

A-570-964

Investigation: 1/1/2009 -6/30/2009

IA / NME / Office 4: ZZW

Public Document

October 21, 2009

To All Interested Parties:

I am writing to you on behalf of Import Administration, a unit of the United States Department of Commerce (“the Department”). On October 20, 2009, the Department initiated an antidumping duty investigation to determine whether seamless refined copper pipe and tube (“copper pipe and tube”) from the People’s Republic (“PRC”) was sold in the United States at less than fair value during the period January 1, 2009, through June 30, 2009.¹ Pursuant to section 777A(c)(2) of the Tariff Act of 1930, as amended, (“the Act”), the Department is considering limiting the number of companies selected as mandatory respondents in this investigation to those companies accounting for the largest volume of subject merchandise from the exporting country that can be reasonably examined.

In order to determine which companies accounted for the largest volume of subject merchandise from the PRC during the period January 1, 2009, through June 30, 2009, we ask you to respond to the Quantity and Value Questionnaire (“Q&V Questionnaire”) in Attachment I to this letter. Please complete the table in Attachment I by providing the requested information on the quantity and U.S. dollar value of all of your sales to the United States during the period January 1, 2009, through June 30, 2009, of merchandise covered by the scope of this investigation and produced in the PRC. A description of the merchandise subject to this investigation is included in Attachment II to this letter. General instructions for responding to the Q&V Questionnaire are contained in Attachment III to this letter. Also, an electronic copy of the Q&V Questionnaire may be found on the internet at the following address: <http://ia.ita.doc.gov/ia-highlights-and-news.html>. Please be advised that receipt of this letter does not indicate that you will be chosen as a mandatory respondent or guaranteed separate rate status. In addition, please note that any information that you provide in response to this letter may be subject to an on-site verification by Department officials.

The Department must receive your response to this Q&V Questionnaire no later than 5:00 p.m. on November 10, 2009. Full and accurate responses to the Q&V Questionnaire from all participating respondents are necessary to ensure that the Department has the requisite information to appropriately select mandatory respondents. If a company fails to provide the requested quantity and value information, the Department may find that the company failed to cooperate by not acting to the best of its ability to comply with the request for information, and

¹ An electronic copy of the initiation notice may be found on the internet at the following address: <http://ia.ita.doc.gov/frn/2009/0910frn/>

may assign the company an antidumping duty margin using facts available, including using inferences that are adverse to the company's interests, as provided by section 776 of the Act.

The Department is also requiring all firms that wish to qualify for separate-rate status in this investigation to complete a Separate Rate Application as described in the notice of initiation of this investigation. The Separate Rate Application, as well as the due date by which the Department must receive a completed Separate Rate Application can be found on the Department's website at <http://ia.ita.doc.gov/ia-highlights-and-news.html>. Please note that the Department will not give consideration to any Separate Rate Application made by parties that fail to timely respond to the Q&V Questionnaire or fail to timely submit the requisite Separate Rate Application.

To assist you in filing your response to this Q&V Questionnaire, we have provided the following checklist which covers many of the major filing requirements (also see the General Instructions in Attachment III). The checklist must be submitted with your response to the Q&V Questionnaire. Confirm that you have complied with the applicable items below by checking the appropriate item. In particular note the requirement that all submissions to the Department must be served on interested parties. The service instructions are included in Attachment III. The list of interested parties may be found at <http://ia.ita.doc.gov/apo/apo-svc-lists.html>.

Checklist

General Items

1. ____ You have provided all of the information requested in Attachment I to this questionnaire.
2. ____ You have listed in the table in Attachment I the full name of the company(ies) for which you reported data.
3. ____ If you believe that you should be treated as a single entity along with other exporters, please provide the information requested in the table in Attachment I, both in the aggregate for all named parties in your group, and individually for each named entity. Please clearly identify which company the company-specific information is from and label the aggregate figures for the group as "Group Total."
4. ____ **Do not** submit your response via email or facsimile. Your response must be sent to the following address:

Secretary of Commerce
Attention: Import Administration
APO/Dockets Unit
Room 1870
U.S. Department of Commerce

1401 Constitution Avenue, N.W.
Washington, DC 20230
Attn: Maisha Cryor or Karine Gziryan, Room 3057

5. ____ You have filled out and included with your Q&V Questionnaire response the Certificate of Accuracy which is in Attachment III to this Questionnaire.
6. ____ You have filled out and included with your Q&V Questionnaire response the Certificate of Service which is in Attachment III to this Questionnaire.
7. ____ If you had no sales of subject merchandise to the United States during the period 01/01/2009 through 06/30/2009, please respond to the Q&V Questionnaire by including the following statement in your questionnaire response:

The following companies had no sales of subject merchandise to the United States during the period of investigation (01/01/2009, through 06/30/2009): *Please list the full name of each company.*

8. ____ In addition to the above information, please provide the following contact information for each company for which you completed the table in Attachment I of this questionnaire:

Full Company Name:
Name of Contact Person at the Company (if not represented by legal counsel):
Full Company Address, Including Postal Code:
Telephone Number:
Fax Number:
Email Address:

Instructions relating to PUBLIC DOCUMENTS

If you are willing to allow **all** of the information contained in your Q&V Questionnaire response to be made publicly available, you must comply with items 1 through 4 below:

1. ____ You marked the upper-right hand corner of the cover letter of your questionnaire response as follows:

Case No. A-570-964
Total Number of Pages: x
Investigation: 01/1/2009 – 06/30/2009
NME Unit Office 4
Public Document

2. ____ **Do not** place brackets (“[]”) around any of the information provided in the public

document.

3. ____ Your Certificate of Service lists each company on the Public Service list at <http://ia.ita.doc.gov/apo/apo-svc-lists.html>.
4. ____ You filed the original and 5 copies of the public document with the Department.

Instructions relating to PROPRIETARY DOCUMENTS

If you wish to treat any of the information contained in your Q&V Questionnaire response as proprietary information that you do not wish to be made publicly available, you must comply with items A and B below:

- A. You submitted a proprietary version of the document which meets requirements 1 through 8 below:

1. ____ The upper-right hand corner of the cover letter of your questionnaire response contains the following information:

Case No. A-570-964
Total Number of Pages: x
Investigation: 01/1/2009 – 06/30/2009
NME Unit Office 4
Business Proprietary Version
Business Proprietary info on pages xx

2. ____ In addition to the above markings, you **must** include one of the following statements in the upper-right hand corner of the cover letter of your questionnaire response: (1) **Document May Be Released Under APO** or (2) **Document May Not be Released Under APO**. APO stands for Administrative Protective Order. Administrative Protective Orders permit limited disclosure of proprietary information to representatives of parties (e.g., legal counsel to parties) who have been granted APO access. **Please note that parties typically agree to the release of business proprietary information under APO.** However, if you object to the release under APO of certain information contained in your Q&V Questionnaire response, you **must** list the information which you believe should not be released under APO, together with arguments supporting your objections to release under APO.
3. ____ You have included the statement “Business Proprietary Treatment Requested” on the top of each page containing business proprietary information.

4. ____ You have placed brackets (“[]”) around the information that you consider proprietary which you do not wish to be made publicly available but which may be released under APO.
5. ____ If you object to releasing certain proprietary information under APO, place double brackets (“[[]]”) around such information and create a separate APO version of the business proprietary document, and submit one APO Version, along with the six complete copies of the business proprietary document. The upper-right hand corner of the cover letter of the APO version of your questionnaire response should contain the following information:

Case No. A-570-964
Total Number of Pages: x
Investigation: 01/1/2009 – 06/30/2009
NME Unit Office 4
Business Proprietary info on pages xx
Business Proprietary Information deleted from pages xx
APO Version

6. ____ Information in double brackets should be removed from the APO version of your questionnaire response. Do not remove information in double brackets from the proprietary version of the questionnaire response filed with the Department.
7. ____ Your Certificate of Service lists each company on the APO Service list at <http://ia.ita.doc.gov/apo/apo-svc-lists.html>. If you created an APO version of your questionnaire response, provide the parties on the APO Service list with a copy of the **APO version** of your questionnaire response. If you **did not** create an APO version of your questionnaire response, provide the parties on the APO Service list with a copy of the **proprietary version** of your questionnaire response. **Do not** provide parties on the Public Service list with a copy of either the proprietary version or APO version of your questionnaire response.
8. ____ You filed the original and 5 copies of the proprietary document with the Department.

B. You have created a public version of the proprietary document which meets requirements 1 through 4 below:

1. ____ The upper-right hand corner of the cover letter of your questionnaire response contains the following information:

Case No. A-570-964
Total Number of Pages: x
Investigation: 01/1/2009 – 06/30/2009
NME Unit Office 4
Public Version of Proprietary Document

2. ____ In the public version of the Q&V Questionnaire response, you have summarized all of the numeric data in the proprietary version of the Q&V Questionnaire response that you placed in brackets (“[]”). An acceptable method of summarizing the proprietary numbers in the public version is to report numbers in the public version that differ from the numbers reported in the proprietary version by no more than 10 percent. For example if you reported [200] in the proprietary version, you may summarize this figure in the public version of that document by reporting a number between [220] and [180].
3. ____ Your Certificate of Service lists each company on the Public Service list at <http://ia.ita.doc.gov/apo/apo-svc-lists.html>.
4. ____ You filed the original and 2 copies, for a total of 3 public versions of the proprietary document with the Department.

If you have any questions regarding the Q&V Questionnaire, you may contact any of the officials listed on the next page.

Sincerely,

Robert Bolling
Program Manager
AD/CVD Enforcement, Office 4

Attachments

ATTACHMENT I

A-570-964

Investigation

CHOOSE ONE: Public Document OR Business Proprietary Document

IA/NME/Office 4

**OFFICE OF AD/CVD OPERATIONS
QUANTITY AND VALUE QUESTIONNAIRE**

REQUESTER(S): {insert name of company}
{company address}
{contact name and title}
{contact telephone number}
{contact fax number}
{contact e-mail address}

REPRESENTATION: {insert name of counsel and law firm and contact info}

CASE: Seamless Refined Copper Pipe and Tube from the People's
Republic of China

PERIOD OF INVESTIGATION: January 1, 2009, through June 30, 2009
DATE OF INITIATION: October 20, 2009
DUE DATE FOR Q&V RESPONSE: November 10, 2009

OFFICIALS IN CHARGE:

Maisha Cryor
International Trade Compliance Analyst, AD/CVD Operations, Office 4
Telephone: 202-482-5831
Fax: 202-482-5105

Karine Gziryan
International Trade Compliance Analyst, AD/CVD Operations, Office 4
Telephone: (202) 482-4081
Fax: (202) 482-5105

FILING ADDRESS:

Secretary of Commerce
Attention: Import Administration
APO/Dockets Unit
Room 1870
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, DC 20230
Attn: Maisha Cryor or Karine Gziryan, Room 3057

On October 20, 2009, the Department initiated an antidumping duty investigation to determine whether seamless copper pipe and tube from the PRC was sold in the United States at less than fair value during the period January 1, 2009, through June 30, 2009 (the period of investigation or “POI”).²

Section 777A(c)(1) of the Act, directs the Department to calculate individual dumping margins for each known exporter and producer of the subject merchandise. Where it is not practicable to examine all known producers/exporters of subject merchandise, as is the case in this investigation, section 777A(c)(2) of the Act permits the Department to examine either (1) a sample of exporters, producers or types of products that is statistically valid based on the information available at the time of selection; or (2) exporters and producers accounting for the largest volume of the subject merchandise from the exporting country that can be reasonably examined.

In advance of the issuance of the full antidumping duty questionnaire, we ask that you respond to the following Q&V Questionnaire requesting information on the quantity and U.S. dollar value of all of your sales to the United States during the period January 1, 2009, through June 30, 2009, of merchandise covered by the scope of this investigation (see Attachment II) and produced in the PRC. A full and accurate response to the Q&V Questionnaire from all participating respondents is necessary to ensure that the Department has the requisite information to appropriately select mandatory respondents.

The Department is also requiring all firms that wish to qualify for separate-rate status in this investigation to complete a separate-rate status application as described in the notice of initiation. In other words, the Department will not give consideration to any separate-rate status application made by parties that fail to timely respond to the Q&V Questionnaire or fail to timely submit the requisite separate-rate status application.

To complete this investigation within the statutory time frame, the Department will be limited in its ability to extend the deadline for the response to the Q&V Questionnaire.

A definition of the scope of the merchandise subject to this investigation is included in Attachment II and general instructions for responding to this Quantity and Value Questionnaire are contained in Attachment III. **Your response to this questionnaire may be subject to on-site verification by Department officials.**

² An electronic copy of the initiation notice may be found on the internet at the following address:
<http://ia.ita.doc.gov/frn/2009/0910frn/>

FORMAT FOR REPORTING QUANTITY AND VALUE OF SALES

In providing the information in the chart below, please provide the total quantity, in metric tons, and total value (in U.S. dollars) of all your sales to the United States during the period January 1, 2009, through June 30, 2009, of merchandise covered by the scope of this investigation (see Attachment II) and produced in the PRC.³

- Please include only sales exported by your company directly to the United States.
- Please do not include any sales of subject merchandise manufactured in Hong Kong in your figures.

Additionally, if you believe that you should be treated as a single entity along with other named exporters, please complete the chart, below, both in the aggregate for all named parties in your group and, in separate charts, individually for each named entity. Please label each chart accordingly.

Market: United States	Total Quantity in Metric Tons ⁴	Terms of Sale ⁵	Total Value ⁶ (\$U.S.)
1. Export Price ⁷			
2. Constructed Export Price ⁸			
3. Further Manufactured ⁹			
Total			

3 Please use the invoice date when determining which sales to include within the period noted above. Generally, the Department uses invoice date as the date of sale, as that is when the essential terms of sale are set. If you believe that another date besides the invoice date would provide a more accurate representation of your company's sales during the designated period, please report sales based on that date and provide a full explanation.

4 If any conversions were used, please provide the conversion formula and source.

5 To the extent possible, sales values should be reported based on the same terms (*e.g.*, FOB).

6 Values should be expressed in U.S. dollars. Indicate any exchange rates used and their respective dates and sources.

7 Generally, a U.S. sale is classified as an export price sale when the first sale to an unaffiliated person occurs before the goods are imported into the United States.

8 Generally, a U.S. sale is classified as a constructed export price sale when the first sale to an unaffiliated person occurs after importation. However, if the first sale to the unaffiliated person is made by a person in the United States affiliated with the foreign exporter, constructed export price applies even if the sale occurs prior to importation. Do not report the sale to the affiliated party in the United States, rather report the sale made by the affiliated party to the unaffiliated customer in the United States. If you have further manufactured sales, please report them under Item 3, rather than under Item 2.

9 "Further manufactured" refers to merchandise that undergoes further manufacture or assembly in the United States before sale to the first unaffiliated customer.

ATTACHMENT II

DESCRIPTION OF PRODUCTS UNDER INVESTIGATION

For the purpose of these investigations, the products covered are all seamless circular refined copper pipes and tubes, including redraw hollows, greater than or equal to 6 inches (152.4 mm) in length and measuring less than 12.130 inches (308.102 mm) (actual) in outside diameter (“OD”), regardless of wall thickness, bore (e.g., smooth, enhanced with inner grooves or ridges), manufacturing process (e.g., hot finished, cold-drawn, annealed), outer surface (e.g., plain or enhanced with grooves, ridges, fins, or gills), end finish (e.g., plain end, swaged end, flared end, expanded end, crimped end, threaded), coating (e.g., plastic, paint), insulation, attachments (e.g., plain, capped, plugged, with compression or other fitting), or physical configuration (e.g., straight, coiled, bent, wound on spools).

The scope of these investigations covers, but is not limited to, seamless refined copper pipe and tube produced or comparable to the American Society for Testing and Materials (“ASTM”) ASTM-B42, ASTM-B68, ASTM-B75, ASTM-B88, ASTM-B88M, ASTM-B188, ASTM-B251, ASTM-B251M, ASTM-B280, ASTM-B302, ASTM-B306, ASTM-359, ASTM-B743, ASTM-B819, and ASTM-B903 specifications and meeting the physical parameters described therein. Also included within the scope of these investigations are all sets of covered products, including “line sets” of seamless refined copper tubes (with or without fittings or insulation) suitable for connecting an outdoor air conditioner or heat pump to an indoor evaporator unit. The phrase “all sets of covered products” denotes any combination of items put up for sale that is comprised of merchandise subject to the scope.

“Refined copper” is defined as: (1) metal containing at least 99.85 percent by weight of copper; or (2) metal containing at least 97.5 percent by weight of copper, provided that the content by weight of any other element does not exceed the following limits:

<u>ELEMENT</u>	<u>LIMITING CONTENT PERCENT BY WEIGHT</u>
Ag - Silver	0.25
As - Arsenic	0.5
Cd - Cadmium	1.3
Cr - Chromium	1.4
Mg - Magnesium	0.8
Pb - Lead	1.5
S - Sulfur	0.7
Sn - Tin	0.8
Te - Tellurium	0.8
Zn - Zinc	1.0
Zr - Zirconium	0.3
Other elements (each)	0.3

Excluded from the scope of these investigations are all seamless circular hollows of refined copper less than 12 inches in length whose OD (actual) exceeds its length.

The products subject to these investigations are currently classifiable under subheadings 7411.10.1030 and 7411.10.1090 of the Harmonized Tariff Schedule of the United States

("HTSUS"). Products subject to these investigations may also enter under HTSUS subheadings 7407.10.1500, 7419.99.5050, 8415.90.8065, and 8415.90.8085. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these investigations is dispositive.

ATTACHMENT III GENERAL INSTRUCTIONS

Instructions for Filing the Response

The following instructions apply to all documents you submit to the Department during the course of this proceeding.

1. File your response in Washington, D.C. at:

Secretary of Commerce
Attention: Import Administration (Drew Jackson)
APO/Dockets Unit
Room 1870
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, DC 20230
Attn: Maisha Cryor or Karine Gziryan, Room 3057

2. A person must file one copy of the business proprietary version of any document with the Department within the applicable time limit. By the close of business one business day after the date the business proprietary version is filed under section 351.303(c)(2)(i) of the Department's regulations, a person must file six copies of the final business proprietary version of the document with the Department. The final business proprietary version must be identical to the previous day's submission except for any bracketing corrections. Although a person must file six copies of the complete final business proprietary version with the Department, the persons may serve other persons with only those pages containing bracketing corrections.

Simultaneously with the filing of the final business proprietary version under section 351.303(c)(2)(ii) of the Department's regulations, a person must file three copies of the public version of such document (*see* section 351.304(c) of the Department's regulations) with the Department.

3. File the original and six copies of the proprietary version. However, if you file an electronic copy of the proprietary version in Microsoft Word, you need file only the original version and four copies. In case of any difference between the narrative response and the content of the electronic media, the narrative response is the controlling version. For either alternative, only one copy of sample printouts and electronic media containing sales files and cost files need be submitted.

File three copies of the public version of your narrative response and attachments, including sample printouts.

4. Submit the required **certification of accuracy**. Providers of information and the person(s) submitting it, if different (*e.g.*, a legal representative), must certify that they have read the submission and that the information submitted is accurate and complete. The Department cannot accept responses to the letter that do not contain the certification statements. A form for such certification is included in this Appendix. You may photocopy this form and submit a completed copy with each of your submissions.
5. Provide the required **certificate of service** with each proprietary version and public version submitted to the Department.

6. Request **proprietary treatment** for information submitted that you do not wish to be made publicly available. As a general rule, the Department places all correspondence and submissions received in the course of an antidumping proceeding in a public reading file. However, information deemed to be **proprietary information** will not be made available to the public.¹ If you wish to make a request for proprietary treatment for particular information, refer to sections 351.304 and 351.304(a)(2) of the Department's regulations. Submit the request for proprietary treatment no later than one business day following the submission of the proprietary version of your response to the letter accompanied by:

- (1) a non-proprietary (public) version of your response that is in sufficient detail to permit a reasonable understanding of the information submitted in confidence,² and/or
- (2) an itemization of particular information that you believe you are unable to summarize. State the reasons why you cannot summarize each piece of information.

Responses, or portions thereof, that are not adequately summarized may be returned to you and not used.

7. Submit the statements required regarding limited release of proprietary information under the provisions of an **administrative protective order** ("APO"). U.S. law permits limited disclosure to representatives of parties (*e.g.*, legal counsel) of certain business proprietary information, including electronic business proprietary information, under an APO. (Note that data received under an APO cannot be shared with others who are not covered by the APO.) Under the provisions governing APO disclosure, you must submit either:
 - (1) a statement agreeing to permit the release under APO of information submitted by you in confidence during the course of the proceeding, or
 - (2) a statement itemizing those portions of the information which you believe should not be released under APO, together with arguments supporting your objections to that release.

¹ Pursuant to the Department's Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations Involving Non-Market Economy Countries (April 5, 2005), exporters are required to provide the Department with the names and contact information of all the producers whose merchandise they exported to the United States during the period of investigation, and are required to make public the names of their suppliers in order for the Department to assign combination rates in an investigation. Additionally, supplier names will not be considered proprietary information in situations where the Department has excluded the exporter from the investigation. Exclusions of non-producing exporters will be granted only to exporter/supplier combinations.

² Generally, numerical data are adequately summarized if grouped or presented in terms of indices or figures ranged within ten percent of the actual figure. If a particular portion of the data is voluminous, use ranged figures for at least one percent of the voluminous portion.

We are required by our regulations to reject, at the time of filing, submissions of business proprietary information that do not contain one of these statements. You must state in the upper right-hand corner of the cover letter accompanying your response whether you agree or object to release of the submitted information under APO. (*See* section 351.303 of the Department's regulations for specific instructions.)³

8. Place brackets ("[...]") around information for which you request business proprietary treatment. Place double brackets ("[[...]]") around information for which you request proprietary treatment and which you do not agree to release under APO.
9. Provide to all parties whose representatives have been granted an APO (as listed in the cover letter or as listed in a subsequent letter from the Department) a complete copy of the submission, proprietary and public versions, except for that information which you do not agree to release under APO. If you exclude information because you do not agree to release it under APO, submit with your response to the Department a certificate of service and a copy of the APO version of the document containing the information that you agree may be released under APO. For parties that do not have access to information under APO, please provide a public version only.

Prepare your response in typed form and in English. Repeat the question to which you are responding in your narrative submission and place your answer directly below it.

³ If you do not agree to release under APO all or part of the proprietary information, but we determine that the information should be released, you will have the opportunity to withdraw the information (*see* section 351.304(d) of the Department's regulations). However, any information which you withdraw will be taken out of the official record and will not be used in our determination.

COMPANY OFFICIAL CERTIFICATION

I, _____, currently employed
(name and title)

by _____, certify that (1) I have
(Interested Party)

read the attached submission, and (2) the information contained in

this submission is, to the best of my knowledge, complete and

accurate.

(signature of certifying official)

CERTIFICATE OF SERVICE

I, _____, hereby certify that a copy of the
(name of certifying official)

foregoing submission on behalf of _____,
(company name)

dated _____, was served by first class mail or by hand delivery (circle the method used) on the following parties:

(Business Proprietary Version)

On Behalf of

{ See <http://ia.ita.doc.gov/apo/apo-svc-lists.html> for names and addresses }

(Public Version)

On Behalf of

{ See <http://ia.ita.doc.gov/apo/apo-svc-lists.html> for names and addresses }

(signature of certifying official)