

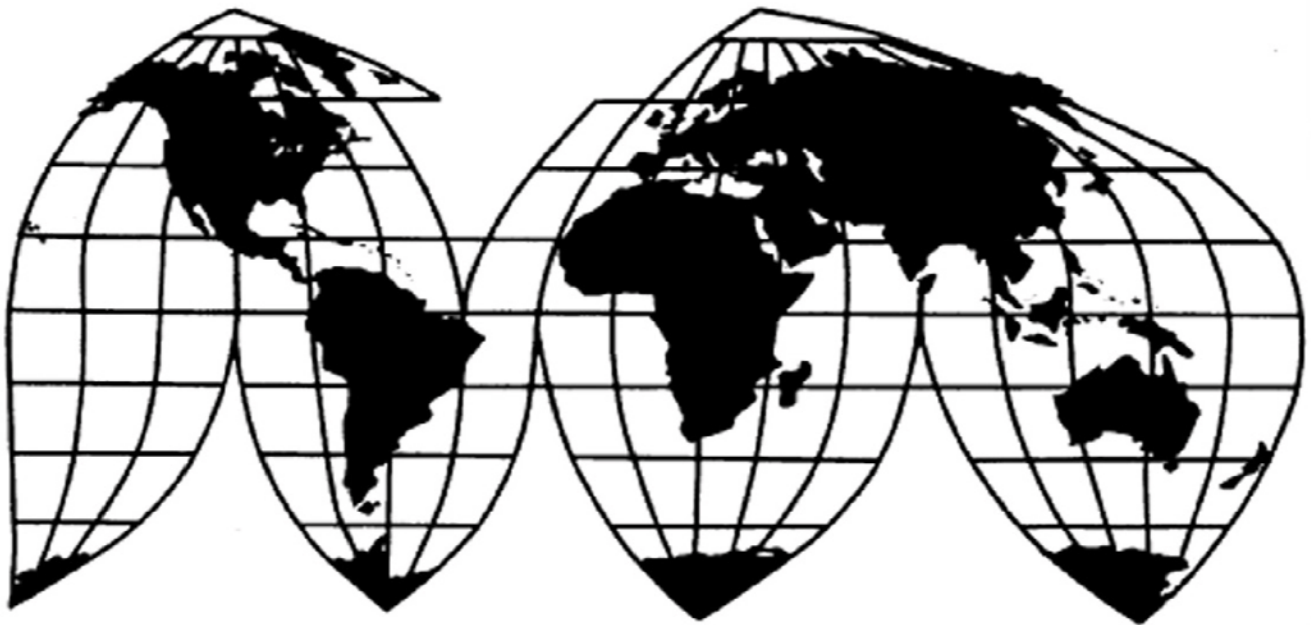
Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia and the Philippines

Investigation Nos. 731-TA-865-867 (Second Review)

Publication 4337

June 2012

U.S. International Trade Commission



Washington, DC 20436

U.S. International Trade Commission

COMMISSIONERS

Irving A Williamson, Chairman

Deanna Tanner Okun

Daniel R. Pearson

Shara L. Aranoff

Dean A. Pinkert

David S. Johanson

Robert Koopman
Director of Operations

Staff assigned

Russell Duncan, *Investigator*
Norman Van Toai, *Industry Analyst*
Karl von Schriltz, *Attorney*
Geoff Carlson, *Attorney*

Elizabeth Haines, *Supervisor Investigator*

**Address all communications to
Secretary to the Commission
United States International Trade Commission
Washington, DC 20436**

U.S. International Trade Commission

Washington, DC 20436
www.usitc.gov

Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia and the Philippines

Investigation Nos. 731-TA-865-867 (Second Review)



Publication 4337

June 2012

Table of contents

| | |
|---|------|
| Determinations | 1 |
| Views of the Commission | 3 |
| Information obtained in the reviews | I-1 |
| Introduction | I-1 |
| Background | I-1 |
| The original investigations and prior five-year reviews | I-2 |
| Dumping margin history and Commerce's reviews | I-3 |
| Related U.S. trade remedy orders | I-4 |
| The subject product | I-5 |
| Commerce's scope | I-5 |
| Tariff treatment | I-6 |
| Domestic like product, the domestic industry, and related parties | I-6 |
| Description and applications | I-7 |
| Manufacturing processes | I-8 |
| Pricing | I-9 |
| The U.S. market | I-9 |
| U.S. producers | I-9 |
| U.S. production, shipments, and financial operations | I-10 |
| U.S. importers | I-12 |
| U.S. imports | I-13 |
| Cumulation considerations | I-16 |
| Apparent U.S. consumption and market shares | I-18 |
| Ratio of imports to U.S. production | I-20 |
| Foreign industries | I-21 |
| The industry in Italy | I-21 |
| The industry in Malaysia | I-22 |
| The industry in the Philippines | I-24 |
| Foreign trade remedy orders on SSBW fittings | I-26 |
| Global market | I-26 |
| Appendixes | |
| A. <i>Federal Register</i> notices | A-1 |
| B. Commission's statement on adequacy | B-1 |
| C. Historical comparative data | C-1 |

Note.--Information that would reveal confidential operations has been suppressed and replaced with asterisks.

UNITED STATES INTERNATIONAL TRADE COMMISSION
Investigation Nos. 731-TA-865-867 (Second Review)

STAINLESS STEEL BUTT-WELD PIPE FITTINGS FROM ITALY, MALAYSIA, AND THE
PHILIPPINES

DETERMINATIONS

On the basis of the record¹ developed in the subject five-year reviews, 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 orders on stainless steel butt-weld pipe fittings from Italy, Malaysia, and the Philippines would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

BACKGROUND

The Commission instituted these reviews on November 1, 2011 (76 F.R. 67473) and determined on February 6, 2012 that it would conduct expedited reviews (77 F.R. 10773, February 23, 2012). On March 21, 2012, the Commission revised its schedule in these expedited reviews (77 F.R. 18266, March 27, 2012).

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

IEWS OF THE COMMISSION

Based on the record in these five-year reviews, we determine under section 751(c) of the Tariff Act of 1930, as amended (“the Act”), that revocation of the antidumping duty orders covering certain stainless steel butt-weld pipe fittings (“SSBW pipe fittings”) from Italy, Malaysia, and the Philippines would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

I. BACKGROUND

In January 2001, the Commission determined that an industry in the United States was materially injured by reason of imports of certain SSBW pipe fittings from Italy, Malaysia, and the Philippines.¹ On February 23, 2001, the U.S. Department of Commerce (“Commerce”) issued antidumping duty orders covering the subject merchandise from Italy, Malaysia, and the Philippines.²

On April 10, 2006, the Commission determined to conduct full five-year reviews of the antidumping duty orders on certain SSBW pipe fittings from Italy, Malaysia, and the Philippines³ and, on October 31, 2006, the Commission determined that revocation of the orders would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.⁴

On November 1, 2011, the Commission instituted these second five-year reviews pursuant to section 751(c) of the Act.⁵ A group of four domestic producers, consisting of Core Pipe Products, Inc. (formerly Gerlin, Inc.) (“Core Pipe”), Ezeflow USA Inc. – Flowline Division (formerly Flowline Division of Markovitz Enterprises, Inc.) (“Ezeflow”), Shaw Alloy Piping Products, Inc. (“Shaw”), and Taylor Forge Stainless, Inc. (“Taylor”) (collectively, the “domestic interested parties”), jointly filed a response to the notice of institution.⁶ Italian producer Filmag Italia, srl (“Filmag”) also filed a response to the notice of institution.⁷ On February 6, 2012, the Commission determined that responses to its notice of institution were adequate with respect to the domestic interested party group but inadequate with respect to all respondent interested party groups. In the absence of an adequate respondent interested party group

¹ Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Inv. Nos. 731-TA-865-867 (Final), USITC Pub. 3387 (Jan. 2001) (“Original Determinations”); see also Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, 66 Fed. Reg. 8981 (Feb. 5, 2001).

² Antidumping Duty Orders: Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, 66 Fed. Reg. 11257 (Feb. 23, 2001).

³ See Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, 71 Fed. Reg. 30695 (May 30, 2006).

⁴ Confidential Views, Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Inv. Nos. 731-TA-865-867, USITC Pub. 3889 (Review) (“First Review Determinations”); see also Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, 71 Fed. Reg. 67904 (Nov. 24, 2006).

⁵ Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines; Institution of Five-Year Reviews Concerning the Antidumping Duty Orders on Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, 76 Fed. Reg. 67473 (Nov. 1, 2011) (“Notice of Institution”).

⁶ Response to the Notice of Institution of Core Pipe, Ezeflow, Shaw, and Taylor (the “Domestic Interested Parties’ Response”).

⁷ Filmag filed a response to the notice of institution on December 1, 2011, and a supplemental response to the notice of institution on January 6, 2012. The latter essentially duplicated the former and added certain additional information. Thus, this opinion will refer to the supplemental response as the “Filmag Response.”

response or other factors warranting full reviews, the Commission decided to conduct expedited reviews with respect to the antidumping duty orders on SSBW pipe fittings from Italy, Malaysia, and the Philippines.⁸

Only the domestic interested parties filed comments regarding these reviews beyond those filed in response to the notice of institution.⁹ As a result, the record contains limited information with respect to the subject foreign industries. Accordingly, we rely on information available when appropriate, consisting primarily of information from the original investigations, information submitted by questionnaire respondents in the first reviews, and information collected in these reviews.^{10 11}

II. DOMESTIC LIKE PRODUCT AND INDUSTRY

A. Domestic Like Product

In making its determination 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

⁸ See Confidential Report (“CR”) and Public Report (“PR”) at Appendix B, Explanation of Commission Determination on Adequacy. The Commission determined that Filmag’s response was not adequate on a group basis because Filmag estimated that it only accounted for a small percentage of SSBW pipe fittings production in Italy.

⁹ Comments of Core Pipe, Ezeflow, Shaw, and Taylor (the “Domestic Interested Parties’ Comments”).

¹⁰ Under 19 U.S.C. § 1677e(a), the Commission may use the facts otherwise available in reaching a determination when necessary information is not available on the record or an interested party or other person withholds information requested by the Commission, or fails to provide such information in the time, form, or manner requested.

¹¹ Section 751(c)(3) of the Tariff Act and the Commission’s regulations provide that in five-year reviews, the Commission may issue a final determination “based on the facts available, in accordance with section 776 of the Act.” Commissioner Okun notes that the statute authorizes the Commission to take adverse inferences in five-year reviews, but such authorization does not relieve the Commission of its obligation to consider the record evidence as a whole in making its determination. 19 U.S.C. § 1675(e). She generally gives credence to the facts supplied by the participating parties and certified by them as true, but bases her decision on the evidence as a whole, and does not automatically accept participating parties’ suggested interpretations of the record evidence. Regardless of the level of participation and the interpretations urged by participating parties, the Commission is obligated to consider all evidence relating to each of the statutory factors and may not draw adverse inferences that render such analysis superfluous. “In general, the Commission makes determinations by weighing all of the available evidence regarding a multiplicity of factors relating to the domestic industry as a whole and by drawing reasonable inferences from the evidence it finds most persuasive.” Uruguay Round Agreements Act Statement of Administrative Action (“URAA SAA”), H.R. Rep. No. 103-316, vol. I at 869 (1994).

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).

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

In these five-year reviews, Commerce has defined the subject merchandise as follows:

Butt-weld pipe fittings are under 14 inches in outside diameter (based on nominal pipe size), whether finished or unfinished. The product encompasses all grades of stainless steel and “commodity” and “specialty” fittings. Specifically excluded from the definition are threaded, grooved, and bolted fittings, and fittings made from any material other than stainless steel.

The butt-weld fittings subject to these orders are generally designated under specification ASTM A403/A403M, the standard specifications for Wrought Austenitic Stainless Steel Piping Fittings, or its foreign equivalents (e.g., DIN or JIS specifications). This specification covers two general classes of fittings, WP and CR, of wrought austenitic stainless steel fittings of seamless and welded construction covered by the latest revision of ANSI B16.9, ANSI B16.11, and ANSI B16.28. Butt-weld fittings manufactured to specification ASTM A774, or its foreign equivalents, are also covered by these orders.

The orders do not apply to cast fittings. Cast austenitic stainless steel pipe fittings are covered by specifications A351/A351M, A743/743M, and A744/A744M. The butt-weld fittings subject to these orders are currently classifiable under subheading 7307.23.0000 of the Harmonized Tariff Schedule of the United States (HTSUS).¹⁵

In its original determinations, the Commission defined the domestic like product as SSBW pipe fittings that were coextensive with Commerce’s definition of the scope of the investigations.¹⁶ In the first five-year reviews, the Commission found no new information that suggested that it would be appropriate to reconsider the domestic like product definition from the original investigations, and no interested party disagreed with the definition. Accordingly, the Commission defined the domestic like product as all SSBW pipe fittings, corresponding to Commerce’s scope.¹⁷

In these reviews, no party argued for a definition of the domestic like product that differs from the definition that the Commission adopted in the original investigations or the first five-year reviews.¹⁸ Further, no new information suggests that the domestic like product definition should be revisited. Therefore, for the reasons stated in the original determinations and the first five-year reviews, we continue to define the domestic like product as all SSBW pipe fittings corresponding to the scope of the orders as defined by Commerce.

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).

¹⁵ Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines: Final Results of the Expedited Second Five-Year (“Sunset”) Reviews of the Antidumping Duty Orders, Case Nos. A-475-828, 557-809, and 565-801, 77 Fed. Reg. 14002, 14003 (Mar. 8, 2012) (“Final Review Results”).

¹⁶ Original Determinations at 3.

¹⁷ First Review Determinations at 3.

¹⁸ CR at I-8; PR at I-6.

B. Domestic Industry

1. In General

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.”¹⁹ 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.²⁰

In its original investigations, the Commission defined the domestic industry as all domestic producers of SSBW pipe fittings, except for ***.²¹ The Commission found that circumstances warranted exclusion of *** from the domestic industry as a related party due to the magnitude of its subject imports relative to its domestic production and evidence that it may have benefitted from such imports.²²

In the first five-year reviews, the Commission found that *** no longer qualified as a related party because it had not imported subject merchandise during the period of review. The Commission also found that *** qualified as a related party, but circumstances did not warrant its exclusion from the domestic industry.²³ The Commission therefore defined the domestic industry as all domestic producers of SSBW pipe fittings.²⁴

¹⁹ 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.

²⁰ The primary factors the Commission has examined in deciding whether appropriate circumstances exist to exclude a related party include the following:

- (1) the percentage of domestic production attributable to the importing producer;
- (2) the reason the U.S. producer has decided to import the product subject to investigation, i.e., whether the firm benefits from the LTFV sales or subsidies or whether the firm must import in order to enable it to continue production and compete in the U.S. market; and
- (3) the position of the related producer vis-a-vis the rest of the industry, i.e., whether inclusion or exclusion of the related party will skew the data for the rest of the industry.

See, e.g., Torrington Co. v. United States, 790 F. Supp. 1161 (Ct. Int’l Trade 1992), aff’d without opinion, 991 F.2d 809 (Fed. Cir. 1993).

The Commission has also concluded that a domestic producer that does not itself import subject merchandise, or does not share a corporate affiliation with an importer, may nonetheless be deemed a related party if it controls large volumes of imports. The Commission has found such control to exist where the domestic producer was responsible for a predominant proportion of an importer’s purchases and the importer’s purchases were substantial. See, e.g., Foundry Coke from China, Inv. No. 731-TA-891 (Final), USITC Pub. 3449 (September 2001) at 8-9.

²¹ Original Determinations at 5.

²² Original Determinations at 4-5. The Commission concluded that circumstances did not warrant the exclusion of ***, another related party, from the domestic industry. See Original Determinations at 4.

²³ First Review Determinations at 4-6.

²⁴ First Review Determinations at 6.

In these reviews, the domestic interested parties agreed with the Commission's definition of the domestic industry from the first five-year reviews, *i.e.*, all domestic producers of SSBW pipe fittings.²⁵ No party has advocated that any domestic producer be excluded from the definition of the domestic industry under the related parties provision. The information on the current record provides no basis to depart from the Commission's definition of the domestic industry used in the first five-year reviews.

The only domestic producer that qualifies as a related party is ***, which reported importing a "small volume" of subject merchandise from *** in 2007.²⁶ According to proprietary Customs data, *** imported *** pounds of subject merchandise from *** in 2006.²⁷ Although *** domestic production in 2006 is not on the record, *** reported U.S. shipments of *** pounds of SSBW pipe fittings in 2010, which suggests that *** imports of subject merchandise in 2006 and 2007 were likely dwarfed by its domestic production of SSBW pipe fittings in those years.²⁸ We therefore conclude that circumstances do not warrant the exclusion of *** from the domestic industry as a related party and define the domestic industry as all domestic producers of SSBW pipe fittings.²⁹

III. CUMULATION

A. Framework

With respect to five-year reviews, section 752(a) of the Act provides as follows:

the Commission may cumulatively assess the volume and effect of imports of the subject merchandise from all countries with respect to which reviews under section 1675(b) or (c) of this title were initiated on the same day, if such imports would be likely to compete with each other and with domestic like products in the United States market. The Commission shall not cumulatively assess the volume and effects of imports of the subject merchandise in a case in which it determines that such imports are likely to have no discernible adverse impact on the domestic industry.³⁰

Cumulation therefore is discretionary in five-year reviews, unlike in original investigations, which are governed by section 771(7)(G)(i) of the Act.³¹ The Commission may exercise its discretion to cumulate, however, only if the reviews are initiated on the same day, the Commission determines that the subject imports are likely to compete with each other and the domestic like product in the U.S. market,

²⁵ Domestic Interested Parties' Response at 12.

²⁶ Domestic Interested Parties' Response at 9.

²⁷ CR at I-8; PR at I-7.

²⁸ CR at I-8; PR at I-7.

²⁹ At present, there are eight known domestic producers of SSBW pipe fittings: Alaskan Copper Companies, Inc. ("Alaskan Copper"), Felker Brothers Corp., Flo-Mac, Inc., Ezeflow, Core Pipe, Jero, Inc., Shaw, and Taylor. CR/PR at Table I-5.

³⁰ 19 U.S.C. § 1675a(a)(7).

³¹ 19 U.S.C. § 1677(7)(G)(i); *see also, e.g., Nucor Corp. v. United States*, 601 F.3d 1291, 1293, App. No. 2009-1234, Slip Op. at 7-8 (Fed. Cir. Apr. 7, 2010) (Commission may reasonably consider likely differing conditions of competition in deciding whether to cumulate subject imports in five-year reviews); *Allegheny Ludlum Corp. v. United States*, 475 F. Supp. 2d 1370, 1378 (Ct. Int'l Trade 2006) (recognizing the wide latitude the Commission has in selecting the types of factors it considers relevant in deciding whether to exercise discretion to cumulate subject imports in five-year reviews); *Nucor Corp. v. United States*, 569 F. Supp. 2d 1328, 1337-38 (Ct. Int'l Trade 2008).

and imports from each such subject country are not likely to have no discernible adverse impact on the domestic industry in the event of revocation. Our focus in five-year reviews is not only on present conditions of competition, but also on likely conditions of competition in the reasonably foreseeable future.

In these reviews, the threshold criterion for cumulation is satisfied because all three reviews were instituted on the same day, November 1, 2011.³² We consider three issues in deciding whether to exercise our discretion to cumulate the subject imports: (1) whether imports from any of the subject countries are precluded from cumulation because they are likely to have no discernible adverse impact on the domestic industry; (2) whether there is a likelihood of a reasonable overlap of competition among imports from the subject countries and the domestic like product; and (3) whether there are similarities and differences in the likely conditions of competition under which subject imports are likely to compete in the U.S. market.^{33 34}

In these reviews, there is no new evidence on the record or interested party argument that would warrant departure from the Commission's findings in the first five-year reviews that revocation of any of the antidumping duty orders on imports from Italy, Malaysia, or the Philippines would likely have no discernible adverse impact on the domestic industry.³⁵ Over the period examined in the original

³² Notice of Institution.

³³ Chairman Okun and Commissioner Pearson note that while they consider the same issues discussed in this section in determining whether to exercise their discretion to cumulate the subject imports, their analytical framework begins with whether imports from the subject countries are likely to face similar conditions of competition. For those subject imports that are likely to compete under similar conditions of competition, they next proceed to consider whether those imports are likely to compete with each other and with the domestic like product. Finally, if based on that analysis they intend to exercise their discretion to cumulate one or more subject countries, they analyze whether they are precluded from cumulating such imports because the imports from one or more subject countries, assessed individually, are likely to have no discernible adverse impact on the domestic industry. See Steel Concrete Reinforcing Bar From Belarus, China, Indonesia, Korea, Latvia, Moldova, Poland, and Ukraine, Inv. Nos. 731-TA-873-875, 877-880, and 882 (Review), USITC Pub. 3933 (July 2007) (Separate and Dissenting Views of Chairman Daniel R. Pearson and Commissioner Deanna Tanner Okun Regarding Cumulation).

³⁴ Commissioner Pinkert notes that where, in a five-year review, he does not find that imports of the subject merchandise would be likely to have no discernible adverse impact on the domestic industry in the event of revocation and finds that such imports would be likely to compete with each other and with the domestic like product in the U.S. market, he cumulates them unless there is a condition or propensity – not merely a trend – that is likely to persist for a reasonably foreseeable time and that significantly limits competition such that cumulation is not warranted. For the reasons stated in the text, he finds no condition or propensity in these reviews that would warrant non-cumulation and therefore has cumulated all subject imports of SSBW pipe fittings.

³⁵ In these second five-year reviews, U.S. import data are based on official Commerce statistics. CR at I-19; PR at I-13-14. We are mindful that such statistics may be overstated because they may include nonsubject imports. CR at I-7 note 20; PR at I-6 note 20. Nonetheless, we use such statistics because they are the facts available to the Commission. See 19 U.S.C. § 1677e(a). We note, however, that the record indicates that SSBW pipe fittings from each subject country that were subject to U.S. antidumping duties entered the United States during the period examined. CR/PR at Table I-7 (listing SSBW pipe fittings imports by U.S. importer in terms of value).

We are further mindful in these reviews that quantity and value data for U.S. producers are likely understated because they do not include data from several U.S. producers. See, e.g., CR/PR at Table C-1 notes 1 and 2; CR at I-27 notes 72 and 73; PR at I-20 notes 72 and 73. This also may affect reported levels of apparent U.S. consumption during the current review period. See, e.g., CR at I-27 note 72; PR at I-20 note 72. Conversely, we recognize that quantity data for U.S. producers are likely overstated due to potentially erroneous data submitted by one U.S. producer. CR/PR at Table C-1 note 1; CR/PR at Table I-10 note 1. We also understand that such

(continued...)

investigations, import volumes from each subject country increased significantly, and imports from each subject country gained significant market share.³⁶ Subject imports from Italy, Malaysia, and the Philippines maintained a presence in the U.S. market during the period examined in the first reviews, as well as in these reviews.³⁷

Further, in the first five-year reviews the Commission found that the industries in the subject countries were export-oriented and possessed *** excess capacity and/or inventories with which to

³⁵ (...continued)

uncertainties affect the reliability of relevant ratios, including market shares, and affect the utility of comparing data from this review period with data from prior periods. See CR/PR at Table C-3 note 1; CR at I-27 note 74; PR at I-20 note 74. Nonetheless, we use such data because they are the facts available to the Commission. See 19 U.S.C. § 1677e(a).

³⁶ Over the period examined in the original investigations the volume of subject imports from Italy increased *** percent, from *** pounds in 1997 to *** pounds in 1999. CR/PR at Table C-2. As a share of apparent U.S. consumption, subject imports from Italy increased from *** percent in 1997 to *** percent in 1999. CR/PR at Table C-1. Subject imports from Malaysia increased from *** pounds in 1997 to *** pounds in 1999. CR/PR at Table C-2. As a share of apparent U.S. consumption, subject imports from Malaysia increased from *** percent in 1997 to *** percent in 1999. CR/PR at Table C-1. Subject import volume from the Philippines increased from *** pounds in 1997 to *** million pounds in 1999. CR/PR at Table C-2. As a share of apparent U.S. consumption, subject imports from the Philippines increased from *** percent in 1997 to *** percent in 1999. CR/PR at Table C-1.

³⁷ Over the period examined during the first five-year reviews, subject import volume from Italy declined steadily from 2.0 million pounds in 2000 to 138,000 pounds in 2004 before rebounding slightly to 192,000 pounds in 2005. CR/PR at Table C-2. The share of apparent U.S. consumption captured by subject imports from Italy was *** percent in 2000, 6.6 percent in 2001, 4.1 percent in 2002, 1.4 percent in 2003, 0.9 percent in 2004, and 1.1 percent in 2005. CR/PR at Table C-1. In these second five-year reviews, subject import volume from Italy increased from 126,000 pounds in 2006 to 398,000 pounds in 2007, before falling to 99,000 pounds in 2008, increasing to 158,000 pounds in 2009, and decreasing to 132,000 pounds in 2010. CR/PR at Table I-8. Subject imports from Italy were equivalent to *** percent of apparent U.S. consumption in 2010, the only year for which apparent U.S. consumption data are available. CR/PR at Table I-10.

Subject imports from Malaysia initially declined over the period examined in the first five-year reviews, from 1.5 million pounds in 2000 to 657,000 pounds in 2003, but then increased to 1.0 million pounds in 2004 and 1.5 million pounds in 2005. CR/PR at Table C-2. The share of apparent U.S. consumption captured by subject imports from Malaysia was *** percent in 2000, 6.3 percent in 2001, 5.3 percent in 2002, 5.3 percent in 2003, 6.7 percent in 2004, and 8.4 percent in 2005. CR/PR at Table C-1. In these second five-year reviews, subject imports from Malaysia increased from 1.0 million pounds in 2006 to 1.5 million pounds in 2007 and 2008, before falling to 822,000 pounds in 2009 and then recovering to 1.1 million pounds in 2010. CR/PR at Table I-8. Subject imports from Malaysia were equivalent to *** percent of apparent U.S. consumption in 2010, the only year for which apparent U.S. consumption data are available. CR/PR at Table I-10.

Over the period examined in the first five-year reviews, the volume of subject imports from the Philippines declined from 1.1 million pounds in 2000 to 25,000 pounds in 2004, before increasing to 357,000 pounds in 2005. CR/PR at Table C-2. The share of apparent U.S. consumption captured by subject imports from the Philippines was *** percent in 2000, 1.6 percent in 2001, 1.3 percent in 2002, 0.5 percent in 2003, 0.2 percent in 2004, and 2.1 percent in 2005. CR/PR at Table C-1. In these second five-year reviews, subject imports from the Philippines increased from 1.0 million pounds in 2006 to 1.8 million pounds in 2007 and 2.3 million pounds in 2008, before declining to 2.2 million pounds in 2009 and in 2010. CR/PR at Table I-8. Subject imports from the Philippines were equivalent to *** percent of apparent U.S. consumption in 2010, the only year for which apparent U.S. consumption data were available. CR/PR at Table I-10.

increase exports.³⁸ The record in these reviews does not indicate that these circumstances have changed.³⁹ Thus, based on the information available in these reviews, we find that revocation of any of the individual antidumping duty orders on SSBW pipe fittings would likely have a discernible adverse impact on the domestic industry.

We next consider whether there is a likelihood of reasonable overlap of competition among the domestic like product and the subject imports. The Commission generally has considered four factors intended to provide a framework for determining whether the imports compete with each other and with the domestic like product.⁴⁰ Only a “reasonable overlap” of competition is required.⁴¹ In five-year

³⁸ First Review Determinations at 8.

³⁹ The limited information available on the record in these reviews indicates that there are currently nine Italian producers of SSBW pipe fittings, including producer Coprosider S.p.A. Filmag argued that, at some point after the original investigations, Coprosider merged into another company that subsequently declared bankruptcy and is not currently producing subject merchandise, thus diminishing Italy’s production capacity for SSBW pipe fittings. Filmag Response at 1-2. The domestic interested parties, however, submitted recent information from Coprosider’s website, indicating that Coprosider continues to produce SSBW pipe fittings. See Domestic Interested Parties’ Response at Exhibit 2. According to the Global Trade Atlas, Italian exports of SSBW pipe fittings to all markets fluctuated between 2006 and 2010, increasing from 13.6 million pounds in 2006 to 15.9 million pounds in 2007 and to 20.6 million pounds in 2008, before declining to 15.3 million pounds in 2009 and 12.9 million pounds in 2010. CR/PR at Table I-11.

The four Malaysian producers identified in the original investigations and the first five-year reviews are believed to have remained active producers during the period examined in these reviews. CR at I-31; PR at I-23. Further, the limited information available on the record of these reviews indicates that Malaysia’s largest producer of SSBW pipe fittings, Kanzen Tetsu, announced a 32,000 ton per year expansion of its stainless steel capacity in 2007, and that a new Malaysian producer of SSBW pipe fittings, Anggerik Laksana Sdn., had commenced production since the last reviews. CR at I-31-32; PR at I-23. We note, however, that the capacity that Kanzen apparently plans to add may be used to produce stainless steel rather than subject merchandise. See CR at I-31 note 86.; PR at I-23 note 86. In addition, a responding purchaser reported that ***. CR at I-32.; PR at I-23. According to the Global Trade Atlas, Malaysian exports of SSBW pipe fittings to all markets fluctuated between 2006 and 2010, increasing from 5.5 million pounds in 2006 to 5.9 million pounds in 2007 before declining to 3.9 million pounds in 2008 and to 3.0 million pounds in 2009, and then rising to 9.2 million pounds in 2010. CR/PR at Table I-13.

The two Philippine producers identified in the original investigations and the first five-year reviews, Enlin Steel Corp. (“Enlin”) and Tung Fong Industrial Co., Inc., are believed to have remained active producers during the period examined in these reviews, although Enlin’s operations may have continued under the name of its former subsidiary Vinox. CR at I-34; Id. note 91; PR at I-25; Id. note 91. Further, the limited information available on the record of these reviews indicates that ***. Id. According to the Global Trade Atlas, exports of SSBW pipe fittings to all markets from the Philippines fluctuated between 2006 and 2010, increasing from 3.1 million pounds in 2006 to 4.5 million pounds in 2007 and 8.5 million pounds in 2008, before declining to 7.0 million pounds in 2009 and 2010.

⁴⁰ The four factors generally considered by the Commission in assessing whether there is a reasonable overlap in competition of imports with each other and with the domestic like product are as follows: (1) the degree of fungibility between the imports from different countries and between imports and the domestic like product, including consideration of specific customer requirements and other quality related questions; (2) the presence of sales or offers to sell in the same geographical markets of imports from different countries and the domestic like product; (3) the existence of common or similar channels of distribution for imports from different countries and the domestic like product; and (4) whether the imports are simultaneously present in the market. See, e.g., Wieland Werke, AG v. United States, 718 F. Supp. 50 (Ct. Int’l Trade 1989).

⁴¹ See Mukand Ltd. v. United States, 937 F. Supp. 910, 916 (Ct. Int’l Trade 1996); Wieland Werke, 718 F. Supp. at 52 (“Completely overlapping markets are not required.”); United States Steel Group v. United States, 873 F. Supp. 673, 685 (Ct. Int’l Trade 1994), aff’d, 96 F.3d 1352 (Fed. Cir. 1996). We note, however, that there have been

(continued...)

reviews, the relevant inquiry is whether there likely would be competition even if none currently exists because the subject imports are absent from the U.S. market.⁴² Based on the four factors, the Commission in the first five-year reviews found a reasonable overlap of competition between and among subject imports from Italy, Malaysia, and the Philippines and the domestic like product.⁴³

There is no new information that contradicts the Commission's findings from the first five-year reviews concerning the likelihood of a reasonable overlap of competition.⁴⁴ There is little new information to suggest that SSBW pipe fittings from Italy, Malaysia, and the Philippines and the domestic like product would be any less fungible today than they were during the first five-year reviews.⁴⁵ Moreover, with respect to geographic overlap, there is no new information in these five-year reviews that would contradict the Commission's prior findings that U.S. producers and importers sell on a nationwide basis.⁴⁶ In addition, as in the first five-year reviews, subject imports from each subject country entered the United States through similar ports;⁴⁷ Houston-Galveston, TX remains the single largest U.S. Customs district for imports of SSBW pipe fittings from each subject country.⁴⁸ There is also no new information on the record to suggest that the Commission's finding in the first five-year reviews that subject imports and the domestic like product were sold primarily through similar channels of distribution is any less valid in these reviews.⁴⁹ Further, regarding simultaneous presence in the market, between 2006 and 2010 subject imports from Malaysia and the Philippines entered the United States in every month, while subject imports from Italy entered in 48 out of 60 months.⁵⁰ Finally, no interested party has argued in these current reviews that the Commission should find that there would likely be no reasonable overlap of competition if the orders were revoked.

⁴¹ (...continued)

investigations where the Commission has found an insufficient overlap in competition and has declined to cumulate subject imports. See, e.g., Live Cattle From Canada and Mexico, Invs. Nos. 701-TA-386 and 731-TA-812 to 813 (Prelim.), USITC Pub. 3155 at 15 (Feb. 1999), aff'd sub nom, Ranchers-Cattlemen Action Legal Foundation v. United States, 74 F. Supp. 2d 1353 (Ct. Int'l Trade 1999); Static Random Access Memory Semiconductors from the Republic of Korea and Taiwan, Invs. Nos. 731-TA-761 to 762 (Final), USITC Pub. 3098 at 13-15 (Apr. 1998).

⁴² See generally Cheflene Corp. v. United States, 219 F. Supp. 2d 1313, 1314 (Ct. Int'l Trade 2002).

⁴³ See First Review Determinations at 8-10.

⁴⁴ See First Review Determinations at 8-10.

⁴⁵ See CR at I-23-24; PR at I-17. Filmag argued that its exports of SSBW pipe fittings to the United States are specialty products that are not readily interchangeable with the domestic like product. Filmag Response Exh. A at 2-3. Filmag's argument ignores that in five-year reviews, the Commission must examine likely imports from the entire subject industry, not just what has been shipped under the discipline of the orders by only one subject producer. Moreover, Filmag's assertion that its exports to the United States face competition from U.S. producers contradicts its argument even with respect to this period of review. Filmag's Response Exh. A at 3. The domestic interested parties also argued that Filmag's exports of subject merchandise to the United States are not representative of the SSBW pipe fittings industry in Italy as a whole. Domestic Interested Parties' Comments on Adequacy at 3. Because Filmag only accounted for an estimated *** percent of Italian SSBW pipe fittings production in 2010, its argument, even if true, does not materially detract from the Commission's finding in the first five-year reviews that subject imports from Italy as a whole are "generally interchangeable" with the domestic like product. See First Review Determinations at 9; Filmag Response Exh. A at 8.

⁴⁶ CR at I-24; PR at I-18; First Review Determinations at 10.

⁴⁷ First Review Determinations at 10.

⁴⁸ CR at I-25; PR at I-18.

⁴⁹ CR at I-24; PR at I-17; First Review Determinations at 10.

⁵⁰ CR at I-24; PR at I-17.

Based on the limited information available on the record of these reviews, we find that there would likely be a reasonable overlap of competition among subject imports and the domestic like product if the orders were revoked. In addition, as there is no indication of significant differences in the likely conditions of competition with respect to subject imports from Italy, Malaysia, and the Philippines in the U.S. market, we exercise our discretion to cumulate subject imports from Italy, Malaysia, and the Philippines in these reviews.

IV. LIKELIHOOD OF CONTINUATION OR RECURRENCE OF MATERIAL INJURY IF THE ANTIDUMPING DUTY ORDERS ARE 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.”⁵¹ The SAA states that “under the likelihood standard, the Commission will engage in a counterfactual analysis; it must decide the likely impact in the reasonably foreseeable future of an important change in the status quo – the revocation or termination of a proceeding and the elimination of its restraining effects on volumes and prices of imports.”⁵² Thus, the likelihood standard is prospective in nature.⁵³ The U.S. 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.^{54 55}

⁵¹ 19 U.S.C. § 1675a(a).

⁵² 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.

⁵³ 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.

⁵⁴ 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 n.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’”).

⁵⁵ 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).

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.”⁵⁶ According to the SAA, a “‘reasonably foreseeable time’ will vary from case-to-case, but normally will exceed the ‘imminent’ timeframe applicable in a threat of injury analysis in original investigations.”⁵⁷

Although the standard in a five-year review is not the same as the standard applied in an original antidumping duty investigation, it contains some of the same fundamental elements. The statute provides that the Commission is to “consider the likely volume, price effect, and impact of imports of the subject merchandise on the industry if the orders are revoked or the suspended investigation is terminated.”⁵⁸ 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).⁵⁹ 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.⁶⁰

B. Conditions of Competition and the Business Cycle

In evaluating the likely impact of the subject imports on the domestic industry, the statute directs the Commission to consider all relevant economic factors “within the context of the business cycle and conditions of competition that are distinctive to the affected industry.”⁶¹

In the original investigations, the Commission identified several relevant conditions of competition. The Commission found that demand for SSBW pipe fittings had fluctuated over the period examined and was derived from demand from the product’s major end uses, including the construction of piping systems exposed to extreme temperatures and pressures.⁶² The Commission also found that subject imports from each country and the domestic like product were primarily sold through distributors and were at least moderately fungible with one another.⁶³ Finally, the Commission noted that nonsubject imports were substitutable for subject imports and the domestic like product and that nonsubject imports declined in terms of both volume and market share over the period examined.⁶⁴

⁵⁶ 19 U.S.C. § 1675a(a)(5).

⁵⁷ 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.

⁵⁸ 19 U.S.C. § 1675a(a)(1).

⁵⁹ 19 U.S.C. § 1675a(a)(1). There have been no duty absorption findings on the subject merchandise covered by the orders. See Final Review Results.

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

⁶¹ 19 U.S.C. § 1675a(a)(4).

⁶² Original Determinations at 9.

⁶³ Original Determinations at 9-10.

⁶⁴ Original Determinations at 10.

In the first five-year reviews, the Commission identified several conditions of competition relevant to its analysis, several of which were similar to those found in the original investigations. The Commission found that demand for SSBW pipe fittings was derived from demand in major end use markets, in which the product's ability to withstand corrosion and oxidation, as well as extreme temperature and pressure, was important.⁶⁵ The Commission also noted that demand for SSBW pipe fittings declined from 2000 to 2001, fluctuated through 2004, and then increased in 2005.⁶⁶ With respect to supply, the market shares of both the domestic industry and the subject imports declined from 2000 to 2005, whereas the market share of nonsubject imports increased.⁶⁷ Nonsubject import volume increased 21.5 percent from 2000 to 2005, spurred by imports from China and Korea.⁶⁸ The Commission also found that domestic industry capacity declined *** percent from 2000 to 2005, noting that the American Fittings plant closed in 2004 and one of ***.⁶⁹ The domestic industry's production declined by *** percent during the period examined.⁷⁰ The Commission found that subject imports from each country were moderately fungible with the domestic like product, finding that shipments of subject imports and the domestic like product overlapped significantly with respect to input materials, size, and end use.⁷¹ Finally, the Commission found that SSBW pipe fittings from all sources were generally sold through distributors.⁷²

We find the following conditions of competition relevant to our determinations in these reviews.

1. Demand Conditions

SSBW pipe fittings are used in industrial piping systems to join pipes in straight lines or to change the direction and flow of fluids, where their ability to withstand corrosion and oxidization, as well as extreme temperature and pressure, is important.⁷³ The record of these reviews indicates that U.S. demand for SSBW pipe fittings grew from 17.3 million pounds in 2005 to *** pounds in 2010.⁷⁴ One of the primary drivers of U.S. demand for SSBW pipe fittings is the oil and gas industry, and fluctuating oil prices and recent adjustments in refinery capacity and maintenance have caused fluctuations in demand in the United States during the period examined.⁷⁵

⁶⁵ First Review Determinations at 14-15.

⁶⁶ First Review Determinations at 15.

⁶⁷ First Review Determinations at 15.

⁶⁸ First Review Determinations at 15.

⁶⁹ First Review Determinations at 15-16.

⁷⁰ First Review Determinations at 16.

⁷¹ First Review Determinations at 16.

⁷² First Review Determinations at 16-17.

⁷³ See CR at I-9-10; PR at I-7-8.

⁷⁴ CR/PR at Table I-10. Data on apparent U.S. consumption in 2010 may be overstated or understated based on two factors: (1) potential erroneous data submitted by one U.S. producer in its response to the notice of institution, and (2) lack of data on the operations of other U.S. producers that are not part of the domestic interested party group. See CR at I-27 notes 72 and 74; PR at I-20 notes 72 and 74. We further understand that such overstatement or understatement would affect market share data as well. However, we rely on these data as the facts available. 19 U.S.C. § 1677e(a).

⁷⁵ CR at I-25; PR at I-18.

2. Supply Conditions

The U.S. market was supplied by domestic producers and by imports from both subject and nonsubject countries during the period of review. The limited information available in these reviews indicates that since the original investigations, the number of domestic producers has dropped from 12 to eight.⁷⁶ The domestic industry's market share was 25.7 percent in 2005 and was higher, *** percent, in 2010.⁷⁷ Domestic industry capacity was 7.0 million pounds in 2005 and was higher, *** pounds, in 2010. The industry's capacity utilization fell from 65.2 percent in 2005 to *** percent in 2010.⁷⁸ Domestic production was 4.5 million pounds in 2005 and was higher, *** pounds, in 2010.⁷⁹

Cumulated subject imports maintained a significant presence in the U.S. market during the period examined despite the orders, accounting for *** percent of apparent U.S. consumption in 2010.⁸⁰ Nonsubject imports also maintained a significant presence in the U.S. market during the period examined, accounting for *** percent of apparent U.S. consumption in 2010.⁸¹ The top four nonsubject country sources of SSBW pipe fittings in 2010 were Canada, China, Korea, and Taiwan.⁸²

3. Substitutability

In the absence of any new evidence to the contrary on the record of these reviews, we adopt our finding from the first five-year reviews that there is a moderate degree of fungibility among subject imports from each subject country and between cumulated subject imports and the domestic like product.⁸³ Specifically, the record contains no information to contradict the Commission's finding in the first five-year reviews that subject imports and the domestic like product overlapped to a significant degree in terms of input material (*i.e.*, welded or seamless pipe), sizes, and end use.⁸⁴ Indeed, SSBW pipe fittings continue to be used for the same end use, *i.e.*, to connect pipe sections where conditions require permanent, welded connections.⁸⁵ Further, in the first five-year reviews the Commission noted that a majority of producers, importers, and purchasers responding to the Commission's questionnaires reported that subject imports from each subject country and the domestic like product were "always" or "frequently" interchangeable.⁸⁶

Based on the limited information available on the record of these reviews, we find that the conditions of competition in the SSBW pipe fittings market are not likely to change significantly in the reasonably foreseeable future. Accordingly, we find that current conditions of competition provide us with a reasonable basis on which to assess the likely effects of revocation of the orders in the reasonably foreseeable future.

⁷⁶ CR at I-12; PR at I-9.

⁷⁷ CR/PR at Table I-10.

⁷⁸ CR/PR at Table I-5.

⁷⁹ CR/PR at Table I-5.

⁸⁰ CR/PR at Table I-10.

⁸¹ CR/PR at Table I-10.

⁸² CR/PR at Table I-8.

⁸³ First Review Determinations at 16.

⁸⁴ First Review Determinations at 16.

⁸⁵ CR at I-8; PR at I-7.

⁸⁶ First Review Determinations at 16.

C. Likely Volume of Subject Imports

In evaluating the likely volume of imports of subject merchandise if the antidumping duty orders are revoked, the Commission is directed to consider whether the likely volume of imports would be significant either in absolute terms or relative to production or consumption in the United States.⁸⁷ 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.⁸⁸

In the original investigations, the Commission found a significant increase in cumulated subject import volume.⁸⁹ The Commission found that cumulated subject import volume increased from *** pounds in 1997 to *** pounds in 1999, and was *** pounds in interim 1999 compared with *** pounds in interim 2000.⁹⁰ Subject imports’ cumulated U.S. market share increased from *** percent in 1997 to *** percent in 1999, and was *** percent in interim 1999 compared with *** percent in interim 2000.⁹¹

In the first five-year reviews the Commission found that, although cumulated subject import volume and market share both declined from 2000 to 2003, they increased in 2004 and 2005.⁹² Each country possessed significant excess capacity and also held significant inventories of subject merchandise.⁹³ With respect to the Italian industry, the Commission found that although Italian exports of subject merchandise peaked in 2001 and declined through the end of the period of review, and one Italian exporter reportedly went out of business, there was no evidence that such declines indicated that the Italian industry had decreased its production capacity.⁹⁴ With respect to Malaysia, the Commission found that the two responding producers’ combined excess capacity and inventories would have equaled *** percent of apparent U.S. consumption in 2005.⁹⁵ The Commission further found that the Philippine industry *** its capacity during the period of review, and its combined excess capacity and end-of-period inventories were equal to *** percent of apparent U.S. consumption in 2005.⁹⁶ In addition, the subject industries in each country were highly export-oriented.⁹⁷ Based on these findings, the Commission found that the cumulated volume of subject imports would likely be significant absent the antidumping duty orders.

In these reviews, cumulated subject import volume increased overall, remaining at a significant level throughout the period examined. Cumulated subject imports increased from 2.2 million pounds in

⁸⁷ 19 U.S.C. § 1675a(a)(2).

⁸⁸ 19 U.S.C. § 1675a(a)(2)(A-D).

⁸⁹ Original Determinations at 11.

⁹⁰ Original Determinations at 14-15.

⁹¹ Original Determinations at 14-15.

⁹² First Review Determinations at 18.

⁹³ First Review Determinations at 19-20.

⁹⁴ First Review Determinations at 18-19.

⁹⁵ First Review Determinations at 20.

⁹⁶ First Review Determinations at 20-21.

⁹⁷ First Review Determinations at 21.

2006 to 3.7 million pounds in 2007, increased again to 4.0 million pounds in 2008, declined to 3.2 million pounds in 2009, and then increased to 3.4 million pounds in 2010, a level 68.3 percent higher than the 2005 level.⁹⁸ Cumulated subject imports accounted for *** percent of apparent U.S. consumption in 2010, compared with 11.6 percent in 2005.⁹⁹ The continuous, significant presence of cumulated subject imports in the U.S. market even under the discipline of the orders suggests that subject foreign producers remain interested in serving U.S. customers and are capable of leveraging their ongoing relationships with such customers to increase rapidly their penetration of the U.S. market if the orders were revoked.

The limited information in the record of these reviews also indicates that the subject industries in Italy, Malaysia, and the Philippines have significant capacity, are significantly export-oriented, and have demonstrated the ability to increase exports rapidly. Italian exports of SSBW pipe fittings reached a peak of 20.6 million pounds during the current period examined in 2008, and declined to 12.9 million pounds in 2010. However, there is nothing in the record indicating that this decrease in exports was accompanied by increased sales to the domestic Italian market or a decrease in production capacity.¹⁰⁰ Moreover, the Italian industry was able to increase its exports of SSBW pipe fittings from 13.6 million pounds in 2006 to 20.6 million pounds in 2008, indicating an ability to increase exports rapidly.¹⁰¹

With respect to the industry in Malaysia, Malaysian exports of SSBW pipe fittings more than tripled from 3.0 million pounds in 2009 to 9.3 million pounds in 2010.¹⁰² Further, the limited information available on the current record indicates that Malaysia's largest producer of SSBW pipe fittings, Kanzen Tetsu, announced a 32,000 ton per year expansion of its stainless steel capacity in 2007 and that a new Malaysian producer of SSBW pipe fittings, Anggerik Laksana Sdn., commenced production since the last reviews.¹⁰³ In addition, a responding purchaser reported that ***.¹⁰⁴

With respect to the industry in the Philippines, Philippine exports of SSBW pipe fittings reached a peak of 8.5 million pounds during the current period examined in 2008, and declined to 7.0 million pounds in 2010. However, there is no indication in the record that this decline was accompanied by an increase in sales to the domestic Philippine market or a decrease in capacity.¹⁰⁵ Additionally, Philippine exports of subject merchandise to the United States in 2009 and 2010 were twice as high as during the period examined in the original investigations.¹⁰⁶ Further, the limited information available on the record of these reviews indicates that Philippine producer ***.¹⁰⁷

⁹⁸ CR/PR at Table I-8.

⁹⁹ CR/PR at Tables I-10 and C-1.

¹⁰⁰ CR/PR at Table I-11. Filmag argued that, at some point after the original investigations, Italian producer Coprosider merged into another company that subsequently declared bankruptcy and is not currently producing subject merchandise, thus diminishing Italy's production capacity of SSBW pipe fittings. Filmag Response at 1-2. The domestic interested parties, however, submitted information from Coprosider's website indicating that, as recently as November 2011, Coprosider remained an Italian producer of SSBW pipe fittings. See Domestic Interested Parties' Response at Exhibit 2.

¹⁰¹ CR/PR at Table I-11.

¹⁰² CR/PR at Table I-13.

¹⁰³ CR at I-31-32; PR at I-22-23.

¹⁰⁴ CR at I-32; PR at I-23.

¹⁰⁵ See CR at I-33-35; PR at I-24-25.

¹⁰⁶ CR at I-34; PR at I-25.

¹⁰⁷ CR at I-34; PR at I-25.

In addition, Italy, Malaysia, and the Philippines were all among the top ten global exporters of SSBW pipe fittings during the period of review.¹⁰⁸ For all the foregoing reasons, we find that cumulated subject import volume, both in absolute terms and relative to production and consumption in the United States, would likely be significant and increase significantly absent the restraining effect of the antidumping duty orders.

D. Likely Price Effects of Subject Imports

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 underselling by the subject imports as compared to the domestic like product and whether the subject imports are likely to enter the United States at prices that otherwise would have a significant depressing or suppressing effect on the price of the domestic like product.¹⁰⁹

In the original investigations, the Commission found that the subject imports consistently undersold the domestic like product by significant margins, depressing and suppressing prices for the domestic like product to a significant degree.¹¹⁰ In the first five-year reviews, the Commission found that the domestic like product and subject imports were generally substitutable and that price was an important factor in purchasing decisions.¹¹¹ The Commission further determined that the subject imports undersold the domestic like product in 66 of 74 pricing product comparisons at margins ranging up to 80.5 percent.¹¹² The Commission also found that the presence of nonsubject imports in the U.S. market was unlikely to limit the ability of subject imports to increase because the average unit values of the nonsubject imports were higher than those of the subject imports.¹¹³ Finally, the Commission determined that subject imports were likely to depress or suppress the prices of the domestic like product if the antidumping duty orders were revoked.¹¹⁴

There is no new product-specific pricing information on the record of these reviews. In the absence of any new evidence to the contrary, we adopt our finding from the first five-year reviews that price is an important factor in purchasing decisions.¹¹⁵ Based on this finding, as well as the substantial degree of substitutability between subject imports and the domestic like product, we find it likely that, if the orders are revoked, subject foreign producers would resume their pattern of underselling as a means of increasing their market share. To respond, domestic producers would have to either reduce their prices or relinquish market share. Accordingly, we find that, if the orders are revoked, the likely significant

¹⁰⁸ CR at I-36; PR at I-26-27; CR/PR at Table I-17.

¹⁰⁹ 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.

¹¹⁰ Original Determinations at 11-12. The Commission attributed the increase in prices for the domestic like product in the three most recent calendar quarters examined to strengthening demand, the pendency of the investigations, and, to a certain degree, a rise in raw material costs and noted that prices remained *** below the level of 1997. *Id.* at 12. The Commission also noted that the average unit value of shipments of the domestic like product declined faster than did raw material costs. *Id.*

¹¹¹ First Review Determinations at 22.

¹¹² First Review Determinations at 23.

¹¹³ First Review Determinations at 23.

¹¹⁴ First Review Determinations at 23.

¹¹⁵ First Review Determinations at 22.

increase in subject import volume at prices that would likely undersell the domestic like product to a significant degree would likely have significant adverse price effects on the domestic industry.

E. Likely Impact of Subject Imports¹¹⁶

In evaluating the likely impact of imports of subject merchandise if the antidumping duty orders 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.¹¹⁷ All relevant economic factors are to be considered within the context of the business cycle and the conditions of competition that are distinctive to the industry.¹¹⁸ As instructed by the statute, we have considered the extent to which any improvement in the state of the domestic industry is related to the orders at issue and whether the industry is vulnerable to material injury if the orders were revoked.

In the original investigations, the Commission found that the significant increase in the volume of subject imports, coupled with their price depressing and suppressing effects, had adversely affected the domestic industry.¹¹⁹ Over the period examined, the domestic industry's capacity utilization, sales value, employment levels, and operating income declined, and inventories increased.¹²⁰ The Commission noted that the modest improvement in some domestic industry indicators between the interim periods occurred as other indicators declined. In particular, it cited continued declines in employment levels and evidence that recent price increases, resulting from a temporary boost in demand, were beginning to soften.¹²¹

In the first five-year reviews, the Commission found that the domestic industry's operating and financial performance, production, employment, U.S. shipments and value of such shipments, operating

¹¹⁶ 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 the final results of its expedited sunset review of the antidumping duty orders, Commerce determined that revocation of the order on SSBW pipe fittings from Italy would likely result in the continuation or recurrence of dumping at a weighted-average margin of 26.59 percent for Coprosider S.p.A. and for all other Italian producers. CR/PR at Table I-2. Commerce determined that revocation of the order on SSBW pipe fittings from Malaysia would likely result in the continuation or recurrence of dumping at a weighted-average margin of 7.51 for Kanzen Tetsu Sdn. Bhd. and for all other Malaysian producers. Id. Commerce determined that revocation of the order on SSBW pipe fittings from the Philippines would likely result in the continuation or recurrence of dumping at a weighted-average margin of 33.81 percent for Enlin Steel Corp., 7.59 percent for Tung Fong Industrial Co., Inc., and 7.59 percent for all other Filipino producers. Id.

¹¹⁷ 19 U.S.C. § 1675a(a)(4).

¹¹⁸ 19 U.S.C. § 1675a(a)(4).

¹¹⁹ Original Determinations at 13-14.

¹²⁰ Original Determinations at 13-14.

¹²¹ Original Determinations at 14.

profit margins, and return on investment declined from 2000 to 2003 but recovered in 2004 and 2005.¹²² The Commission further found only modest declines in the domestic industry's capacity and market share during the period of review, observing that the domestic industry's capital expenditures and R&D expenses declined over the period reviewed, and noted that productivity increased during the period.¹²³ Given the domestic industry's recovery toward the end of the period, the Commission found that the domestic industry was not vulnerable to the continuation or recurrence of material injury.¹²⁴ Nevertheless, because of the likely significant increase in the volume of subject imports and their likely adverse price effects, the Commission concluded that subject imports would likely have a significant adverse impact on the domestic industry if the antidumping orders were revoked.¹²⁵

The record in these reviews contains limited information on the domestic industry's condition during the review period. In 2010, the only year for which domestic industry data were collected,¹²⁶ the domestic industry's capacity was *** pounds, its output was *** pounds, and its rate of capacity utilization was *** percent.¹²⁷ The domestic industry's U.S. shipments were *** pounds, accounting for *** percent of apparent U.S. consumption; its net sales value was \$***; its operating income was \$***, equivalent to *** percent of net sales; the number of its production workers was ***; and its ratio of cost of goods sold to net sales was *** percent.¹²⁸ Although the domestic industry's capacity and output were *** in 2010 than in ***, its capacity utilization in 2010 was *** than in *** years, and its cost-of-goods-sold to-sales ratio was higher than in either of those years.¹²⁹ The information available in these expedited reviews is insufficient for us to make a finding on whether the domestic industry is vulnerable to the continuation or recurrence of material injury in the event of revocation of the orders.¹³⁰

Based on the record in these reviews, we find that the likely volume and price effects of the subject imports would likely have a significant adverse impact on the industry's production, sales, and revenue levels and would likely have a direct adverse impact on the industry's profitability and employment levels as well as its ability to raise capital and make and maintain necessary capital investments. We recognize that, given the general substitutability of the products, subject imports would

¹²² First Review Determinations at 25-26.

¹²³ First Review Determinations at 25-26.

¹²⁴ First Review Determinations at 26.

¹²⁵ First Review Determinations at 27.

¹²⁶ We reiterate that our data concerning the domestic industry for 2010 are likely affected by (1) potential erroneous data submitted by one U.S. producer in its response to the notice of institution; and (2) a lack of data on the operations of other U.S. producers that are not part of the domestic interested parties group. See CR at I-27 notes 72 and 74; PR at I-20 notes 72 and 74.

¹²⁷ CR/PR at Table I-5.

¹²⁸ CR/PR at Tables I-5 and I-10.

¹²⁹ CR/PR at Table C-3.

¹³⁰ Commissioner Pinkert finds that the available information regarding whether the domestic industry is vulnerable to the continuation or recurrence of material injury in the event of revocation of the order is mixed and that no definitive conclusion is possible. Although the domestic industry's capacity and production were *** in 2010 than in 1999 (the last year of the original period of investigation) and 2005 (the last year examined in the first review), its capacity utilization in 2010 was *** percent, which was *** than the levels achieved in 1999 (68.2 percent) and 2005 (65.2 percent). CR/PR at Table I-5. The quantities of both industry shipments and net sales in 2010 were *** than in 1999, but *** than in 2005, while the average unit values of such shipments and sales were *** than in either prior year. Id. Nevertheless, both the industry's operating income and its operating income margin were *** in 2010 than in 1999 and 2005, even though it is notable that the operating income margin *** than did operating income. Id.

likely also displace nonsubject imports to some degree in the event of revocation. Nevertheless, we find that a significant portion of the expected increase in subject imports would be at the expense of the domestic like product, particularly given the general substitutability of SSBW pipe fittings from different sources and the likelihood of subject import underselling and adverse price effects. Accordingly, we conclude that, if the antidumping duty orders on SSBW pipe fittings from Italy, Malaysia, and the Philippines were revoked, subject imports 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 orders on SSBW pipe fittings from Italy, Malaysia, and the Philippines would likely lead to the continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

INFORMATION OBTAINED IN THE REVIEWS

INTRODUCTION

Background

On November 1, 2011, in accordance with section 751(c) of the Tariff Act of 1930, as amended (“the Act”),¹ the U.S. International Trade Commission (“Commission”) gave notice that it had instituted reviews to determine whether revocation of the antidumping duty orders on certain stainless steel butt-weld pipe fittings (“SSBW fittings”) from Italy, Malaysia, and the Philippines would be likely to lead to a continuation or recurrence of material injury to a U.S. industry within a reasonably foreseeable time.^{2 3} The Commission received two responses to its notice of institution, one from domestic interested parties⁴ and another from an Italian respondent interested party.⁵ On February 6, 2012, the Commission determined to conduct expedited reviews of these antidumping duty orders pursuant to section 751(c)(3) of the Act (19 U.S.C. § 1675(c)(3)).⁶ On March 8, 2012, Commerce published the results of its expedited five-year reviews.⁷ The proposed date for the Commission’s vote on these reviews is June 20, 2012. The Commission will notify Commerce of its determinations on June 29, 2012. The following tabulation presents selected information relating to the schedule of these five-year reviews.

¹ 19 U.S.C. 1675(c).

² *Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and The Philippines; Institution of Five-Year Reviews Concerning the Antidumping Duty Orders on Stainless Steel Butt-Weld Pipe Fittings From Italy, Malaysia, and the Philippines*, 76 FR 67473, November 1, 2011. All interested parties were requested to respond to this notice by submitting the information requested by the Commission. The Commission’s notice of institution is presented in app. A.

³ In accordance with section 751(c) of the Act, the U.S. Department of Commerce (“Commerce”) published a notice of initiation of a five-year review of the subject antidumping duty orders concurrently with the Commission’s notice of institution. *Initiation of Five-Year (“Sunset”) Review*, 76 FR 67412, November 1, 2011.

⁴ The response that the Commission received from one group of domestic interested parties (“domestic interested parties’ response”) was filed on behalf of four U.S. producers of SSWB fittings: Core Pipe Products, Inc. (formerly Gerlin, Inc.) (“Core Pipe”); Ezeflow USA, Inc.-Flowline Division (formerly Flowline Division of Markovitz Enterprises, Inc.) (“Ezeflow”); Shaw Alloy Piping Products, Inc. (“Shaw APP”) (referred to as Alloy Piping in the original investigations); and Taylor Forge Stainless, Inc. (“Taylor Forge”). Domestic Interested Parties’ Response, December 1, 2012, p. 1.

⁵ The response that the Commission received from a respondent interested party (“Italian respondent interested party response”) was filed on behalf of Filmag Italia, S.R.L. (“Filmag”) a producer of SSBW fittings in Italy. Italian Respondent Interested Party’s Response, December 1, 2012, p. 1.

⁶ In making its adequacy determination, the Commission found that the domestic interested party’s response to its notice of institution was adequate and that by itself the Italian respondent interested party’s response to its notice of institution was also adequate. The Commission found, however, that given the lack of responses from respondent interested parties with respect to Malaysia and the Philippines that overall the respondent interest party group’s response was inadequate. The Commission thus determined that circumstances did not warrant the conduct of a full review. The Commission’s adequacy vote is presented in app. B.

⁷ *Stainless Steel Butt-Weld Pipe Fittings From Italy, Malaysia, and the Philippines: Final Results of the Expedited Second Five-Year (“Sunset”) Reviews of Antidumping Duty Orders*, 77 FR 14002, March 8, 2012.

| Effective date | Action |
|-----------------------|---|
| November 1, 2011 | Commission's notice of institution of five-year review (76 FR 67473) |
| November 1, 2011 | Commerce's notice of institution of five-year review (76 FR 67412) |
| February 6, 2012 | Commission's notice of scheduling of expedited five-year reviews (77 FR 10773, February 23, 2012) |
| March 8, 2012 | Commerce's final results of expedited reviews (77 FR 14002) |
| March 21, 2012 | Commission's notice of revised schedule (77 FR 18266, March 27, 2012) |
| June 20, 2012 | Date for the Commission's vote |
| June 28, 2012 | Date for Commission determinations transmitted to Commerce |

The original investigations and prior five-year reviews

The original investigations were instituted on December 29, 1999 as a result of petitions that were 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 less than fair value ("LTFV") sales of imports of SSBW fittings from Germany, Italy, Malaysia, and the Philippines.⁸ Based on the information gathered in the original investigations, the Commission made affirmative determinations with respect to imports from Italy, Malaysia, and the Philippines,⁹ and a negative determination with respect to imports from Germany.¹⁰ As a result of the Commission's injury determinations and Commerce's final affirmative findings of LTFV sales, Commerce issued antidumping duty orders on imports of SSBW fittings from Italy, Malaysia, and the Philippines on February 23, 2001.¹¹

The first five-year reviews of the antidumping duty orders on imports of SSBW fittings from Italy, Malaysia, and the Philippines, were instituted on January 3, 2006,¹² and the Commission decided to conduct full reviews of the antidumping duty orders.¹³ Based on the information gathered in reviews, the Commission determined that revocation of the antidumping duty orders on certain stainless steel butt-weld pipe fittings from Italy, Malaysia, and the Philippines would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.¹⁴ As a result of the Commission's affirmative determinations in the first five-year reviews, Commerce

⁸ *Certain Stainless Steel Butt-Weld Pipe Fittings From Germany, Italy, Malaysia, and the Philippines*, 65 FR 1174, January 7, 2000 (effective December 29, 1999).

⁹ *Certain Stainless Steel Butt-Weld Pipe Fittings From Italy, Malaysia, and the Philippines*, 66 FR 8981, February 5, 2001.

¹⁰ *Certain Stainless Steel Butt-Weld Pipe Fittings From Germany*, 65 FR 75955, December 5, 2000.

¹¹ *Antidumping Duty Orders: Stainless Steel Butt-Weld Pipe Fittings From Italy, Malaysia, and the Philippines*, 66 FR 11257, February 23, 2001.

¹² *Stainless Steel Butt-Weld Pipe Fittings From Italy, Malaysia, and the Philippines*, 71 FR 140, January 3, 2006.

¹³ *Stainless Steel Butt-Weld Pipe Fittings From Italy, Malaysia, and the Philippines*, 71 FR 30695, May 30, 2006 (effective May 5, 2006).

¹⁴ *Certain Stainless Steel Butt-Weld Pipe Fittings From Italy, Malaysia, and the Philippines*, 71 FR 67904, November 24, 2006 (issued November 17, 2006).

issued a continuation of the antidumping duty orders on SSBW fittings from Italy, Malaysia, and the Philippines on December 11, 2006.¹⁵

Dumping margin history and Commerce's reviews

Table I-1 presents the final weighted-average margins of dumping found in Commerce's original investigations.

Table I-1
SSBW fittings: Dumping margins from the original investigations, 2001

| Country / Entity | Final weighted-average margin of dumping for original antidumping duty orders (percent) |
|--------------------------------|---|
| Italy.-- | |
| Coprosider S.p.A. | 26.59 |
| All others | 26.59 |
| Malaysia.-- | |
| Kanzen Tetsu Sdn. Bhd. | 7.51 |
| All others | 7.51 |
| Philippines.-- | |
| Enlin Steel Corporation | 33.81 |
| Tung Fong Industrial Co., Inc. | 33.81 |
| All others | 33.81 |

Source: *Antidumping Duty Orders: Stainless Steel Butt-Weld Pipe Fittings From Italy, Malaysia, and the Philippines*, 66 FR 11257, February 23, 2001.

On March 23, 2005, Commerce amended its original calculations relating to the weighted-average margins of dumping for both Tung Fong Industrial Co., Inc. and the "all others rate" for imports of SSBW fittings from the Philippines to 7.59 percent based on a remand from the Court of International Trade ("CIT").¹⁶ There have been no other successfully concluded administrative reviews or new

¹⁵ *Continuation of Antidumping Duty Orders: Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines*, 71 FR 71530, December 11, 2006.

¹⁶ *Stainless Steel Butt-Weld Pipe Fittings from the Philippines: Amended Final Determination of Sales at Less Than Fair Value Pursuant to Court Remand*, 70 FR 30086, May 25, 2005. In the remand from the CIT, Commerce was required to calculate a weighted-average margin of dumping for Tung Fong Industrial Co., Inc. based on data that had been submitted to Commerce during the conduct of the original LTFV investigations, and not to rely upon an adverse facts available duty rate. The effect of Commerce's compliance with this court instruction was to lower the original 33.81 percent applicable to Tung Fong Industrial Co., Inc. and the "all other rates" to 7.59 percent. This change applied retroactively as well as prospectively to imports of SSBW fittings from the Philippines.

shipper reviews pertaining to these antidumping duty orders since their issuance.¹⁷ Table I-2 presents the final weighted-average margins of dumping found in effect since 2005.¹⁸

Table I-2
SSBW fittings: Dumping margins from the first and second five-year reviews, 2006 and 2012

| Country / Entity | Final weighted-average margin of dumping for expedited sunset reviews of antidumping duty orders (percent) |
|---|--|
| Italy.-- | |
| Coprosider S.p.A. | 26.59 |
| All others | 26.59 |
| Malaysia.-- | |
| Kanzen Tetsu Sdn. Bhd. | 7.51 |
| All others | 7.51 |
| Philippines.-- | |
| Enlin Steel Corporation | 33.81 |
| Tung Fong Industrial Co., Inc. ¹ | 7.59 |
| All others ¹ | 7.59 |
| <p>¹ These rates have been in effect since March 23, 2005. Prior to that date, 33.81 percent was the applicable margin at which Customs would have assessed an antidumping duty liability at entry for imports from these sources in the Philippines (see table I-1). Since the amended rates resulting from the CIT remand related to Commerce's calculations in its original investigations, the changed rates applied both prospectively and retroactively. Importers that had paid the 33.81 percent rate were eligible for a refund of duties in excess of the new 7.59 percent rate.</p> <p>Source: <i>Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines: Final Results of the Expedited Five-year ("Sunset") Reviews of Antidumping Duty Orders</i>, 71 FR 26748, May 8, 2006; and <i>Stainless Steel Butt-Weld Pipe Fittings From Italy, Malaysia, and the Philippines: Final Results of the Expedited Second Five-Year ("Sunset") Reviews of Antidumping Duty Orders</i>, 77 FR 14002, March 8, 2012.</p> | |

Related U.S. trade remedy orders

In the United States, there have been a number of trade remedy orders on imports of SSBW fittings or similar merchandise (*i.e.*, carbon steel butt-weld pipe fittings) since the 1980s. Table I-3 presents information on trade remedy cases that resulted in the issuance of trade remedy orders and their most recent dispositions.

¹⁷ While no administrative review of these antidumping duty orders has been successfully completed since order issuance, a number of administrative reviews have been initiated but subsequently rescinded. See *Issues and Decision Memorandum for the Final Results of the Expedited Second Five-Year ("Sunset") Reviews of the Antidumping Duty Orders on Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines*, U.S. Department of Commerce memorandum to Ronald K. Lorentzen, February 29, 2012.

¹⁸ Regarding the Philippines, any amounts collected on Tung Fong Industrial Co., Inc. or firms subject to the "all others rate" in excess of the 7.59 percent prior to March 23, 2005 would have been eligible for a refund of excess duties paid at liquidation (or re-liquidation) based on an retroactive application of the amended final rate.

Table I-3
SSBW fittings: Related trade remedy orders, 1980-2012

| Product / Country – Category | Year Initiated | Final Year, if applicable | Disposition |
|--|----------------|---------------------------|--------------------------|
| Stainless steel butt-weld fittings: Japan – AD | 1986 | 2010 | ITA revoked ¹ |
| Taiwan – AD | 1991 | 2010 | ITA revoked ¹ |
| Korea – AD | 1991 | 2010 | ITA revoked ¹ |
| Carbon steel butt-weld pipe fittings: Brazil – AD | 1986 | (²) | In effect ³ |
| China – AD | 1991 | (²) | In effect ³ |
| Japan – AD | 1986 | (²) | In effect ³ |
| Taiwan – AD | 1986 | (²) | In effect ³ |
| Thailand – AD | 1991 | (²) | In effect ³ |
| <p>Note.--In addition to those cases that resulted in trade remedy orders listed in this table above, a number of trade remedy petitions on products related to SSBW fittings never resulted in orders. In relation to SSBW fittings, Germany was subject to an unsuccessful antidumping duty petition in 1999 (a Commission final negative determination). In relation to similar merchandise (<i>i.e.</i>, carbon steel butt-weld fittings), France, India, Israel, Malaysia, Korea, Thailand, United Kingdom, and Venezuela were subject to an unsuccessful antidumping duty petition, with India and Israel also subject to an unsuccessful countervailing duty petition, in 1994 (all the result of Commission final negative determinations).</p> <p>¹ <i>Certain Stainless Steel Butt-Weld Pipe Fittings From Japan, South Korea and Taiwan; Final Results of Sunset Reviews and Revocation of Antidumping Duty Orders</i>, 75 FR 68324, November 5, 2010. Commerce revoked the orders on Japan, South Korea, and Taiwan because “no interested domestic party responded to the sunset review notice of initiation by the applicable deadline.”</p> <p>² Not applicable, order is still in effect.</p> <p>³ <i>Certain Carbon Steel Butt-Weld Pipe Fittings From Brazil, Japan, Taiwan, Thailand, and the People’s Republic of China: Continuation of Antidumping Duty Orders</i>, 76 FR 21331, April 15, 2011.</p> <p>Source: Import Injury Investigation Case Statistics (FY 1980-2008), February, 2010.</p> | | | |

THE SUBJECT PRODUCT

Commerce’s scope

Commerce has defined the imported product subject to the antidumping duty orders under review,¹⁹ as

certain stainless steel butt-weld pipe fittings (butt-weld fittings). Butt-weld pipe fittings are under 14 inches in outside diameter (based on nominal pipe size), whether finished or unfinished. The product encompasses all grades of stainless steel and “commodity” and “specialty” fittings. Specifically excluded from the definition are threaded, grooved, and bolted fittings, and fittings made from any material other than stainless steel.

¹⁹ *Stainless Steel Butt-Weld Pipe Fittings From Italy, Malaysia, and the Philippines: Final Results of the Expedited Second Five-Year (“Sunset”) Reviews of Antidumping Duty Orders*, 77 FR 14002, March 8, 2012.

The butt-weld fittings subject to these orders are generally designated under specification ASTM A403/A403M, the standard specification for Wrought Austenitic Stainless Steel Piping Fittings, or its foreign equivalents (e.g., DIN or JIS specifications). This specification covers two general classes of fittings, WP and CR, of wrought austenitic stainless steel fittings of seamless and welded construction covered by the latest revision of ANSI B16.9, ANSI B16.11, and ANSI B16.28. Butt-weld fittings manufactured to specification ASTM A774, or its foreign equivalents, are also covered by these orders.

The orders do not apply to cast fittings. Cast austenitic stainless steel pipe fittings are covered by specifications A351/A351M, A743/743M, and A744/A744M. The butt-weld fittings subject to these orders are currently classifiable under subheading 7307.23.0000 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 scope of these orders is dispositive.

Tariff treatment

SSBW fittings are classifiable under the Harmonized Tariff Schedule of the United States (“HTS”) subheading 7307.23.00.²⁰ Imports reported under this subheading may include SSBW pipe fittings that are outside of the scope of these antidumping duty orders (e.g., stainless steel butt-weld pipe fittings with a diameter size of 14 inches or greater). Products imported from Italy, Malaysia, and the Philippines under subheading 7307.23.00 are subject to the 5.0 percent *ad valorem* duty in effect for normal trade relations (“NTR”) countries, while products imported from the Philippines under subheading 7307.23.00 are eligible for duty-free entry under the Generalized System of Preferences (“GSP”).^{21 22}

Domestic like product, the domestic industry, and related parties

In the original investigations and the first five-year reviews, the Commission found a single domestic like product coextensive with Commerce’s scope.^{23 24} In these reviews, no party has argued for a different domestic like product definition.

²⁰ Since subheading 7307.23.00 of the HTS is the only 8-digit subheading under the 6-digit subheading (*i.e.*, 7307.23) and since data classification under the HTS is near fully harmonized at the 6-digit level internationally, trade data for these products can be compared internationally. Although, as noted in the text, trade reported under the 7307.23 (6-digit specificity) or 7307.23.00 (8-digit specificity) subheading can include merchandise both subject and not subject to the U.S. antidumping duty orders.

²¹ Products of designated GSP, Caribbean Basin Economic Recovery Act, and Andean Trade Preference Act beneficiary countries are all eligible for duty-free entry into the United States under subheading 7307.23.00 of the HTS, when all other legal requirements are met, as are all of the United States’ free trade agreement partners (*e.g.*, Australia, Bahrain, Canada, Chile, Colombia, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Israel, Jordan, Korea, Morocco, Mexico, Nicaragua, Oman, Peru, and Singapore as of the conduct of these reviews).

²² 95.7 percent of U.S. imports (based on quantity) from the Philippines received the preferential GSP rate over the period reviewed. In other words, the NTR rate of 5 percent was reduced to 0 percent for those imports prior to the application of any (*i.e.*, separate) antidumping duties.

²³ *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Inv. Nos. 731-TA-865-867 (Final)*, USITC Publication 3387, January 2001 at p. 3.

²⁴ *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Inv. Nos. 731-TA-865-867 (Review)*, USITC Publication 3889, November 2006 at p. 5.

In the original investigations, the Commission defined the domestic industry as all U.S. producers of SSBW fittings except ***.²⁵ In the first five-year reviews, the Commission defined the domestic industry as all U.S. producers of SSBW fittings with no exclusions.²⁶ In these second five-year reviews, only one U.S. producer, ***, imported a “small volume” of SSBW fittings from *** in 2007.²⁷ According to proprietary Customs data, *** imported *** pounds of SSBW fittings at \$*** from ***. In comparison, *** reported *** pounds of U.S. shipments in 2010 at \$***. No other firm within the domestic interested party group reported importing SSBW fittings from a subject source during the period under review²⁸ nor has been identified as an importer of record in proprietary Customs data for any of the subject sources.²⁹

Description and applications

SSBW fittings are used to connect pipe sections where conditions require permanent, welded connections. The beveled edges of SSBW fittings distinguish them from other types of pipe fittings, such as threaded, grooved, or bolted fittings, which rely on different fastening methods. When placed against the matching beveled end of a pipe or another fitting, the beveled edges of SSBW fittings form a shallow channel that accommodates the “bead” of the weld that fastens the two adjoining pieces. Only those SSBW fittings of wrought stainless steel which are under 14 inches in outside diameter are covered by the antidumping duty orders under review. Compared to butt-weld fittings made from carbon-quality steel, the use of stainless steel in the creation of butt-weld fittings imparts extra resistance to corrosion and oxidation, as well as, depending on the specific alloy and manufacturing process used, the ability to withstand extreme temperatures and pressure. SSBW fittings subject to these antidumping duty orders are available in several basic shapes, such as elbows, returns, tees, crosses, reducers, caps, and stub-ends. Each of these basic product categories includes a wide range of fittings which vary by size, alloy type, and wall thickness.³⁰ Figure I-1 illustrates a number of SSBW fitting types.

In general, the SSBW fittings subject to these antidumping duty orders are utilized by a variety of industries in “process” operations (piping systems) to join pipes in straight lines or to change the direction or flow of fluids. SSBW fittings classified under the American Society for Testing and Materials (“ASTM”) 401/401M specification are used in high pressure and/or high heat piping applications,³¹ while those classified under ASTM A774/A774M-09 are general use corrosive-resistant SSBW fittings that are not tested or manufactured for use in high heat or full pressure environments.³²

²⁵ *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Inv. Nos. 731-TA-865-867 (Final)*, USITC Publication 3387, January 2001 at pp. 4-5.

²⁶ *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Inv. Nos. 731-TA-865-867 (Review)*, USITC Publication 3889, November 2006 at pp. 5-6.

²⁷ Domestic interested parties’ response, p. 9.

²⁸ Domestic interested parties’ response, p. 9.

²⁹ See table I-7 of this report.

³⁰ *Certain Stainless Steel Butt-Weld Pipe Fittings From Germany, Investigation No. 731-TA-864 (Final)*, USITC Publication 3372, November 2000, pp. I-3 to I-5

³¹ *ASTM A403 / A403M - 11 Standard Specification for Wrought Austenitic Stainless Steel Piping Fittings*. ASTM International. <http://www.astm.org/Standards/A403.htm>.

³² *ASTM A774 / A774M - 09 Standard Specification for As-Welded Wrought Austenitic Stainless Steel Fittings for General Corrosive Service at Low and Moderate Temperatures*. ASTM International. <http://www.astm.org/Standards/A774.htm>

Figure I-1
SSBW fittings: types of products



Manufacturing processes

Most SSBW fittings are cold-formed from seamless or welded stainless steel pipe. However, stub-ends are usually hot-forged, generally from stainless steel bar.³³ The production process is similar among the different shapes available, including elbows, returns, tees, crosses, reducers, and caps, although steps related to forming the fitting vary depending on shape. Some elements of the production process for a particular type of fitting may differ from one manufacturer to another, but the basics of the process are very similar throughout the world.³⁴

To manufacture an elbow by the cold-forming process, a piece of pipe that has been cut to the proper length is shaped under hydraulic pressure by being pushed over a mandrel to achieve the desired interior diameter and degree of bend, followed by resizing in a press to achieve the desired outside diameter. The resulting form is annealed (heat treated) to relieve metallurgical stresses that build up during the cold-working process. Some larger sizes may require additional forming and annealing steps to ensure uniform surfaces and wall thicknesses. After annealing, the blanks are quenched in water and the oxide scale that formed on exposed surfaces during the heat-treating process is removed by immersing the blanks in a pickling bath. The final sizing operation is performed in a press to achieve the required tolerances. Ends of the unfinished elbows are then machined to the exact size and a bevel is added for welding purposes. The machined elbow is degreased before being immersed in a hot dilute nitric acid solution to give the surface a corrosion-resistant character. Additional finishing steps may include grinding, die-stamping, inspection, and possibly painting to produce the finished fitting.

³³ *Certain Stainless Steel Butt-Weld Pipe Fittings from Korea and Taiwan*, USITC Publication 2534, July 1992 p. I-6.

³⁴ *Certain Stainless Steel Butt-Weld Pipe Fittings from Germany, Inv. No. 731-TA-864 (Final)*, USITC Publication 3372, November 2000, p. I-6.

Pricing

In the original investigations, SSBW fittings pricing products from Italy undersold U.S. product in seven (7) out of twenty (20) comparisons; SSBW fittings pricing products from Malaysia undersold U.S. product in fifty six (56) out of fifty eight (58) comparisons; and, SSBW fittings pricing products from the Philippines undersold U.S. product in fifty seven (57) out of fifty seven (57) comparisons.³⁵ In the first five-year reviews, SSBW fittings pricing products from Italy undersold U.S. product in five (5) out of thirteen (13) comparisons; SSBW fittings pricing products from Malaysia undersold U.S. product in twenty two (22) out of twenty two (22) comparisons; and, SSBW fittings pricing products from the Philippines undersold U.S. product in thirty nine (39) out of thirty nine (39) comparisons.³⁶ In these second five-year reviews, there are no new data available on pricing of SSBW fittings. The domestic interest parties claim that the U.S. industry “remains highly price-sensitive based on the substitutable nature of the product” and that in the absence of the discipline of the antidumping duty orders imports “would quickly resume severe price undercutting practices” and “depress U.S. prices.”³⁷

THE U.S. MARKET

U.S. producers

In the original investigations, there were 12 reported U.S. producers of SSBW fittings.³⁸ In the first five-year reviews, there were nine reported U.S. producers of SSBW fittings.³⁹ In these second five-year reviews, the domestic interested parties believe there are currently eight U.S. producers of SSBW fittings in the United States.⁴⁰ The domestic interested party parties reported *** million pounds of production of SSBW fittings in 2010, compared to *** million pounds of production of SSBW fittings in 2005.⁴¹ Table I-4 presents data on U.S. producers’ reported production and production locations.

³⁵ *Certain Stainless Steel Butt-Weld Pipe Fittings from Germany, Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-864-867*, Office of Investigation Memo INV-X-235, November 6, 2000, table V-7.

³⁶ *Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-865-867*, Office of Investigation Memo INV-DD-144, October 11, 2006, table V-5.

³⁷ Domestic interested parties’ response, pp 7.

³⁸ This group included the four petitioning firms, plus eight other producers of SSBW fittings. *Certain Stainless Steel Butt-Weld Pipe Fitting from Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-865-867 (Final)*, USITC Publication 3387, January 2001, at III-1 to III-2.

³⁹ This number includes the eight firms in table III-1 and Ezeflow (a Canadian producer of SSBW fittings) mentioned in the footnotes that *** in 2004. *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-865-867 (Review)*, USITC Publication 3889, November 2006, at III-1 to III-2 and fn 47.

The following changes in the industry explain the move from 12 to nine between the original investigations and the first five-year reviews. In 2004, American Fittings (***) reportedly closed its plant in Traveler’s Rest, SC and stopped producing SSBW fittings. Bestweld (***) reported *** in the first five-year reviews. Tubetec (***) was acquired by *** in 2005. In the first five-year reviews, ***. Jensen Fittings, which reported *** in the original investigation was acquired by Swagelok Company in 2001 and Swagelok reported that *** in the first five-year reviews.

⁴⁰ Domestic interested parties’ response, pp 2-3 and 9.

⁴¹ *** accounted for nearly all of this ***. No information explaining this *** has been included on the record on these reviews.

Table I-4
SSBW fittings: U.S. producers and U.S. production, 1999, 2005 and 2010

| Firm | Production location(s) | 1999 | 2005 | 2010 |
|--|----------------------------------|------------------|------|---------------------|
| Alaskan Cooper | Seattle, WA | (¹) | *** | (²) |
| Core Pipe (formerly Gerlin) ³ | Carol Stream, IL | (¹) | *** | *** |
| Ezeflow (formerly Flowline) | New Castle, PA Whiteville, NC | (¹) | *** | *** |
| Felker | Marshfield, WI | (¹) | *** | (²) |
| Flo-Mac | Los Angeles, CA | (¹) | *** | (²) |
| Jero | Florence, KY | (¹) | *** | (²) |
| Shaw APP | Shreveport, LA | (¹) | *** | *** |
| Taylor Forge | North Branch, NJ | (¹) | *** | *** |
| Total | | *** | *** | ***(⁴) |

¹ Data not presented separately within the staff report from the original investigations.

² Unknown; these U.S. producers are not part of the domestic interested party group.

³ ***.

⁴ The total in 2010 represents the production reported by the domestic interested parties. The domestic interested parties estimate that total production of SSBW fittings in the United States was approximately *** million pounds in 2010. See domestic interested parties' response, p. 11.

Source: *Certain Stainless Steel Butt-Weld Pipe Fittings from Germany, Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-864-867*, Office of Investigation Memo INV-X-235, November 6, 2000, table III-3; *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-865-867*, Office of Investigation Memo INV-DD-144, October 11, 2006, table I-5 and III-1; and domestic interested parties' response, p. 11 and exh. 5.

U.S. production, shipments, and financial operations

Table I-5 presents data on U.S. producers' select trade and financial data in 1999, 2005, and 2010. Table I-6 presents data on the domestic interested parties SSBW fittings operations in 2010. Full data from the original investigations (1997-1999), first five-year reviews (2000-2005), and from responses to the notice of institution in these second five-year reviews (2010 only) are presented in appendix C.

Table I-5
SSBW fittings: U.S. producers' U.S. capacity, U.S. production, U.S. shipments and select financial data, 1999, 2005, 2010

| Item | Calendar year | | |
|---|---------------|--------|------|
| | 1999 | 2005 | 2010 |
| Quantity (1,000 pounds); Value (1,000 dollars); Unit value (dollars per pound) | | | |
| Capacity (<i>quantity</i>) | *** | 7,036 | *** |
| Production (<i>quantity</i>) | 5,740 | 4,588 | *** |
| Capacity utilization (<i>percent</i>) ¹ | *** | 65.2 | *** |
| U.S. shipments.-- | | | |
| <i>Quantity</i> | 8,666 | 4,464 | *** |
| <i>Value</i> | 57,034 | 43,273 | *** |
| <i>Unit value</i> | 6.58 | 9.69 | *** |
| Item | Fiscal year | | |
| | 1999 | 2005 | 2010 |
| Net sales.-- | | | |
| <i>Quantity</i> | 8,971 | 4,689 | *** |
| <i>Value</i> | 60,229 | 45,130 | *** |
| <i>Unit value</i> | 6.71 | 9.63 | *** |
| Operating income/(loss) (<i>value</i>) | 2,929 | 2,769 | *** |
| Operating income/(loss) to net sales ratio (<i>percent</i>) | 4.9 | 6.1 | *** |
| ¹ The capacity utilization reported in the original investigations ***. | | | |
| Source: <i>Certain Stainless Steel Butt-Weld Pipe Fittings from Germany, Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-864-867</i> , Office of Investigation Memo INV-X-235, November 6, 2000, table III-2, table III-4, and table VI-1; <i>Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-865-867</i> , Office of Investigation Memo INV-DD-144, October 11, 2006, table III-1, table III-2, table III-10 and table III-11; and domestic interested parties' response, exh. 5. | | | |

The average unit value of the domestic interested parties' U.S. shipments and net sales in 2010 were *** compared to overall U.S. producers' U.S. shipment and net sales reported in 2005. The *** amounts of production, shipments, and net sales *** at *** average unit values compared to its previous submissions explain the decline in the overall average unit values reported in 2010 compared to 2005.⁴²

⁴² In the first five-year reviews, *** reported an average unit value of its U.S. shipments of \$*** per pound in 2005; while in response to the Commission's notice of institution, *** reported an average unit value of its U.S. shipments of \$*** in 2010. No explanation has been given for these differences. Further, excluding ***'s data, the other U.S. producers within the domestic interested party group had an average unit value of U.S. shipments of \$*** in 2010.

Table I-6
SSBW fittings: select data on the financial operations of U.S. producers, 2010

| | Total | Core pipe | Ezeflow | Shaw APP | Taylor Forge |
|--|-------|-----------|---------|----------|--------------|
| Quantity (1,000 pounds) | | | | | |
| Net sales | *** | *** | *** | *** | *** |
| Value (1,000 dollars) | | | | | |
| Net sales | *** | *** | *** | *** | *** |
| COGS ¹ | *** | *** | *** | *** | *** |
| Gross profit/(loss) | *** | *** | *** | *** | *** |
| SG&A ² expenses | *** | *** | *** | *** | *** |
| Operating profit/(loss) | *** | *** | *** | *** | *** |
| Unit value (dollars per pound) | | | | | |
| Net sales | \$*** | \$*** | \$*** | \$*** | \$*** |
| COGS ¹ | *** | *** | *** | *** | *** |
| Gross profit/(loss) | *** | *** | *** | *** | *** |
| SG&A ² expenses | *** | *** | *** | *** | *** |
| Operating profit/(loss) | *** | *** | *** | *** | *** |
| Share of value (percent) | | | | | |
| Net sales | *** | *** | *** | *** | *** |
| COGS ¹ | *** | *** | *** | *** | *** |
| Gross profit/(loss) | *** | *** | *** | *** | *** |
| SG&A ² expenses | *** | *** | *** | *** | *** |
| Operating profit/(loss) | *** | *** | *** | *** | *** |
| ¹ Cost of Goods Sold ("COGS"). ² Selling, General and Administrative ("SG&A") expenses. | | | | | |
| Source: Domestic interested parties' response, exh. 5. | | | | | |

U.S. importers

In the original investigations, there were 22 confirmed U.S. importers of SSBW fittings.⁴³ In the first five-year reviews, there were 14 confirmed U.S. importers of SSBW fittings.⁴⁴ In these second five-year reviews, the domestic interested parties believe there are at least 29 U.S. importers of SSBW fittings in the United States,⁴⁵ while the Italian respondent interested party indicated that at least two additional firms domiciled in Italy, not otherwise listed by the domestic interested parties, serve as non-resident U.S. importers of record for U.S. imports of SSBW fittings from Italy.⁴⁶ Table I-7 presents the top U.S. importers of SSBW fittings from Italy, Malaysia, and Philippines based on value of U.S. imports in the 2006 to 2010 period.

⁴³ *Certain Stainless Steel Butt-Weld Pipe Fitting from Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-865-867 (Final)*, USITC Publication 3387, January 2001, at IV-1.

⁴⁴ *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-865-867 (Review)*, USITC Publication 3889, November 2006, at I-23.

⁴⁵ Domestic interested parties' response, exh. 3.

⁴⁶ Italian respondent party response, p. 6.

Table I-7
SSBW fittings: U.S. importers, 2006-2010

| Source | AD duty assessment ¹ | Firm | 2006-2010 aggregated | |
|--------------------------------------|---------------------------------|----------------------|----------------------------------|---------------------------|
| | | | Value of imports (1,000 dollars) | Share by source (percent) |
| Italy | Dutied | *** | *** | *** |
| | | Subtotal, dutied | *** | *** |
| | Not dutied | *** | *** | *** |
| | | All other firms | *** | *** |
| | | Subtotal, not dutied | *** | *** |
| | Total imports from Italy | | | 7,821 |
| Malaysia | Dutied | *** | *** | *** |
| | | Subtotal, dutied | *** | *** |
| | Not dutied | *** | *** | *** |
| | | Subtotal, not dutied | *** | *** |
| | Total imports from Malaysia | | | 24,632 |
| Philippines | Dutied | *** | *** | *** |
| | | Subtotal, dutied | *** | *** |
| | Not dutied | *** | *** | *** |
| | | Subtotal, not dutied | *** | *** |
| | Total imports from Philippines | | | 42,527 |
| Total imports from subject countries | | | 74,980 | NA |

¹ This break out indicates whether Customs initially assessed an antidumping duty liability for the imported merchandise (the "dutied" category) or did not initially assess an antidumping duty liability for the imported merchandise (the "not dutied" category). The "not dutied" can represent either imported merchandise not subject to an antidumping duty order or imported merchandise that is subject to an antidumping duty order but for which the duty liability rate is zero or near zero (*de minimis*). In this case, there are no firms in any of the subject countries for which Commerce has assessed a *de minimis* or zero duty margin of dumping, so presumably the not dutied category in this case represents imports of SSBW fittings with a diameter equal to or greater than 14 inches that are not subject to the antidumping duty orders. This break out reflects the initial AD duty assessment at the time of entry, and so it does not reflect any post entry corrections that may have been made by Customs during the entry liquidation process.

² Less than 0.05 percent.

Source: Proprietary Customs net import data.

U.S. imports

In the original investigations, U.S. import data were based on data gathered in response to Commission questionnaires for imports from Malaysia and the Philippines and official Commerce statistics for imports from Italy and nonsubject sources with modifications to account for the inclusions of merchandise outside of Commerce's scope in the HTS subheading (*i.e.*, SSBW fittings with a diameter equal to or larger than 14 inches).⁴⁷ In the first five-year reviews, U.S. import data were based on official Commerce statistics.⁴⁸ In these second five-year reviews, U.S. import data are based on official

⁴⁷ *Certain Stainless Steel Butt-Weld Pipe Fitting from Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-865-867 (Final)*, USITC Publication 3387, January 2001, at IV-1.

⁴⁸ *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-865-867 (Review)*, USITC Publication 3889, November 2006, at IV-1.

Commerce statistics. Table I-8 presents data on U.S. imports of SSBW fittings from 2006 to 2010, while figure I-2 presents data on U.S. imports from 1997 to 2010. Data on U.S. imports found in the original investigations (1997-1999) and in the first five-year reviews (2000-2005) are presented in appendix C.

Since the imposition of the antidumping duty orders in February 2001, imports of SSBW fittings from Italy, Malaysia, and the Philippines initially decreased, but subsequently increased. In the four year period prior (1997-2000) to the imposition of the antidumping duty orders the imports from subject sources averaged around 3.5 million pounds a year,⁴⁹ this decreased to around 1.5 million pounds a year in the first five years of the orders (2001-2005) (a decline of 58 percent).⁵⁰ In the subsequent five-year period (2006-2010), imports from subject sources have rebounded to around an average of 3.3 million pounds a year (an increase of 122 percent).⁵¹ Increases in subject imports from the Philippines account for nearly all of this increase. Commerce's amendment to its weighted-average margin of dumping for imports from all but one producer in the Philippines from 33.81 percent to 7.59 percent in March 2005 may explain these import trends in part. Consistently since 1997, the average unit values of imports from subject sources (aggregated) have been below the average unit values of imports from nonsubject sources (aggregated); although, the average unit values of U.S. imports from Italy, whose volumes remain the lowest of the three subject sources since 2003, were noticeably higher than those from Malaysia or the Philippines. Imports of SSBW fittings from nonsubject sources have been present in the U.S. market since before the imposition of the antidumping duty orders, although the composition of this category has changed due largely to the increased presence of imports of SSBW fittings from China in the U.S. market since 2000.

Imports reported in official Commerce statistics in table I-8 (*i.e.*, for HTS subheading 7307.23.00) may include merchandise outside of the scope of the antidumping duty orders (*i.e.*, SSBW fittings with a diameter of 14 inches or greater). As table I-7 indicates, U.S. imports from Italy within the period of review appeared to contain a greater predominance of merchandise outside of the scope of the antidumping duty orders (around *** percent outside the order) than Malaysia (around *** percent) or the Philippines (around *** percent) based on whether Customs assessed an antidumping duty liability at entry.^{52 53}

⁴⁹ The quantities of imports prior to the imposition of the orders were increasing each year and reached a peak in 2000.

⁵⁰ From the peak in 2000 to the trough in 2003, the decline in imports from subject sources was 80.4 percent.

⁵¹ Imports from subject sources peaked in 2008.

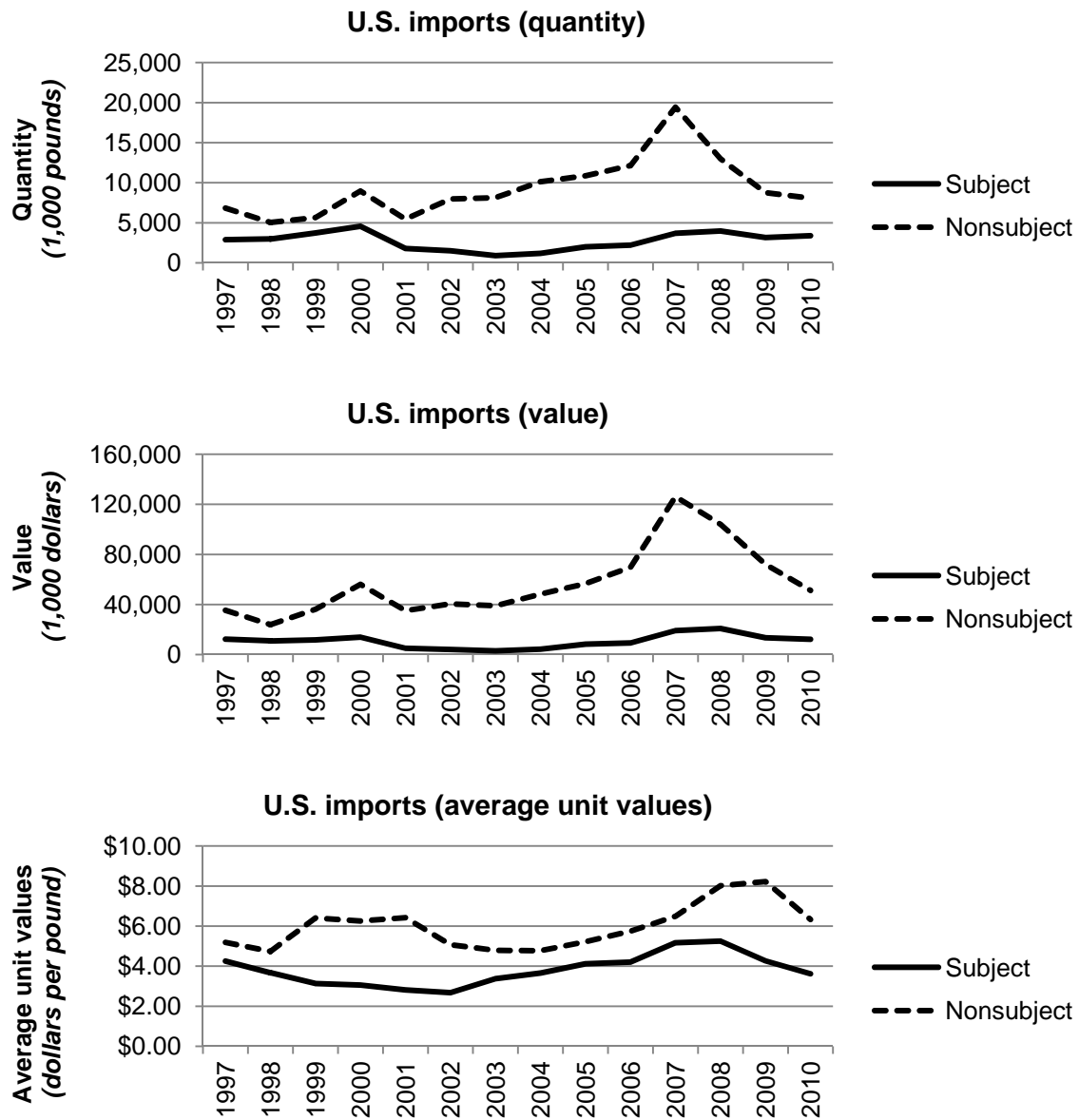
⁵² In this case, no firm has received a *de minimis* or zero duty rate from Commerce over the period reviewed.

⁵³ It must be noted that the overall volume of U.S. imports from Italy was smaller than for Malaysia and the Philippines and that the margins of dumping in effect for Italy were higher than for Malaysia or the Philippines. Nonetheless, Italy continued to supply large volumes of SSBW fittings to third country markets throughout the period. See the global trade data provided on Italy's global exports of SSBW fittings in tables I-11 and I-18 of this report.

Table I-8
SSBW fittings: U.S. imports 2006-2010

| | 2006 | 2007 | 2008 | 2009 | 2010 |
|---|--------|---------|---------|---------|--------|
| Quantity (1,000 pounds) | | | | | |
| U.S. imports from.-- | | | | | |
| Italy | 126 | 398 | 99 | 158 | 132 |
| Malaysia | 1,049 | 1,540 | 1,537 | 822 | 1,059 |
| Philippines | 1,038 | 1,762 | 2,338 | 2,178 | 2,191 |
| Subject sources | 2,213 | 3,701 | 3,973 | 3,158 | 3,382 |
| Canada | 2,201 | 2,554 | 2,207 | 1,138 | 1,240 |
| China | 3,986 | 7,546 | 3,957 | 2,748 | 2,518 |
| Korea | 2,614 | 3,068 | 1,348 | 1,079 | 1,956 |
| Taiwan | 993 | 1,953 | 1,193 | 608 | 604 |
| All other countries | 2,355 | 4,313 | 4,282 | 3,196 | 1,766 |
| Nonsubject sources | 12,149 | 19,435 | 12,987 | 8,769 | 8,084 |
| All sources | 14,362 | 23,136 | 16,961 | 11,927 | 11,466 |
| Value (1,000 dollars) | | | | | |
| U.S. imports from.-- | | | | | |
| Italy | 1,215 | 2,960 | 678 | 1,846 | 1,118 |
| Malaysia | 4,017 | 7,313 | 7,159 | 2,916 | 3,238 |
| Philippines | 4,063 | 8,854 | 13,035 | 8,702 | 7,873 |
| Subject sources | 9,295 | 19,127 | 20,872 | 13,465 | 12,228 |
| Canada | 14,557 | 19,695 | 20,361 | 9,562 | 9,014 |
| China | 18,493 | 39,861 | 25,633 | 15,276 | 15,824 |
| Korea | 11,204 | 20,091 | 10,784 | 5,971 | 8,210 |
| Taiwan | 5,046 | 13,007 | 9,583 | 4,769 | 4,552 |
| All other countries | 20,483 | 33,521 | 37,732 | 36,499 | 13,592 |
| Nonsubject sources | 69,784 | 126,175 | 104,093 | 72,077 | 51,192 |
| All sources | 79,079 | 145,302 | 124,965 | 85,542 | 63,420 |
| Unit value (dollars per pound) | | | | | |
| U.S. imports from.-- | | | | | |
| Italy | \$9.65 | \$7.43 | \$6.88 | \$11.69 | \$8.48 |
| Malaysia | 3.83 | 4.75 | 4.66 | 3.55 | 3.06 |
| Philippines | 3.91 | 5.03 | 5.57 | 3.99 | 3.59 |
| Subject sources | 4.20 | 5.17 | 5.25 | 4.26 | 3.62 |
| Canada | 6.61 | 7.71 | 9.23 | 8.40 | 7.27 |
| China | 4.64 | 5.28 | 6.48 | 5.56 | 6.28 |
| Korea | 4.29 | 6.55 | 8.00 | 5.53 | 4.20 |
| Taiwan | 5.08 | 6.66 | 8.03 | 7.85 | 7.54 |
| All other countries | 8.70 | 7.77 | 8.81 | 11.42 | 7.70 |
| Nonsubject sources | 5.74 | 6.49 | 8.02 | 8.22 | 6.33 |
| All sources | 5.51 | 6.28 | 7.37 | 7.17 | 5.53 |
| Source: Official Commerce statistics, for HTS 7307.23.00. | | | | | |

Figure I-2
SSBW fittings: U.S. imports 1997-2010



Source: Official Commerce statistics, for HTS 7307.23.00.

Cumulation considerations

In assessing whether subject imports are likely to compete with each other and with the domestic like product with respect to cumulation, the Commission generally has considered the following four factors: (1) the degree of fungibility, including specific customer requirements and other quality-related questions; (2) presence of sales or offers to sell in the same geographic markets; (3) common channels of distribution; and (4) simultaneous presence in the market. In the original investigations and the first five-

year reviews, the Commission cumulated imports from Italy, Malaysia, and the Philippines for the purposes of its analysis.^{54 55} In these five-year reviews, no party explicitly argued that subject imports from Italy, Malaysia, and the Philippines should or should not cumulated for purposes of the Commission's analysis.

Fungibility

In the first five-year reviews, the Commission found that imports of SSBW fittings from Italy, Malaysia, and the Philippines, and the domestic like product were all generally interchangeable.⁵⁶ Although no party has made explicit arguments relating to the Commission's cumulation analysis in these five-year reviews, the Italian respondent interested party did argue that Filmag's production and exports of SSBW fittings to the United States relate to specialty products, not readily interchangeable with those manufactured in the United States.⁵⁷ In response, the domestic interested parties claim that the Italian respondent interest party's exports to the United States are representative of the SSBW fittings industry in Italy as a whole.⁵⁸ The Italian respondent interest party also alleged that since the first five-year reviews the export capacity of the common grade, standardized SSBW fittings industry in Italy "has been greatly diminished due to competition from Korean and Chinese manufacturer" {sic},⁵⁹ although data presented later in this report on Italy's global exports of SSBW fittings shows large quantities of SSBW fittings being exported from Italy in the 2006 to 2010 period to countries other than the United States.

Presence in the market

In the first five-year reviews, the Commission found that imports of SSBW fittings from Italy, Malaysia, and the Philippines, and the domestic like product were present in the U.S. market throughout the period.⁶⁰ Between 2006 and 2010, U.S. imports of SSBW fittings from both Malaysia and the Philippines were entered into the U.S. customs territory every month; while U.S. imports of SSBW fittings from Italy were entered into the U.S. customs territory in 48 out of 60 months.

Channels of distribution

In the first five-year reviews, the Commission found that imports of SSBW fittings from Italy, Malaysia, and the Philippines, and the domestic like product were all primarily sold through distributors.⁶¹ There is no new information in the record of these reviews to suggest that the channels of distribution for SSBW fittings in the U.S. market has changed.

⁵⁴ *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Inv. Nos. 731-TA-865-867 (Final)*, USITC Publication 3387, January 2001 at p. 9.

⁵⁵ *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Inv. Nos. 731-TA-865-867 (Review)*, USITC Publication 3889, November 2006 at p. 9.

⁵⁶ *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Inv. Nos. 731-TA-865-867 (Review)*, USITC Publication 3889, November 2006 at p. 8-9.

⁵⁷ Italian respondent interested party response, exh. A pp. 2-3.

⁵⁸ Domestic interested parties' statement on adequacy, p. 3.

⁵⁹ Italian respondent interested party response, exh. A pp. 4-5.

⁶⁰ *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Inv. Nos. 731-TA-865-867 (Review)*, USITC Publication 3889, November 2006 at p. 9.

⁶¹ *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Inv. Nos. 731-TA-865-867 (Review)*, USITC Publication 3889, November 2006 at p. 9.

Geographic markets

In the first five-year reviews, the Commission found that imports of SSBW fittings from Italy, Malaysia, and the Philippines, and the domestic like product all served the same geographic markets.⁶² No new information is available on U.S. producers' geographic coverage in these five-year reviews. However, Houston-Galveston, TX remains the single largest U.S. Customs district for imports of SSBW fittings for each of the subject countries, likely because Texas has the largest concentration of oil and gas refineries in the United States, which are a major source of demand for SSBW fittings.⁶³ U.S. imports of SSBW fittings from Italy were highly concentrated to the Houston-Galveston, TX Customs district,⁶⁴ while U.S. imports of SSBW fittings from Malaysia and Philippines entered in a number of other U.S. Customs districts.⁶⁵

Apparent U.S. consumption and market shares

Table I-10 presents data on apparent U.S. consumption and market shares comparing 1999, 2005 and 2010.⁶⁶ The domestic interested parties indicate that demand for SSBW fittings followed the general trends of the overall U.S. economy over the period being reviewed: growing from 2006 to 2008; declining during the recession between 2008 and 2009; and rebounding slightly in 2010.⁶⁷ One of the primary demand drivers for SSBW fittings in the U.S. market is the oil and gas industry, specifically, “{c}hanges in U.S. demand for SSBW pipe fittings during the current period of review have resulted partly from fluctuating oil prices and recent adjustments in refinery capacity and maintenance.”⁶⁸ One U.S. purchaser indicated that the “{m}arket downturn in 2008 had an impact on the US SS BWF market.”⁶⁹ The domestic interested parties identified the following as the leading purchasers of SSBW fittings in the U.S. market: ***.⁷⁰ The Italian respondent party identified the following as the leading purchasers of SSBW fittings in the U.S. market: ***.⁷¹

⁶² *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Inv. Nos. 731-TA-865-867 (Review)*, USITC Publication 3889, November 2006 at p. 9.

⁶³ Domestic interested parties' response, p. 12.

⁶⁴ Ninety-four (94) percent of U.S. imports of SSBW fittings from Italy entered through Houston-Galveston, TX between 2006 and 2010, while the next largest entry district for imports of SSBW fittings from Italy (New York, NY) accounted for 4 percent of imports from that source.

⁶⁵ Twenty-five (25) percent of U.S. imports of SSBW fittings from Malaysia entered through Houston-Galveston, TX district between 2006 and 2010, while the next largest entry district for imports of SSBW fittings from Malaysia (Chicago, IL) accounted for 18 percent of imports from that source. Thirty-two (32) percent of U.S. imports of SSBW fittings from the Philippines entered through Houston-Galveston, TX district between 2006 and 2010, while the next largest entry district for imports of SSBW fittings from the Philippines (Los Angeles, CA) accounted for 25 percent of imports from that source.

⁶⁶ Full data from the original investigations and the first five-year review are presented in Appendix C.

⁶⁷ Domestic interested parties' response, p. 12.

⁶⁸ *Ibid.*

⁶⁹ *Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines: Investigation Nos. 731-TA-865-867 (Second Review)--Recommendation on Adequacy of Responses to Notice of Institution*. Office of Investigations Memo No. INV-KK-009, January 25, 2012, appendix B.

⁷⁰ Domestic interested parties' response, p. 10.

⁷¹ Italian respondent interest party's response, p. 7.

Table I-10
SSBW fittings: apparent U.S. consumption and market shares, 1999, 2005, 2010

| Item | Calendar year | | |
|------------------------------------|---------------|---------|--------------------|
| | 1999 | 2005 | 2010 |
| Quantity (1,000 pounds) | | | |
| U.S. producers' U.S. shipments | 8,666 | 4,464 | *** ⁽¹⁾ |
| Imports from.-- | | | |
| Italy | *** | 192 | 132 |
| Malaysia | *** | 1,460 | 1,059 |
| Philippines | *** | 357 | 2,191 |
| Subject sources | *** | 2,009 | 3,382 |
| Nonsubject sources | *** | 10,872 | 8,084 |
| All import sources | 9,376 | 12,882 | 11,466 |
| Apparent U.S. consumption | 18,045 | 17,346 | *** ⁽¹⁾ |
| Value (1,000 dollars) | | | |
| U.S. producers' U.S. shipments | 57,034 | 43,273 | *** |
| Imports from.-- | | | |
| Italy | *** | 1,847 | 1,118 |
| Malaysia | *** | 4,984 | 3,238 |
| Philippines | *** | 1,448 | 7,873 |
| Subject sources | *** | 8,279 | 12,228 |
| Nonsubject sources | *** | 56,722 | 51,192 |
| All import sources | 47,827 | 65,001 | 63,420 |
| Apparent U.S. consumption | 104,862 | 108,274 | *** |
| Share of quantity (percent) | | | |
| U.S. producers' U.S. shipments | 48.0 | 25.7 | *** ⁽¹⁾ |
| Imports from.-- | | | |
| Italy | *** | 1.1 | *** ⁽¹⁾ |
| Malaysia | *** | 8.4 | *** ⁽¹⁾ |
| Philippines | *** | 2.1 | *** ⁽¹⁾ |
| Subject sources | *** | 11.6 | *** ⁽¹⁾ |
| Nonsubject sources | *** | 62.7 | *** ⁽¹⁾ |
| All import sources | 52.0 | 74.3 | *** ⁽¹⁾ |

Table continued on next page.

Table I-10--Continued
SSBW fittings: apparent U.S. consumption and market shares, 1999, 2005, 2010

| Item | Calendar year | | |
|--|---------------|------|------|
| | 1999 | 2005 | 2010 |
| Share of value (percent) | | | |
| U.S. producers' U.S. shipments | 54.4 | 40.0 | *** |
| Imports from.-- | | | |
| Italy | *** | 1.7 | *** |
| Malaysia | *** | 4.6 | *** |
| Philippines | *** | 1.3 | *** |
| Subject sources | *** | 7.6 | *** |
| Nonsubject sources | *** | 52.4 | *** |
| All import sources | 45.6 | 60.0 | *** |
| ¹ U.S. producers' U.S. shipment data may be overstated due to data reported by one U.S. producer (***). Source: <i>Certain Stainless Steel Butt-Weld Pipe Fittings from Germany, Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-864-867</i> , Office of Investigation Memo INV-X-235, November 6, 2000, table IV-5; <i>Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-865-867</i> , Office of Investigation Memo INV-DD-144, October 11, 2006, table I-9, table III-2, and table IV-1; and domestic interested parties' response, exh. 5. | | | |

Data presented in table I-10 indicate that apparent U.S. consumption was higher in 2010 than in 2005 based on quantity,⁷² but lower based on value.⁷³

Ratio of imports to U.S. production

U.S. imports of SSBW fittings from Italy, Malaysia and the Philippines accounted for *** percent of the domestic interest parties' reported U.S. production in 2010.⁷⁴ U.S. imports of SSBW fittings from nonsubject sources accounted for *** percent of the domestic interest parties' reported U.S. production in 2010.

⁷² The quantity of apparent consumption reported in 2010 is missing data for four U.S. producers not part of the domestic interested party group (but primarily ***, the largest of the missing U.S. producers) and is therefore partially understated. Yet despite the missing producers, the 2010 quantity data is still higher than the 2005 number, which might be overstated due to quantity data submitted by *** that does not reconcile with (***) data it submitted in the previous five-year reviews on these antidumping duty orders.

⁷³ The value of apparent consumption reported in 2010 is missing data for four U.S. producers not part of the domestic interested party group (but primarily ***, the largest of the missing U.S. producers) and is therefore partially understated. The value data submitted by *** matches more closely with the value data it has submitted in the previous five-year reviews on these antidumping duty orders.

⁷⁴ These ratios may be partially understated due to the data submitted by ***.

FOREIGN INDUSTRIES

The industry in Italy

In the original investigations, the Italian producer Coprosider S.p.A. (“Coprosider”) was believed to account for all of the Italian exports of SSBW fittings to the United States.⁷⁵ After the imposition of the antidumping duty order, imports of SSBW fittings from Italy declined from 2.0 million pounds in 2000 to 0.2 million pounds in 2003 (a 91.0 percent decline) and have since 2003 mostly remained around the 2003 level.⁷⁶ In the first five-year review of the antidumping duty order on SSBW fittings from Italy, Coprosider did not respond to Commission inquiry, and the Commission received only one foreign producer questionnaire response from an Italian firm, ***, that had only a small amount of production and production capacity.⁷⁷ In this second five-year review of the antidumping duty order on SSBW fittings from Italy, there is little new information available on the record concerning the industry in Italy. The Italian respondent interest party, Filmag Italia S.R.L. (“Filmag”), a manufacturer of SSBW fittings, asserts that “Coprosider is no longer producing SSBW pipe fittings and thus Italy as a whole has diminished export capacity,”^{78 79} and that Filmag itself is only a small manufacturer of SSBW fittings that focuses on high-quality fittings used in the petrochemical industry.⁸⁰ The domestic interested parties assert that there are at least nine known producers of SSBW fittings in Italy, including Coprosider.⁸¹ In the first five-year reviews, the Commission found that while U.S. imports of SSBW fittings from Italy decreased, the Italian industry continued to be export-oriented based on an analysis of overall Italian exports.⁸² Table I-11 presents data on Italy’s exports of SSBW fittings since the first five-year review. Table I-12 presents data on all the reported exporters of SSBW fittings in Italy as reported by U.S. importers in the 2006 to 2010 period.

⁷⁵ *Certain Stainless Steel Butt-Weld Pipe Fitting from Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-865-867 (Final)*, USITC Publication 3387, January 2001, at VII-2.

⁷⁶ There was a slight spike in imports of SSBW fittings from Italy in 2007.

⁷⁷ *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-865-867*, Office of Investigation Memo INV-DD-144, October 11, 2006, p. IV-18.

⁷⁸ Italian respondent interested party response, p. 2.

⁷⁹ In the first five-year reviews, a similar allegation was raised but the Commission found that “Although one importer reported that *** had gone out of business, other record information indicates that ***, which exported subject merchandise to the United States in 2005.” See the confidential Views of the Commission, p. 17, and *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-865-867 (Review)*, USITC Publication 3889, November 2006, pp. 15-16.

⁸⁰ Italian respondent interested party response, p. 1 and exh. A.

⁸¹ Domestic interested parties’ response, pp. 4-5 and exh. 2.

⁸² The Commission found that “According to the Global Trade Atlas database, Italian exports of stainless steel butt-weld pipe fittings to the world, albeit possibly including non-subject merchandise, were a significant *** pounds in 2005.” Confidential Views of the Commission, p. 21, and *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-865-867 (Review)*, USITC Publication 3889, November 2006, p. 16. See also *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-865-867*, Office of Investigation Memo INV-DD-144, October 11, 2006, table IV-12.

Table I-11
SSBW fittings: Global exports from Italy, 2006-2010

| Destination | Calendar year | | | | |
|--|---------------|---------|---------|---------|--------|
| | 2006 | 2007 | 2008 | 2009 | 2010 |
| Quantity (1,000 pounds) | | | | | |
| United States | 441 | 297 | 316 | 250 | 125 |
| All other countries | 13,192 | 15,590 | 20,314 | 15,091 | 12,774 |
| Total exports | 13,633 | 15,887 | 20,630 | 15,341 | 12,899 |
| Value (1,000 dollars) | | | | | |
| United States | 2,725 | 3,701 | 4,285 | 3,273 | 1,079 |
| All other countries | 78,590 | 132,452 | 203,281 | 139,360 | 81,871 |
| Total exports | 81,315 | 136,153 | 207,566 | 142,633 | 82,950 |
| Unit value (dollars per pound) | | | | | |
| United States | 6.18 | 12.46 | 13.56 | 13.07 | 8.63 |
| All other countries | 5.96 | 8.50 | 10.01 | 9.23 | 6.41 |
| Total exports | 5.96 | 8.57 | 10.06 | 9.30 | 6.43 |
| Source: Compiled from the Global Trade Atlas database, based on data Italy's export data as submitted to GTIS by the EU statistical authority. | | | | | |

Table I-12
SSBW fittings: Reported manufacturer or exporter for U.S. imports from Italy, 2006-2010

| Source | AD duty assessment ¹ | Manufacturer or exporter | 2006-2010 aggregated | |
|--|---------------------------------|--------------------------|----------------------------------|---------------------------|
| | | | Value of imports (1,000 dollars) | Share by source (percent) |
| Italy | Dutied | *** | *** | *** |
| | | Subtotal, dutied | *** | *** |
| | Not dutied | *** | *** | *** |
| | | Subtotal, not dutied | *** | *** |
| | Total imports from Italy | | 7,821 | 100.0 |
| ¹ See footnote 1 in table I-7. | | | | |
| Source: Proprietary Customs net import data. | | | | |

The industry in Malaysia

In the original investigations, three producers of SSBW fittings in Malaysia (estimated to account for the vast majority of the industry in Malaysia at the time) provided data on their operations in response to Commission inquiry, including: Kanzen Tetsu Sdn. Bhd. (“Kanzen Tetsu”), the largest producer of SSBW fittings in Malaysia; Schulz Manufacturing Sdn. Bhd. (“Schulz”); and Amalgamated Industrial

Stainless Steel Sdn. Bhd. (“Amalgamated”).⁸³ In the first five-year review of the antidumping duty order on SSBW fittings from Malaysia, two producers of SSBW fittings in Malaysia provided the Commission with data on their operations, (Amalgamated and S.P. United Industry Sdn. Bhd. (“S.P. United”). However, the largest producer in Malaysia, Kanzen Tetsu, did not provide a response to the Commission questionnaire in the first five-year reviews (despite having initially participated in the adequacy phase of those reviews).⁸⁴ In this second five-year review of the antidumping duty order on SSBW fittings from Malaysia, there is little new information available on the record concerning the industry in Malaysia. The four firms identified in the original investigations and the first five-year reviews are all believed to be going concerns with SSBW fitting operations in Malaysia during the period under review.⁸⁵ U.S. import data indicate that producers in Malaysia continue to supply SSBW fittings to the U.S. market. Since the first five-year review of the antidumping order on SSBW fittings from Malaysia, U.S. imports of SSBW fittings from Malaysia initially increased to its highest level since the imposition of the order (1.5 million pounds) in 2007 before declining to somewhat lower volumes in 2009 and 2010. No respondent interested party from Malaysia, nor any importer of SSBW fittings from Malaysia, responded to the Commission’s notice of institution. The domestic interested parties provided evidence that the largest Malaysian producer of SSBW fittings, Kanzen Tetsu, announced in December 2007 a RM75 million expansion of Malaysian stainless steel production capacity of 32,000 tonnes per year (a 40 percent increase) over five-years,⁸⁶ as well as a RM25 million investment in Vietnam because, quoting the CEO of Kanzen Tetsu, “there is no anti-dumping duty and the labour cost was cheaper in Vietnam.”⁸⁷ The domestic interested parties have also provided documentary evidence on a firm that is believed to be a new producer of SSBW fittings in Malaysia, Anggerik Laksana Sdn. Bdn. (“Anggerik”).⁸⁸ One U.S. purchaser of SSBW fittings indicated that in Malaysia ***.⁸⁹ Table I-13 presents data on Malaysia’s global exports of SSBW fitting since the first five-year review. Table I-14 presents data on all the reported exporters of SSBW fittings in Malaysia as reported by U.S. importers in the 2006 to 2010 period.

⁸³ *Certain Stainless Steel Butt-Weld Pipe Fitting from Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-865-867 (Final)*, USITC Publication 3387, January 2001, at VII-4.

⁸⁴ *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-865-867 (Review)*, USITC Publication 3889, November 2006, IV-10 to IV-12.

⁸⁵ Domestic interested parties’ response, p. 5 and exh. 2.

⁸⁶ The reported 32,000 tonnes expansion in Malaysia likely represents upstream capacity to produce stainless steel that is then used in the production of SSBW fittings and not SSBW fitting capacity itself. The 32,000 metric ton expansion would represent a *** percent (*i.e.*, ***) increase in SSBW fitting production capacity in Malaysia over data reported in the original investigations were it actual SSBW fitting capacity and not upstream stainless steel capacity. By comparison, Kanzen Tetsu’s expansion in Vietnam (a nonsubject country) at RM25 million is stated to explicitly equate to 1,000 tonnes of capacity to produce SSBW fittings (or an equivalent of around *** percent of the total reported capacity in Malaysia in 1999 during the original investigations).

⁸⁷ Domestic interested parties’ response, p. 5 and exh. 2.

⁸⁸ Domestic interested parties’ response, p. 5 and exh. 2.

⁸⁹ *Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines: Investigation Nos. 731-TA-865-867 (Second Review)--Recommendation on Adequacy of Responses to Notice of Institution*. Office of Investigations Memo No. INV-KK-009, January 25, 2012, appendix B. ***.

Table I-13
SSBW fittings: Global exports from Malaysia, 2006-2010

| Destination | Calendar year | | | | |
|--|---------------|--------|--------|--------|--------|
| | 2006 | 2007 | 2008 | 2009 | 2010 |
| Quantity (1,000 pounds) | | | | | |
| United States | 1,143 | 1,842 | 1,537 | 909 | 1,381 |
| All other countries | 4,369 | 4,009 | 2,404 | 2,104 | 7,867 |
| Total exports | 5,512 | 5,850 | 3,942 | 3,013 | 9,247 |
| Value (1,000 dollars) | | | | | |
| United States | 3,651 | 7,286 | 6,572 | 2,711 | 3,895 |
| All other countries | 10,640 | 14,213 | 9,899 | 11,853 | 22,211 |
| Total exports | 14,291 | 21,499 | 16,471 | 14,564 | 26,106 |
| Unit value (dollars per pound) | | | | | |
| United States | 3.20 | 3.96 | 4.28 | 2.98 | 2.82 |
| All other countries | 2.44 | 3.55 | 4.12 | 5.63 | 2.82 |
| Total exports | 2.59 | 3.67 | 4.18 | 4.83 | 2.82 |
| Source: Compiled from the Global Trade Atlas database, based on data Malaysia's export data as submitted to GTIS by the Malaysian statistical authority. | | | | | |

Table I-14
SSBW fittings: Reported manufacturer or exporter for U.S. imports from Malaysia, 2006-2010

| Source | AD duty assessment ¹ | Manufacturer or exporter | 2006-2010 aggregated | |
|---|---------------------------------|--------------------------|----------------------------------|---------------------------|
| | | | Value of imports (1,000 dollars) | Share by source (percent) |
| Malaysia | Dutied | *** | *** | *** |
| | | Subtotal, dutied | *** | *** |
| | Not dutied | *** | *** | *** |
| | | Subtotal, not dutied | *** | *** |
| | Total imports from Malaysia | | 24,632 | 100.0 |
| ¹ See footnote 1 in table I-7. ² Less than 0.05 percent. | | | | |
| Source: Proprietary Customs net import data. | | | | |

The industry in the Philippines

In the original investigations, two producers of SSBW fittings in the Philippines (estimated to account for *** industry in the Philippines at the time) provided data on their operations in response to Commission inquiry, including: Enlin Steel Corp. (“Enlin”); and Tung Fong Industrial Co.,

Inc. (“Tung Fong”).⁹⁰ In the first five-year review of the antidumping duty order on SSBW fittings from the Philippines, two producers of SSBW fittings in the Philippines provided the Commission with data on their operations, Vinox Manufacturing Co. Ltd. (“Vinox”) and Tung Fong.⁹¹ In this second five-year review of the antidumping duty order on SSBW fittings from the Philippines, there is little new information available on the record concerning the industry in the Philippines. The two firms identified in both the original investigations and the first five-year reviews (Enlin/Vinox and Tung Fong) are all believed to be going concerns with SSBW fitting operations in the Philippines during the period under review.⁹² U.S. import data indicate that producers of SSBW fittings in the Philippines not only continue to supply SSBW fittings to the U.S. market, but have also done so in increasing quantities. Since the first five-year review of the antidumping order on SSBW fittings from the Philippines and Commerce’s amended final results (lowering weighted-average margin of dumping in effect for Tung Fong and the “all others” group), U.S. imports of SSBW fittings from the Philippines increased noticeably to over 2.3 million pounds by 2008, before settling in around 2.2 million pounds in both 2009 and 2010. These levels are twice as high as during the original investigations. No respondent interested party from the Philippines, nor any importer of SSBW fittings from the Philippines, responded to the Commission’s notice of institution. The domestic interested parties provided evidence indicating that both Enlin and Tung Fong continue to maintain SSBW fitting operations in the Philippines.⁹³ One U.S. purchaser of SSBW fittings indicated that ***.⁹⁴ Table I-15 presents data on Philippines’ exports of SSBW fitting since the first five-year review. Table I-16 presents data on all the reported exporters of SSBW fittings in the Philippines as reported by U.S. importers in the 2006 to 2010 period.

⁹⁰ *Certain Stainless Steel Butt-Weld Pipe Fitting from Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-865-867 (Final)*, USITC Publication 3387, January 2001, at VII-4.

⁹¹ *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-865-867 (Review)*, USITC Publication 3889, November 2006, IV-11 to IV-12. In the first five-year reviews, *** with ***.

⁹² Domestic interested parties’ response, p. 6 and exh. 2.

⁹³ Domestic interested parties’ response, p. 6 and exh. 2.

⁹⁴ *Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines: Investigation Nos. 731-TA-865-867 (Second Review)--Recommendation on Adequacy of Responses to Notice of Institution*. Office of Investigations Memo No. INV-KK-009, January 25, 2012, appendix B.

Table I-15
SSBW fittings: Global exports from the Philippines, 2006-2010

| Destination | Calendar year | | | | |
|--|---------------|--------|--------|--------|--------|
| | 2006 | 2007 | 2008 | 2009 | 2010 |
| Quantity (1,000 pounds) | | | | | |
| United States | 1,905 | 2,666 | 6,185 | 4,395 | 4,438 |
| All other countries | 1,172 | 1,800 | 2,310 | 2,617 | 2,580 |
| Total exports | 3,078 | 4,466 | 8,495 | 7,012 | 7,019 |
| Value (1,000 dollars) | | | | | |
| United States | 4,975 | 10,953 | 21,952 | 12,143 | 12,369 |
| All other countries | 2,652 | 5,711 | 5,602 | 4,256 | 6,037 |
| Total exports | 7,628 | 16,664 | 27,554 | 16,399 | 18,406 |
| Unit value (dollars per pound) | | | | | |
| United States | 2.61 | 4.11 | 3.55 | 2.76 | 2.79 |
| All other countries | 2.26 | 3.17 | 2.42 | 1.63 | 2.34 |
| Total exports | 2.48 | 3.73 | 3.24 | 2.34 | 2.62 |
| Source: Compiled from the Global Trade Atlas database, based on Philippines' export data as submitted to GTIS by the Filipino statistical authority. | | | | | |

Table I-16
SSBW fittings: Reported manufacturer or exporter for U.S. imports from the Philippines, 2006-2010

| Source | AD duty assessment ¹ | Firm | 2006-2010 aggregated | |
|---|---------------------------------|----------------------|----------------------------------|---------------------------|
| | | | Value of imports (1,000 dollars) | Share by source (percent) |
| Philippines | Dutied | *** ² | *** | *** |
| | | Subtotal, dutied | *** | *** |
| | Non dutied | *** ² | *** | *** |
| | | Subtotal, not dutied | *** | *** |
| | Total imports from Philippines | | 42,527 | 100.0 |
| ¹ See footnote 1 in table I-7. ² *** ³ Less than 0.05 percent. | | | | |
| Source: Proprietary Customs net import data. | | | | |

Foreign trade remedy orders on SSBW fittings

There are no trade remedy orders on SSBW fittings from Italy, Malaysia, or the Philippines in a third-country market.

Global market

Table I-17 presents data on the top global traders in SSBW fittings based on quantity, and table I-18 presents data on the top global traders in SSBW fittings based on value. Italy was the second largest

global trader in SSBW fittings as measured by both quantity (12.5 percent) and value (15.0 percent) over the 2006 to 2010 period. Malaysia was the eighth largest global trader in SSBW fittings as measured by quantity (4.4 percent) and the fourteenth largest global trader in SSBW fittings as measured by value (2.1 percent) over the 2006 to 2010 period. The Philippines was the sixth largest global trader in SSBW fittings as measured by quantity (4.8 percent) and the fifteenth largest global trader in SSBW fittings as measured by value (2.0 percent) over the 2006 to 2010 period. Along with Italy, China, Germany, and Korea are the largest global traders of SSBW fittings.

Table I-17
SSBW fittings: Top 10 exporting countries based on quantity, 2006-2010

| Source | Calendar year | | | | |
|--|---------------|---------|----------------------|---------|---------|
| | 2006 | 2007 | 2008 | 2009 | 2010 |
| Quantity (1,000 pounds) | | | | | |
| China | 24,229 | 26,750 | 30,827 | 18,395 | 19,877 |
| Italy | 13,633 | 15,887 | 20,630 | 15,341 | 12,899 |
| South Korea | 15,019 | 16,069 | 5,375 | 6,084 | 6,896 |
| Germany | 8,571 | 10,276 | 10,231 | 8,818 | 9,171 |
| Sweden | 6,289 | 6,917 | 7,694 | 5,508 | 5,572 |
| Philippines | 3,078 | 4,466 | 8,495 | 7,012 | 7,019 |
| France | 6,735 | 7,205 | 5,676 | 4,447 | 4,411 |
| Malaysia | 5,512 | 5,850 | 3,942 | 3,013 | 9,247 |
| Netherlands | 5,051 | 7,244 | 6,921 ⁽¹⁾ | 3,077 | 4,123 |
| Finland | 4,712 | 5,254 | 5,280 | 3,892 | 3,247 |
| Subtotal top 10 | 92,827 | 105,918 | 105,071 | 75,588 | 82,462 |
| All other reporting exporters | 33,156 | 32,394 | 35,130 | 29,738 | 35,822 |
| Total reporting | 125,984 | 138,313 | 140,201 | 105,326 | 118,285 |
| <p>¹ 2008 data for the Netherlands was modified to reflect a quantity that would result in the an average of the average unit values for its reported exports in 2007 and 2009 since the reported 2008 quantity appeared to be an outlier that made the Netherlands the largest exporter based on quantity over the entire period and that resulted in an average unit value in 2008 much lower than those reported in other years. The original quantity reported by the Netherlands in 2008 was *** pounds.</p> | | | | | |
| <p>Source: Compiled from the Global Trade Atlas database, based on data submitted to GTIS by individual countries' national statistical authorities.</p> | | | | | |

Table I-18
SSBW fittings: Top 10 exporting countries based on value, 2006-2010

| Source | Calendar year | | | | |
|---|---------------|-----------|-----------|---------|---------|
| | 2006 | 2007 | 2008 | 2009 | 2010 |
| Value (1,000 dollars) | | | | | |
| Germany | 106,227 | 154,863 | 164,942 | 126,468 | 113,862 |
| Italy | 81,315 | 136,153 | 207,566 | 142,633 | 82,950 |
| China | 60,208 | 111,938 | 127,628 | 72,041 | 89,981 |
| South Korea | 61,142 | 91,342 | 43,968 | 35,959 | 36,021 |
| United States | 34,026 | 48,423 | 60,172 | 38,968 | 54,348 |
| Netherlands | 38,724 | 53,663 | 61,955 | 32,295 | 35,351 |
| Sweden | 35,962 | 50,370 | 62,039 | 35,173 | 32,241 |
| France | 37,632 | 54,301 | 53,903 | 34,392 | 28,405 |
| United Kingdom | 23,108 | 35,809 | 56,041 | 35,636 | 33,067 |
| Finland | 27,715 | 44,130 | 39,289 | 23,181 | 20,486 |
| Subtotal top 10 | 506,058 | 780,993 | 877,503 | 576,745 | 526,711 |
| All other reporting exporters | 188,137 | 234,855 | 265,659 | 176,923 | 198,990 |
| Total reporting | 694,195 | 1,015,847 | 1,143,162 | 753,668 | 725,701 |
| Source: Compiled from the Global Trade Atlas database, based on data submitted to GTIS by individual countries' national statistical authorities. | | | | | |

APPENDIX A
FEDERAL REGISTER NOTICES

BLM will reply during normal business hours.

Dina L. Torres,

Land Transfer Resolution Specialist, Branch of Land Transfer Adjudication II.

[FR Doc. 2011-28262 Filed 10-31-11; 8:45 am]

BILLING CODE 4310-JA-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CACA 43949, LLCA930000, L14300000.ET0000]

Notice of Proposed Withdrawal, Transfer of Jurisdiction, and Notice of Public Meeting; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice; Correction.

SUMMARY: The Bureau of Land Management (BLM) published a notice in the **Federal Register** on December 31, 2003, (68 FR 75628) that contained an erroneous legal description. This correction also supersedes and replaces the correction made on November 17, 2010 (75 FR 70288).

Correction

On page 75628 in the second column, line 12, the acreage is corrected to read 3,385 acres of public lands for use as a mountain warfare training facility.

On page 75628 in the second column, lines 56 and 57, correct the legal description to read: sec. 24, lots 4, 5, 20, 22, 24, 26, and SW¹/₄SW¹/₄; and sec. 25, all;

On page 75628 in the third column, line 2, the acreage is corrected to read 3,385 acres in San Diego County.

FOR FURTHER INFORMATION CONTACT: Heather Fullerton, Realty Specialist, BLM, California State Office, 2800 Cottage Way, Suite W-1834, Sacramento, California 95825, or phone (916) 978-4634.

Tom Pogacnik,

Deputy State Director for Natural Resources.

[FR Doc. 2011-28261 Filed 10-31-11; 8:45 am]

BILLING CODE 4310-40-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-865-867 (Second Review)]

Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and The Philippines; Institution of Five-Year Reviews Concerning the Antidumping Duty Orders on Stainless Steel Butt-Weld Pipe Fittings From Italy, Malaysia, and the Philippines

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty orders on stainless steel butt-weld pipe fittings from Italy, Malaysia, and the Philippines 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 December 1, 2011. Comments on the adequacy of responses may be filed with the Commission by January 13, 2012. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207), as most recently amended at 74 FR 2847 (January 16, 2009).

DATES: *Effective Date:* November 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

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. 12-5-260, expiration date June 30, 2014. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On February 23, 2001, the Department of Commerce (“Commerce”) issued antidumping duty orders on imports of stainless steel butt-weld pipe fittings from Italy, Malaysia, and the Philippines (66 FR 11257). Following five-year reviews by Commerce and the Commission, effective December 11, 2006, Commerce issued a continuation of the antidumping duty orders on imports of stainless steel butt-weld pipe fittings from Italy, Malaysia, and the Philippines (71 FR 71530). The Commission is now conducting second reviews to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

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

(2) The *Subject Countries* in these reviews are Italy, Malaysia, and the Philippines.

(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 five-year review determinations, the Commission defined the *Domestic Like Product* as all finished and unfinished stainless steel butt-weld pipe fittings having an outside diameter (based on nominal pipe size) of less than 14 inches, coextensive with Commerce's scope. Commerce specifically excluded from the scope definition cast fittings; threaded, grooved, and bolted fittings; and fittings made from any material other than stainless steel.

(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, the Commission defined the *Domestic Industry* as all domestic producers of stainless steel butt-weld pipe fittings, although one domestic producer was excluded from the domestic industry under the related parties provision. In its full first five-year review determinations, the Commission defined the *Domestic Industry* as all domestic producers of stainless steel butt-weld pipe fittings.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

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

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

Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation was pending when they were Commission employees. For further ethics advice on this matter,

contact Carol McCue Verratti, Deputy Agency Ethics Official, at (202) 205-3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the reviews. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

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

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is December 1, 2011. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is January 13, 2012. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67

FR 68036 (November 8, 2002). Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the reviews you do not need to serve your response).

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determinations in the reviews.

Information to be Provided in Response to this Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country*; or produce *Subject Merchandise* in more than one *Subject Country*, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country*. As used below, the term "firm" includes any related firms.

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

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

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

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

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

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2005.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email 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 pounds 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); and

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

(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(ies)*, provide the following information on your firm's(s=) operations on that product during calendar year 2010 (report quantity data in pounds 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 each *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 each *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 each *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country(ies)*, provide the following information on your firm's(s=) operations on that product during calendar year 2010 (report quantity data in pounds 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 each *Subject Country* accounted for by your firm's(s=) production; and

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

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *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 each *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: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: October 24, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011-27937 Filed 10-31-11; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-472 (Third
Review)]

Silicon Metal From China; Institution of a Five-Year Review Concerning the Antidumping Duty Order on Silicon Metal From China

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 silicon metal from China would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission;¹ to be assured of consideration, the deadline for responses is December 1, 2011. Comments on the adequacy of responses may be filed with the Commission by January 13, 2012. 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:* November 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

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. 12-5-259, expiration date June 30, 2014. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

(202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On June 10, 1991, the Department of Commerce (“Commerce”) issued an antidumping duty order on imports of silicon metal from China (56 FR 26649). Following first five-year reviews by Commerce and the Commission, effective February 16, 2001, Commerce issued a continuation of the antidumping duty order on imports of silicon metal from China (66 FR 10669). Following second five-year reviews by Commerce and the Commission, effective December 21, 2006, Commerce issued a continuation of the antidumping duty order on imports of silicon metal from China (71 FR 76636). 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 China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise*. In its original determination, the Commission defined the *Domestic Like Product* as silicon metal, regardless of grade, having a silicon content of at least 96.00 percent but less than 99.99 percent of silicon by weight, and excluding semiconductor grade silicon, corresponding to Commerce's scope. In its full first and second five-year review determinations, the Commission defined the *Domestic*

Like Product as all silicon metal, regardless of grade, corresponding to Commerce's current scope of the order.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination, the Commission defined the *Domestic Industry* as all producers of the *Domestic Like Product*. In its full first and second five-year review determinations, the Commission defined the *Domestic Industry* as all domestic producers of silicon metal.

(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

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

FOR FURTHER INFORMATION CONTACT: Dmitry Vladimirov, 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) 482-0665.

SUPPLEMENTARY INFORMATION:

Background

On March 31, 2011, the Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on small diameter graphite electrodes from the People's Republic of China (PRC) for the period February 1, 2010, through January 31, 2011. See *Initiation of Antidumping Duty Administrative Reviews, Requests for Revocation in Part, and Deferral of Administrative Review*, 76 FR 17825 (March 31, 2011) (*Initiation Notice*). We initiated an administrative review of 160 companies.¹

The preliminary results of the review are currently due no later than October 31, 2011.

Extension of Time Limit for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to complete the preliminary results within 245 days after the last day of the anniversary month of an order for which a review is requested and the final results within 120 days after the date on which the preliminary results are published. If it is not practicable to complete the review

within these time periods, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary results to a maximum of 365 days after the last day of the anniversary month.

We determine that it is not practicable to complete the preliminary results of this review within the original time limit because we require additional time to analyze the appropriateness of the sales and factors-of-production data reported. Therefore, we are extending the time period for issuing the preliminary results of this review by 95 days until February 3, 2012.

This notice is published in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2).

Dated: October 26, 2011.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2011-28323 Filed 10-31-11; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (“Sunset”) Review

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

SUMMARY: In accordance with section 751(c) of the Tariff Act of 1930, as amended (“the Act”), the Department of Commerce (“the Department”) is automatically initiating a five-year review (“Sunset Review”) of the antidumping duty orders 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:* November 1, 2011.

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

SUPPLEMENTARY INFORMATION:

Background

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

Initiation of Review

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

| DOC case No. | ITC case No. | Country | Product | Department contact |
|-----------------|------------------|-------------------|---|----------------------------------|
| A-570-806 | 731-TA-472 | China | Silicon Metal (3rd Review) | Julia Hancock (202) 482-1394. |
| A-475-828 | 731-TA-865 | Italy | Stainless Steel Butt-Weld Pipe Fittings (2nd Review). | Dana Mermelstein (202) 482-1391. |
| A-557-809 | 731-TA-866 | Malaysia | Stainless Steel Butt-Weld Pipe Fittings (2nd Review). | Dana Mermelstein (202) 482-1391. |
| A-565-801 | 731-TA-867 | Philippines | Stainless Steel Butt-Weld Pipe Fittings (2nd Review). | Dana Mermelstein (202) 482-1391. |

Filing Information

As a courtesy, we are making information related to Sunset Review 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 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

¹ In the *Initiation Notice*, we listed names by which certain companies are also known, or were

formerly known, as reflected in the February 25, 2011, request for an administrative review

submitted by the petitioners, SGL Carbon LLC and Superior Graphite, Co.

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) and supplemented by *Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings: Supplemental Interim Final Rule*, 76 FR 54697 (September 2, 2011). The formats for the revised certifications are provided at the end of the *Interim Final Rule*. The Department intends to reject factual submissions 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 antidumping and countervailing duty proceedings at the Department.

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

Dated: October 18, 2011.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2011–28315 Filed 10–31–11; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

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

FOR FURTHER INFORMATION CONTACT: Brenda E. Waters, Office of AD/CVD Operations, Customs Unit, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, *telephone:* (202) 482–4735.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended

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.

investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (“the Act”), may request, in accordance with 19 CFR 351.213, of the Department of Commerce (“the Department”) regulations, that the Department conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection (“CBP”) data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (“APO”) to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department has found that determinations concerning whether particular companies should be “collapsed” (*i.e.*, treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.*, investigation, administrative review, new shipper

Background

The Commission instituted these reviews on January 3, 2011 (76 FR 166) and determined on April 8, 2011 that it would conduct full reviews (76 FR 22422, April 21, 2011). Notice of the scheduling of the Commission's reviews and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on July 1, 2011 (76 FR 38698). The hearing was held in Washington, DC, on November 30, 2011, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in these reviews to the Secretary of Commerce on February 16, 2011. The views of the Commission are contained in USITC Publication 4303 (February 2012), entitled *Fresh and Chilled Atlantic Salmon from Norway: Investigation Nos. 701-TA-302 and 731-TA-454 (Third Review)*.

Issued: February 17, 2012.

By order of the Commission.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2012-4199 Filed 2-22-12; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-865-867 (Second Review)]

Stainless Steel Butt-Weld Pipe Fittings From Italy, Malaysia, and the Philippines; Scheduling of Expedited Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)) (the Act) to determine whether revocation of the antidumping duty orders on stainless steel butt-weld pipe fittings from Italy, Malaysia, and the Philippines would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207,

subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* February 6, 2012.

FOR FURTHER INFORMATION CONTACT: Barbara Elkins (202-205-2253), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On February 6, 2012, the Commission determined that the domestic interested party group response to its notice of institution (76 FR 67473, November 1, 2011) of the subject five-year reviews was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.¹ Accordingly, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Act.

Staff report.—A staff report containing information concerning the subject matter of these reviews will be placed in the nonpublic record on March 12, 2012 and made available to persons on the Administrative Protective Order service list for these reviews. 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 reviews and that have provided individually adequate responses to the notice of institution,² and any party other than an interested party to the reviews may file written comments with the Secretary on what determination the

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 The Commission has found the responses submitted by Core Pipe Products, Inc.; Ezeflow USA Inc.-Flowline Division; Shaw Alloy Piping Products, Inc.; Taylor Forge Stainless, Inc.; and by Filmag Italia, srl to be individually adequate. Comments from other interested parties will not be accepted (see 19 CFR 207.62(d)(2)).

Commission should reach in the reviews. Comments are due on or before March 15, 2012 and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by March 15, 2012. However, should the Department of Commerce extend the time limit for its completion of the final results of its reviews, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. Please be aware that the Commission's rules with respect to electronic filing have been amended. The amendments took effect on November 7, 2011. See 76 FR 61937 (Oct. 6, 2011) and the newly revised Commission's Handbook on E-Filing, available on the Commission's Web site at <http://edis.usitc.gov>.

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). 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: These reviews are 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: February 17, 2012.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2012-4196 Filed 2-22-12; 8:45 am]

BILLING CODE 7020-02-P

of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the Suspension Agreement. The effective date of continuation will be the date of publication in the **Federal Register** of this Continuation Notice. Pursuant to sections 751(c)(2) of the Act, the Department intends to initiate the next five-year sunset review of this Suspension Agreement not later than February 2017.

This five-year (sunset) review and notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act.

Dated: March 2, 2012.

Ronald K. Lorentzen,
Acting Assistant Secretary for Import Administration.

[FR Doc. 2012-5671 Filed 3-7-12; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-552-813]

Steel Wire Garment Hangers From the Socialist Republic of Vietnam: Notice of Postponement of Preliminary Determination in the Countervailing Duty Investigation

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

DATES: *Effective Date:* March 8, 2012.

FOR FURTHER INFORMATION CONTACT: John Conniff, AD/CVD Operations, Office 3, Import Administration, U.S. Department of Commerce, Room 4014, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202-482-1009.

SUPPLEMENTARY INFORMATION:

Background

On January 18, 2012, the Department of Commerce (the Department) initiated the countervailing duty investigation of steel wire garment hangers from the Socialist Republic of Vietnam. *See Steel Wire Garment Hangers from the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigation*, 77 FR 3737 (January 25, 2012). Currently, the preliminary determination is due no later than March 23, 2012.

Postponement of Due Date for Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires the Department to issue the preliminary

determination in a countervailing duty investigation within 65 days after the date on which the Department initiated the investigation. However, if the Department concludes that the parties concerned in the investigation are cooperating and determines that the investigation is extraordinarily complicated, section 703(c)(1)(B) of the Act allows the Department to postpone making the preliminary determination until no later than 130 days after the date on which the administering authority initiated the investigation.

The Department has determined that the parties involved in the proceeding are cooperating and that the investigation is extraordinarily complicated. *See* section 703(c)(1)(B) of the Act. Specifically, the Department is currently investigating alleged subsidy programs involving loans, grants, income tax incentives, and the provision of goods or services for less than adequate remuneration. Due to the number and complexity of the alleged countervailable subsidy practices being investigated, it is not practicable to complete the preliminary determination of this investigation within the original time limit (*i.e.*, by March 23, 2012). Therefore, in accordance with section 703(c)(1)(B) of the Act, we are fully extending the due date for the preliminary determination to no later than 130 days after the day on which the investigation was initiated.

However, as that date falls on a Sunday (*i.e.*, May 27, 2012) and is followed by a federal holiday on Monday, May 28, 2012, the deadline for completion of the preliminary determination is now Tuesday, May 29, 2012, the next business day.

This notice is issued and published pursuant to section 703(c)(2) of the Act.

Dated: March 2, 2012.

Ronald K. Lorentzen,
Acting Assistant Secretary for Import Administration.

[FR Doc. 2012-5686 Filed 3-7-12; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-475-828, A-557-809, A-565-801]

Stainless Steel Butt-Weld Pipe Fittings From Italy, Malaysia, and the Philippines: Final Results of the Expedited Second Five-Year ("Sunset") Reviews of Antidumping Duty Orders

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

SUMMARY: On November 1, 2011, the Department of Commerce (the Department) initiated sunset reviews of the antidumping duty orders on stainless steel butt-weld pipe fittings (butt-weld pipe fittings) from Italy, Malaysia, and the Philippines pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).¹ On the basis of notices of intent to participate and adequate substantive responses filed on behalf of domestic interested parties, and no adequate response from respondent interested parties, the Department conducted expedited (120-day) sunset reviews of these antidumping duty orders. As a result of these sunset reviews, the Department finds that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping at the levels identified below in the "Final Results of Sunset Reviews" section of this notice.

DATES: *Effective Date:* March 8, 2012.

FOR FURTHER INFORMATION CONTACT:

Dena Crossland or Angelica Mendoza, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3362 or (202) 482-3019, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 2011, the Department initiated the second sunset reviews of the antidumping duty orders on butt-weld pipe fittings from Italy, Malaysia, and the Philippines pursuant to section 751(c) of the Act. *See Initiation Notice*. On November 16, 2011, the Department received notices of intent to participate from four domestic interested parties, Core Pipe Products, Inc. (formerly Gerlin, Inc.), EzeFlow USA Inc.—Flowline Division (formerly Flowline Division of Markovitz Enterprises, Inc.), Shaw Alloy Piping Products, Inc., and Taylor Forge Stainless, Inc. (collectively, domestic interested parties), within the deadline specified in section 351.218(d)(1)(i) of the Department's regulations. Domestic interested parties claimed interested party status under section 771(9)(C) of the Act as U.S. producers of a domestic like product.

On December 1, 2011, we received an adequate substantive response from domestic interested parties within the 30-day deadline specified in section 351.218(d)(3)(i) of the Department's

¹ *See Initiation of Five-Year ("Sunset") Review*, 76 FR 67412 (November 1, 2011) (*Initiation Notice*).

regulations. Additionally on December 1, 2011, we received an incomplete response to the Department's initiation notice of the five-year sunset review of butt-weld pipe fittings from Italy from respondent interested party Filmag Italia, srl (Filmag). In its incomplete response, Filmag also requested a one-week extension for gathering and submitting the required information for a substantive response. On December 5, 2011, we notified Filmag that in light of the Department's statutory requirement to issue timely determinations in these sunset reviews, and given the fact that parties were afforded ample time in which to provide complete substantive responses, we were unable to grant Filmag's extension request.²

On December 6, 2011, we notified Filmag that it did not include a representative certification in its December 1, 2011, submission, and requested that Filmag resubmit its December 1, 2011, submission, with all of the proper certifications, by December 7, 2011.³ On December 7, 2011, Filmag resubmitted its December 1, 2011, submission, which included all of the proper certifications.

On December 13, 2011, because Filmag did not provide any volume data to show that its exports accounted for more than 50 percent of the total exports of subject merchandise to the United States over the relevant five-year period pursuant to 19 CFR 351.218(e)(1)(ii)(A), we determined its December 1, 2011, response to be inadequate.⁴

We did not receive any substantive response from any other respondent interested parties with respect to the antidumping duty orders on butt-weld pipe fittings from Italy, Malaysia, or the Philippines. Additionally, we did not receive any rebuttal response from any respondent interested parties. As a result, pursuant to section 751(c)(3)(B) of the Act and section 351.218(e)(1)(ii)(C)(2) of the Department's regulations, the Department conducted expedited sunset reviews of these orders.⁵

² See Letter to Filmag Italia, srl, from Angelica L. Mendoza, Program Manager, Office 7, AD/CVD Operations, dated December 5, 2011.

³ See Letter to Filmag Italia, srl, from Angelica L. Mendoza, Program Manager, Office 7, AD/CVD Operations, dated December 6, 2011.

⁴ See Memorandum to Richard O. Weible, Director, AD/CVD Operations, Office 7, "Adequacy Determination in the Second Five-Year 'Sunset Review' (2006 through 2010) of the Antidumping Duty Orders on Stainless Steel Butt-Weld Pipe Fittings (SSBWPFs) from Italy, Malaysia, and the Philippines," dated December 13, 2011 (Adequacy Determination Memorandum).

⁵ See Letter to Catherine DeFilippo, Director, Office of Investigations, U.S. International Trade Commission, from Edward C. Yang, Senior Director, China/NME, AD/CVD Operations, entitled "Sunset

On January 6, 2012, domestic interested parties submitted a letter to the Department in support of the Department's Letter to the U.S. International Trade Commission and the Department's Adequacy Determination Memorandum. Additionally, in their January 6, 2012, letter, domestic interested parties reiterated that the Department should find that revocation of the antidumping duty orders on butt-weld pipe fittings from Italy, Malaysia, and the Philippines would be likely to lead to continuation or recurrence of dumping at the margins indicated in domestic interested parties' substantive response.

Scope of the Orders

For purposes of the orders, the product covered is certain stainless steel butt-weld pipe fittings (butt-weld fittings). Butt-weld pipe fittings are under 14 inches in outside diameter (based on nominal pipe size), whether finished or unfinished. The product encompasses all grades of stainless steel and "commodity" and "specialty" fittings. Specifically excluded from the definition are threaded, grooved, and bolted fittings, and fittings made from any material other than stainless steel.

The butt-weld fittings subject to the orders are generally designated under specification ASTM A403/A403M, the standard specification for Wrought Austenitic Stainless Steel Piping Fittings, or its foreign equivalents (*e.g.*, DIN or JIS specifications). This specification covers two general classes of fittings, WP and CR, of wrought austenitic stainless steel fittings of seamless and welded construction covered by the latest revision of ANSI B16.9, ANSI B16.11, and ANSI B16.28. Butt-weld fittings manufactured to specification ASTM A774, or its foreign equivalents, are also covered by the orders.

The orders do not apply to cast fittings. Cast austenitic stainless steel pipe fittings are covered by specifications A351/A351M, A743/743M, and A744/A744M.

The butt-weld fittings subject to the orders are currently classifiable under subheading 7307.23.0000 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 scope of the orders is dispositive.

Reviews Initiated on November 1, 2011," dated December 8, 2011 (Letter to the U.S. International Trade Commission).

Analysis of Comments Received

All issues raised in these cases are addressed in the "Issues and Decision Memorandum for the Final Results of the Expedited Second Five-Year ('Sunset') Reviews of the Antidumping Duty Orders on Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines" from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, Import Administration, to Ronald K. Lorentzen, Acting Assistant Secretary for Import Administration, dated February 29, 2012 (Decision Memorandum), which is hereby adopted by this notice. The issues discussed in the Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail if the orders were revoked. Parties can find a complete discussion of all issues raised in these sunset reviews 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, room 7046 of the main Department of Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly on the internet at <http://www.trade.gov/ia/>. The signed Decision Memorandum and the electronic versions of the Decision Memorandum are identical in content.

Final Results of Sunset Reviews

The Department determines that revocation of the antidumping duty orders on butt-weld pipe fittings from Italy, Malaysia, and the Philippines would likely lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

| Manufacturers/exporters/ producers | Weighted- average margin (percent) |
|---------------------------------------|---|
| Italy: | |
| Coprosider S.p.A | 26.59 |
| All Others | 26.59 |
| Malaysia: | |
| Kanzen Tetsu Sdn. Bhd | 7.51 |
| All Others | 7.51 |
| The Philippines: | |
| Enlin Steel Corporation | 33.81 |
| Tung Fong Industrial Co., Inc | 7.59 |
| All Others | 7.59 |

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order of their responsibility concerning the return or destruction of proprietary information disclosed under administrative protection order in accordance with section 351.305 of the Department's regulations. Timely notification of the return or destruction of administrative protective order materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an administrative protective order 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: February 29, 2012.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. 2012-5672 Filed 3-7-12; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XB064

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council's (Council) VMS/ Enforcement Committee and Advisory Panel will meet to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Thursday, March 22, 2012 at 9 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn by the Bay, 88 Spring Street, Portland, ME 04101; telephone: (207) 775-2311; fax: (207) 772-4017.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Committee and Advisory Panel will provide an open comment period for the fishing industry, concerning compliance and effectiveness of regulations for New England Fishery Management Plans (FMPs). They will analyze enforcement of Amendment 5 to the Atlantic Herring FMP. They will comment on the NOAA Enforcement priorities. They will also discuss an issue raised by Mid-Atlantic Fishery Management Council about the need for NOAA General Counsel staff in the Northeast. Also in the agenda will be a review of Habitat Committee information on coral zones. The committee will discuss Council questions about the verification of sector landings reports and penalties. Other business may be discussed.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 2, 2012.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2012-5601 Filed 3-7-12; 8:45 am]

BILLING CODE 3510-22-P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget

(OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden; it includes the actual data collection instruments [if any].

DATES: Comments must be submitted on or before April 9, 2012.

ADDRESSES: Send comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, to the addresses below. Please refer to OMB Control No. 3038-0007 in any correspondence.

Ryne Miller, Division of Market Oversight, Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581; and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for CFTC, 725 17th Street, Washington, DC 20503.

Comments may also be submitted by any of the following methods:

The agency's Web site, at <http://comments.cftc.gov>. Follow the instructions for submitting comments through the Web site.

Mail: David A. Stawick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

Hand Delivery/Courier: Same as mail above.

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Please submit your comments using only one method and identify that it is for the renewal of 3038-0007.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to www.cftc.gov. You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.¹

FOR FURTHER INFORMATION CONTACT:

Ryne Miller, Division of Market Oversight, Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581, (202) 418-5921; FAX: (202) 418-5527; email: rmiller@cftc.gov and refer to OMB Control No. 3038-0007.

SUPPLEMENTARY INFORMATION:

¹ See 17 CFR 145.9.

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about SEAs and FONSI's prepared by the Gulf of Mexico OCS Region are encouraged to contact BOEM at the address or telephone listed in the **FOR FURTHER INFORMATION CONTACT** section.

Dated: February 3, 2012.

John Rodi,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 2012-7364 Filed 3-26-12; 8:45 am]

BILLING CODE 4310-MR-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-865-867 (Second Review)]

Stainless Steel Butt-Weld Pipe Fittings From Italy, Malaysia, and the Philippines; Revised Schedule for the Subject Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: *Effective Date:* March 21, 2012.

FOR FURTHER INFORMATION CONTACT:

Elizabeth Haines (202-205-3200), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION: On February 6, 2012, the Commission established a schedule for the conduct of the expedited subject five-year reviews (77 FR 10773, February 23, 2012). The Commission is revising its schedule.

The Commission's new schedule for the reviews is as follows: the staff report will be placed in the nonpublic record on May 25, 2012; and, comments are due on or before May 30, 2012.

For further information concerning these reviews see the Commission's notice cited above and the Commission's Rules of Practice and

Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

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

By order of the Commission.

Issued: March 21, 2012.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2012-7286 Filed 3-26-12; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Resource Conservation and Recovery Act and Clean Air Act

Notice is hereby given that on March 19, 2012, a Consent Decree in *U.S. v. Government of the Virgin Islands, et al.*, Civil Action No. 3:10-cv-48 was lodged with the United States District Court for the District of the Virgin Islands.

In this action the United States sought, among other things, injunctive relief and civil penalties for the failure by the Government of the Virgin Islands ("GVI") and the Virgin Islands Waste Management Authority ("WMA") to operate the Bovoni Landfill on St. Thomas in compliance with the Resource Conservation and Recovery Act ("RCRA") and the Clean Air Act ("CAA"). The proposed Consent Decree provides for the GVI and WMA to: (a) Operate and maintain the landfill in accordance with RCRA; (b) upgrade an existing CAA-required landfill gas collection and control system and operate and maintain the system; (c) install and operate a leachate collection system; (d) construct and operate a storm water runoff collection system; (e) remove and dispose of scrap tires adjacent to the landfill; (d) implement phased closure of the landfill beginning in 2014; (f) implement a waste diversion/recycling program; and (g) pay a civil penalty of \$50,000.

The Department of Justice will receive comments relating to the Consent Decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to pubcommentees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *U.S. v. Government of the Virgin Islands, et al.*, D.J. Ref. 90-5-2-1-08776. Commenters may request

that a public meeting be held in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d). If a public meeting is requested, information concerning the time and place of the meeting will be provided in advance in the local media.

During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or emailing a request to "Consent Decree Copy" (escdcopy.enrd@usdoj.gov), fax number (202) 514-0097, phone confirmation number (202) 514-5271. If requesting a copy from the Consent Decree Library by mail, please enclose a check in the amount of \$11.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if requesting by email or fax, forward a check in that amount to the Consent Decree Library at the address given above.

Ronald G. Gluck,

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

[FR Doc. 2012-7277 Filed 3-26-12; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (BJA) Docket No. 1584]

Meeting of the Department of Justice Global Justice Information Sharing Initiative Federal Advisory Committee

AGENCY: Office of Justice Programs (OJP), Justice.

ACTION: Notice of meeting.

SUMMARY: This is an announcement of a meeting of the Department of Justice (DOJ) Global Justice Information Sharing Initiative (Global) Federal Advisory Committee (GAC) to discuss the Global Initiative, as described at www.it.ojp.gov/global.

DATES: The meeting will take place on Wednesday, April 11, 2012, from 8:30 a.m. to 4 p.m. ET.

ADDRESSES: The meeting will take place at the Renaissance Washington, DC, Downtown hotel, 999 Ninth Street NW., Washington, DC 20001, Phone: (202) 898-9000.

FOR FURTHER INFORMATION CONTACT: J. Patrick McCreary, Global Designated Federal Employee (DFE), Bureau of

APPENDIX B
COMMISSION'S STATEMENT ON ADEQUACY

EXPLANATION OF COMMISSION DETERMINATION ON ADEQUACY

in

Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines
Inv. Nos. 731-TA-865-867 (Second Review)

On February 6, 2012, the Commission determined that it should proceed to expedited reviews in the subject five-year reviews 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 to its notice of institution from four domestic producers, including Core Pipe Products, Inc.; Ezefflow USA Inc. - Flowline Division; Shaw Alloy Piping Products, Inc.; and Taylor Forge Stainless, Inc. The Commission determined that the individual response of each producer was individually adequate. Because the four producers that filed adequate responses accounted for the majority of domestic production of stainless steel butt-weld pipe fittings, the Commission further determined that the domestic interested party group response was adequate.

The Commission also received a response from Italian producer Filmag Italia, srl (“Filmag”). The Commission determined that this response was individually adequate. Because Filmag estimated that it only accounted for a small percentage of total stainless steel butt-weld pipe fittings production in Italy, however, the Commission determined that the respondent interested party group response with respect to Italy was inadequate.

The Commission did not receive a response from any respondent interested parties in the reviews concerning subject imports from Malaysia and the Philippines and, therefore, determined that the respondent interested party group response with respect to each was inadequate.

Given the absence of an adequate respondent interested party group response, and any other circumstances that might warrant proceeding to full reviews, the Commission determined to conduct expedited reviews. A record of the Commissioners’ votes is available from the Office of the Secretary and the Commission’s website (<http://www.usitc.gov>).

APPENDIX C
HISTORICAL COMPARATIVE DATA

Table C-1

SSBW Fittings: Comparative apparent consumption and market share data from current and previous investigations, 1997-2005 and 2010

| | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2010 |
|------------------------------------|---------|--------|---------|------|--------|--------|--------|--------|---------|--------------------|
| Quantity (1,000 pounds) | | | | | | | | | | |
| Apparent U.S. consumption | 17,049 | 15,524 | 18,045 | *** | 12,396 | 14,085 | 12,414 | 15,242 | 17,345 | *** ⁽¹⁾ |
| Share of quantity (percent) | | | | | | | | | | |
| Producers' share | 43.0 | 48.3 | 48.0 | *** | 41.4 | 32.5 | 27.3 | 25.7 | 25.7 | *** ⁽¹⁾ |
| Importers' share: | | | | | | | | | | |
| Italy | *** | *** | *** | *** | 6.6 | 4.1 | 1.4 | 0.9 | 1.1 | *** ⁽¹⁾ |
| Malaysia | *** | *** | *** | *** | 6.3 | 5.3 | 5.3 | 6.7 | 8.4 | *** ⁽¹⁾ |
| Philippines | *** | *** | *** | *** | 1.6 | 1.3 | 0.5 | 0.2 | 2.1 | *** ⁽¹⁾ |
| Subtotal, subject | *** | *** | *** | *** | 14.5 | 10.7 | 7.2 | 7.8 | 11.6 | *** ⁽¹⁾ |
| Other sources | *** | *** | *** | *** | 41.1 | 56.7 | 65.5 | 66.5 | 62.7 | *** ⁽¹⁾ |
| Total imports | 57.0 | 51.7 | 52.0 | *** | 58.6 | 67.5 | 72.7 | 74.3 | 74.3 | *** ⁽¹⁾ |
| Value (1,000 dollars) | | | | | | | | | | |
| Apparent U.S. consumption | 118,335 | 95,335 | 104,862 | *** | 79,677 | 80,712 | 68,695 | 88,859 | 108,274 | *** ⁽²⁾ |
| Share of value (percent) | | | | | | | | | | |
| Producers' share | 59.7 | 63.5 | 54.4 | *** | 49.7 | 44.8 | 39.0 | 40.7 | 40.0 | *** ⁽²⁾ |
| Importers' share: | | | | | | | | | | |
| Italy | *** | *** | *** | *** | 3.2 | 2.2 | 1.7 | 1.3 | 1.7 | *** ⁽²⁾ |
| Malaysia | *** | *** | *** | *** | 2.4 | 2.3 | 2.4 | 3.5 | 4.6 | *** ⁽²⁾ |
| Philippines | *** | *** | *** | *** | 0.7 | 0.5 | 0.3 | 0.1 | 1.3 | *** ⁽²⁾ |
| Subtotal, subject | *** | *** | *** | *** | 6.4 | 5.0 | 4.4 | 4.9 | 7.6 | *** ⁽²⁾ |
| Other sources | *** | *** | *** | *** | 44.0 | 50.1 | 56.6 | 54.4 | 52.4 | *** ⁽²⁾ |
| Total imports | 40.3 | 36.5 | 45.6 | *** | 50.3 | 55.2 | 61.0 | 59.3 | 60.0 | *** ⁽²⁾ |

¹ Quantity data reported for U.S. producers' U.S. shipments in 2010 are (i) likely overstated due to potentially erroneous data submitted by one U.S. producer, and (ii) do not include data on several U.S. producers that are not members of the domestic interested party group. Market share data in 2010 should not be directly compared to data from prior periods.

² Value data reported for U.S. producers' U.S. shipments in 2010 are likely understated compared to previous periods since they do not include data for several U.S. producers that are not members of the domestic interested party group. Market share data in 2010 should not be directly compared to data from prior periods.

Source: *Certain Stainless Steel Butt-Weld Pipe Fittings from Germany, Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-864-867*, Office of Investigation Memo INV-X-235, November 6, 2000, table C-1; *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-865-867*, Office of Investigation Memo INV-DD-144, October 11, 2006, table C-1; and table I-8 of this report.

Table C-2
SSBW Fittings: Comparative data on U.S. imports from current and previous investigations, 1997-2010

| | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
|----------------------------------|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|---------|---------|--------|
| | Quantity (1,000 pounds); Value (1,000 dollars), and Unit Value (dollars per pound) | | | | | | | | | | | | | |
| U.S. imports from.-- Italy.-- | | | | | | | | | | | | | | |
| Quantity | *** | *** | *** | 1,962 | 822 | 575 | 177 | 138 | 192 | 126 | 398 | 99 | 158 | 132 |
| Value | *** | *** | *** | 5,938 | 2,538 | 1,768 | 1,155 | 1,156 | 1,847 | 1,215 | 2,960 | 678 | 1,846 | 1,118 |
| Unit value | *** | *** | *** | \$3.03 | \$3.09 | \$3.07 | \$6.51 | \$8.37 | \$9.62 | \$9.65 | \$7.43 | \$6.88 | \$11.69 | \$8.48 |
| Malaysia.-- | | | | | | | | | | | | | | |
| Quantity | *** | *** | *** | 1,520 | 781 | 751 | 657 | 1,022 | 1,460 | 1,049 | 1,540 | 1,537 | 822 | 1,059 |
| Value | *** | *** | *** | 4,408 | 1,938 | 1,878 | 1,628 | 3,113 | 4,984 | 4,017 | 7,313 | 7,159 | 2,916 | 3,238 |
| Unit value | *** | *** | *** | \$2.90 | \$2.48 | \$2.50 | \$2.48 | \$3.04 | \$3.41 | \$3.83 | \$4.75 | \$4.66 | \$3.55 | \$3.06 |
| Philippines.-- | | | | | | | | | | | | | | |
| Quantity | *** | *** | *** | 1,083 | 197 | 187 | 59 | 25 | 357 | 1,038 | 1,762 | 2,338 | 2,178 | 2,191 |
| Value | *** | *** | *** | 3,618 | 588 | 399 | 236 | 68 | 1,448 | 4,063 | 8,854 | 13,035 | 8,702 | 7,873 |
| Unit value | *** | *** | *** | \$3.34 | \$2.98 | \$2.14 | \$4.00 | \$2.76 | \$4.05 | \$3.91 | \$5.03 | \$5.57 | \$3.99 | \$3.59 |
| Subtotal, subject.-- | | | | | | | | | | | | | | |
| Quantity | *** | *** | *** | 4,564 | 1,800 | 1,513 | 893 | 1,185 | 2,009 | 2,213 | 3,701 | 3,973 | 3,158 | 3,382 |
| Value | *** | *** | *** | 13,964 | 5,065 | 4,045 | 3,019 | 4,337 | 8,279 | 9,295 | 19,127 | 20,872 | 13,465 | 12,228 |
| Unit value | *** | *** | *** | \$3.06 | \$2.81 | \$2.67 | \$3.38 | \$3.66 | \$4.12 | \$4.20 | \$5.17 | \$5.25 | \$4.26 | \$3.62 |
| Other sources.-- | | | | | | | | | | | | | | |
| Quantity | *** | *** | *** | 8,972 | 5,461 | 7,988 | 8,130 | 10,132 | 10,872 | 12,149 | 19,435 | 12,987 | 8,769 | 8,084 |
| Value | *** | *** | *** | 56,123 | 35,043 | 40,473 | 38,914 | 48,348 | 56,722 | 69,784 | 126,175 | 104,093 | 72,077 | 51,192 |
| Unit value | *** | *** | *** | \$6.26 | \$6.42 | \$5.07 | \$4.79 | \$4.77 | \$5.22 | \$5.74 | \$6.49 | \$8.02 | \$8.22 | \$6.33 |
| All sources.-- | | | | | | | | | | | | | | |
| Quantity | 9,715 | 8,021 | 9,379 | 13,536 | 7,261 | 9,502 | 9,024 | 11,318 | 12,881 | 14,362 | 23,136 | 16,961 | 11,927 | 11,466 |
| Value | 47,661 | 34,823 | 47,827 | 70,087 | 40,108 | 44,518 | 41,932 | 52,685 | 65,001 | 79,079 | 145,302 | 124,965 | 85,542 | 63,420 |
| Unit value | \$4.91 | \$4.34 | \$5.10 | \$5.18 | \$5.52 | \$4.69 | \$4.65 | \$4.66 | \$5.05 | \$5.51 | \$6.28 | \$7.37 | \$7.17 | \$5.53 |

Source: *Certain Stainless Steel Butt-Weld Pipe Fittings from Germany, Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-864-867*, Office of Investigation Memo INV-X-235, November 6, 2000, table C-1; *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-865-867*, Office of Investigation Memo INV-DD-144, October 11, 2006, table C-1; and table I-7 of this report.

Table C-3

SSBW Fittings: Comparative data on U.S. producers' operations from current and previous investigations, 1997-2005 and 2010

| | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2010 |
|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|----------------------|
| Quantity (1,000 pounds); Value (1,000 dollars); Unit values (dollars per pounds); and Ratio (percent) | | | | | | | | | | |
| U.S. producers' Capacity (<i>quantity</i>) | *** | *** | *** | *** | 8,100 | 8,050 | 8,062 | 8,281 | 7,036 | *** ⁽¹⁾ |
| Production (<i>quantity</i>) | 5,771 | 5,494 | 5,740 | *** | 4,695 | 4,599 | 3,450 | 3,869 | 4,588 | *** ⁽¹⁾ |
| Capacity utilization (<i>ratio</i>) | *** | *** | *** | *** | 58.0 | 57.1 | 42.8 | 46.7 | 65.2 | *** ⁽¹⁾ |
| Production workers (<i>number</i>) | 595 | 530 | 445 | *** | 364 | 356 | 289 | 322 | 329 | *** ⁽¹⁾ |
| Net sales <i>Quantity</i> | 7,810 | 7,487 | 8,971 | 5,379 | 5,358 | 4,752 | 3,565 | 4,070 | 4,689 | *** ⁽¹⁾ |
| <i>Value</i> | 75,349 | 61,165 | 60,229 | 43,698 | 40,914 | 37,362 | 27,858 | 37,316 | 45,130 | *** ⁽¹⁾ |
| <i>Unit value</i> | \$9.65 | \$8.17 | \$6.71 | \$8.12 | \$7.64 | \$7.86 | \$7.81 | \$9.17 | \$9.62 | \$*** ⁽¹⁾ |
| Value (1,000 dollars) | | | | | | | | | | |
| COGS | 51,363 | 45,114 | 46,714 | 30,380 | 30,622 | 28,820 | 21,108 | 27,548 | 31,781 | *** ⁽¹⁾ |
| Gross profit/(loss) | 23,986 | 16,051 | 13,515 | 13,318 | 10,292 | 8,542 | 6,750 | 9,768 | 13,349 | *** ⁽¹⁾ |
| SG&A expenses | 12,088 | 11,848 | 10,586 | 9,763 | 9,179 | 8,457 | 7,473 | 8,953 | 10,580 | *** ⁽¹⁾ |
| Operating profit/(loss) | 11,898 | 4,203 | 2,929 | 3,555 | 1,113 | 85 | (723) | 815 | 2,769 | *** ⁽¹⁾ |
| Unit value (dollars per pound) | | | | | | | | | | |
| COGS | \$6.58 | \$6.03 | \$5.21 | \$5.65 | \$5.72 | \$6.06 | \$5.92 | \$6.77 | \$6.78 | \$*** ⁽¹⁾ |
| SG&A expenses | 1.55 | 1.58 | 1.18 | 1.82 | 1.71 | 1.78 | 2.10 | 2.20 | 2.26 | *** ⁽¹⁾ |
| Operating profit/(loss) | 1.52 | 0.56 | 0.33 | 0.66 | 0.21 | 0.02 | (0.20) | 0.20 | 0.59 | *** ⁽¹⁾ |
| Ratio (percent) | | | | | | | | | | |
| COGS to sales | 68.2 | 73.8 | 77.6 | 69.5 | 74.8 | 77.1 | 75.8 | 73.8 | 70.4 | *** ⁽¹⁾ |
| Operating profit/(loss) to sales | 15.8 | 6.9 | 4.9 | 8.1 | 2.7 | 0.2 | (2.6) | 2.2 | 6.1 | *** ⁽¹⁾ |

¹ Data reported for 2010 involving quantities (quantities and unit values) should not be directly compared to data from earlier investigations as the data (a) relate only to a subset of U.S. producers (*i.e.*, the domestic interested party group) and (b) contains potentially erroneous data submitted by one U.S. producer. Comparing value data from 2010 to prior periods should also be done with caution as the 2010 data represent only the data submitted by a subset of U.S. producers (*i.e.*, the domestic interested party group). Finally, the ratio data, while still subject to the above caveats regarding coverage (all ratios) and data quality issues (for ratios based on quantity), are more directly comparable with ratio data from previous investigations given their unit-less nature.

Source: *Certain Stainless Steel Butt-Weld Pipe Fittings from Germany, Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-864-867*, Office of Investigation Memo INV-X-235, November 6, 2000, table C-1; *Certain Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines, Investigation Nos. 731-TA-865-867*, Office of Investigation Memo INV-DD-144, October 11, 2006, table C-1; and tables I-5 and I-6 of this report.

