Antidumping Duty Changed
Circumstances Review, 76 FR 59111 (September 23, 2011).

Extension of Time Limit for the Final Results

The Department finds that it is not practicable to complete this review by the current deadline. The Department has determined that it requires additional time to analyze the case and rebuttal briefs submitted by interested parties. Consequently, in accordance with 19 CFR 351.302(b), the Department is extending the time period for issuing the final results in this review by an additional 15 days. Therefore, the final results will be due no later than October 19, 2011.

We are issuing and publishing this notice in accordance with sections 751(b) and 777(i) of the Tariff Act of 1930, as amended.


Christian Marsh,
Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2011–26211 Filed 10–7–11; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration


Certain Large Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe From Japan; Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe From Japan and Romania: Continuation of Antidumping Duty Orders

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

DATES: Effective Date: October 11, 2011.

SUMMARY: As a result of the determinations by the Department of Commerce (“Department”) and the International Trade Commission (“ITC”) that revocation of the antidumping duty orders on certain large diameter carbon and alloy seamless standard, line and pressure pipe (“large diameter pipe”) from Japan and certain small diameter carbon and alloy seamless standard, line and pressure pipe (“small diameter pipe”) from Japan and Romania would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing a notice of continuation of the antidumping duty orders.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION: On April 1, 2011, the Department published in the Federal Register the notice of initiation of the second sunset reviews of the antidumping duty orders on large diameter pipe from Japan and small diameter pipe from Japan and Romania, pursuant to section 751(c)(2) of the Tariff Act of 1930, as amended (“the Act”). See Initiation of Five-Year (“Sunset”) Review, 76 FR 18163 (April 1, 2011).

As a result of its review, the Department determined that revocation of the antidumping duty orders on large diameter pipe from Japan and small diameter pipe from Japan and Romania would likely lead to a continuation or recurrence of dumping and, therefore, notified the ITC of the magnitude of the margins likely to prevail should the order be revoked. See Certain Large Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe From Japan: Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe From Japan and Romania: Final Results of the Expedited Second Five-Year Sunset Reviews of the Antidumping Duty Orders, 76 FR 47555 (August 5, 2011).

On September 28, 2011, the ITC determined, pursuant to section 751(c)(1) of the Act, that revocation of the antidumping duty orders on large diameter pipe from Japan and small diameter pipe from Japan and Romania would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. See Carbon and Alloy Seamless Standard, Line, and Pressure Pipe From Japan and Romania, 76 FR 60083 (September 28, 2011), and USITC Publication 4262 (September 2011), Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Japan and Romania, Investigation Nos. 731–TA–847 and 849 (Second Review).

Scope of the Orders

Large Diameter Pipe From Japan

The products covered by this order are large diameter seamless carbon and alloy (other than stainless) steel standard, line, and pressure pipes produced, or equivalent, to the American Society for Testing and Materials (“ASTM”) A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–589, ASTM A–795, and the American Petroleum Institute (“API”) 5L specifications and meeting the physical parameters described below, regardless of application. The scope of this order also includes all other products used in standard, line, or pressure pipe applications and meeting the physical parameters described below, regardless of specification, with the exception of the exclusions discussed below. Specifically included within the scope of this order are seamless pipes greater than 4.5 inches (114.3 mm) up to and including 16 inches (406.4 mm) in outside diameter, regardless of wall-thickness.

The seamless pipes subject to this order are currently classifiable under the subheadings 7304.10.10.30, 7304.10.10.45, 7304.10.10.60, 7304.10.50.50, 7304.19.10.30, 7304.19.10.45, 7304.19.10.60, 7304.19.50.50, 7304.31.60.10, 7304.31.60.50, 7304.39.00.04, 7304.39.00.06, 7304.39.00.08, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.50.10.15, 7304.50.10.45, 7304.50.10.60, 7304.50.20.30, 7304.50.20.55, 7304.50.20.60, 7304.50.60.00, 7304.50.80.30, 7304.50.80.35, 7304.50.80.40, 7304.50.80.45, 7304.50.80.50, 7304.50.80.55, 7304.50.80.60, 7304.50.80.65, and 7304.50.80.70 of the Harmonized Tariff Schedule of the United States (“HTSUS”).

Specifications, Characteristics, and Uses: Large diameter seamless pipe is used primarily for line applications such as oil, gas, or water pipeline, or utility distribution systems. Seamless pressure pipes are intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas and other liquids and gases in industrial piping systems. They may carry these substances at elevated pressures and temperatures and may be subject to the application of external heat. Seamless carbon steel pressure pipe meeting the ASTM A–106 standard may be used in temperatures of up to 1000 degrees Fahrenheit, at various American Society of Mechanical Engineers (“ASME”) code stress levels. Alloy pipes made to ASTM A–335 standard must be used if temperatures and stress levels exceed those allowed for ASTM A–106. Seamless pressure pipes sold in the United States are commonly produced to the ASTM A–
Seamless standard pipes are most commonly produced to the ASTM A–53 specification and generally are not intended for high temperature service. They are intended for the low temperature and pressure conveyance of water, steam, natural gas, air and other liquids and gasses in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipes (depending on type and code) may carry liquids at elevated temperatures but must not exceed relevant ASME code requirements. If exceptionally low temperature uses or conditions are anticipated, standard pipe may be manufactured to ASTM A–333 or ASTM A–334 specifications.

Seamless line pipes are intended for the conveyance of oil and natural gas or other fluids in pipe lines. Seamless line pipes are produced to the API 5L specification. Seamless water well pipe (ASTM A–589) and seamless galvanized pipe for fire protection uses (ASTM A–795) are used for the conveyance of water.

Seamless pipes are commonly produced and certified to meet ASTM A–106, ASTM A–53, API 5L–B, and API 5L–X42 specifications. To avoid maintaining separate production runs and separate inventories, manufacturers typically triple or quadruple certify the pipes by meeting the metallurgical requirements and performing the required tests pursuant to the respective specifications. Since distributors sell the vast majority of this product, they can thereby maintain a single inventory to service all customers.

The primary application of ASTM A–106 pressure pipes and triple or quadruple certified pipes in large diameters is for use as oil and gas distribution lines for commercial applications. A more minor application for large diameter seamless pipes is for use in pressure piping systems by refineries, petrochemical plants, and chemical plants, as well as in power generation plants and in some oil field uses (on shore and off shore) such as for separator lines, gathering lines and metering runs. These applications constitute the majority of the market for the subject seamless pipes. However, ASTM A–106 pipes may be used in some boiler applications.

The scope of this order includes all seamless pipe meeting the physical parameters described above and produced to one of the specifications listed above, regardless of application, with the exceptions discussed below, whether or not also certified to a non-covered specification. Standard, line, and pressure applications and the above-listed specifications are defining characteristics of the scope of this review. Therefore, seamless pipes meeting the physical description above, but not produced to the ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–589, ASTM A–795, and API 5L specifications shall be covered if used in a standard, line, or pressure application, with the exception of the specific exclusions discussed below.

For example, there are certain other ASTM specifications of pipe which, because of overlapping characteristics, could potentially be used in ASTM A–106 applications. These specifications generally include ASTM A–161, ASTM A–192, ASTM A–210, ASTM A–252, ASTM A–501, ASTM A–523, ASTM A–524, and ASTM A–618. When such pipes are used in a standard, line, or pressure pipe application, such products are covered by the scope of this order.

Specifically excluded from the scope of this order are: A. Boiler tubing and mechanical tubing, if such products are not produced to ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–589, ASTM A–795, and API 5L specifications and are not used in standard, line, or pressure pipe applications. B. Finished and unfinished oil country tubular goods ("OCTG"), if covered by the scope of another antidumping duty order from the same country. If not covered by such an OCTG order, finished and unfinished OCTG are included in this scope when used in standard, line, or pressure pipe applications. C. Products produced to the A–335 specification unless they are used in an application that would normally utilize ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–589, ASTM A–795, and API 5L specifications. D. Line and riser pipe for deepwater application, i.e., line and riser pipe that is (1) Used in a deepwater application, which means for use in water depths of 1,500 feet or more; (2) intended for use at a single site is actually used for a specific deepwater project; (3) rated for a specified minimum yield strength of not less than 60,000 psi; and (4) not identified or certified through the use of a monogram, stencil, or otherwise marked with an API specification (e.g., API 5L).

With regard to the excluded products listed above, the Department will not instruct U.S. Customs and Border Protection ("CBP") to require end-use certification until such time as the Petitioners or interested parties provide to the Department a reasonable basis to believe or suspect that the products are being utilized in a covered application. If such information is provided, we will require end-use certification only for the product(s) (or specification(s)) for which evidence is provided that such products are being used in a covered application as described above. For example, if, based on evidence provided by Petitioner, the Department finds a reasonable basis to believe or suspect that seamless pipe produced to the A–335 specification is being used in an A–106 application, we will require end-use certifications for imports of that specification. Normally we will require only the importer of record to certify to the end use of the imported merchandise. If it later proves necessary for adequate implementation, we may also require producers who export such products to the United States to provide such certification on invoices accompanying shipments to the United States.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the merchandise subject to this scope is dispositive.

Small Diameter Pipe From Japan and Romania

The products covered by these orders include small diameter seamless carbon and alloy (other than stainless) steel standard, line, and pressure pipes and redraw hollows produced, or equivalent, to the ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–335, ASTM A–589, ASTM A–795, and the API 5L specifications and meeting the physical parameters described below, regardless of application. The scope of these orders also includes all products used in standard, line, or pressure pipe applications and meeting the physical parameters described below, regardless of specification. Specifically included within the scope of these orders are seamless pipes and redraw hollows, less than or equal to 4.5 inches (114.3 mm) in outside diameter, regardless of wall-thickness, manufacturing process (hot finished or cold-drawn), end finish (plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish.

The seamless pipes subject to these orders are currently classifiable under the subheadings 7304.10.10.20, 7304.10.30.20, 7304.19.10.20, 7304.19.30.20, 7304.31.30.00, 7304.31.60.50, 7304.39.00.16, 7304.39.00.20, 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.51.50.05, 7304.51.50.60, 7304.59.60.00, 7304.59.80.10, etc.
399.80.25 of the HTSUS. Specifications, Characteristics, and Uses: Seamless pressure pipes are intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas and other liquids and gasses in industrial piping systems. They may carry these substances at elevated pressures and temperatures and may be subject to the application of external heat. Seamless carbon steel pressure pipe meeting the ASTM A–106 standard may be used in temperatures of up to 1000 degrees Fahrenheit, at various ASME code stress levels. Alloy pipes made to ASTM A–335 standard must be used if temperatures and stress levels exceed those allowed for ASTM A–106. Seamless pressure pipes sold in the United States are commonly produced to the ASTM A–106 standard.

Seamless standard pipes are most commonly produced to the ASTM A–53 specification and generally are not intended for high temperature service. They are used for the low temperature and pressure conveyance of water, steam, natural gas, air and other liquids and gasses in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipes (depending on type and code) may carry liquids at elevated temperatures but must not exceed relevant ASME code requirements. If exceptionally low temperature uses or conditions are anticipated, standard pipe may be manufactured to ASTM A–333 or ASTM A–334 specifications.

Seamless line pipes are intended for the conveyance of oil and natural gas or other fluids in pipe lines. Seamless line pipes are produced to the API 5L specification.

Seamless water well pipe (ASTM A–589) and seamless galvanized pipe for fire protection uses (ASTM A–795) are used for the conveyance of water.

Seamless pipes are commonly produced and certified to meet ASTM A–106, ASTM A–53, API 5L–B, and API 5L–X42 specifications. To avoid maintaining separate production runs and separate inventories, manufacturers typically triple or quadruple certify the pipes by meeting the metallurgical requirements and performing the required tests pursuant to the respective specifications. Since distributors sell the vast majority of this product, they can thereby maintain a single inventory to service all customers.

The primary application of ASTM A–106 pressure pipes and triple or quadruple certified pipes is in pressure piping systems by refineries, petrochemical plants, and chemical plants. Other applications are in power generation plants (electrical-fossil fuel or nuclear), and in some oil field uses (on shore and off shore) such as for separator lines, gathering lines and metering runs. A minor application of this product is for use as oil and gas distribution lines for commercial applications. These applications constitute the majority of the market for the subject seamless pipes. However, ASTM A–106 pipes may be used in some boiler applications.

Redraw hollows are new unfinished pipe or “hollow profiles” of carbon or alloy steel transformed by hot rolling or cold drawing/hydrostatic testing or other methods to enable the material to be sold under ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–335, ASTM A–589, ASTM A–795, and API 5L specifications.

The scope of these orders includes all seamless pipe meeting the physical parameters described above and produced to one of the specifications listed above. They are intended for application, with the exception of the specific exclusions discussed below, and whether or not also certified to a non-covered specification. Standard, line, and pressure applications and the above-listed specifications are defining characteristics of the scope of the orders. Therefore, seamless pipes meeting the physical description above, but not produced to the ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–335, ASTM A–589, ASTM A–795, and API 5L specifications shall be covered if used in a standard, line, or pressure application, with the exception of the specific exclusions discussed below.

For example, there are certain other ASTM specifications of pipe which, because of overlapping characteristics, could potentially be used in ASTM A–106 applications. These specifications generally include ASTM A–161, ASTM A–192, ASTM A–210, ASTM A–252, ASTM A–501, ASTM A–523, ASTM A–524, and ASTM A–618. When such pipes are used in a standard, line, or pressure pipe application, such products are covered by the scope of these orders.

Specifically excluded from the scope of these orders are boiler tubing and mechanical tubing, if such products are not produced to ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–335, ASTM A–589, ASTM A–795, and API 5L specifications and are not used in standard, line, or pressure pipe applications. In addition, finished and unfinished products covered from the scope of these orders, if covered by the scope of another antidumping duty order from the same country. If not covered by such an OCTG order, finished and unfinished OCTG are included in these scopes when used in standard, line or pressure applications.

With regard to the excluded products listed above, the Department will not instruct CBP to require end-use certification until such time as Petitioner or other interested parties provide to the Department a reasonable basis to believe or suspect that the products are being used in a covered application. If such information is provided, we will require end-use certification only for the product(s) (or specification(s)) for which evidence is provided that such products are being used in covered applications as described above. For example, if, based on evidence provided by Petitioner, the Department finds a reasonable basis to believe or suspect that seamless pipe produced to the A–161 specification is being used in a standard, line or pressure application, we will require end-use certifications for imports of that specification. Normally we will require only the importer of record to certify to the end use of the imported merchandise. If it later proves necessary for adequate implementation, we may also require producers who export such products to the United States to provide such certification on invoices accompanying shipments to the United States.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the merchandise under these orders is dispositive.

Continuation of the Order

As a result of these determinations by the Department and the ITC that revocation of the antidumping duty orders would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping orders on large diameter pipe from Japan and Romania. CBP will continue to collect antidumping duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of these orders will be the date of publication in the Federal Register of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of the orders not later than 30 days prior to the fifth
anniversary of the effective date of continuation.

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


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

[FR Doc. 2011–26226 Filed 10–7–11; 8:45 am]
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DEPARTMENT OF COMMERCE
International Trade Administration
[A–570–941]

Certain Kitchen Appliance Shelving and Racks From the People’s Republic of China: Preliminary Results of the First Administrative Review, Preliminary Recission, in Part, and Extension of Time Limits for the Final Results

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

DATES: Effective Date: October 11, 2011.

SUMMARY: The Department of Commerce (“Department”) is conducting an administrative review of the antidumping duty order on certain kitchen appliance shelving and racks from the People’s Republic of China (“PRC”), covering the period of review (“POR”) of March 5, 2009, through August 31, 2010.

The Department has preliminarily determined that sales have been made below normal value (“NV”) by the respondents examined in this administrative review. If these preliminary results are adopted in our administrative review, it would be issuing quantity and value (“Q&V”) questionnaires to all companies under review, which were also issued on December 1, 2010. The Department received timely Q&V responses from four exporters that shipped subject merchandise to the United States during the POR: Jiangsu Weixi Group Co. (“Weixi”); Guangdong Wireking Housewares & Hardware Co., Ltd. (“Wireking”); New King Shan (Zhuhai) Wire Co., Ltd. (“NKS”); and Hangzhou Dunli Import & Export Co., Ltd. (“Dunli”). The Department also received a timely Q&V response from Hengtong Hardware Manufacturer (Huizhou) Co., Ltd. (“Hengtong Hardware”) indicating that it had no shipments of subject merchandise during the POR.

On December 23, 2010, the Department received an untimely Q&V response from Leader Metal Industry Co., Ltd., (aka Marmon Retail Services Asia Company) (“Leader”). On January 20, 2011, the Department sent a letter to Leader rejecting its untimely filed Q&V response and stating that it would not be considered for the purposes of this review.

Respondent Selection

On January 20, 2011, the Department selected two mandatory respondents for this review. Pursuant to section 777A(c)(2)(B) of the Tariff Act of 1930, as amended (“the Act”), Wireking and Weixi. The Department sent its antidumping duty questionnaire to Weixi and Wireking on January 20, 2011. In its questionnaire, the Department requested that each firm provide a response to Section A of the Department’s non-market economy (“NME”) questionnaire by February 10, 2011, and Sections C and D of the NME questionnaire by February 28, 2011.

On February 2, 2011, eight days prior to the Department’s February 10, 2011, deadline for Section A questionnaire responses, the Department received a request on behalf of NKS, a mandatory respondent in the LTFV Investigation and a company for which an administrative review was requested, to be selected as a replacement mandatory respondent in the event of a non-responsive mandatory respondent. NKS also requested a 28-day extension to submit its questionnaire responses. On February 4, 2011, Wireking filed a request for an extension of the deadline to submit its Section A response, which the Department extended to February 22, 2011, for Wireking and any potential voluntary respondents.

FOR FURTHER INFORMATION CONTACT:
Katie Marksberry or Kabir Archuletta, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone: (202) 482–7906 or (202) 482–2593, respectively.

SUPPLEMENTARY INFORMATION:
Background


On December 1, 2010, the Department placed U.S. Customs and Border Protection (“CBP”) data for the Harmonized Tariff Schedule (“HTS”) numbers listed in the scope of the Order on the record of the review and stated that because there were apparent anomalies in the data that, for respondent selection purposes, it would be issuing quantity and value (“Q&V”) questionnaires to all companies under review, which were also issued on December 1, 2010. The Department received timely Q&V responses from four exporters that shipped subject merchandise to the United States during the POR: Jiangsu Weixi Group Co. (“Weixi”); Guangdong Wireking Housewares & Hardware Co., Ltd. (“Wireking”); New King Shan (Zhuhai) Wire Co., Ltd. (“NKS”); and Hangzhou Dunli Import & Export Co., Ltd. (“Dunli”). The Department also received a timely Q&V response from Hengtong Hardware Manufacturer (Huizhou) Co., Ltd. (“Hengtong Hardware”) indicating that it had no shipments of subject merchandise during the POR.

On December 23, 2010, the Department received an untimely Q&V response from Leader Metal Industry Co., Ltd., (aka Marmon Retail Services Asia Company) (“Leader”). On January 20, 2011, the Department sent a letter to Leader rejecting its untimely filed Q&V response and stating that it would not be considered for the purposes of this review.

Respondent Selection

On January 20, 2011, the Department selected two mandatory respondents for this review. Pursuant to section 777A(c)(2)(B) of the Tariff Act of 1930, as amended (“the Act”), Wireking and Weixi. The Department sent its antidumping duty questionnaire to Weixi and Wireking on January 20, 2011. In its questionnaire, the Department requested that each firm provide a response to Section A of the Department’s non-market economy (“NME”) questionnaire by February 10, 2011, and Sections C and D of the NME questionnaire by February 28, 2011.

On February 2, 2011, eight days prior to the Department’s February 10, 2011, deadline for Section A questionnaire responses, the Department received a request on behalf of NKS, a mandatory respondent in the LTFV Investigation and a company for which an administrative review was requested, to be selected as a replacement mandatory respondent in the event of a non-responsive mandatory respondent. NKS also requested a 28-day extension to submit its questionnaire responses. On February 4, 2011, Wireking filed a request for an extension of the deadline to submit its Section A response, which the Department extended to February 22, 2011, for Wireking and any potential voluntary respondents.

See Memorandum to The File, from Katie Marksberry, International Trade Specialist, Office 9, regarding “Release of Customs and Border Protection (“CBP”) Data”, dated December 1, 2010.


3 See Memorandum to James C. Doyle, Office Director, Office 9, from Catherine Bertrand, Program Manager, Office 9, regarding “Letter from NKS regarding "Request for Clarification of Reporting of Sales,"” dated January 20, 2011.


See Memorandum to the File from Kabir Archuletta, International Trade Analyst, Office 9, regarding “Guangdong Wireking Housewares & Racks from the People’s Republic of China.”