

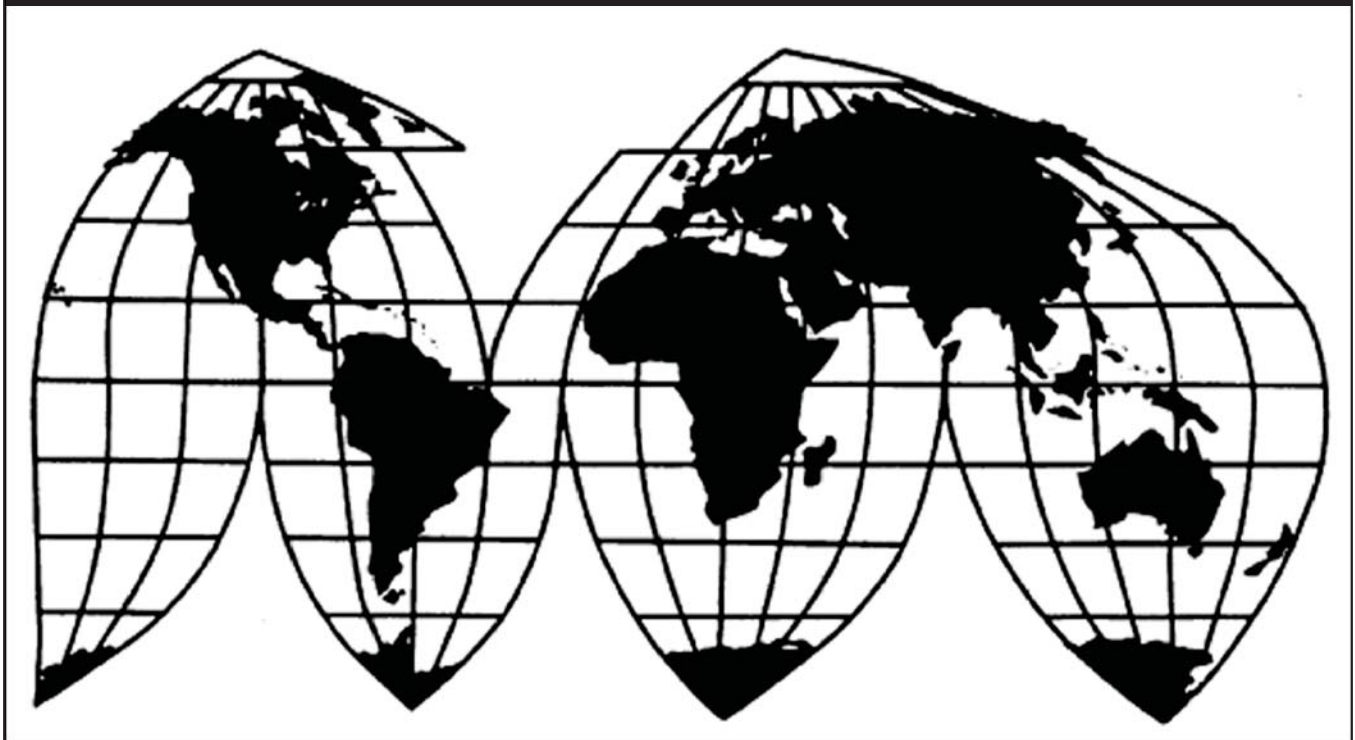
Light-Walled Rectangular Pipe and Tube from Taiwan

Investigation No. 731-TA-410 (Third Review)

Publication 4301

January 2012

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Note.—Information that would reveal confidential operations of individual concerns may not be published and therefore has been deleted.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

UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation No. 731-TA-410 (Third Review)

LIGHT-WALLED RECTANGULAR PIPE AND TUBE FROM TAIWAN

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 light-walled rectangular pipe and tube from Taiwan 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 July 1, 2011 (76 F.R. 38691) and determined on October 4, 2011, that it would conduct expedited reviews (76 F.R. 64105, October 17, 2011).

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 light-walled rectangular pipe and tube (“LWR pipe and tube”) from Taiwan 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

Original Investigations: In March 1989, the Commission determined that an industry in the United States was materially injured or threatened with material injury by reason of less-than-fair-value imports of LWR pipe and tube from Taiwan.¹ Later that year, the Commission made an affirmative determination concerning imports of LWR pipe and tube from Argentina.² The Commission had previously made an affirmative determination concerning LWR pipe and tube imports from Singapore.³

First reviews: In the first five-year reviews, instituted on May 3, 1999, the preceding LWR pipe and tube antidumping duty orders were grouped for initiation with certain antidumping and countervailing duty orders on imports of circular, welded, non-alloy steel pipe and tube not more than 16 inches in outside diameter (“CW pipe and tube”) and oil country tubular goods (“OCTG”), in order to promote administrative efficiency due to similarities in the products and/or market participants. The Commission conducted full reviews of all orders in the group.⁴ With respect to LWR pipe and tube,⁵ the Commission determined that revocation of the antidumping duty orders on imports from Argentina and Taiwan would be likely to lead to continuation or recurrence of material injury to an industry in the

¹ Certain Light-Walled Rectangular Pipes and Tubes from Taiwan, Inv. No. 731-TA-410 (Final), USITC Pub. 2169 (Mar. 1989). Those Commissioners making affirmative material injury determinations (Commissioners Brunsdale and Cass) cumulated imports from Taiwan with imports from Argentina, also subject to investigation. Commerce imposed an order on the imports from Taiwan on March 27, 1989. 54 Fed. Reg. 12467 (Mar. 27, 1989).

² Certain Light-Walled Rectangular Pipes and Tubes from Argentina, Inv. No. 731-TA-409 (Final), USITC Pub. 2187 (May 1989). Commerce imposed an antidumping duty order on imports of LWR pipe and tube from Argentina on May 26, 1989. 54 Fed. Reg. 22794 (May 26, 1989).

³ Certain Welded Carbon Steel Pipes and Tubes from the Philippines and Singapore, Invs. Nos. 731-TA-293, 294, and 296 (Final), USITC Pub. 1907 (Nov. 1986) (also making negative determinations concerning standard pipes and tube from the Philippines and Singapore). Commerce imposed an antidumping duty order on imports of LWR pipe and tube from Singapore on November 13, 1986. 51 Fed. Reg. 41142 (Nov. 13, 1986).

⁴ As the Commission explained: (1) it received adequate domestic interested party group responses for all orders and adequate respondent interested party group responses for the CW pipe and tube orders on imports from Turkey (two orders), Korea, Mexico, and Venezuela, and (2) it concluded that conducting full reviews of all other orders subject to the reviews for which it received no respondent interested party responses to the notice of institution (*i.e.*, CW pipe and tube from Brazil, India, Taiwan (two orders), and Thailand; LWR pipe and tube from Argentina, Singapore, and Taiwan) would promote administrative efficiency. Certain Pipe and Tube from Argentina, Brazil, Canada, India, Korea, Mexico, Singapore, Taiwan, Thailand, Turkey, and Venezuela, Invs. Nos. 701-TA-253, 731 TA-132, 152, 271, 273, 276, 277, 296, 409, 410, 532 to 534, 536, and 537 (Review), USITC Pub. 3316 at 6 (July 2000).

⁵ In the first reviews, the Commission made negative five-year review determinations concerning all OCTG orders. USITC Pub. 3316 at 3. With respect to CW pipe and tube, the Commission made a negative determination concerning the order on imports from Venezuela and affirmative determinations concerning the orders on imports from Brazil, India, Korea, Mexico, Taiwan, Thailand, and Turkey. *Id.*

United States within a reasonably foreseeable time, but it made a negative determination concerning the order on imports from Singapore.⁶

Second reviews: In second reviews instituted on July 1, 2005, the LWR pipe and tube orders were grouped with orders on imports of CW pipe and tube. The Commission again decided to conduct full reviews of all orders in the group.⁷ With respect to LWR pipe and tube,⁸ the Commission determined that revocation of the antidumping duty order on imports from Taiwan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time, but it made a negative determination concerning the order on imports from Argentina.⁹

There were no appeals of the Commission's original determinations or first- or second-review determinations that resulted in a court decision.

Third Reviews: The Commission instituted third reviews of the remaining orders on imports of CW pipe and tube and the order on imports of LWR pipe and tube from Taiwan on July 1, 2011.¹⁰ On October 4, 2011, the Commission decided to conduct an expedited five-year review of the order on LWR pipe and tube from Taiwan and to conduct full reviews of the orders on CW pipe and tube from Brazil, India, Korea, Mexico, Taiwan, Thailand, and Turkey.¹¹

Domestic LWR pipe and tube producers Allied Tube and Conduit ("Allied Tube"), Bull Moose Tube ("Bull Moose"), JMC Steel Group ("JMC Steel"), Leavitt Tube Company ("Leavitt Tube"),

⁶ USITC Pub. 3316 at 3 (Commissioner Askey dissenting with respect to LWR pipe and tube from Argentina and Taiwan, and Commissioner Bragg dissenting with respect to LWR pipe and tube from Singapore).

⁷ As the Commission explained: (1) it received adequate domestic interested party group responses for all orders and adequate respondent interested party group responses for three of the CW pipe and tube orders (on imports from Turkey (two orders) and Mexico), and (2) it concluded that conducting full reviews of all other orders subject to the reviews (*i.e.*, CW pipe and tube from Brazil, India, Korea, Taiwan (two orders), and Thailand as well as LWR pipe and tube from Argentina and Taiwan) would promote administrative efficiency. Certain Pipe and Tube from Argentina, Brazil, India, Korea, Mexico, Taiwan, Thailand, and Turkey, Invs. Nos. 701-TA-253, 731-TA-132, 152, 271, 273, 409, 410, 532 to 534, and 536 (Second Review), USITC Pub. 3867 at 4-5 (July 2006).

⁸ With respect to CW pipe and tube, the Commission determined that revocation of the orders on imports from Brazil, India, Korea, Mexico, Taiwan, Thailand, and Turkey would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. USITC Pub. 3867 at 3, 16.

⁹ The Commission's determinations regarding LWR pipe and tube reflected the views of Chairman Okun and Commissioners Pearson, Aranoff, and Hillman. Commissioners Lane and Koplman determined that revocation of the antidumping duty order on imports of LWR pipe and tube from Argentina, which they exercised their discretion to cumulate with imports of LWR pipe and tube from Taiwan, would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. USITC Pub. 3867 at 3, 54.

¹⁰ 76 Fed. Reg. 38691 (July 1, 2011).

¹¹ As the Commission explained: (1) it received adequate domestic interested party group responses for all orders; (2) it received no respondent interested party response regarding the order on LWR pipe and tube from Taiwan, and it did not find any circumstances that would warrant conducting a full review of that order; and (3) it received adequate respondent interested party group responses for four of the CW pipe and tube orders (on imports from Mexico, Thailand, and Turkey (two orders)), and it concluded that conducting full reviews of the other CW pipe and tube orders (*i.e.*, the orders on CW pipe and tube from Brazil, India, Korea, and Taiwan (two orders)) would promote administrative efficiency. The Commissioners participating in the adequacy vote were Chairman Okun, Vice Chairman Williamson, and Commissioners Pearson, Aranoff, Pinkert, and Lane. Commissioner Lane voted to conduct a full review of the order on LWR pipe and tube from Taiwan. See Confidential Staff Report for Third Review, Memorandum INV-JJ-126 (Dec. 8, 2011) ("CR") and Public Report, Light-Walled Rectangular Pipe and Tube from Taiwan, Inv. No. 731-TA-410 (Third Review), USITC Pub. 4301 (Jan. 2012) ("PR") at Appendix B (Adequacy Statement).

California Steel and Tube (“California”), Hannibal Industries (“Hannibal”), and Searing Industries (“Searing”) (“Domestic Interested Parties”) appeared in this review, submitted a joint response to the notice of institution and joint comments on the record data.¹² No respondent interested parties entered an appearance or submitted any information or arguments in this review. As a result, the record in this expedited review contains only limited new information with respect to the LWR pipe and tube industry in Taiwan and the U.S. LWR pipe and tube market since 2005. Accordingly, for our determination, we rely as appropriate on the facts available from the original investigations and prior reviews and the limited new information on the record in this review.^{13 14}

II. DOMESTIC LIKE PRODUCT

In making its determination under section 751(c) of the Act, the Commission defines the “domestic like product” and the “industry.”¹⁵ The Act defines “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.”¹⁶ The Commission’s practice in five-year reviews is to examine the domestic like product definition from the original investigation and any completed reviews and consider whether the record indicates any reason to revisit the prior findings.¹⁷

¹² Additionally, *** provided data on its operations to the Domestic Interested Parties for inclusion in their submissions to the Commission in this review. Domestic Interested Parties’ Response to the Notice of Institution (“NOI”) at 9 n.3.

¹³ 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) apply only to Commerce. 19 U.S.C. § 1677m(i); see Titanium Metals Corp. v. United States, 155 F. Supp. 2d 750, 765 (Ct. Int’l Trade 2001) (“{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.”).

¹⁴ Chairman 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. See 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, 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.

¹⁵ 19 U.S.C. § 1677(4)(A).

¹⁶ 19 U.S.C. § 1677(10); see, e.g., Cleo Inc. v. United States, 501 F.3d 1291, 1299 (Fed. Cir. 2007); NEC Corp. v. Department of Commerce, 36 F. Supp. 2d 380, 383 (Ct. Int’l Trade 1998); 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).

¹⁷ See, e.g., Internal Combustion Industrial Forklift Trucks From Japan, Inv. No. 731-TA-377 (Second Review), USITC Pub. 3831 at 8-9 (Dec. 2005); Crawfish Tail Meat From China, Inv. No. 731-TA-752 (Review), USITC Pub. 3614 at 4 (Jul. 2003); Steel Concrete Reinforcing Bar From Turkey, Inv. No. 731-TA-745 (Review), USITC Pub. 3577 at 4 (Feb. 2003).

Commerce has defined the imported merchandise within the scope of the order under review as “light-walled welded carbon steel pipe and tube of rectangular (including square) cross-section having a wall thickness of less than 0.156 inch.”¹⁸ In the United States, producers manufacture LWR pipe and tube either by two-stage forming (i.e., slitting flat-rolled steel sheet to the desired width, bending and then welding the strips into tubular form, and then forming the round tube into rectangular or square shapes) or by direct forming (i.e., forming flat steel sheets into rectangular shapes and then welding the edges).¹⁹ LWR pipe and tube are generally produced to ASTM specifications A-500 and A-513.²⁰ While not used to convey liquids or gases, LWR pipe and tube are used for fencing, window guards, cattle chutes, railings for construction and agricultural applications, and more ornamental (but also functional) items such as furniture parts, athletic equipment, lawn and garden equipment, store shelving, towel racks, and similar items.²¹ Where corrosion resistance is required, LWR pipe and tube may be coated with a thin film of zinc (i.e., galvanized) for use in air-conditioning equipment, automotive parts, or certain outdoor signs.²²

In the original investigations and both of the previous five-year reviews, the Commission defined the domestic like product as LWR pipe and tube coextensive with Commerce’s scope definition.²³ In none of the prior proceedings was there any dispute about the appropriate like product definition.²⁴ Likewise, in this review the Domestic Interested Parties assert that the Commission should again define a single domestic like product coextensive with Commerce’s scope definition.²⁵

The record of this third review does not indicate any changes in the facts supporting our prior domestic like product findings,²⁶ and no party has argued for a different definition. Consequently, for purposes of our analysis in this review, we define a single domestic like product consisting of LWR pipe and tube.

III. DOMESTIC INDUSTRY

Section 771(4)(A) of the Act defines the relevant industry as the domestic “producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product

¹⁸ As Commerce further explained, “This merchandise is classified under item number 7306.61.5000 of the Harmonized Tariff Schedule (HTS). It was formerly classified under item number 7306.60.5000. The HTS item numbers are provided for convenience and customs purposes only. The written product description remains dispositive.” 76 Fed. Reg. 64312 (Oct. 18, 2011).

¹⁹ CR at I-11; PR at I-9 and I-10.

²⁰ CR at I-10; PR at I-9.

²¹ CR at I-10; PR at I-9.

²² CR at I-10, I-11; PR at I-9, I-10.

²³ Original Determinations, USITC Pub. 2169 at 3-4, 51 at n.2; First-Review Determinations, USITC Pub. 3316 at 13-14; Second-Review Determinations, USITC Pub. 3867 at 6-7.

²⁴ Original Determinations, USITC Pub. 2169 at 3-4, 51 at n.2; First-Review Determinations, USITC Pub. 3316 at 13-14; Second-Review Determinations, USITC Pub. 3867 at 6-7. In other proceedings involving LWR pipe and tube, the Commission also defined the domestic like product as LWR pipe and tube. Light-Walled Rectangular Pipe and Tube from Mexico and Turkey, Invs. Nos. 731-TA-1054 to 1055 (Final), USITC Pub. 3728 at 8 (summarizing prior like product findings and rejecting argument to treat black LWR pipe and tube as a separate like product from corrosion-resistant LWR pipe and tube) (Oct. 2004); Light-Walled Rectangular Pipe and Tube from Turkey, Inv. No. 731-TA-1121 (Final), USITC Pub. 4001 at 7 (May 2008); Light-Walled Rectangular Pipe and Tube from China, Korea, and Mexico, Invs. Nos. 701-TA-449, 731-TA-1118 to 1120 (Final), USITC Pub. 4024 at 4 (July 2008).

²⁵ Domestic Interested Parties’ Response to the NOI at 16.

²⁶ CR at I-8 to I-12; PR at I-7 to I-10.

constitutes a major proportion of the total domestic production of the product.”²⁷ In defining the domestic industry, the Commission’s general practice has been to include in the industry producers of all domestic production of the like product, whether toll-produced, captively consumed, or sold in the domestic merchant market.

In the original investigations and prior reviews, the Commission defined the domestic industry as the U.S. producers of LWR pipe and tube.²⁸ In this review, the Domestic Interested Parties ask the Commission to apply the same definition.²⁹ Based on our definition of the domestic like product and absent evidence on the record in this third review calling this definition into question,³⁰ we define the domestic industry as all firms producing LWR pipe and tube in the United States.³¹

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

A. Legal Standards in a Five-Year Review

In a five-year review conducted under section 751(c) of the Tariff 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 and/or countervailing duty order “would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.”³² The 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.”³³ Thus, the likelihood standard is prospective in nature.³⁴ The CIT has found that

²⁷ 19 U.S.C. § 1677(4)(A). The definitions in 19 U.S.C. § 1677 apply to the entire subtitle containing the antidumping and countervailing duty laws, including 19 U.S.C. §§ 1675 and 1675a. See 19 U.S.C. § 1677.

²⁸ See, e.g., Original Determinations, USITC Pub. 2169 at 4, 51 at n.2; First-Review Determinations, USITC Pub. 3316 at 16; Second-Review Determinations, USITC Pub. 3867 at 9.

²⁹ See, e.g., Domestic Interested Parties’ Response to the NOI at 16.

³⁰ See, e.g., CR at I-8 to I-9, I-13 to I-15; PR at I-7 to I-8, I-11 to I-13.

³¹ Section 771(4)(B) of the Act allows the Commission, if appropriate circumstances exist, to exclude domestic producers from the domestic industry if they are related to an exporter or importer of subject merchandise. 19 U.S.C. § 1677(4)(B). The Commission did not find any domestic producer to be a related party in the original investigations or in the prior reviews. Original Determinations, USITC Pub. 2169 at 4, 51 at n.2; First-Review Determinations, USITC Pub. 3316 at 16; Second-Review Determinations, USITC Pub. 3867 at 9. During this review, no party argued that any domestic producer is a related party, and there is no evidence on this record suggesting that any producer is. See, e.g., CR at I-15; PR at I-13. Thus, we do not find any domestic producer to be a related party.

³² 19 U.S.C. § 1675a(a).

³³ SAA at 883-84. 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.” Id. at 883.

³⁴ 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.

“likely,” as used in the five-year review provisions of the Tariff Act, means “probable,” and the Commission applies that standard in five-year reviews.^{35 36}

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.”³⁷ 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.”³⁸

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 effects, and impact of imports of the subject merchandise on the industry if the orders are revoked or the suspended investigation is terminated.”³⁹ 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 under review, whether the industry is vulnerable to material injury if the order were revoked, and any findings by Commerce regarding duty absorption pursuant to 19 U.S.C. § 1675(a)(4).⁴⁰ 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.⁴¹

In evaluating the likely volume of imports of subject merchandise if the antidumping and/or countervailing duty orders are 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.⁴² 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

³⁵ 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 mem., 140 Fed. Appx. 268 (Fed. Cir. 2005); Nippon Steel Corp. v. United States, 26 CIT 1416, 1419 (2002) (same); Usinor Industeel, S.A. v. United States, 26 CIT 1402, 1404 nn.3, 6 (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, 26 CIT 767, 794 (2002) (“‘likely’ is tantamount to ‘probable,’ not merely ‘possible’”).

³⁶ For a complete statement of Chairman 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, Invs. Nos. 701-TA-362 (Review) and 731-TA-707 to 710 (Review) (Remand), USITC Pub. 3754 (Feb. 2005).

³⁷ 19 U.S.C. § 1675a(a)(5).

³⁸ 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.

³⁹ 19 U.S.C. § 1675a(a)(1).

⁴⁰ 19 U.S.C. § 1675a(a)(1).

⁴¹ 19 U.S.C. § 1675a(a)(5). Although the Commission must consider all factors, no one factor is necessarily dispositive. SAA at 886.

⁴² 19 U.S.C. § 1675a(a)(2).

foreign country, which can be used to produce the subject merchandise, are currently being used to produce other products.⁴³

When examining the likely price effects of subject imports if the orders under review were to be 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 United States at prices that otherwise would have a significant depressing or suppressing effect on the price of the domestic like product.⁴⁴

In analyzing the likely impact of imports of subject merchandise if the orders under review were to be 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.⁴⁵ All relevant economic factors are to be considered within the context of the business cycle and the conditions of competition that are distinctive to the industry. 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 orders at issue and whether the industry is vulnerable to material injury if the orders were revoked.⁴⁶

B. Conditions of Competition

In evaluating the likely impact of the subject imports on the domestic industry, the statute directs the Commission to consider all relevant economic factors “within the context of the business cycle and conditions of competition that are distinctive to the affected industry.”⁴⁷

Demand. Demand for LWR pipe and tube depends on demand for the various end-use products in which it is used, including ornamental fencing, gates, exercise equipment, furniture, hand rails, and automotive equipment.⁴⁸ As domestic producers explained in the second reviews, demand for LWR pipe and tube is closely tied to residential construction, because two of the largest sources of demand for LWR pipe and tube are for fencing and outdoor furniture.⁴⁹ In the first reviews, the Commission found that, when used in construction applications, LWR pipe and tube accounts for a small share of the cost of the

⁴³ 19 U.S.C. § 1675a(a)(2)(A-D).

⁴⁴ See 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.

⁴⁵ 19 U.S.C. § 1675a(a)(4).

⁴⁶ The SAA states that in assessing whether the domestic industry is vulnerable to injury if the order is revoked, the Commission “considers, in addition to imports, other factors that may be contributing to overall injury. While these factors, in some cases, may account for the injury to the domestic industry, they may also demonstrate that an industry is facing difficulties from a variety of sources and is vulnerable to dumped or subsidized imports.” SAA at 885.

⁴⁷ 19 U.S.C. § 1675a(a)(4).

⁴⁸ CR at I-10; PR at I-9; Second-Review Determinations, USITC Pub. 3867 at 36; First-Review Determinations, USITC Pub. 3316 at 42.

⁴⁹ Second-Review Determinations, USITC Pub. 3867 at 36.

downstream construction projects in which it is used, meaning that demand for LWR pipe and tube for use in these applications is generally price inelastic.⁵⁰

In the first reviews, the Commission found that demand for LWR pipe and tube had nearly doubled since the original investigations,⁵¹ and in the second reviews, the Commission found that demand for LWR pipe and tube had nearly tripled since the original investigations.⁵² The Domestic Interested Parties argue that demand for LWR pipe and tube started declining in 2007, but since the recession has recovered less rapidly than the economy as a whole. They argue that no real uptick in demand is imminent given the low level of housing starts and the resulting low demand for fencing and outdoor furniture.⁵³ In 2010, apparent U.S. consumption of LWR pipe and tube was 384,535 short tons, considerably lower than the 792,277 short tons consumed in 2005, at the end of the second-review period.⁵⁴

Supply. Since the original investigations, the identities of some of the domestic producers have changed, as some production facilities were acquired by other firms, some new entrants began operations, some firms expanded production operations, and other firms shut down production capacity.⁵⁵ At the time of the original investigations, 19 of 22 known U.S. producers of LWR pipe and tube submitted data to the Commission,⁵⁶ primarily small, non-integrated or partially integrated firms that did not melt their own steel to make slabs.⁵⁷ These firms operated 25 production lines and accounted for approximately 85 percent of domestic production in 1987.⁵⁸ During the first reviews, 13 U.S. producers submitted data to the Commission, accounting for approximately 80 to 90 percent of U.S. LWR pipe and tube shipments in 1998.⁵⁹ Domestic LWR pipe and tube production was concentrated, with the three largest firms

⁵⁰ First-Review Determinations, USITC Pub. 3316 at 42.

⁵¹ First-Review Determinations, USITC Pub. 3316 at 42. During the original investigations, apparent U.S. consumption increased from 261,779 short tons in 1985 to 262,622 short tons in 1986, and 288,446 short tons in 1987. USITC Pub. 2169 at Table 16. In the first reviews, apparent U.S. consumption increased from 525,598 short tons in 1997 to 564,898 short tons in 1998, and was 492,192 short tons in the first nine months of 1999 compared to 427,891 short tons in the first nine months of 1998. USITC Pub. 3316 at Table LWR-I-1.

⁵² Second-Review Determinations, USITC Pub. 3867 at 36. In the second reviews, apparent U.S. consumption decreased from 749,000 short tons in 1999 to 746,000 short tons in 2000 and 668,000 short tons in 2001 and then increased to 787,000 short tons in 2002 and 793,000 short tons in 2003; it then declined to 763,000 short tons in 2004, but rose again in 2005 to 792,000 short tons. Id. at Table LWR-I-1 (presented as rounded values).

⁵³ Domestic Interested Parties' Response to the NOI at 10; Domestic Interested Parties' Comments at 15-16.

⁵⁴ CR/PR at Table I-7.

⁵⁵ See, e.g., CR/PR at Table I-3; Memorandum INV-DD-083 (June 12, 2006), as modified by Memorandum INV-DD-093 (June 20, 2006) and Memorandum INV-DD-100 (June 28, 2006), ("Second-Review Confidential Report") at LWR-III-2; Memorandum INV-X-111 (May 22, 2000), as modified by Memorandum INV-X-113 (May 25, 2000), ("First-Review Confidential Report") at LWR-III-1 to LWR-III-2.

⁵⁶ USITC Pub. 2169 at A-8. The known U.S. producers during the original investigations were Bull Moose; Hannibal; Harris Tube; Maruichi; Searing; Southwestern Pipe, Inc; Western Tube & Conduit; American Tube; Armco, Inc.; Bayamon Steel Processors, Inc.; Berger Industries; Bernard Epps & Co.; California; Hanna Steel Corp. ("Hanna"); J.M. Tull Ind., Inc.; LTV Steel Corp.; Miami Industries; Parthenon Metal Works; Pittsburgh International; Valmont Industries; and Hughes Steel & Tube (which declared bankruptcy during the original investigations). USITC Pub. 2169 at A-6, Table 1.

⁵⁷ USITC Pub. 2169 at A-6.

⁵⁸ USITC Pub. 2169 at A-8.

⁵⁹ USITC Pub. 3316 at LWR-III-1. U.S. producers reporting data in the first reviews were Bull Moose, California, Dallas, Ex-L-Tube, Hanna, Hannibal, Leavitt, Maruichi, Northwest, Parthenon, Searing, Vest, and

(continued...)

accounting for 53 percent of domestic production in 1998.⁶⁰ In the second reviews, 14 U.S. LWR pipe and tube producers reported data, and the Commission found they accounted for the majority of domestic production between 1999 and 2005.⁶¹ The four largest domestic producers in 2005 accounted for *** percent of domestic production.⁶² Based on information from the Commission's most recent final investigations of LWR pipe and tube, as many as 29 firms may produce LWR pipe and tube in the United States.⁶³ In the current review, the Domestic Interested Parties submitted data on the operations of eight domestic producers that account for approximately *** percent of U.S. production.⁶⁴ Due to changes in the composition of the domestic industry over time and differences in the identities of the domestic producers reporting data in each of the various prior proceedings, the comparability of data between periods is limited.⁶⁵

As was the case in the original investigations and prior reviews,⁶⁶ in 2010 both the domestic industry's shipments and imports from non-subject countries accounted for a larger share of the U.S. market than imports of LWR pipe and tube from Taiwan alone.⁶⁷ Subject imports from Taiwan never totaled more than 500 short tons on an annual basis during the current review period.⁶⁸ Non-subject imports reached their highest level during the review period in 2006.⁶⁹ Mexico was the leading source of non-subject LWR pipe and tube during the review period. Imports of LWR pipe and tube from Mexico as well as from China, Korea, and Turkey are now subject to orders in the United States.⁷⁰ According to the Domestic Interested Parties, after the orders on imports from China, Korea, Mexico, and Turkey, went into effect in 2008, imports from these sources "greatly abated."⁷¹

⁵⁹ (...continued)

Western. Id. at Table LWR-I-3.

⁶⁰ First-Review Determinations, USITC Pub. 3316 at 42 n.247, LWR-II-2.

⁶¹ Second-Review Determinations, USITC Pub. 3867 at 36. U.S. producers reporting data in the second reviews were Allied, Atlas, Bull Moose, California, Copperweld, Hanna, Hannibal, Leavitt, Leggett, Maruichi, Maverick, Northwest, Searing, Vest, and Northwest. Id. at Table LWR-I-8.

⁶² Second-Review Confidential Report at Table LWR-I-8.

⁶³ CR at I-13; PR at I-11 (citing USITC Pub. 4001 at I-3, Table III-1).

⁶⁴ CR at I-13; PR at I-11.

⁶⁵ CR at I-15; PR at I-13.

⁶⁶ During the original investigations, subject imports from Taiwan increased their share of the U.S. market from 0.2 percent in 1985 to 3.8 percent in 1986 and 5.1 percent in 1987, whereas the domestic industry's U.S. market share was 68.1 percent in 1985, 73.5 percent in 1986, and 72.1 percent in 1987, and imports from other sources (principally Mexico and Canada) accounted for the rest of the market; LWR pipe and tube imports from Argentina were also considered subject merchandise during the original investigations. See, e.g., CR/PR at Appendix C at LWR-I-2. During the first reviews, the domestic industry's market share was relatively stable at 72.2 percent in 1997 and 71.7 percent in 1998, but during the second reviews, the domestic industry's market share generally declined from 69.8 percent in 1999 to 57.4 percent in 2005. First-Review Determinations, USITC Pub. 3316 at 42; Second-Review Determinations, USITC Pub. 3867 at 36-37.

⁶⁷ In 2010, imports from non-subject countries accounted for about one-third of the U.S. market whereas imports of LWR pipe and tube from Taiwan accounted for less than 0.05 percent. CR/PR at Table I-7.

⁶⁸ CR/PR at Table I-5; CR at I-17; PR at I-15.

⁶⁹ CR/PR at Table I-5; CR at I-17; PR at I-15.

⁷⁰ CR at I-17; PR at I-15; CR/PR at Table I-2 (citing Light-Walled Rectangular Pipe and Tube from Turkey, Inv. No. 731-TA-1121 (Final), USITC Pub. 4001 (May 2008)).

⁷¹ Domestic Interested Parties' Response to the NOI at 15.

Substitutability and Other Conditions. Based on available information, including the Commission's findings in the original investigations and prior reviews, LWR pipe and tube products manufactured in the United States, Taiwan, and non-subject countries substitute for one another to a moderately high degree.⁷² In the second reviews, domestic producers, importers, and purchasers most often reported that LWR pipe and tube imports from different countries were "always" or "frequently" interchangeable.⁷³

Based on the record of this review, we find that current conditions of competition in the U.S. LWR pipe and tube market are not likely to change significantly in the reasonably foreseeable future. Accordingly, in this review, we find that current conditions of competition provide us with a reasonable basis on which to assess the likely effects of revocation of the order in the reasonably foreseeable future.

C. Likely Volume of Subject Imports

In the original investigations, the two Commissioners who found present material injury cumulated subject imports from Argentina and Taiwan and concluded that the effect of the cumulated subject imports had been to reduce significantly the domestic industry's sales of LWR pipe and tube in the U.S. market.⁷⁴ The two Commissioners who made affirmative threat of material injury determinations in the original investigations did not cumulate imports from Taiwan with imports from Argentina. They observed that the volume of subject LWR pipe and tube from Taiwan increased despite the operation of Taiwan's self-restraint program for exports and any chilling effect the filing of the petition may have had.⁷⁵ They also found that LWR pipe and tube from Taiwan captured an increasing share of the U.S. market during the period, and they concluded that these trends were likely to continue despite the restraint program.⁷⁶

During the original investigations, the volume of subject imports from Taiwan was 406 short tons in 1985, 9,975 short tons in 1986, 14,770 short tons in 1987, 9,105 short tons in the first nine months of 1987, and 15,747 short tons in the first nine months of 1988.⁷⁷ Taiwan's market share was 0.2 percent in 1985, 3.8 percent in 1986, 5.1 percent in 1987, 4.1 percent in interim 1987, and 6.4 percent in interim 1988.⁷⁸ The record in the original investigations included data concerning the LWR pipe and tube operations of three producers in Taiwan (Ornatube Enterprise Co., Ltd.; Vulcan Industrial Corp.; and Yieh Mao Corp. (formerly Yieh Hsing)).⁷⁹ These firms reported progressively increasing their collective production capacity from *** short tons in 1985 to *** short tons in 1988; their capacity utilization ranged from a low of *** percent in 1985 to a peak of *** percent in 1987 and was *** percent in 1988.⁸⁰ They steadily increased production from *** short tons in 1985 to *** short tons in 1988, and these three

⁷² Second-Review Determinations, USITC Pub. 3867 at 37; First-Review Determinations, USITC Pub. 3316 at 42; USITC Pub. 2169 at 28-29, 44-45.

⁷³ Second-Review Determinations, USITC Pub. 3867 at 37, Table LWR-II-3.

⁷⁴ Original Determinations, USITC Pub. 2169 at 24-25, 33-35 (views of Commissioners Brunsdale and Cass).

⁷⁵ USITC Pub. 2169 at A-21 n.1.

⁷⁶ Original Determinations, USITC Pub. 2169 at 56-57 (views of Commissioners Eckes and Newquist).

⁷⁷ USITC Pub. 2169 at Table 14.

⁷⁸ USITC Pub. 2169 at Table 16.

⁷⁹ USITC Pub. 2169 at Table 11.

⁸⁰ Memorandum INV-M-027 (Mar. 6, 1989) ("Original Investigations Confidential Report") at Table 11.

firms reported exports to the United States totaling *** short tons in 1985, 1986, and 1987, and *** short tons in 1988.⁸¹

In the first five-year reviews, the Commission found that the antidumping duty orders had a restraining effect on cumulated subject imports from Argentina and Taiwan and concluded that the likely volume of cumulated subject imports would reach significant levels within a reasonably foreseeable time if the orders were revoked. It noted that after the March 27, 1989, imposition of the antidumping duty order, imports of LWR pipe and tube from Taiwan fell to 5,375 short tons in 1989, rose again to 14,188 short tons in 1990 but then fell to 8,519 short tons in 1991, 2,620 short tons in 1992, and were minimal or zero thereafter.⁸² The Commission also based its conclusion on significant unused capacity in Argentina and Taiwan, previously demonstrated interest in the U.S. market by subject producers, and the ability of subject producers to increase U.S. market penetration rapidly.⁸³

In the second five-year reviews, the Commission majority decided not to exercise its discretion to cumulate imports from Argentina with imports of LWR pipe and tube from Taiwan.⁸⁴ It found that the antidumping duty order had a restraining effect on imports from Taiwan, with imports from Taiwan remaining in the U.S. market but at minimal or zero levels since 1992.⁸⁵ The Taiwan producers did not submit any information on their capacity, production levels, or export orientation, and the Commission found no indication that the industry in Taiwan had changed significantly since the original investigations, when its capacity and unused capacity levels were substantial and it exported nearly *** percent of its production.⁸⁶ Based on these factors, combined with the high substitutability of the domestic like product and subject imports from Taiwan, and the growth in the U.S. market, the Commission found that producers in Taiwan would have an incentive to shift significant volumes of LWR pipe and tube to the U.S. market if the order were revoked.⁸⁷

In this third review, no Taiwan interested parties responded to the notice of institution or submitted data. According to the limited information on this record, at least five firms manufacture LWR pipe and tube in Taiwan.⁸⁸ Because of the failure of any respondent interested party to submit any information in this review, the record contains no evidence on existing or likely increases in inventories of the subject foreign producers in Taiwan or on their current capacity and production of LWR pipe and tube relative to other products. The Domestic Interested Parties report that LWR pipe and tube producers in Taiwan reduced their production in response to the global economic downturn but continued to add steel-making capacity, suggesting that there is still substantial capacity and unused capacity to produce LWR pipe and tube in Taiwan, despite Taiwan's already large presence in the global export market.⁸⁹ As further evidence, the Domestic Interested Parties report that Taiwan producers exported "almost 28,000 short tons of hollow shapes ... to Australia," a much smaller market than the United States, prompting investigating authorities in Australia to announce on September 19, 2011, the initiation of antidumping

⁸¹ Original Investigations Confidential Report at Table 11.

⁸² First-Review Determinations, USITC Pub. 3316 at 43-44.

⁸³ First-Review Determinations, USITC Pub. 3316 at 43-44.

⁸⁴ Second-Review Determinations, USITC Pub. 3867 at 34-35.

⁸⁵ Second-Review Determinations, USITC Pub. 3867 at 44.

⁸⁶ Second-Review Determinations, USITC Pub. 3867 at 44.

⁸⁷ Second-Review Determinations, USITC Pub. 3867 at 44.

⁸⁸ CR at I-24 to I-25; Domestic Interested Parties' Response to the NOI.

⁸⁹ Domestic Interested Parties' Response to the NOI at 11-12; Domestic Interested Parties' Comments at 2. According to information compiled by the Global Trade Atlas, Taiwan ranked 23rd among global suppliers of hollow shapes (a category of products that includes but is not limited to the subject LWR pipe and tube), and Taiwan ranked 12th as a supplier of LWR pipe and tube to the U.S. market in 2010. CR at I-25 to I-26; PR at I-22.

investigations on imports of hollow structural sections from Taiwan as well as several other countries.⁹⁰ Consequently, the limited record in this expedited review contains no evidence of significant changes in the structure of the Taiwan industry since the original investigations, when its production capacity and production levels were increasing, its capacity and unused capacity levels were substantial, it exported nearly *** percent of its production, and its imports to the U.S. market were also increasing, as discussed above.

We conclude, based on the facts available,⁹¹ that the volume of LWR pipe and tube from Taiwan would likely be significant if the order were revoked. In making this finding, we recognize that the volume of subject imports of LWR pipe and tube from Taiwan is currently small, both in absolute terms and relative to apparent U.S. consumption.⁹² In a five-year review, however, our focus is on whether subject import volume is likely to be significant within a reasonably foreseeable time if the antidumping duty order is revoked. Based on our volume findings in the original investigations and first reviews, evidence concerning exports of LWR pipe and tube from Taiwan to third-country market Australia, the continued presence of subject imports from Taiwan in the U.S. market even under the discipline of the order (indicating continued interest in the U.S. market despite its currently smaller size), and the evidence regarding the production and capacity of subject producers in Taiwan, we find that the volume of LWR pipe and tube imports from Taiwan, both in absolute terms and relative to production and consumption in the United States, would likely be significant absent the restraining effect of the antidumping duty order.

D. Likely Price Effects of Subject Imports

In the original investigations, cumulated subject imports from Argentina and Taiwan undersold the domestic like product in all possible comparisons.⁹³ The two Commissioners who reached affirmative present injury determinations found that cumulated subject imports from Argentina and Taiwan suppressed prices for the domestic like product.⁹⁴ The two Commissioners who found threat of material injury found that LWR pipe and tube from Taiwan consistently undersold the domestic like product throughout the period examined.⁹⁵

In the first five-year reviews, the Commission was unable to obtain meaningful pricing information on subject LWR pipe and tube imports, because imports from Argentina and Taiwan had only been present in the U.S. market in limited quantities, and subject producers had not submitted information in those reviews.⁹⁶ The Commission found that, if the orders were revoked, there would likely be significant underselling by cumulated subject imports from Argentina and Taiwan.⁹⁷ The Commission also found that LWR pipe and tube from Argentina and Taiwan would likely enter the United States at prices that would have a significant depressing or suppressing effect on prices for the domestic like product in light of the commodity nature of the product, the inelasticity of domestic demand for LWR

⁹⁰ Domestic Interested Parties' Comments at 2-3; CR at I-23; PR at I-21.

⁹¹ See 19 U.S.C. § 1677e(a).

⁹² Subject imports from Taiwan were 483 short tons in 2006, 317 short tons in 2007, 243 short tons in 2008, 208 short tons in 2009, and 242 short tons in 2010. CR/PR at Table I-5.

⁹³ Original Determinations, USITC Pub. 2169 at A-34-35, Tables 17-18.

⁹⁴ Original Determinations, USITC Pub. 2169 at 30-31, 35-42.

⁹⁵ Original Determinations, USITC Pub. 2169 at 56.

⁹⁶ First-Review Determinations, USITC Pub. 3316 at 44.

⁹⁷ First-Review Determinations, USITC Pub. 3316 at 44.

pipe and tube, and the demonstrated willingness of subject producers during the original investigations to undersell the domestic like product as a means of gaining market share.⁹⁸

In the second reviews, the Commission analyzed the likely price effects of the likely imports from Taiwan separately from those of likely imports from Argentina. During the period examined in the second reviews, imports of LWR pipe and tube from Taiwan had been minimal, and the Commission found it had no meaningful contemporaneous U.S. pricing data or average-unit-value information on subject imports from Taiwan, although the record did show that price remained an important consideration in purchasing decisions in the U.S. market.⁹⁹ Raw material prices influenced LWR pipe and tube prices, and the Commission found that hot-rolled steel was the primary input in the manufacture of LWR pipe and tube.¹⁰⁰ The Commission found that, if the order were revoked, LWR pipe and tube from Taiwan would likely undersell the domestic like product in order to gain market share, forcing U.S. producers either to lower prices (at the risk of being unable to cover costs) or lose market share.¹⁰¹ The Commission based this finding on the high substitutability of the domestic like product and subject LWR pipe and tube from Taiwan, the interest in LWR pipe and tube from Taiwan expressed by a purchaser,¹⁰² the demonstrated willingness of subject producers in Taiwan to undersell the domestic like product to gain market share during the original investigations, as well as its finding of a likely significant volume of subject LWR pipe and tube from Taiwan.¹⁰³

According to the record in this expedited review, price remains an important consideration in purchasing decisions, and there is no indication that pipe and tube produced domestically is no longer highly substitutable for LWR pipe and tube produced in Taiwan.¹⁰⁴ Given their demonstrated interest in the U.S. market both in the original investigations and after imposition of the order, as well as their willingness to undersell the domestic like product in the original investigations to gain market share, producers in Taiwan are likely to find the U.S. market attractive if the order were revoked. Based on the information available in this review, including information from the original investigations and prior reviews, we conclude that, if the order were revoked, the likely significant volume of subject imports from Taiwan would likely significantly undersell the domestic like product, and those imports would have a significant depressing or suppressing effect on prices for the domestic like product within a reasonably foreseeable time.

⁹⁸ First-Review Determinations, USITC Pub. 3316 at 44.

⁹⁹ Second-Review Determinations, USITC Pub. 3316 at 44-45.

¹⁰⁰ Hot-rolled steel prices were relatively stable between January 1986 and June 1987 but then rose steadily for the rest of the original investigation period. USITC Pub. 2169 at A-9 to A-10. Prices for hot-rolled steel were low early in the period examined in the first reviews but began rising in 1999 and rose sharply during the second half of 2003 and the first half of 2004, when they reached a high for the period examined in the second reviews; prices then declined in early 2005 and rose in the latter portion of 2005 and early 2006. First-Review Determinations, USITC Pub. 3316 at 42; Second-Review Determinations, USITC Pub. 3867 at 37, 57.

¹⁰¹ Second-Review Determinations, USITC Pub. 3316 at 45, 57.

¹⁰² Specifically, ***. USITC Pub. 3316 at Table D-6.

¹⁰³ Second-Review Determinations, USITC Pub. 3316 at 45.

¹⁰⁴ CR at I-12; PR at I-10 (indicating that in the Commission's most recent full reviews, 12 out of 16 purchasers responding to the Commission's questionnaires reported that price was the first or second most important factor in selecting a supplier; all 16 reported that price was a "very important" factor in their purchasing decisions; and 9 out of 16 reported "discounts offered" as a "very important factor" in their purchasing decisions); Domestic Interested Parties' Response to the NOI at 13; Domestic Interested Parties' Comments at 2.

E. Likely Impact of Subject Imports¹⁰⁵

During the original investigations, the Commission found that a number of the domestic industry's performance indicators improved between 1985 and 1987. The two Commissioners making present material injury determinations concluded that the industry's condition was not strong enough to preclude an affirmative determination. The two Commissioners making threat determinations found that the industry was in a vulnerable condition.¹⁰⁶

In the first five-year reviews, the Commission found that the domestic industry had experienced meaningful improvements in production, capacity, shipments, and employment, as a consequence of the orders on subject imports from Argentina and Taiwan and the then-recent increases in demand in the U.S. construction sector.¹⁰⁷ It also noted that the domestic industry's operating margin was markedly higher than during the original investigations.¹⁰⁸ The Commission concluded that, in light of these improvements, the industry was not vulnerable to material injury.¹⁰⁹ Nevertheless, the Commission determined that if the orders were revoked, the adverse price effects associated with increased volumes of cumulated subject imports from Argentina and Taiwan would likely have a significant adverse impact on the domestic industry's condition.¹¹⁰

In the second reviews, the Commission did not find that the domestic industry was vulnerable to material injury if the antidumping duty order on imports from Taiwan, which it examined separately, were to be revoked.¹¹¹ Nevertheless, given the generally substitutable nature of subject imports from Taiwan and the domestic like product and the attractiveness of the U.S. market, the Commission found that the likely significant volume of subject LWR pipe and tube, when combined with the likely adverse price effects of those imports, would likely have a significant adverse impact on the domestic industry's production, shipments, sales, and revenues.¹¹² Reductions in these performance factors, the Commission found, would have a direct adverse impact on the domestic industry's profitability and employment levels, as well as its ability to raise capital and make and maintain necessary capital investments.¹¹³

In this expedited review, the record information on the domestic industry's condition is limited. Based on the current record, in 2010 the domestic industry's capacity was 1.2 million short tons, its output was 316,149 short tons, and its capacity utilization rate was 26.9 percent.¹¹⁴ The domestic industry's U.S. shipments were 264,168 short tons, accounting for 68.7 percent of apparent U.S.

¹⁰⁵ Under the statute, "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 conducted an expedited third five-year review with respect to the antidumping order on imports of subject LWR pipe and tube from Taiwan. It found likely weighted-average antidumping duty margins of 5.51 percent for Ornatube, 40.97 percent for Vulcan and Yieh Hsing, and 29.15 percent for all other manufacturers/exporters. CR/PR at Table I-1 (citing 76 Fed. Reg. 64312 (Oct. 18, 2011)). Commerce has not issued any duty absorption determinations with respect to imports of LWR pipe and tube from Taiwan. CR at I-6; PR at I-5.

¹⁰⁶ Original Determinations, USITC Pub. 2169 at 30-31, 47-49, 51-54.

¹⁰⁷ First-Review Determinations, USITC Pub. 3316 at 45.

¹⁰⁸ First-Review Determinations, USITC Pub. 3316 at 45.

¹⁰⁹ First-Review Determinations, USITC Pub. 3316 at 45.

¹¹⁰ First-Review Determinations, USITC Pub. 3316 at 45.

¹¹¹ Second-Review Determinations, USITC Pub. 3867 at 41-43, 45.

¹¹² Second-Review Determinations, USITC Pub. 3867 at 45.

¹¹³ Second-Review Determinations, USITC Pub. 3867 at 45.

¹¹⁴ CR/PR at Table I-4.

consumption.¹¹⁵ Its net sales value was \$272.9 million, and its operating income was \$14.7 million, equivalent to 5.8 percent of net sales.¹¹⁶ The limited evidence in this expedited review is insufficient for us to make a finding on whether the domestic industry is vulnerable to the continuation or recurrence of material injury in the event of revocation of the order.¹¹⁷

Based on the record in this review, we find it likely that the volume and price effects of subject imports of LWR pipe and tube from Taiwan would have a significant adverse impact on the domestic industry's production, sales, and revenue levels, and would have a direct adverse impact on the industry's profitability and employment levels as well as its ability to raise capital and make and maintain necessary capital investments. We recognize that, given the substitutability of the products generally, subject imports of LWR pipe and tube from Taiwan would also likely displace to some degree non-subject imports in the U.S. market in the event of revocation. Nevertheless, we find that a significant portion of the expected increase in subject imports from Taiwan would be at the expense of the domestic industry, particularly given the likelihood of subject import underselling and adverse price effects, the current size of the U.S. market, as well as the fact that imports from several of the non-subject sources became subject to orders during the review period. Accordingly, we conclude that, if the antidumping duty order on LWR pipe and tube from Taiwan were revoked, subject imports from Taiwan would be likely to have a significant adverse impact on the domestic industry within a reasonably foreseeable time.

CONCLUSION

For the foregoing reasons, we determine that revocation of the antidumping duty order on subject LWR pipe and tube from Taiwan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

¹¹⁵ CR/PR at Table I-4, Table I-7.

¹¹⁶ CR/PR at Table I-4.

¹¹⁷ Commissioner Pinkert finds the evidence on vulnerability to be mixed. In 2010, the operating margin for the domestic industry was significant, albeit lower than in 2005, its cost of goods sold to net sales ratio was healthy, and its share of apparent U.S. consumption was well in excess of its share in 2005, at 68.7 percent based on quantity. CR/PR at Tables I-4 and I-7. On the other hand, production, shipments, and sales were significantly lower in 2010 than in 2005. CR/PR at Table I-4.

INFORMATION OBTAINED IN THE REVIEW

INTRODUCTION

Background

On July 1, 2011, the United States International Trade Commission (“Commission” or “USITC”) gave notice, pursuant to section 751(c) of the Tariff Act of 1930 (the Act),¹ that it had instituted a review to determine whether revocation of the antidumping duty order on light-walled rectangular (“LWR”) pipe and tube from Taiwan would likely lead to the continuation or recurrence of material injury to a domestic industry within a reasonably foreseeable time.^{2 3} On October 4, 2011, 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. The Commission found no other circumstances that would warrant conducting a full review.⁵ Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(5) of the Act.⁶ Information relating to the background and schedule of this five-year review concerning LWR pipe and tube is provided in the following tabulation.

¹ 19 U.S.C. §1675(c).

² All interested parties were requested to respond to the notice by submitting information requested by the Commission. Copies of the Commission’s *Federal Register* notices are 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 the five-year review of the subject antidumping duty order concurrently with the Commission’s notice of institution. *Initiation of Five-Year (“Sunset”) Review*, 76 FR 38613, July 1, 2011.

⁴ Chairman Deanna Tanner Okun, Vice Chairman Irving A. Williamson, and Commissioners Daniel R. Pearson, Shara L. Aranoff, and Dean A. Pinkert found that the domestic group response was adequate and the respondent group response was inadequate and voted for an expedited review. Commissioner Charlotte R. Lane found that the domestic group response was adequate and the respondent group response was inadequate but that circumstances warranted a full review.

The Commission received two submissions (one response filed on August 1, 2011, and supplemental information filed on August 30, 2011) in response to its notice of institution for the subject review. The first submission was filed on behalf of U.S. producers Allied Tube and Conduit, Bull Moose Tube, JMC Steel Group, Leavitt Tube Co., California Steel and Tube, Hannibal Industries, and Searing Industries (“domestic interested parties”). The supplemental filing identified *** as an additional U.S. producer joining the domestic interested parties. ***’s data had already been included in the August 1, 2011, response. These companies are believed to have accounted for approximately *** percent of U.S. production of LWR pipe and tube in 2010. August 30, 2011, domestic interested parties’ response to the notice of institution (“domestic interested parties’ response”), p. 9; and September 13, 2011, Comments Regarding Adequacy of Substantive Responses to the Notice of Institution, p. 2.

⁵ A copy of the *Explanation of Commission Determination on Adequacy* is presented in app. B.

⁶ 19 U.S.C. § 1675(c)(3). See the Commission’s web site (<http://www.usitc.gov>) for Commissioners’ votes on whether to conduct expedited or full reviews.

Effective date	Action	Federal Register citation
July 1, 2011	Commission's institution of five-year review	76 FR 38691 July 1, 2011
July 1, 2011	Commerce's initiation of five-year review	76 FR 38613 July 1, 2011
October 4, 2011	Commission's determination to conduct expedited five-year review	76 FR 64105
October 18, 2011	Commerce's final determination in its expedited five-year review	76 FR 64312
January 5, 2012	Commission's vote	Not applicable
January 17, 2012	Commission's determination transmitted to Commerce	Not applicable
Source: Cited <i>Federal Register</i> notices.		

The Original Investigation and Subsequent Five-Year Reviews⁷

The Commission completed its original investigation in 1989.⁸ On March 23, 1989, the Commission determined that an industry in the United States was materially injured or threatened with material injury by reason of LTFV imports of LWR pipe and tube from Taiwan.⁹ Subsequently, Commerce issued an antidumping duty order on the subject merchandise on March 27, 1989.¹⁰

On May 3, 1999, the Commission instituted the first five-year review of the antidumping duty order on LWR pipe and tube from Taiwan pursuant to section 751(c) of the Act, to determine whether revocation of the antidumping duty order on imports of LWR pipe and tube from Taiwan would likely lead to a continuation or recurrence of material injury.¹¹ On August 1, 2000, following a full review, the Commission determined that revocation of the antidumping duty order on LWR pipe and tube from Taiwan would be likely to lead to a continuation or recurrence of material injury to a domestic industry

⁷ The antidumping duty order on LWR pipe and tube from Taiwan was originally "grouped" for purposes of review with antidumping duty orders on LWR pipe and tube from Singapore and Argentina. However, following negative determinations by the Commission in the first and second five-year reviews, respectively, Commerce revoked those orders.

⁸ The investigation resulted from a petition filed by the mechanical tubing subcommittee on the Committee on Pipe and Tube Imports and by the individual manufacturers of the product that are members of the subcommittee on June 6, 1988, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of light-walled rectangular pipes and tubes from Taiwan. *Light-Walled Rectangular Pipes and Tubes from Taiwan, Investigation No. 731-TA-410 (Final)*, confidential staff report, p. A-2.

⁹ *Light-Walled Rectangular Pipes and Tubes From Taiwan; Import Investigation Determination*, 54 FR 12960, March 29, 1989.

¹⁰ *Antidumping Duty Order; Light-Walled Welded Rectangular Carbon Steel Tubing From Taiwan*, 54 FR 12467, March 27, 1989.

¹¹ *Certain Pipe and Tube From Argentina, Brazil, Canada, India, Israel, Korea, Mexico, Singapore, Taiwan, Thailand, Turkey, and Venezuela*, 64 FR 23679, May 3, 1999. The Commission's reviews covered multiple products from multiple countries.

within a reasonably foreseeable time.¹² Effective August 16, 2000, Commerce issued a notice continuing the antidumping duty order on imports of LWR pipe and tube from Taiwan.¹³

On July 1, 2005, the Commission instituted the second five-year review of the antidumping duty order on LWR pipe and tube from Taiwan pursuant to section 751(c) of the Act, to determine whether revocation of the antidumping duty order on imports of LWR pipe and tube from Taiwan would likely lead to a continuation or recurrence of material injury.¹⁴ On July 18, 2005, following a full review, the Commission determined that revocation of the antidumping duty order on LWR pipe and tube from Taiwan would be likely to lead to a continuation or recurrence of material injury to a domestic industry within a reasonably foreseeable time.¹⁵ Effective August 9, 2006, Commerce issued a notice continuing the antidumping duty order on LWR pipe and tube from Taiwan.¹⁶

Commerce's Final Results of Expedited Five-Year Review

On October 18, 2011, Commerce found that revocation of the antidumping duty order on LWR pipe and tube from Taiwan would be likely to lead to continuation or recurrence of dumping. Table I-1 presents information on the weighted-average margins Commerce identified in its determination.

Table I-1
LWR pipe and tube: Final results of Commerce's review of antidumping duty order on Taiwan, 2011

Order	Producer or exporter	Weighted-average margin (percent)
Taiwan (731-TA-410)	Ornatube Enterprise	5.51
	Vulcan Industrial	40.97
	Yieh Hsing Industries	40.97
	All other manufacturers/exporters	29.15

Source: *Light-Walled Welded Rectangular Carbon Steel Tubing from Taiwan: Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 76 FR 64312, October 18, 2011.

Commerce has not issued any duty absorption determination with respect to the antidumping duty order on LWR pipe and tube from Taiwan.

¹² *Certain Pipe and Tube From Argentina, Brazil, Canada, India, Korea, Mexico, Singapore, Taiwan, Thailand, Turkey, and Venezuela*, 65 FR 48733, August 9, 2000.

¹³ *Continuation of Antidumping Duty Orders: Light-Walled Rectangular Welded Carbon Steel Pipe and Tube From Argentina and Taiwan; Circular Welded Non-Alloy Steel Pipe and Tube from Brazil, Korea, Mexico, and Taiwan; Welded Carbon Steel Pipe and Tube From India, Thailand, and Turkey; and Small Diameter Standard and Rectangular Steel Pipe and Tube From Taiwan*, 65 FR 50955, August 22, 2000.

¹⁴ *Certain Pipe and Tube From Argentina, Brazil, India, Korea, Mexico, Taiwan, Thailand, and Turkey*, 70 FR 38204, July 1, 2005. The Commission's reviews covered multiple products from multiple countries.

¹⁵ *Certain Pipe and Tube From Argentina, Brazil, India, Korea, Mexico, Taiwan, Thailand, and Turkey*, 71 FR 41118, July 25, 2006.

¹⁶ *Light-Walled Welded Rectangular Carbon Steel Tubing from Taiwan: Continuation of Antidumping Duty Order*, 71 FR 45521, August 9, 2006.

Commerce's Administrative Reviews

Commerce did not conduct any administrative review of sales of LWR pipe and tube from Taiwan between 1999 and 2005.¹⁷ Commerce also did not conduct any administrative review of sales of LWR pipe and tube from Taiwan between 2005 and 2011.

Previous and Related Title VII Investigations

The Commission has conducted several previous import relief investigations (and subsequent reviews) concerning LWR pipe and tube. Table I-2 presents data on previous and related Title VII investigations.

Table I-2
LWR pipe and tube: Previous and related Title VII investigations

Product	Inv. No.	Year of petition	Country	Original determination	Current status
LWR pipe and tube	731-TA-138	1982	Korea	Affirmative (partial)	ITA negative--1985
LWR pipe and tube	731-TA-296	1986	Singapore	Affirmative	ITC negative--2000
LWR pipe and tube	731-TA-349	1987	Taiwan	Negative	(1)
LWR pipe and tube	731-TA-409	1987	Argentina	Affirmative	ITC negative--2006
LWR pipe and tube	731-TA-730	1995	Mexico	Negative (P)	(1)
LWR pipe and tube	731-TA-1054	2003	Mexico	Negative	(1)
LWR pipe and tube	731-TA-1055	2003	Turkey	Negative	(1)
LWR pipe and tube	731-TA-1121	2007	Turkey	Affirmative	Order issued--2008
LWR pipe and tube	701-TA-449	2007	China	Affirmative	Order issued--2008
LWR pipe and tube	731-TA-1118	2007	China	Affirmative	Order issued--2008
LWR pipe and tube	731-TA-1119	2007	Korea	Affirmative	Order issued--2008
LWR pipe and tube	731-TA-1120	2007	Mexico	Affirmative	Order issued--2008
¹ Not applicable.					
Source: <i>Certain Pipe and Tube from Argentina, Brazil, India, Korea, Mexico, Taiwan, Thailand, and Turkey, Inv. Nos. 701-TA-253 and 731-TA-132, 252, 271, 273, 409, 410, 532-534, and 536 (Second Review)</i> ; USITC Publication 3867, July 2006, OVERVIEW-2; <i>Light-Walled Rectangular Pipe and Tube from Turkey, Inv. No. 731-TA-1121 (Final)</i> , USITC Publication 4001, May 2008, table I-1, pp. I-4 and I-5; http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/2008/lwr_pipe_and_tube/finalphase.htm .					

Previous and Related Safeguard Investigations

In 2001, the Commission determined that certain carbon and alloy steel welded tubular products other than oil country tubular goods (including LWR pipe and tube as defined in the current proceeding) was being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat thereof, to the domestic industry producing such articles, and recommended a tariff-rate quota decreasing from 20 percent to 11 percent over four years.¹⁸ On March 5, 2002, President George W. Bush announced the implementation of steel safeguard measures. Import relief relating to welded tubular products (other than oil country tubular goods) consisted of an additional tariff for a

¹⁷ *Certain Pipe and Tube from Argentina, Brazil, India, Korea, Mexico, Taiwan, Thailand, and Turkey, Inv. Nos. 701-TA-253 and 731-TA-132, 252, 271, 273, 409, 410, 532-534, and 536 (Second Review)*, confidential staff report, p. LWR-I-4.

¹⁸ *Steel; Import Investigations*, 66 FR 67304, December 28, 2001.

period of three years and one day (15 percent *ad valorem* on imports in the first year, 12 percent in the second year, and 9 percent in the third year).¹⁹ Following receipt of the Commission's mid-term monitoring report in September 2003, and after seeking information from the U.S. Secretary of Commerce and U.S. Secretary of Labor, President Bush determined that the effectiveness of the action taken had been impaired by changed circumstances. Therefore, he terminated the U.S. measure with respect to increased tariffs on December 4, 2003.²⁰ On March 21, 2005, the Commission instituted an investigation under section 204(d) of the Trade Act of 1974 for the purpose of evaluating the effectiveness of the relief action imposed by the President on imports of certain steel products. The Commission transmitted that report to the President and the Congress on September 19, 2005.

THE PRODUCT

Commerce's Scope

The product covered by the order is light-walled welded carbon steel pipe and tube of rectangular (including square) cross-section having a wall thickness of less than 0.156 inch.²¹

Tariff Treatment

All U.S. imports of light-walled welded carbon steel pipe and tube including LWR pipe and tube are free of duty under the general duty column. This merchandise is currently classified under subheading 7306.61.50 of the Harmonized Tariff Schedule (HTS). In February 2007, as a result of a modification to the international Harmonized System, and a Presidential proclamation to reflect that change, the HTS provisions were modified to distinguish LWR pipe and tube (7306.61.50) from other specialty shapes (7306.69.50) which had previously been included in a single subheading (7306.60.50).

Domestic Like Product and Domestic Industry

The Commission's determination regarding the appropriate domestic products that are "like" the subject imported product generally is based on a number of factors including (1) physical characteristics and uses; (2) interchangeability; (3) channels of distribution; (4) common manufacturing facilities and production employees; (5) customer and producer perceptions; and where appropriate, (6) price.

In its original investigations, as well as in the first and second reviews, the Commission defined the pertinent domestic like product as LWR pipe and tube, coextensive with the scope definition, and the domestic industry as encompassing all U.S. producers of LWR pipe and tube. No party requested that the Commission revisit the LWR pipe and tube domestic like product definition in the original investigations,

¹⁹ *Presidential Proclamation 7529 of March 5, 2002, To Facilitate Positive Adjustment to Competition From Imports of Certain Steel Products*, 67 FR 10553, March 7, 2002. The President also instructed the Secretaries of Commerce and the Treasury to establish a system of import licensing to facilitate steel import monitoring.

²⁰ *Presidential Proclamation 7741 of December 4, 2003, To Provide for the Termination of Action Taken With Regard to Imports of Certain Steel Products*, 68 FR 68483, December 8, 2003. Import licensing, however, remained in place through March 21, 2005, and continues in modified form at this time.

²¹ *Light-Walled Welded Rectangular Carbon Steel Tubing From Taiwan: Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 76 FR 64312, October 18, 2011.

as well as in the first and second reviews.²² The domestic interested parties agree with the Notice of Institution's definitions of like product and domestic industry in this review.²³

Physical Characteristics and Uses²⁴

Steel pipe and tube²⁵ in general are produced in various grades of carbon, alloy, or stainless steel and are distinguished by end uses as defined by the American Iron and Steel Institute ("AISI"): standard pipe, line pipe, structural pipe and tubing, mechanical tubing, pressure tubing, and OCTG.

STANDARD PIPE is ordinarily used for low-pressure conveyance of air, steam, gas, water, oil, or other fluids for mechanical applications. It is used primarily in machinery, buildings, sprinkler systems, irrigation systems and water wells rather than in pipe lines or utility distribution systems. It may carry fluids at elevated temperatures which are not subject to external heat applications. It is usually produced in standard diameters and wall thicknesses to ASTM specifications.

LINE PIPE is used for transportation of gas, oil, or water generally in a pipeline or utility distribution system. It is produced to API and AWWA (American Water Works Association) specifications.

STRUCTURAL PIPE AND TUBING is welded or seamless pipe and tubing generally used for structural or load-bearing purposes above ground by the construction industry, as well as for structural members in ships, trailers, farm equipment and other similar uses. It is produced in nominal wall thicknesses and sizes to ASTM specifications in round, square, rectangular or other cross-sectional shapes.

MECHANICAL TUBING is welded or seamless tubing produced in a large number of sizes and shapes of varied chemical composition for carbon and alloy material. It is not normally produced to meet any specification other than that required to meet the end use. It is produced to meet light-tolerance O.D. and wall thickness.

PRESSURE TUBING is used to convey fluids at elevated temperatures or pressures, or both, and is suitable to be subjected to heat applications. It is produced to exact O.D. and decimal wall thickness in sizes ½ inch to 6 inches O.D. inclusive, usually to specifications such as ASTM.

²² *Certain Pipe and Tube from Argentina, Brazil, Canada, India, Korea, Mexico, Singapore, Taiwan, Thailand, and Turkey, Inv. Nos. 701-TA-253 and 731-TA-132, 252, 271, 273, 409, 410, 532-534, and 536 (Second Review)*, USITC Publication 3867, July 2006, pp. 6-9.

²³ Domestic interested parties' response, p. 16.

²⁴ Unless otherwise indicated, the discussion in this section of the report is based on information contained in *Certain Pipe and Tube from Argentina, Brazil, Canada, India, Korea, Mexico, Singapore, Taiwan, Thailand, and Turkey, Inv. Nos. 701-TA-253 and 731-TA-132, 252, 271, 273, 409, 410, 532-534, and 536 (Second Review)*, USITC Publication 3867, July 2006.

²⁵ Pipe dimensions (e.g., diameter and wall thickness) are standardized while tube dimensions are design-specific. The HTS generally makes no distinction between pipes and tubes and, in common usage, the terms "pipe," "tube," and "tubular product" are interchangeable.

OIL COUNTRY TUBULAR GOODS are pipe used in wells in oil and gas industries consisting of casing, tubing, and drill pipe. Oil country tubular goods are produced to API specifications as follows:

- A. Casing is the structural retainer for the walls of oil or gas wells and covers sizes 4½ to 20 inches O.D. inclusive.
- B. Tubing is used within casing oil wells to convey oil to ground level and ordinarily includes sizes 1.050 to 4.500 inches O.D. inclusive.
- C. Drill pipe is used to transmit power to a rotary drilling tool below ground level and covers sizes 2¾ to 6¾ inches O.D. inclusive.

The scope of the antidumping duty order on LWR pipe and tube includes only carbon, or non-alloy, steel products, and not stainless steel or other alloy steels. The scope of the order includes only welded LWR pipe and tube and excludes seamless products. In the United States, LWR pipe and tube are generally produced to ASTM specifications A-500 and A-513.²⁶

LWR pipe and tube are not used to convey liquids or gases. Rather, their main uses include fencing, window guards, cattle chutes, railings for construction and agricultural applications, and more ornamental (but also functional) items such as furniture parts, athletic equipment, lawn and garden equipment, store shelving, towel racks, and similar items. LWR pipe and tube's physical properties and specifications often depend on the intended end use. Corrosion-resistant LWR pipe and tube, often galvanized, are used in applications where corrosion resistance is required, such as air conditioning equipment, automotive parts, or certain outdoor signs.²⁷

Manufacturing Processes²⁸

U.S. producers currently employ two methods in the manufacture of LWR pipe and tube, as follows:

(1) *Two-stage forming (from flat coil, to round tube, to rectangular tube)*: In this process, flat-rolled steel sheet is slitted into strips of the width needed to produce the desired size of pipe and tube. The steel strips are then fed into equipment that bends the strip into tubular form. The edges of the strip are then pressed together and heated to approximately 2,600 degrees Fahrenheit. The pressure and heat on the edges form a weld. After welding, the round tube is formed into rectangular or square shapes by forming rolls. The tube is then cooled and cut to size.

(2) *Direct forming*: In this process, LWR pipe and tube are produced directly from flat coil to rectangular tube. Essentially, the steel sheet is formed into a rectangular shape and then the edges of the sheet are welded.

These two processes can be performed on the same equipment, using the same employees that are used to produce round pipe and tube and structural (heavier-walled rectangular) tube. Following the welding process, LWR pipe and tube are often galvanized. Galvanizing is the process of coating steel

²⁶ ASTM A-500 is the most common grade of hollow structural section. See Michael Cowden, "HSS Makers Tightening Standards in Efforts to Restore Reputations," *American Metal Market*, November 4, 2010.

²⁷ Galvanizing provides corrosion protection to the steel but does not alter its physical properties (*e.g.*, strength, hardness, and ductility).

²⁸ Unless otherwise indicated, the discussion in this section of the report is based on information contained in *Certain Pipe and Tube from Argentina, Brazil, Canada, India, Korea, Mexico, Singapore, Taiwan, Thailand, and Turkey, Inv. Nos. 701-TA-253 and 731-TA-132, 252, 271, 273, 409, 410, 532-534, and 536 (Second Review)*, USITC Publication 3867, July 2006.

with a thin film of zinc to protect the steel from corrosion. The most common method for galvanizing is the hot-dip process, which involves dipping the tube into a molten zinc bath.²⁹

Interchangeability

In the original determinations, the two Commissioners who made present material injury determinations found that subject imports from Argentina and Taiwan and the domestic like product were “relatively” substitutable. During the first reviews, the Commission found that LWR pipe and tube were commodity products made to common industry standards, with moderately high substitutability between domestically produced and imported LWR pipe and tube. Domestic producers, importers, and purchasers most often reported that LWR pipe and tube imports from different countries were always or frequently interchangeable.³⁰

Channels of Distribution

According to data collected during the second five-year reviews, U.S. producers and U.S. importers sell LWR pipe and tube primarily through distributors. From 1999 to 2003, the share sold to distributors ranged between 69 and 73 percent. By 2004-05, the share had increased to 86 percent.³¹

Pricing

During the original investigation, the period for which the most recent price data are available, subject imports from Taiwan undersold the domestic like product in 33 of 35 possible quarterly comparisons.

In the Commission’s most recent full review, 12 out of 16 purchasers responding to the Commission’s questionnaires indicated that price was the first or second most important factor in selecting a supplier; all 16 indicated that price was a very important factor in their purchasing decisions; and 9 out of 16 reported discounts offered as a very important factor in their purchasing decisions.³²

²⁹ The bath temperature should be between 830 to 850 degrees Fahrenheit. Galvanized coatings are formed by a chemical process during which steel and zinc metallurgically bond, forming a series of corrosion-inhibiting, highly abrasion-resistant zinc/iron alloy layers.

³⁰ *Certain Pipe and Tube from Argentina, Brazil, Canada, India, Korea, Mexico, Singapore, Taiwan, Thailand, and Turkey, Inv. Nos. 701-TA-253 and 731-TA-132, 252, 271, 273, 409, 410, 532-534, and 536 (Second Review)*, USITC Publication 3867, July 2006, p. 37.

³¹ According to data collected during the original investigation, light-walled rectangular pipes and tubes sold in the United States by U.S. and producers and importers were sold either directly to unrelated final-product manufacturers or to steel distributors (steel service centers). Steel service centers distributed approximately 74 percent of the imports from Argentina and Taiwan. *Certain Light-Walled Rectangular Pipe and Tube from Taiwan, Inv. No. 731-TA-410 (Final)*, USITC Publication 2169, p. A-6. Separate data were not available for Argentina and Taiwan.

³² *Certain Pipe and Tube from Argentina, Brazil, Canada, India, Korea, Mexico, Singapore, Taiwan, Thailand, and Turkey, Inv. Nos. 701-TA-253 and 731-TA-132, 252, 271, 273, 409, 410, 532-534, and 536 (Second Review)*, USITC Publication 3867, July 2006, p. 40.

U.S. MARKET PARTICIPANTS

U.S. Producers³³

In the original investigation, the Commission found that, from 1985 to 1988, LWR pipe and tube were produced by 22 firms on about 25 production lines in the United States.³⁴ Thirteen U.S. producers provided the Commission with data in the first review,³⁵ and 14 provided data in the second review.³⁶

In the current review, the domestic interested parties represent eight producers accounting for an estimated *** percent of U.S. production.³⁷ Based on the Commission's most recent final investigation of LWR pipe and tube, the total number of U.S. producers may be as high as 29.³⁸ Table I-3 presents key industrial events among LWR pipe and tube producers during the period 2006-11.

³³ Unless otherwise indicated, the discussion in this section of the report is based on information contained in *Certain Pipe and Tube from Argentina, Brazil, Canada, India, Korea, Mexico, Singapore, Taiwan, Thailand, and Turkey, Inv. Nos. 701-TA-253 and 731-TA-132, 252, 271, 273, 409, 410, 532-534, and 536 (Second Review)*, USITC Publication 3867, July 2006.

³⁴ *Certain Light-Walled Rectangular Pipe and Tube from Taiwan, Inv. No. 731-TA-410 (Final)*, USITC Publication 2169, p. A-6.

³⁵ *Certain Pipe and Tube from Argentina, Brazil, Canada, India, Korea, Mexico, Singapore, Taiwan, Thailand, Turkey, and Venezuela, Inv. Nos. 701 -TA-253 (Review) and 731 -TA-132, 252, 271, 273, 276, 277, 296, 409, 410, 532-534, 536, and 537 (Review)*, USITC Publication 3316, July 2000, p. LWR I-3.

³⁶ *Certain Pipe and Tube from Argentina, Brazil, Canada, India, Korea, Mexico, Singapore, Taiwan, Thailand, and Turkey, Inv. Nos. 701-TA-253 and 731-TA-132, 252, 271, 273, 409, 410, 532-534, and 536 (Second Review)*, USITC Publication 3867, July 2006, p. LWR-I-1.

³⁷ August 30, 2011, domestic interested parties' response to the notice of institution, p. 9; and September 13, 2011, Comments Regarding Adequacy of Substantive Responses to the Notice of Institution, p. 2.

³⁸ *Light-Walled Rectangular Pipe and Tube from Turkey, Inv. No. 731-TA-1121 (Final)*, USITC Publication 4001, May 2008, p. I-3 and table III-1.

Table I-3
LWR pipe and tube: Key industrial events, 2006-11

Year	Company name (Location)	Event
2006	Bull Moose (Casa Grande, AR and Elkhart, IN)	Expansion: Bull Moose builds two 50,000 square-foot additions to facilities in Casa Grande, AR and Elkhart, IN, with the expectation of increasing the company's pipe and tube capacity by 20,000 to 40,000 short tons. ¹
2006	Maneely (Beachwood, OH)	Acquisition: Maneely purchases Wheatland Tube (Wheatland, PA) and Atlas Tube (Harrow, Ontario). ²
2007	Maneely (Sharon, PA)	Acquisition: Maneely purchases Sharon Tube ²
2008	Leavitt (Chicago)	Acquisition: Maruichi Steel purchases 60-percent equity in Leavitt Tube for \$90 million. Sumitomo Corp. of America still retains its 40 percent equity in Leavitt. ³
2008	Allied Tube (Pine Bluff, AR)	Lay-offs: Allied Tube lays off 226 workers from its Pine Bluff facility to reduce costs. ⁴
2008	Maneely (Beachwood, OH)	Acquisition: Russia-based Novolipetsk Iron & Steel Works (NLMK) fails in its attempt to purchase Maneely. ⁵
2009	Allied Tube (Harvey, IL)	Expansion: Allied Tube expands its headquarters building at a cost of \$30 million. ⁶
2010	Allied Tube (Harvey, IL)	Restructuring: Tyco announces plans to sell 51 percent of its equity holding in its Electrical and Metal Products Division (EMP) to private equity firm Clayton Dubilier & Rice LLC for \$720 million. Allied Tube is a subdivision of EMP. ⁷
2011	JMC Steel/Atlas Tube (Chicago)	Acquisition: JMC announces plans to expand and acquire new facilities. ⁸
2011	Wheatland Tube (Wheatland, PA)	Expansion: Wheatland announces plans to expand production capacity. ⁹

¹ American Metal Market (AMM), September 8, 2006.

² AMM, October 10, 2007.

³ AMM, March 11, 2008.

⁴ AMM, July 14, 2008.

⁵ AMM, November 17, 2008.

⁶ AMM, October 30, 2009.

⁷ Tyco's press release, November 10, 2009; <http://tyco.mediaroom.com/index.php?s=43&item=429>.

⁸ AMM, October 4, 2011.

⁹ AMM, June 13, 2011.

Source: Cited publications.

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

Select data reported by U.S. producers in the Commission's original investigation, first and second five-year reviews, and in response to the notice of institution of this review, are presented in table I-4.³⁹

Progressively fewer U.S. producers reported data in the reviews than in the original investigation and the data may not be comparable from period to period due to differences in the firms reporting data from one period to the next. Based on the reported data, however, capacity has increased noticeably since 1987. Production has increased as well, but at a slower pace, as reflected by the declining level of capacity utilization in 2005 and, most notably in 2010 – a year with lower reported production than either 2005 or 1998. U.S. shipments have tracked U.S. production, while U.S. exports have grown markedly, albeit from a small base. The average unit values of U.S. exports have exceeded those for U.S. shipments, but both have increased over time. Operating income levels also were higher in 1998 and 2005 than in 1987, but were noticeably lower in 2010, though still above 1987 levels. Finally, employment in the LWR pipe and tube industry appears to have expanded between 1987 and 2005. While limited data are available to evaluate employment in 2010, the apparent decline in production and the lower level of wages paid suggest lower levels of employment.⁴⁰

Related Party Issues

There are no known related party issues.

³⁹ Additional historical data appear in appendix C.

⁴⁰ The wages paid by the U.S. LWR pipe and tube industry in 2010 amount to less than half of the wages paid in 1999-2000, and 2005-07. Domestic interested parties' response, p. 9.

Table I-4

LWR pipe and tube: U.S. producers' trade, employment, and financial data, 1987, 1998, 2005, and 2010

(Quantity= short tons, value =1,000 dollars, unit values, unit labor costs, and unit expenses are per short ton)

Item	1987	1998	2005	2010
Capacity (short tons)	320,361	599,170	886,000	1,174,325
Production (short tons)	212,027	403,669	451,000	316,149
Capacity utilization (percent)	66.2	67.4	50.9	26.9
Shipments:				
U.S. shipments:				
Quantity (short tons)	207,888	404,970	455,000	264,168
Value (1,000 dollars)	140,515	225,943	424,830	253,484
Unit value (per short ton)	\$676	\$558	\$934	\$960
Exports:				
Quantity (short tons)	***	***	***	29,285
Value (\$1,000)	***	***	***	29,290
Unit value (per short ton)	\$***	\$***	\$***	\$1,000
End of period inventory	15,410	42,295	60,000	48,590
PRWs (number)	426	549	1,059	N/A
Net sales (\$1,000)	93,000	112,005	428,401	272,943
Cost of goods sold (COGS) (\$1,000)	84,464	93,860	356,747	228,854
Gross profit (\$1,000)	8,536	18,860	71,654	44,089
SG&A (\$1,000)	5,760	7,660	26,978	29,344
Operating income or (loss) (\$1,000)	2,776	10,485	44,676	14,745
COGS/sales (percent)	90.8	83.8	83.3	83.9
Operating income or (loss)/sales (percent)	3.0	9.4	10.4	5.5

Source: Certain Light-Walled Rectangular Pipe and Tube from Taiwan, Inv. No. 731-TA-410 (Final), Confidential Report, INV-M-027 (March 6, 1989), Tables 2,3,4,5,7; Certain Pipe and Tube from Argentina, Brazil, Canada, India, Korea, Mexico, Singapore, Taiwan, Thailand, Turkey, and Venezuela, Inv. Nos. 701-TA-253 (Review) and 731-TA-132, 252, 271, 273, 276, 277, 296, 409, 410, 532-534, 536, and 537 (Review), table C-3; Certain Pipe and Tube from Argentina, Brazil, India, Korea, Mexico, Taiwan, Thailand, and Turkey, Inv. Nos. 701-TA-253 and 731-TA-132, 252, 271, 273, 409, 410, 532-534, and 536 (Second Review), confidential staff report, table LWR-I-1, and C-2; and Domestic Interested Parties' response, and December 6, 2011, Revised Substantive Response, Exhibit 1.

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

U.S. Imports

Tables I-5 presents data for U.S. imports of LWR pipe and tube from Taiwan, and all other sources. U.S. imports of LWR pipe and tube from Taiwan remained below 500 short tons per year between 2006 and 2010 and, like nonsubject imports, declined sharply over this period.

The leading nonsubject suppliers are shown in table I-6. Nonsubject imports peaked early in the review period, with their highest level in 2006. Mexico was the leading nonsubject source of LWR pipe and tube during the period for which data were collected. U.S. imports from Mexico, as well as those from Korea, China, and Turkey, are now subject to trade remedies in the United States.⁴¹

Ratio of Imports to U.S. Production

Imports of LWR pipe and tube from Taiwan were equivalent to less than 1 percent of reported U.S. production in 2010. The ratio of imports of LWR pipe and tube from nonsubject sources to domestic production was 38 percent in 2010.

Apparent U.S. Consumption and Market Shares

Data on apparent U.S. consumption of LWR pipe and tube during 1987, 1998, 2005, and 2010 are presented in table I-7. Apparent U.S. consumption almost tripled from 1987 to 2005. In 2010, apparent U.S. consumption declined to approximately one-half of the 2005 level. The domestic industry's market share was about 72.1 percent in 1987 and 71.7 percent in 1998; it declined in 2005 to 57.4 percent and increased to 68.7 percent in 2010, although below the 1987 and 1998 levels.

⁴¹ See table I-2.

Table I-5
LWR pipe and tube: U.S. imports, by sources, 2006-10

Source					
	2006	2007	2008	2009	2010
Quantity (short tons)					
Taiwan	483	317	243	208	242
All other	403,994	315,802	173,406	113,866	120,125
Total	404,477	316,119	173,649	114,075	120,367
Value (\$1,000)¹					
Taiwan	803	530	908	412	657
All other	297,654	227,293	182,509	81,964	102,358
Total	298,458	227,823	183,417	82,376	103,015
Unit value (dollars per short ton)					
Taiwan	1,664	1,672	3,741	1,978	2,710
All other	737	720	1,052	720	852
Average	738	721	1,056	722	856
¹ Landed, duty-paid. Source: Compiled from official Commerce statistics (HTS 7306.60.50 (2006), HTS 7306.6150 and 7306.6950 (2007), and HTS 7306.6150 (2008-10)).					

Table I-6
LWR pipe and tube: U.S. imports from leading nonsubject countries, 2006-10

Country					
	2006	2007	2008	2009	2010
Quantity (short tons)					
Mexico	144,924	140,936	115,154	68,300	67,684
Canada	71,142	48,898	43,251	31,803	40,827
Colombia	0	55	365	2,584	4,932
Korea	31,167	16,543	3,095	3,321	2,250
Malaysia	1,692	10	1,977	1,539	894
Costa Rica	1,572	45	1,543	282	775
India	165	0	0	913	456
Dominican Rep.	1,432	1,180	1,528	698	424
United Arab Em.	139	20	429	50	343
Vietnam	0	0	26	1,416	336
Taiwan	483	317	243	208	242
Germany	43	100	0	9	205
China	83,259	88,990	632	16	96
Belgium	179	159	201	46	88
Turkey	55,952	14,511	0	36	0
All other	9,980	1,371	942	118	115
Total	403,994	315,802	173,406	113,866	120,125

Table continued on next page.

Table I-6--Continued

LWR pipe and tube: U.S. imports from leading nonsubject countries, 2006-10

Country	Value (\$1,000) ¹				
	2006	2007	2008	2009	2010
Mexico	113,714	102,714	115,613	44,652	52,901
Canada	65,584	43,262	49,428	25,024	37,791
Colombia	0	49	510	2,073	4,734
Korea	20,541	12,995	2,842	2,707	1,715
Malaysia	1,026	9	2,135	1,494	839
Costa Rica	1,299	41	2,162	219	784
Thailand	1,480	1,725	4,619	2,536	631
India	105	0	0	869	390
Dominican Rep.	591	1,348	1,970	924	481
United Arab Em.	77	18	658	41	342
Vietnam	0	0	28	970	314
Germany	82	214	5	41	751
China	50,182	53,510	488	39	216
Belgium	330	320	468	103	192
Turkey	35,584	9,192	0	24	0
All other	7,059	1,897	1,582	248	278
Total	297,654	227,293	182,509	81,964	102,358

Table continued on next page.

Table I-6--Continued

LWR pipe and tube: U.S. imports from leading nonsubject countries, 2006-10

Country	Unit value (dollars per short ton)				
	2006	2007	2008	2009	2010
Mexico	785	729	1,004	654	782
Canada	922	885	1,143	787	926
Colombia	(²)	880	1,397	802	960
Korea	659	786	918	815	762
Malaysia	606	882	1,080	971	938
Costa Rica	826	931	1,401	777	1,012
Thailand	630	578	1,083	927	903
India	635	(²)	(²)	952	857
Dominican Rep.	413	1,143	1,289	1,324	1,132
United Arab Em.	555	889	1,534	811	997
Vietnam	(²)	(²)	1,069	685	937
Germany	1,901	2,137	72,163	4,447	3,656
China	603	601	772	2,506	2,243
Belgium	1,845	2,016	2,322	2,218	2,182
Turkey	636	633	(²)	650	(²)
All other	707	1,384	1,680	2,096	2,411
Average	737	720	1,052	720	852
¹ Landed, duty-paid. ² Not applicable. Note. --Because of rounding, figures may not add to the totals shown. Source: Compiled from official Commerce statistics (HTS 7306.60.50 (2006), HTS 7306.6150 and 7306.6950 (2007), and HTS 7306.6150 (2008-10)).					

Table I-7

LWR pipe and tube: U.S. producers' U.S. shipments, U.S. imports, apparent U.S. consumption, and market share, 1987, 1998, 2005 and 2010

Item	1987	1998	2005	2010
Quantity (short tons)				
U.S. producers' U.S. shipments	207,888	404,970	455,000	264,168
U.S. imports from-- Taiwan:	14,770	47	277	242
Other sources	65,788	159,881	337,000	120,125
All sources	80,558	159,928	337,277	120,367
Apparent U.S. consumption	288,446	564,898	792,277	384,535
Value (\$1,000)				
U.S. producers' U.S. shipments	140,515	225,943	424,830	253,484
U.S. imports from-- Taiwan:	6,462	86	441	657
Other sources	31,177	78,263	266,654	102,358
All sources	37,639	78,349	267,095	103,015
Apparent U.S. consumption	178,154	304,292	691,926	356,499
Share of apparent U.S. consumption based on quantity (percent)				
U.S. producers' U.S. shipments	72.1	71.7	57.4	68.7
U.S. imports from-- Taiwan:	5.1	(¹)	(¹) (²)	(¹)
Other sources	22.8	28.3	42.6	31.2
All sources	27.9	28.3	42.6	31.3
<p>¹ Less than 0.05 percent.</p> <p>² The U.S. importer and the foreign producer reported no U.S. imports or exports to the United States in 2005 corresponding to the Commission's definition of LWR pipe and tube. <i>Certain Pipe and Tube from Argentina, Brazil, India, Korea, Mexico, Taiwan, Thailand, and Turkey, Inv. Nos. 701-TA-253 and 731-TA-132, 252, 271, 273, 409, 410, 532-534, and 536 (Second Review)</i>, confidential staff report, table LWR-I.</p> <p>Source: Light-Walled Rectangular Pipes and Tubes from Taiwan, Inv. No. 731-TA-410 (Final), confidential staff report, tables 3, 14, 16, and table C-2; <i>Certain Pipe and Tube from Argentina, Brazil, India, Korea, Mexico, Taiwan, Thailand, and Turkey, Inv. Nos. 701-TA-253 and 731-TA-132, 252, 271, 273, 409, 410, 532-534, and 536 (Second Review)</i>, confidential staff report, table LWR-I, and C-2; and Domestic Interested Parties' response, and December 6, 2011, Revised Substantive Response, Exhibit 1; Compiled from official Commerce statistics: HTS 7306.6150 (2010).</p>				

ANTIDUMPING ACTIONS OUTSIDE THE UNITED STATES

On September 19, 2011, the Chief Executive Officer of the Australian Customs and Border Protection Service announced the initiation of a dumping investigation concerning hollow structural sections from Taiwan, among other countries. The products covered include rectangular or square hollow sections with a perimeter up to and including 1277.3mm.⁴² Australia had previously commenced, and subsequently terminated, an investigation into the alleged dumping of certain hollow structural sections from Taiwan, among other countries, in 2006.⁴³

THE SUBJECT INDUSTRY IN TAIWAN

In the original investigation (1989), the Commission based its analysis of the industry in Taiwan on information supplied by Ornatube Enterprise Company, an LWR pipe and tube producer, that included data of three Taiwan producers, Ornatube, Vulcan Industrial Corp., and Yieh Mau Corp. (formerly Yieh Hsing). The Commission's report noted that data regarding the entire Taiwan industry's capacity, production, shipments, and exports were not available.⁴⁴

In the first reviews, the Commission identified three possible LWR pipe and tube producers but received no responses to its questionnaires. In response to the Commission's inquiries, the American Institute in Taiwan noted that overcapacity was a major problem in Taiwan's steel pipe and tube industry.⁴⁵ At that time, Taiwan reportedly had an estimated capacity of 676,000 short tons of welded carbon steel pipe and tube of sizes which could include LWR pipe and tube.⁴⁶

In response to the Commission's request in its notice of institution in these third reviews for a list of all known and currently operating producers of the subject products in Taiwan that currently export or have exported subject products to the United States or other countries after 2006, the domestic interested parties identified the following companies:

Far East Machinery Company (Femco): Femco was established in 1949, with its headquarters and three production facilities in Chiayi City in central Taiwan. Femco is a medium-size company with a total work force of about 1000 employees and a steel capacity of 159,000 short tons. It produces LWR pipe and tube with sides ranging from 1.5 inches to 15.7 inches. Femco also produces standard pipe, line pipe, cold-formed welded and seamless carbon steel structural tubing and rounds and shapes. These products comply with ASTM, British, Japanese, and Chinese industrial standards.⁴⁷

Kounan Steel Company (Kounan): Kounan is a small steel manufacturing and trading company established in 1970 in Kaohsiung in southern Taiwan. It employs 30 people with a total market

⁴² Australian Customs Dumping Notice No. 2011/43, *Certain Hollow Structural Sections exported from the People's Republic of China, the Republic of Korea, Malaysia, Taiwan and the Kingdom of Thailand; Initiation of an investigation into alleged dumping and subsidization*, September 19, 2011.

⁴³ Australian Customs Dumping Notice No. 2006/25, *Certain Hollow Structural Sections Exported from The People's Republic of China, the Republic of Korea, Malaysia, Taiwan and Thailand; Initiation of an investigation into alleged dumping*, June 8, 2006. Australian Customs Dumping Notice No. 2006/62, *Termination of Part of the Investigation Certain Hollow Structural Sections Exported from the People's Republic of China, the Republic of Korea, Malaysia, Taiwan and Thailand*, December 8, 2006.

⁴⁴ *Certain Light-Walled Pipes and Tubes from Taiwan, Inv. No. 410 (Final)*, USITC Publication 2169, March 1989, p. A-21.

⁴⁵ *Certain Pipe and Tube from Argentina, Brazil, Canada, India, Korea, Mexico, Singapore, Taiwan, Thailand, Turkey, and Venezuela*, Invs. 701-TA-253 and 731-TA-132, 252, 271, 273, 276-277, 296, 409-410, 532-534 and 536-537 (Review), USITC Publication 3316, July 2000, USITC; p. LWR-IV-4.

⁴⁶ *Ibid.*

⁴⁷ Domestic interested parties' response, August 1, 2011, exhibit 8.

capitalization of \$14.7 million. Kounan manufactures LWR pipe and tube with sides ranging from 0.84 to 16 inches. Eighty percent of these products are currently exported to China, the Middle East, Pakistan and New Zealand with future export targets including the United States, the EU, and Australia.⁴⁸

Mayer Steel Pipe Company (Mayer): Mayer, a medium-size steel manufacturer, was founded in 1959 in Taipei, in northern Taiwan. Mayer has two pipe mills in Tao Yuan county, employing 208 workers. Mayer produces a variety of tubular products including LWR pipe and tube and welded pipe using carbon and steel, low-alloy steel as well as stainless steel.⁴⁹

Vulcan Industrial Corporation (Vulcan): Vulcan was founded in 1973 and currently has a total workforce of 150 employees. Like Kounan, Vulcan's headquarters are in Kaohsiung in southern Taiwan. Vulcan manufactures several LWR pipe and tube products ranging from 0.5 inch to 3.1 inches. Vulcan also produces other tubular products using carbon and low alloy steel.⁵⁰

*Chung Hung Steel Company (Chung Hung):*⁵¹ Established in 1983 in Kaohsiung in southern Taiwan, Chung Hung has a total capacity of 110,000 short tons. Chung Hung offers various LWR pipe and tube products ranging from 1.6 inch to 7.9 inches. The company also produces cold-rolled products including hard coil, temper-grade coil, and carbon coil; and hot-rolled products including hot-rolled bands and coils. Chung Hung products are made to ASTM, API, British, Chinese, and Japanese standards. The firm's former name was Yieh Loong Enterprise Company (Yieh Loong), which was changed to Chung Hung in 2004.

THE GLOBAL MARKET

In the global market, China was by far the predominant supplier of hollow shapes in 2010, exporting over 656,859 short tons, substantially more than the second leading exporter, Turkey, which exported 537,991 short tons.⁵² Mexico, Canada, the United States and the EU27 rounded out the top six global suppliers, all of which exported over 100,000 short tons of hollow shapes each in 2010.

Taiwan ranked 23rd among global suppliers of hollow shapes, exporting almost 30,000 short tons. Taiwan ranked 12th as a supplier of LWR pipe and tube to the U.S. market in 2010, while Mexico and Canada were the leading suppliers. According to Global Trade Atlas, Taiwan's leading export destination for its hollow shapes in 2010 was Australia at almost 28,000 short tons, followed by Hong Kong at approximately 1,500 short tons.

⁴⁸ See company's website at <http://kounan.com.tw/>, and other websites including <http://kou679e4.en.wdtrade.com/> and http://www.wdtrade.com/showroom/424420/Kounan_Steel_CO_LTD_.aspx/

⁴⁹ Domestic interested parties' response, August 1, 2011, exhibit 8.

⁵⁰ Ibid.

⁵¹ Domestic interested parties' response, August 1, 2011, exhibit 5. Also see http://www.chsteel.com.tw/ch_e/ch/mst_e.htm/ and <http://investing.businessweek.com/research/stocks/snapshot/snapshot.asp?ticker=2014:TT/>.

⁵² Since comparable international HTS data are not available at the 8-digit level, the discussion in this part is based on HTS subheading 7306.61 which represent the tubes, pipe, and hollow profiles, welded, square or rectangular cross sectional as reported by the exporting countries and compiled by Global Trade Atlas. As such, these data also include a quantity of non-subject products, primarily light-walled tubular products of specialty shapes.

APPENDIX A
***FEDERAL REGISTER* NOTICES**

in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the Subject Merchandise in each *Subject Country* (i.e., the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) 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 each *Subject Country* accounted for by your firm's(s') exports.

(12) 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(ies)* after 2005, 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(ies)*, and such merchandise from other countries.

(13) (*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: These reviews are 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: June 27, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011-16449 Filed 6-30-11; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-253 and 731-TA-132, 252, 271, 273, 410, 532-534, and 536 (Third Review)]

Certain Pipe and Tube From Brazil, India, Korea, Mexico, Taiwan, Thailand, and Turkey

Institution of five-year review concerning the countervailing duty order on welded carbon steel pipe and tube from Turkey and the antidumping duty orders on certain pipe and tube from Brazil, India, Korea, Mexico, Taiwan, Thailand, and Turkey.

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews 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 countervailing duty order on welded carbon steel pipe and tube from Turkey, the antidumping duty orders on welded carbon steel pipe and tube from India, Thailand, and Turkey, the antidumping duty orders on circular welded nonalloy steel pipe from Brazil, Korea, Mexico,

and Taiwan, and the antidumping duty orders on small diameter carbon steel pipe and tube and light-walled rectangular pipe and tube from Taiwan would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission;¹ to be assured of consideration, the deadline for responses is August 1, 2011. Comments on the adequacy of responses may be filed with the Commission by September 13, 2011. For further information concerning the conduct of these reviews 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), as most recently amended at 74 FR 2847 (January 16, 2009).

DATES: *Effective Date:* July 1, 2011.

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 these reviews may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On the dates listed below, the Department of Commerce ("Commerce") issued a countervailing duty order and antidumping duty orders on the subject imports:

Order date	Product/country	Inv. No.	FR cite
5/7/84	Small diameter carbon steel pipe and tube/Taiwan	731-TA-132 ...	49 FR 19369
3/7/86	Welded carbon steel pipe and tube/Turkey	701-TA-253 ...	51 FR 7984
3/11/86	Welded carbon steel pipe and tube/Thailand	731-TA-252 ...	51 FR 8341
5/12/86	Welded carbon steel pipe and tube/India	731-TA-271 ...	51 FR 17384
5/15/86	Welded carbon steel pipe and tube/Turkey	731-TA-273 ...	51 FR 17784
3/27/89	Light-walled rectangular pipe and tube/Taiwan	731-TA-410 ...	54 FR 12467
11/2/92	Circular welded nonalloy steel pipe/Brazil	731-TA-532 ...	57 FR 49453
11/2/92	Circular welded nonalloy steel pipe/Korea	731-TA-533 ...	57 FR 49453
11/2/92	Circular welded nonalloy steel pipe/Mexico	731-TA-534 ...	57 FR 49453

¹ No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117-0016/USITC No. 11-5-249,

expiration date June 30, 2014. Public reporting burden for the request is estimated to average 15 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.

Order date	Product/country	Inv. No.	FR cite
11/2/92	Circular welded nonalloy steel pipe/Taiwan	731-TA-536 ...	57 FR 49454

Following five-year reviews by Commerce and the Commission, effective August 22, 2000, Commerce issued a continuation of the countervailing duty order on imports of welded carbon steel pipe and tube from Turkey (65 FR 50960) and the antidumping duty orders on imports of certain pipe and tube from Brazil, India, Korea, Mexico, Taiwan, Thailand, and Turkey (65 FR 50955–50958).

Following second five-year reviews by Commerce and the Commission, effective August 8, 2006, Commerce issued a continuation of (1) The countervailing duty order on imports of welded carbon steel standard pipe from Turkey, (2) the antidumping duty orders on imports of circular welded non-alloy pipes and tubes from Brazil, Korea, and Mexico, and (3) the antidumping duty orders on imports of welded carbon steel pipe from India, Thailand and Turkey (71 FR 44996). Effective August 9, 2006, Commerce issued a continuation of the antidumping duty order on imports of light-walled welded rectangular carbon steel tubing from Taiwan (71 FR 45521). Effective August 14, 2006, Commerce issued a continuation of the antidumping duty orders on imports of certain circular welded carbon steel pipes and tubes from Taiwan and circular welded non-alloy steel pipe from Taiwan (71 FR 46447). The Commission is now conducting third reviews to determine whether revocation of the orders 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 full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

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

(2) The *Subject Countries* in these reviews are Brazil, India, Korea, Mexico, Taiwan, Thailand, and Turkey.

(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 determinations, the Commission defined the *Domestic Like Products* as follows: (1) Small Diameter Circular Welded Carbon Steel Pipes and Tubes from Taiwan (Inv. No. 731-TA-132)—small diameter circular pipes and tubes (*i.e.*, with an outside diameter of at least 0.375 inch but not more than 4.5 inches); (2) Certain Circular Welded Carbon Steel Pipes and Tubes from Thailand and Turkey (Inv. Nos. 731-TA-252 and 701-TA-253)—standard pipe up to and including 16 inches in outside diameter; (3) Certain Circular Welded Carbon Steel Pipes and Tubes from India and Turkey (Inv. Nos. 731-TA-271 and 273)—standard pipe of not more than 16 inches in outside diameter; (4) Certain Circular Welded Carbon Steel Pipes and Tubes from Brazil, Korea, Mexico, and Taiwan (Inv. Nos. 731-TA-532–534 and 536)—circular welded, non-alloy steel pipes and tubes of not more than 16 inches in outside diameter, except (a) finished conduit other than finished rigid conduit and (b) mechanical tubing that is not cold-drawn or cold-rolled; (5) Light-Walled Rectangular Pipe and Tube from Taiwan (Inv. No. 731-TA-410)—light-walled rectangular pipe and tube. In its full first five-year review determinations, the Commission found the following *Domestic Like Products*: (A) For the reviews listed in items (1)–(4) above, circular welded non-alloy steel pipes and tubes up to and including 16 inches in outside diameter, regardless of wall thickness and (B) for the review listed in item (5) above, light-walled rectangular pipe and tube. In its full second five-year review determinations, the Commission again defined two *Domestic Like Products* in the same manner as it did in the first five-year reviews. It defined the *Domestic Like Product* corresponding to the circular welded pipe orders under review to be all circular, welded, non-alloy steel pipes and tubes not more than 16 inches in outside diameter, and the *Domestic Like Product* corresponding to the light-walled rectangular pipe order under review to be all light-walled rectangular pipes and tubes.

(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 determinations and full first and second five-year reviews, for each investigation and review, the Commission defined the *Domestic Industry* as domestic producers of the *Domestic Like Product* corresponding to that investigation or review, as set out in paragraph (3) just above.

(5) 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 reviews 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 reviews 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 reviews.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation. The Commission's designated agency ethics official has advised that a five-year review is not considered the "same particular matter" as the corresponding underlying original investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b)(19 CFR 201.15(b)), 73 FR 24609 (May 5, 2008). This advice was developed in consultation with the Office of Government Ethics. Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation was pending when they were Commission employees. For further ethics advice on this matter,

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 these reviews available to authorized applicants under the APO issued in the reviews, 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 reviews. 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 these reviews 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 August 1, 2011. 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 expedited or full reviews. The deadline for filing such comments is September 13, 2011. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67

FR 68036 (November 8, 2002). Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (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 reviews 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 determinations in the reviews.

Information to be Provided in Response to this Notice of Institution: Please provide the requested information separately for each *Domestic Like Product*, as defined by the Commission in its review determinations, and for each of the products identified by Commerce as *Subject Merchandise*. If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country*; or produce *Subject Merchandise* in more than one *Subject Country*, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country*. 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) 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 these reviews by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping and countervailing duty orders 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 each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2005.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and E-mail address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) 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 2010, except as noted (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) Capacity (quantity) of your firm to produce the *Domestic Like Product* (i.e., the level of production that your establishment(s) could reasonably have expected to attain during the year,

assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

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

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

(e) The value of (i) Net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) 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 2010 (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 or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

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

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

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country(ies)*, provide the following information on your firm's(s') operations on that product during calendar year 2010 (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

or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

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

(b) Capacity (quantity) of your firm to produce the *Subject Merchandise* in each *Subject Country* (i.e., the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) 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 each *Subject Country* accounted for by your firm's(s') exports.

(12) 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(ies)* after 2005, 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(ies)*, and such merchandise from other countries.

(13) (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: These reviews are 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: June 27, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011-16443 Filed 6-30-11; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-539-C (Third Review)]

Uranium From Russia; Institution of a Five-Year Review Concerning the Suspended Investigation on Uranium From Russia

AGENCY: United States International Trade Commission.

ACTION: Notice.

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 termination of the suspended investigation on uranium from Russia would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission;¹ to be assured of consideration, the deadline for responses is August 1, 2011. Comments on the adequacy of responses may be filed with the Commission by September 13, 2011. 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), as most recently amended at 74 FR 2847 (January 16, 2009).

DATES: *Effective Date:* July 1, 2011.

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-

¹ No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117-0016/USITC No. 11-5-252, expiration date June 30, 2011. Public reporting burden for the request is estimated to average 15 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.

would be likely to lead to continuation or recurrence of dumping at the following weighted-average percentage margins:

Country	Company	Weighted-average margin (percent)
Korea	Sam Young	7.91
	All Others	7.91
Taiwan	Far Eastern	11.50
	Nan Ya	3.79
	All Others	7.31

Notification Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely written notification of the destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

The Department is issuing and publishing these final results and this notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act.

Dated: June 24, 2011.
Ronald K. Lorentzen,
Deputy Assistant Secretary for Import Administration.
 [FR Doc. 2011-16651 Filed 6-30-11; 8:45 am]
BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (“Sunset”) Review

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 and countervailing duty orders and suspended investigation 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 orders.

DATES: *Effective Date:* July 1, 2011.

FOR FURTHER INFORMATION CONTACT: The Department official identified in the *Initiation of Review* section below at

AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, 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 Review

In accordance with 19 CFR 351.218(c), we are initiating the Sunset Review of the following antidumping and countervailing duty orders and suspended investigation:

DOC Case No.	ITC Case No.	Country	Product	Department contact
A-583-803	731-TA-410	Taiwan	Light-Walled Rectangular Welded Carbon Steel Pipe & Tube (3rd Review).	Dana Mermelstein, (202) 482-1391.
A-533-808	731-TA-638	India	Stainless Steel Wire Rod (3rd Review)	Dana Mermelstein, (202) 482-1391.
A-533-502	731-TA-271	India	Welded Carbon Steel Pipe & Tube (3rd Review).	Dana Mermelstein, (202) 482-1391.
A-549-502	731-TA-252	Thailand	Welded Carbon Steel Pipe & Tube (3rd Review).	Dana Mermelstein, (202) 482-1391.
A-580-810	731-TA-540	South Korea	Welded ASTM A-312 Stainless Steel Pipe (3rd Review).	Dana Mermelstein, (202) 482-1391.
A-583-815	731-TA-541	Taiwan	Welded ASTM A-312 Stainless Steel Pipe (3rd Review).	Dana Mermelstein, (202) 482-1391.
A-583-008	731-TA-132	Taiwan	Certain Circular Welded Carbon Steel Pipes & Tubes (3rd Review).	Dana Mermelstein, (202) 482-1391.
A-351-809	731-TA-532	Brazil	Circular Welded Non-Alloy Steel Pipe (3rd Review).	Dana Mermelstein, (202) 482-1391.
A-201-805	731-TA-534	Mexico	Circular Welded Non-Alloy Steel Pipe (3rd Review).	Dana Mermelstein, (202) 482-1391.
A-583-814	731-TA-536	Taiwan	Circular Welded Non-Alloy Steel Pipe (3rd Review).	Dana Mermelstein, (202) 482-1391.
A-580-809	731-TA-533	South Korea	Circular Welded Non-Alloy Steel Pipe (3rd Review).	David Goldberger, (202) 482-4136.
A-489-501	731-TA-273	Turkey	Welded Carbon Steel Pipe & Tube (3rd Review).	David Goldberger, (202) 482-4136.
C-489-502	701-TA-253	Turkey	Welded Carbon Steel Pipe & Tube (3rd Review).	David Goldberger, (202) 482-4136.
A-821-802	731-TA-539-C	Russia	Uranium (3rd Review) (Suspension Agreement).	Sally Gannon, (202) 482-0162.

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 schedule

for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the

public on the Department's 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, and service of documents. These rules can be found at 19 CFR 351.303.

This notice serves as a reminder that any party submitting factual information in an antidumping duty or countervailing duty (AD/CVD) proceeding must certify to the accuracy and completeness of that information. See section 782(b) of the Act. Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives in all AD/CVD investigations or proceedings initiated on or after March 14, 2011. See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings: Interim Final Rule*, 76 FR 7491 (February 10, 2011) (*Interim Final Rule*), amending 19 CFR 351.303(g)(1) and (2). The formats for the revised certifications are provided at the end of the *Interim Final Rule*. The Department intends to reject factual submissions in investigations/proceedings initiated on or after March 14, 2011 if the submitting party does not comply with the revised certification requirements.

Pursuant to 19 CFR 351.103(d), 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 this notice of initiation by filing a notice of intent to participate. 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 a Sunset Review 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 order without further review. See 19 CFR 351.218(d)(1)(iii).

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 AD/CVD 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: June 21, 2011.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2011–16623 Filed 6–30–11; 8:45 am]

BILLING CODE 3510-DS-P

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 to extend that five-day deadline based upon a showing of good cause.

DEPARTMENT OF COMMERCE

International Trade Administration

Transportation Infrastructure/ Multimodal Products and Services Trade Mission to Doha, Qatar, and Abu Dhabi and Dubai, United Arab Emirates

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

Mission Description

The U.S. Department of Commerce, International Trade Administration, U.S. Commercial Service is organizing a senior executive-led trade mission for multi-modal transportation and infrastructure development products and services to Doha, Qatar and Abu Dhabi and Dubai, United Arab Emirates (U.A.E) on October 29–November 3, 2011. The mission is designed to contribute to President Obama's National Export Initiative, which aims to double U.S. exports by 2015 while supporting two million American jobs, by increasing exports of products and services that contribute to infrastructure development projects in Qatar and U.A.E.

The mission will help U.S. companies already doing business in Qatar or the U.A.E. increase their current level of exports and exposure, and will help experienced U.S. exporters, which have not yet done business in Qatar or the U.A.E. enter these markets in support of job creation in the United States. Participating firms will gain market information, connect with key business and government decision makers, solidify business strategies, and/or advance specific projects. In each of these important sectors, participating U.S. companies will meet with prescreened potential partners, agents, distributors, representatives, and licensees. The agenda will also include meetings with high-level national and local government officials, networking opportunities, country briefings, and seminars.

The industry sectors for this mission will include, but are not limited to: multimodal freight transportation systems, products and technologies, including port development, airport development, freight rail systems and technologies, supply chain systems and strategies; mass transportation systems; advanced vehicle technologies and intelligent transportation systems and related services and software; and other relevant products and services.

The delegation will be composed of 15 qualified U.S. firms representing the

- Tuesday, November 15, 2011, 6 to 8 p.m., Hilton Salt Lake City Center, 255 South West Temple, Salt Lake City, Utah 84101.
- Wednesday, November 16, 2011, 6 to 8 p.m., Ramada Las Vegas, 325 East Flamingo Road, Las Vegas, Nevada 89169.
- Thursday, November 17, 2011, 6 to 8 p.m., Sheraton Denver West Hotel, 360 Union Boulevard, Lakewood, Colorado 80228.

Public Disclosure

Before including a name, address, telephone number, e-mail address, or other personal identifying information in the comment, please be advised that the entire comment—including personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: October 5, 2011.

Anne J. Castle,

Assistant Secretary—Water and Science.

Rachel Jacobson,

Acting Assistant Secretary—Fish and Wildlife and Parks.

[FR Doc. 2011–26651 Filed 10–14–11; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–638 (Third Review)]

Stainless Steel Wire Rod From India; Scheduling of an Expedited Five-Year Review Concerning the Antidumping Duty Order on Stainless Steel Wire Rod From India

AGENCY: United States International Trade Commission.

ACTION: Notice.

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 stainless steel wire rod from India 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:* October 4, 2011.

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

SUPPLEMENTARY INFORMATION:

Background.—On October 6, 2011, the Commission determined that the domestic interested party group response to its notice of institution (76 FR 38686, July 1, 2011) 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 November 10, 2011 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 November 16, 2011 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 November 16, 2011. However, should the Department of Commerce extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce’s final results is three business days after the issuance of Commerce’s results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission’s rules. Please consult the Commission’s rules, as amended, 76 FR 61937 (Oct. 6, 2011) and the Commission’s Handbook on Filing Procedures, 76 FR 62092 (Oct. 6, 2011) available on the Commission’s Web site at <https://edis.usitc.gov>.

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

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

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

By order of the Commission.

Issued: October 11, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011–26669 Filed 10–14–11; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–410 (Third Review)]

Light-Walled Rectangular Pipe From Taiwan; Scheduling of an Expedited Five-Year Review Concerning the Antidumping Duty Order on Light-Walled Rectangular Pipe From Taiwan

AGENCY: United States International Trade Commission.

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 Commissioner Daniel R. Pearson concluded that both the domestic group response and the respondent group response for this review were adequate and voted for a full review.

³ The Commission has found the responses submitted by Carpenter Technology Corporation, North American Stainless, and Mukand Ltd. to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

ACTION: Notice.

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 light-walled rectangular pipe from Taiwan 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:* October 4, 2011.

FOR FURTHER INFORMATION CONTACT: Stefania Pozzi Porter (202–205–3177), 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 October 4, 2011, the Commission determined that the domestic interested party group response to its notice of institution (76 FR 38691, July 1, 2011) 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

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 Deanna Tanner Okun, Vice Chairman Irving A. Williamson, and Commissioners Daniel R. Pearson, Shara L. Aranoff, and Dean A. Pinkert found that the domestic group response was adequate and the respondent group response was inadequate and voted for an expedited review. Commissioner Charlotte R. Lane found that the domestic group response was adequate and the

Staff report.—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on December 8, 2011, 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 December 13 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 December 13. However, should the Department of Commerce extend the time limit for its completion of the final results of its reviews, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. Please consult the Commission's rules, as amended, 76 FR 61937 (Oct. 6, 2011) and the Commission's Handbook on Filing Procedures, 76 FR 62092 (Oct. 6, 2011), available on the Commission's Web site at <http://edis.usitc.gov>.

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).

respondent group response was inadequate but that circumstances warranted a full review.

³ The Commission has found the responses submitted by Allied Tube, Bull Moose Tube, JMC Steel, Leavitt Tube, California Steel and Tube, Hannibal Industries, and Searing Industries to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

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

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

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

By order of the Commission.

Issued: October 11, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011–26666 Filed 10–14–11; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–540–541 (Third Review)]

Certain Welded Stainless Steel Pipe From Korea and Taiwan; Scheduling of Expedited Five-Year Reviews Concerning the Antidumping Duty Orders on Certain Welded Stainless Steel Pipe From Korea and Taiwan

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews 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 orders on certain welded stainless steel pipe (specifically ASTM A–312 pipe) from Korea and Taiwan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of these reviews 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:* October 4, 2011.

FOR FURTHER INFORMATION CONTACT: Stefania Pozzi Porter (202–205–3177), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain

Assessment

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b), the Department shall determine, and U.S. Customs and Border Protection (“CBP”) shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions to CBP that are related to the amended final results 15 days after the date of publication of the amended final results of review.

Cash Deposit Requirements

Cash deposit requirements related to the amended final results will be effective retroactively for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the *Final Results*, as provided for by section 751(a)(2)(C) of the Act. The cash deposit rate for companies whose rate was corrected by the amended final results will be the corrected rate for that company noted above. For all Vietnamese exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the Vietnam-wide rate of 25.76 percent. For all non-Vietnamese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Vietnamese exporters that supplied that non-Vietnamese exporter. These deposit requirements shall remain in effect until further notice.

These amended final results are published in accordance with sections 751(h) and 777(i)(1) of the Act.

Dated: October 11, 2011.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2011-26935 Filed 10-17-11; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-803]

Light-Walled Welded Rectangular Carbon Steel Tubing From Taiwan: Final Results of the Expedited Sunset Review of the Antidumping Duty Order

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

SUMMARY: On July 1, 2011, the Department of Commerce (the

Department) initiated the third sunset review of the antidumping duty order on light-walled welded rectangular carbon steel tubing from Taiwan pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). The Department has conducted an expedited (120-day) sunset review of this order. As a result of this sunset review, the Department finds that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping as indicated in the “Final Results of Review” section of this notice.

DATES: *Effective Date:* October 18, 2011.

FOR FURTHER INFORMATION CONTACT: Jerrold Freeman or Mino Hatten, 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) 482-0180 or (202) 482-1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 2011, the Department published the notice of initiation of the sunset review of the antidumping duty order¹ on light-walled welded rectangular carbon steel tubing from Taiwan pursuant to section 751(c) of the Act. *See Initiation of Five-Year (“Sunset”) Review*, 76 FR 38613 (July 1, 2011) (*Notice of Initiation*).

The Department received a notice of intent to participate in this sunset review from the domestic interested parties, Allied Tube and Conduit, Bull Moose Tube, California Steel and Tube, Hannibal Industries, JMC Steel Group, Leavitt Tube, Searing Industries, and Western Tube and Conduit (collectively the domestic interested parties), within the 15-day period specified in 19 CFR 351.218(d)(1)(i). The domestic interested parties claimed interested-party status under section 771(9)(C) of the Act as manufacturers and/or producers of a domestic like product in the United States.

The Department received a complete substantive response to the *Notice of Initiation* from the domestic interested parties within the 30-day period specified in 19 CFR 351.218(d)(3)(i). The Department received no substantive response from any respondent interested parties. In accordance with section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department is conducting an expedited

(120-day) sunset review of the antidumping duty order on light-walled welded rectangular carbon steel tubing from Taiwan.

Scope of the Order

The product covered by the order is light-walled welded carbon steel pipe and tube of rectangular (including square) cross-section having a wall thickness of less than 0.156 inch. This merchandise is classified under item number 7306.61.5000 of the Harmonized Tariff Schedule (HTS). It was formerly classified under item number 7306.60.5000. The HTS item numbers are provided for convenience and customs purposes only. The written product description remains dispositive.

Analysis of Comments Received

All issues raised in this review are addressed in the “Issues and Decision Memorandum for the Expedited Sunset Review of the Antidumping Duty Order on Light-Walled Welded Rectangular Carbon Steel Tubing From Taiwan” to Deputy Assistant Secretary for Import Administration Ronald K. Lorentzen from Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations Christian Marsh dated concurrently with this notice (Issues and Decision Memo), which is hereby adopted by this notice. The issues discussed in the Issues and Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin of dumping likely to prevail if the order were revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room 7046 of the main Department of Commerce building.

In addition, a complete version of the Issues and Decision Memo can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the Issues and Decision Memo are identical in content.

Final Results of Review

The Department determines that revocation of the antidumping duty order on light-walled welded rectangular carbon steel tubing from Taiwan would be likely to lead to continuation or recurrence of dumping at the following weighted-average percentage margins:

¹ *Antidumping Duty Order; Light-Walled Welded Rectangular Carbon Steel Tubing From Taiwan*, 54 FR 12467 (March 27, 1989).

Company	Weighted-Average Margin (Percent)
Ornatube Enterprise	5.51
Vulcan Industrial Corp.	40.97
Yieh Hsing Industries, Ltd	40.97
All other manufacturers/producers/exporters	29.15

Notification Regarding APO

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely written notification of the 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.

The Department is issuing and publishing the final results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act.

Dated: October 11, 2011.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2011-26937 Filed 10-17-11; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-971]

Multilayered Wood Flooring From the People's Republic of China: Final Affirmative Countervailing Duty Determination

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

SUMMARY: The Department of Commerce ("Department") has determined that countervailable subsidies are being provided to producers and exporters of multilayered wood flooring ("wood flooring") from the People's Republic of China ("PRC"). For information on the subsidy rates, see the "Suspension of Liquidation" section of this notice.

DATES: *Effective Date:* October 18, 2011.

FOR FURTHER INFORMATION CONTACT:

Shane Subler or Joshua Morris, 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) 482-0189 and (202) 482-1779, respectively.

SUPPLEMENTARY INFORMATION:

Period of Investigation

The period for which we are measuring subsidies, or period of investigation ("POI"), is January 1, 2009, through December 31, 2009.

Case History

The following events have occurred since our *Preliminary Determination*. See *Multilayered Wood Flooring From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination*, 76 FR 19034 (April 6, 2011) ("*Preliminary Determination*").

From March 24, 2011, through April 15, 2011, the Department received ministerial error allegations regarding certain companies that received adverse-facts available ("AFA") in the *Preliminary Determination*: (1) Guangzhou Pan Yu Kang Da Board Co., Ltd. and Kornbest Enterprises Ltd.; (2) Baroque Timber Industries (Zhongshan) Co., Ltd., Riverside Plywood Corporation, Samling Elegant Living Trading (Labuan) Ltd., Samling Global USA, Ind., Samling Riverside Co., Ltd., and Suzhou Times Flooring Co., Ltd. (collectively, the "Samling Group"); (3) Shanghai Eswell Timber Co., Ltd. ("Eswell Timber"); (4) UA Wood Floors, Inc.; and (5) Shenzhenshi Huanwei Woods Co., Ltd.

On April 21, 2011, the Department released a memorandum addressing these allegations. See Memorandum to Gary Taverman, "Ministerial Error Allegations Regarding the AFA Company List," (April 21, 2011) ("*Prelim Ministerial Error Memo*"), available in the Department's Central Records Unit ("CRU") in Room 7046 of the main Department building. In the Prelim Ministerial Error Memo, the Department stated that the allegations did not constitute ministerial errors under 19 CFR 351.224(f) and (g), but in order to confirm the claims of the interested parties, we would request additional information from the parties and address this information in the final determination.

On June 24, 2011, we issued questionnaires to the parties addressed in the Prelim Ministerial Error Memo. On June 30, 2011, and July 1, 2011, we received responses from these parties, with one party withdrawing its request to amend the *Preliminary Determination*. For a complete

discussion of the parties' submissions and the Department's position, see Memorandum from Christian Marsh, "Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Multilayered Wood Flooring from the People's Republic of China" (October 11, 2011) (hereafter, "Issues and Decision Memorandum"), which is hereby adopted by this notice.

On March 28, 2011, the Government of the PRC ("GOC") submitted a response to the supplemental questionnaire issued to it on March 14, 2011, shortly before the *Preliminary Determination*. On May 3, 2011, the GOC placed additional factual information on the record.

The Department issued supplemental questionnaires to Fine Furniture (Shanghai) Ltd., Great Wood (Tonghua) Ltd., and Fine Furniture Plantation (Shishou) Ltd. (collectively, "Fine Furniture"), Zhejiang Layo Wood Industry Co., Ltd. and Jiaxing Brilliant Import & Export Co., Ltd. (collectively, "Layo"), and Zhejiang Yuhua Timber Co., Ltd. ("Yuhua") on May 4, 2011, and received responses on May 13, 2011. On May 4, 2011, the Department also issued a supplemental questionnaire to the GOC. On May 9, 2011, the Department issued a letter to the GOC regarding the May 4, 2011, supplemental questionnaire, to which the GOC declined to respond, as stated in the GOC's letter of May 20, 2011.

On May 9, 2011, the Department aligned the final determination in this countervailing duty ("CVD") investigation of wood flooring from the PRC with the final determination in the companion antidumping duty ("AD") investigation. See *Multilayered Wood Flooring From the People's Republic of China: Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination*, 76 FR 26685 (May 9, 2011).

From June 3, 2011, through June 14, 2011, the Department conducted verifications of the questionnaire responses submitted by Fine Furniture, Layo, and Yuhua. See Memorandum to Susan H. Kuhbach, "Verification Report: Fine Furniture (Shanghai) Ltd. ("FF Shanghai"), Great Wood (Tonghua) Ltd. ("Great Wood"), and FF Plantation (Shishou) Limited ("FFPS")

APPENDIX B
COMMISSION'S STATEMENT ON ADEQUACY

EXPLANATION OF COMMISSION'S DETERMINATIONS ON ADEQUACY

in

Certain Pipe and Tube from Brazil, India, Korea, Mexico, Taiwan, Thailand, and Turkey,
Invs. Nos. 701-TA-253 and 731-TA-132, 252, 271, 273, 410, 532-534, and 536 (Third Reviews)

On October 4, 2011, the Commission decided to proceed to full reviews in the five-year reviews of the orders on imports of circular, welded, non-alloy steel pipe and tube not more than 16 inches in outside diameter ("CW pipe and tube") from Brazil, India, Korea, Mexico, Taiwan, Thailand, and Turkey pursuant to section 751(c)(5) of the Tariff Act of 1930, as amended, (19 U.S.C. § 1675(c)(5)) and to conduct an expedited five-year review of the order on imports of light-walled rectangular pipe and tube of welded carbon steel ("LWR pipe and tube") from Taiwan pursuant to section 751(c)(3)(b) of the Tariff Act of 1930, as amended (19 U.S.C. § 1675(c)(3)(b)).

The Commission received a response to the notice of institution from domestic interested party United States Steel Corporation, a domestic producer of CW pipe and tube. The Commission also received a joint response to the notice of institution filed by Allied Tube and Conduit ("Allied Tube"), JMC Steel Group ("JMC Steel"), Leavitt Tube Company ("Leavitt Tube"), Northwest Pipe Company, and TMK IPSCO Tubulars, other domestic producers of CW pipe and tube. The Commission found the responses to the notice of institution from each of these firms to be individually adequate. The Commission further found that the domestic interested party group response was adequate for each of the CW pipe and tube orders under review.

The Commission received responses to the notice of institution from respondent interested parties Pytco, S.A. de C.V. ("Pytco"), a producer of CW pipe and tube in Mexico, and Ternium México, S.A. de C.V. ("Ternium"), a producer and exporter of CW pipe and tube in Mexico. The Commission found the responses to the notice of institution from each of these firms to be individually adequate. The Commission further found that the respondent interested party group response was adequate for the antidumping duty order on CW pipe and tube from Mexico.

The Commission also received a response to the notice of institution from respondent interested party Saha Thai Steel Pipe (Public) Co., Ltd. ("Saha Thai"), a producer, exporter, and importer of CW pipe and tube from Thailand. The Commission found Saha Thai's response to the notice of institution to be individually adequate. The Commission further determined that the respondent interested party group response was adequate for the antidumping duty order on CW pipe and tube from Thailand.

The Commission received a response to the notice of institution from the Government of Turkey, and it received a joint response to the notice of institution filed in their individual and collective capacities by an association of Turkish steel exporters;¹ Noksel Celik Boru Sanayi A.S. ("Noksel"), a producer of CW pipe and tube in Turkey; Borusan Mannesmann Boru Sanayi ve Ticaret AS ("Borusan"), a

¹ The association's name is Çelik İhracatçıları Birliği – Steel Exporters Association ("ÇİB"). Based on information CIB reported, its membership predominantly includes firms that are not producers, exporters, or importers of the subject merchandise. See, e.g., Turkish Producers and Exporters' Sept. 2, 2011, Supplemental Response to NOI. Although we find that CIB does not qualify as an interested party association under 19 U.S.C. § 1677(9)(A) because it is not the case that "a majority of the members of {the association} are producers, exporters, or importers of {subject} merchandise," we considered CIB's response to the notice of institution pursuant to 19 C.F.R. § 207.61(d). See, e.g., Turkish Producers and Exporters' Response to NOI at 2 n.1.

producer/exporter of CW pipe and tube in Turkey; and two sets of affiliated companies in Turkey – the Yucel Group (Yucel Boru ve Profil Endustirisi A.S., an exporter; Cayirova Boru San. ve Tic. A.S., a producer; and Yucelboru Ihracat Ithalat Ve Pazarlama A.S., a producer) and the Toscelik group (Toscelik Profil ve Sac Endustrisi A.S., a producer; Toscelik Metal Ticaret A.S., and Tosyali Dis Ticaret A.S., an exporter). The Commission found the responses to the notice of institution from the Government of Turkey and from Noksel, Borusan, Toscelik, and Yucel to be individually adequate. The Commission further found that the respondent interested party group responses were adequate for both the antidumping and countervailing duty orders on CW pipe and tube from Turkey.

Because the group and individual responses from both domestic interested parties and respondent interested parties were adequate in the reviews of the countervailing duty order concerning CW pipe and tube from Turkey and the antidumping duty orders concerning CW pipe and tube from Mexico, Thailand, and Turkey, the Commission decided to conduct full reviews of those orders.

The Commission did not receive a response from any respondent interested parties in the reviews of the antidumping duty orders on CW pipe and tube from Brazil, India, Korea or regarding either of the antidumping duty orders on CW pipe and tube from Taiwan, and therefore found that the respondent interested party group responses for these countries were not adequate. The Commission nevertheless voted to conduct full reviews concerning the CW pipe and tube orders from Brazil, India, Korea, and Taiwan in order to promote administrative efficiency in light of the Commission's decision to conduct full reviews of the other CW pipe and tube orders in these grouped reviews.

With respect to the antidumping duty order on imports of LWR pipe and tube from Taiwan, the Commission received a joint response filed on behalf of domestic interested parties Allied Tube, Bull Moose Tube, JMC Steel, Leavitt Tube, California Steel and Tube, Hannibal Industries, and Searing Industries, each of which manufactures LWR pipe and tube in the United States. The Commission found that each of these firms had provided an individually adequate response to the notice of institution. The Commission further found that the domestic interested party group response was adequate for the antidumping duty order on LWR pipe and tube from Taiwan.

The Commission did not receive a response from any respondent interested party in the review of the antidumping duty order on imports of LWR pipe and tube from Taiwan, and therefore, found that the respondent interested party group response was inadequate for this review.

The Commission did not find any circumstances that would warrant conducting a full review of the antidumping duty order on imports of LWR pipe and tube from Taiwan. The Commission, therefore, decided to conduct an expedited review of this order.²

A record of the Commissioners' votes is available from the Office of the Secretary and on the Commission's website (<http://www.usitc.gov>).

² Commissioner Charlotte R. Lane voted to conduct a full review of the antidumping duty order on imports of LWR pipe and tube from Taiwan.

APPENDIX C
HISTORICAL DATA

Excerpted from:

*Certain Pipe and Tube from Argentina, Brazil, India, Korea, Mexico, Taiwan, Thailand, and Turkey,
Inv. Nos. 701-TA-253 and 731-TA-132, 252, 271, 273, 409, 410, 532-534, and 536 (Second Review),
USITC Publication 3867, July 2006*

**Table LWR-I-1
LWR pipe and tube: Comparative data from the original investigations, first reviews, and current reviews, 1985-87 and 1997-2005**

Item	1985	1986	1987	1997	1998	1999	2000	2001	2002	2003	2004	2005
	Quantity (1,000 short tons)											
Apparent U.S. consumption	262	263	288	526	565	749	746	668	787	793	763	792
Share (percent)												
Producers' share	68.1	73.1	72.1	72.2	71.7	69.8	67.3	66.5	62.6	63.4	63.7	57.4
Importers' shares--												
Argentina	(¹)	0.7	5.1	0.0	0.0	0.0	(¹)	0.0	(¹)	0.0	0.0	0.0
Taiwan	0.2	3.8	5.1	0.0	(¹)	(¹)	(¹)	(¹)	0.0	0.0	(¹)(²)	(¹)(²)
All subject sources ³	0.2	4.5	10.2	0.0	(¹)	(¹)	(¹)	(¹)	(¹)	0.0	(¹)(²)	(¹)(²)
All other sources ³	31.7	22.0	17.7	27.8	28.3	30.2	32.7	33.5	37.4	36.6	36.3	42.6
Total imports	31.9	26.5	27.9	27.8	28.3	30.2	32.7	33.5	37.4	36.6	36.3	42.6
Quantity (1,000 short tons), Value (1,000 dollars), Unit value (per short ton)												
U.S. imports from—												
Argentina:												
Quantity	(³)	2	15	0	0	0	(³)	0	(³)	0	0	0
Value	45	751	6,170	0	0	0	6	0	7	0	0	0
Average unit value	\$372	\$407	\$418	(⁴)	(⁴)	(⁴)	\$2,068	(⁴)	\$483	(⁴)	(⁴)	(⁴)
Taiwan:												
Quantity	(³)	10	15	0	(³)	(³)	(³)	(³)	0	0	(³)	(³)
Value	216	4,208	6,462	0	86	132	48	6	0	0	98 ²	441 ²
Average unit value	\$532	\$422	\$437	(⁴)	\$1,819	\$1,713	\$2,062	\$484	(⁴)	(⁴)	\$1,661 ²	\$1,592 ²
All subject sources:												
Quantity	1	12	30	0	(³)	(³)	(³)	(³)	(³)	0	(³)	(³)
Value	261	4,959	12,632	0	86	132	54	6	7	0	98 ²	441 ²
Average unit value	\$495	\$420	\$428	(⁴)	\$1,819	\$1,713	\$2,063	\$484	\$483	(⁴)	\$1,661 ²	\$1,592 ²

Table continued on next page. Footnotes and notes appear at the end of the table.

Table LWR-I-1--Continued
LWR pipe and tube: Comparative data from the original investigations, first reviews, and current reviews, 1985-87 and 1997-2005

Item	1985	1986	1987	1997	1998	1999	2000	2001	2002	2003	2004	2005
Quantity (1,000 short tons), Value (1,000 dollars), Unit value (per short ton)												
U.S. imports--continued												
Nonsubject sources: ⁵												
Quantity	83	58	51	146	160	227	244	224	294	290	277	337
Value	38,314	26,515	25,007	73,459	78,263	103,032	122,291	104,642	141,019	141,739	210,700	266,654
Average unit value	\$462	\$459	\$490	\$502	\$490	\$455	\$502	\$468	\$479	\$488	\$761	\$790
Total imports:												
Quantity	83	70	81	146	159	227	244	224	294	290	277	338
Value	38,575	31,474	37,639	73,459	78,349	103,165	122,345	104,648	141,026	141,739	210,798	267,095
Average unit value	\$462	\$452	\$468	\$502	\$490	\$455	\$502	\$468	\$479	\$488	\$761	\$791
Quantity (1,000 short tons) unless otherwise indicated												
U.S. producers ¹ --												
Capacity	281	326	320	568	599	901	893	894	924	883	891	886
Production	179	195	212	382	404	544	518	450	507	503	488	451
U.S. shipments	178	193	208	379	405	523	502	444	493	502	486	455
Export shipments	***	***	***	***	***	***	***	***	***	***	***	***
PRWs (number)	312	404	426	528	549	1,093	1,050	978	1,058	1,099	1,068	1,059
Hours worked (1,000)	595	735	775	1,166	1,197	1,807	1,766	1,559	1,680	1,998	1,866	1,770
Net sales (1,000 dollars)	64,399	77,418	93,000	116,251	112,005	288,564	288,059	234,075	265,797	297,840	441,580	428,401
Operating margin (percent)	4.6	2.6	3.0	9.4	9.4	13.9	11.0	10.2	11.7	7.2	16.6	10.4

¹ Less than 0.05 percent.

² The U.S. importer and the foreign producer reported no U.S. imports or exports to the United States in 2004 or 2005 corresponding to the Commission's definition of LWR pipe and tube.

³ Fewer than 500 short tons.

⁴ Not applicable.

⁵ Data reported for imports of LWR pipe and tube from nonsubject sources differ from those reported in the first reviews because imports of LWR pipe and tube from Singapore have been included in this category. There were no imports of LWR pipe and tube from Singapore between 1999 and 2005.

Source: *Certain Pipe and Tube from Argentina, Brazil, Canada, India, Korea, Mexico, Singapore, Taiwan, Thailand, Turkey, and Venezuela, Inv. Nos. 701-TA-253 and 731-TA-132, 252, 271, 273, 276, 277, 296, 409, 410, 532-534, 536, and 537 (Review)*, USITC Publication 3316, July 2000, official Commerce import statistics, and data compiled from responses to Commission questionnaires.

