

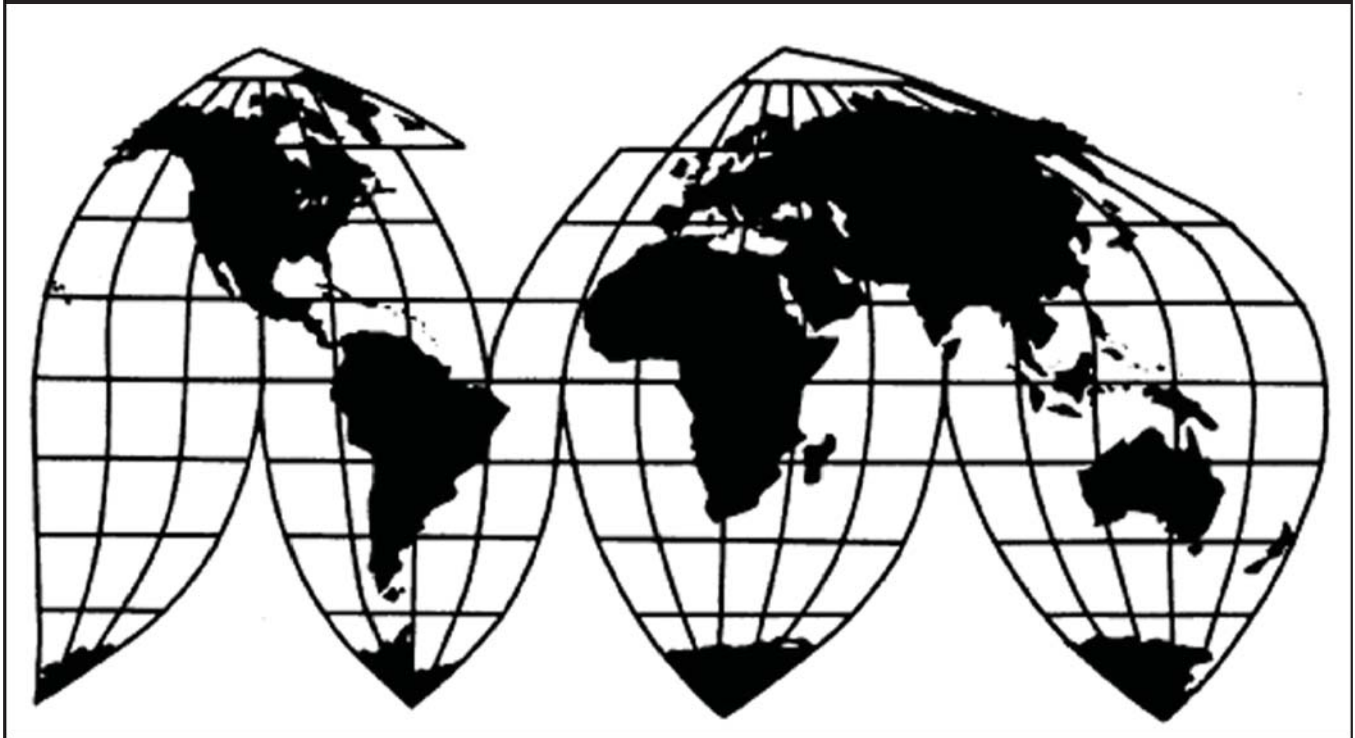
Stainless Steel Wire Rod from India

Investigation No. 731-TA-638 (Third Review)

Publication 4300

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Note.--Information that would reveal confidential operations of individual concerns may not be published and therefore has been deleted from this report.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

UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation No. 731-TA-638 (Third Review)

STAINLESS STEEL WIRE ROD FROM INDIA

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 stainless steel wire rod from India would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.²

BACKGROUND

The Commission instituted this review on July 1, 2011 (76 F.R. 38686) and determined on October 4, 2011, that it would conduct an expedited review (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)).

² Commissioner David S. Johanson did not participate in this determination.

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 stainless steel wire rod (“SSWR”) from India would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.¹

I. BACKGROUND

In November 1993, the Commission determined that the domestic industry was materially injured by dumped imports of SSWR from India.² The U.S. Department of Commerce (“Commerce”) imposed an antidumping duty order on these imports on December 1, 1993.³

On July 1, 1999, the Commission instituted five-year reviews of the antidumping and countervailing duty orders on SSWR from Brazil, France, India, and Spain.⁴ The Commission determined that revocation of the antidumping duty orders on SSWR from Brazil, France, and India would be likely to lead to continuation or recurrence of material injury to the domestic SSWR industry.⁵

The Commission instituted the second five-year reviews of the antidumping duty orders on SSWR from Brazil, France, and India on July 1, 2005.⁶ It determined that revocation of the antidumping duty order on SSWR from India would be likely to lead to continuation or recurrence of material injury to the domestic SSWR industry, but that revocation of the antidumping duty orders on SSWR from Brazil and France would not be likely to lead to continuation or recurrence of material injury to the domestic SSWR industry.⁷

¹ Commissioner David S. Johanson did not participate in this decision.

² Stainless Steel Wire Rod from India, Inv. No. 731-TA-638 (Final), USITC Pub. 2704 (November 1993) (“Original Investigation (India)”). The Commission conducted this final investigation in conjunction with final investigations concerning SSWR from Brazil and France. Although it conducted these investigations concurrently, the Commission issued two separate determinations because Commerce postponed its final determinations with respect to imports from Brazil and France. Id. I-6 n.10.

³ 58 Fed. Reg. 63335 (December 1, 1993).

⁴ 64 Fed. Reg. 35697 (July 1, 1999). See also Hot-Rolled Stainless Steel Bar, Cold-Formed Stainless Steel Bar, and Stainless Steel Wire Rod from Spain, Inv. Nos. 701-TA-176-178 (Final), USITC Pub. 1333 (December 1982) and Stainless Steel Wire Rod from Brazil and France, Inv. Nos. 731-TA-636-637 (Final), USITC Pub. 2721 (January 1994).

⁵ Stainless Steel Wire Rod from Brazil, France, India, and Spain, Inv. Nos. 701-TA-178 and 731-TA-636-638 (Review), USITC Pub. 3321 (July 2000) (“First Five-Year Reviews”) at 20, 24-25. Chairman Koplán and then-Vice Chairman Okun dissented with respect to subject imports from France. Id. at 27. The Commission determined that revocation of the countervailing duty order on SSWR from Spain would have no discernible adverse impact on the domestic industry, and thus it did not cumulate subject imports from Spain with other subject imports. It further determined that imports of SSWR from Spain would not be likely to lead to continuation or recurrence of material injury to the domestic industry if the countervailing duty order were to be revoked. Id. at 20, 24.

⁶ 70 Fed. Reg. 38207.

⁷ Stainless Steel Wire Rod from Brazil, France, and India, Inv. Nos. 731-TA-636-638 (Review), USITC Pub. 3866 (July 2006) (“Second Five-Year Reviews”) at 20-27 (France) and 28-30 (Brazil).

The Commission instituted this third five-year review of the antidumping duty order on SSWR from India on July 1, 2011.⁸ The Commission received a joint response to its Notice of Institution from two U.S. producers of SSWR: Carpenter Technology Corporation (“Carpenter”) and North American Stainless (“NAS”) (jointly, “the domestic industry”).⁹ The Commission also received a submission on behalf of Mukand, Ltd. (“Mukand”), a producer of SSWR in India.¹⁰ The Commission did not receive a response from any other respondent interested party. The Commission determined that it had received an adequate group response from domestic producers but not from respondent interested parties. The Commission therefore determined to conduct an expedited review.¹¹

II. DOMESTIC LIKE PRODUCT AND INDUSTRY

A. Domestic Like Product

In making its determinations under section 751(c) of the Act, the Commission defines the “domestic like product” and the “industry.”¹² 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.”¹³ The Commission’s practice in five-year reviews is to examine the like product definition from the original determination and any completed reviews and consider whether the record indicates any reason to revisit the prior findings.¹⁴

⁸ Stainless Steel Wire Rod from India: Institution of a Five-Year Review Concerning the Antidumping Duty Order on Stainless Steel Wire Rod from India, 76 Fed. Reg. 38686 (July 1, 2011) (“Notice of Institution”).

⁹ See Commission Statement on Adequacy (October 4, 2011) in Appendix B of the Confidential Staff Report (“CR”), issued as memorandum INV-JJ-118 (November 10, 2011) and revised by memorandum INV-JJ-128 (December 14, 2011). The public report (“PR”) is designated USITC Publication 4300, January 2012. Carpenter and NAS accounted for *** percent of total production of the domestic like product in 2010. CR/PR at I-1 n.3. The domestic industry identified three other known producers of SSWR: Allvac Metals Company, Outokumpu Stainless Bar, Inc., and Universal Stainless & Alloy Products, Inc. Domestic Industry Response at 9. According to the domestic industry, one other domestic producer, Charter Specialty Steel, closed down its SSWR facility in late 2008. Id.

¹⁰ Mukand is believed to account for approximately 10-12 percent of total production of SSWR in India in 2010. Mukand Response to the Notice of Institution (August 1, 2011) (“Mukand Response”) at 4. Mukand also reported that it has not exported the subject merchandise to the United States since 2005. Mukand Supplemental Response to the Notice of Institution (September 2, 2011) (“Mukand Supplemental Response”) at 2.

¹¹ CR/PR at Appendix B (Statement on Adequacy). Commissioner Daniel R. Pearson voted to conduct a full review. Id. at n.1.

¹² 19 U.S.C. § 1677(4)(A).

¹³ 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).

¹⁴ 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).

In its expedited five-year review, Commerce defined the subject merchandise, as it had in its original investigation and the prior five-year reviews, as follows:

Imports covered by this order are certain stainless steel wire rods (SSWR) from India. SSWR are products which are hot-rolled or hot-rolled annealed and/or pickled rounds, squares, octagons, hexagons, or other shapes, in coils. SSWR are made of alloy steels containing, by weight 1.2 percent or less of carbon and 10.5 percent of chromium, with or without other elements. These products are only manufactured by hot-rolling and normally sold in coiled form, and are solid cross-section. The majority of SSWR sold in the United States are round in cross-section shape, annealed and pickled. The most common size is 5.5 millimeters in diameter.¹⁵

SSWR is an intermediate stainless steel product that is used primarily to produce stainless steel wire and stainless steel bar. SSWR is a long product produced in coiled form with no specific size limitation. It is produced in sizes as large as 39 mm (1.54 inch) in diameter, although the most common size is 5.5 mm (0.217 inch) in diameter, circular cross-section. This is the smallest size normally produced on a hot-rolling mill and is the size most commonly used for wire drawing. The primary use for SSWR shipped in the domestic market is for the production of wire, which is then used to produce downstream products such as industrial fasteners, springs, medical and dental instruments, automotive parts, and welding electrodes.¹⁶

The above scope definition is unchanged from Commerce's previous five-year reviews and the original investigations.¹⁷ In the original investigations, the Commission defined the domestic like product as all SSWR within the scope as defined by Commerce. In its prior five-year reviews, the Commission continued to define the domestic like product in a manner that was coextensive with Commerce's scope definition.¹⁸

In this third five-year review, no information suggests that we should revisit the definition of the domestic like product, and the domestic industry and Mukand support maintaining this definition.¹⁹ Therefore, for the reasons stated in the original investigations and the prior five-year reviews, we continue to define the domestic like product as all SSWR within the scope.

¹⁵ Certain Stainless Steel Wire Rods From India, Final Results of the Expedited Sunset Review of the Antidumping Duty Order, 76 Fed. Reg. 67672 (November 2, 2011).

¹⁶ Domestic Industry Response to Notice of Institution (August 1, 2011) ("Domestic Industry Response") at 14.

¹⁷ See 65 Fed. Reg. 5315, 5317, 5320 (February 3, 2000); Stainless Steel Wire Rod from Brazil and France, Inv. Nos. 731-TA-636-37 (Final), USITC Pub. 2721 (January 1994) ("Original Investigations (Brazil & France)") at I-6; Original Investigation (India) at I-5 to I-6.

¹⁸ Original Investigation (India) at I-6 to I-8; Original Investigations (Brazil & France) at I-6 to I-8. In a 1998 SSWR investigation involving different countries, the Commission rejected arguments that it should find multiple like products of different forms of SSWR and determined that the like product was all SSWR within the scope definition. See Stainless Steel Wire Rod from Germany, Italy, Japan, Korea, Spain, Sweden and Taiwan, Inv. Nos. 701-TA-373 (Final) and 731-TA-769-775 (Final), USITC Pub. 3126 (September 1998) at 7; Stainless Steel Wire Rod from Italy, Japan, Korea, Spain, Sweden, and Taiwan, Inv. Nos. 701-TA-373 and 731-TA-770-775 (Review), USITC Pub. 3707 (July 2004) at 5; First Five-Year Reviews at 6; and Second Five-Year Reviews at 6.

¹⁹ Domestic Industry Response at 14 and Mukand Response at 5.

B. Domestic Industry and Related Parties

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 constitutes a major proportion of the total domestic production of the product.”²⁰ 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. Section 771(4)(B) of the Act allows the Commission, if appropriate circumstances exist, to exclude from the domestic industry producers that are related to an exporter or importer of subject merchandise, or which are themselves importers.²¹

In this third five-year review, there is no new information that would warrant reconsideration of the domestic industry definition from the original investigations and the prior five-year reviews, and the domestic industry and Mukand agree with this definition. Accordingly, we define the domestic industry as all known U.S. producers of SSWR.²²

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

A. Legal Standard

In a five-year review conducted under section 751(c) of the Act, Commerce will revoke an antidumping or countervailing 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 or countervailing duty order “would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.”²³ The Statement of Administrative Action²⁴ states that “under the likelihood standard, the Commission will engage in a counter-factual analysis; it must decide the likely impact in the reasonably foreseeable future of an important change in the status quo – the revocation or termination of a proceeding and the elimination of its restraining effects on volumes and prices of imports.”²⁵ Thus, the likelihood standard is prospective in nature.²⁶ The U.S.

²⁰ 19 U.S.C. § 1677(4)(A). The definitions in 19 U.S.C. § 1677 are applicable 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.

²¹ 19 U.S.C. § 1677(4)(B).

²² There are no related party issues presented in this review.

²³ 19 U.S.C. § 1675a(a).

²⁴ Statement of Administrative Action (“SAA”) to the Uruguay Round Agreements Act, H.R. Rep. No. 316, 103 Cong., 2d Sess. (1994).

²⁵ 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.

²⁶ 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.

Court of International Trade has found that “likely,” as used in the five-year review provisions of the Act, means “probable,” and the Commission applies that standard in five-year reviews.^{27 28}

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.”²⁹ 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 an original investigation.”³⁰

Although the standard in a five-year review is not the same as the standard applied in an original antidumping or countervailing duty investigation, it contains some of the same fundamental elements. The statute provides that the Commission is to “consider the likely volume, price effect, and impact of imports of the subject merchandise on the industry if the orders are revoked or the suspended investigation is terminated.”³¹ It directs the Commission to take into account its prior injury determination, whether any improvement in the state of the industry is related to the order or the suspension agreement under review, whether the industry is vulnerable to material injury if the orders are revoked or the suspension agreement is terminated, and any findings by Commerce regarding duty absorption pursuant to 19 U.S.C. § 1675(a)(4).³² 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.³³

Only one respondent interested party, Mukand, participated in this expedited five-year review. The record therefore contains limited new information with respect to the SSWR industry in India and the SSWR market in the United States. Accordingly, we rely as appropriate on the facts available from

²⁷ 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’”).

²⁸ 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).

²⁹ 19 U.S.C. § 1675a(a)(5).

³⁰ 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.

³¹ 19 U.S.C. § 1675a(a)(1).

³² 19 U.S.C. § 1675a(a)(1). Commerce has not made any duty absorption findings on the subject merchandise.

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

the original investigation and prior five-year reviews and the limited new information on the record in this review.^{34 35}

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.”³⁶

1. Original Investigations and Prior Five-Year Reviews

The Commission found in the original investigations with respect to Brazil, France, and India that apparent U.S. consumption had increased by 11.5 percent between 1990 and 1992.³⁷ The Commission highlighted the fact that two-thirds of SSWR production was captively consumed by the domestic industry in the production of wire and small diameter bar.³⁸ The Commission found that this shielded the industry to some extent from import competition, while recognizing the indirect effect of the subject imports on the domestic industry’s captive consumption.³⁹

In the first five-year reviews, the Commission found that SSWR was produced in a wide variety of sizes and grades, typically in accordance with customer requirements. It also observed that overall demand did not respond significantly to price changes, as there are few substitutes for SSWR. It noted that manufacturers could produce products other than SSWR (e.g., bar and wire) using the same equipment and thus were able to switch production among the products.⁴⁰ During the period examined in the first reviews, demand for SSWR in the United States had increased approximately 5 to 7 percent annually. The industry had also undergone substantial consolidation, and Carpenter and its subsidiary, Talley, accounted for *** percent of U.S. production of SSWR. Just as in the original investigations,

³⁴ 19 U.S.C. § 1677e(a) authorizes the Commission to “use the facts otherwise available” in reaching a determination when (1) necessary information is not available on the record or (2) an interested party or other person withholds information requested by the agency, fails to provide such information in the time, form, or manner requested, significantly impedes a proceeding, or provides information that cannot be verified pursuant to section 782(i) of the Act. 19 U.S.C. § 1677e(a). The verification requirements in section 782(i) are applicable only to Commerce. 19 U.S.C. § 1677m(i). See Titanium Metals Corp. 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.”).

³⁵ 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.

³⁶ 19 U.S.C. § 1675a(a)(4).

³⁷ Original Investigations (Brazil & France) at I-13; Original Investigation (India) at I-12.

³⁸ Original Investigations (Brazil & France) at I-13; Original Investigation (India) at I-12.

³⁹ Original Investigations (Brazil & France) at I-13; Original Investigation (India) at I-12.

⁴⁰ First Five-Year Reviews at 14-15.

about *** of the production of SSWR was captively consumed. The domestic industry had increased capacity, although declining production contributed to significant decreases in capacity utilization. The Commission noted that nonsubject imports accounted for approximately *** percent of the U.S. market in 1998 and 1999. The Commission further noted that, since the period examined in the original investigations, antidumping duty orders had been imposed on U.S. imports of SSWR from Italy, Japan, Korea, Spain, Sweden, and Taiwan.⁴¹

In the second five-year reviews, the Commission found that demand for SSWR largely depended on demand for downstream products in the automotive, medical instruments, and general manufacturing sectors.⁴² The Commission noted that apparent U.S. consumption fluctuated but generally fell over the period examined, which it attributed to the movement of end-use customers overseas, increased imports of finished products, and the substitution of wire for SSWR in downstream applications.⁴³ The Commission found that raw materials constituted a substantial portion of the cost of producing SSWR and that energy costs, particularly natural gas prices, had increased during the period of review. Imports accounted for a substantial, but decreasing, portion of apparent consumption during the period.⁴⁴

2. The Current Review

Demand for SSWR in the United States has decreased since the period examined in the second five-year review.⁴⁵ Domestic demand is driven primarily by demand for the downstream products in which SSWR is used, such as industrial fasteners, springs, medical and dental instruments, automotive parts, and welding electrodes.⁴⁶ Mukand claims that the decrease in U.S. demand for SSWR during the current period of review was due to the general economic downturn and increased imports of downstream products made from SSWR, specifically increased imports of stainless steel wire.⁴⁷ The information available indicates that no new growth in U.S. demand is expected, nor are there any expected new uses for SSWR.⁴⁸

The SSWR market in the United States is supplied by the domestic producers and both subject and nonsubject imports. The domestic SSWR industry consisted of seven producers during the original investigation, four producers in the first five-year review, five producers in the second five-year review, and five producers in this review.⁴⁹ Despite the existence of the antidumping duty order, subject imports maintained a presence in the U.S. market during the period, but accounted for *** percent of apparent

⁴¹ First Five-Year Reviews at 15.

⁴² Second Five-Year Reviews at 17.

⁴³ Second Five-Year Reviews at 18.

⁴⁴ Second Five-Year Reviews at 19.

⁴⁵ Apparent U.S. consumption of SSWR was *** short tons in 2005 and *** short tons in 2010. CR/PR at Table I-3.

⁴⁶ Domestic Industry Response at 14.

⁴⁷ Mukand Response at 4.

⁴⁸ CR at I-11 to I-12, PR at I-9.

⁴⁹ CR at I-15 to I-16, PR at I-11. In 2010, Carpenter and NAS accounted for approximately *** percent of SSWR production in the United States. CR at I-16, PR at I-11.

U.S. consumption in 2010.⁵⁰ In contrast, nonsubject imports accounted for *** percent of apparent U.S. consumption in 2010.⁵¹

Absent any evidence to the contrary and in accord with the findings in the prior five-year reviews, we find that the domestic like product, subject imports, and nonsubject imports are generally substitutable and that price is an important factor in purchasing decisions.⁵² Based on the record in this review, we find that the conditions of competition in the SSWR market are not likely to change significantly in the reasonably foreseeable future. Accordingly, we find that the current conditions of competition provide a reasonable basis on which to assess the likely effects of revocation of the order in the reasonably foreseeable future.

C. Likely Volume

In evaluating the likely volume of imports of subject merchandise if the antidumping duty order is revoked, the Commission is directed to consider whether the likely volume of imports would be significant either in absolute terms or relative to production or consumption in the United States.⁵³ In doing so, the Commission must consider “all relevant economic factors,” including four enumerated factors: (1) any likely increase in production capacity or existing unused production capacity in the exporting country; (2) existing inventories of the subject merchandise, or likely increases in inventories; (3) the existence of barriers to the importation of the subject merchandise into countries other than the United States; and (4) the potential for product shifting if production facilities in the foreign country, which can be used to produce the subject merchandise, are currently being used to produce other products.⁵⁴

1. The Original Investigations and Prior Five-Year Reviews

In the original investigations, the Commission observed that the market share of cumulated imports was increasing while the domestic producers’ market share was declining.⁵⁵ The domestic producers’ market share fell from 79.4 percent in 1990 to 68.0 percent in 1992 in terms of quantity, and from 81.0 percent in 1990 to 73.1 percent in 1992 in terms of value.⁵⁶

⁵⁰ CR/PR at Table I-3. Subject imports were *** short tons in 2006, *** short tons in 2007, *** short tons in 2008, *** short tons in 2009, and *** short ton in 2010. CR/PR at Table I-2.

⁵¹ CR/PR at Table I-3. In 2010, the primary nonsubject country sources of SSWR were Taiwan, the United Kingdom, France, Sweden, and China. CR/PR at Table I-2.

⁵² First Five-Year Reviews at 14 and Second Five-Year Reviews at 18.

⁵³ 19 U.S.C. § 1675a(a)(2).

⁵⁴ 19 U.S.C. § 1675a(a)(2)(A-D).

⁵⁵ Original Investigations (Brazil & France) at I-21; Original Investigation (India) at I-17 to I-18. In the original investigations, the Commission analyzed the cumulated volume of imports from Brazil, France, and India. The cumulated imports increased their share of the U.S. market from 5.7 percent in 1990 to 7.2 percent in 1991 and 14.3 percent in 1992. Original Investigation (India) at Table C-1. In terms of value, the share increased from 6.0 percent in 1990 to 6.9 percent in 1991 and 12.6 percent in 1992. Id. The subject imports from India alone increased their share of the U.S. market from 0.1 percent in 1990 to 1.4 percent in 1991 and 3.3 percent in 1992. In terms of value, the share increased from 0.1 percent in 1990 to 1.0 percent in 1991 and 2.3 percent in 1992. Id.

⁵⁶ Original Investigation (India) at Table C-1.

In the first five-year reviews, the Commission found that capacity in India had increased from 1997 to 1999 and that unused capacity in India was equivalent to *** percent of U.S. production and *** percent of apparent U.S. consumption in 1999. India's exports of SSWR to the United States had also increased from 1997 to 1999.⁵⁷ Mukand, which estimated that it accounted for *** of Indian production, had announced plans in 1999 to increase its exports of stainless steel by 50 percent over the previous year. The Commission indicated that the United States was a particularly attractive market, as U.S. prices were higher than anywhere else in the world. Moreover, although most of Mukand's production of wire rod was ***, Mukand stated that ***.⁵⁸ Based on this information, the Commission concluded that the cumulated volume of subject imports from Brazil and India would be significant in the reasonably foreseeable future.⁵⁹

In the second five-year reviews, the Commission declined to cumulate subject imports from any of the subject countries under review. With respect to India, the Commission found that the Indian industry had significant excess capacity available to increase production of SSWR and thereby increase subject exports to the United States in the event of revocation.⁶⁰ The Commission also found that the likely volume of subject imports would be significant absent the order given the significant excess capacity in India, the presence in the U.S. market of SSWR from India during the period of review, and the rapid increase in subject imports during the original investigation.⁶¹

2. The Current Review

Subject imports from India captured a substantial share of the U.S. market before the imposition of the antidumping duty order. After the order was imposed, the volume of subject imports from India decreased significantly.⁶² The limited information on the record of this review indicates that subject producers in India possess significant excess capacity and remain export-oriented.⁶³ There were 16 Indian producers of SSWR during the period examined in the second five-year review,⁶⁴ and there is no indication that these companies have reduced their capacity to produce SSWR since that time.⁶⁵ The producers in India are substantial exporters of SSWR, exporting a full range of SSWR products. In 2010, India's global stainless steel bar and rod exports were valued at \$127.3 million, or the equivalent of *** percent of apparent U.S. consumption of SSWR in that year.⁶⁶ Moreover, the available evidence indicates that the Indian SSWR industry would find the United States to be an attractive market absent the

⁵⁷ First Five-Year Reviews at 17.

⁵⁸ First Five-Year Reviews at 17.

⁵⁹ First Five-Year Reviews at 17. The Commission reached the same conclusion with respect to subject imports from France, although it did not cumulate subject imports from France with subject imports from Brazil and India. Id. at 22.

⁶⁰ Second Five-Year Reviews at 31-32.

⁶¹ Second Five-Year Reviews at 32.

⁶² CR/PR at Tables I-2 and C-1.

⁶³ CR/PR at Tables I-4 and I-6; see also CR at I-25, PR at I-17 to I-18. The Commission collected no information on subject import inventories due to the lack of adequate respondent interested party responses to the Commission's notice of institution. See 19 U.S.C. § 1675(c)(3)(B).

⁶⁴ Domestic Industry Comments at 6, citing Report, CR at I-23.

⁶⁵ The domestic industry states that it is aware of at least 15 Indian producers that currently are actively engaged in the production and exportation of SSWR. Domestic Industry Response at 4.

⁶⁶ See CR/PR at Tables I-3 and I-6. Indian exports of stainless steel bar and rod were valued at \$33.0 million in 2005, \$92.4 million in 2006, \$149.2 million in 2007, \$123.3 million in 2008, and \$59.3 million in 2009. CR/PR at Table I-6.

antidumping duty order.⁶⁷

For these reasons, we conclude, based on the facts available, that the likely subject import volume, both in absolute terms and relative to production and consumption in the United States, would be significant if the antidumping duty order were revoked.

D. Likely Price Effects

In evaluating the likely price effects of subject imports if an antidumping duty order is revoked, the Commission is directed to consider whether there is likely to be significant price underselling by the subject imports 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.⁶⁸

1. The Original Investigations and Prior Five-Year Reviews

In the original investigations, the Commission noted that prices for the five products for which the Commission made price comparisons trended downward, despite an increase in domestic consumption of 11.5 percent between 1990 and 1992.⁶⁹ The Commission noted that the domestic price of the most common grade of SSWR, AISI grade 304, declined by nearly 15 percent during the period examined. Subject imports from India undersold domestic SSWR in almost all comparisons.⁷⁰ Prices of subject imports from India declined steadily and were consistently below domestic prices during the period.⁷¹

In the first five-year reviews, the Commission noted that subject imports were substitutable for domestic SSWR and that the majority of purchasers reported that purchasing decisions were usually based on price. Furthermore, it found that domestic prices for SSWR were generally flat or fell over the period of review. Although the Commission noted that there were limited pricing data for SSWR from India due to the small volume of imports from the subject countries during the period examined, it found that the available data indicated consistent underselling by Indian SSWR.⁷² Based upon the likely significant volume of imports, the inelasticity of demand, the substitutability of the subject imports, the underselling by the subject imports with the antidumping duty order in place, and the consistent underselling in the original investigations, the Commission found that, in the absence of the orders, subject imports from India likely would be priced aggressively and have significant depressing and suppressing effects on prices of the domestic like product.⁷³

In the second five-year reviews, the Commission determined that subject imports would likely significantly undersell the domestic like product given the likely significant volume of subject imports,

⁶⁷ See CR at I-23 to I-25, PR at I-16 to I-18. Mukand stated its desire to increase its exports of SSWR to the United States from the current nonexistent level to about 1,250 short tons per year, thus confirming that the United States is an attractive market. See Mukand Supplemental Response at 1.

⁶⁸ 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.

⁶⁹ First Five-Year Reviews at 23.

⁷⁰ Original Investigation (Brazil & France), Report at II-32.

⁷¹ First Five-Year Reviews at 18.

⁷² First Five-Year Reviews at 18.

⁷³ First Five-Year Reviews at 18. The Commission cumulated the effects of subject imports from Brazil and India in the first five-year reviews. *Id.*

the substitutability of subject imports and the domestic like product, evidence in the original investigation of underselling, the importance of price in purchasing decisions, and relatively weak U.S. demand. The Commission had no pricing information with respect to subject Indian imports in the second five-year reviews, but found that the average unit values of Indian SSWR remained low relative to average unit values for SSWR from other sources throughout the review period. In addition, the domestic industry experienced rising raw material and energy costs during the period of review. The Commission concluded therefore that revocation of the antidumping duty order would likely lead to significant underselling by the subject imports and significant price depression and suppression.⁷⁴

2. The Current Review

There is no new product-specific pricing information on the record of this review. In the absence of any evidence to the contrary, we adopt our findings from the prior five-year reviews that SSWR is a product that competes primarily on the basis of price and that subject imports and the domestic like product are substitutable.⁷⁵ Given the likely significant volume of subject imports, the substitutability between the subject imports and the domestic like product, evidence of underselling in the original investigation and prior reviews, and the importance of price in purchasing decisions, we find that subject producers would likely resume the pattern of underselling reported in the original investigations and the prior reviews as a means of increasing their market share if the order were revoked. In response, domestic producers would have to either reduce prices or relinquish market share. Accordingly, we find that, if the order were revoked, the likely significant increase in subject import volume at prices that would likely undersell the domestic like product would be likely to have significant adverse price effects on the domestic industry.

E. Likely Impact⁷⁶

In evaluating the likely impact of imports of subject merchandise if the antidumping duty order under review were 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.⁷⁷ 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

⁷⁴ Second Five-Year Reviews at 33.

⁷⁵ First Five-Year Reviews at 18 and Second Five-Year Reviews at 33. The domestic industry maintains that the SSWR market in the United States remains highly price-sensitive, given that SSWR is substitutable, regardless of source. Domestic Industry Response at 7 and Comments at 10.

⁷⁶ Section 752(a)(6) of the Act states that “the Commission may consider the magnitude of the margin of dumping” in making its determination in a five-year review. 19 U.S.C. § 1675a(a)(6). The statute defines the “magnitude of the margin of dumping” to be used by the Commission in five-year reviews as “the dumping margin or margins determined by the administering authority under section 1675a(c)(3) of this title.” 19 U.S.C. § 1677(35)(C)(iv). See also SAA at 887. In its expedited sunset review of the antidumping duty orders, Commerce published the following likely dumping margins: 48.80 percent for Mukand, Ltd.; Sunstar Metals, Ltd.; Grand Foundry, Ltd.; and All Others. Certain Stainless Steel Wire Rods from India: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Order, 76 Fed. Reg. 67672, 67673 (November 2, 2011).

⁷⁷ 19 U.S.C. § 1675a(a)(4).

industry.⁷⁸ As instructed by the statute, we have considered the extent to which any improvement in the state of the domestic industry is related to the order at issue and whether the industry is vulnerable to material injury if the order were revoked.

1. The Original Investigations and Prior Five-Year Reviews

In the original investigations, the Commission found declining production by the domestic industry despite increases in apparent consumption and a capacity utilization rate below 50 percent.⁷⁹ U.S. producers reported positive operating income in 1990 and 1991, but significant losses in 1992.⁸⁰ The domestic producers' capital expenditures declined significantly late in the period as well.⁸¹ The Commission concluded that the lower prices of the subject imports enabled them to increase market share in an expanding market at the expense of the domestic producers, leading to declines in the domestic industry's prices, market share, production, shipments, and profitability.⁸²

In the first five-year reviews, the Commission found that the condition of the domestic industry, including its financial performance, had improved since the period originally investigated. The industry's operating income as a ratio to net sales had improved, production volumes and capacity utilization were at higher levels than in the original investigations, and worker productivity had increased.⁸³ The Commission found, however, that some of the indicators of the industry's performance had deteriorated, with total capacity and employment levels lower than in the original investigations. In addition, the Commission noted that some of the indicators that had improved since the original investigations showed declines over the period of review.⁸⁴ Given the mixed condition of the industry and the generally positive level of profitability, the Commission did not find the industry to be vulnerable.⁸⁵ Nonetheless, the Commission concluded that revocation of the antidumping duty orders on SSWR from Brazil and India likely would lead to a significant increase in the volume of subject imports, which would undersell the domestic like product and significantly suppress or depress U.S. prices. It also found that the volume and price effects of the subject imports likely would have a significant adverse impact on the production, shipments, sales, market share, and revenues of the domestic industry.⁸⁶

In the second five-year reviews, the Commission noted that the industry had experienced some growth, including increases in commercial sales and production capacity, but it also had seen declines in employment, total net sales, and capacity utilization. The industry also experienced an increase in its cost of goods sold as a ratio to net sales.⁸⁷ The Commission found that the likely significant increase in subject imports from India would be likely to cause a significant decrease in the volume of the domestic industry's shipments as well as have an adverse effect on prices at a time when the industry faced elevated energy and raw material costs. The Commission determined that this would be likely to have an

⁷⁸ 19 U.S.C. § 1675a(a)(4).

⁷⁹ Original Investigation (India) at I-12; Original Investigation (Brazil & France) at I-13.

⁸⁰ Original Investigation (India) at I-13; Original Investigation (Brazil & France) at I-15 and Table I-2.

⁸¹ Original Investigation (India) at I-13; Original Investigation (Brazil & France) at I-15;

⁸² Original Investigation (India) at I-18 to I-19; Original Investigation (Brazil & France) at I-23.

⁸³ First Five-Year Reviews at 19.

⁸⁴ Capacity utilization, production, and shipments decreased over the period of review, but the domestic producers' market share held steady. First Five-Year Reviews at 20.

⁸⁵ First Five-Year Reviews at 20.

⁸⁶ First Five-Year Reviews at 20. The Commission reached the same conclusions with respect to subject imports from France. Id. at 24.

⁸⁷ Second Five-Year Reviews at 26-27.

adverse impact on the domestic industry's production, shipments, sales, market share, and revenues of the domestic industry.⁸⁸

2. The Current Review

In 2010, the domestic industry's capacity was *** short tons, its production was *** short tons, and its capacity utilization was *** percent.⁸⁹ The industry's U.S. shipments were *** short tons, accounting for *** percent of apparent U.S. consumption; its net sales value was ***; its gross profits were ***; its ratio of cost of goods sold to net sales was *** percent; and its operating income was ***, equivalent to *** percent of net sales.^{90 91} Although 2010 data on some of these indicators show improvement since the original investigation, others were worse than before the imposition of the order. Total production has declined, from *** short tons in 1992 to *** short tons in 2010, gross profits have declined from \$5.2 million in the original investigations to a significant loss in 2010, and operating losses have *** since 1992.⁹² The limited record information available in this review concerning the domestic industry's condition does not permit us to make a finding as to whether the domestic industry is vulnerable to the continuation or recurrence of material injury in the event of revocation of the order.⁹³

Given the decrease in demand and the importance of price in purchasing decisions, the likely significant increase in subject imports from India is likely to cause a significant decline in the volume of domestic producers' shipments as well as an adverse effect on prices. Thus, we find that the likely volume and price effects of the subject imports would likely have a significant adverse impact on the production, shipments, sales, market share, and revenues of the domestic industry. In turn, declines in these indicators would likely have a direct adverse impact on the industry's employment levels, as well as its ability to raise capital, make and maintain capital investments, and fund research and development. Significant declines in the domestic industry's sales volume would also likely result in a rapid decline in the industry's profitability.

We have considered the role of factors other than the subject imports so as not to attribute injury from such factors to subject imports. The share of the U.S. market held by nonsubject imports has decreased since the original investigation and the imposition of the antidumping duty order; it was 28.7 percent in 1992, but only *** percent in 2010.⁹⁴ The United States maintains antidumping duty orders on SSWR from Italy, Japan, Korea, Spain, and Taiwan,⁹⁵ which may serve to restrain imports from those

⁸⁸ Second Five-Year Reviews at 34. The Commission determined that revocation of the antidumping duty orders on SSWR from Brazil and France would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. Id. at 20-27 (France) and 28-30 (Brazil).

⁸⁹ CR/PR at Table I-1.

⁹⁰ CR/PR at Table I-1.

⁹¹ In 2005, capacity was *** short tons; production was *** short tons; capacity utilization was *** percent; U.S. shipments were *** short tons, accounting for *** percent of apparent U.S. consumption; net sales value was \$***; gross profits were ***; the ratio of COGS to net sales was *** percent; and operating income was ***, equivalent to *** percent of net sales. CR/PR at Tables I-1 and C-1.

⁹² CR/PR at Table I-1.

⁹³ Commissioner Pinkert finds that the domestic industry is vulnerable to material injury. The industry's reported capacity and production in 2010 were *** during the periods examined in the original investigation and the first and second five-year reviews. CR/PR at Tables I-4 and C-1. In addition, the quantity of the industry's U.S. shipments in 2010 was *** in most years for which the Commission has data. Id. The industry registered *** in a number of years for which the Commission has data, but *** was incurred in 2010. Id.

⁹⁴ Nonsubject import market share was 28.7 percent in 1992, *** percent in 1999, *** percent in 2005, and *** percent in 2010. CR/PR at Table I-3.

⁹⁵ CR at I-6, PR at I-4.

countries. Moreover, there is no indication on the record in this review that the presence of nonsubject imports in the U.S. market would prevent subject imports from entering the United States at levels and prices that would cause injury to the domestic industry.

Accordingly, we conclude that, if the antidumping duty order were revoked, subject imports from India would likely 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 SSWR from India would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

INTRODUCTION

Background

On July 1, 2011, in accordance with section 751(c) of the Tariff Act of 1930, as amended,¹ the U.S. International Trade Commission (“Commission” or “USITC”) gave notice that it had instituted a review to determine whether revocation of the antidumping duty orders on stainless steel wire rod (“SSWR”) from India would be likely to lead to a continuation or recurrence of material injury within a reasonably foreseeable time.² On October 4, 2011, the Commission determined that the domestic interested party group response to its notice of institution was adequate³ and that the respondent interested party group response was inadequate.⁴ 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)(3) of the Tariff Act of 1930.⁶ Information relating to the background of the review is presented below:⁷

| Effective date | Action | Federal Register citation |
|-----------------------|---|----------------------------------|
| July 1, 2011 | Commission’s institution of five-year review | 76 FR 38686 |
| July 1, 2011 | Commerce’s initiation of five year review | 76 FR 38613 |
| October 4, 2011 | Commission’s determination to conduct an expedited five-year review | 76 FR 64105 |
| November 2, 2011 | Commerce’s final expedited third five-year review determination | 76 FR 67672 |
| December 16, 2011 | Commission’s vote | Not applicable |
| January 4, 2012 | Commission’s determination transmitted to Commerce | Not applicable |

¹ 19 U.S.C. 1675(c).

² *Stainless Steel Wire Rod from India: Institution of a Five-Year Review Concerning the Antidumping Duty Order on Stainless Steel Wire Rod from India*, 76 FR 38686, July 1, 2011. All interested parties were requested to respond to this notice by submitting the information requested by the Commission.

³ The Commission received a submission filed on behalf of Carpenter Technology Corp. (“Carpenter”) and North American Stainless (“NAS”), domestic producers of SSWR. Carpenter and NAS are believed to account for *** percent of total U.S. production of SSWR during 2010. Domestic interested parties’ response to the notice of institution, p. 12.

⁴ The Commission received a submission filed on behalf of Mukand Ltd. (“Mukand”), a producer of SSWR in India. Mukand is believed to account for approximately 10-12 percent of total production of SSWR in India during 2010. Mukand’s response to the notice of institution, p. 4. Mukand reported that it has not exported the subject merchandise to the United States since 2005. Mukand’s supplemental response, September 2, 2011, p. 2.

⁵ 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. *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*, 76 FR 64105, October 17, 2011. The Commission’s notice of an expedited review appears in app. A. The Commission’s statement on adequacy is presented in app. B.

⁶ 19 U.S.C. § 1675(c)(3).

⁷ Cited *Federal Register* notices beginning with Commerce’s initiation of a third five-year review are presented in app. A.

The Original Investigations and Subsequent Five-Year Reviews

On December 30, 1992, petitions were filed with Commerce and the Commission alleging that an industry in the United States was materially injured by reason of less-than-fair value (“LTFV”) imports of SSWR from Brazil, France, and India.⁸ On October 13, 1993, Commerce made a final affirmative dumping determination for India, calculating an all-inclusive dumping margin of 48.80 percent.⁹ The Commission notified Commerce of its final injury determination on November 23, 1993, and Commerce issued an antidumping duty order on December 1, 1993.¹⁰

On July 1, 1999, the Commission instituted five-year reviews of the 1983 transition countervailing duty order on SSWR from Spain (see the discussion in *Related Title VII Investigations*) and the 1993-94 transition antidumping duty orders on SSWR from Brazil, France, and India, and on October 1, 1999, the Commission determined it would conduct full reviews.¹¹ The Commission made affirmative determinations with respect to SSWR from Brazil, France, and India and a unanimous negative determination with respect to SSWR from Spain.^{12 13} Effective August 2, 2000, Commerce issued a continuation of the antidumping duty orders on imports of SSWR from Brazil, France, and India.¹⁴

On July 1, 2005, the Commission instituted second five-year reviews of the antidumping duty orders on SSWR from Brazil, France, and India, and on October 4, 2005, the Commission determined it would conduct full reviews.¹⁵ The Commission determined that revocation of the antidumping duty orders on SSWR from Brazil and France would not be likely to lead to continuation or recurrence of

⁸ The petitions were filed by AL Tech Specialty Steel Corp., Armco Stainless & Alloy Products, Inc., Carpenter Technology Corp., Republic Engineered Steels, Inc., Talley Metals Technology, Inc., and the United Steelworkers of America, AFL-CIO/CLC. *Stainless Steel Wire Rod from India, Investigation Nos. 731-TA-638 (Final)*, USITC Publication 2704, November 1993, II-3. *Stainless Steel Wire Rod from Brazil and France, Investigation Nos. 731-TA-636 and 637 (Final)*, USITC Publication 2721, January 1994, II-2.

⁹ Commerce postponed its final determinations for Brazil and France from October 11, 1993, to December 20, 1993, at the request of respondents. *Notice of Postponement of Final Determinations of Sales at Less Than Fair Value: Certain Stainless Steel Wire Rods from Brazil and France*, 58 FR 44660, August 24, 1993.

¹⁰ *Antidumping Duty Order: Certain Stainless Steel Wire Rods from India*, 58 FR 63335, December 1, 1993. On December 22, 1993, Commerce made final affirmative dumping determinations for Brazil and France. For Brazil, Commerce found a margin of 24.63 percent for Electrometal, 26.50 percent for Acos Finos and Acos Villares, and 25.88 percent for all other producers/exporters. For France, Commerce found a margin of 24.39 percent for Imphy, Ugine-Savoie, and all other producers/exporters. The Commission notified Commerce of its final affirmative injury determinations on January 21, 1994, and Commerce issued antidumping duty orders on January 28, 1994.

¹¹ *Stainless Steel Wire Rod from Brazil, France, India, and Spain*, 64 FR 35697, July 1, 1999. *Stainless Steel Wire Rod From Brazil, France, India, and Spain*, 64 FR 55962, October 1, 1999.

¹² Commissioners Koplán and Okun dissenting with respect to SSWR from France, and Commissioner Askey dissenting with respect to SSWR from Brazil, France, and India. *Stainless Steel Wire Rod From Brazil, France, India, and Spain*, 65 FR 45409, July 21, 2000.

¹³ The French respondent interested parties appealed the Commission's determination with respect to France in the first five-year reviews of the orders under review. Judge Richard Goldberg of the U.S. Court of International Trade affirmed the Commission's determinations with respect to likely volume, price, and impact and Commissioner Bragg's determination to cumulate the subject imports. *See Ugine-Savoie Imphy v. United States*, 248 F. Supp.2d 1208 (Ct. Int'l Trade 2002).

¹⁴ *Continuation of Antidumping Duty Orders: Stainless Steel Wire Rod From Brazil, France, and India*, 65 FR 47403, August 2, 2000.

¹⁵ *Stainless Steel Wire Rod from Brazil, France, and India*, 70 FR 38207, July 1, 2005. *Stainless Steel Wire Rod from Brazil, France, and India*, 70 FR 60109, October 14, 2005.

material injury to an industry in the United States within a reasonably foreseeable time.¹⁶ The Commission further determined that revocation of the antidumping duty order on SSWR from India would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. Effective August 8, 2006, Commerce issued a continuation of the antidumping duty order on imports of SSWR from India.¹⁷

Related Investigations

Stainless Steel Wire Rod

On February 17, 1982, a petition was filed with Commerce alleging that producers, manufacturers, or exporters of SSWR in Spain received, directly or indirectly, bounties or grants.¹⁸ As Spain was not at that time a “country under the Agreement” there was no requirement for the Commission to conduct a material injury investigation. On April 14, 1982, however, USTR announced that Spain had become a “country under the Agreement.” Accordingly, effective April 26, 1982, the Commission instituted a countervailing duty investigation. On November 8, 1982, Commerce made a final affirmative subsidy determination, with margins as follows: S.A. Echevarria had a net subsidy of 15.43 percent; Roldan, SA, had a net subsidy of 3.19 percent; Olarra, SA, had a net subsidy of 0 percent; and all other producer/exporters received a rate of 15.43 percent. The Commission notified Commerce of its final affirmative injury determination on December 22, 1982, and Commerce issued a countervailing duty order on January 3, 1983. In its first review of this order, however, the Commission determined that revocation of the countervailing duty order on SSWR from Spain would not be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time.¹⁹

On July 30, 1997, a petition was filed with Commerce and the Commission alleging that an industry in the United States was materially injured and threatened with material injury by reason of subsidized imports of SSWR from Italy and less-than-fair-value (“LTFV”) imports of SSWR from Germany, Italy, Japan, Korea, Spain, Sweden, and Taiwan.²⁰ On July 29, 1998, Commerce made a final affirmative subsidy determination on imports from Italy and final affirmative dumping determinations for Germany, Italy, Japan, Korea, Spain, Sweden, and Taiwan. On September 1, 1998, the Commission made final affirmative determinations with respect to subject imports from Italy, Japan, Korea, Spain,

¹⁶ Commissioners Stephen Koplán and Charlotte R. Lane dissenting with respect to Brazil; Commissioner Charlotte R. Lane dissenting with respect to France. *Stainless Steel Wire Rod from Brazil, France, and India, Investigation Nos. 731-TA-636-638 (Second Review)*, USITC Publication 3866, July 2006.

¹⁷ *Continuation of Antidumping Duty Order: Stainless Steel Wire Rods From India*, 71 FR 45023, August 8, 2006. Effective August 2, 2005, Commerce revoked the antidumping duty orders on SSWR from Brazil and France. *Stainless Steel Wire Rods From Brazil and France: Revocation of Antidumping Duty Order*, 71 FR 45030 August 8, 2006.

¹⁸ The petition was filed by AL Tech Specialty Steel Corp., Armco Stainless Steel Division, Carpenter Technology Corp., Colt Industries, Inc., Cyclops Corp., Guterl Special Steel Corp., Joslyn Stainless Steels, and Republic Steel Corp.

¹⁹ *Stainless Steel Wire Rod from Brazil, France, India, and Spain, Investigation Nos. 701-TA-178 (Review) and 731-TA-636-638 (Review)*, USITC Publication 3321, July 2000.

²⁰ The petition was filed by Al Tech Specialty Steel Corp., Dunkirk, NY; Carpenter Technology Corp., Reading, PA; Republic Engineered Steels, Inc., Massillon, OH; Talley Metals Technology, Inc., Hartsville, SC; and the United Steelworkers of America, AFL-CIO/CLC.

Sweden, and Taiwan, and a final negative determination with respect to subject imports from Germany.²¹ These determinations were transmitted to Commerce on September 8, 1998. Commerce issued a countervailing duty order on imports from Italy and antidumping duty orders on imports from Italy, Japan, Korea, Spain, Sweden, and Taiwan on September 15, 1998,²² but subsequently revoked the countervailing duty order.²³

On August 1, 2003, the Commission instituted first five year reviews and effective July 22, 2004, the Commission determined that revocation of the subject orders on SSWR from Italy, Japan, Korea, Spain, Sweden, and 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.^{24 25}

Effective April 23, 2007, Commerce revoked the antidumping duty order on imports of SSWR from Sweden.²⁶ On July 1, 2009, the Commission instituted second five year reviews and effective May 28, 2010, the Commission determined that revocation of the subject orders on SSWR from Italy, Japan, Korea, Spain, and 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.²⁷ Effective June 17, 2010, Commerce issued a continuation of the antidumping duty orders on imports of SSWR from Italy, Japan, Korea, Spain, and Taiwan.²⁸

²¹ Commissioners Bragg, Miller, and Koplán made affirmative determinations with respect to subject imports from Italy, Japan, Korea, Spain, Sweden, and Taiwan, with Commissioners Crawford and Askey dissenting and Commissioner Hillman not participating. Commissioners Miller, Koplán, and Askey made negative threat determinations with respect to subject imports from Germany, while Commissioner Crawford determined such imports to be negligible, Commissioner Bragg made an affirmative determination, and Commissioner Hillman did not participate.

²² The Commission's determination with respect to subject imports from Germany was appealed by the petitioning coalition. After due deliberations, Judge Delissa A. Ridgeway of the U.S. Court of International Trade denied the motion for judgement on the agency record, sustained the Commission's determination with respect to subject imports from Germany, and dismissed the action. *AL-Tech Specialty Steel Corp., et. al. v. United States*, Court No. 98-10-03062, Slip Opinion 03-164 (December 16, 2003).

²³ *Stainless Steel Wire Rod from Italy, Final Results of Full Sunset Review of Countervailing Duty Order*, 69 FR 40351, July 2, 2004.

²⁴ *Stainless Steel Wire Rod from Italy, Japan, Korea, Spain, Sweden, and Taiwan*, 68 FR 45277, August 1, 2003. Vice Chairman Deanna Tanner Okun and Commissioner Daniel R. Pearson dissenting with respect to stainless steel wire rod from Italy, Korea, Spain, and Sweden. *Stainless Steel Wire Rod from Italy, Japan, Korea, Spain, Sweden, and Taiwan, Investigation Nos. 731-TA-770-775 (Review)*, USITC Publication 3707, July 2004.

²⁵ The Italian respondents appealed the Commission decision to cumulate subject imports from Italy. Judge Jane Restani of the U.S. Court of International Trade affirmed the Commission's decision to cumulate subject imports from Italy with those from the other five subject countries. *See Cogne Acciai Speciali S.P.A. v. United States*, Slip Opinion 05-122 (Ct. Int'l Trade 2005).

²⁶ *Implementation of the Findings of the WTO Panel in US-Zeroing (EC): Notice of Determinations Under Section 129 of the Uruguay Round Agreements Act and Revocations and Partial Revocations of Certain Antidumping Duty Orders*, 72 FR 25261, May 4, 2007.

²⁷ Chairman Shara L. Aranoff, Vice Chairman Daniel R. Pearson, and Commissioner Deanna Tanner Okun dissenting with respect to Italy. Vice Chairman Daniel R. Pearson and Commissioner Deanna Tanner Okun dissenting with respect to Korea and Spain. *Stainless Steel Wire Rod from Italy, Japan, Korea, Spain, and Taiwan, Investigation Nos. 731-TA-770-773 and 775 (Second Review)*, USITC Publication 4154, May 2010.

²⁸ *Stainless Steel Wire Rod from Italy, Japan, the Republic of Korea, Spain, and Taiwan: Continuation of Antidumping Duty Orders*, 75 FR 34424 (June 17, 2010).

Stainless Steel Bar and Wire

As described in greater detail in the tabulation below, the Commission and Commerce have conducted a series of investigations and reviews on both stainless steel bar and stainless steel wire. At present, antidumping duty orders remain in effect with respect to stainless steel bar from Brazil, India, Japan, and Spain. No antidumping or countervailing duty orders are in effect with respect to stainless steel wire.

| Original investigation | | | | | Subsequent actions |
|---|---------|--------------------------|---------------------|-------------|---|
| Date ¹ | Product | Number | Country | Outcome | |
| 1993 | SS Bar | 731-TA-678 | Brazil | Affirmative | Affirmative first review (2001) Affirmative second review (2007) |
| 1993 | SS Bar | 731-TA-679 | India | Affirmative | Affirmative first review (2001) Affirmative second review (2007) |
| 1993 | SS Bar | 731-TA-680 | Italy ² | Negative | - |
| 1993 | SS Bar | 731-TA-681 | Japan | Affirmative | Affirmative first review (2001) Affirmative second review (2007) |
| 1993 | SS Bar | 731-TA-682 | Spain | Affirmative | Affirmative first review (2001) Affirmative second review (2007) |
| 1998 | SS Wire | 731-TA-781 | Canada ² | Negative | - |
| 1998 | SS Wire | 731-TA-782 | India ² | Negative | - |
| 1998 | SS Wire | 731-TA-783 | Japan ² | Negative | - |
| 1998 | SS Wire | 731-TA-784 | Korea ² | Negative | - |
| 1998 | SS Wire | 731-TA-785 | Spain ² | Negative | - |
| 1998 | SS Wire | 731-TA-786 | Taiwan ² | Negative | - |
| 2000 | SS Bar | 731-TA-913 | France | Affirmative | Negative first review (2008) |
| 2000 | SS Bar | 731-TA-914 | Germany | Affirmative | Negative first review (2008) |
| 2000 | SS Bar | 701-TA-413 731-TA-915 | Italy | Affirmative | Negative first review (2008) |
| 2000 | SS Bar | 731-TA-916 | Korea | Affirmative | Negative first review (2008) |
| 2000 | SS Bar | 731-TA-917 | Taiwan ² | Negative | - |
| 2000 | SS Bar | 731-TA-918 | United Kingdom | Affirmative | Negative first review (2008) |
| ¹ "Date" refers to the year in which the Commission instituted the investigation. ² Final determination. | | | | | |
| Source: Compiled from Commission determinations published in the <i>Federal Register</i> . | | | | | |

Safeguard Investigations

During 1982-83, the Commission conducted a safeguard investigation of stainless steel products that included the SSWR subject to this review. Following affirmative determinations of serious injury and remedy recommendations by the Commission, President Reagan proclaimed four-year global quotas limiting SSWR imports to 19,100 tons in the first year, increasing to 19,700 tons, 20,300 tons, and 20,900 tons in subsequent years.

In 2001, the Commission conducted a safeguard investigation of steel products (Inv. No. TA-201-73) that included the SSWR subject to these reviews (as well as downstream products such as stainless steel bar and stainless steel wire). Following affirmative determinations of serious injury and remedy recommendations by the Commission, President Bush issued a proclamation on March 5, 2002,

imposing temporary import relief for a period not to exceed three years and one day. Import relief relating to SSWR consisted of an additional tariff of 15 percent ad valorem on imports in the first year, 12 percent in the second year, and 9 percent in the third year.²⁹ On December 4, 2003, President Bush terminated the steel safeguard tariffs.

Commerce's Administrative Reviews

Commerce's administrative reviews of the antidumping duty order on SSWR from India since the imposition of the order are presented below.

| Period of review | Date results published | Margin (percent) |
|-----------------------|--|--|
| 01/01/96 - 06/30/96 | July 21, 1997 (62 FR 38976) | Isibars ¹ 0.00 Mukand, Sunstar Metals, and Grand Foundry ² 48.80 All Others 48.80 |
| 12/01/96 - 11/30/97 | January 6, 1999 (64 FR 856) | Viraj and Panchamahl ¹ 0.00 Mukand 0.00 Isibars ² 0.00 Sunstar Metals, and Grand Foundry ² 48.80 All Others 48.80 |
| 12/01/97 - 11/30/98 | May 17, 2000 (65 FR 31302) | Viraj Impoexpo 11.88 Isibars, Mukand, and Panchamahl ^{2 3} 0.00 Sunstar Metals, and Grand Foundry ² 48.80 All Others 48.80 |
| 12/01/99 - 11/30/2000 | May 29, 2002 (67 FR 37391) | Viraj Group 0.73 |
| 12/01/00 - 11/30/01 | May 15, 2003 (68 FR 26288 and 68 FR 38301) | Viraj Group 3.25 Mukand 26.38 Panchamahl 48.80 Isibars 0.00 Sunstar Metals and Grand Foundry 48.80 All Others 48.80 |
| 12/01/01 - 11/30/02 | May 26, 2004 (69 FR 29923) | Viraj Group 0.00 Mukand 18.67 Panchamahl 48.80 |
| 12/01/02 - 11/30/03 | July 13, 2005 (70 FR 40318) | Chandan Steel 2.10 Isibars, Zenstar Impex, Shaktiman 27.20 Viraj Group ⁴ 0.00 |
| 12/01/02-11/30/03 | August 12, 2005 (70 FR 47178) | Isibars (amended) ⁵ 30.10 |
| 12/01/05 - 11/30/06 | December 4, 2007 (72 FR 68123) | Mukand 11.56 Sunflag ¹ 48.80 |

²⁹ Additional relief was provided for stainless steel bar and stainless steel wire. Additional tariffs on the former product were to decrease from 15 percent to 12 percent to 9 percent, and on the latter product from 8 percent to 7 percent to 6 percent.

¹ Firms examined in a new shipper review.

² The named firms were not specifically referenced in the review; all previously examined firms retain their company-specific rates published for the most recent period.

³ The review was rescinded with respect to Mukand and Panchmahal pursuant to timely requests for withdrawal of their review requests.

⁴ In its notice Commerce stated, "Based on our examination of the sales data submitted by Viraj, we determine that it sold the subject merchandise in the United States in commercial quantities in each of the consecutive years cited by Viraj to support its request for revocation. Thus, we find that Viraj had zero or de minimis dumping margins for its last three administrative reviews and sold in commercial quantities in each of these years. Additionally, we find that the continued application of the antidumping duty order is not otherwise necessary to offset dumping. Therefore, we determine that Viraj qualifies for revocation of the order on SSWR pursuant to 19 CFR 351.222(b)(2) and that the order with respect to merchandise produced and exported by Viraj should be revoked. In accordance with 19 CFR 351.222(f)(3), we are terminating the suspension of liquidation for any of the merchandise in question that is entered, or withdrawn from warehouse, for consumption on or after December 1, 2003, and will instruct U.S. Customs and Border Protection (CBP) to refund any cash deposits for such entries."

⁵ Commerce determined that India Steel Works Limited (India Steel) is the successor-in-interest to Isibars Limited (Isibars). As a result, India Steel was accorded the same treatment previously accorded to Isibars with regard to the antidumping duty order on stainless steel wire rods from India as of November 5, 2008.

Commerce's Expedited Five-Year Review³⁰

Commerce published the final results of its expedited third five-year review on November 2, 2011. Commerce concluded that revocation of the antidumping duty order on SSWR from India would be likely to lead continuation or recurrence of dumping at the following weighted average margins: Mukand (48.80 percent), Sunset Metals (48.80 percent), Grand Foundry (48.80 percent), and India-wide rate (48.80).³¹

HISTORICAL DATA

Appendix C presents data from the original investigations and first and second reviews regarding SSWR.

THE PRODUCT

Commerce's Scope

In its most recent *Federal Register* notice, Commerce defined the subject merchandise as follows:³²

"Imports covered by this order are certain stainless steel wire rods (SSWR) from India. SSWR are products which are hot-rolled or hot-rolled annealed and/or pickled rounds, squares, octagons, hexagons, or other shapes, in coils. SSWR are made of alloy steels containing, by weight 1.2 percent or less of carbon and 10.5 percent of chromium, with or without other elements. These products are only manufactured by hot-rolling and normally sold in coiled form, and are solid cross-section. The majority of SSWR sold in the United States are round in cross-section shape, annealed and pickled. The most common size is 5.5 millimeters in diameter."

³⁰ Commerce's notices are presented in app. A.

³¹ *Certain Stainless Steel Wire Rods From India, Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 76 FR 67672, November 2, 2011.

³² *Certain Stainless Steel Wire Rods From India, Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 76 FR 67672, November 2, 2011.

U.S. Tariff Treatment

The imported merchandise subject to the order concerning India is currently classified under HTS statistical reporting numbers 7221.00.0005, 7221.00.0015, 7221.00.0030, 7221.00.0045, and 7221.00.0075. The merchandise subject to the scope of the orders was originally classifiable under all of the following HTS statistical reporting numbers: 7221.00.0005, 7221.00.0015, 7221.00.0020, 7221.00.0030, 7221.00.0040, 7221.00.0045, 7221.00.0060, 7221.00.0075, and 7221.00.0080. However, HTS statistical reporting numbers 7221.00.0020, 7221.00.0040, 7221.00.0060, and 7221.00.0080 are no longer contained in the HTS.³³ A column-1 general rate of free, is applicable to imports of SSWR from India. The following tabulation presents current tariff rates for SSWR provided for in HTS subheading 7221.00.00.

SSWR: Tariff treatment, 2011

| HTS provision | Article description | Column 1 | | Column 2 ² |
|--|---|-----------------------------|------------------|-----------------------|
| | | General ¹ | Special | |
| | | Rates (<i>ad valorem</i>) | | |
| 7221.00.00 | Bars and rods, hot-rolled, in irregularly wound coils, of stainless steel | Free | (³) | 11% |
| 7221.00.0005 | Of high-nickel alloy steel | | | |
| | Other: | | | |
| | Of circular cross section: | | | |
| 7221.00.0015 | With a diameter of less than 14 mm | | | |
| 7221.00.0030 | With a diameter of 14 mm or more but less than 19 mm | | | |
| 7221.00.0045 | With a diameter of 19 mm or more | | | |
| 7221.00.0075 | Other | | | |
| ¹ Normal trade relations rate, formerly known as the most-favored-nation duty rate. ² Applies to imports from a small number of countries that do not enjoy normal trade relations duty status. ³ Special rates not applicable when General rate is free. | | | | |
| Source: Harmonized Tariff Schedule of the United States (2011). | | | | |

Domestic Like Product and Domestic Industry

In its original determination and its full first and second five-year review determinations, the Commission defined the domestic like product as all SSWR and it defined the domestic industry as all domestic producers of SSWR.³⁴ The domestic and respondent interested parties participating in the

³³ *Certain Stainless Steel Wire Rods From India, Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 76 FR 67672, November 2, 2011.

³⁴ *Stainless Steel Wire Rod from India, Investigation Nos. 731-TA-638 (Final)*, USITC Publication 2704, November 1993. *Stainless Steel Wire Rod from Brazil and France, Investigation No. 731-TA-636-637 (Final)*, USITC Publication 2721, January 1994. *Stainless Steel Wire Rod from Brazil, India, France, and Spain, Investigation Nos. 701-178 and 731-TA-636-638 (Review)*, USITC Publication 3321, July 2000. *Stainless Steel Wire Rod from Brazil, France, and India, Investigation Nos. 731-TA-636-638 (Second Review)*, USITC Publication 3866, July 2006.

adequacy phase of this review indicated in their responses to the Commission's notice of institution that they agree with the Commission's definitions of the domestic like product and the domestic industry.

Physical Characteristics and Uses

SSWR is an intermediate stainless steel product that is used primarily to produce stainless steel wire and stainless steel bar. SSWR is a long product produced in coiled form with no specific size limitation. SSWR is produced at least as large as 39 mm (1.54 inch) in diameter, although the most common size is 5.5 mm (0.217 inch) in diameter, circular cross-section. This is the smallest size normally produced on a hot-rolling mill and is the size most commonly used for wire drawing.

The primary use for SSWR shipped in the domestic market is for the production of wire which is then used to produce downstream products such as industrial fasteners, springs, medical and dental instruments, automotive parts and welding electrodes.³⁵

Manufacturing Process³⁶

There are three basic steps in SSWR production, regardless of grade or final cross section: (1) the melting of stainless steel and casting of billets, (2) hot-rolling the billets into wire rod and coiling the wire rod, and (3) finishing the wire rod, which includes annealing and pickling. Inspection, packaging, and shipment follow these three stages of production. The production process employed by U.S. producers and by foreign manufacturers is generally the same.

In the first stage, molten stainless steel is produced by melting stainless steel scrap and other raw materials (including chromium, nickel, and molybdenum) in an electric-arc furnace. Molten stainless steel typically is transferred to an argon-oxygen refining vessel, where its chemistry is refined and adjusted through further additions to produce steel with the required chemical composition. The steel is then processed through a continuous casting machine to produce billets, which are semifinished long products with a square cross section. Other types of melting equipment, such as a vacuum furnace or an electroslag remelting furnace, may be used to produce special quality SSWR, but these processes are uncommon. When continuous casting is not used, billets may be produced from ingots by rolling or forging.

In the second stage, the surface of the billets may be ground to remove defects, following which the billets are heated to rolling temperature (about 2,200 degrees Fahrenheit) prior to hot rolling. In the hot-rolling mill, the billet passes through a series of rolling operations until it has been reduced to its final diameter or shape, at which point it has the dimensions of wire rod. The wire rod is coiled and then is cooled either by forced air or by water-quenching. Each billet yields a single coil of wire-rod.

In the finishing stage, the coils may be annealed (heat-treated) and mechanically descaled (shot-blasted) and/or pickled (dipped in a series of acid baths) to improve surface quality. The coils of wire rod may also be coated with a lubricant containing copper, lime, or oxalate, which facilitates the drawing process.

Interchangeability and Customer and Producer Perceptions

The report from the original investigation indicated that most firms that bought Indian SSWR reported that it was of persistently low quality compared to the U.S. product, and suitable only for low value uses such as tie wire, lashing wire, and nail wire. Additionally, the report indicated that U.S.

³⁵ Domestic interested parties' Response to Notice of Institution, August 1, 2011, p. 14.

³⁶ Information in this section was taken from *Stainless Steel Wire Rod from Italy, Japan, Korea, Spain, and Taiwan, Invs. Nos. 731-TA-770-773 and 775 (Second Review)*, USITC Publication 4154, May 2010, p. I-20.

produced SSWR, most of which was internally consumed, came in a much greater range of quality and grades; however, some purchasers reportedly purchased both Indian and U.S. wire rod for the production of similar products sold to similar customers.³⁷

The report in the first reviews indicated that some producers, importers, and purchasers reported that SSWR from India was inferior to domestically produced SSWR in terms of quality, availability, product range, and reliability. However, some purchasers reported that in the future, the Indian product would probably be able to meet U.S. purchasers' standards.³⁸

In the second reviews, producers, importers, and purchasers reported that SSWR from the United States and from other countries are always or frequently interchangeable, but among the comparisons between the United States and the subject countries, the majority of purchasers reported that SSWR from the United States and India is only sometimes interchangeable, with quality being cited as a restricting factor in the interchangeability of Indian SSWR and that from other sources.³⁹

Channels of Distribution

The report from the original investigations indicated that about two-thirds of U.S.-produced SSWR was internally consumed by U.S. producers in the manufacture of wire and bar, while the bulk of the remainder was sold directly to independent wire and bar redrawers for the same purposes.⁴⁰ The reports in the first and second five year reviews indicated shipments of SSWR were generally sold directly to end-users.⁴¹

Pricing

The report from the original investigations indicated that prices for SSWR imports from India were lower than those of domestically produced SSWR.⁴² Pricing data in the first reviews were limited; however, the Commission concluded that there likely would be significant price effects if the orders were revoked.⁴³ In the second reviews, the Commission found that revocation of the antidumping duty order on imports from India would be likely to lead to significant underselling by the subject imports and significant price depression or suppression.⁴⁴

³⁷ *Stainless Steel Wire Rod from India: Investigation Nos. 731-TA-638 (Final)*, USITC Publication 2704, November 1993, I-27.

³⁸ *Stainless Steel Wire Rod from Brazil, India, France, and Spain, Investigation Nos. 701-178 and 731-TA-636-638 (Review)*, USITC Publication 3321, July 2000, II-5-6.

³⁹ *Stainless Steel Wire Rod from Brazil, France, and India, Investigation Nos. 731-TA-636-638 (Second Review)*, USITC Publication 3866, July 2006, II-14.

⁴⁰ *Stainless Steel Wire Rod from India: Investigation Nos. 731-TA-638 (Final)*, USITC Publication 2704, November 1993, II-9.

⁴¹ *Stainless Steel Wire Rod from Brazil, India, France, and Spain, Investigation Nos. 701-178 and 731-TA-636-638 (Review)*, USITC Publication 3321, July 2000. *Stainless Steel Wire Rod from Brazil, France, and India, Investigation Nos. 731-TA-636-638 (Second Review)*, USITC Publication 3866, July 2006.

⁴² *Stainless Steel Wire Rod from India: Investigation Nos. 731-TA-638 (Final)*, USITC Publication 2704, November 1993, I-19.

⁴³ *Stainless Steel Wire Rod from Brazil, India, France, and Spain, Investigation Nos. 701-178 and 731-TA-636-638 (Review)*, USITC Publication 3321, July 2000, pp. 18 and 23.

⁴⁴ *Stainless Steel Wire Rod from Brazil, France, and India, Investigation Nos. 731-TA-636-638 (Second Review)*, USITC Publication 3866, July 2006, p. 33.

THE INDUSTRY IN THE UNITED STATES

U.S. Producers

The original antidumping petition concerning SSWR from India was filed on December 30, 1992, on behalf of AL Tech Specialty Steel Corp. (“AL Tech”); Armco Stainless & Alloy Products, Inc. (“Armco”); Carpenter; Republic Engineered Steels, Inc. (“Republic”); Talley Metals Technology, Inc. (“Talley”); and the United Steelworkers of America, AFL-CIO/CLC (“USWA”). In addition to the petitioners, there were two other firms that produced SSWR during the original investigations. AL Tech, Armco, and Carpenter together accounted for more than *** percent of U.S. production at that time.

A number of changes concerning the structure of the domestic industry occurred following the original investigations. In 1994, Universal Stainless & Alloy Products, Inc. (“Universal”) acquired the Stainless & Alloy Products Division of Armco, Inc. in Bridgeville, PA. In early 1998, Carpenter acquired Talley. Both companies’ operations are currently conducted under the name of Carpenter Technology Corp. In ***, Republic exited the SSWR business by closing its plant in Baltimore, MD and has not been involved in any operations concerning SSWR since that time.⁴⁵

Following the bankruptcy of its Korean parent company, Sammi, AL Tech reorganized under Chapter 11, emerging in 1999 as Empire Specialty Steel, Inc. (“Empire”), but then shutting down in 2001. Empire’s assets subsequently were purchased by Dunkirk Specialty Steel (a division of Universal) on February 8, 2002, and the plant became operational on March 14, 2002.⁴⁶ AvestaPolarit, Inc. (“AvestaPolarit”) was formed in January 2001 by the merger of Avesta Sheffield and Outokumpu Steel. SSWR is produced for AvestaPolarit by Allvac Technologies, Inc. (“Allvac”), a division of Allegheny Technologies, Inc.⁴⁷ Charter Specialty Steel (“Charter”) and NAS entered the industry and began operations in 2001 and July 2003, respectively.

During the period examined in the first five-year review, there were four U.S. producers of SSWR: AL Tech, Carpenter, Republic, and Talley. During the period examined in the second five-year review of the order, there were five known U.S. producers of SSWR that accounted for all domestic production and sales of SSWR during 2005: Allvac (tolling for Outokumpu), Carpenter, Charter, NAS, and Universal. As was the case during the first review of the orders, Carpenter was the largest domestic producer of SSWR, accounting for well over one-half of domestic production. Carpenter and NAS together accounted for *** percent of U.S. production of SSWR.

The domestic producers participating in this third five-year review of the order indicated the following firms reportedly are currently operating producers of SSWR: Allvac, Carpenter, NAS, Outokumpu, and Universal, of which Carpenter and NAS are believed to account for *** percent of SSWR production in the United States during 2010.⁴⁸ No related party issues were identified by the interested parties participating in this review. Figure I-1 presents the changes that have taken place in the industry since the original investigations.

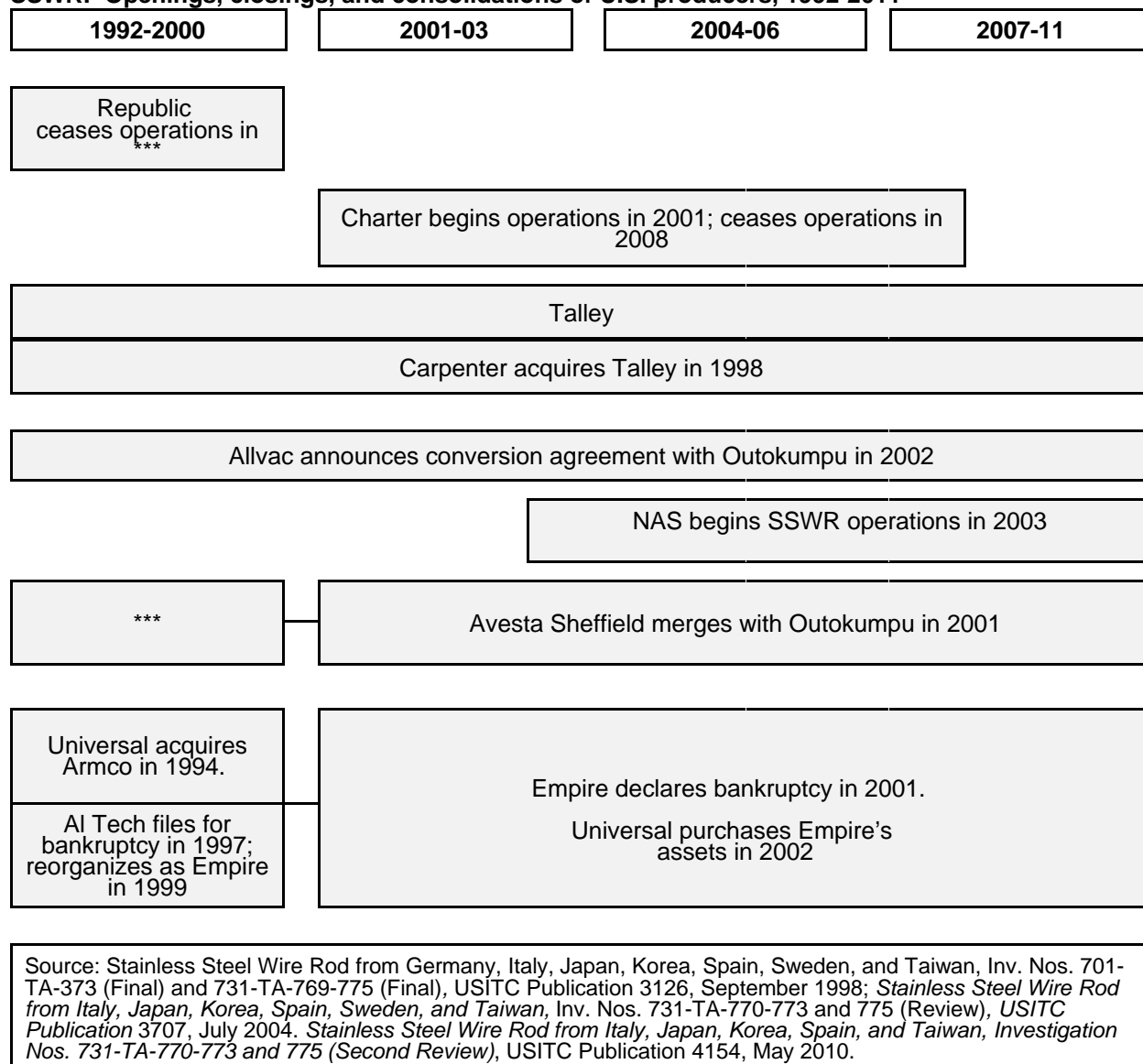
⁴⁵ *Stainless Steel Wire Rod from Brazil, India, France, and Spain, Investigation Nos. 701-178 and 731-TA-636-638 (Review)* Staff Report (INV-BB-074), p. I-23.

⁴⁶ “AL Tech attempts to split from S. Korea Parent”, <http://articles.latimes.com/1998/jan/01/business/fi-3928>, retrieved October 17, 2011. Universal Stainless Reports First Quarter 2002 Results in Line with Projections,” http://www.irconnect.com/usap/pages/news_printer.html?d=26440&print=1, retrieved October 17, 2011.

⁴⁷ “AvestaPolarit to enhance stainless steel long products capabilities,” <http://www.outokumpu.com/About-us/Business-news/News/Archive/5595/>, retrieved October 17, 2011.

⁴⁸ Domestic interested parties’ response to the notice of institution, p. 12.

Figure I-1
SSWR: Openings, closings, and consolidations of U.S. producers, 1992-2011



U.S. Producers' Trade and Financial Data

Domestic interested parties were requested by the Commission to present certain data in their response to the notice of institution.⁴⁹ These data, along with the final years of the original investigations and two subsequent full reviews are presented in table I-1. Additional data from the original investigations and the two subsequent full reviews are presented in appendix C.

⁴⁹ Total U.S. industry data for 2010, the only year for which data were collected, are compiled from Carpenter's and NAS' responses to the Commission's notice of institution. These firms are believed to account for *** percent of total U.S. production of SSWR during 2010. Domestic interested parties' response to the Commission's notice of institution, p. 12.

Table I-1
SSWR: U.S. producers' trade and financial data, 1992, 1999, 2005, and 2010

1992 data appear in Appendix C.

* * * * *

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

U.S. Importers

During the original investigations, five firms, all specialty steel service centers, accounted for most of the U.S. imports of subject merchandise from India. The following six U.S. importers of subject merchandise from India were identified by the domestic interested parties during the Commission's full second five-year review of the order: ABB Trading (U.S.) Inc.; Comprador Inoxidable Inc.; Kurt Orban Partners, LLC; Lambro Industries, Inc; Pegasus Maritime, Inc.; and Precision Metals Services. However, none of the U.S. importers that provided responses to the Commission's questionnaire in the full five-year review reported subject imports of SSWR from India.

In their response to the Commission's notice of institution in this third five-year review, the domestic interested parties listed the same six importers of subject merchandise; whereas, Indian producer Mukand was unable to identify any currently operating U.S. importers of the subject merchandise from India.

U.S. Imports

Table I-2 presents data on U.S. imports, by sources, during 2006-10.⁵⁰

⁵⁰ The imported merchandise subject to the order concerning India is currently classified under HTS statistical reporting numbers 7221.00.0005, 7221.00.0015, 7221.00.0030, 7221.00.0045, and 7221.00.0075. The merchandise subject to the scope of the orders was originally classifiable under all of the following HTS statistical reporting numbers: 7221.00.0005, 7221.00.0015, 7221.00.0020, 7221.00.0030, 7221.00.0040, 7221.00.0045, 7221.00.0060, 7221.00.0075, and 7221.00.0080. However, HTS statistical reporting numbers 7221.00.0020, 7221.00.0040, 7221.00.0060, and 7221.00.0080 are no longer contained in the HTS.

Table I-2
SSWR: U.S. imports, by sources, 2006-10

| Item | Calendar year | | | | |
|---|---------------|--------|--------|--------|--------|
| | 2006 | 2007 | 2008 | 2009 | 2010 |
| Quantity (short tons) | | | | | |
| Subject sources: | | | | | |
| India (excluding Viraj Group) | *** | *** | *** | *** | *** |
| Nonsubject: | | | | | |
| India (Viraj Group only) | *** | *** | *** | *** | *** |
| Taiwan | 8,422 | 8,760 | 7,394 | 5,266 | 8,339 |
| United Kingdom | 7,673 | 7,915 | 7,499 | 3,976 | 6,187 |
| France | 2,327 | 3,322 | 4,628 | 1,490 | 3,760 |
| Sweden | 2,833 | 1,626 | 2,358 | 1,989 | 2,692 |
| China | 5,114 | 3,915 | 4,456 | 928 | 1,853 |
| Italy | 2,938 | 2,403 | 1,186 | 261 | 658 |
| Germany | 656 | 983 | 1,053 | 151 | 113 |
| Canada | 57 | 37 | 45 | 70 | 88 |
| Japan | 257 | 114 | 111 | 15 | 85 |
| All others | 503 | 71 | 27 | 8 | 21 |
| Nonsubject subtotal | *** | *** | *** | *** | *** |
| Total imports | 31,465 | 30,553 | 29,876 | 14,427 | 24,295 |
| <p>Note.-- Commerce revoked the antidumping duty order on SSWR manufactured and exported by the Viraj Group and terminated suspension of liquidation for entries on or after December 1, 2003.</p> <p>Note.-- ***.</p> <p>Source: Compiled from official Commerce statistics, and from proprietary data from ***.</p> | | | | | |

Table I-2--Continued
SSWR: U.S. imports, by sources, 2006-10

| Item | Calendar year | | | | |
|---|---------------|---------|---------|--------|--------|
| | 2006 | 2007 | 2008 | 2009 | 2010 |
| Value (\$1,000) | | | | | |
| Subject sources: | | | | | |
| India (excluding Viraj Group) | *** | *** | *** | *** | *** |
| Nonsubject: | | | | | |
| India (Viraj Group only) | *** | *** | *** | *** | *** |
| Taiwan | 25,562 | 43,897 | 30,375 | 13,365 | 26,704 |
| United Kingdom | 26,592 | 43,376 | 34,967 | 12,099 | 24,340 |
| France | 11,210 | 19,310 | 27,655 | 5,610 | 15,047 |
| Sweden | 12,032 | 10,020 | 14,032 | 7,292 | 13,662 |
| China | 9,291 | 9,040 | 10,633 | 1,766 | 3,861 |
| Italy | 7,568 | 7,374 | 4,551 | 813 | 1,988 |
| Germany | 1,467 | 2,842 | 3,234 | 942 | 363 |
| Canada | 207 | 237 | 273 | 761 | 473 |
| Japan | 770 | 324 | 419 | 48 | 296 |
| All others | 1,563 | 434 | 183 | 51 | 170 |
| Nonsubject subtotal | *** | *** | *** | *** | *** |
| Total imports | 98,185 | 143,154 | 131,307 | 43,461 | 88,400 |
| <p>Note.-- Commerce revoked the antidumping duty order on SSWR manufactured and exported by the Viraj Group and terminated suspension of liquidation for entries on or after December 1, 2003.</p> <p>Note.-- ***.</p> <p>Source: Compiled from official Commerce statistics, and from proprietary data from Customs.</p> | | | | | |

Apparent U.S. Consumption and Market Shares

Apparent U.S. consumption and U.S. market shares of SSWR for the final years of the original investigations, two subsequent full reviews, and 2010 are presented in table I-3.

Table I-3

SSWR: U.S. producers' U.S. shipments, U.S. imports, apparent U.S. consumption, and U.S. market shares, 1992, 1999, 2005, and 2010

1992 data appear in Appendix C.

* * * * *

ANTIDUMPING ACTIONS OUTSIDE THE UNITED STATES

Based on available information, SSWR from India has not been subject to any other import relief investigations in any other countries.

THE INDUSTRY IN INDIA

Mukand was the only producer in India that provided information to the Commission during the original investigation. During its full first five-year review of the order, the Commission received questionnaire responses from four of the five firms known to be producing SSWR in India: ***. In its questionnaire response, *** estimated that it accounted for *** percent of total SSWR production in India during 1999.

During its full second five-year review of the order, the Commission identified the following 16 companies as producers of SSWR in India: Ambica Steels, Bhansali Bright Bars, BP Steel Industries, Chandan Steel, D.H. Exports, GL Engineering Industries, Grand Foundry, Isibars, Mohan Steels, Mukand, Panchmahal Steel, Raajratna Metal Industries, Sunflag Iron and Steel, Sunstar Metals, Venus Wire Industries, and Viraj Alloy.⁵¹ However, none of these companies provided a response to the Commission's questionnaire in the full second five-year review. The same companies identified during the previous five-year review were listed by the domestic interested parties in this third five-year review of the antidumping duty order as producers of SSWR in India.

Indian producer Mukand indicated that the following firms are currently "major" producers of the subject merchandise in India: Mukand, Panchmahal Steel, Sunflag Steel, Rimjhim Ispat, and India Steel works (formerly known as Isibars).⁵² Mukand also indicated that it last exported SSWR to the United States in 2005.⁵³ Mukand estimated that it has the SSWR capacity to be 12,000 short tons per year and that it produced 10,790 short tons of SSWR accounting for 10-12 percent of total production of SSWR in India during 2010.⁵⁴

Table I-4 presents *Global Trade Atlas* data on Indian exports of stainless steel bar and rods, by value, from 2005 to 2010.

⁵¹ *Stainless Steel Wire Rod from Brazil, France, and India, Investigation Nos. 731-TA-636-638 (Second Review)*, USITC Publication 3866, July 2006, citing *Iron and Steel Works of the World*, 16th edition (2004). Commerce revoked the order with respect to the Viraj Group effective December 1, 2003. 70 FR 40318, July 13, 2005.

⁵² Mukand's supplemental response, September 2, 2011, p. 2.

⁵³ In its response, Mukand reported that its export shipment quantity in 2005 was 1.143 short tons and estimated that its exports were less than one percent of total SSWR exports to the United States from India during that year. Mukand's supplemental response, September 2, 2011, p. 2.

⁵⁴ Mukand's supplemental response, September 2, 2011, p. 3.

Table I-4
Stainless steel bar and rods: Indian exports, 2005-10

| Export market | Calendar year | | | | | |
|--|---------------|--------|---------|---------|--------|---------|
| | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
| Value (1,000 dollars) | | | | | | |
| Germany | 2,078 | 6,761 | 26,098 | 20,019 | 8,824 | 43,006 |
| Italy | 1,839 | 3,060 | 8,418 | 16,917 | 10,551 | 30,516 |
| United Arab Emirates | 3,425 | 2,660 | 5,792 | 7,753 | 4,117 | 6,016 |
| Thailand | 565 | 3,103 | 7,020 | 6,654 | 2,078 | 5,510 |
| Belgium | 641 | 6,653 | 10,435 | 2,055 | 1,884 | 5,077 |
| Mexico | 0 | 233 | 50 | 199 | 1,005 | 4,159 |
| Turkey | 482 | 1,122 | 970 | 2,914 | 2,042 | 4,086 |
| Finland | 2 | 452 | 3,635 | 5,324 | 6,110 | 3,790 |
| China | 1,924 | 5,724 | 5,507 | 4,681 | 2,768 | 3,507 |
| Brazil | 2,053 | 463 | 683 | 3,103 | 1,088 | 3,033 |
| All others | 19,984 | 62,202 | 80,609 | 53,650 | 18,837 | 18,648 |
| Total | 32,995 | 92,433 | 149,218 | 123,269 | 59,303 | 127,347 |
| Share of value (percent) | | | | | | |
| Germany | 6.3 | 7.3 | 17.5 | 16.2 | 14.9 | 33.8 |
| Italy | 5.6 | 3.3 | 5.6 | 13.7 | 17.8 | 24.0 |
| United Arab Emirates | 10.4 | 2.9 | 3.9 | 6.3 | 6.9 | 4.7 |
| Thailand | 1.7 | 3.4 | 4.7 | 5.4 | 3.5 | 4.3 |
| Belgium | 1.9 | 7.2 | 7.0 | 1.7 | 3.2 | 4.0 |
| Mexico | 0.0 | 0.3 | 0.0 | 0.2 | 1.7 | 3.3 |
| Turkey | 1.5 | 1.2 | 0.6 | 2.4 | 3.4 | 3.2 |
| Finland | 0.0 | 0.5 | 2.4 | 4.3 | 10.3 | 3.0 |
| China | 5.8 | 6.2 | 3.7 | 3.8 | 4.7 | 2.8 |
| Brazil | 6.2 | 0.5 | 0.5 | 2.5 | 1.8 | 2.4 |
| Subtotal | 39.4 | 32.7 | 46.0 | 56.5 | 68.2 | 85.4 |
| All others | 60.6 | 67.3 | 54.0 | 43.5 | 31.8 | 14.6 |
| Total | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| Source: <i>Global Trade Atlas</i> (HS subheading 7221.00). | | | | | | |

According to industry sources, Mukand has produced over 15,000 metric tons (16,534 short tons) of stainless steel wire rod and possesses the rolling capacity to produce up to 500,000 metric tons (551,156 short tons) of specialty steels each year.⁵⁵ In September 2007, Mukand and Belgium's NV Bekaert set up a 50/50 joint venture named Mukand Bekaert Wires to produce stainless steel wire in the western Indian state of Mararashtra. According to the joint venture agreement, Mukand supplies the SSWR that is used as a raw material at a state of the art stainless steel wire facility, which has will

⁵⁵ "Mukand to expand alloy, stainless output by two thirds," *Metal Bulletin*, September 11, 2007.

ultimately have the capacity to produce 12,000 metric tons (13,228 short tons) of stainless steel wire per year. The joint venture achieved a 60 percent capacity utilization rate of the 6,000 metric tons (6,614 short tons) of installed capacity as of March 2010. Investments for installation of the additional 6,000 metric tons (6,614 short tons) of capacity will reportedly be made when the current capacity utilization increases to 80 percent. Mukand reportedly supplied a total of 1,014 metric tons (1,118 short tons) of SSWR to the joint venture in fiscal year 2009-10.⁵⁶ According to public sources, NV Bekaert has subsequently increased its stake in the joint venture, resulting in a revised shareholding pattern of 86/14 with Mukand holding a 14 percent interest in the joint venture.⁵⁷

According to public sources, Viraj, which had its antidumping duty orders revoked effective December 1, 2003, is largest manufacturer of long products in Asia and the second largest in the world. Viraj reportedly possesses the capacity to produce 200,000 metric tons (222,462 short tons) of SSWR each year.⁵⁸

THE GLOBAL MARKET

Tables I-5 and I-6 present *Global Trade Atlas* data on world exports and imports of stainless steel bar and rods, by value, from 2005 to 2010.

Table I-5
Stainless steel bar and rods: World imports, by market, 2005-10

| Market | Calendar year | | | | | |
|---|---------------|----------|----------|----------|---------|----------|
| | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
| Value (1,000 dollars) | | | | | | |
| Italy | 275,822 | 411,795 | 571,916 | 461,699 | 218,389 | 430,600 |
| Germany | 135,652 | 197,730 | 339,923 | 279,980 | 123,697 | 271,284 |
| China | 105,040 | 143,971 | 193,411 | 218,027 | 139,367 | 162,896 |
| South Korea | 100,392 | 107,699 | 149,751 | 185,964 | 88,158 | 154,947 |
| Thailand | 79,899 | 96,697 | 126,344 | 141,000 | 62,873 | 147,441 |
| Taiwan | 105,345 | 130,200 | 203,594 | 135,301 | 52,420 | 103,770 |
| United States | 110,468 | 93,275 | 138,410 | 126,440 | 41,534 | 85,079 |
| Czech Republic | 21,976 | 28,019 | 48,200 | 51,730 | 25,728 | 63,047 |
| France | 18,032 | 50,977 | 97,091 | 51,488 | 19,156 | 56,092 |
| Belgium | 28,332 | 47,676 | 104,616 | 60,441 | 19,719 | 50,978 |
| All others | 288,441 | 384,593 | 531,913 | 468,432 | 208,227 | 324,148 |
| Total | 1,269,39 | 1,692,63 | 2,505,16 | 2,180,50 | 999,266 | 1,850,28 |
| Source: <i>Global Trade Atlas</i> (HTS subheading 7221.00). | | | | | | |

Table I-6

⁵⁶ Mukand Directors Report. www.moneycontrol.com/annual-report/mukand/directors-report/M02, retrieved September 30, 2011.

⁵⁷ Mukand's Annual Report, 2010-11, p. 8.

⁵⁸ Viraj website at http://www.viraj.com/images_g/all%20pdf/wire%20&%20wire%20rods.pdf, retrieved on September 30, 2011.

Stainless steel bar and rods: World exports, by market, 2005-10

| Market | Calendar year | | | | | |
|---|---------------|----------|----------|----------|----------|----------|
| | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
| Value (1,000 dollars) | | | | | | |
| Taiwan | 209,640 | 305,842 | 448,351 | 373,533 | 211,832 | 342,779 |
| Japan | 247,478 | 296,426 | 371,158 | 422,824 | 181,001 | 311,022 |
| Italy | 224,926 | 284,782 | 391,752 | 344,427 | 146,064 | 300,054 |
| France | 172,077 | 240,935 | 339,461 | 328,958 | 145,466 | 244,287 |
| Spain | 171,034 | 220,988 | 305,290 | 209,706 | 88,732 | 192,656 |
| Sweden | 107,853 | 144,712 | 211,586 | 186,523 | 75,356 | 164,265 |
| South Korea | 201,582 | 181,233 | 295,226 | 224,883 | 113,061 | 158,215 |
| China | 30,389 | 38,093 | 50,766 | 52,344 | 16,637 | 141,082 |
| India | 32,995 | 92,433 | 149,218 | 123,269 | 59,303 | 127,347 |
| United Kingdom | 82,860 | 108,491 | 123,227 | 115,366 | 36,770 | 73,272 |
| All others | 2,961,66 | 3,827,86 | 5,372,06 | 4,763,66 | 2,148,44 | 4,109,95 |
| Total | 4,442,50 | 5,741,80 | 8,058,10 | 7,145,50 | 3,222,66 | 6,164,93 |
| Source: <i>Global Trade Atlas</i> (HTS subheading 7221.00). | | | | | | |

APPENDIX A

***FEDERAL REGISTER* NOTICES**

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.

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

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.

INTERNATIONAL TRADE COMMISSION

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

Stainless Steel Wire Rod From India; Institution of a 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 that it has instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty order on stainless steel wire rod from India 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-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

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. 11-5-251, 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.

accessing its Internet server (<http://www.usitc.gov>).

The public record for this review may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.— On December 1, 1993, the Department of Commerce ("Commerce") issued an antidumping duty order on imports of stainless steel wire rod from India (58 FR 63335). Following first five-year reviews by Commerce and the Commission, effective August 2, 2000, Commerce issued a continuation of the antidumping duty order on imports of stainless steel wire rod from India (65 FR 47403). Following second five-year reviews by Commerce and the Commission, effective August 8, 2006, Commerce issued a continuation of the antidumping duty order on imports of stainless steel wire rod from India (71 FR 45023). The Commission is now conducting a third review to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

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

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

(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 and its full first and second five-year review determinations, the Commission defined the *Domestic Like Product* as all stainless steel wire rod.

(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 its full first and second five-year review determinations, the Commission defined the *Domestic Industry* as all

domestic producers of stainless steel wire rod.

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

Former Commission employees who are seeking to appear in Commission five-year reviews are 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 this review available to authorized applicants under the APO issued in the review, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested

parties, as defined in 19 U.S.C. 1677(9), who are parties to the review. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

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

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is 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 an expedited or full review. 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 review must be served on all other parties to the review (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the review you do not need to serve your response).

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall

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

Information To Be Provided In Response to This Notice of Institution: As used below, the term "firm" includes any related firms.

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

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

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

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

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

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries 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 duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

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

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

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

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

(b) Capacity (quantity) of your firm to produce the *Subject Merchandise* in the *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 the *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* 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*, 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: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: June 27, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011-16452 Filed 6-30-11; 8:45 am]

BILLING CODE 7020-02-P

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–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,

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)).

DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-808]

**Certain Stainless Steel Wire Rods
From India: 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 certain stainless steel wire rods from
India, pursuant to section 751(c) of the

Tariff Act of 1930, as amended (the Act). See *Initiation of Five-Year ("Sunset") Review*, 76 FR 38613 (July 1, 2011) (*Notice of Initiation*). 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:* November 2, 2011.

FOR FURTHER INFORMATION CONTACT: Dustin Ross 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) 482-0747 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 order on certain stainless steel wire rods from India (wire rods)¹ pursuant to section 751(c) of the Act. See *Notice of Initiation*.

The Department received a notice of intent to participate on behalf of Carpenter Technology Corporation (the petitioner) within the deadline specified in 19 CFR 351.218(d)(1)(i). The petitioner claimed interested-party status under section 771(9)(C) of the Act as a manufacturer of a domestic like product for the proceeding.

The Department received a complete substantive response to the *Notice of Initiation* from the petitioner within the 30-day period specified in 19 CFR 351.218(d)(3)(i). The Department received no substantive responses 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 certain stainless steel wire rods from India.

Scope of the Order

The merchandise covered by the antidumping duty order is wire rods, which are hot-rolled or hot-rolled annealed and/or pickled rounds, squares, octagons, hexagons or other shapes, in coils. Wire rods are made of alloy steels containing, by weight, 1.2

percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. These products are only manufactured by hot-rolling and are normally sold in coiled form, and are of solid cross section. The majority of wire rods sold in the United States are round in cross-section shape, annealed, and pickled. The most common size is 5.5 millimeters in diameter.

The wire rods subject to this order are currently classifiable under subheadings 7221.00.0005, 7221.00.0015, 7221.00.0030, 7221.00.0045, and 7221.00.0075 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

Analysis of Comments Received

All issues raised in this sunset review are addressed in the "Issues and Decision Memorandum for the Expedited Sunset Review of the Antidumping Duty Order on Certain Stainless Steel Wire Rods from India" from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, 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 the issues raised in this sunset review and the corresponding recommendations in this public memorandum, which is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). Access to IA ACCESS is available in the Central Records Unit (CRU), 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 internet at <http://www.trade.gov/ia/>. The signed Issues and Decision Memo and the electronic versions 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 certain stainless steel wire rods from India would be likely to lead to continuation or recurrence of dumping

at the following weighted-average percentage margins:

| Company | Weighted-average margin (percent) |
|--------------------------|-----------------------------------|
| Mukand Ltd | 48.80 |
| Sunstar Metals Ltd | 48.80 |
| Grand Foundry Ltd | 48.80 |
| All Others | 48.80 |

Notification Regarding APO

This notice 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 return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

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 24, 2011.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2011-28411 Filed 11-1-11; 8:45 am]

BILLING CODE 3510-DS-P

¹ *Antidumping Duty Order: Certain Stainless Steel Wire Rods from India*, 58 FR 63335 (December 1, 1993).

APPENDIX B

STATEMENT ON ADEQUACY

EXPLANATION OF COMMISSION DETERMINATION ON ADEQUACY

in

Stainless Steel Wire Rod from India
Inv. No. 731-TA-638 (Third Review)

On October 4, 2011, the Commission determined that it should proceed to an expedited review in the subject five-year review pursuant to section 751(c)(3)(B) of the Tariff Act of 1930, as amended, 19 U.S.C. § 1675(c)(3)(B).

The Commission received a joint response from two U.S. producers of stainless steel wire rod, Carpenter Technology Corporation and North American Stainless. The Commission found that the individual response of each domestic stainless steel wire rod producer to be individually adequate. The Commission further determined that the domestic interested party group response was adequate because these producers account for all of the domestic production of stainless steel wire rod.

The Commission also received a response from Mukand Ltd. (“Mukand”), an Indian producer of stainless steel wire rod. The Commission found Mukand’s producer response to be individually adequate. The Commission, nevertheless, determined that the respondent interested party group response was inadequate because Mukand’s estimated production of stainless steel wire rod in 2010 only accounted for a small percentage of total stainless steel wire rod production in India for that year.

Given the Commission’s determination that the respondent interested party group response was inadequate and the absence of other information to warrant a full review, the Commission determined to conduct an expedited review.¹

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

¹Commissioner Pearson voted to conduct a full five-year review.

APPENDIX C

HISTORICAL DATA

Excerpted from:

*Stainless Steel Wire Rod from Brazil, France, and India, Investigation Nos. 731-TA-636 -638
(Second Review), USITC Publication 3866, July 2006.*

Table I-1

SSWR: Summary data from the original investigations, the first reviews, and the current reviews, 1990-92, 1997-99, and 2000-05

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

| Item | 1990 | 1991 | 1992 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 |
|--------------------------------------|---------|---------|---------|------|------|------|------|------|------|------|------|------|
| U.S. consumption quantity: Amount | 117,926 | 123,855 | 131,521 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Producers' share ¹ | 79.4 | 78.8 | 68.0 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Importers' share: | | | | | | | | | | | | |
| Brazil ¹ | 1.7 | 1.3 | 2.6 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| France ¹ | 3.9 | 4.5 | 8.5 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| India ¹ | 0.1 | 1.4 | 3.3 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Subtotal ¹ | 5.7 | 7.2 | 14.3 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| All other countries ¹ | 15.0 | 13.9 | 17.7 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Total imports ¹ | 20.6 | 21.2 | 32.0 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| U.S. consumption value: Amount | 342,727 | 361,792 | 351,775 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Producers' share ¹ | 79.6 | 81.5 | 73.1 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Importers' share: | | | | | | | | | | | | |
| Brazil ¹ | 1.3 | 1.0 | 1.8 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| France ¹ | 4.5 | 5.0 | 8.5 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| India ¹ | 0.1 | 1.0 | 2.3 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Subtotal ¹ | 5.9 | 6.9 | 12.6 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| All other countries ¹ | 14.5 | 11.5 | 14.3 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Total imports ¹ | 20.4 | 18.5 | 26.9 | *** | *** | *** | *** | *** | *** | *** | *** | *** |

Table continued on next page.

Table I-1--Continued

SSWR: Summary data from the original investigations, the first reviews, and the current reviews, 1990-92, 1997-99, and 2000-05

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

| Item | 1990 | 1991 | 1992 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 |
|-----------------------------|---------|---------|---------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|---------|------------------|
| U.S. imports from- | | | | | | | | | | | | |
| Brazil: | | | | | | | | | | | | |
| Quantity | 2,057 | 1,671 | 3,368 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 0 |
| Value | 4,467 | 3,599 | 6,434 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 16 | 0 |
| Unit value | \$2,172 | \$2,154 | \$1,910 | (³) | (³) | (³) | (³) | (³) | (³) | (³) | \$2,072 | (³) |
| France: | | | | | | | | | | | | |
| Quantity | 4,547 | 5,564 | 11,137 | 3,153 | 5,372 | 6,643 | 5,546 | 8,314 | 6,288 | 3,720 | 1,569 | 1,749 |
| Value | 15,467 | 18,034 | 29,972 | 9,041 | 14,971 | 16,365 | 16,001 | 19,259 | 16,788 | 7,771 | 6,000 | 8,658 |
| Unit value | \$3,402 | \$3,241 | \$2,691 | \$2,867 | \$2,787 | \$2,464 | \$2,885 | \$2,317 | \$2,670 | \$2,089 | \$3,823 | \$4,950 |
| India: | | | | | | | | | | | | |
| Quantity | 97 | 1,731 | 4,344 | 253 | 24 | 634 | 7,815 | 3,004 | 4,388 | 2,232 | 1,297 | 278 |
| Value | 206 | 3,490 | 7,961 | 542 | 51 | 879 | 13,086 | 4,886 | 6,436 | 3,377 | 2,745 | 783 |
| Unit value | \$2,124 | \$2,016 | \$1,833 | \$2,145 | \$2,106 | \$1,386 | \$1,674 | \$1,626 | \$1,467 | \$1,513 | \$2,117 | \$2,814 |
| Subtotal: | | | | | | | | | | | | |
| Quantity | 6,701 | 8,966 | 18,849 | 3,406 | 5,396 | 7,277 | 13,362 | 11,318 | 10,676 | 5,952 | 2,874 | 2,027 |
| Value | 20,140 | 25,123 | 44,367 | 9,583 | 15,022 | 17,244 | 29,088 | 24,146 | 23,224 | 11,148 | 8,761 | 9,441 |
| Unit value | \$3,006 | \$2,802 | \$2,354 | \$2,814 | \$2,784 | \$2,370 | \$2,177 | \$2,133 | \$2,175 | \$1,873 | \$3,049 | \$4,657 |
| All other countries: | | | | | | | | | | | | |
| Quantity | 17,642 | 17,265 | 23,251 | 77,429 | 56,722 | 58,722 | 68,882 | 50,969 | 47,618 | 29,533 | 44,734 | 39,503 |
| Value | 49,791 | 41,642 | 50,171 | 160,477 | 114,321 | 96,514 | 127,792 | 88,258 | 76,754 | 52,654 | 102,959 | 107,064 |
| Unit value | \$2,822 | \$2,412 | \$2,158 | \$2,073 | \$2,015 | \$1,644 | \$1,855 | \$1,732 | \$1,612 | \$1,783 | \$2,302 | \$2,710 |

Table continued on next page.

Table I-1--Continued

SSWR: Summary data from the original investigations, the first reviews, and the current reviews, 1990-92, 1997-99, and 2000-05

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

| Item | 1990 | 1991 | 1992 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 |
|--|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| All countries: | | | | | | | | | | | | |
| Quantity | 24,343 | 26,231 | 42,100 | 80,835 | 62,118 | 65,999 | 82,243 | 62,287 | 58,294 | 35,485 | 47,608 | 41,531 |
| Value | 69,931 | 66,765 | 94,538 | 170,060 | 129,343 | 113,758 | 156,879 | 112,403 | 99,978 | 63,802 | 111,720 | 116,505 |
| Unit value | \$2,873 | \$2,545 | \$2,246 | \$2,104 | \$2,082 | \$1,724 | \$1,908 | \$1,805 | \$1,715 | \$1,798 | \$2,347 | \$2,805 |
| U.S. producers'-- | | | | | | | | | | | | |
| Capacity quantity | 251,718 | 251,696 | 249,894 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Production quantity | 91,292 | 89,499 | 89,574 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Capacity utilization | 36.3 | 35.6 | 35.8 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| U.S. shipments: | | | | | | | | | | | | |
| Quantity | 93,583 | 97,624 | 89,421 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Value | 272,796 | 295,027 | 257,237 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Unit value | \$2,915 | \$3,022 | \$2,877 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| U.S. export shipments: | | | | | | | | | | | | |
| Quantity | 168 | 61 | 43 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Value | 613 | 191 | 133 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Unit value | \$3,649 | \$3,131 | \$3,093 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Ending inventory quantity | 7,582 | 3,047 | 3,158 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Inventories/total shipments ¹ | 8.1 | 3.1 | 3.5 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Production workers | 1,257 | 1,296 | 1,378 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Hours worked (1,000 hours) | 2,606 | 2,604 | 2,726 | *** | *** | *** | *** | *** | *** | *** | *** | *** |

Table continued on next page.

Table I-1--Continued

SSWR: Summary data from the original investigations, the first reviews, and the current reviews, 1990-92, 1997-99, and 2000-05

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

| Item | 1990 | 1991 | 1992 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 |
|---|---------|---------|----------|------|------|------|------|------|------|------|------|------|
| Wages paid (1,000 dollars) | 61,294 | 64,691 | 69,653 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Hourly wages | \$23.52 | \$24.84 | \$25.55 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Productivity (tons per hour) | 35.0 | 34.4 | 32.9 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Unit labor costs | \$671 | \$723 | \$778 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Net sales: | | | | | | | | | | | | |
| Quantity | 74,080 | 79,398 | 81,298 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Value | 250,215 | 264,903 | 252,014 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Unit value | \$3,378 | \$3,336 | \$3,100 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Cost of goods sold | 218,759 | 237,099 | 246,815 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Gross profit or (loss) | 31,456 | 27,804 | 5,199 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| SG&A expenses | 19,172 | 18,671 | 20,239 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Operating income or (loss) | 12,284 | 9,133 | (15,040) | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Capital expenditures | 15,463 | 16,988 | 10,087 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Unit cost of goods sold | \$2,953 | \$2,986 | \$3,036 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Unit SG&A expenses | \$259 | \$235 | \$249 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Unit operating income or (loss) | \$166 | \$115 | (\$185) | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Cost of goods sold/sales ¹ | 87.4 | 89.5 | 97.9 | *** | *** | *** | *** | *** | *** | *** | *** | *** |
| Operating income or (loss)/sales ² | 4.9 | 3.4 | (6.0) | *** | *** | *** | *** | *** | *** | *** | *** | *** |

¹ In percent.

² Less than 0.05 percent.

³ Not applicable.

Note.—Because of rounding, figures may not add to the totals shown. Official Commerce statistics report imports from Brazil of 2,683 short tons with an average unit value of \$418 per short ton in 2000, however, there were no reported duties applied to entries from Brazil in 2000 according to *** and official Brazilian statistics show no exports to the United States. As discussed in the section of this report entitled "Commerce's Reviews," Commerce revoked the antidumping duty order on SSWR manufactured and exported by the Viraj Group and terminated suspension of liquidation for entries on or after December 1, 2003. Data treating the Viraj Groups' import entries for this period as nonsubject imports are presented in table C-2.

Source: Compiled from the confidential report in the first reviews (memorandum INV-X-133, June 16, 2000), from data submitted in response to Commission questionnaires, and from official Commerce statistics, and from proprietary data from ***.