



INSTRUCTION BOOKLET: GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS FOR COMMISSION QUESTIONNAIRES

Light-Walled Rectangular (LWR) Pipe and Tube from China, Korea, Mexico, and Turkey, Investigation Nos. 701-TA-449 and 731-TA-1118-1121 (Final)

Further information.--If you have any questions concerning the enclosed questionnaire(s) or other matters related to these investigations, you may contact the following members of the Commission's staff:

Russell Duncan, investigator (202-708-4727; E-mail russell.duncan@usitc.gov)
regarding general questions and trade and related information;

Justin Jee, auditor (202-205-3186; E-mail justin.jee@usitc.gov)
regarding financial information; and

Ioana Mic, economist (202-205-3196; E-mail ioana.mic@usitc.gov)
regarding pricing, market, and related information.

GENERAL INFORMATION

Background.--These investigations were instituted in response to a petition filed on June 27, 2007 by the following firms: Allied Tube and Conduit, Harvey, IL; Atlas Tube, Plymouth, MI; California Steel and Tube, City of Industry, CA; Ex-L-Tube, Kansas City, MO; Hannibal Industries, Los Angeles, CA; Leavitt Tube Company LLC, Chicago, IL; Maruichi American Corporation, Sante Fe Springs, CA; Searing Industries, Rancho Cucamonga, CA; Southland Tube, Birmingham, AL; Vest Inc., Los Angeles, CA; Welded Tube, Concord, Ontario (Canada); and Western Tube and Conduit, Long Beach, CA.

Antidumping or countervailing duties may be assessed on the imports from China, Korea, Mexico, or Turkey as a result of these investigations if the Commission makes an affirmative determination of injury, threat, or material retardation, and if the U.S. Department of Commerce makes an affirmative determination of subsidization (China) or dumping (China, Korea, Mexico, or Turkey).

Questionnaires and other information pertinent to these investigations are available under “Final Phase Investigations” (*i.e.*, the second black header) at:

http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/active/index.htm

Please address all correspondence to the United States International Trade Commission, Washington, DC 20436. Hearing-impaired individuals can obtain information regarding this investigation via the Commission’s TDD terminal (202-205-1810).

Due date of questionnaire(s).--Return the completed questionnaire(s) to the United States International Trade Commission by no later than **February 19, 2008**.

Submission guidelines.--Although the enclosed postpaid envelope may be used to return the completed questionnaire(s), use of an overnight mail service or e-mail may be necessary to ensure that your response actually reaches the Commission by **February 19, 2008**.

Please keep a copy of your response for your records so that you can refer to it if the Commission’s staff contacts you with any questions during the course of the investigations.

Electronic completion.--Your firm is encouraged to complete the questionnaire electronically in MS Word format. The MS Word version of the questionnaire(s) is available online at the web address included above or directly from the Commission’s Investigator, Russell Duncan (202-708-4727, russell.duncan@usitc.gov). Please note that you have several options for submitting the questionnaire(s), once completed, as detailed under “filing instructions” below.

GENERAL INFORMATION--Continued

Service of questionnaire response(s).--In the event that your firm is a party to these investigations, you are required to serve a copy of the questionnaire(s), once completed, on parties to the proceeding that are subject to administrative protective order (see 19 CFR § 207.7). A list of such parties is maintained by the Commission's Secretary and may be obtained by calling 202-205-1803. A certificate of service must accompany the copy of the completed questionnaire(s) you submit (see 19 CFR § 207.7).

Confidentiality.--The commercial and financial data furnished in response to the enclosed questionnaire(s) that reveal the individual operations of your firm will be treated as confidential by the Commission to the extent that such data are not otherwise available to the public and will not be disclosed except as may be required by law (see 19 U.S.C. § 1677f). Such confidential information will not be published in a manner that will reveal the individual operations of your firm; however, nonnumerical characterizations of numerical business proprietary information (such as discussion of trends) will be treated as confidential business information only at the request of the submitter for good cause shown.

Verification.--The information submitted in the enclosed questionnaire(s) is subject to audit and verification by the Commission. To facilitate possible verification of data, please keep all your workpapers and supporting documents used in the preparation of the questionnaire response(s).

Release of information.--The information provided by your firm in response to the questionnaire(s), as well as any other business proprietary information submitted by your firm to the Commission in connection with the investigations, may become subject to, and released under, the administrative protective order provisions of the Tariff Act of 1930 (19 U.S.C. § 1677f) and section 207.7 of the Commission's Rules of Practice and Procedure (19 CFR § 207.7). This means that certain lawyers and other authorized individuals may temporarily be given access to the information for use in connection with these investigations or other import-injury investigations conducted by the Commission on the same or similar merchandise; those individuals would be subject to severe penalties if the information were divulged to unauthorized individuals. In addition, if your firm is a U.S. producer, the information you provide on your production and imports of LWR pipe and tube and your responses to the questions in Part I of the producer questionnaire will be provided to the U.S. Department of Commerce, upon its request, for use in connection with (and only in connection with) its requirement pursuant to sections 702(c)(4) and 732(c)(4) of the Act (19 U.S.C. § 1671a(c)(4) and 1673a(c)(4)) to make a determination concerning the extent of industry support for the petition requesting these investigations. Any information provided to Commerce will be transmitted under the confidentiality and release guidelines set forth above. Your response to these questions constitutes your consent that such information be provided to Commerce under the conditions described above.

INSTRUCTIONS

Answer all questions.--Answer all applicable questions. Do not leave any question or section blank unless a questionnaire expressly directs you to skip over certain questions or sections. If information is not readily available from your records in exactly the form requested, furnish carefully prepared estimates and designate as such estimates as appropriate in the spaces provided for response or comment. Answers to questions and any necessary comments or explanations should be supplied in the space provided or on separate sheets attached to the appropriate page of the questionnaire(s). If your firm is completing more than one questionnaire in connection with these investigations (*i.e.*, a producer, importer, and/or purchaser questionnaire), your firm does not need to respond to duplicate questions in the questionnaires.

Consolidate all U.S. establishments.--Report the requested data for your establishment(s) located in the United States. Firms operating more than one establishment should combine the data for all establishments into a single report.

Submission instructions.--As your firm may complete the questionnaire(s) either in paper form or electronically, you have several filing options for submitting the completed response(s).

OPTIONS FOR FILING IN PAPER FORM

- 1) **via Overnight mail service.**--Mail to the following address:

UNITED STATES INTERNATIONAL TRADE COMMISSION
Attn: Russell Duncan
Office of Investigations, Room 615-U
500 E Street, SW
Washington, DC 20024

- 2) **via Fax.**--Fax to 202.205.3205.
- 3) **via U.S. mail.**--Mail to the address above, except using 20436 as the zip code. (*This option is not recommended as U.S. mail sent to government offices undergoes additional processing to screen for hazardous materials which results in substantial delays in delivery and degradation of materials submitted.*)

INSTRUCTIONS--Continued

Filing instructions.--Continued

OPTIONS FOR FILING ELECTRONICALLY

- 4) **via Compact disc (CD).**--Save (burn) a copy of your firm's questionnaire response onto a CD (or other electronic media such as disk or USB drive) in MS Word or PDF format. MS Word format is preferred. If submitting the completed MS Word document, please include a copy of the signed certification page (page 1) as a scanned PDF document (or other image file) or an original paper/ hardcopy along with the CD (alternatively you may fax the certification page). Submit the CD via an ***overnight mail service***. With CDs or other electronic media, use of U.S. mail service is not advised because the mail processing described in option 3 above tends to melt plastics and otherwise damage electronic media.

- 5) **via E-mail.**--You may e-mail your questionnaire(s) to the Commission's Investigator, Russell Duncan (russell.duncan@usitc.gov) in MS Word or PDF format, including in the e-mail subject line: **BPI Questionnaire, LWR pipe and tube (701-449) – YOUR FIRM NAME**. E-mail submissions in MS Word format are preferred. If submitting the MS Word version, please include a copy of the signed certification page (page 1) as a scanned PDF document (or other image file) or follow-up your e-mail submission by submitting the signed certification page via Fax. *Please note that submitting your questionnaire via e-mail may subject your firm's business proprietary information to transmission over an unsecure environment and to possible disclosure. If you choose this option, the Commission warns you that any risk involving possible disclosure of such information is assumed by the submitter and not by the Commission.*

Note.--If service of the questionnaire(s) on other parties is required, such service should be made in paper form in accordance with Commission regulations.

DEFINITIONS

Product.--LWR pipe and tube, or "light-walled rectangular pipe and tube," is the product subject to these investigations and may also be referred to as the "subject merchandise."

Light-walled rectangular pipe and tube ("LWR pipe and tube").--LWR pipe and tube consist of any carbon-quality light-walled steel pipe and tube, of rectangular (including square) cross section, having a wall thickness of less than 4mm (0.156 inches).

The term "carbon-quality steel" includes both carbon steel and alloy steel which contains only small amounts of alloying elements. Specifically, the term carbon quality includes products in which (1) iron predominates, by weight, over each of the other contained elements; (2) the carbon content is 2 percent or less, by weight; and (3) none of the elements listed below exceeds the quantity by weight respectively indicated: 1.80 percent of manganese, or 2.25 percent of silicon, or 1.00 percent of copper, or 0.50 percent of aluminum, or 1.25 percent of chromium, or 0.30 percent of cobalt, or 0.40 percent of lead,

DEFINITIONS--Continued

or 1.25 percent of nickel, or 0.30 percent of tungsten, or 0.10 percent of molybdenum, or 0.10 percent of niobium, or 0.15 percent of vanadium, or 0.15 percent of zirconium. The description of carbon quality is intended to identify typical products covered by the investigations. Stainless or other high alloy steel pipe and tube are not subject to these investigations.

Industry nomenclature.--LWR pipe and tube are commonly referred to as “ornamental” or “mechanical” tubing, although some producers and distributors also classify some subject merchandise as “structural” tubing. Any “structural” square or rectangular tubing with a wall thickness of less than 4mm (0.156 inch) should be included as LWR pipe and tube. Most structural tubing, however, is outside the scope of the subject merchandise, as it has wall thickness of 4mm or more.

Primary end uses.--Some end uses of LWR pipe and tube include fencing, window guards, railings, parts of furniture, athletic equipment, store shelving, towel racks, agricultural equipment frames, *etc.* Subject LWR pipe and tube are not used for the conveyance of liquid or gas. The subject merchandise may be produced from a variety of flat-rolled steel products including hot-rolled steel, hot-rolled pickled and oiled steel, and cold-rolled steel.

Figure 1 provides a visual representation of some of the types of tubing subject to these investigations.

Figure 1
LWR pipe and tube: Examples



Tariff treatment.--LWR pipe and tube is most commonly classified under statistical reporting numbers 7306.61.5000 (after February 3, 2007) and 7306.60.5000 (prior to February 3, 2007). Certain LWR pipe and tube may be classified under statistical reporting number 7306.69.5000 (after February 3, 2007). These tariff numbers are provided for convenience and the product description above is dispositive. Commerce’s scope also identifies HTS number 7306.61.7060 as potentially subject to these investigations. Any micro-alloyed light-walled rectangular pipe and tube that otherwise matches the definition of “carbon-quality steel” above and is imported under 7306.61.7060 is subject and should

DEFINITIONS--Continued

be reported in the Commission's questionnaire(s). If this is the case for your firm, please contact Russell Duncan russell.duncan@usitc.gov.

Corrosion-resistant LWR pipe and tube.--LWR pipe and tube produced from hot-rolled and cold-rolled sheet that is either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel-, or iron-based alloys, whether or not painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating.

Black LWR pipe and tube.--LWR pipe and tube products that are blackened, pickled, and/or coated with a thin layer of oil or lacquer for weather and rust protection; and do not meet the description of the corrosion-resistant products presented above.

Firm.--An individual proprietorship, partnership, joint venture, association, corporation (including any subsidiary corporation), business trust, cooperative, trustee in bankruptcy, or receiver under decree of any court.

Related firm.--A firm that your firm solely or jointly owned, managed, or otherwise controlled; a firm that solely or jointly owned, managed, or otherwise controlled your firm; and/or a firm that was solely or jointly owned, managed, or otherwise controlled by a firm that also solely or jointly owned, managed, or otherwise controlled your firm.

Establishment.--Each facility of a firm in the United States involved in the production, importation, and/or purchase of LWR pipe and tube (as defined above), including auxiliary facilities operated in conjunction with (whether or not physically separate from) such facilities.

United States.--The 50 States, Puerto Rico, the U.S. Virgin Islands, and the District of Columbia.

Regional definitions.--For purposes of these investigations, the following geographic areas are defined below.

Northeast.--Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

Midwest.--Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

Southeast.--Alabama, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

Central Southwest.--Arkansas, Louisiana, Oklahoma, and Texas.

Mountains.--Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming.

DEFINITIONS--Continued

Pacific Coast.--California, Oregon, and Washington.

Other.--Includes all U.S. state and territories not specifically listed above.

Importer.--Any person or firm engaged, either directly or through a parent company or subsidiary, in importing LWR pipe and tube (as defined above) into the United States from a foreign manufacturer or through its selling agent.

Imports.--Those products identified for Customs purposes as imports for consumption for which your firm was the importer of record (i.e., was responsible for paying any import duty) or consignee (i.e., to which the merchandise was first delivered).

Import quantities.--Quantities reported should be net of returns.

Import values.--Values reported should be landed, duty-paid values at the U.S. port of entry, including ocean freight and insurance costs, brokerage charges, and import duties (i.e., all charges except inland freight in the United States).

Subject vs. nonsubject.--Subject imports include imports from China (including Hong Kong), Korea (except Korean producer Nexteel), Mexico (except Mexican producer PROLAMSA), and Turkey. Nonsubject imports include imports from Korean producer Nexteel, Mexican producer PROLAMSA, Canada, and any other country. The designation of Nexteel and PROLAMSA as nonsubject is based on the Department of Commerce's findings of *de minimus* and zero margins, respectively, for sales of those two producers' LWR pipe and tube in the United States in its preliminary less-than-fair-value (LTFV) determinations. In the event that the Department of Commerce finds non-*de minimus* and non-zero margins for those two firms in its final LTFV determinations on Korea and Mexico, data reported for those two producers will be reclassified as subject by the Commission.

Purchaser.--Any person or firm engaged, either directly or through a parent company or subsidiary, in purchasing LWR pipe and tube (as defined above) from another firm that produces, imports, or otherwise distributes LWR pipe and tube. A retail firm that is the importer of record may be considered a purchaser.

Purchases.--Purchases from all sources, NOT including direct imports from foreign producers (which should be reported in an importer questionnaire).

Purchase quantities.--Quantities reported should be net of returns.

Purchase values.--Values reported should be net values (i.e., gross purchase values less all discounts, allowances, rebates, and the value of returned goods), delivered to your U.S. receiving point.

DEFINITIONS--Continued

Shipments--Shipments of products produced in or imported by your U.S. establishment(s). Include shipments to the contracting firm of product produced by your firm under a toll agreement.

Shipment quantities--Quantities reported should be net of returns.

Shipment values--Values reported should be net values (i.e., gross sales values less all discounts, allowances, rebates, prepaid freight, and the value of returned goods), f.o.b. your U.S. point of shipment. The value of domestic shipments to the contracting firm under a toll agreement is the conversion fee (including profit).

Types of shipments:

U.S. shipments--Commercial shipments, internal consumption, and transfers to related firms within the United States.

Commercial shipments--Shipments, other than internal consumption and transfers to related firms, within the United States.

Internal consumption--Product consumed internally by your firm.

Transfers to related firms--Shipments made to related domestic firms.

Export shipments--Shipments to destinations outside the United States, including shipments to related firms.

Inventories--Finished goods inventory, not raw materials or work-in-progress.

The following definitions apply only to the PRODUCER QUESTIONNAIRE.

Nameplate capacity--The level of production that your establishment(s) could hypothetically attain during the specified periods by operating continuously and with no disruptions.

Average production capacity-- The level of production that your establishment(s) could reasonably have expected to attain during the specified periods. Assume normal operating conditions (i.e., using equipment and machinery in place and ready to operate; normal operating levels (hours per week/weeks per year) and time for downtime, maintenance, repair, and cleanup; and a typical or representative product mix).

Toll agreement--Agreement between two firms whereby the first firm furnishes the raw materials and the second firm uses the raw materials to produce a product that it then returns to the first firm with a charge for processing costs, overhead, etc.

Production--All production in your U.S. establishment(s), including production consumed internally within your firm and production for another firm under a toll agreement.

DEFINITIONS--*Continued*

PRWs--Production and related workers, including working supervisors and all nonsupervisory workers (including group leaders and trainees) engaged in fabricating, processing, assembling, inspecting, receiving, storage, handling, packing, warehousing, shipping, trucking, hauling, maintenance, repair, janitorial and guard services, product development, auxiliary production for plant's own use (e.g., power plant), recordkeeping, and other services closely associated with the above production operations.

Average number employed--Add the number of employees, both full-time and part-time, for the 12 pay periods ending closest to the 15th of the month and divide that total by 12.

Hours worked--Include time paid for sick leave, holidays, and vacation time. Include overtime hours actually worked; do not convert overtime pay to its equivalent in straight-time hours.

Wages paid--Total wages paid before deductions of any kind (e.g., withholding taxes, old-age and unemployment insurance, group insurance, union dues, bonds, etc.). Include wages paid directly by your firm for overtime, holidays, vacations, and sick leave.

Fiscal year--The 12-month period between settlement of your firm's financial accounts.

Purchases--purchases, *other than direct imports*, of LWR pipe and tube from U.S. producers, U.S. importers, and other U.S. sources.