307.11.0060	957	972	930	1,056	1,215	1,470	1,489	1,629	1,750
Average	1,043	1,077	980	1,095	1,177	1,363	1,384	1,556	1,655
7307.19.3060	1,391	1,454	1,528	1,150	1,257	1,371	1,585	2,172	1,806
7307.19.3080 ²	1,104	1,115	1,057	(³)	(³)	(³)	(³)	(³)	(³)
7307.19.3085 ²	(³)	(³)	(³)	1,214	1,350	1,519	1,371	1,473	1,786
Average, all sources	1,099	1,119	1,061	1,173	1,250	1,419	1,404	1,586	1,729

Footnotes continued on following page.

Table C-1--Continued**Non-malleable cast iron pipe fittings: U.S. imports, by source and by HTS number, 1999-2007¹**

¹ The domestic interested parties indicated that all U.S. imports entering under HTS items 7307.11.0030 and 7307.11.0060 are subject merchandise. They also indicated that “most” U.S. imports entering the United States under HTS statistical reporting number 7307.19.3060 are subject merchandise and “a portion” of U.S. imports entering under HTS number 7307.19.3085 are subject imports (*Supplemental Response* of domestic interested parties, May 8, 2008, p. 2).

² Effective January 2002, HTS statistical reporting number 7307.19.3080 (tube or pipe fittings, of iron or steel, cast fittings, ductile fittings, other) was broken out into HTS statistical reporting numbers 7307.19.3085 (tube or pipe fittings, of iron or steel, cast fittings, ductile fittings, other) and 7307.19.3070 (tube or pipe fittings, of iron or steel, cast fittings, ductile fittings, other, with mechanical push-on (rubber compression) or flanged joints attached). Imports that entered the United States under HTS statistical reporting number 7307.19.3070 are not presented because these fittings are not included in Commerce’s scope. Therefore, data presented for HTS number 7307.19.3080 for 1999-2001 are overstated by the amount of nonsubject merchandise that would subsequently be classified under HTS statistical reporting number 7307.19.3070.

³ Not applicable.

Source: Official Commerce statistics, HTS subheadings 7307.11.0030, 7307.11.0060, 7307.19.3060, 7307.19.3080, and 7307.19.3085.