

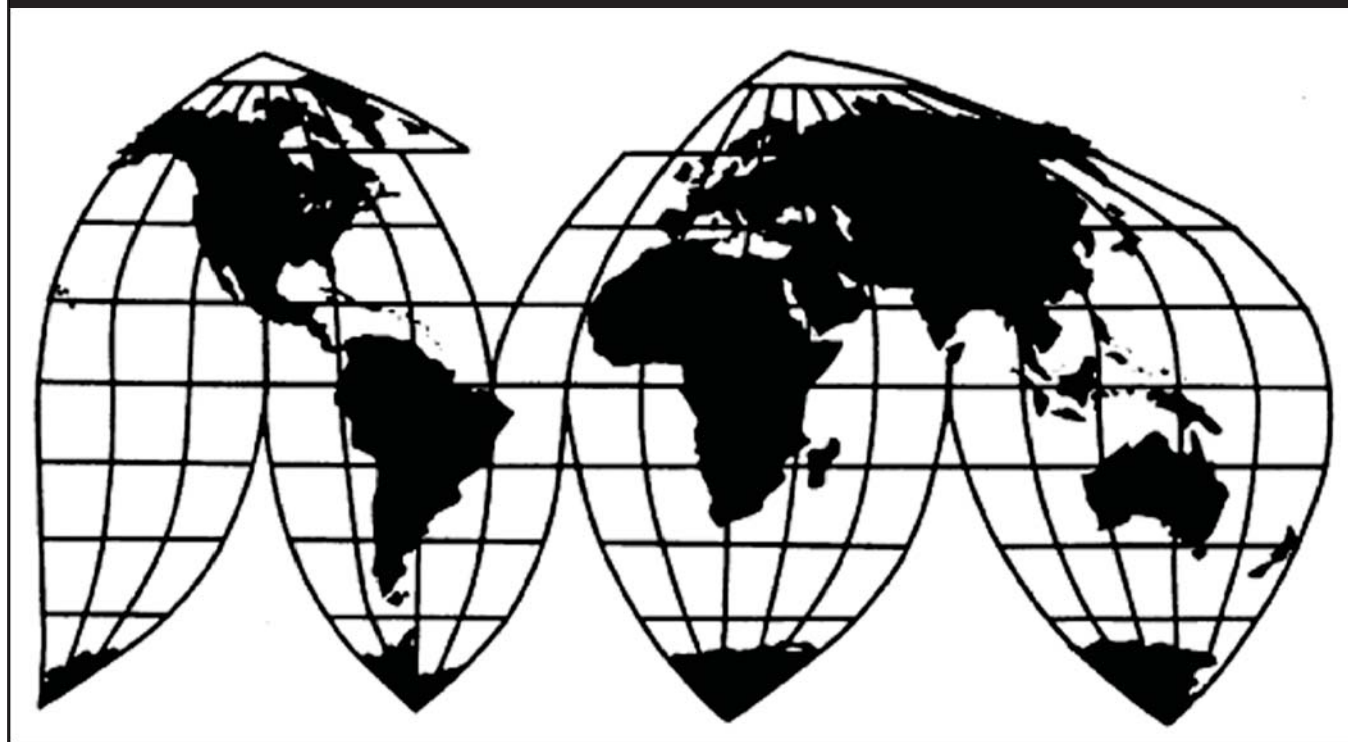
Certain Welded Stainless Steel Pipe from Korea and Taiwan

Investigation Nos. 731-TA-540 and 541 (Third Review)

Publication 4280

December 2011

U.S. International Trade Commission



Washington, DC 20436

U.S. International Trade Commission

COMMISSIONERS

Deanna Tanner Okun, Chairman
Irving A. Williamson, Vice Chairman
Charlotte R. Lane
Daniel R. Pearson
Shara L. Aranoff
Dean A. Pinkert

Karen Laney
Acting Director of Operations

Staff assigned

Stefania Pozzi Porter, Investigator
Norman VanToai, Industry Analyst
Charles St. Charles, Attorney
Douglas Corkran, Supervisory 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

Certain Welded Stainless Steel Pipe from Korea and Taiwan

Investigation Nos. 731-TA-540 and 541 (Third Review)

Publication 4280



December 2011

CONTENTS

	<i>Page</i>
Determination	1
Views of the Commission	3
Information obtained in the reviews	I-1
Introduction	I-3
Background	I-3
The original investigations and subsequent five-year reviews	I-4
Commerce's final results of expedited five-year reviews	I-6
Commerce's administrative reviews	I-6
Previous and related Title VII investigations	I-7
Previous and related safeguard investigations	I-8
The product	I-9
Commerce's scope	I-9
Tariff treatment	I-9
Domestic like product and domestic industry	I-10
Physical characteristics and uses	I-11
Manufacturing processes	I-12
Interchangeability	I-12
Channels of distribution	I-13
Pricing	I-13
U.S. market participants	I-14
U.S. producers	I-14
U.S. producers' trade, employment, and financial data	I-17
Related party issues	I-17
U.S. imports and apparent U.S. consumption	I-19
Cumulation	I-19
U.S. imports	I-20
Ratio of imports to U.S. production	I-20
Apparent U.S. consumption and market shares	I-20
Antidumping actions outside the United States	I-24
The subject industry in Korea	I-24
The subject industry in Taiwan	I-25
The global market	I-27
Appendixes	
A. <i>Federal Register</i> notices	A-1
B. Commission's statement on adequacy	B-1

Note.—Information that would reveal confidential operations of individual concerns may not be published and therefore has been deleted.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

UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation Nos. 731-TA-540 and 541 (Third Review)

CERTAIN WELDED STAINLESS STEEL PIPE FROM KOREA AND TAIWAN

DETERMINATION

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 certain welded stainless steel pipe from Korea and Taiwan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

BACKGROUND

The Commission instituted these reviews on July 1, 2011 (76 F.R. 38688) and determined on October 4, 2011, that it would conduct expedited reviews (76 F.R. 64106, October 17, 2011).

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

VIEWS OF THE COMMISSION

Based on the record in 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 on welded ASTM A-312 stainless steel pipe (“welded A-312 pipe”) from Korea and Taiwan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

I. BACKGROUND

On December 18, 1992, the Commission determined that an industry in the United States was being materially injured by reason of less than fair value (LTFV) imports of welded A-312 pipe from Korea and Taiwan.¹ On December 30, 1992, Commerce issued antidumping duty orders on imports of welded A-312 pipe from Korea and Taiwan.²

In its first full five-year reviews and its second full five-year reviews, the Commission cumulated subject imports from Korea and Taiwan and found that revocation of the antidumping duty orders on certain welded stainless steel pipes from Korea and Taiwan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.³ Commerce published notice of the continuation of the antidumping duty orders on welded A-312 pipe from Korea and Taiwan following each of those reviews.⁴

On July 1, 2011, the Commission instituted these third five-year reviews, pursuant to section 751(c) of the Act, to determine whether revocation of the antidumping duty orders on certain welded stainless steel pipe from Korea and Taiwan would likely lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time.⁵ Domestic producers Bristol Metals LLC (“Bristol Metals”), Felker Brothers Corp. (“Felker Brothers”), Marcegaglia U.S.A. Inc. (“Marcegaglia”), and Outokumpu Stainless Pipe (“Outokumpu”) filed adequate responses to the notice of institution. On October 4, 2011, the Commission found the domestic interested party group response to be adequate. Because no responses were received from any respondent interested parties, the Commission found the respondent interested party group response to be inadequate. The Commission did not find any circumstances that would warrant conducting full reviews of the orders and, therefore, determined to conduct expedited reviews.⁶

Bristol Metals, Felker Brothers, Marcegaglia, and Outokumpu filed a joint brief, pursuant to 19 C.F.R. § 207.62(d), arguing that revocation of the antidumping duty order on certain welded stainless steel pipe from Korea and Taiwan would likely lead to continuation or recurrence of material injury to the

¹ Certain Welded Stainless Steel Pipes from the Republic of Korea and Taiwan, Inv. Nos. 731-TA-540-541 (Final), USITC Pub. 2585 (Dec. 1992) (Commissioners Brunsdale and Crawford dissenting with respect to Korea; Commissioner Brunsdale dissenting with respect to Taiwan; Commissioner Crawford not participating with respect to Taiwan, although she cumulated imports from Taiwan with imports with imports from Korea in the Korean investigation).

² 57 Fed. Reg. 62300 (Dec. 30, 1992).

³ Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540 and 541 (Review), USITC Pub. 3351 (Sept. 2000) (Commissioner Askey dissenting with respect to Korea); Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540 and 541 (Second Review), USITC Pub. 3877 (Aug. 2006).

⁴ 65 Fed. Reg. 61143 (Oct. 16, 2000), 71 Fed. Reg. 53412 (Sept. 11, 2006).

⁵ 76 Fed. Reg. 38688 (July 1, 2011).

⁶ See Explanation of Commission Determination on Adequacy in Certain Welded Stainless Steel Pipe from Korea and Taiwan reprinted in Confidential Staff Report (CR) and Public Staff Report (PR) at Appendix B.

domestic industry within a reasonably foreseeable time.⁷ No respondent interested party provided any information or argument to the Commission in these expedited third reviews. As a result, the record contains only limited new information with respect to the welded A-312 pipe industries in Korea and Taiwan. It also contains only limited new information on the U.S. markets for welded A-312 pipe since 2005. Accordingly, for our determinations, we rely as appropriate on the facts available from the original investigations and the first and second reviews and on the limited new information on the record in these reviews.^{8 9}

Commerce conducted its sunset review of the antidumping duty orders on an expedited basis and published the results of its reviews on November 2, 2011.¹⁰

II. DOMESTIC LIKE PRODUCT AND INDUSTRY

In making its determination under section 751(c) of the Act, the Commission defines “the domestic like product” and the “industry.”¹¹ 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.”¹² The Commission’s practice in five-year reviews is to look to the like product definition from the original determination and any completed reviews and consider whether the record indicates any reason to revisit the prior findings.¹³

⁷ Domestic Producers’ Brief (Nov. 1, 2011).

⁸ 19 U.S.C. § 1677e(a) authorizes the Commission to “use the facts otherwise available” in reaching a determination when (1) necessary information is not available on the record or (2) an interested party or other person withholds information requested by the agency, fails to provide such information in the time, form, or manner requested, significantly impedes a proceeding, or provides information that cannot be verified pursuant to section 782(i) of the Act. 19 U.S.C. § 1677e(a). The verification requirements in section 782(i) apply only to Commerce. 19 U.S.C. § 1677m(i); see Titanium Metals Corp. v. United States, 155 F. Supp. 2d 750, 765 (Ct. Int’l Trade 2001) (“{T}he ITC correctly responds that Congress has not required the Commission to conduct verification procedures for the evidence before it, or provided a minimum standard by which to measure the thoroughness of a Commission investigation.”).

⁹ Chairman Okun notes that the statute authorizes the Commission to take adverse inferences in five-year reviews, but such authorization does not relieve the Commission of its obligation to consider the record evidence as a whole in making its determination. See 19 U.S.C. § 1677e. She generally gives credence to the facts supplied by the participating parties and certified by them as true, but bases her decision on the evidence as a whole, and does not automatically accept participating parties’ suggested interpretations of the record evidence. Regardless of the level of participation, the Commission is obligated to consider all evidence relating to each of the statutory factors and may not draw adverse inferences that render such analysis superfluous. “In general, the Commission makes determinations by weighing all of the available evidence regarding a multiplicity of factors relating to the domestic industry as a whole and by drawing reasonable inferences from the evidence it finds most persuasive.” SAA at 869.

¹⁰ 76 Fed. Reg. 67673 (Nov. 2, 2011); see also CR/PR at Appendix A.

¹¹ 19 U.S.C. § 1677(4)(A).

¹² 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).

¹³ See, e.g., Stainless Steel Sheet and Strip from Germany, Italy, Japan, Korea, Mexico, and Taiwan, Inv. Nos. 701-TA-382 and 731-TA-798-803 (Second Review), USITC Pub. 4244 (July 2011) at 6; Certain Carbon Steel Products from Australia, Belgium, Brazil, Canada, Finland, France, Germany, Japan, Korea, Mexico, Poland, Romania, Spain, Sweden, Taiwan, and the United Kingdom, Inv. Nos. AA1921-197 (Second Review), 701-TA-319, (continued...)

A. Domestic Like Product

1. The Subject Merchandise

In its final determination in its expedited third five-year reviews, Commerce defined the subject merchandise in these reviews as follows:

welded austenitic stainless steel pipe that meets the standards and specifications set forth by the American Society for Testing and Materials (ASTM) for the welded form of chromium-nickel pipe designated ASTM A-312. The merchandise covered by the scope of the order also includes austenitic welded stainless steel pipes made according to the standards of other nations, which are comparable to ASTM A-312.

Welded ASTM A-312 stainless steel pipe (WSSP) is produced by forming stainless steel flat-rolled products into a tubular configuration and welding along the seam. WSSP is a commodity product generally used as a conduit to transmit liquids or gases. Major applications for steel pipe include, but are not limited to, digester lines, blow lines, pharmaceutical lines, petrochemical stock lines, brewery process and transport lines, general food processing lines, automotive paint lines, and paper process machines.¹⁴

2. Findings in Original Investigations and Prior Reviews

In its original determinations, the Commission found no clear dividing lines between welded A-312 pipe (Commerce's scope) and other types of welded stainless steel pipes and pressure tubes.¹⁵ The Commission, therefore, defined the domestic like product to include all welded stainless steel pipes and pressure tubes.¹⁶ Thus, in addition to welded A-312 stainless steel pipe, the domestic like product included such tubular products as ASTM A-778 and A-358 welded stainless steel pipes and A-249, A-269, and A-270 welded stainless steel pressure tubes.¹⁷ In its first five-year review determinations, the Commission again defined the domestic like product as all welded stainless steel pipes and pressure tubes.¹⁸

In its second five-year review determinations, the Commission found it appropriate to revisit the domestic like product definition. Based on the extensive record in those reviews, the Commission defined the domestic like product to include only ASTM A-312 and A-778 welded stainless steel pipes

¹³ (...continued)

320, 325-27, 348, and 350 (Second Review), and 731-TA-573-74, 576, 578, 582-87, 612, and 614-618 (Second Review), USITC Pub. 3899 (January 2007) at 31, n. 117; Internal Combustion Industrial Forklift Trucks from Japan, Inv. No. 731-TA-377 (Second Review), USITC Pub. 3831 (December 2005) at 8-9; Crawfish Tail Meat from China, Inv. No. 731-TA-752 (Review), USITC Pub. 3614 (July 2003) at 4; Steel Concrete Reinforcing Bar from Turkey, Inv. No. 731-TA-745 (Review), USITC Pub. 3577 (February 2003) at 4.

¹⁴ 76 Fed. Reg. 67673, 67674 (Nov. 2, 2011); CR/PR at Appendix A. Commerce states that imports of welded A-312 pipe are classifiable under subheadings 7306.40.5005, 7306.40.5015, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085 of the Harmonized Tariff Schedule of the United States ("HTSUS"), which also include nonsubject merchandise. Commerce also states that the HTSUS subheadings are provided for convenience and customs purposes; however, the written description of the subject merchandise is dispositive. Id.

¹⁵ USITC Pub. 2585 at 7-17.

¹⁶ USITC Pub. 2585 at 7-17.

¹⁷ USITC Pub. 2585 at 5-17.

¹⁸ USITC Pub. 3351 at 4-5.

and, thus, to no longer include A-358 pipes or A-249, A-269, and A-270 pressure tubes.¹⁹ The Commission analyzed the domestic like product as follows in its second five-year reviews.

Physical Characteristics and Uses. The Commission explained in the second five-year reviews that, although all welded stainless steel pipes and tubes were used to convey liquids or gases, the physical characteristics and uses of welded A-312 pipes were most similar to welded A-778 pipes and differed in many respects from those of other, more specialized welded stainless steel pipes and tubes. For instance, the Commission noted that welded A-312 and A-778 pipes were commodity products that differed from each other in that welded A-312 pipe must undergo post-weld annealing, which was not required for welded A-778 pipe. Welded A-312 pipe was designed for high temperature and general corrosive service. Not being annealed, A-778 pipe was used in environments in which corrosion was less likely.²⁰

The Commission noted that A-358 pipes, on the other hand, were used in more demanding applications than welded A-312/778 pipes, such as nuclear power plants and liquified natural gas facilities and, therefore, the ASTM requirements for A-358 pipes were more stringent than those for welded A-312/778 pipes. Moreover, A-358 pipes were welded using consumable stainless steel welding rods, in contrast to welded A-312/778 pipes, for which no filler metal was used, and which were more extensively tested, including with radiography, to assure the soundness of the weld.²¹

The Commission explained that welded stainless steel pressure tubes (A-249, A-269, and A-270) were generally limited to sizes up to 6 inches in outside diameter and generally had tighter tolerances (less variation in wall thickness or diameter) than welded stainless steel pipes. Moreover, while welded A-312/778 pipes were commodity products produced in a limited number of standard sizes, tubing was generally made to customers' specifications. Also, unlike A-312/778 pipes, A-249 and A-269 pressure tubes contained or conveyed liquids or gas under high pressure, primarily in heating and cooling apparatus such as heat exchangers, condensers, boilers, and feed water heaters.²²

Interchangeability. The Commission found that welded A-312 pipe was interchangeable with, and regarded as a substitute for, welded A-778 pipe, the interchangeability being one-way because welded A-778 pipe is not annealed after welding. The Commission explained that, while A-358 pipe could be used in place of welded A-312/778 pipe, the higher price of the A-358 pipe may have made this commercially impractical. Another reason this interchangeability would be one-way was because welded A-312/778 pipe is not welded with filler material and does not otherwise meet the stringent A-358 standard. The Commission also noted that the incompatibility of sizes and differences in diameter and thickness tolerances limited the interchangeability of welded stainless steel pressure tubes and welded A-312/778 pipes. In particular, welded A-312/778 pipes could not be used in place of A-249 or A-269 tubes as heat exchangers. In some other limited applications, welded A-312 pipes could be used in place of A-249/269 and A-270 tubes, particularly if the price differential made A-312 pipe an attractive alternative.²³

¹⁹ USITC Pub. 3877 at 4-7.

²⁰ USITC Pub. 3877 at 5-6.

²¹ USITC Pub. 3877 at 6.

²² USITC Pub. 3877 at 6.

²³ USITC Pub. 3877 at 6.

Channels of Distribution. The Commission observed that welded A-312/778 pipes, which were considered to be commodity products, were sold nearly exclusively through distributors. On the other hand, other welded stainless steel pipes, as well as welded stainless steel pressure tubing products, were often produced on a job-specific basis and were sold directly to end users as well as through distributors.²⁴

Common Manufacturing Facilities. The Commission found that welded stainless steel pipes and tubes generally were made in the same manner – forming the tubular shape by either the continuous-mill process or the press-brake process and then welding the product. The same facilities, workers, and even production lines could be used to produce welded A-312 and A-778 pipes. The Commission noted that, although most producers of welded A-312/778 pipe also produced some welded pressure tubes, they generally produced those tubes on different production lines using equipment separate from that used for pipes.²⁵

Customer and Producer Perceptions. The Commission observed that producers, in general, viewed welded A-312 and A-778 pipes as commodity products, because they were produced on a continuous basis, were marketed exclusively through distributors, and were sold primarily on the basis of price. Welded stainless steel pressure tubes, on the other hand, often were made to an end user's specifications and were produced on an as-needed basis for specific project needs. The Commission explained that, in noting the differences between pipes and pressure tubes, purchasers mentioned the tighter tolerances for tubing, the differences in sizes, and the differences in end-use applications. Customers/purchasers reported that, although welded A-312 and A-778 pipes perform similar functions that are similar to those performed by pressure tubes, they cannot be used interchangeably. Thus, the Commission observed, producers and customers seemed to perceive clear differences between welded A-312/778 pipes and A-249/269/270 pressure tubes.²⁶

Price. Prices for welded A-312 pipes were lower than prices for A-358 pipes and for A-249/269/270 pressure tubes. Prices for welded A-778 pipes, which do not require the additional production step of annealing, were lower than prices for A-312 pipes. The Commission noted that domestic producers contended that, because pressure tubes have different applications, end users, and specifications than welded A-312/778 pipes, prices for pressure tubes and prices for welded A-312/778 pipes did not affect each other.²⁷

Conclusion. The Commission concluded that the evidence in the second five-year reviews demonstrated that welded A-312 pipe is most similar to welded A-778 pipe. It also concluded that welded A-312 pipe differed in physical characteristics and uses, manufacturing facilities, and customer and producer perceptions from other welded stainless steel pipes and tubes and that there was limited interchangeability and some differences in channels of distribution and price between welded A-312 pipe and those other types of pipes and tubes. Accordingly, the Commission defined the domestic like product to include ASTM A-312 and A-778 welded stainless steel pipe.²⁸

²⁴ USITC Pub. 3877 at 6.

²⁵ USITC Pub. 3877 at 6-7.

²⁶ USITC Pub. 3877 at 7.

²⁷ USITC Pub. 3877 at 7.

²⁸ USITC Pub. 3877 at 7.

3. Analysis

In the current five-year reviews, the domestic producers state that they agree with the definition of the domestic like product in the second five-year reviews.²⁹ The record in these reviews does not indicate any significant changes in the products at issue³⁰ or any other appropriate circumstances warranting revisiting the Commission's domestic like product determination from the second reviews. Therefore, we again define the domestic like product as ASTM A-312 and A-778 welded stainless steel pipes.

B. Domestic Industry

Section 771(4)(A) of the Act defines the relevant domestic industry as the “producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product.”³¹

In these third reviews, the domestic producers state that they agree with the domestic industry definition in the second five-year reviews.³² Given our finding with respect to the domestic like product, and because there is no new information obtained during these third reviews that would suggest any reason for revisiting the Commission's definition of the domestic industry in the second five-year reviews, we again define the domestic like product as all U.S. producers of welded ASTM A-312 and A-778 stainless steel pipes.³³

III. CUMULATION

A. Overview

With respect to cumulation in five-year reviews, section 752(a) of the Tariff 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.³⁴

²⁹ Domestic Producers' Response to Notice of Institution (Aug. 1, 2011) at 14.

³⁰ E.g., CR at I-12-16, PR at I-11-13.

³¹ 19 U.S.C. § 1677(4)(A). 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, provided that adequate production-related activity is conducted in the United States. See United States Steel Group v. United States, 873 F. Supp. 673, 682-83 (Ct. Int'l Trade 1994), aff'd, 96 F.3d 1352 (Fed. Cir. 1996).

³² Domestic Producers' Response to Notice of Institution (Aug. 1, 2011) at 14.

³³ There are no related party issues in these reviews. CR at I-20, PR at I-17.

³⁴ 19 U.S.C. § 1675a(a)(7).

Cumulation therefore is discretionary in five-year reviews, unlike original investigations, which are governed by section 771(7)(G)(i) of the Act.³⁵ The Commission may exercise its discretion to cumulate, however, only if the reviews are initiated on the same day, the Commission determines that subject imports are likely to compete with each other and the domestic like product in the U.S. market, 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.

B. Findings in Original Investigations and Prior Reviews

In the original investigations, the Commission cumulated subject imports from Korea and Taiwan for purposes of its material injury analysis. The parties did not dispute the appropriateness of cumulation. The Commission found that subject imports from Taiwan and Korean and domestic welded A-312 pipe products were fungible in that they all met the same ASTM specifications and generally were sold as commodity products, were sold throughout the United States, were sold through the same channels of distribution, and were simultaneously present in the market.³⁶

In the first five-year reviews, the Commission again cumulated subject imports from Korea and Taiwan because there likely would be a reasonable overlap of competition in the absence of the orders³⁷ and the likely similarities in conditions of competition outweighed any differences asserted by Korean respondents.³⁸

In the second five-year reviews, the Commission once again cumulated subject imports from Korea and Taiwan, finding there likely would be a reasonable overlap of competition in the absence of the orders³⁹ and that the record did not indicate that there were likely to be any significant differences in conditions of competition between subject imports from Korea and Taiwan.⁴⁰

³⁵ 19 U.S.C. § 1677(7)(G)(i); see also, e.g., 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 v. United States, 569 F. Supp. 2d 1328, 1337-38 (Ct. Int'l Trade 2008); U.S. Steel Corp. v. United States, 572 F. Supp.2d 1334 (Ct. Int'l Trade 2008).

³⁶ USITC Pub. 2585 at 22-23.

³⁷ Regarding a reasonable overlap in competition, the Commission found that the record in the first five-year reviews was similar to that in the original investigations, *i.e.*, subject imports and the domestic product were relatively fungible, were sold throughout the United States, were primarily sold to distributors, and were simultaneously present in the market. USITC Pub. 3351 at 9-10.

³⁸ Regarding the likely similarities in conditions of competition, the Commission found that subject imports from Korea and Taiwan not only had maintained a presence in the U.S. market, but had increased during the review period. In addition, subject imports were used interchangeably with each other and the domestic like product, and there was substantial capacity to produce subject merchandise in both Korea and Taiwan. USITC Pub. 3351 at 9-10.

³⁹ Regarding a reasonable overlap in competition, the Commission found that the record in the second five-year reviews, like the records in the original investigation and prior reviews, indicated that domestically produced welded A-312 pipe and subject imports from all sources were fungible, were primarily sold to distributors, had a geographic overlap in sales, and were simultaneously present in the market. USITC Pub. 3877 at 11.

⁴⁰ USITC Pub. 3877 at 11-12.

C. Analysis

The threshold criterion for cumulation in these reviews is satisfied because both reviews were instituted on the same day, July 1, 2011.⁴¹ In these reviews, we consider three issues in deciding whether to exercise our discretion to cumulate subject imports of welded A-312 pipe from Korea and Taiwan: (1) whether imports from either 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 the subject imports produced in Korea, those produced in Taiwan, and the domestic like product; and (3) the extent of similarities and differences in the likely conditions of competition under which subject imports of from Korea and Taiwan are likely to compete in the U.S. market.⁴² In so doing, we take into account the arguments raised by the parties in these reviews.

1. Likely Discernible Adverse Impact

We first consider whether subject imports from either Korea or Taiwan are likely to have no discernible adverse impact on the domestic industry if the antidumping duty orders were revoked.⁴³ In the first and second five-year reviews, the Commission did not find that subject imports from Korea or Taiwan would likely have no discernible adverse impact on the domestic industry if the antidumping duty orders were revoked.⁴⁴ In these reviews, no party argues that subject imports from either subject country will have no discernible adverse impact if the order is revoked. Available information on this issue consists primarily of published data and data from the original investigations and the first and second five-year reviews.⁴⁵

Our review of the record indicates that revocation of either of the welded ASTM-312 pipe orders would not likely have no discernible adverse impact on the domestic industry. Subject imports from both Korea and Taiwan have remained in the U.S. market during the period examined in these reviews

⁴¹ 76 Fed. Reg. 38688 (July 1, 2011).

⁴² 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).

⁴³ See 19 U.S.C. § 1675a(a)(7). Neither the statute nor the Uruguay Round Agreements Act (“URAA”) Statement of Administrative Action (“SAA”) provides specific guidance on what factors the Commission is to consider in determining that imports “are likely to have no discernible adverse impact” on the domestic industry. SAA, H.R. Rep. No. 103-316, vol. I at 887 (1994). With respect to this provision, the Commission generally considers the likely volume of subject imports and the likely impact of those imports on the domestic industry within a reasonably foreseeable time if the orders are revoked. Our analysis for each of the subject countries takes into account the nature of the product and the behavior of subject imports in the original investigations and during the current reviews.

⁴⁴ USITC Pub. 3351 at 9-10, USITC Pub. 3877 at 10.

⁴⁵ No producer in Korea or Taiwan reported data to the Commission on its welded A-312 pipe operations during the current five-year reviews. No Korean producer reported those data in the second five-year reviews, and only one producer in Taiwan reported such data in the second five-year reviews.

notwithstanding the orders.⁴⁶ The information available indicates that the welded A-312 pipe industry in each of the subject countries has significant production capacity, has considerable unused capacity, and is export-oriented. Although no Korean producer reported data to the Commission on its welded A-312 pipe operations during the current five-year reviews or the second five-year reviews, Korean capacity utilization was 58.8 percent in 1999 at the end of the first reviews, down from *** in 1991 at the end of the original investigation.⁴⁷ Moreover, in the first five-year reviews, Korean welded A-312 pipe producers reported exporting between 70.7 percent and 91.6 percent of their production from 1997 to 1999.⁴⁸ The sole producer in Taiwan that provided data to the Commission on its welded A-312 pipe operations during the second five-year reviews reported capacity utilization ranging from *** in 2002 to *** in 2005. Exports accounted for *** of this producer's total shipments in 2005.⁴⁹ As discussed further below, domestically produced welded A-312 pipe is highly substitutable with imports from each of the subject countries, and price is a very important consideration in purchasing decisions.⁵⁰ In light of these factors, we cannot conclude that revocation of either of the antidumping duty orders on welded A-312 pipe from Korea or Taiwan will likely have no discernible adverse impact.

2. Reasonable Overlap of Competition

In assessing likely competition, 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. These factors are as follows: (1) fungibility; (2) sales or offers in the same geographic markets; (3) common or similar channels of distribution; and (4) simultaneous presence. Only a "reasonable overlap" of competition is required.⁵¹ In five-year reviews, the relevant inquiry is whether there likely would be competition upon revocation of the orders, even if none currently exists because the subject imports are absent from the U.S. market.

*Fungibility.*⁵² Available information, including reporting by market participants in the original investigations and prior reviews, indicates that welded ASTM A-312 pipe is generally manufactured to standard specifications established by ASTM and there is a very high degree of substitution between

⁴⁶ The quantity of subject imports from Korea fluctuated between years and increased overall over the period examined in these reviews, from 4,506 short tons in 2006 to 4,680 short tons in 2010. CR/PR at Table I-5. The quantity of subject imports from Taiwan fluctuated between years and declined overall over the period, from *** short tons in 2006 to *** short tons in 2010. *Id.*

⁴⁷ USITC Pub. 3351 at 14-15 & Table IV-2.

⁴⁸ USITC Pub. 3351 at 14-15 & Table IV-2.

⁴⁹ USITC Pub. 3877 at 18.

⁵⁰ *E.g.*, USITC Pub. 3351 at 14; USITC Pub. 3877 at 10, 19.

⁵¹ See *Mukand Ltd. v. United States*, 937 F. Supp. 910, 916 (CIT 1996); *Wieland Werke, AG*, 718 F. Supp. at 52 ("Completely overlapping markets are not required."); *United States Steel Group v. United States*, 873 F. Supp. 673, 685 (CIT 1994), *aff'd*, 96 F.3d 1352 (Fed. Cir. 1996). We note, however, that there have been 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*, Inv. Nos. 701-TA-386 (Preliminary) and 731-TA-812-813 (Preliminary), USITC Pub. 3155 at 15 (Feb. 1999), *aff'd sub nom. Ranchers-Cattlemen Action Legal Foundation v. United States*, 74 F. Supp.2d 1353 (CIT 1999); *Static Random Access Memory Semiconductors from the Republic of Korea and Taiwan*, Inv. Nos. 731-TA-761-762 (Final), USITC Pub. 3098 at 13-15 (Apr. 1998).

⁵² Commissioner Lane notes that, with respect to fungibility, her analysis does not require such similarity of products that a perfectly symmetrical fungibility is required and that this factor would be better described as an analysis of whether subject imports from each country and the domestic like product could be substituted for each other. See Separate Views of Commissioner Charlotte R. Lane, *Certain Lightweight Thermal Paper from China, Germany, and Korea*, Inv. Nos. 701-TA-451 and 731-TA-1126-1128 (Preliminary), USITC Pub. 3964 (Nov. 2007).

domestically produced welded ASTM A-312 pipe and welded ASTM A-312 pipe from Korea and Taiwan.⁵³ Although the subject imports include only A-312 pipe, the domestic like product also includes welded ASTM A-778 pipe, which is not required to be annealed. The welded A-778 pipe, however, accounted for less than 10 percent of the domestic like product in 2005, and domestic producers report that, although A-778 pipe cannot be used in place of A-312, A-312 is always substitutable for A-778.⁵⁴

Geographic Overlap. The Commission found in the original investigations and prior reviews that the market for welded stainless steel pipes was not limited by geography, with most domestic producers reporting nationwide sales and at least several importers selling nationwide or in multiple regions.⁵⁵ There appears to be continued overlap between the ports through which the subject imports from Korea and those from Taiwan enter the U.S. market, notwithstanding the reduced volumes of subject imports since the orders have been in place.⁵⁶

Channels of Distribution. The determinations in the original investigations and the prior five-year reviews indicate that nearly all domestically produced welded A-312 pipe and the great majority of subject imports were sold to distributors.⁵⁷

Simultaneous Presence. The Commission found in the original investigations and prior reviews that the domestic like product and subject imports from Korea and Taiwan had been simultaneously present in the U.S. market during the periods examined.⁵⁸ Between January 2006 and June 2011, subject imports of welded A-312 pipe from Korea entered the U.S. market in 64 of 66 months, and subject imports from Taiwan entered the U.S. market in each of the 66 months.⁵⁹

Conclusion. The record indicates that the likely reasonable overlap in competition criteria are satisfied. Both domestically produced welded A-312 pipe and subject imports from all sources are fungible, are primarily sold to distributors, have geographic overlaps in sales, and have been simultaneously present in the U.S. market during the entire period of review. We consequently conclude that subject imports from Korea and Taiwan will likely compete with each other and with the domestic like product should the orders under review be revoked.

⁵³ USITC Pub. 2585 at 22, USITC Pub. 3351 at 9, USITC Pub. 3877 at 11.

⁵⁴ CR at I-22, PR at I-19.

⁵⁵ USITC Pub. 2585 at 22, USITC Pub. 3351 at 9, USITC Pub. 3877 at 11.

⁵⁶ See CR at I-23, PR at I-20.

⁵⁷ USITC Pub. 2585 at 22, USITC Pub. 3351 at 9, USITC Pub. 3877 at 11; see also CR at I-22-23, PR at I-19-20.

⁵⁸ USITC Pub. 2585 at 22, USITC Pub. 3351 at 9, USITC Pub. 3877 at 11.

⁵⁹ CR at I-22, PR at I-19.

D. Other Likely Conditions of Competition⁶⁰

In determining whether to exercise our discretion to cumulate subject imports of welded A-312 pipe from Korea and Taiwan, we assess whether the subject imports from each country are likely to compete under similar or different conditions of competition in the U.S. market. In the prior five-year reviews, the Commission did not find any significant differences in conditions of competition between subject imports from Korea and those from Taiwan that would have warranted declining to exercise the Commission's discretion to cumulate.⁶¹ The record in these reviews, similarly, does not indicate that there would likely be any significant differences in conditions of competition between subject imports from Korea and Taiwan if the orders were revoked. We consequently exercise our discretion to cumulate subject imports from Korea and Taiwan.

IV. LIKELIHOOD OF CONTINUATION OR RECURRENCE OF MATERIAL INJURY IF ANTIDUMPING DUTY ORDERS ARE REVOKED

A. Legal Standard In A Five-Year Review

In a five-year review conducted under section 751(c) of the Act, Commerce will revoke an antidumping 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.”⁶² 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.”⁶³ Thus, the likelihood standard is prospective in nature.⁶⁴ The U.S. Court of International Trade has found that

⁶⁰ Commissioners Lane and Pinkert do not join this section. They explain their analysis of other considerations as follows. Where, in a five-year review, they do 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 find that such imports would be likely to compete with each other and with the domestic like product in the U.S. market, they cumulate 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. They note the limited record information about the industries in the two subject countries and thus find that there is no condition or propensity warranting non-cumulation with respect to imports of the subject merchandise from those countries. Consequently, they have cumulated all imports of subject merchandise in these reviews.

⁶¹ USITC Pub. 3351 at 10, USITC Pub. 3877 at 11-12.

⁶² 19 U.S.C. § 1675a(a).

⁶³ 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.

⁶⁴ While the SAA states that “a separate determination regarding current material injury is not necessary,” it indicates that “the Commission may consider relevant factors such as current and likely continued depressed shipment levels and current and likely continued {sic} prices for the domestic like product in the U.S. market in making its determination of the likelihood of continuation or recurrence of material injury if the order is revoked.” SAA at 884.

“likely,” as used in the five-year review provisions of the Act, means “probable,” and the Commission applies that standard in five-year reviews.^{65 66 67}

The Act 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.”⁶⁸ 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.”⁶⁹

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.”⁷⁰ 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).⁷¹ 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.⁷²

⁶⁵ See NMB Singapore Ltd. v. United States, 288 F. Supp. 2d 1306, 1352 (Ct. Int’l Trade 2003) (“‘likely’ means probable within the context of 19 U.S.C. § 1675(c) and 19 U.S.C. § 1675a(a)”), aff’d mem., 140 Fed. Appx. 268 (Fed. Cir. 2005); Nippon Steel Corp. v. United States, 26 CIT 1416, 1419 (2002) (same); Usinor Industeel, S.A. v. United States, 26 CIT 1402, 1404 nn.3, 6 (2002) (“more likely than not” standard is “consistent with the court’s opinion”; “the court has not interpreted ‘likely’ to imply any particular degree of ‘certainty’”); Indorama Chemicals (Thailand) Ltd. v. United States, Slip Op. 02-105 at 20 (Ct. Int’l Trade Sept. 4, 2002) (“standard is based on a likelihood of continuation or recurrence of injury, not a certainty”); Usinor v. United States, 26 CIT 767, 794 (2002) (“‘likely’ is tantamount to ‘probable,’ not merely ‘possible’”).

⁶⁶ 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).

⁶⁷ Commissioner Lane notes that, consistent with her views in Pressure Sensitive Plastic Tape From Italy, Inv. No. AA1921-167 (Second Review), USITC Pub. 3698 (June 2004), she does not concur with the U.S. Court of International Trade’s interpretation of “likely,” but she will apply the Court’s standard in these reviews and all subsequent reviews until either Congress clarifies the meaning or the U.S. Court of Appeals for the Federal Circuit addresses this issue.

⁶⁸ 19 U.S.C. § 1675a(a)(5).

⁶⁹ 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.

⁷⁰ 19 U.S.C. § 1675a(a)(1).

⁷¹ 19 U.S.C. § 1675a(a)(1). We note that Commerce made no duty absorption findings. CR at I-7, PR at I-6-7.

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

B. Conditions of Competition

In evaluating the likely impact of the subject imports on the domestic industry, the statute directs the Commission to consider all relevant economic factors “within the context of the business cycle and conditions of competition that are distinctive to the affected industry.”⁷³

Demand. In the original determinations, the Commission noted that demand for welded stainless steel pipes and pressure tubes was driven by demand in the downstream industries, which generally had increased over the period investigated.⁷⁴ In the first five-year reviews, the Commission observed that welded stainless steel pipes and pressure tubes were used in the petrochemical, pharmaceutical, and food processing industries and that demand for such pipe products is subject to the business cycles for other products.⁷⁵ In the second five-year reviews, the Commission found that demand for welded A-312/778 pipe depended primarily on the level of demand for downstream products using such pipe and that major uses for welded A-312/778 pipe included digester lines, pharmaceutical production lines, petrochemical stock lines, automotive paint lines, and various other processing lines such as those in paper mills, breweries, and food processing facilities.⁷⁶ The Commission found that apparent U.S. consumption of welded A-312/778 pipe declined by 4.3 percent from 2000 to 2005 and was 11.8 percent higher in the January-March 2006 interim period than in the January-March 2005 period.⁷⁷ The majority of producers, importers and purchasers reported that they expected demand to continue to grow.⁷⁸

Data for apparent U.S. consumption indicates that, overall, demand for welded stainless steel pipe has declined modestly over the past decade.⁷⁹

Supply. In the first five-year reviews, the Commission found that, even though U.S. producers’ capacity to produce the domestic like product⁸⁰ declined from 1997 to 1999, they were not operating at full capacity; capacity utilization decreased from 75.2 percent in 1997 to 64.4 percent in 1999.⁸¹ The Commission noted that nonsubject imports rose steadily during the first review period, with nonsubject merchandise from Taiwan comprising a significant portion of the increased imports. Moreover, the Commission observed, these increased imports (subject and nonsubject) had supplied virtually all of the growth in apparent U.S. consumption of welded stainless steel pipes and pressure tubes during the period of review.⁸²

In the second five-year reviews, the Commission noted that there had been some consolidation of the industry since the first reviews: one domestic producer of welded A-312 pipe ceased production, a

⁷³ 19 U.S.C. § 1675a(a)(4).

⁷⁴ USITC Pub. 2585 at 17.

⁷⁵ USITC Pub. 3351 at 13.

⁷⁶ USITC Pub. 3877 at 15.

⁷⁷ USITC Pub. 3877 at 15.

⁷⁸ USITC Pub. 3877 at 15.

⁷⁹ Apparent U.S. consumption was 81,999 short tons in 2000 and 78,379 short tons in 2010. CR/PR at Table I-7. In these reviews, the domestic producers argue that demand started declining in 2007 and has recovered only to a limited extent as refiners and chemical companies have delayed expansion plans or moved capacity to other countries. Domestic Producers’ Response to Notice of Institution at 13.

⁸⁰ As noted above, for purposes of the original investigations and first reviews the domestic like product was defined as welded stainless steel pipes and pressure tubes.

⁸¹ USITC Pub. 3351 at 13.

⁸² USITC Pub. 3351 at 13.

second moved production out of the United States, and two others ***.⁸³ The Commission noted that many U.S. producers reported that, in response to increased downward pricing pressure, they had altered their product mix to include a lower share of welded A-312/778 pipe but contended that they still needed to produce welded A-312 pipe in order to spread fixed plant costs over a larger production volume to reduce average unit fixed costs.⁸⁴ The Commission also found that the domestic industry's share of apparent U.S. consumption fluctuated from year to year but declined overall during the second five-year review period, from 64.1 percent in 2000 to 47.2 percent in 2005. The market share of subject imports also fluctuated, increasing overall from *** in 2000 to *** in 2005.⁸⁵ Imports from nonsubject sources increased their U.S. market share from *** in 2000 to *** in 2005, with China being the largest source of nonsubject imports in 2005.⁸⁶

In these reviews, domestic producers state that Trent Tube Division of Crucible Materials Corp., formerly one of the largest U.S. producers, exited the business following the second five-year reviews.⁸⁷ The respective market shares of U.S. producers, subject imports, and nonsubject imports have changed only modestly since the end of the second five-year reviews. U.S. producers' market share was 47.2 percent in 2005 and 46.8 percent in 2010, subject imports' share was *** percent in 2005 and *** percent in 2010, and nonsubject imports' share was *** percent in 2005 and *** percent in 2010.⁸⁸

Substitutability. In the original investigations and the first five-year reviews, the Commission found that welded A-312 pipe from all sources met the same specifications and that subject merchandise and domestic welded A-312 pipe were highly substitutable.⁸⁹ In the second five-year reviews, the Commission observed that market participants generally found that both the subject imports and the domestic like product can be used for the same applications and that welded A-312 pipes from different sources were comparable in most non-price characteristics.⁹⁰

Raw Materials Costs. In the original determinations, the Commission noted that the domestic industry was affected by the worldwide decline in prices of raw materials, such as nickel and ferrochromium.⁹¹ In the second five-year reviews, the Commission observed that raw materials costs, which continued to be a driving factor in the price of welded A-312 pipe, increased substantially between 2001 and 2006. The average unit value of raw materials for making stainless steel increased by approximately 64 percent from 2001 to 2006.⁹² The limited new data available in the current reviews indicate that prices for certain raw materials have increased irregularly over the past two years.⁹³

⁸³ USITC Pub. 3877 at 15-16.

⁸⁴ USITC Pub. 3877 at 16.

⁸⁵ USITC Pub. 3877 at 16.

⁸⁶ USITC Pub. 3877 at 16.

⁸⁷ Domestic Producers' Response to Notice of Institution at 13. The domestic producers submit that, although Plymouth Tube bought the remaining assets of Trent Tube in 2007, Plymouth Tube does not produce welded stainless steel pipe. Id.

⁸⁸ CR/PR at Table I-7.

⁸⁹ USITC Pub. 2585 at 22, USITC Pub. 3351 at 14.

⁹⁰ USITC Pub. 3877 at 16-17.

⁹¹ USITC Pub. 2585 at 17-18.

⁹² USITC Pub. 3877 at 16.

⁹³ CR at I-16, PR at I-13.

We find that these market conditions for welded A-312/778 pipe are likely to persist in the reasonably foreseeable future and that they provide us with a reasonable basis on which to assess the effects of revocation of the orders.

C. Likely Volume of Subject Imports

In evaluating the likely volume of imports of subject merchandise if the orders under review were 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.⁹⁴ 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.⁹⁵

Based on the record in these reviews, we conclude that the volume of imports of cumulated subject welded A-312 pipe is likely to be significant if the orders were revoked. In making this finding, we recognize that the volume of subject imports is currently smaller than in the original investigations, both in absolute and relative terms.⁹⁶ In five-year reviews, however, our focus is on whether the subject import volume is likely to be significant within a reasonably foreseeable time if the antidumping duty order is revoked.

In the original determinations, the Commission found that cumulated subject imports increased 303.4 percent (by quantity) from 1989 to 1991 and that the U.S. producers’ share of apparent U.S. consumption decreased 10.0 percentage points (by quantity).⁹⁷ Accordingly, the Commission found the volume of imports and the increase in volume of imports to be significant.⁹⁸

In the first five-year reviews, the Commission found that, although the orders had resulted in a decrease in the volume of subject imports from both Korea and Taiwan, such imports had retained a significant presence in the U.S. market.⁹⁹ The Commission noted that subject imports were highly interchangeable with both domestically produced and nonsubject imports of welded A-312 pipe. Regarding the industry in Korea, the evidence indicated that capacity had decreased, but remained at significant levels, and that capacity utilization was lower than during the original period of investigation.¹⁰⁰ Moreover, since the original investigation, the Korean industry had increased its dependence on exports. There was limited information concerning the industry in Taiwan, but the available information indicated that capacity had not decreased and remained significant. The Commission found that the U.S. market remained an important one for producers in Taiwan, as evidenced by the increase in subject welded A-312 pipe exports to the United States despite the order. The

⁹⁴ 19 U.S.C. § 1675a(a)(2).

⁹⁵ 19 U.S.C. § 1675a(a)(2)(A-D).

⁹⁶ CR/PR at Table I-7.

⁹⁷ USITC Pub. 2585 at 24.

⁹⁸ Id.

⁹⁹ USITC Pub. 3351 at 14-16.

¹⁰⁰ USITC Pub. 3351 at 14-16.

Commission concluded that, in the absence of the orders, the cumulated subject imports likely would increase to significant levels, as occurred in the original investigations.¹⁰¹

In the second five-year reviews, subject imports from both Korea and Taiwan had remained in the U.S. market after the imposition of the orders, and the cumulated subject imports had increased irregularly during the review period examined, both in absolute terms and relative to production and consumption. In absolute terms, subject imports increased from *** in 2000 to *** in 2005. As a share of apparent U.S. consumption, cumulated subject imports increased from *** in 2000 to *** in 2005. Relative to U.S. production, cumulated subject imports increased from *** in 2000 to *** in 2005.¹⁰² The Commission found that, although no Korean producers and only one producer in Taiwan reported data on their operations, the information available indicated that the welded A-312 pipe industries in both Korea and Taiwan had significant production capacity, had considerable unused capacity, and were export-oriented.¹⁰³ Thus, the Commission found that, if the orders were revoked, the volume and market share of cumulated subject imports from Korea and Taiwan would likely be significant within a reasonably foreseeable time, given the large amount of unused welded A-312 pipe capacity available in Korea and Taiwan, the industries' dependence on export markets, and the subject imports' continued and increased presence in the U.S. market even under the discipline of the orders, as well as other factors.¹⁰⁴

In these third reviews, cumulated subject imports were *** short tons in 2010. They accounted for *** percent of apparent U.S. consumption in 2010 compared with more than 10 percent in 1991.¹⁰⁵ No interested parties in Korea or Taiwan responded to the notice of institution in these reviews. The record indicates the existence of three producers of subject merchandise in Korea (Hyundai HYSCO, Miju Steel MFG, and SeAH Steel Corporation) and four producers of subject merchandise in Taiwan (Everlasting Stainless Steel Industrial Co. Ltd., Froch Enterprise, Hsin Hsin Metals, and Yeun Chyang Industrial).¹⁰⁶ In the absence of any respondent interested party participation, the record in these reviews contains no evidence regarding existing or likely increases in capacity and production of welded A-312 pipe in Korea and Taiwan, either in absolute terms or relative to other products, or of inventories of the subject merchandise. As the Commission found in the second five-year reviews, however, information

¹⁰¹ USITC Pub. 3351 at 16.

¹⁰² USITC Pub. 3877 at 17.

¹⁰³ For instance, Korean producers' capacity utilization was 58.8 percent in 1999 in the first five-year reviews, down from *** in 1991 at the end of the original investigations, and they had become increasingly export oriented, exporting 70.7 percent to 91.6 percent of their welded A-312 pipe production in the first five-year reviews, contrasted with *** of their production in the original investigations. USITC Pub. 3877 at 17-18. The Commission noted that the one producer of welded A-312 pipe in Taiwan that provided data on its operations in the second five-year reviews reported capacity utilization ranging from *** to *** during the period examined. It also reported a *** increase in production capacity during that period and, despite its *** capacity utilization, it projected a further increase in capacity of *** from 2005 to 2006 if the order stayed in effect and an increase of *** in those years if the order was revoked. USITC Pub. 3877 at 18. Export markets also accounted for an increasing share of this producer's total shipments, increasing from *** in 2002 to *** in 2005. Although this producer reported *** to the United States from 2002 to 2005, it projected that *** of its total shipments would be exported to the U.S. market in 2006 if the order was revoked. In addition, the producer indicated that it ***. USITC Pub. 3877 at 18. The Commission also observed that welded A-312 pipe exports from Korea and Taiwan had been subject to antidumping duty orders, tariffs, and related trade barriers in other markets during the periods examined in the first and second five-year reviews, although there were no outstanding orders after March 10, 2006. USITC Pub. 3877 at 18.

¹⁰⁴ USITC Pub. 3877 at 18.

¹⁰⁵ USITC Pub. 2585 at C-7 (products encompassed in U.S. shipments components of apparent U.S. consumption was somewhat broader in 1991 than in 2010).

¹⁰⁶ CR at I-28-32, PR at I-24-26.

available indicated that the welded A-312 pipe industries in both Korea and Taiwan had significant production capacity and considerable unused capacity and were export-oriented.¹⁰⁷

Based on the record in these reviews, we conclude that producers in Korea and Taiwan are largely dependent on export markets and have ample production capacity to increase their shipments to the United States if the orders were revoked. The record does not indicate that there would be any limitations on the ability of producers in Korea or Taiwan to significantly increase export shipments to the United States if the orders were revoked. Accordingly, we find that the likely volume of cumulated subject imports, both in absolute terms and relative to production and consumption in the United States, would be significant absent the restraining effect of the antidumping duty orders.

D. Likely Price Effects

In evaluating the likely price effects of subject imports if the orders under review were revoked, the Commission is directed to consider whether there is likely to be significant underselling by the subject imports in relation 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.¹⁰⁸

In the original determinations, the Commission found that subject import prices were low and declining and that subject imports of welded A-312 pipe from Korea undersold the domestic product in 34 of 36 price comparisons, while welded A-312 pipe from Taiwan undersold the domestic product in 34 of 40 price comparisons. The Commission concluded that subject imports were having significant depressing and suppressing effects on domestic prices for welded stainless steel pipes and pressure tubes.¹⁰⁹

In the first five-year reviews, although pricing data were not available for subject imports from Taiwan, subject imports from Korea undersold the domestic like product in 50 of 52 price comparisons in the period examined in those reviews.¹¹⁰ The Commission found that, given the likely significant volume of subject imports, the high degree of substitutability between subject imports and the domestic like product, the importance of price in purchasing decisions, slow growth in U.S. demand, and underselling by the subject imports both in those reviews and in the original period of investigation, subject welded A-312 pipe from Korean and Taiwan likely would be priced aggressively to gain additional market share in the absence of the orders.¹¹¹ The Commission concluded on those facts that the underselling was likely to have significant suppressing or depressing effects on prices for the domestic like product.¹¹²

In the second five-year reviews, the Commission found that, if the orders were revoked, subject welded A-312 pipe from Korea and Taiwan likely would be priced aggressively and the domestic industry likely would have to cut prices for the domestic like product or lose sales, given the likely significant volume of subject imports, the high level of substitutability between subject imports and the domestic like product, the importance of price in purchasers' decisions, and underselling by the subject imports

¹⁰⁷ The domestic producers identify as a current barrier to imports of the subject merchandise in third country markets that Argentina maintains a minimum price requirement on stainless steel pipes and tubes from Taiwan. CR at I-28, PR at I-24.

¹⁰⁸ See 19 U.S.C. § 1675a(a)(3). The SAA states that “[c]onsistent with its practice in investigations, in considering the likely price effects of imports in the event of revocation and termination, the Commission may rely on circumstantial, as well as direct, evidence of the adverse effects of unfairly traded imports on domestic prices.” SAA at 886.

¹⁰⁹ USITC Pub. 2585 at 24-25.

¹¹⁰ USITC Pub. 3877 at 19 n.131.

¹¹¹ USITC Pub. 3351 at 16 -17.

¹¹² USITC Pub. 3351 at 16 -17.

previously and by subject imports from Korea in the second five-year review period.¹¹³ The Korean product undersold the domestic like product in 91 of 100 price comparisons in the second review period. The record in the second five-year reviews, however, like the record in the first review, did not include pricing information for subject imports from Taiwan.¹¹⁴ In light of those factors and the price sensitive nature of the market, the Commission concluded that subject imports likely would have significant depressing or suppressing effects on the prices of the domestic like product.¹¹⁵

There is no new product-specific pricing information on the record of these reviews. Although average unit values (“AUVs”) are of limited utility in light of potential product mix differences, available data indicates that the AUVs of subject imports from Korea and Taiwan were both below the AUV of the domestic like product in 2010.¹¹⁶ Available information, including from the original investigations and the first and second five-year reviews, indicates that subject imports are highly substitutable for the domestic like product and that price is an important factor in purchasing decisions. In light of the high degree of substitutability and comparable quality of welded A-312 pipe from different sources, price will be the principal factor influencing purchasing decisions absent the orders. Thus, sustained underselling by even a relatively small amount of subject imports is likely to have significant price-suppressing or price-depressing effects.

As noted above, subject imports from Korea and Taiwan undersold the domestic like product in the vast majority of possible price comparisons in the original investigations and also, even with the orders in place, in the first and second five-year reviews. In light of this underselling, we conclude that there will likely be significant price underselling should the orders under review be revoked. As price is important to purchasing decisions, the presence of significant quantities of welded A-312 pipe imports that are likely to enter the United States and that are likely to undersell the domestically produced product after revocation of the orders will force domestic welded A-312 pipe producers to either lower prices or lose sales. In light of these considerations and the price-sensitive nature of the market for welded A-312 pipe, we conclude that the subject imports will also likely have price-depressing or price-suppressing effects. Accordingly, we find that if the orders were revoked, the likely significant volume of subject imports at prices that would likely undersell the domestic like product would likely have significant adverse price effects on the domestic industry.

¹¹³ USITC Pub. 3877 at 19.

¹¹⁴ USITC Pub. 3877 at 19.

¹¹⁵ USITC Pub. 3877 at 20.

¹¹⁶ Whereas the AUV of the domestic product was \$4,707 per short ton in 2010, the AUVs of the subject imports from Korea and Taiwan were \$3,132 per short ton and \$*** per short ton, respectively. CR/PR at Tables 1-4, I-5.

E. Likely Impact of Subject Imports¹¹⁷

In evaluating the likely impact of imports of subject merchandise if the 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.¹¹⁸ All relevant economic factors are to be considered within the context of the business cycle and the conditions of competition that are distinctive to the industry. As instructed by the statute, we have considered the extent to which any improvement in the state of the domestic industry is related to the order at issue and whether the industry is vulnerable to material injury if the order were revoked.¹¹⁹

In the original determinations, the domestic industry's performance was mixed. Although the industry remained profitable, the Commission found that declines in indicators such as operating income demonstrated material injury by reason of the subject imports. The Commission also observed a difference between the financial performance of welded A-312 pipe producers and that of pressure tube producers, which it found could be explained in part by the fact that the welded A-312 pipe producers had to compete directly with increasing volumes of fungible subject imports.¹²⁰

In the first five-year reviews, the Commission found that the domestic industry was weak, with declines in production and shipments although its capacity increased.¹²¹ The Commission observed that lower average unit sales values contributed to this weak financial performance. The domestic industry's share of the welded stainless steel pipe and tube market also declined from 82.0 percent in 1997 to 72.7 percent in 1999.¹²² The Commission found that the domestic industry was vulnerable given its

¹¹⁷ Under the statute, "the Commission may consider the magnitude of the margin of dumping" in making its determination in a five-year review. 19 U.S.C. § 1675a(a)(6). The statute defines the "magnitude of the margin of dumping" to be used by the Commission in five-year reviews as "the dumping margin or margins determined by the administering authority under section 1675a(c)(3) of this title." 19 U.S.C. § 1677(35)(C)(iv); *see also* SAA at 887. In the final results of its expedited five-year reviews, Commerce determined that revocation of the antidumping duty order on welded A-312 pipe from Korea would be likely to lead to continuation or recurrence of dumping at weighted average margins of 2.67 percent for Pusan Steel Pipe (now SeAH Steel), 7.92 percent for Sammi Metal Products, and 7.00 percent for all others. Commerce determined that revocation of the order on welded A-312 pipe from Taiwan would be likely to lead to continuation or recurrence of dumping at weighted average margins of 31.90 percent for Jaung Yuann Enterprise and Yeun Chyang Industrial and 22.92 percent for all others. 76 Fed. Reg. 67673, 67674-75 (Nov. 2, 2011). *See also* CR at I-6; PR at I-6; CR/PR at Appendix A. Section 751(a)(4) of the Act requires Commerce, if requested by a party in an administrative review, to determine whether a foreign producer or importer of subject merchandise has absorbed antidumping duties. 19 U.S.C. § 1675a(a)(4). Commerce has not made any duty absorption determinations with respect to either antidumping duty order. CR at I-7, PR at I-6-7.

¹¹⁸ 19 U.S.C. § 1675a(a)(4).

¹¹⁹ The SAA states that in assessing whether the domestic industry is vulnerable to injury if the order is revoked, the Commission "considers, in addition to imports, other factors that may be contributing to overall injury. While these factors, in some cases, may account for the injury to the domestic industry, they may also demonstrate that an industry is facing difficulties from a variety of sources and is vulnerable to dumped or subsidized imports." SAA at 885, 19 U.S.C. § 1675a(a)(4).

¹²⁰ USITC Pub. 2585 at 18-20 and 25-26.

¹²¹ USITC Pub. 3351 at 17-18.

¹²² USITC Pub. 3351 at 18 n.116.

generally poor performance over the review period.¹²³ The Commission concluded that the likely significant increase in subject imports if the orders were revoked likely would cause declines in both the price and volume of the domestic producers' shipments, which in turn would likely have a significant adverse impact on the domestic industry's performance, particularly given its vulnerable condition.¹²⁴

In the second five-year reviews, the Commission found that virtually all domestic industry performance indicators declined during the period of review, with overall declines in production, shipments, capacity, and capacity utilization.¹²⁵ The domestic industry's share of the market also declined overall from 64.1 percent in 2000 to 47.2 percent in 2005.¹²⁶ The number of production and related workers employed in the industry declined over the period examined as well, as did hours worked and wages paid. The Commission observed that the industry incurred operating losses in all but one year of the 2000-2005 period examined.¹²⁷ The Commission found that the domestic industry was vulnerable on the basis of its weak performance over the period.¹²⁸ The Commission concluded that the likely aggressive pricing of the likely increased volumes of subject imports would compel the domestic industry either to cut prices for the domestic like product or lose sales. Under either scenario, the Commission found, the industry's revenues and operating performance would decline significantly and, thus, revocation of the orders would have a significant adverse impact on the domestic industry.¹²⁹

In these expedited reviews, the record information on the domestic industry's condition is limited. Based on the current record, in 2010, the domestic industry's capacity was 71,700 short tons, its output was 39,008 short tons, and its capacity utilization rate was 54.4 percent.¹³⁰ The domestic industry's U.S. shipments were 36,657 short tons, accounting for 46.8 percent of apparent U.S. consumption.¹³¹ Its net sales value was \$179.8 million, and it incurred an operating loss of \$13.4 million, equivalent to a negative 7.4 percent of net sales.¹³² The limited evidence 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 order.¹³³

Based on the record in these reviews, we find that the likely volume and likely price effects of subject imports of welded A-312 pipe from Korea and Taiwan would likely have a significant adverse impact on the domestic 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.

¹²³ USITC Pub. 3351 at 18.

¹²⁴ USITC Pub. 3351 at 18.

¹²⁵ USITC Pub. 3877 at 20.

¹²⁶ USITC Pub. 3877 at 20-21.

¹²⁷ USITC Pub. 3877 at 21.

¹²⁸ USITC Pub. 3877 at 21.

¹²⁹ USITC Pub. 3877 at 21.

¹³⁰ CR/PR at Table I-4.

¹³¹ CR/PR at Tables I-4, I-7.

¹³² CR/PR at Table I-4.

¹³³ Commissioners Lane and Pinkert find that the domestic industry is vulnerable to material injury. The industry's reported capacity in 2010 was lower than at any point during the periods examined in the first and second five-year reviews, and its production declined from 55,000 short tons in 2000 to 39,000 short tons in 2010. Even with the reduction in capacity, the industry reported a capacity utilization rate of only 54.4 percent in 2010. CR/PR at Table I-4. In addition, the industry's U.S. shipments in 2010 were lower than at any point during the periods examined in the first and second reviews. Id. The industry had an operating loss in 2010 of \$13.4 million and a negative operating income margin of 7.4 percent. Id.

We also have considered the role of factors other than subject imports, so as not to attribute likely injury from other factors to subject imports. Nonsubject imports' presence in the U.S. market, while substantial, peaked in 2007 and accounts for about the same share of the U.S. market in 2010 compared with 2005.¹³⁴ Nevertheless, we find that a significant portion of the expected increase in subject imports from Korea and Taiwan would be at the expense of the domestic industry, particularly given the likelihood of subject import underselling and adverse price effects. We find that the presence of nonsubject imports are not likely to sever the causal nexus between subject imports and the likely significant adverse impact on the domestic industry if the orders were revoked. Accordingly, we conclude that, if the antidumping duty orders on welded A-312 pipe from Korea and Taiwan were revoked, subject imports would be likely to have a significant adverse impact on the domestic industry within a reasonably foreseeable time.

F. Conclusion

For the foregoing reasons, we determine that revocation of the antidumping duty order on subject welded A-312 pipe from Korea and Taiwan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

¹³⁴ CR/PR at Table I-7.

INFORMATION OBTAINED IN THE REVIEWS

INTRODUCTION

Background

On July 1, 2011, the United States International Trade Commission (“Commission” or “USITC”) gave notice, pursuant to section 751(c) of the Tariff Act of 1930 (the Act),¹ that it had instituted reviews to determine whether revocation of the antidumping duty orders on certain welded stainless steel (“WSS”) pipe from Korea and Taiwan would likely lead to the continuation or recurrence of material injury to a domestic industry within a reasonable foreseeable time.^{2 3} On October 4, 2011, the Commission determined that the domestic interested party group response to its notice of institution was adequate⁴ and that the respondent interested party group response was inadequate. The Commission found no other circumstances that would warrant conducting full reviews.⁵ Accordingly, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(5) of the Act.⁶ Information relating to the background and schedule of these five-year reviews concerning certain WSS pipe⁷ is provided in the following tabulation.

¹ 19 U.S.C. §1675(c).

² All interested parties were requested to respond to the notice by submitting information requested by the Commission. Copies of the Commission’s *Federal Register* notices are presented in app. A.

³ In accordance with section 751(c) of the Act, the U.S. Department of Commerce (“Commerce”) published a notice of initiation of the five-year reviews of the subject antidumping duty orders concurrently with the Commission’s notice of institution. *Initiation of Five-Year (“Sunset”) Review*, 76 FR 38613, July 1, 2011.

⁴ The Commission received one submission in response to its notice of institution for the subject reviews. It was filed on behalf of U.S. producers Bristol Metals LLC, Felker Brothers Corp., Marcegaglia USA Inc., and Outokumpu Stainless Pipe (“domestic interested parties”). These companies are believed to have accounted for approximately *** percent of U.S. production of certain WSS pipe in 2010. Domestic interested parties’ August 30, 2011, supplemental information in support of the domestic industry’s substantive response to the notice of institution, p. 2.

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

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

⁷ The subject merchandise in these reviews is a form of WSS pipe produced to a recognized industry specification (A-312) and, for purposes of this report, is referred to as “A-312 pipe.” The designation “A-312” refers to a standard specification for seamless or straight-seam welded austenitic stainless steel pipe intended for high-temperature and general corrosive service issued by the American Society for Testing and Materials (“ASTM”).

The term “*certain WSS pipe*” is used for A-312 pipe from Korea, Taiwan, and all other sources, but also includes domestically produced and imported WSS pipe produced to an additional ASTM specification (A-778). In the context of other proceedings, such pipe is also referred to as “*pressure pipe*.” The general term “*WSS pipe and tube*” includes other forms of WSS pipe (such as that produced to ASTM specification A-358 for critical applications) and WSS pressure tube (such as that produced to ASTM specifications A-249, A-269, A-270, and A-688). As used in this report, the term “*WSS pipe and tube*” generally excludes mechanical tubing and grade 409 tubing, consistent with the Commission’s findings with respect to the domestic like product in the original investigations and first reviews. However, because of data limitations, certain presentations use the term more broadly.

Effective date	Action	<i>Federal Register</i> citation
July 1, 2011	Commission's institution of five-year reviews	76 FR 38688 July 1, 2011
July 1, 2011	Commerce's initiation of five-year reviews	76 FR 38613 July 1, 2011
October 4, 2011	Commission's determination to conduct expedited five-year reviews	76 FR 64106
November 2, 2011	Commerce's final determinations in its expedited five-year reviews	76 FR 67673
November 17, 2011	Commission's vote	Not applicable
December 1, 2011	Commission's determination transmitted to Commerce	Not applicable
Source: Cited <i>Federal Register</i> notices.		

The Original Investigations and Subsequent Five-Year Reviews

On November 18, 1991, a petition was filed with Commerce and the Commission alleging that an industry in the United States was materially injured and threatened with material injury by reason of dumped imports of welded A-312 pipe from Korea and Taiwan.⁸ On November 12, 1992, Commerce made final affirmative dumping determinations. On December 18, 1992, the Commission notified Commerce of its final affirmative determinations of material injury, and on December 30, 1992, Commerce issued antidumping duty orders on imports of welded A-312 pipe from Korea and Taiwan. Commerce's amended antidumping duty margins are as follows:⁹

⁸ The petition was filed on behalf of Avesta Sandvik Tube, Inc., Schaumburg, IL; Bristol Metals ("Bristol"), Bristol, TN; Damascus Tubular Products, Greenville, PA; Trent Tube Division, Crucible Materials Corp. ("Trent"), East Troy, WI; and the United Steelworkers of America.

⁹ *Notice of Amended Final Determination and Antidumping Order: Certain Welded Stainless Steel Pipe from the Republic of Korea*, 60 FR 10064, February 23, 1995; *Amended Final Determination and Antidumping Duty Order: Certain Welded Stainless Steel Pipe From Taiwan*, 57 FR 62300, December 30, 1992.

Firm	Margin (percent)
Korea	
Pusan Steel Pipe (now SeAH)	2.67
Sammi Metal Products Co.	7.92
All others	7.00
Taiwan	
Chang Tieh	0.00 ¹
Jaung Yuann Enterprise	31.90
Ta Chen	3.27
Yeun Chyang Industrial	31.90
All others	19.84
¹ Chang Tieh was excluded from the order. Note.—In January 1995, Pusan acquired the productive assets of Sammi and subsequently changed its name to SeAH Steel Corp.	

On July 1, 1999, the Commission instituted the first five-year reviews of the antidumping duty orders,¹⁰ and on October 1, 1999, determined that it would conduct full reviews.¹¹ On February 4, 2000, Commerce published its determination that revocation of the subject antidumping duty orders on Korea and Taiwan would be likely lead to continuation or recurrence of dumping.¹² On September 22, 2000, the Commission determined that revocation of the subject antidumping duty orders on Korea and Taiwan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. Subsequently, Commerce issued a continuation of the subject antidumping duty orders.¹³

On August 29, 2005, the Commission instituted the second five-year reviews of the subject antidumping duty orders.¹⁴ On January 3, 2006, Commerce published its determination that revocation of the subject antidumping duty orders on Korea and Taiwan would be likely lead to continuation or recurrence of dumping.¹⁵ On August 16, 2006, following full reviews, the Commission determined that revocation of the subject antidumping duty orders on Korea and Taiwan would be likely to lead to

¹⁰ *Certain Stainless Steel Pipe From Korea, Sweden, and Taiwan*, 64 FR 35694, July 1, 1999. In addition to the instant reviews, the Commission instituted a review on welded stainless steel hollow products from Sweden (inv. No. 731-TA-354 (Review)). However, following notification from Commerce that it would revoke the order on Swedish pipes because of lack of domestic interest, the Commission terminated its review effective January 1, 2000. *July 1999 Sunset Reviews: Final Results and Revocation*, 64 FR 47763, September 1, 1999.

¹¹ *Certain Welded Stainless Steel Pipes From Korea and Taiwan*, 64 FR 55961, October 15, 1999. The Commission determined that the domestic interested party group response to its notice of institution were adequate with respect to both reviews, that the respondent interested party group response was adequate with respect to Korea, and other circumstances warranted conducting a full review with respect to Taiwan. *Ibid.*

¹² *Final Results of Expedited Sunset Reviews: Certain Welded Stainless Steel Pipes From the Republic of Korea and Taiwan*, 65 FR 5607, February 4, 2000.

¹³ *Continuation of Antidumping Duty Orders: Certain Welded Stainless Steel Pipe from South Korea and Taiwan*, 65 FR 61143, October 16, 2000.

¹⁴ *Certain Stainless Steel Pipe From Korea and Taiwan (Second Review)*, 70 FR 52124, September 1, 2005.

¹⁵ *Welded ASTM A-312 Stainless Steel Pipe from South Korea and Taiwan: Notice of Final Results of Expedited (“Sunset”) Reviews of Antidumping Duty Orders*, 71 FR 96, January 3, 2006.

continuation or recurrence of material injury within a reasonably foreseeable time.¹⁶ On September 5, 2006, Commerce issued a continuation of the subject antidumping duty orders on Korea and Taiwan.¹⁷

Commerce's Final Results of Expedited Five-Year Reviews

As shown in appendix A, Commerce concluded its expedited reviews with respect to Korea and Taiwan, and determined that the following weighted-average margins are likely to prevail:

- For Korean producers Sammi Metal Products, SeAH Steel Corp. (successor to Pusan Steel Pipe) and all others, 7.92 percent; 2.67 percent; and 7.00 percent, respectively.
- For Taiwan producers Jaung Yuann Enterprise, Yeun Chyang Industrial, and all others, 31.90 percent; 31.90 percent; and 22.92 percent, respectively.¹⁸

Commerce's Administrative Reviews

Korea

Commerce has completed three administrative reviews of the antidumping duty order on A-312 pipe from Korea, as presented in the following tabulation. In addition, there has been one changed circumstances determination and no duty absorption findings.¹⁹

Period of review	Date results published and <i>Federal Register</i> citation	Firm-specific margin (percent)
12/01/1997 - 11/30/1998	May 10, 2000 (65 FR 30071)	SeAH Steel Corp. 1.02
12/01/2006 - 11/30/2007	June 27, 2011 (76 FR 37320)	SeAH Steel Corp. 6.01
12/01/2007 - 11/30/2008	May 19, 2010 (75 FR 27987)	SeAH Steel Corp. 2.92

¹⁶ *Certain Welded Stainless Steel Pipes From Korea and Taiwan*, 71 FR 48941, August 22, 2006.

¹⁷ *Continuation of Antidumping Duty Orders: Certain Welded Stainless Steel Pipe from South Korea and Taiwan*, 71 FR 53412, September 11, 2006.

¹⁸ *Welded ASTM A-312 Stainless Steel Pipe From South Korea and Taiwan: Final Results of Expedited Sunset Reviews of the Antidumping Duty Orders*, 76 FR 67673, November 2, 2011.

¹⁹ In the changed circumstances review, Commerce determined that SeAH Steel Corp. was the successor to Pusan Steel Pipe (which in turn had acquired the production assets of Sammi Metal Products Co.). *Certain Welded Stainless Steel Pipe From Korea; Final Results of Antidumping Duty Changed Circumstances Review*, 63 FR 16979, April 7, 1998.

Taiwan

Commerce has completed five administrative reviews of the antidumping duty order on A-312 pipe from Taiwan, as presented in the following tabulation. In addition, there has been one changed circumstances determination and no duty absorption findings.²⁰

Period of review	Date results published and <i>Federal Register</i> citation	Firm-specific margin (percent)
06/22/1992 - 11/30/1993	June 22, 1999 (64 FR 33243)	Ta Chen 31.90
12/01/1993 - 11/30/1994		
12/01/1994 - 11/30/1995	June 13, 2003 (68 FR 35384), amended	Ta Chen 2.60
12/01/1995 - 11/30/1996	July 16, 1998 (63 FR 38382)	Ta Chen 0.10 ¹
12/01/1997 - 11/30/1998	June 26, 2000 (65 FR 39367)	Ta Chen 0.47 ^{1 2}
¹ <i>De minimis</i> rate of zero. ² Because Ta Chen met the requirement of three consecutive years of zero or de minimis margins for the subject merchandise, Commerce revoked the order with respect to Ta Chen effective June 26, 2000, for all entities on or after December 1, 1998.		

Previous and Related Title VII Investigations

The Commission has conducted several previous import relief investigations (and subsequent reviews) concerning A-312 pipe and other forms of WSS pipe and tube. Table I-1 presents data on previous and related Title VII investigations.

²⁰ In the changed circumstances review, Commerce determined that Chang Mein Industries Co., Ltd. is the successor-in-interest to Chang Tieh and is therefore entitled to Chang Tieh's exclusion from the antidumping duty order. *Certain Welded Stainless Steel Pipe From Taiwan; Final Results of Changed Circumstances Antidumping Duty Administrative Review*, 63 FR 34147, June 23, 1998.

Table I-1
A-312 pipe: Previous and related Title VII investigations

Product	Inv. No.	Year of petition	Country	Original determination	Current status
Welded stainless steel pipe and tube	AA1921-180	1978	Japan	Negative	(¹)
Welded stainless steel pipe and tube excluding grade 409 pipe	701-TA-281	1986	Sweden	Negative	(¹)
	731-TA-354	1986	Sweden	Negative (Affirmative on remand)	(¹)
ASTM A-312 pipe	731-TA-540 ²	1991	Korea	Affirmative	Third review ongoing
	731-TA-541 ²	1991	Taiwan	Affirmative	Third review ongoing ³
Welded stainless steel pressure pipe	701-TA-454 731-TA-1144	2008	China	Affirmative	First review scheduled for 2014

¹ Not applicable.
² On July 1, 1999, the Commission instituted the first five-year review of the antidumping duty orders, and on September 22, 2000, the Commission made an affirmative determination. On September 1, 2005, the Commission instituted the second five-year review of the antidumping duty orders, and on August 16, 2006, the Commission made an affirmative determination.
³ Chang Tieh (later Chang Mien) was excluded from the original order, and the order for Ta Chen was revoked effective June 26, 2000, on merchandise entered on or after December 1, 1998.

Source: *Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540 and 541 (Second Review)*, USITC Publication 3877, August 2006; *Welded Stainless Steel Pressure Pipe from China, Inv. Nos. 701-TA-454 and 731-TA-1144 (Final)*, USITC Publication 4064, March 2009.

Previous and Related Safeguard Investigations

Following receipt of a request from the Office of the United States Trade Representative (“USTR”) on June 22, 2001, the Commission instituted investigation No. TA-201-73, *Steel*, under section 202 of the Trade Act of 1974²¹ to determine whether certain steel products, including stainless steel welded tubular products,²² were being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic stainless steel welded tubular products industry.²³ On July 26, 2001, the Commission received a resolution adopted by the Committee on Finance of the U.S. Senate (“Senate Finance Committee” or “Committee”) requesting that the Commission investigate certain steel imports under section 201 of the Trade Act of 1974.²⁴ Consistent with the Senate Finance Committee’s resolution, the Commission consolidated the investigation requested by the Committee with the Commission’s previously instituted investigation No. TA-201-73.²⁵ On December 20, 2001, the Commission issued its determinations and remedy recommendations.²⁶ The

²¹ 19 U.S.C. § 2252.

²² Products related to welded stainless steel pipes and pressure tubes, a “like or directly competitive product” encompassing stainless steel welded tubular products that were covered under investigation No. TA-201-73, that included products “produced by bending flat-rolled steel products to form a hollow product with overlapping or abutting seams. The seam is then generally fastened by welding. . .” *Steel, Inv. No. TA-201-73, Volume I: Determinations and Views of Commissioners*, USITC Publication 3479, December 2001, p. 16.

²³ *Institution and Scheduling of an Investigation under Section 202 of the Trade Act of 1974 (19 U.S.C. 2252) (the Act)*, 66 FR 35267 (July 3, 2001).

²⁴ 19 U.S.C. § 2251.

²⁵ *Consolidation of Senate Finance Committee Resolution Requesting a Section 201 Investigation with the Investigation Requested by the United States Trade Representative on June 22, 2001*, 66 FR 44158 (August 22, 2001).

²⁶ *Steel; Import Investigations*, 66 FR 67304 (December 28, 2001).

Commission made a unanimous negative determination with respect to stainless steel welded tubular products.²⁷

THE PRODUCT

Commerce's Scope

The products subject to the antidumping orders under review, as defined by Commerce, are: austenitic stainless steel pipe that meets the standards and specifications set forth by the American Society for Testing and Materials (ASTM) for the welded form of chromium–nickel pipe designated ASTM A–312. Welded stainless steel pipe (WSSP) is produced by forming stainless steel flat–rolled products into a tubular configuration and welding along the seam. WSSP is a commodity product generally used as a conduit to transmit liquids or gases. Major applications for WSSP include, but are not limited to, digester lines, blow lines, pharmaceutical lines, petrochemical stock lines, brewery process and transport lines, general food processing lines, automotive paint lines and paper process machines.²⁸

Tariff Treatment

The Harmonized Tariff Schedule of the United States (“HTS”) provides for WSS pipe and tube in subheading 7306.40.50.²⁹ Welded A-312 pipe is included in five of the specific statistical reporting numbers under HTS subheading 7306.40.50 described in Commerce’s scope (or, in one instance, replacement statistical reporting numbers). Nonsubject pipe and tube comprise the remaining statistical reporting numbers under HTS subheading 7306.40.50. Each of the covered HTS statistical reporting numbers include products in addition to welded A-312 pipe. These statistical reporting numbers are believed to include primarily subject products but also include modest quantities of nonsubject products.³⁰ All U.S. imports of WSS pipe and tube are free of duty under the general duty column.

²⁷ *Steel, Inv. No. TA-201-73*, USITC Publication 3479, December 2001, pp. 17-18.

²⁸ *Continuation of Antidumping Duty Orders on Welded ASTM A–312 Stainless Steel Pipe from Korea and Taiwan*, 71 FR 53412, September 11, 2006. See also *Certain Welded Stainless Steel Pipes From the Republic of Korea: Final Results of Antidumping Duty Administrative Review*, 75 FR 27987, May 19, 2010.

²⁹ Imports of subject welded A-312 pipes are currently covered by the following HTS statistical reporting numbers: 7306.40.5005, 7306.40.5040, 7306.40.5062, 7306.40.5064 and 7306.40.5085. These statistical reporting numbers include both pipe and tube. The HTS statistical reporting numbers are provided for convenience and Customs purposes and Commerce’s written description of the scope of the orders is dispositive. *See Welded ASTM A-312 Stainless Steel Pipe from South Korea and Taiwan: Notice of Final Results of Expedited (“Sunset”) Reviews of Antidumping Duty Orders*, 71 FR 96, January 3, 2006.

³⁰ While Staff believes there are minimal imports of non-ASTM A-312 WSS pipe in the above-mentioned statistical reporting numbers, a sixth statistical reporting number identified by Commerce (7306.40.5015) is believed to include substantial quantities of nonsubject pipe and therefore is not included in data presentations for 2006-11.

Domestic Like Product and Domestic Industry

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

In its original investigations, the Commission considered whether the like product should be identical to the articles subject to investigation, i.e., A-312 pipe only, as argued by the petitioners, or should include all welded stainless steel pipe and tube, as argued by the respondents. The Commission concluded that mechanical and grade 409 tubes were not like A-312 pipe, but that the domestic like product should consist of all WSS pipe and tube other than mechanical and grade 409 tube.³¹

In the first five-year reviews, the domestic interested parties belatedly argued that only A-312 and A-778 pipe should be included within the definition of the domestic like product, while Korean respondent interested parties urged the Commission not to depart from the domestic like product definition in the original investigations. The Commission found no significant changes in the products at issue or in the factors it considers in its determinations, nor any other appropriate circumstance warranting revisiting its original like product determination. Therefore, the Commission once again defined the domestic like product as all WSS pipe and tube other than mechanical and grade 409 tube.³²

In the second five-year reviews, domestic producers indicated that the definition of the domestic like product should be narrowed to include only welded A-312 and A-778 pipe, and exclude all other WSS pipe and tube.³³ The Commission concluded that the evidence demonstrated that welded A-312 pipe is similar to A-778 pipe. Further, the Commission found that both the A-312 and A-778 pipes have differences in physical characteristics and uses, manufacturing facilities, and customer and producer perceptions, as well as limited interchangeability and some differences in channels of distribution and price, from other WSS pipe and tube. Thus, the Commission found that a change from the original definition of the domestic like product was appropriate, and defined the domestic like product as A-312 and A-778 pipe.^{34 35}

³¹ *Certain Welded Stainless Steel Pipes and Tubes from the Republic of Korea and Taiwan, Invs. Nos. 731-TA-540 and 541 (Final)*, USITC Publication 2585, December 1992, pp. 5-17.

³² *Certain Welded Stainless Steel Pipes and Tubes from Korea and Taiwan, Invs. Nos. 731-TA-540 and 541 (Review)*, USITC Publication 3351, September 2000, pp. 4-5.

³³ *Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540 and 541 (Second Review)*, USITC Publication 3877, August 2006, p. 5.

³⁴ *Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540 and 541 (Second Review)*, USITC Publication 3877, August 2006, p. 7.

³⁵ In its 2008-09 investigations of WSS pressure pipe (i.e., A-312 pipe and A-778 pipe) from China, the Commission declined to expand the domestic like product to include WSS pressure tube. The Commission found pressure pipe and pressure tube to differ significantly with respect to physical characteristics (specifications, dimensions, tolerances, finish, mechanical properties), end uses, channels of distribution, the producers and lines on which they are produced, and average unit values.

Consistent with Commerce's scope in those proceedings, the Commission defined one domestic like product as coextensive with the scope and consisting of small-diameter WSS pressure pipe with an outside diameter not greater than 14 inches. It noted that for small-diameter and large-diameter (greater than 14 inches in outside diameter) WSS pressure pipe, differences in manufacturing processes led to different wall thicknesses and outside diameters, affected tolerances and seams, and limited interchangeability between the products. It observed limited overlap between the products in terms of manufacturers, manufacturing equipment, manufacturing time, and employees. The Commission further indicated that small-diameter pipe was generally sold to distributors and inventoried, whereas large-diameter pipe was generally sold directly for different end uses to specific end users

(continued...)

Physical Characteristics and Uses³⁶

The terms “pipe,” “tube,” and “tubing” designate hollow forms used for the conveyance of gases, liquids, and solids, and for a diversity of mechanical and structural purposes. The subject imports and the domestic like product, as defined in the previous review, include only pipe. “Pipe” is of circular cross-section, produced in relatively few standard sizes, designated by nominal diameter and wall thickness,³⁷ and is designed for use with standard pipe fittings. By contrast, “tube” and “tubing” may be of any cross-sectional shape, including circular, and generally are produced to more exacting specifications than pipe in terms of their dimensions, finish, and mechanical properties. Tube sizes are defined by outside diameter, which may be the same as that of a standard-size pipe, and by wall thickness. Generally, pipe produced in various grades (types) of stainless steel are distinguished by end uses as defined by the American Iron and Steel Institute (AISI).³⁸ According to the AISI, stainless steel is a general class of steels that contains more than 10 percent of chromium (Cr) by weight. Chromium gives stainless steel its excellent resistance to corrosion and good strength at high temperatures and pressure. For these reasons, it is used in corrosive environments, under high temperature and pressure conditions, or when cleanliness and ease of maintenance are strictly required. Most stainless steel tubular products are produced in either of two common grades (defined by chemical composition and physical requirements) of stainless steel, namely AISI types 304/304L or 316/316L – both austenitic chromium-nickel alloy (grade 300-series) stainless steels.³⁹

Most WSS pipe and tube⁴⁰ is produced to conform to one or more of the standard specifications published by ASTM. A-312 is the most common ASTM specification for stainless steel pipe, and accounts for much of the WSS pipe consumed in the United States. Welded A-312 pipe is designed for high-temperature, high pressure, general corrosive-resistance service, and thus must be annealed (heat treated) after welding. Major uses for welded A-312 pipe include digester lines, pharmaceutical production lines, petrochemical stock lines, automotive paint lines, and various processing lines such as

³⁵ (...continued)

and/or for specific projects and sometimes required specialized testing. Prices and pricing practices also differed between small- and large-diameter pipe products. *Welded Stainless Steel Pressure Pipe from China, Investigation Nos. 701-TA-454 and 731-TA-1144 (Final)*, USITC Publication 4064, March 2009, pp. 6-10.

³⁶ Unless otherwise indicated, the discussion in this section is based on information contained in *Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540 and 541 (Second Review)*, USITC Publication 3877, August 2006, and *Welded Stainless Steel Pressure Pipe from China, Inv. Nos. 701-TA-454 and 731-TA-1144 (Final)*, USITC Publication 4064, March 2009.

³⁷ The size of a pipe is defined by the nominal pipe size (“NPS”), a dimensionless designator that has been substituted for such traditional terms as “nominal diameter.” Nominal sizes of 1/8 to 12 are based on a standardized inside diameter that was originally selected so that a pipe having a wall thickness that was typical of the period would have an inside diameter in inches approximately equal to the nominal size. For pipe in nominal sizes of 14 and larger, the outside diameter is equal in inches to the nominal size— i.e., a pipe of NPS 14 has an outside diameter of 14 inches.

³⁸ Other important types of pipe and tube which are defined by the AISI include standard pipe, line pipe, structural pipe and tubing, mechanical tubing, and oil country tubular goods. All are designed for specific applications and must meet appropriate engineering standards for those end uses.

³⁹ Austenitic stainless steels contain a maximum of 0.15 percent carbon, and a minimum of 16 percent chromium, together with varying amounts of nickel and manganese. Other alloy series include 400 series (ferritic and martensitic chromium alloys), 500 series (heat-resisting chromium alloys), and 600 series (martensitic precipitation hardening alloys).

⁴⁰ WSS pipe includes A-312 and A-778 pipe, as well as A-358 and A-409 pipe. WSS tube comprises primarily ASTM specifications A-249, A-269, and A-270 (if pressure tubing) or ASTM specification A-554 (if mechanical tubing).

those in breweries, paper mills, and general food-processing facilities. A-778 pipe is similar to A-312, but does not require post-weld annealing. A-778 pipe is most often used in the pulp and paper industry and for wastewater applications, owing to its ability to withstand corrosive contact, albeit at somewhat lower levels than A-312 pipe. A-778 pipe is also used in corn fermentation systems to produce ethanol and low-pressure fluid transfer systems.⁴¹

Manufacturing Processes

There are two stages in the production of welded A-312 and A-778 pipe: forming the tubular shape and welding the product. Two common methods are used to form the tubular shape, namely, the continuous-mill process and the press-brake process.

The continuous-mill process, which is the principal method of producing WSS pipe and tube, begins with coils of sheet, strip, or plate. Coiled steel, of a width essentially equivalent to the outside diameter of the pipe to be produced, is set up in an uncoiler and fed into a series of paired forming rolls. As it progresses through the rolls, its cross-sectional profile is formed into a tubular shape with the butted edges ready for welding as described below.

The second method of manufacturing WSS pipe and tube is the press-brake process, a batch process in which a press gradually bends cut-to-length sheet into a cylindrical shape with the butted edges ready for welding as described below.⁴² The starting sheet is of a width essentially equivalent to the outside diameter and a length equal to the length of the piece of pipe to be produced. The press-brake process is labor-intensive, and is used primarily for the production of pipes in larger diameters.

In the welding stage, the butt edges are welded together by an automatic welding machine using either the tungsten inert gas (“TIG”) welding process or the laser welding process. Both methods allow welding without filler material, complete fusion of butted edges, and shielding of the weld area with inert gas to prevent oxidation. In the TIG welding process, welding heat is provided by an electric arc between a tungsten electrode and the pipe edges. In the laser welding process, a laser beam is directed to the weld butt joint, forming a deep-penetration fusion weld. The laser process is capable of a higher speed of operation than is the TIG process.

For continuous welded tubular products such as A-312 pipe, the pipe continues after welding through an in-line annealing furnace,⁴³ then through straightening and, finally, cutting to length. Batch welded pipe must be annealed in a separate operation, and subsequently pickled in acid.

Interchangeability

According to the domestic interested parties in the second reviews, A-312 and A-778 pipe are the only “true pressure pipe products.” The domestic interested parties noted that “A-312 is always

⁴¹ A-358 pipe must meet particularly stringent requirements and is used for critical applications such as in nuclear power plants. A-409 pipe is a large diameter, thin-wall pipe that is generally used in corrosive or high temperature applications, such as in water well casings. WSS pressure tubing (such as A-249 and A-269 tube) is most often used in heat exchangers, evaporators, boilers, and condensers, rather than in fluid transportation or other industrial applications more common to pressure pipe.

⁴² This is called a batch process (rather than “continuous”) because each individual length of pipe is bent and welded individually.

⁴³ In-line annealing normally is performed in a nonoxidizing atmosphere, a process known as “bright annealing.” Product that is annealed by other than bright annealing must be pickled in acid to remove surface oxides and produce a “bright” finish.

substitutable for A-778, but A-778 is never substitutable for A-312.” Also, “*** routinely offers A-312 in place of A-778,” as A-312 is kept in stock and is regarded as a “substitute” for A-778.⁴⁴

Channels of Distribution

Certain WSS pipe is sold primarily through distributors. Shipments of A-312 pipe from domestic producers to distributors accounted for 92 percent of reported producers’ shipments in 2000, and at least 97 percent of producers’ shipments during 2001-05. Shipments of A-778 pipe from domestic producers went exclusively to distributors during 2000-05.⁴⁵ Imports are similarly concentrated in distributors’ sales.⁴⁶

Pricing

According to the information provided by the domestic interested parties, raw material costs account for a substantial part of the final cost of certain WSS pipe. Specifically, in 2010, raw materials accounted for more than *** percent of the total COGS reported by the companies responding to the Commission’s notice of institution.⁴⁷

Over the past two years, the prices of stainless steel sheet has risen irregularly. From July to December 2009, prices for grade 304 stainless steel sheet rose by *** percent. From January to June 2010 prices rose by an additional *** percent. From July to December 2010, prices declined by *** percent. However, during January to June 2011, sheet prices moved upwards by *** percent.⁴⁸

U.S. producers’ sales of certain WSS pipe typically include both a base price and raw material surcharges. Overall, the unit values of certain WSS pipe produced in the United States increased by *** between 2005 and 2010.

⁴⁴ *Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540 and 541 (Second Review)*, confidential staff report, p. I-28, and *Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540 and 541 (Second Review)*, USITC Publication 3877, pp. I-20-21.

⁴⁵ *Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540 and 541 (Second Review)*, confidential staff report, p. I-29, and *Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540 and 541 (Second Review)*, USITC Publication 3877, p. I-21.

⁴⁶ *Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540 and 541 (Second Review)*, confidential staff report, table II-1 (welded A-312 pipe accounted for the vast majority of overall shipments of WSS pressure pipes (A-312 and A-778 pipes)).

⁴⁷ Calculated from domestic interested parties’ response, exhibit 1.

⁴⁸ American Metal Markets, *Custom Price Report for stainless steel, cold-rolled sheet, 304*.

U.S. MARKET PARTICIPANTS

U.S. Producers

In the original investigations, petitioners asserted that there were 31 known producers of WSS pipe and tube (broadly defined) in the United States.⁴⁹ Sixteen firms accounting for *** percent of estimated 1991 total pipe and tube production responded to the Commission questionnaire.⁵⁰ During the period examined in the first reviews of the subject orders on certain WSS pipe from Korea and Taiwan, the domestic industry producing WSS pipes and pressure tubes consisted of 12 companies operating production facilities in 14 locations. In *** in 1999, the U.S. producers were Bristol, Marcegaglia USA, Inc. (“Marcegaglia,” Munhall, PA); Felker Brothers Corp. (“Felker,” Marshfield, WI); Avesta Sheffield Pipe Co.; Davis Pipe, Inc. (“Davis,” Terre Haute, IN); Trent; Swepco; International Tubular Products Inc. (“ITP,” Claremore, OK); Alaskan; LTV Copperweld (“LTV,” Elizabethtown, KY); Valtimet, Inc. (“Valtimet,” Morristown, TN); and Robert Mitchell Co., Inc. (“Mitchell,” Portland, ME).⁵¹ During the second reviews, the number of active producers had fallen to 11 in 2005 (not all of which produced A-312 and A-778 pipe).⁵²

Table I-2 identifies the current eight U.S. producers of A-312 and A-778 pipe, production locations, ASTM specifications produced, and reported shares of U.S. production of certain WSS pipe in 2010.⁵³ Important industry events since 2006 are presented in table I-3.

⁴⁹ *Certain Welded Stainless Steel Pipes from the Republic of Korea and Taiwan, Invs. Nos. 731-TA-540-541 (Final)*, USITC Publication 2585, December 1992, p. I-15.

⁵⁰ *Certain Welded Stainless Steel Pipes from the Republic of Korea and Taiwan, Invs. Nos. 731-TA-540-541 (Final)*, confidential staff report, pp. I-15-18. ***.

⁵¹ Confidential first review report, table I-4, p. I-20.

⁵² Two of the producers active in 2000 (Davis and ITP) no longer exist; one other producer active in 2000 ceased producing domestically (Mitchell); and several other plants changed ownership.

⁵³ Davis Pipe filed for Chapter 7 liquidation in 2003. Crucible Materials Corp. closed its Trent Tube division’s Carrollton, GA, pipe operations in June 2004. Outokumpu acquired its Wildwood stainless steel pipe facility when it purchased Avesta Sheffield in 2005. *Welded Stainless Steel Pressure Pipe from China, Investigation Nos. 701-TA-454 and 731-TA-1144 (Final)*, USITC Publication 4064, March 2009, p. III-1 and note 2.

Table I-2

WSS pipe and tube: U.S. producers, mill locations, ASTM specifications, and shares of reported 2010 production of A-312 / A-778 WSS pipe

Firm name	Mill location(s)	ASTM Specifications	Share of reported 2010 production (percent)¹
Alaskan	Seattle, WA	A-312, A-778	***
Bristol	Bristol, TN	A-312, A-778, as well as A-790, A-813, A-814	***
Felker	Glassgow, KY	A-312, A-778, as well as A-249, A-269	***
	Marshfield, WI		
Marcegaglia	Munhall, PA	A-312, as well as A-249, A-269, A-554	***
Outokumpu	Wildwood, FL	A-312, A-778, as well as A-249, A-369, A-358, A-490, A-789, A-790, A-928	***
Rath Gibson	Clarksville, AR ²	A-312, as well as A-269, A-632	***
	Janesville, WI	A-312, as well as A-249, A-269, A-270	***
	North Branch, NJ	A-249, A-269, A-632, A-388	***
Swepco	Clifton, NJ	A-249, A-269, A-554 (also believed to have produced at least limited volumes of A-312/A-778 since 2005)	***
Webco	Mannford, OK	A-249, A-268 (also believed to have produced at least limited volumes of A-312/A-778 since 2005)	***

¹ Production of A-312 and A-778 pipe only.

² Formerly Greenville Tube Co. (GTC), based in Greenville, PA, acquired by Rath Gibson in 2006.

Source: *Simdex Steel Tube Manufacturers Worldwide Guide (2011)*; *Welded Stainless Steel Pressure Pipe from China, Investigation Nos. 701-TA-454 and 731-TA-1144 (Final)*, USITC Publication 4064, March 2009; and company websites.

Table I-3
WSS pipe and tube: Important industrial events, 2006-10

Year	Company	Events
2006	Rath Gibson/Greenville Tube ¹	Rath Gibson purchases Greenville Tube (Greenville, PA).
2008	Bristol Metals ²	Bristol Metals receives \$1 million in incentives for expansion of stainless steel pipe plant in Tennessee.
2009	Rath Gibson ³	Rath Gibson files for bankruptcy.
2009	Bristol Metals ⁴	Bristol Metals lays off 37 of its 290 employees due to decreases in demand.
2010	Rath Gibson ⁵	Wayzata Investment Partners acquires Rath Gibson out of bankruptcy.
2010	Rath Gibson ⁶	Rath Gibson expands its redrawing capacities at its Janesville, WI, facility. Costs are undisclosed.
2010	Outokumpu ⁷	Outokumpu sells a 36-percent equity in its tube making unit for an undisclosed sum.

¹"Rath Gibson Acquires Greenville Tube Co.," <http://www.thefabricator.com/news/tubepipeproduction/2006/10/10/rathgibson-acquires-greenville-tube-co>, October 10, 2006.

²"(AMM) Bristol Metals Gets \$1M in Incentives for Expansion," <http://www.amm.com>, June 10, 2008.

³ Steven Church and Michael Bathon, "Rath Gibson Steel Tube Maker, File for Bankruptcy (Updated 2)," *Bloomberg*, from <http://www.bloomberg.com/apps/news?pid=newsarchive&sid=alxplUCmu3SQ>, July 13, 2009.

⁴ Maria Guzzo, "Bristol Metals Lays off 13% of Work Force," <http://www.metalbulletin.com/Article/2179603/Search/AMM-Bristol-Metals-lays-off-13-of-work-force.html?Pagel=196010&Keywords=Bristol+Metals+&OrderType=1&PageMove=1>, April 13 2009.

⁵"Rath Gibson Emerges from Bankruptcy with New Owner," *The Business Journal*, <http://www.bizjournals.com/milwaukee/stories/2010/06/14/daily5.html?s=print>, June 14, 2010.

⁶"Rath Gibson Adds Tubular Capabilities at Wis. Plant," *American Metal Market*, October 25, 2010; <http://www.amm.com>.

⁷"Outokumpu Will Sell 36 Percent Stake in Loss-Making Tube Unit for Undisclosed Sum" from <http://www.metalbulletin.com/Article/2858933/Search/Outokumpu-will-sell-36-stake-in-loss-making-tube-unit-for.html?Pagel=196010&Keywords=Outokumpu+Stainless+pipe&OrderType=1>, June 04, 2011.

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

Select data reported by U.S. producers in the Commission's first and second five-year reviews, and in response to the notice of institution of these reviews, are presented in table I-4.⁵⁴ Staff believes that the data - in terms of reporting companies - are generally comparable, although data from the second review include *** while data from the current review do not.

U.S. production levels of WSS pipe declined irregularly between 1997 and 2005, before recovering slightly in 2010. U.S. WSS pipe production in 2010 was only approximately *** of the level of U.S. production in 1997. Capacity utilization levels declined irregularly between 1997 and 2005, with a brief increase in 2002. Capacity utilization level in 2010 was approximately *** percent lower than in 1997. The quantity of U.S. producers' shipments of WSS pipe followed similar trends; however an increase in average unit values prevented a net reduction in the value of U.S. shipments in 2000, 2004-05, and 2010. Export shipments, measured by quantity and by value, moved downward between 1997 and 2005, but were higher in 2010. Average unit values for export shipments steadily increased between 2002-05 and were higher 2010.

The number of production and related workers employed by the domestic WSS pipe producers decreased by approximately *** percent between 1997 and 2005.

The domestic industry's operating income fluctuated between 1997 and 2000, declined sharply in 2001 and 2002, and fluctuated between 2003-05. Operating losses in 2010 were comparable (in absolute terms) to those in 2001.

Related Party Issues

There are no known related party issues.

⁵⁴ Data for A-312 and A-778 pipe (combined) are not available from the original investigations.

Table I-4
Certain WSS pipe: U.S. producers' trade, employment, and financial data, 1997-99, 2000-05, and 2010

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

Item	1997	1998	1999	2000	2001	2002	2003	2004	2005	2010
Capacity (<i>short tons</i>)	***	***	***	88,787	76,803	77,097	85,419	82,113	77,877	71,700
Production (<i>short tons</i>)	***	***	***	54,957	43,593	50,916	46,848	44,605	35,579	39,008
Capacity utilization (<i>percent</i>)	***	***	***	61.9	56.8	66.0	54.8	54.3	45.7	54.4
Shipments:										
U.S. shipments:										
Quantity (<i>short tons</i>)	***	***	***	52,561	46,191	49,272	46,272	43,514	37,006	36,657
Value (<i>1,000 dollars</i>)	***	***	***	160,599	117,040	113,080	115,093	168,001	161,415	172,543
Unit value (<i>per short ton</i>)	\$***	\$***	\$***	\$3,055	\$2,534	\$2,295	\$2,487	\$3,861	\$4,362	\$4,707
Exports:										
Quantity (<i>short tons</i>)	***	***	***	499	550	450	412	448	149	1,503
Value (<i>\$1,000</i>)	***	***	***	1,826	1,606	1,327	1,408	2,181	821	8,998
Unit value (<i>per short ton</i>)	\$***	\$***	\$***	\$3,663	\$2,919	\$2,952	\$3,420	\$4,874	\$5,505	\$5,987
End of period inventory	***	***	***	14,166	8,683	9,982	9,306	10,306	8,729	5,253
PRWs (<i>number</i>)	***	***	***	560	374	357	349	359	346	NA
Net sales (<i>\$1,000</i>)	***	***	***	161,477	117,068	113,159	115,492	168,662	160,992	179,829
Cost of goods sold (COGS) (<i>\$1,000</i>)	***	***	***	146,427	117,374	123,998	114,928	147,119	150,645	179,450
Gross profit (<i>\$1,000</i>)	***	***	***	15,049	(305)	(10,839)	564	21,543	10,348	378
SG&A (<i>\$1,000</i>)	***	***	***	16,655	13,176	12,290	10,282	12,297	11,472	14,034
Operating income or (loss) (<i>\$1,000</i>)	***	***	***	(1,606)	(13,482)	(23,130)	(9,718)	9,246	(1,125)	(13,357)
COGS/sales (<i>percent</i>)	***	***	***	90.7	100.3	109.6	99.5	87.2	93.6	99.8
Operating income or (loss)/sales (<i>percent</i>)	***	***	***	(1.0)	(11.5)	(20.4)	(8.4)	5.5	(0.7)	(7.4)

Source: *Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540 and 541 (Review)*, confidential staff report, table C-5; *Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540 and 541 (Second Review)*, confidential staff report, C-4; and Domestic Interested Parties' response, Exhibit 1.

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

Cumulation

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. Available information concerning these factors is presented below.

Fungibility

The U.S. imports subject to these reviews include WSS pipe produced to A-312 only. The domestic like product, in contrast, also includes WSS pipe produced to A-778. However, WSS pipe produced to A-778 accounts for only a small share of domestic production, i.e. less than 10 percent in 2005, the most recent year for which data are available.⁵⁵ As noted above, moreover, domestic producers report that A-312 is always substitutable for A-778.

Presence in the Market

With respect to simultaneous presence in the market, imports of WSS pipe from Korea entered the United States in 64 of the 66 months between January 2006 and June 2011, while imports of WSS pipe from Taiwan entered the United States in each of the 66 months.⁵⁶

Channels of Distribution

As reported earlier, WSS pipe products are sold primarily through distributors. Shipments of A-312 pipes from domestic producers to distributors accounted for 92 percent of reported producer's shipments in 2000, and at least 97 percent of producer's shipments in 2001-05. Shipments of A-778 pipes from domestic producers went exclusively to distributors during 2000-05.⁵⁷ Imports are similarly concentrated in distributors' sales.⁵⁸

⁵⁵ Derived from *Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540 and 541 (Second Review)*, confidential staff report, tables C-1 and C-4.

⁵⁶ Department of Commerce's official statistics (HTS 7306.40.5005, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085).

⁵⁷ *Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540 and 541 (Second Review)*, confidential staff report, p. I-29, and *Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540 and 541 (Second Review)*, USITC Publication 3877, p. I-21.

⁵⁸ *Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540 and 541 (Second Review)*, confidential staff report, table II-1 (welded A-312 pipe accounts for the vast majority of overall shipments of WSS pressure pipes (A-312 and A-778 pipes)).

Geographic Markets

With respect to geographic markets, U.S. imports of WSS pipe from Korea entered the United States through the following primary Customs districts: Houston/Galveston, Los Angeles, Philadelphia, and Savannah, while US. imports of WSS pipe from Taiwan primarily entered the United States through: Chicago, Los Angeles, Savannah, and Houston/Galveston.⁵⁹

U.S. Imports

Tables I-5 presents data for U.S. imports of WSS pipe from Korea, Taiwan, and all other sources. As shown in table I-5, total subject imports were at their highest level in 2007 before declining to their lowest level in 2009 and then increasing moderately in 2010. Korea was the largest subject source during 2005-10. The unit values of WSS pipe from Korea and Taiwan increased from 2006 to 2008 and then fell through 2010. The average unit values of WSS pipe from Korea were lower than those from Taiwan or for nonsubject sources.

The leading nonsubject suppliers are shown in table I-6. Nonsubject imports peaked early in the review period, reaching their highest level in 2007. China was the leading nonsubject source of WSS pipe during the period for which data were collected, although such imports (other than large diameter WSS pipe) are now subject to antidumping and countervailing duty orders.

Ratio of Imports to U.S. Production

Imports of WSS pipe from Korea and subject Taiwan were equivalent to 12.0 percent and *** percent of reported U.S. production in 2010, respectively. On a cumulated basis, subject imports from Korea and Taiwan were equivalent to *** percent of reported U.S. production. The ratio of imports of WSS pipe from nonsubject sources to domestic production was *** percent in 2010.

Apparent U.S. Consumption and Market Shares

Data on apparent U.S. consumption of WSS pipe during 1997-2005 and 2010 are presented in table I-7. Overall, apparent U.S. consumption has declined modestly over the past decade, with a particular dip in 2006. The domestic industry's market share has continued to decline, falling from *** percent in 1997 to 46.8 percent in 2010.⁶⁰

⁵⁹ Department of Commerce's official statistics (HTS 7306.40.5005, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085).

⁶⁰ Staff notes that historical import data for the period prior to 2006 include a sixth statistical reporting number (7306.40.5015). Inclusion of these data, however, have only a minor effect on the comparability of import data across time periods.

Table I-5
Certain WSS pipe: U.S. imports, by sources, 2006-10

Source					
	2006	2007	2008	2009	2010
Quantity (short tons)					
Korea	4,506	4,526	4,220	1,026	4,680
Taiwan (subject)	***	***	***	***	***
Subtotal	***	***	***	***	***
Taiwan (n/subject)	***	***	***	***	***
All other	32,836	40,370	22,680	9,129	18,249
Total	51,559	63,237	43,124	20,882	41,722
Value (\$1,000)¹					
Korea	14,178	19,270	19,355	3,755	14,654
Taiwan (subject)	***	***	***	***	***
Subtotal	***	***	***	***	***
Taiwan (n/subject)	***	***	***	***	***
All other	118,495	211,867	122,093	41,408	70,641
Total	198,951	337,438	230,201	85,619	166,320
Unit value (dollars per short ton)					
Korea	\$3,146	\$4,258	\$4,587	\$3,661	\$3,132
Taiwan (subject)	***	***	***	***	***
Subtotal	***	***	***	***	***
Taiwan (n/subject)	***	***	***	***	***
All other	3,609	5,248	5,383	4,536	3,871
Average	3,859	5,336	5,338	4,100	3,986
¹ Landed, duty-paid. Note. – Subject imports from Taiwan exclude A-312 pipe manufactured and exported by Chang Mien and Ta Chen. Source: Compiled from official Commerce statistics (HTS 7306.40.5005, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085).					

Table I-6
Certain WSS pipe: U.S. imports from leading nonsubject countries, 2006-10

Country					
	2006	2007	2008	2009	2010
Quantity (short tons)					
Canada ¹	4,077	3,422	3,464	3,042	2,902
China ²	23,218	30,337	6,900	460	947
Malaysia	2,993	3,860	7,140	4,064	5,715
Thailand	1,516	1,740	3,645	148	3,800
Vietnam	0	0	336	595	3,990
All other	1,033	1,010	1,195	820	895
Total	32,836	40,370	22,680	9,129	18,249
Value (\$1,000)³					
Canada ¹	20,606	22,341	24,747	15,275	17,268
China ²	77,982	154,380	35,132	2,131	3,688
Malaysia	9,501	19,444	33,978	16,230	19,246
Thailand	5,675	8,457	15,911	595	13,305
Vietnam	0	0	1,780	1,948	13,019
All other	4,731	7,244	10,545	5,229	4,114
Total	118,495	211,867	122,093	41,408	70,641
Unit value (dollars per short ton)					
Canada ¹	5,054	6,529	7,145	5,021	5,950
China ²	3,359	5,089	5,091	4,632	3,894
Malaysia	3,174	5,037	4,759	3,994	3,368
Thailand	3,744	4,860	4,365	4,005	3,502
Vietnam	----	----	5,297	3,227	3,263
All other	4,580	7,169	8,827	6,379	4,596
Average	3,609	5,248	5,383	4,536	3,871
<p>¹ U.S. imports from Canada are believed to consist in large part of nonsubject mechanical tubing.</p> <p>² Following antidumping and countervailing duty investigations by Commerce and the Commission during 2008-09, WSS pressure pipe from China became subject to antidumping and countervailing duty orders in the United States in March 2009.</p> <p>³ Landed, duty-paid.</p> <p>Source: Compiled from official Commerce statistics (HTS 7306.40.5005, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085).</p>					

Table I-7

Certain WSS pipe: U.S. producers' U.S. shipments, U.S. imports, apparent U.S. consumption, and market share, 1997-99, 2000-05, and 2010

Item	1997	1998	1999	2000	2001	2002	2003	2004	2005	2010
Quantity (short tons)										
U.S. producers' U.S. shipments	***	***	***	52,561	46,191	49,272	46,272	43,514	37,006	36,657
U.S. imports from-- Korea:	***	***	***	2,403	2,938	3,259	4,549	5,708	5,716	4,680
Taiwan (subject)	***	***	***	***	***	***	***	***	***	***
Subtotal	***	***	***	***	***	***	***	***	***	***
Taiwan (nonsubject)	***	***	***	***	***	***	***	***	***	***
Other sources	***	***	***	12,899	9,419	10,686	14,138	20,048	25,894	18,249
All sources	***	***	***	29,438	22,423	23,055	29,769	35,595	41,456	41,722
Apparent U.S. consumption	***	***	***	81,999	68,613	72,327	76,041	79,110	78,462	78,379
Value (\$1,000)										
U.S. producers' U.S. shipments	***	***	***	160,599	117,040	113,080	115,093	168,001	161,415	172,543
U.S. imports from-- Korea:	***	***	***	***	***	***	***	***	***	14,654
Taiwan (subject)	***	***	***	***	***	***	***	***	***	***
Subtotal	***	***	***	***	***	***	***	***	***	***
Taiwan (nonsubject)	***	***	***	***	***	***	***	***	***	***
Other sources	***	***	***	44,822	38,356	36,747	42,166	72,490	106,534	70,641
All sources	***	***	***	86,480	64,187	61,246	74,572	119,814	161,771	166,320
Apparent U.S. consumption	***	***	***	247,078	181,227	174,326	189,666	287,814	323,186	388,863
Share of apparent U.S. consumption based on quantity (percent)										
U.S. producers' U.S. shipments	***	***	***	64.1	67.3	68.1	60.9	55.0	47.2	46.8
U.S. imports from-- Korea:	***	***	***	2.9	4.3	4.5	6.0	7.2	7.3	6.0
Taiwan (subject)	***	***	***	***	***	***	***	***	***	***
Subtotal	***	***	***	***	***	***	***	***	***	***
Taiwan (nonsubject)	***	***	***	***	***	***	***	***	***	***
Other sources	***	***	***	15.7	13.7	14.8	18.6	25.3	33.0	23.3
All sources	***	***	***	35.9	32.7	31.9	39.1	45.0	52.8	53.2
<p>Source: <i>Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540 and 541 (Review)</i>, confidential staff report, table C-5; <i>Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540 and 541 (Second Review)</i>, confidential staff report, table C-4; and August 15, 2006, memorandum to file, errata page table C-4; official Commerce statistics (HTS 7306.40.5005, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085); and Domestic Interested Parties' response, Exhibit 1.</p>										

ANTIDUMPING ACTIONS OUTSIDE THE UNITED STATES

According to the domestic interested parties, Argentina maintains a minimum price requirement on stainless steel pipes and tubes from Taiwan, as published in the March 31, 2011, *World Trade Organization, Argentina, Semi Annual Report*.⁶¹

THE SUBJECT INDUSTRY IN KOREA⁶²

In the original investigations, counsel for three Korean producers, Lucky Metals, Pusan Pipe (now SeAH), and Sammi Metal Products Co., stated that these firms accounted for approximately 95 percent of both Korean production of welded A-312 pipes and Korea's exports of welded A-312 pipes to the United States.⁶³ At that time, there was substantial excess capacity in the Korean pipe and tube industry.⁶⁴

During the first reviews, the foreign producers' questionnaire responses provided a fairly complete characterization of the Korean WSS pipe and tube industry.⁶⁵ During these reviews, there were a number of changes noted in the Korean industry.⁶⁶ During the second reviews, questionnaires were sent to four Korean companies believed to be actively producing subject welded A-312 pipes, Boorim Corp. ("Boorim"), Changwon Specialty Steel (previously known as Sungwon Pipe Co., Ltd.) ("Changwon"), Hyundai Hysco (formerly known as Hyundai Pipe Co., Ltd.) ("Hyundai"), and SeAH.⁶⁷ There were no responses from Korean firms to the foreign producer's questionnaire. However, one of these firms, ***, responded to the importer's questionnaire.

In response to the Commission's request in its notice of institution in these third reviews for a list of all known and currently operating producers of the subject products in the subject countries that currently export or have exported subject products to the United States or other countries after 2006, the petitioners identified the following companies:⁶⁸

Hyundai HYSCO (HYSCO): Founded in 1975, HYSCO is headquartered in Seoul with its main steel pipe manufacturing facility, Ulsan Works, located in Ulsan in southeastern Korea. HYSCO is a global conglomerate with steel production facilities in many countries. In Korea, HYSCO's annual tube production capacity is over 1.1 million short tons with stainless steel tubular products ranging from 0.375 inch to 12.359 inches in outside diameter. In addition to A-312 pipe, Ulsan Works also produces a wide variety of steel products including other types of welded and seamless stainless steel pipe, OCTG, line pipe, and carbon and low-alloy steel tube products. As a global supplier of steel products, HYSCO's products comply with several international standards.⁶⁹

⁶¹ Domestic interested parties' response, p. 11, and exhibit 7.

⁶² Data and information in this part are taken from *Certain Welded Stainless Steel Pipes from Korea and Taiwan, Invs. Nos. 731-TA-540-541 (Second Review)*, USITC Publication 3877, August 2006, unless otherwise noted.

⁶³ *Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540 and 541 (Second Review)*, confidential staff report, p. IV-9.

⁶⁴ Ibid.

⁶⁵ *Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540 and 541 (Second Review)*, confidential staff report, p. IV-10.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Domestic interested parties' response, p. 12.

⁶⁹ The Simdex Steel Tube Manufacturers Worldwide Guide, 2011. Simdex is a French company, specializing in providing data on steel pipe manufacturing companies worldwide.

Miju Steel MFG (Miju): Established in 1947 in Seoul, Miju has 5 major stainless steel pipe production facilities in Korea including the Incheon Plant (in the city of Incheon, in northwestern Korea), Pohang First and Second Plants (Pohang, eastern Korea), Suncheon Plant (Suncheon, southern Korea), and Ousan Plant (Busan, southeastern Korea). Miju's stainless steel tubular products range from 0.375 inch to 40 inches in outside diameter. These products comply with a several global standards. Miju's steel pipe capacity is not disclosed.⁷⁰

SeAH Steel Corporation (SeAH): Founded in 1960, SeAH is headquartered in Seoul with major steel pipe production facilities in Changwon (in northern Korea) and Pohang (in eastern Korea). According to Simdex, SeAH is the largest steel tubular producer in Korea with a total capacity of 1.3 million short tons including stainless steel pipe, standard steel pipe, line pipe, and OCTG. Stainless steel tubular products from SeAH range from .375 inch to 40 inches in outside diameter. As a global supplier of steel pipe, SeAH products comply with a wide range of international standards.⁷¹

THE SUBJECT INDUSTRY IN TAIWAN

In the original investigations, four firms, Ta Chen Stainless Pipe Co., Ltd. ("Ta Chen"), Chang Tieh Industry Co., Ltd. (now Chang Mien Industries ("Chang Mien")), Jaung Yaunn Enterprise Co., Ltd. ("Jaung Yaunn," now Froch Enterprise Co., Ltd. ("Froch")), and Yeun Chyang Industrial Co., Ltd. ("Yeun Chyang"), accounted for approximately *** of both Taiwan's production and Taiwan's exports of welded A-312 pipes to the United States.⁷²

During the first reviews, only one of Taiwan's firms, Jaung Yaunn, provided a limited response to the Commission's questionnaire, indicating that at that time there were *** firms capable of producing welded A-312 pipe in Taiwan.⁷³

During the second reviews, the Commission sent foreign producer questionnaires to five firms in Taiwan identified as possible producers of welded A-312 pipe, Ever Lasting Stainless Steel Industrial Co., Ltd. ("Ever Lasting"), Froch; Hedeoma Corporation ("Hedeoma"); Ta Chen; and Yeun Chyang. Hedeoma responded that it had not produced or exported welded A-312 pipes since January 1, 2000. Ever Lasting, Froch, and Ta Chen did not respond to the Commission's questionnaire. Yeun Chyang, however, responded to the Commission's questionnaire with a substantial amount of information. Yeun Chyang listed *** firms in Taiwan that, in addition to itself, are producers of A-312 pipes, ***.⁷⁴ No mention was made of *** from the antidumping duties assessed on imports from Taiwan.⁷⁵

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

Everlasting Stainless Steel Industrial Co. Ltd. (Everlasting): Founded in 1989, Everlasting's headquarters as well as its major steel pipe production facility, the Shien Liau Janng plant, are located in Yun Lin county, in eastern Taiwan. Everlasting produces A-312 and A-778 stainless steel pipe with outside diameters ranging from 0.313 inch to 14 inches. It also makes a few other stainless steel pipe and

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² *Certain Welded Stainless Steel Pipe from Korea and Taiwan, Inv. Nos. 731-TA-540 and 541 (Second Review)*, confidential staff report, p. IV-11.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Ibid.

tube products in compliance with ASTM, Japanese, and Chinese industrial standards. Everlasting's capacity is not disclosed.

Femco: Femco was established in 1949, with its headquarters and three production facilities in Chiayi City in central Taiwan. Femco is a relatively small company with a total steel capacity of 159,000 short tons. It produces large stainless and high alloy steel pipes that comply with ASTM, Japanese and Chinese industrial standards.⁷⁶

Froch Enterprise (Froch): Founded in 1984, Froch is headquartered in Tou-Lin City in central Taiwan. Froch's total capacity is 132,000 short tons, which has been used to produce a variety of stainless steel pipe and tubes with outside diameters ranging from 0.250 inch to 84 inches and which comply with ASTM, Japanese, and Chinese industrial standards.

Hsin Hsin Metals (Hsin Hsin): Established in 1991, Hsin Hsin is a small producer of welded (longitudinal forming) stainless steel pipes with diameters ranging from 0.031 to 0.551 inch. It is located in Taoyuan City in northern Taiwan. Its capacity is not disclosed.

Ta Chen Stainless Pipe (Ta Chen):⁷⁷ Founded in 1986, Ta Chen is an excluded producer of stainless steel pipe with headquarters in Tainan, in southwestern Taiwan. Ta Chen produces 16,000 short tons of stainless steel pipe annually, which complies with ASTM and Japanese industrial standards with outside diameters ranging from 0.405 to 10.750 inches.

Yeun Chang: Yeun Chyang was established in 1973 and is headquartered in Chang-Hwa in eastern Taiwan. Yeun Chyang's two pipe mills are located in Douliou City in central Taiwan, producing 40,000 short tons of several types of seamless and welded stainless steel pipe and tubes that comply with ASTM, Japanese and Chinese industrial standards.

⁷⁶ Although the scope does not specify the size of the subject product, it is unlikely that Femco's products are included in this investigation because of Femco's large product sizes.

⁷⁷ Ta Chen is a nonsubject company.

THE GLOBAL MARKET

Quantity data in the Global Trade Atlas for HTS 7306.40 are reported as a mixture of kilograms and metric tons. Tables I-8 and I-9, therefore, show the data in value for the largest exporting countries and importing countries respectively of the broad product category WSS pipe and tube.

According to the Global Trade Atlas, the leading exporter country of WSS pipe is Italy with the largest exports each year from 2005 to 2010. The value of exports from Italy in 2010 was \$1 billion, accounting for 34.5 percent of the 2010 world's exports of WSS pipe. From 2005 to 2009, the second largest exporter country of WSS pipe was Germany and the third largest was Taiwan. Taiwan was the second largest exporter in 2010. In 2010, Taiwan's exports were 7.9 percent larger than Germany's. Exports from Korea were \$83 million in 2005 and \$167 million in 2010. Exports from China were \$302 million and \$430 million in 2006 and 2007, respectively, and were \$73 million and \$84 million in 2008 and 2009, respectively, after the investigations and the countervailing duty and antidumping duty orders on WSS pressure pipe were issued for China in 2009.⁷⁸

According to the Global Trade Atlas, the leading importer of WSS pipe is Germany, in each year from 2005 to 2010. The value of imports from Germany was \$320 million in 2005 and \$436 million in 2010, accounting for 14.5 percent of the 2010 world's imports of WSS pipe. The second largest importer of WSS pipe each year from 2005 to 2010 was the United States with \$263 million in 2005 and \$324 million in 2010, accounting for 10.8 percent of the 2010 world's imports of WSS pipe. The third largest importer is France.

⁷⁸ *Welded Stainless Steel Pressure Pipe from China, Investigation Nos. 701-TA-454 and 731-TA-1144 (Final)*, USITC Publication 4064, March 2009, p. 3.

Table I-8
WSS pipe and tube: Leading export sources, by country, 2005-10

Country	2005	2006	2007	2008	2009	2010
Value (\$1,000)						
Italy	796,939	1,111,282	1,494,751	1,379,016	811,730	1,022,153
Taiwan	318,819	493,925	792,376	696,519	335,880	501,806
Germany	440,254	583,435	869,075	933,361	511,284	465,073
China	137,033	302,499	430,651	72,960	84,303	182,261
South Korea	83,201	105,077	119,843	146,247	88,478	167,370
United States	135,199	162,159	159,877	176,142	111,884	149,855
France	139,849	159,693	233,270	228,108	116,909	115,083
Netherlands	84,579	94,265	134,820	106,323	81,216	100,280
Sweden	143,212	226,471	253,545	227,063	106,117	92,927
Canada	81,813	98,997	111,381	109,945	70,770	91,814
All other	565,678	684,178	854,860	936,288	582,591	642,680
Total	2,926,577	4,021,981	5,454,450	5,011,971	2,901,161	3,531,302

Source: GTA (HTS 7306.40).

Table I-9
WSS pipe and tube: Leading import destinations, by country, 2005-10

Country	2005	2006	2007	2008	2009	2010
Value (\$1,000)						
Germany	319,776	415,381	672,324	589,252	339,509	435,616
United States	262,920	341,265	505,982	398,036	224,293	323,648
France	178,774	196,829	236,182	219,943	130,339	161,838
China	128,796	145,905	182,326	135,597	97,250	125,290
United Kingdom	100,249	125,207	161,989	165,562	91,688	112,135
Netherlands	139,535	180,305	218,042	171,899	84,629	103,020
Poland	56,946	77,435	109,166	113,196	84,042	102,845
Spain	105,489	139,082	163,587	141,789	78,197	92,497
Canada	99,564	104,425	135,472	121,553	64,545	87,588
Mexico	46,190	54,428	66,874	72,143	60,469	83,151
All other	961,580	1,244,633	1,831,529	1,981,285	1,201,170	1,379,025
Total	2,399,819	3,024,894	4,283,471	4,110,255	2,456,132	3,006,653

Source: GTA (HTS 7306.40).

APPENDIX A
***FEDERAL REGISTER* NOTICES**

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

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

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

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

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2010 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

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

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

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

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2005, and

significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: June 27, 2011.

James R. Holbein,

Secretary to the Commission.

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

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-540 and 541; Third Review]

Certain Welded Stainless Steel Pipe From Korea and Taiwan; Institution of a Five-Year Review Concerning the Antidumping Duty Orders on Certain Welded Stainless Steel Pipe From Korea and Taiwan

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice 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 certain welded stainless steel pipe from Korea and Taiwan would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of

the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission;¹ to be assured of consideration, the deadline for responses is August 1, 2011. Comments on the adequacy of responses may be filed with the Commission by September 13, 2011. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207), as most recently amended at 74 FR 2847 (January 16, 2009).

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

FOR FURTHER INFORMATION CONTACT: Mary Messer (202-205-3193), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the *Commission's* TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>).

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

SUPPLEMENTARY INFORMATION:

Background.—On December 30, 1992, the Department of Commerce ("Commerce") issued antidumping duty orders on imports of welded ASTM A-312 stainless steel pipe from Korea (57 FR 62301) and Taiwan (57 FR 62300). Following first five-year reviews by Commerce and the Commission, effective October 16, 2000, Commerce issued a continuation of the antidumping duty orders on imports of certain welded stainless steel pipe from Korea and Taiwan (65 FR 61143). Following second five-year reviews by Commerce and the Commission, effective August 28, 2006, Commerce issued a continuation of 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. 11-5-250, expiration date June 30, 2011. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

antidumping duty orders on imports of welded ASTM A-312 stainless steel pipe from Korea and Taiwan (71 FR 53412, September 11, 2006). The Commission is now conducting third reviews to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full reviews 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 Korea and Taiwan.

(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 full first five-year review determinations, the Commission defined the *Domestic Like Product* as all welded stainless steel pipes and pressure tubes, excluding grade 409 tubes and mechanical tubes (also known as ornamental tubes). Thus, in addition to welded ASTM A-312 stainless steel pipe, the *Domestic Like Product* included such tubular products as ASTM A-778 and A-358 pipes and ASTM A-249, A-269, and A-270 pressure tubes. In its full second five-year review determinations, the Commission found that a change from the original definition of the *Domestic Like Product* was appropriate and defined the *Domestic Like Product* as only welded ASTM A-312 and A-778 stainless steel pipes. For purposes of responding to this notice of institution in these third five-year reviews, please provide the requested information based on the Commission's most recent *Domestic Like Product* determination: welded ASTM A-312 and A-778 stainless steel pipes.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations

and its full first five-year review determinations, the Commission defined the *Domestic Industry* as producers of welded stainless steel pipes and pressure tubes, excluding grade 409 tubes and mechanical tubes (also known as ornamental tubes). In its full second five-year review determinations, the Commission defined the *Domestic Industry* as all U.S. producers of welded ASTM A-312 and A-778 stainless steel pipes. For purposes of responding to this notice of institution in these third five-year reviews, please provide the requested information based on the Commission's most recent *Domestic Industry* determination: all domestic producers of welded ASTM A-312 and A-778 stainless steel pipes.

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

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

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

were Commission employees. For further ethics advice on this matter, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202-205-3088.

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

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

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

the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the reviews you do not need to serve your response).

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

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

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

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

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

information requested by the Commission.

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

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

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

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

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

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2010, except as noted (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (i.e., the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime,

maintenance, repair, and cleanup, and a typical or representative product mix);

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

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

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

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2010 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping 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 short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise*

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

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

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

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country(ies)* after 2005, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country(ies)*, and such merchandise from other countries.

(13) (*Optional*) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the *Commission's* rules.

By order of the Commission.

Issued: June 27, 2011.

James R. Holbein,

Secretary to the Commission.

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

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

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

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

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

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the countervailing duty order on welded carbon steel pipe and tube from Turkey, the antidumping duty orders on welded carbon steel pipe and tube from India, Thailand, and Turkey, the antidumping duty orders on circular welded nonalloy steel pipe from Brazil, Korea, Mexico,

and Taiwan, and the antidumping duty orders on small diameter carbon steel pipe and tube and light-walled rectangular pipe and tube from Taiwan would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission;¹ to be assured of consideration, the deadline for responses is August 1, 2011. Comments on the adequacy of responses may be filed with the Commission by September 13, 2011. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 201, subparts A through E (19 CFR Part 201), and Part 207, subparts A, D, E, and F (19 CFR Part 207), as most recently amended at 74 FR 2847 (January 16, 2009).

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

FOR FURTHER INFORMATION CONTACT:

Mary Messer (202-205-3193), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

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

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

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

expiration date June 30, 2014. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to

the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

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

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

Notification Regarding Administrative Protective Order

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

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

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

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (“Sunset”) Review

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

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

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

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

AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. For information from the Commission contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205-3193.

SUPPLEMENTARY INFORMATION:

Background

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

Initiation of Review

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

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

Filing Information

As a courtesy, we are making information related to Sunset

proceedings, including copies of the pertinent statute and Department’s regulations, the Department schedule

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

public on the Department's Internet Web site at the following address: "<http://ia.ita.doc.gov/sunset/>." All submissions in these Sunset Reviews must be filed in accordance with the Department's regulations regarding format, translation, and service of documents. These rules can be found at 19 CFR 351.303.

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

Pursuant to 19 CFR 351.103(d), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation.

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

Information Required from Interested Parties

Domestic interested parties defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b) wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal**

Register of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the order without further review. See 19 CFR 351.218(d)(1)(iii).

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

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

Dated: June 21, 2011.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

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

BILLING CODE 3510-DS-P

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

DEPARTMENT OF COMMERCE

International Trade Administration

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

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

Mission Description

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

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

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

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

**INTERNATIONAL TRADE
COMMISSION**

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

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

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)(3)) (the Act) to determine whether revocation of the antidumping duty orders on certain welded stainless steel pipe (specifically ASTM A-312 pipe) from Korea and Taiwan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* October 4, 2011.

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

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 October 4, 2011, the Commission determined that the domestic interested party group response to its notice of institution (76 FR 38688, July 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 the reviews will be placed in the nonpublic record on October 27, 2011, 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 Commission should reach in the reviews. Comments are due on or before November 1 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 November 1. 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. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II(C) of the Commission's Handbook on Electronic Filing Procedures, 67 FR 68168, 68173 (November 8, 2002).

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

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

Authority: 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: October 11, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011-26667 Filed 10-14-11; 8:45 am]

BILLING CODE 7020-02-P

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 Bristol Metals LLC, Felker Brothers Corp., Mercegaglia USA Inc., and Outokumpu Stainless Pipe to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

APPENDIX B
COMMISSION'S STATEMENT ON ADEQUACY

EXPLANATION OF COMMISSION DETERMINATIONS ON ADEQUACY
in
Certain Welded Stainless Steel Pipe from Korea and Taiwan
Inv. Nos. 731-TA-540 and 541 (Third Review)

On October 4, 2011, the Commission determined that it should conduct 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, with company specific data, from four domestic producers of welded stainless steel pipe: Bristol Metals LLC, Felker Brothers Corp., Marcegaglia U.S.A. Inc., and Outokumpu Stainless Pipe. The Commission found the individual response of each of these domestic producers to be adequate. Because these producers collectively account for a substantial percentage of domestic production of welded stainless steel pipe, the Commission determined that the domestic interested party group response was adequate.

No responses were received from any respondent interested parties. Consequently, the Commission determined that the respondent interested party group response was inadequate.

The Commission did not find any circumstances that would warrant conducting full reviews of the orders. The Commission, therefore, determined to conduct expedited reviews of the orders.

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

