Constitution and Pennsylvania Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

Agenda

Public Session

1. Opening remarks by the Chairman.
3. Export Enforcement update.
4. Regulations update.
5. Working group reports.
6. Automated Export System (AES) update.
7. Presentation of papers or comments by the Public.

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at Yvette.Springer@bis.doc.gov no later than November 30, 2011.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

For more information, call Yvette Springer at (202) 482–2813.

Dated: November 16, 2011

Yvette Springer,
Committee Liaison Officer.

For Further Information Contact:
Jamie Blair-Walker, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–2615.

Supplementary Information:

Background

On January 26, 2011, pursuant to sections 781(c) and (d) of the Act, and 19 CFR 351.225(i) and (j), Petitioners 2 submitted requests for the Department to initiate and conduct both a minor alterations anti-circumvention inquiry and a later-developed merchandise anti-circumvention inquiry to determine whether laminated woven sacks printed with two colors in register and with the use of a screening process are circumventing the Orders. 3 On March 25, 2011, Petitioners withdrew their request for the Department to initiate a minor alterations anti-circumvention inquiry pursuant to 781(c) of the Act and 19 CFR 351.225(i). 4 On April 28, 2011, the Department initiated a later-developed merchandise anti-circumvention inquiry. 5

On May 3, July 18, and September 2, 2011, the Department issued various questionnaires to interested parties. On July 15, 2011, the Department held a meeting with Petitioners to discuss the anti-circumvention inquiry.

Scope of the Orders

The merchandise covered by the orders is laminated woven sacks.

1 See Notice of Antidumping Duty Order: Laminated Woven Sacks From the People’s Republic of China: Negative Preliminary Determination of Circumvention of the Antidumping and Countervailing Duty Orders

2 The Laminated Woven Sacks Committee and its subcommittees is provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Scope of the Anti-Circumvention Inquiry

The merchandise subject to the anti-circumvention inquiry is laminated woven sacks consisting of one or more plies of fabric consisting of woven polypropylene strip and/or woven polyethylene strip, regardless of the width of the strip; with or without an extrusion coating of polypropylene and/or polyethylene on one or both sides of the fabric; laminated by any method to an exterior ply of plastic film such as biaxially-oriented polypropylene (“BOPP”) or to an exterior ply of paper that is suitable for high quality print graphics; 6 printed with three colors or more in register; with or without lining; whether or not closed on one end; whether or not in roll form (including sheets, lay-flat tubing, and sleeves); with or without handles; with or without special closing features; not exceeding one kilogram in weight. Laminated woven sacks are typically used for retail packaging of consumer goods such as pet foods and bird seed.

Effective July 1, 2007, laminated woven sacks are classifiable under Harmonized Tariff Schedule of the United States ("HTSUS") subheadings 6305.33.0050 and 6305.33.0080.

Laminated woven sacks were previously classifiable under HTSUS subheading 6305.33.0020. If entered with plastic coating on both sides of the fabric consisting of woven polypropylene strip and/or woven polyethylene strip, laminated woven sacks may be classifiable under HTSUS subheadings 3923.21.0080, 3923.21.0095, and 3923.29.0000. If entered not closed on one end or in roll form (including sheets, lay-flat tubing, and sleeves), laminated woven sacks may be classifiable under other HTSUS subheadings including 3917.39.0050, 3921.90.1100, 3921.90.1500, and 5903.90.2500. If the polypropylene strips and/or polyethylene strips making up the fabric measure more than 5 millimeters in width, laminated woven sacks may be classifiable under other HTSUS subheadings including 4601.99.0500, 4601.99.9000, and 4602.90.0000. Although HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

1 See Notice of Antidumping Duty Order: Laminated Woven Sacks From the People’s Republic of China, 73 FR 45941 (August 7, 2008); see also Laminated Woven Sacks From the People’s Republic of China: Countervailing Duty Order, 73 FR 45953 (August 7, 2008), (collectively, “Orders”).

2 The Laminated Woven Sacks Committee and its subcommittees is provided for convenience and customs purposes, the written description of the scope of this order is dispositive.


4 See Petitioners’ Partial Withdrawal of Request For Determination of Circumvention (Printed Ink Colors) dated March 25, 2011.


6 “Paper suitable for high quality print graphics,” as used herein, means paper having an ISO brightness of 82 or higher and a Sheffield Smoothness of 250 or less. Coated free sheet is an example of a paper suitable for high quality print graphics.
woven sacks produced with two ink colors printed in register and a screening process ("screening-process sacks"). Petitioners allege that Chinese producers of screening-process sacks have adapted the screening process to create graphics that appear to have three or more distinct colors visible, although they are produced using only two inks and a screen. Petitioners contend that such graphics would normally be printed using three inks printed in register at three different print stations, which would then make them subject merchandise. However, by adapting the screening process, Petitioners state that Chinese producers of screening-process sacks are able to produce similar graphics while only using two inks, thus making merchandise that is out of scope and not subject to antidumping and countervailing duties.

The screening process at issue, as described by interested parties, only uses two ink colors printed in register at two different print stations. However, the artwork, by use of a screen, allows for different shades of a single color to appear on the bag. Thus, when printed, the screening-process sacks appear to have been printed with more than two colored inks because more than two distinct colors are visible on the finished product. As an example of the screening-process sacks, the Department placed on the record of both proceedings five laminated woven sacks imported by Shapiro: Two individual Manna Pro Horse Feed sacks, two individual Red Head Deer Corn sacks, and one Manna Pro Cal-Manna sack.7

### Negative Preliminary Determination of Circumvention

For the reasons described below, we preliminarily determine that the screening-process sacks are not later-developed merchandise because they were commercially available at the time of the initiation of the less-than-fair-value ("LTFV") investigation on laminated woven sacks from the PRC. Therefore, we also preliminarily determine that the screening-process sacks are not circumventing the Orders within the meaning of section 781(d) of the Act.

#### Applicable Statute

Section 781(d)(1) of the Act provides that the Department may find

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7 See Memo to the File from Jamie Blair-Walker regarding Anti-circumvention Inquiry of Laminated Woven Sacks from the People’s Republic of China on the Subject of Meeting with Counsel for the Laminated Woven Sacks Committee and its individual members, Coating Excellence International, LLC and Polyexis Fibers Corporation, dated July 15, 2011.

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6 See Candles Anticircumvention Final, 71 FR at 59077 and Comment 4, affirmed by Target Corp. v. United States, 626 F. Supp. 2d 1285 (CIT 2009), and Target Corp. v. United States, 609 F.3d 1352, 1358–1360 (Fed. Cir. 2010) ("Target Corp. III") (holding that Commerce’s interpretation of later-developed as turning on whether the merchandise was commercially available at the time of the investigation is reasonable).

10 See Target Corp. III, 609 F.3d at 1358; see also Candles Anti-circumvention Final at Comment 4.

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8 See Anticircumvention Inquiry of the Antidumping Duty Order on Petroleum Wax Candles from the People’s Republic of China: Affirmative Preliminary Determination of Circumvention of the Antidumping Duty Order, 71 FR 32033, 32038 (June 2, 2006), unchallenged in Candles Anticircumvention Final; see also EPROMs from Japan, 57 FR at 11602–3 (examining whether the technology to develop the new product existed at the time of the original investigation); Television Receiving Sets, Monochrome and Color, from Japan: Final Scope Ruling, 56 FR 66841 (December 26, 1991) (noting that LCD TV technology did not exist at the time the original product descriptions were developed).

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12 See section 781(d)(1)(A) of the Act.

13 See section 781(d)(1)(B) of the Act.

14 See section 781(d)(1)(C) of the Act.

15 See section 781(d)(1)(D) of the Act.

16 See section 781(e) of the Act.

three or more). 18 Furthermore, all parties agree that the screening technology used on laminated woven sacks was not new at the time of the initiation of the LTFV investigation.19

With regard to whether the screening-process sacks were available in the market at the time of the LTFV investigation, in response to the initiation of this anti-circumvention inquiry, Shapiro submitted evidence of at least one sale destined for the United States of the screening-process sacks. Specifically, Shapiro provided an invoice, packing list, bill-of-lading, purchase order, and approved screen artwork associated with the 2005 sale of the Manna Pro Horse Feed Sack.20 The purchase order references the use of reverse printing with two inks: Red PMS 186 and Blue PMS 072.21 The corresponding artwork, signed and approved for production on February 15, 2005, in conjunction with the related paperwork discussed above demonstrates the use of a screen in production.22 Shapiro’s supplier’s use of the screening process in combination with two inks in production of laminated woven sacks beginning in 2005 was also confirmed in an affidavit from the Assistant Vice-President of Purchasing at Manna Pro, the customer that coordinates the design of, and buys, the Manna Pro Horse Feed Sack from Shapiro.23 Shapiro also stated that it sold 147,842.50 lbs. of the Manna Pro Horse Feed Sack prior to the date of initiation of the LTFV investigation.24 Although Shapiro states that it permanently changed the design of the art work to accommodate the use of only two inks and a screening process with respect to the specific sacks on this record after the publication of the preliminary determination in the LTFV investigation, Shapiro demonstrated that it used two inks and a screening process for some of the designs at least occasionally prior to the initiation of the LTFV investigation.25 Finally, as demonstrated by an affidavit supplied by Commercial Packaging, the screening process has been used to produce graphics on laminated woven sacks prior to the LTFV investigation.26 Therefore, the above information on the record demonstrates that sacks produced with a screening process and two inks were commercially available prior to the LTFV investigation.

Finally, parties provided affidavits on the record stating that using only two inks and a screening process reduces the cost of production.27 Although Petitioners contend that, despite the use of only two print stands and fewer inks, the development of the artwork and the time needed to readjust the machinery could possibly increase the production costs of screening-process sacks versus subject merchandise, the Department finds that if the customer seeks a simpler graphic, the use of only two inks and a screening process is a viable option to produce a less complex and possibly more affordable image.28 As demonstrated above, the screening technology existed prior to the LTFV investigation and had been applied to laminated woven sacks since 2005 (including with the use of only two inks). Thus, the Department finds that it was possible to produce screening-process sacks prior to the LTFV investigation and concludes that the screening-process sacks were commercially available, i.e., tested and ready for commercial production prior to the LTFV investigation.

Summary of Analysis

After analyzing the above factors, the Department has made a preliminary determination that the screening-process sacks are not later-developed merchandise.29 The agreement of all parties that the technology was available prior to the initiation of the LTFV investigation coupled with the fact that Shapiro demonstrated the sale of screening-process sacks to the United States has led to the Department’s preliminary determination that the screening-process sacks were commercially available prior to the initiation of the LTFV investigation and are therefore not later-developed merchandise. Furthermore, because the Department has preliminarily determined that the screening-process sacks are not later-developed merchandise, the Department does not need to consider the criteria in section 781(d) of the Act to determine if the screening-process sacks are subject merchandise.30 Therefore, we preliminarily determine that, because the sacks are not later-developed merchandise, they do not circumvent the Orders.

Public Comment

Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication of these preliminary results of review.31 Rebuttal briefs and rebuttais limited to issues raised in such briefs or comments may be filed no later than five days after the deadline for filing case briefs.32 Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument: (1) A statement of the issues; (2) a brief summary of the argument; and (3) a table of authorities.33 Case briefs and rebuttal briefs must be submitted on both proceedings.

Interested parties, who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration within 30 days after the date of publication of this notice, pursuant to 19 CFR 351.310. Requests should contain the party’s name, address, and telephone number, the number of participants, and a list of the issues to be discussed. At the hearing, each party may make an affirmative presentation only on issues raised in that party’s case brief and may make rebuttal presentations only on arguments included in that party’s rebuttal brief. If a hearing is requested, we will notify those parties that requested a hearing of a hearing date and time.

Final Determination

The final determination with respect to this anti-circumvention inquiry will be issued no later than February 16, 2012, including the results of the

18 See Commercial Packaging’s Supplemental Questionnaire Response dated September 16, 2011 at 2; see also Response of the Laminated Woven Sacks Committee to the Department’s Questionnaire of September 2, 2011 dated September 16, 2011 at 4; see also Shapiro’s Supplemental Questionnaire Response dated September 16, 2011 at 2.
19 See Commercial Packaging’s Supplemental Questionnaire Response dated September 16, 2011 at 3; see also Petitioners’ Questionnaire Response dated May 18, 2011 at 12; see also Shapiro’s Supplemental Questionnaire Response dated September 16, 2011 at 3; see also Shapiro’s Comments on Initiation dated May 19, 2011 at Exhibit 1.
20 See Shapiro’s Comments on Initiation dated May 19, 2011 at Exhibit 1.
21 See lead.
22 See Id. and at Exhibit 2.
23 See Id. at Exhibit 3.
24 See Id. at 2.
27 See Shapiro’s Comments on Initiation dated May 19, 2011 at Exhibit 3.
29 See Candles Anticircumvention Final, 71 FR at 59075 at Comment 4; see also EPROMs from Japan; EMD from Japan; Portable Electronic Typewriters from Japan, 55 FR 47308 (November 13, 1990).
30 See Electrolytic Manganese Dioxide from Japan; Preliminary Scope Ruling, 56 FR 56977 (Nov 7, 1991) (“if a product is developed before an antidumping case is initiated, the later-developed product provision is clearly inapplicable”).
31 See 19 CFR 351.309(c)(1)(ii).
32 See 19 CFR 351.309(d).
33 See 19 CFR 351.309(e) and (d).
Department’s analysis of any written comments. This preliminary negative circumvention determination is published in accordance with section 781(d) of the Act and 19 CFR 351.225.

Dated: November 15, 2011.

Paul Piquado,
Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration


Circular Welded Carbon-Quality Steel Pipe From India, the Sultanate of Oman, the United Arab Emirates, and the Socialist Republic of Vietnam: Initiation of Antidumping Duty Investigations

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

DATES: Effective Date: November 22, 2011.

FOR FURTHER INFORMATION CONTACT: Steve Bezirganian, Robert James (India, the United Arab Emirates, and Vietnam), or Angelica Mendoza (Oman), AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at (202) 482–1131, (202) 482–0649, or (202) 482–3019, respectively.

SUPPLEMENTARY INFORMATION:

The Petitions

On October 26, 2011, the Department of Commerce (the Department) received petitions concerning imports of circular welded carbon-quality steel pipe (certain steel pipe) from India, the Sultanate of Oman (Oman), the United Arab Emirates (UAE), and the Socialist Republic of Vietnam (Vietnam) filed in proper form on behalf of Allied Tube and Conduit, JMC Steel Group, Wheatland Tube Company, and United States Steel Corporation (collectively, Petitioners). See Circular Welded Carbon-Quality Steel Pipe from India, Oman, the UAE, and Vietnam: Antidumping and Countervailing Duty Petitions, filed on October 26, 2011 (hereinafter, the Petitions). On November 1, 2011, the Department issued requests for additional information and clarification of certain areas of the Petitions. Petitioners filed responses to these requests on November 7, 2011 (hereinafter, the Supplement to the AD/CVD Petitions,1 the Supplement to the AD India Petition, the Supplement to the AD Oman Petition, the Supplement to the AD United Arab Emirates Petition, and the Supplement to the AD Vietnam Petition). On November 4, 2011, the Department issued a request for additional information and clarification regarding the scope of the petitions, and Petitioners’ response to this request was included in the Supplement to the AD/CVD Petitions. On November 8, 2011, Petitioners agreed to modified scope language. See the November 10, 2011 memorandum from Steve Bezirganian through Richard Wobble to the File.

On November 8, 2011, the Department requested additional clarification on issues involving industry support. Petitioners filed a response to this request on November 10, 2011 (hereinafter, the Second Supplement to the AD/CVD Petitions). On November 8, 2011, the Department requested additional information regarding India and Vietnam. Petitioners filed responses to these requests on November 10, 2011 (hereinafter, the Second Supplement to the AD India Petition and the Second Supplement to the AD Vietnam Petition, respectively). In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), Petitioners allege that imports of certain steel pipe from India, Oman, the UAE, and Vietnam are being, or are likely to be, sold in the United States at less than fair value, within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, an industry in the United States.

The Department finds that Petitioners filed the Petitions on behalf of the domestic industry because Petitioners are interested parties as defined in section 771(9)(C) of the Act and have demonstrated sufficient industry support with respect to the antidumping duty investigations that Petitioners are requesting that the Department initiate (see “Determination of Industry Support for the Petitions” section below).

Period of Investigation

The period of investigation (POI) for India, Oman, and the UAE is October 1, 2010, through September 30, 2011. The POI for Vietnam is April 1, 2011, through September 30, 2011. See 19 CFR 351.204(b)(1).

Scope of Investigations

The product covered by these investigations is certain steel pipe from India, Oman, the UAE, and Vietnam. For a full description of the scopes of the investigations, see Appendix I (Scope of the Oman, the UAE, and Vietnam Investigations) and Appendix II (Scope of the India AD Investigation) of this notice.

Comments on Scope of Investigations

During our review of the Petitions, we discussed the scope with Petitioners to ensure that it is an accurate reflection of the products for which the domestic industry is seeking relief. Moreover, as discussed in the preamble to the Department’s regulations (Antidumping Duties; Countervailing Duties; Final Rule, 62 FR 27296, 27323 (May 19, 1997)), we are setting aside a period for interested parties to raise issues regarding product coverage. Interested parties that wish to submit comments on the scope should do so by December 5, 2011, twenty calendar days from the signature date of this notice. All comments must be filed on the records of the India, Oman, the UAE, and Vietnam antidumping duty investigations and the India, Oman, the UAE, and Vietnam countervailing duty investigations. All comments and submissions to the Department must be filed electronically using Import Administration’s Antidumping Countervailing Duty Centralized Electronic Service System (IA ACCESS).2 An electronically filed document must be received successfully in its entirety by the Department’s electronic records system, IA ACCESS, by the time and date noted above. Documents excepted from the electronic submission requirements must be filed manually (i.e., in paper form) with the Import Administration’s APO/Dockets Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the deadline noted above.

Comments on Product Characteristics for Antidumping Duty Questionnaires

Interested parties may submit comments regarding the appropriate characteristics of certain steel pipe to be reported in response to the