

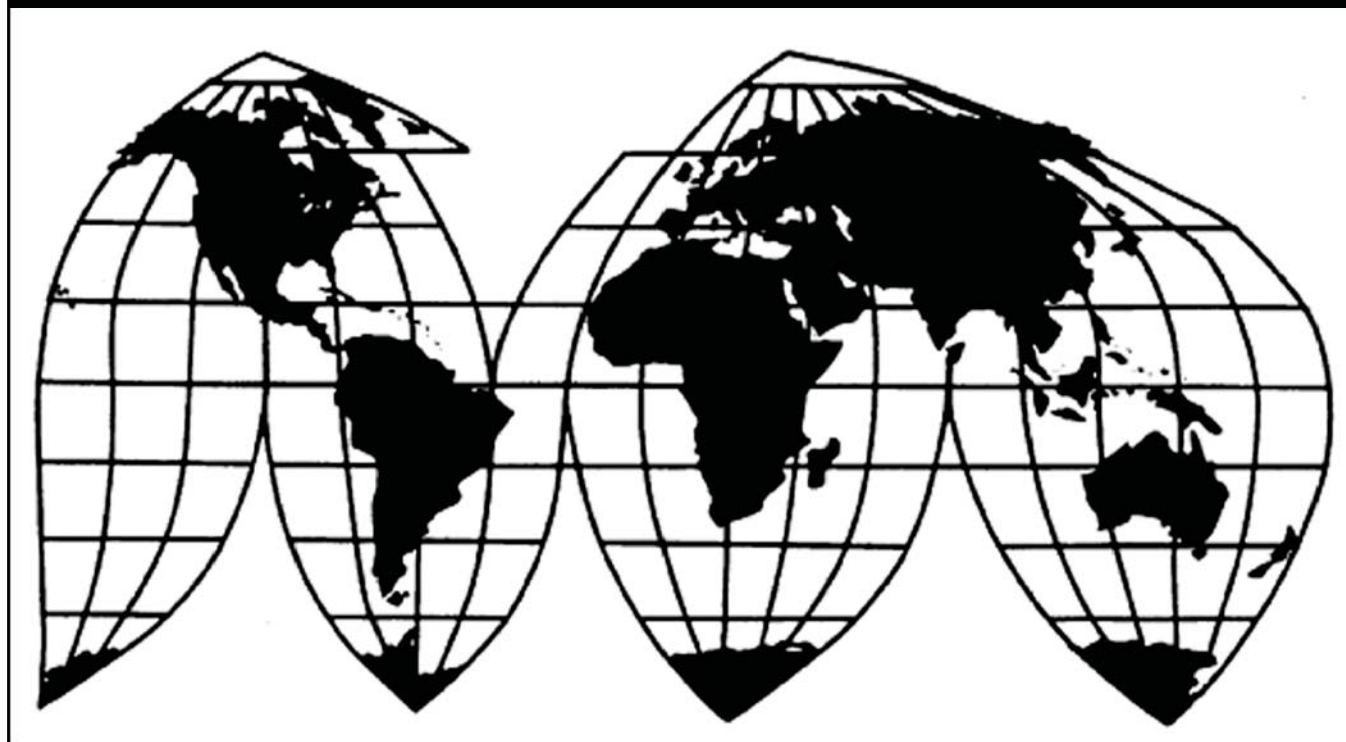
Porcelain-on-Steel Cooking Ware from China

Investigation No. 731-TA-298 (Third Review)

Publication 4216

February 2011

U.S. International Trade Commission



Washington, DC 20436

U.S. International Trade Commission

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Note.--Information that would reveal confidential operations of individual concerns may not be published and therefore has been identified by the use of *.**

UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation No. 731-TA-298 (Third Review)

PORCELAIN-ON-STEEL COOKING WARE FROM CHINA

DETERMINATION

On the basis of the record¹ developed in the subject five-year review, 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 order on porcelain-on-steel cooking ware from China 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 this review on October 1, 2010 (75 F.R. 62144) and determined on January 4, 2011 that it would conduct an expedited review (76 F.R. 2920, January 18, 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 this five-year review, we determine under section 751(c) of the Tariff Act of 1930, as amended (“the Act”), that revocation of the antidumping duty order on porcelain-on-steel (“POS”) cooking ware from China 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

A. The Original Determinations

In November 1986, the Commission determined that an industry in the United States was being materially injured by reason of less than fair value (“LTFV”) imports of POS cooking ware from China, Mexico, and Taiwan, and by reason of subsidized imports from Mexico.¹ Commerce issued antidumping duty orders and a countervailing duty order with respect to POS cooking ware from the three countries in December 1986.²

B. The Commission’s Five-Year Reviews

On February 1, 1999, the Commission instituted five-year reviews pursuant to section 751(c) of the Act to determine whether revocation of the antidumping and countervailing duty orders on POS cooking ware from China, Mexico, and Taiwan would likely lead to continuation or recurrence of material injury.³ On May 7, 1999, the Commission determined to conduct full five-year reviews for each of the orders based on adequate domestic industry group responses and adequate respondent group responses.⁴ On January 4, 2000, Commerce published its negative determination of the likelihood of the continuation or recurrence of a countervailable subsidy in the review of the countervailing duty order on POS cooking ware from Mexico.⁵ The Commission terminated its five-year review of that order on January 7, 2000.⁶ In March 2000, the Commission determined that revocation of the antidumping orders on POS cooking ware from China, Mexico, 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.⁷ In April 2002, Commerce revoked the antidumping duty order on subject POS cooking ware imports from Mexico, pursuant to a changed circumstances review.⁸

¹ Porcelain-on-Steel Cooking Ware From China, Mexico, and Taiwan, Inv. Nos. 701-TA-265, 731-TA-297-299 (Final), USITC Pub. 1911 (Nov. 1986).

² See Porcelain-on-Steel Cooking Ware from the People’s Republic of China, 51 Fed. Reg. 43414 (Dec. 2, 1986) (antidumping duty order); Porcelain-on-Steel Cooking Ware from Taiwan, 51 Fed. Reg. 43416 (Dec. 2, 1986) (antidumping duty order); Porcelain-on-Steel Cooking Ware from Mexico, 51 Fed. Reg. 43415 (Dec. 2, 1986) (antidumping duty order); and Porcelain-on-Steel Cooking Ware from Mexico, 51 Fed. Reg. 44827 (Dec. 12, 1986) (countervailing duty order).

³ 64 Fed. Reg. 4896 (Feb. 1, 1999).

⁴ 64 Fed. Reg. 38471 (July 16, 1999).

⁵ 65 Fed. Reg. 284 (Jan. 4, 2000).

⁶ 65 Fed. Reg. 2430 (Jan. 14, 2000).

⁷ Porcelain-on-Steel Cooking Ware from China, Mexico, and Taiwan, Inv. Nos. 731-TA-297-299 (Review), USITC Pub. 3286 (“First Review Det.”) at 1 (March 2000).

⁸ 67 Fed. Reg. 19553 (April 22, 2002).

On March 1, 2005, the Commission instituted second five-year reviews with respect to the two remaining orders on POS cooking ware from China and Taiwan.⁹ On June 6, 2005, the Commission determined that the domestic interested party response was adequate, that the respondent interested party response was inadequate, and that no other circumstance warranted conducting full reviews; it accordingly voted to expedite the reviews.¹⁰ In October 2005, the Commission determined that revocation of the antidumping duty orders on POS cooking ware from China 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.¹¹

C. The Current Review

The Commission instituted the current review on October 1, 2010.¹² The Commission received one response to the notice of institution from domestic interested party Columbian Home Products, LLC (“Columbian”), the sole domestic producer.¹³ No respondent interested party filed any response to the notice of institution. On January 4, 2011, the Commission found the domestic interested party response to the notice of institution adequate and the respondent interested party response inadequate.¹⁴ The Commission did not find any circumstances that would warrant conducting a full review, and it determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act.¹⁵

On February 3, 2011, Columbian filed comments pursuant to 19 C.F.R. § 207.62(d) arguing, as it had in its response to the notice of institution, that revocation of the antidumping duty order on POS cooking ware from China would likely lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time.¹⁶

II. DOMESTIC LIKE PRODUCT

In making its determination under section 751(c) of the Act, the Commission defines “the domestic like product” and the “industry.”¹⁷ 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.”¹⁸ The Commission’s practice in five-year reviews is to look to the like

⁹ 70 Fed. Reg. 9974 (March 1, 2005).

¹⁰ 70 Fed. Reg. 35708 (June 21, 2005) (Vice Chairman Okun and Commissioner Pearson dissenting).

¹¹ Porcelain-on-Steel Cooking Ware from China and Taiwan, Inv. Nos. 731-TA-298 and 299 (Second Review) USITC Pub. 3808 (Oct. 2005).

¹² 75 Fed. Reg. 62144 (Oct. 7, 2010). The grouped third reviews that the Commission instituted and the Department of Commerce initiated also encompassed the antidumping duty order on POS cooking ware from Taiwan. 75 Fed. Reg. 62144 (Oct. 7, 2010). No domestic interested party filed a response to Commerce’s initiation notice concerning the review of POS cooking ware from Taiwan. Commerce revoked the antidumping duty order on POS cooking ware from Taiwan, and the Commission subsequently terminated its five-year review concerning that order. 76 Fed. Reg. 2708 (Jan. 14, 2011).

¹³ Confidential Staff Report, INV-JJ-009 (Jan. 31, 2011) (“CR”) at I-5 n.10, Public Report (“PR”) at I-4 n.10.

¹⁴ See Explanation of Commission Determination on Adequacy.

¹⁵ Id.; 19 U.S.C. § 1675(c)(3) (2000).

¹⁶ See generally Columbian Final Comments (Nov. 15, 2010) (“Columbian Comments”).

¹⁷ 19 U.S.C. § 1677(4)(A).

¹⁸ 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 (continued...)

product definition from the original determination and any completed reviews and consider whether the record indicates any reason to revisit the prior findings.¹⁹

A. Product Description

In its expedited sunset determination, Commerce defined the subject merchandise as –

porcelain-on-steel cooking ware from the PRC, including tea kettles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses.²⁰

Commerce has issued several scope clarifications with respect to the order.²¹

The information regarding the nature of POS cooking ware is unchanged since the Commission's second five-year review.²² POS cooking ware consists of articles of porcelain-coated steel used as receptacles for cooking and heating of food.²³ Porcelain is an opaque glass suffused onto the steel during the production process by means of intense heat.²⁴

The most common POS cooking ware articles are skillets, frypans, saucepans, double boilers, dutch ovens, stock pots, steamers, canners, blanchers, coffee pots, egg poachers, teakettles, broiling pans, and roasters.²⁵ These articles are sold in a wide variety of shapes, sizes, configurations, steel thicknesses, colors, decorative patterns, trim, handle designs (either wood, phenolic resin or various metals), and/or price ranges.²⁶ Over the years, POS cooking ware has become increasingly differentiated, particularly in terms of style and decoration.²⁷ Several variations of a single article may be offered by a single producer. Most articles of POS cooking ware are sold individually; the remainder are sold in sets, the most common consisting of seven pieces, such as a skillet, dutch oven, two sauce pans, and three lids, with one lid serving both the skillet and dutch oven.²⁸

¹⁸ (...continued)

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).

¹⁹ See, e.g., Internal Combustion Industrial Forklift Trucks From Japan, Inv. No. 731-TA-377 (Second Review), USITC Pub. 3831 at 8-9 (December 2005); Crawfish Tail Meat From China, Inv. No. 731-TA-752 (Review), USITC Pub. 3614 at 4 (July 2003); Steel Concrete Reinforcing Bar From Turkey, Inv. No. 731-TA-745 (Review), USITC Pub. 3577 at 4 (February 2003).

²⁰ Porcelain-on-Steel Cooking Ware from the People's Republic of China; Final Results of the Expedited Sunset Review of the Antidumping Duty Order, 76 Fed. Reg. 7534 Feb. 10, 2011).

²¹ 68 Fed. Reg. 19781 (April 22, 2003); 56 Fed. Reg. 19833 (Apr. 30, 1991); 55 Fed. Reg. 43020 (Oct. 25, 1990).

²² CR at I-11, PR at I-10.

²³ Items of porcelain-coated steel used only to handle or process food, *i.e.*, POS kitchenware, such as mixing bowls and colanders, are not included in the scope of the order. CR at I-11, PR at I-10.

²⁴ CR at I-11, PR at I-10.

²⁵ CR at I-11, PR at I-10.

²⁶ CR at I-12, PR at I-10.

²⁷ CR at I-12, PR at I-10.

²⁸ CR at I-12, PR at I-10.

POS cooking ware is best suited for certain types of cooking. For instance, POS cooking ware's heat absorption makes it advantageous for roasting.²⁹ In contrast to POS cooking ware, aluminum and stainless steel have reflective properties and do not absorb heat. POS cooking ware's relatively light construction compared with cast iron or cast aluminum is also preferred for larger vessels.³⁰ POS cooking ware is relatively low cost, but it lacks the durability that is found in stainless steel, aluminum, iron, and copper cooking ware.³¹

B. The Original Investigations and Prior Reviews

1. Original Investigations

In the original investigations, the Commission defined the like product for imported POS cooking ware to be all domestically produced POS cooking ware. It concluded that tea kettles should not be a separate like product.³²

2. Prior Five-Year Reviews

In the first and second five-year reviews the Commission found no reason to depart from its conclusion in the original investigations that the domestic like product should be defined as all POS cooking ware.³³ In the first reviews the Commission found that the six factors the Commission typically considers in its analysis of domestic like product supported its finding that POS cooking ware should be the domestic like product. It found "clear distinctions" between POS cooking ware, which is available only in light gauges, and other categories of domestic cooking ware, and it concluded that on the whole, the relevant factors indicated the existence of a clear dividing line between POS cooking ware and other categories of cooking ware.³⁴ The Commission also noted that its domestic like product definition included tea kettles, which were subject merchandise for the order on China but not for the order on Taiwan.³⁵ In the second reviews, the Commission simply relied on its findings from the first reviews and original investigations.³⁶

3. The Current Review

In this expedited review, Columbian has indicated that it agrees with the definition of the domestic like product that the Commission used in its second five-year reviews.³⁷ There is no new information obtained during this review that would suggest any reason to revisit that definition. Thus, we define the domestic like product as all POS cooking ware, including tea kettles.

²⁹ CR at I-13, PR at I-11.

³⁰ CR at I-13, PR at I-11.

³¹ CR at I-13, PR at I-11.

³² Original Determination at 4-7. Commissioner Rohr dissented and found two like products, POS tea kettles and other POS cooking ware. *Id.* at 19-20, n.5.

³³ First Review Det. at 8-9; Second Review Det. at 8.

³⁴ First Review Det. at 8-9.

³⁵ Second Review Det. at 8 n.36.

³⁶ Second Review Det. at 8.

³⁷ Columbian's Final Comments at 2; Columbian's Response to Notice of Institution ("Response") at 38.

III. DOMESTIC INDUSTRY

Section 771(4)(A) of the Act defines the relevant industry as the domestic “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.”³⁸ In defining the domestic industry, the Commission’s general practice has been to include all domestic producers of the domestic like product, whether toll-produced, captively consumed, or sold in the domestic merchant market.

In its original investigations and in the previous two five-year reviews, the Commission defined the domestic industry as all U.S. producers of POS cooking ware. No producer was excluded from the domestic industry.³⁹

The record indicates that Columbian is the only domestic producer of POS cooking ware.⁴⁰ It has been the sole domestic producer since it acquired General Housewares Corporation’s (“GHC”) POS cooking ware business in 1998.⁴¹ Columbian urges the Commission to retain the definition of the domestic industry utilized in the previous reviews and original investigations.⁴² Based on our definition of the domestic like product, we define the domestic industry to include all U.S. producers of the domestic like product.

IV. LIKELIHOOD OF CONTINUATION OR RECURRENCE OF MATERIAL INJURY IF THE ANTIDUMPING DUTY ORDER IS REVOKED

A. Legal Standard

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.”⁴³ 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.”⁴⁴ Thus, the likelihood standard is prospective in nature.⁴⁵ The U.S. Court of International Trade has found that

³⁸ 19 U.S.C. § 1677(4)(A). The definitions in 19 U.S.C. § 1677 are applicable to the entire subtitle containing the antidumping and countervailing duty laws, including 19 U.S.C. §§ 1675 and 1675a. See 19 U.S.C. § 1677.

³⁹ Original Determination at 5. First Five Year Review Det. at 10; Second Five Year Review Det. at 9.

⁴⁰ CR at I-18, PR at I-14.

⁴¹ CR at I-5 n.10, PR at I-4 n.10. At the time of the original investigations, GHC was the sole domestic producer, manufacturing its entire line of POS cooking ware at a single factory in Terre Haute, Indiana. Original Determination at 5.

⁴² Columbian Final Comments at 3.

⁴³ 19 U.S.C. § 1675a(a).

⁴⁴ 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.

⁴⁵ 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 (continued...) ”

“likely,” as used in the five-year review provisions of the Act, means “probable,” and the Commission applies that standard in five-year reviews.^{46 47 48}

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.”⁴⁹ 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.”⁵⁰

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.”⁵¹ 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).⁵² 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.⁵³

⁴⁵ (...continued)

making its determination of the likelihood of continuation or recurrence of material injury if the order is revoked.” SAA at 884.

⁴⁶ 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’”).

⁴⁷ 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).

⁴⁸ 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.

⁴⁹ 19 U.S.C. § 1675a(a)(5).

⁵⁰ 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.

⁵¹ 19 U.S.C. § 1675a(a)(1).

⁵² 19 U.S.C. § 1675a(a)(1). We note that Commerce has made no duty absorption findings.

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

As discussed above, no foreign producer of POS cooking ware responded to the Commission's notice of institution. Accordingly, when appropriate in this review, we have relied on the facts otherwise available, which consist of information from the original investigations and the first and second five-year reviews, as well as information submitted in this review, including information provided by the domestic industry and information available from published sources.^{54 55}

B. Conditions of Competition and Business Cycle

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."⁵⁶ We find the following conditions of competition relevant to our determination.

1. The Original Investigations

The Commission noted that domestic consumption of POS cooking ware increased by 2.0 percent from 1983 to 1984, and thereafter declined by 0.3 percent in 1985 and by 3.7 percent in interim 1986 (January-June) compared to interim 1985 (January-June).⁵⁷

The Commission stated that notwithstanding minor differences among the products, there was a high degree of substitution in the U.S. market between domestically produced POS cooking ware and the imports from the three subject countries.⁵⁸ It also observed that there were common channels of distribution for imports from all of the subject countries.⁵⁹

⁵⁴ 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 any other person withholds information requested by the agency, fails to provide such information in the time or in the form or manner requested, significantly impedes a proceeding, or provides information that cannot be verified pursuant to 19 U.S.C. § 1677m(i). The verification requirements in 19 U.S.C. § 1677m(i) are applicable only to Commerce. See Titanium Metals Corp. v. United States, 155 F. Supp. 2d 750, 765 (Ct. Int'l Trade 2002) ("the 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 Commission investigations.").

⁵⁵ 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.

⁵⁶ 19 U.S.C. § 1675a(a)(4).

⁵⁷ Original Determination at 13.

⁵⁸ Original Determination at 11.

⁵⁹ Original Determination at 11.

2. The Prior Five-Year Reviews

In its first five-year reviews, the Commission identified a number of conditions of competition pertinent to its analysis of the POS cooking ware market. The Commission observed that POS cooking ware forms a small but distinctive segment of the large and varied U.S. cooking ware market.⁶⁰ It noted that demand for POS cooking ware was at almost the same level as during the original investigations, suggesting that demand would remain steady in the foreseeable future.⁶¹ The Commission explained that GHC and its successor Columbian have been the only producers of POS cooking ware since the original investigations.⁶² GHC had produced both heavy- and light-gauge POS cooking ware, but Columbian stopped producing heavy-gauge POS cooking ware.⁶³

In the second five-year reviews of the order, the Commission found that the domestic industry produced only light-gauge POS cooking ware, while producers in China and Taiwan produced light- and heavy-gauge POS cooking ware.⁶⁴ The Commission therefore concluded that there was a moderate degree of substitution between subject imports and the domestic like product.⁶⁵ The Commission found no other significant changes in the conditions of competition.⁶⁶

3. The Current Review

The conditions of competition relied upon by the Commission in making its determinations in the second five-year reviews generally continued in the current period. Although apparent U.S. consumption was significantly lower in 2004 than during the original investigation period and the first five-year review period, apparent U.S. consumption now appears to have stabilized and remains at a level comparable to that of the previous review period.⁶⁷

Apparent U.S. consumption of POS cooking ware increased in 2009 relative to 2008.⁶⁸ Columbian explains that ***.⁶⁹ Columbian anticipates that this trend ***.⁷⁰

POS cooking ware is viewed as a lower cost, and generally lower quality cooking ware.⁷¹ As such, it tends to compete with other low-end cooking ware such as pressed aluminum and lower quality stainless steel.⁷² During the period of review, however, despite the increase in consumption tied to the recession noted above, more expensive cooking ware, including cast aluminum, stainless steel and enameled cast iron products, continued to account for the greatest share of the U.S. market for all cooking

⁶⁰ First Review Det. at 16.

⁶¹ First Review Det. at 17.

⁶² First Review Det. at 17.

⁶³ First Review Det. at 17.

⁶⁴ Second Review Det. at 15.

⁶⁵ Second Review Det. at 15.

⁶⁶ See Second Review Det. at 15.

⁶⁷ See CR/PR at Table I-7. Apparent U.S. consumption was *** units in 2004 and *** units in 2009. During the first review period, apparent U.S. consumption exceeded *** units. Id.

⁶⁸ Response at 26.

⁶⁹ See Columbian's Final Comments at 12.

⁷⁰ See Columbian's Final Comments at 12.

⁷¹ CR at I-14, PR at I-12.

⁷² CR at I-14, PR at I-12.

ware.⁷³ Indeed, Columbian reported that competition with other types of cooking ware was the most significant factor affecting overall demand since the period of the original investigations.⁷⁴ POS cooking ware continues, however, to serve distinct markets for tea kettles, roasters, seafood pots (*e.g.*, lobster pots), other large pots, casseroles, and camp cooking ware.⁷⁵

POS cooking ware manufacturing is a mature industry. U.S. purchasers reported to the Commission that there have been no changes in the technology, production methods, or development efforts to produce POS cooking ware that affected availability in the U.S. market since 2005 and that no such changes were anticipated.⁷⁶ Likewise, major U.S. purchasers stated there have been no changes in end uses and applications for POS cooking ware since 2005.⁷⁷

Since the previous period of review, nonsubject imports declined while subject imports and U.S. shipments of domestically produced POS cooking ware increased.⁷⁸ Nonsubject imports fell from 6.3 million units in 2004 to 4.7 million units in 2009,⁷⁹ and accounted for a much smaller share of the U.S. market as compared to the share in the original period of investigation.⁸⁰ On the other hand, subject imports increased from 3.6 million units in 2004 to 4.9 million units in 2009,⁸¹ and U.S. shipments of domestically produced POS cooking ware increased from *** units in 2004 to *** units in 2009.⁸²

Thailand, Indonesia and Mexico were the leading sources of nonsubject imports in 2009.⁸³ Nonsubject imports are concentrated in heavy-gauge POS cooking ware that does not compete with Columbian's products.⁸⁴ Subject imports, on the other hand, consist of more light-gauge POS cooking ware; China is now the domestic industry's leading competitor in light-gauge POS cooking ware.⁸⁵

As noted above, the Commission found in the earlier reviews that there was a moderate degree of substitutability between the domestically produced POS cooking ware and subject imports from China. Columbian reported in this review that this remains true, and it also indicated that ***.⁸⁶

Based on the record evidence, we find that the conditions of competition in the POS cooking ware market are not likely to change significantly in the reasonably foreseeable future. Accordingly, we find that current conditions provide us with a reasonable basis on which to assess the likely effects of revocation of the antidumping duty order in the reasonably foreseeable future.

⁷³ Final Comments at 4.

⁷⁴ Response 26-27.

⁷⁵ Final Comments at 3.

⁷⁶ Final Comments at 3.

⁷⁷ Final Comments at 3.

⁷⁸ CR/PR at Table I-5. Imports of POS cooking ware enter under statistical reporting numbers 7323.94.0010, 7323.94.0021, and 7323.94.0026. While some other goods enter under these headings, POS cooking ware appears to account for the majority of the imports entering under these headings. CR at I-9 to I-10, PR at I-8.

⁷⁹ CR/PR at Table I-5.

⁸⁰ CR/PR at Table I-7. In 1985 nonsubject imports accounted for *** percent of apparent U.S. consumption in terms of quantity, but in 2009, they accounted for just *** percent. Id.

⁸¹ CR/PR at Table I-5.

⁸² CR/PR at Table I-4.

⁸³ CR/PR at Table I-5.

⁸⁴ Response at 25-26.

⁸⁵ CR at I-14 n.40, PR at I-11 n.40; Response at 26.

⁸⁶ CR at I-14, PR at I-11 to I-12.

C. Likely Volume of Subject Imports

In evaluating the likely volume of imports of subject merchandise if the order 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.⁸⁷ 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.⁸⁸

1. The Original Investigations

The Commission found that the cumulated volume of imports from China, Mexico, Taiwan, and Spain⁸⁹ rose 52 percent by quantity and 25 percent by value over the investigation period. Antidumping duty orders were imposed in late 1986, and imports of Chinese subject merchandise decreased thereafter.⁹⁰

2. The Prior Five-Year Reviews

In the first five-year reviews, cumulated subject imports from China, Mexico, and Taiwan accounted for up to *** percent of the market during the review period. Subject imports were 6.7 million units in 1997 and 4.7 million units in 1998.⁹¹ The Commission found that the lower post-order subject import volume was attributable to the effects of the antidumping orders.⁹² The Commission found that subject imports were likely to be significant if the antidumping duty orders were revoked. It observed that each of the subject countries appeared to have a substantial volume of underutilized capacity. The Commission noted that the total output of the POS cooking ware industry in China dwarfed domestic production, as did the total volume of POS cooking ware exports from China.⁹³

In the second five-year reviews, the Commission noted that since the previous five-year reviews, cumulated subject imports from China and Taiwan increased from 2.98 million units in 1998 to 3.94 million units in 2004.⁹⁴ On a value basis, they increased from \$6.79 million in 1998 to \$9.67 million in 2004.⁹⁵ The Commission again found a likely significant volume of subject imports if the antidumping duty orders were revoked. It based this finding on the cumulated imports’ high market share during the

⁸⁷ 19 U.S.C. § 1675a(a)(2).

⁸⁸ 19 U.S.C. § 1675a(a)(2)(A) - (D).

⁸⁹ At the time of the original investigations, imports of POS cooking ware from Spain were subject to a preliminary investigation by the Commission. Original Determination at 9, n. 20. The investigation with regard to Spain did not result in the issuance of an antidumping or countervailing duty order because it was terminated after GHC withdrew the dumping petition. See 52 Fed. Reg. 4394 (Feb. 11, 1987).

⁹⁰ Original Determination at 13.

⁹¹ First Review Det. at 18; Second Review Det. at 16.

⁹² First Review Det. at 18.

⁹³ First Review Det. at 19.

⁹⁴ Second Review Det. at 16.

⁹⁵ Second Review Det. at 16.

original investigations and continued high U.S. market share as well as the apparent high capacity and excess capacity in the subject countries.⁹⁶

3. The Current Review

Several factors again support the conclusion that subject import volume is likely to be significant in the event of revocation of the order. Notwithstanding the antidumping duty order, subject imports from China have continued to enter the U.S. market in substantial quantities and have increased since the prior period of review, rising from 3.6 million units in 2004 to 4.9 million units in 2009.⁹⁷ By contrast, nonsubject imports fell over the same period, from 6.3 million units to 4.7 million units.⁹⁸ Subject imports' market share by quantity was higher in 2009 at *** percent than in 2004 at *** percent.⁹⁹ Thus, it is evident that Chinese POS cooking ware has a firm foothold in the U.S. market and Chinese exporters have been able to increase their exports to the United States even with the antidumping duty order in place.

Because of the lack of participation by Chinese producers and importers of subject merchandise, the Commission has limited information on the foreign industry in this review. In the last review, there were an estimated 34 producers of POS cooking ware in China.¹⁰⁰ At that time, Chinese capacity was estimated to be equivalent to *** times the amount of apparent U.S. consumption.¹⁰¹ Columbian now estimates that there are 47 producers in China, but, as a result of the antidumping duty order, only a few Chinese producers currently export to the United States.¹⁰² We find that the available information indicates that Chinese capacity and production have increased since the previous review.¹⁰³

Despite China's large presence in the U.S. market, exports to the United States account for only a small fraction of total Chinese production and exports of POS cooking ware. The U.S. market accounted for only 1.1 percent of total Chinese exports in 2009.¹⁰⁴ Chinese exports of POS cooking ware have more than doubled since 1998 and are present in over 100 countries.¹⁰⁵ Thus, the record indicates that Chinese exporters would have the ability to shift large amounts of exports from other markets to the United States if the antidumping duty order were revoked.¹⁰⁶

Accordingly, based on the sustained and large presence of subject imports in the U.S. market, the size of the industry in China, the Chinese industry's total volume of exports, and the potential for the shifting of Chinese exports from other markets to the United States, we find that Chinese producers would likely increase their exports to the United States above their already significant level if the antidumping

⁹⁶ Second Review Det. at 16.

⁹⁷ CR/PR at Table I-5.

⁹⁸ CR/PR at Table I-5.

⁹⁹ CR/PR at Table I-7.

¹⁰⁰ CR at I-26, PR at I-20.

¹⁰¹ CR at I-26, PR at I-20.

¹⁰² CR at I-26, PR at I-20. Several other Chinese producers export to Canada, however, evidencing their knowledge of and experience in the North American market. CR at I-27, PR at I-20; Response at 31.

¹⁰³ See CR at I-26 to I-28, PR at I-20 to I-21. The record does not indicate whether Chinese producers can shift from the production of other products to the production of POS cooking ware in order to increase production. Likewise, the record also contains no information concerning inventories of subject merchandise.

¹⁰⁴ CR/PR at Tables I-7 & I-8.

¹⁰⁵ Response at 24.

¹⁰⁶ The Chinese industry does not appear to face barriers to entry, such as antidumping findings, in other markets. CR at I-26, PR at I-20.

duty order were revoked. We find that the likely volume of subject imports, both in absolute terms and as a share of the U.S. market, would be significant if the order were revoked.

D. Likely Price Effects of Subject Imports

In evaluating the likely price effects of subject imports if the order 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.¹⁰⁷

1. The Original Investigations

The Commission found that pricing data were difficult to assess because producers changed styles over the course of the investigation period, and the pricing categories encompassed products of different gauges and colors.¹⁰⁸ The Commission noted that the domestic producer had been unable to raise prices enough to cover increases in its costs, and that purchasers had provided anecdotal evidence of price undercutting.¹⁰⁹

2. The Prior Five-Year Reviews

In the first five-year reviews, despite conducting full reviews, the Commission obtained no pricing information for subject imports from China or Taiwan.¹¹⁰ It noted, however, that the domestic like product and the subject merchandise were quite similar or indistinguishable, price was a critical factor in purchasing decisions, and domestically produced cooking ware was likely to be highly sensitive to price-based competition.¹¹¹ Accordingly, the Commission found that, in order to gain a greater share of the POS cooking ware market, subject imports from China and Taiwan likely would be priced aggressively.¹¹² The Commission concluded that underselling would likely be significant in the event of revocation of the antidumping duty orders given subject producers' pricing behavior during the original investigations, the importance of price, the substitutability of the products, and the fact that increased volumes for this product would likely be achieved through lower prices. The Commission also found a likelihood of significant price depression and suppression.¹¹³

In the second reviews, the Commission again had no new product-specific pricing information. Based on information available in the second reviews, including the determinations in the original investigations and the first five-year reviews, the Commission found that the market for POS cooking

¹⁰⁷ 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.

¹⁰⁸ Original Determination at 14.

¹⁰⁹ Original Determination at 14.

¹¹⁰ First Review Det. at 20. Pricing data collected for subject imports from Mexico showed underselling in *** price comparisons. Id.

¹¹¹ First Review Det. at 20.

¹¹² First Review Det. at 20.

¹¹³ First Review Det. at 21.

ware was price-competitive.¹¹⁴ The Commission therefore found that subject imports would likely have to undersell the domestic like product in order to regain market share if the orders were revoked.¹¹⁵ The Commission concluded that the volume of subject imports at those prices, in turn, would be likely to have significant depressing and suppressing effects on prices of the domestic like product.¹¹⁶

3. The Current Review

The record developed in this review and the previous reviews indicates that price remains a leading consideration in POS cooking ware purchasing decisions.¹¹⁷ POS cooking ware is among the least expensive cooking ware available.¹¹⁸ Colombian indicates that price remains a critical factor in purchasing decisions and the domestic product remains highly sensitive to price-based competition from subject imports.¹¹⁹ More specifically, Colombian reports that it ***, rendering its sales susceptible to underselling by low-priced imports.¹²⁰

The record also continues to indicate that there is at least a moderate degree of substitutability between and among domestically produced POS cooking ware, the subject imports from China, and nonsubject products.¹²¹ As noted, Colombian currently produces only light-gauge POS cooking ware, which also comprises a substantial portion of the subject imports.¹²² Colombian additionally reports that ***.¹²³

In this expedited review, the Commission lacks new pricing data comparing the sales prices of domestic POS cooking ware and the subject imports. Colombian, however, has provided the Commission with ***.¹²⁴ These data indicate that the cost of the subject imports to importers was ***.¹²⁵ The gap suggests that importers would be able to undersell Colombian's products by significant margins if the imports were not subject to the antidumping duty order.

Given the likely significant volume of subject imports, the Commission's original conclusions and the current information concerning the landed costs for the subject imports, and the conditions of competition discussed above, we conclude that subject imports from China likely would significantly undersell the domestic like product to gain market share and would likely have significant depressing or suppressing effects on the prices of the domestic like product if the antidumping duty order were revoked.

¹¹⁴ Second Review Det. at 17.

¹¹⁵ Second Review Det. at 17.

¹¹⁶ Second Review Det. at 17.

¹¹⁷ Response at 37.

¹¹⁸ CR at I-15 to I-17, PR at I-12 to I-13.

¹¹⁹ Response at 33-34.

¹²⁰ Final Comments at 6 n.15.

¹²¹ CR at I-14, PR at I-11 to I-12.

¹²² Response at 25-26.

¹²³ Response at 37.

¹²⁴ CR at I-17, PR at I-13; Response at 33, Exhibit 6.

¹²⁵ CR at I-17, PR at I-13.

E. Likely Impact of Subject Imports¹²⁶

In evaluating the likely impact of imports of subject merchandise if the antidumping duty order 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.¹²⁷ 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.¹²⁸

1. Original Investigations

The Commission found that the domestic industry was materially injured, noting that production and capacity utilization declined over the course of the investigation period, as did domestic shipments, the number of workers, and the hours worked.¹²⁹ The Commission also observed that all of the measures of the domestic industry's financial condition declined from 1983 to 1985.¹³⁰

2. Prior Five-Year Reviews

In its first five-year reviews, the Commission found that if the antidumping orders were revoked, subject imports would be likely to have a significant adverse impact on the domestic industry within a reasonably foreseeable time. The Commission noted that the condition of the domestic industry had improved since the original investigations, and that the industry was not currently vulnerable, yet the

¹²⁶ Section 752(a)(6) of the Tariff Act states that “the Commission may consider the magnitude of the margin of dumping or the magnitude of the net countervailable subsidy” 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.

Commerce expedited its determination in its review of POS cooking ware from China and found that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at a margin of 66.65 percent by all Chinese producers. 76 Fed. Reg. 7534 (Feb. 10, 2011). Currently, all subject imports, except those of one firm, are subject to a dumping rate of 66.65 percent *ad valorem*. Clover Enamelware Enterprise, Ltd. and its affiliated reseller, Lucky Enamelware Factory Ltd. are subject to a *de minimis* rate of zero. CR at I-6, PR at I-6; CR at I-6 n.20, PR at I-6 n.20.

¹²⁷ 19 U.S.C. § 1675a(a)(4).

¹²⁸ 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.

¹²⁹ Original Determination at 7.

¹³⁰ Original Determination at 7-8.

industry nonetheless showed several signs of weakness.¹³¹ It found that given steady demand for POS cooking ware, and the fact that nonsubject imports were concentrated in heavy-gauge product, the increase in shipments of subject imports would cause a decrease in Columbian's domestic shipments.¹³² Declines in volumes and prices caused by subject imports were also likely to have a significant adverse impact on the domestic industry's production, shipments, sales, and revenue levels.¹³³ The Commission concluded that revocation of the orders would have a direct adverse effect on the domestic industry's profitability and cause commensurate employment declines.¹³⁴

In the second five-year reviews, the Commission found that it did not have sufficient information to determine whether or not the domestic industry was vulnerable to the continuation or recurrence of material injury. It noted that domestic production and shipments of POS cooking ware had decreased since issuance of the orders. The domestic producer's market share based on quantity had declined from *** percent in 1985 to *** percent in 2004.¹³⁵

Noting the limits of the available data and relying on the determinations and data in the original investigations and the first five-year reviews, the Commission concluded that the volume and price effects of the subject imports would likely have a significant adverse impact on the domestic industry.¹³⁶

3. The Current Review

Because this is an expedited review, we have only limited information with respect to the domestic industry's financial performance. We collected 2009 data for several performance indicators, but no data from 2005 to 2008.¹³⁷ The trade data show an industry that has become smaller since the time of the original investigations but whose condition has stabilized. The domestic industry's capacity was *** units in 1985, *** units in 1998, and *** units in 2009.¹³⁸ Domestic production was *** units in 1985, *** units in 1998, *** units in 2004, and *** units in 2009.¹³⁹ Capacity utilization was *** percent in 1985, *** percent in 1998, and *** percent in 2009.¹⁴⁰ U.S. shipments were *** units in 1985, *** units in 1998, *** units in 2004, and *** units in 2009.¹⁴¹ Net sales were \$*** in 1985, \$*** in 1998, and \$*** in 2009.¹⁴²

Operating income was \$*** in 1985, \$*** in 1998, and \$*** in 2009.¹⁴³ Operating income as a percentage of net sales was *** percent in 1985, *** percent in 1998, and *** percent in 2009.¹⁴⁴

¹³¹ First Review Det. at 22.

¹³² First Review Det. at 23.

¹³³ First Review Det. at 23.

¹³⁴ First Review Det. at 23.

¹³⁵ Second Review Det. at 20.

¹³⁶ Second Review Det. at 20.

¹³⁷ See CR/PR at Table I-4. The only trade and financial data collected from Columbian in the previous review were production and shipment data for 2004.

¹³⁸ CR/PR at Table I-4.

¹³⁹ CR/PR at Table I-4.

¹⁴⁰ CR/PR at Table I-4.

¹⁴¹ CR/PR at Table I-4.

¹⁴² CR/PR at Table I-4.

¹⁴³ CR/PR at Table I-4.

¹⁴⁴ CR/PR at Table I-4.

These data reflect a ***.¹⁴⁵ ¹⁴⁶ The industry was ***.¹⁴⁷ On the other hand, it continues to operate at *** and holds a relatively ***.¹⁴⁸

The record indicates that the antidumping duty order has helped Columbian compete with subject imports, ***.¹⁴⁹ Columbian reports that it has been able to *** because of the price-disciplining effects of the order.¹⁵⁰ Columbian increased its market share from *** percent in 1998 to *** percent in 2004 and *** percent in 2009.¹⁵¹ Columbian's production and U.S. shipments are also relatively stable compared to 2004.¹⁵²

We have also considered the role of factors other than the subject imports. By quantity, the share of the U.S. market held by nonsubject imports decreased from *** percent in 1998 to *** percent in 2004, and *** percent in 2009.¹⁵³ In addition to their diminishing role in the U.S. market, nonsubject imports also tend to be heavy-gauge POS cooking ware rather than the light-gauge POS cooking ware produced by Columbian.¹⁵⁴ Also, as noted above, Columbian expects the economic recovery to reduce demand for POS cooking ware, making it more likely that subject imports would have adverse effects on the domestic industry if the antidumping duty order were revoked. Therefore, consideration of factors such as the nonsubject imports and anticipated demand supports our finding that the subject imports would likely have a material adverse impact on the domestic industry if the order were revoked.

In the absence of the discipline of the antidumping duty order, we find it likely that Columbian would face increased competition when competing for sales, particularly at large retail accounts. Columbian would likely lose sales to lower-priced subject imports at these large accounts, and any future increase in market share by low-priced subject imports would likely come primarily at the expense of the domestic industry because, as noted, nonsubject imports tend to be concentrated in heavy-gauge POS cooking ware rather than the light-gauge POS cooking ware that Columbian produces.¹⁵⁵ To the extent Columbian is able to retain its sales accounts with large retailers, it would likely have to accept significantly reduced prices for its POS cooking ware.

Thus, based on the record of this review, we find that the likely volume and price effects of the subject imports would likely have a significant adverse impact on the production, shipments, sales, market share, and revenues of the domestic industry. Declines in these indicators would have a direct

¹⁴⁵ The limited evidence in this expedited review is insufficient for us to make a finding on whether the domestic industry producing POS cooking ware is vulnerable to the continuation or recurrence of material injury in the event of revocation of the order.

¹⁴⁶ Commissioners Lane and Pinkert find based on the available 2009 data that the domestic industry currently exhibits strength in regard to both profitability and stable market share. As explained below, however, they find significant industry weakness with respect to production, the ratios of subject imports to production and total imports to production, and capacity utilization. In their view, these weaknesses may well warrant a finding of vulnerability.

The industry's production level is currently below 1997, 1998, and 2004 levels. CR/PR at Table I-4. The ratio of subject imports to production is over ***, and the ratio of total imports to production is almost ***. CR/PR at Table I-6. Finally, the industry's capacity utilization rate is ***, which means there is considerable unused capacity. CR/PR at Table I-4.

¹⁴⁷ See CR/PR at Table I-4.

¹⁴⁸ See CR/PR at Table I-4.

¹⁴⁹ Response at 21-22.

¹⁵⁰ Response at 22.

¹⁵¹ CR/PR at Table I-7.

¹⁵² See CR/PR at Table I-7.

¹⁵³ CR/PR at Table I-7.

¹⁵⁴ Response at 25-26.

¹⁵⁵ Response at 25-26.

adverse impact on the industry's profitability and employment, as well as its ability to raise capital, to make and maintain capital investments, and to fund research and development.

Accordingly, we conclude that, if the antidumping duty order were revoked, subject imports from China would likely have a significant adverse impact on the domestic industry within a reasonably foreseeable time.

CONCLUSION

For the above reasons, we determine that revocation of the antidumping duty order on POS cooking ware from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

INFORMATION OBTAINED IN THE REVIEW

INTRODUCTION

On October 1, 2010, in accordance with section 751(c) of the Tariff Act of 1930, as amended (“the Act”),¹ the U.S. International Trade Commission (“Commission” or “USITC”) gave notice that it had instituted reviews to determine whether revocation of the antidumping duty orders on porcelain-on-steel cooking ware (“POS cooking ware”) from China and Taiwan, and the antidumping and countervailing duty orders on top-of-the-stove stainless steel cooking ware (“TOS cooking ware”) from Korea would be likely to lead to a continuation or recurrence of material injury within a reasonably foreseeable time.^{2 3} Commerce revoked the antidumping duty order on POS cooking ware from Taiwan, and the antidumping and countervailing duty orders on TOS cooking ware from Korea “{b}ecause no domestic interested party responded to the sunset review notice of initiation by the applicable deadline . . .” The Commission subsequently terminated its five-year reviews concerning the relevant orders. Previously, Commerce revoked the original countervailing and antidumping duty orders on POS cooking ware from Mexico in 2000 and 2002, respectively; the antidumping and countervailing duty orders on TOS cooking ware from Taiwan were revoked in 2005.⁴ Hence, POS cooking ware from China is the only remaining order subject to this review.⁵

On January 4, 2011, the Commission determined that the domestic interested party group response to its notice of institution was adequate⁶ and that the respondent interested party group response was inadequate.⁷ In the absence of respondent interested party responses and any other circumstances that would warrant the conduct of a full review, the Commission determined to conduct an expedited

¹ 19 U.S.C. 1675(c).

² *Porcelain-on-Steel Cooking Ware From China and Taiwan; Top-of-the-Stove Stainless Steel Cooking Ware From Korea*, 75 FR 62144, October 7, 2010. All interested parties were requested to respond to this notice by submitting the information requested by the Commission. The Commission’s notice of institution is 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 a five-year review of the subject antidumping duty order concurrently with the Commission’s notice of institution. *Initiation of Five-Year (“Sunset”) Review*, 75 FR 60731, October 1, 2010.

⁴ *Final Results of Full Sunset Review and Revocation of Countervailing Duty Order: Porcelain-on-Steel Cooking Ware From Mexico*, 65 FR 284, January 4, 2000; *Porcelain-on-Steel Cookware from Mexico: Final Results of Changed Circumstances Antidumping Duty Administrative Review, Revocation of the Antidumping Duty Order, and Rescission of Administrative Reviews*, 67 FR 19553, April 22, 2002; *Revocation of Countervailing Duty Order: Top-of-the-Stove Stainless Steel Cookware from Taiwan*, 70 FR 70584, November 22, 2005; *Top-of-the-Stove Stainless Steel Cooking Ware from Taiwan; Revocation of the Antidumping Duty Order*, 70 FR 69738, November 17, 2005.

⁵ *Top of the Stove Stainless Steel Cooking Ware From the Republic of Korea: Final Results of Sunset Reviews and Revocation of Antidumping and Countervailing Duty Orders*, 75 FR 81966, December 29, 2010; *Porcelain-on-Steel Cooking Ware From Taiwan: Final Results of Sunset Review and Revocation of Antidumping Duty Order*, 75 FR 81967, December 29, 2010; and *Porcelain-on-Steel Cooking Ware From Taiwan; Top-of-the-Stove Stainless Steel Cooking Ware From Korea*, 76 FR 2708, January 14, 2011.

⁶ The Commission received one submission in response to its notice of institution in the subject review. It was filed on behalf of Columbian Home Products, LLC (“Columbian”) (referred to herein as “domestic interested party”), a domestic producer of POS cooking ware. The domestic interested party reported that it accounted for all total U.S. production of POS cooking ware in 2009. *Response of domestic interested party*, November 1, 2010, p. 35.

⁷ The Commission did not receive a response from any respondent interested parties to its notice of institution.

review of the antidumping duty order pursuant to section 751(c)(3) of the Act (19 U.S.C. § 1675(c)(3)).⁸ The Commission voted on this review on February 16, 2011, and notified Commerce of its determination on February 28, 2010. The following tabulation presents selected information relating to the schedule of this five-year review.⁹

Effective date	Action	Federal Register citation
October 1, 2010	Commission's institution of five-year review	75 FR 62144 October 7, 2010
October 1, 2010	Commerce's initiation of five-year review	75 FR 60731 October 1, 2010
January 4, 2011	Commission's determination to conduct an expedited five-year review	76 FR 2920 January 18, 2011
February 10, 2011	Commerce's final determination in its expedited five-year review	76 FR 7534 February 10, 2011
February 16, 2011	Commission's vote	Not applicable
February 28, 2010	Commission's determination transmitted to Commerce	Not applicable

The Original Investigation and Subsequent Five-Year Reviews

On December 4, 1985, a petition was filed with Commerce and the Commission alleging that an industry in the United States was materially injured by reason of less-than-fair-value (“LTFV”) imports of POS cooking ware from China.¹⁰ On October 10, 1986, Commerce published an affirmative final LTFV determination¹¹ and, on November 26, 1986, the Commission completed its original investigation, determining that an industry in the United States was materially injured by reason of LTFV imports of POS cooking ware from China.¹² Following receipt of the Commission’s final affirmative determination, Commerce issued an antidumping duty order on imports of POS cooking ware from China.¹³

⁸ *Porcelain-on-Steel Cooking Ware From China*, 76 FR 2920, January 18, 2011. The Commission’s notice of an expedited review appears in app. A. The Commission’s statement on adequacy is presented in app. B.

⁹ Cited *Federal Register* notices are presented in app. A.

¹⁰ The petition was filed by General Housewares Corp. (“GHC”), the sole U.S. producer of POS cooking ware at the time. *Porcelain-on-Steel Cooking Ware from Mexico, the People’s Republic of China, and Taiwan: Investigation Nos. 701-TA-265 and 731-TA-297-299 (Final)*, USITC Publication 1911, November 1986, pp. A-1 and A-6. In March 1998, Columbian acquired GHC’s POS cooking ware business and became the successor-in-interest to the original petitioner. Columbian has remained the only U.S. producer of POS cooking ware since its acquisition of the GHC POS cooking ware operations in 1998. *Response of domestic interested party*, November 1, 2010, p. 34.

¹¹ *Porcelain-on-Steel Cooking Ware From the People’s Republic of China; Final Determination of Sales at Less Than Fair Value*, 51 FR 36419, October 10, 1986.

¹² *Porcelain-on-Steel Cooking Ware From Mexico, the People’s Republic of China, and Taiwan*, 51 FR 42946, November 26, 1986.

¹³ *Antidumping Duty Order; Porcelain-on-Steel Cooking Ware From the People’s Republic of China*, 51 FR 43414, December 2, 1986.

The Commission instituted the first five-year review of the subject order on February 1, 1999, and determined on May 7, 1999, that it would conduct a full review.¹⁴ On September 16, 1999, Commerce published its determination that the revocation of the antidumping duty order on POS cooking ware from China would be likely to lead to continuation or recurrence of dumping at a rate of 66.65 percent.¹⁵ The Commission determined that material injury would be likely to continue or recur within a reasonably foreseeable time, and published its determination on April 5, 2000. Commerce published notice of the continuation of the antidumping duty order on April 14, 2000.¹⁶

The Commission instituted the second five-year review of the subject order on March 1, 2005, and determined on June 6, 2005, that it would conduct an expedited review.¹⁷ On October 5, 2005, Commerce published its determination that revocation of the antidumping duty order on POS cooking ware from China would be likely to lead to continuation or recurrence of dumping, and on October 27, 2005, the Commission notified Commerce of its determination that material injury would be likely to continue or recur within a reasonably foreseeable time.¹⁸ Commerce issued the second continuation of the antidumping duty order effective November 22, 2005.¹⁹

Commerce's Final Results of Expedited Five-Year Review

Commerce published the final results of its review based on the facts available on February 10, 2011. Commerce concluded that revocation of the antidumping duty order on POS cooking ware from China would be likely to lead continuation or recurrence of dumping at a rate of 66.65 percent by China National Light Industrial Products and all other producers.

¹⁴ *Porcelain-on-Steel Cooking Ware From China and Taiwan*, 64 FR 4896, February 1, 1999; and *Certain Cooking Ware From China, Korea, Mexico, and Taiwan*, 64 FR 27295, May 19, 1999.

¹⁵ *Final Results of Expedited Sunset Review: Porcelain-on-Steel Cooking Ware From the People's Republic of China*, 64 FR 50271, September 16, 1999.

¹⁶ *Porcelain-on-Steel Cooking Ware From China, Mexico, and Taiwan, and Top-of-the-Stove Stainless Steel Cooking Ware From Korea and Taiwan*, 65 FR 17902, April 5, 2000; and *Continuation of Antidumping Duty Orders: Porcelain-on-Steel Cooking Ware From China, Mexico, and Taiwan*, 65 FR 20136, April 14, 2000.

¹⁷ *Porcelain-on-Steel Cooking Ware From China and Taiwan (Investigations Nos. 731-TA-298 and 299 (Second Review))*; *Top-of-the-Stove Stainless Steel Cooking Ware From Korea and Taiwan (Investigations Nos. 701-TA-267 and 268 and 731-TA-304 and 305 (Second Review))*, 70 FR 9974, March 1, 2005; and 70 FR 35708, June 21, 2005.

¹⁸ *Porcelain-on-Steel Cooking Ware from the People's Republic of China and Taiwan; Five-year ("Sunset") Reviews of Antidumping Duty Orders; Final Results*, 70 FR 58187, October 5, 2005; and *Porcelain-on-Steel Cooking Ware From China and Taiwan; Top-of-the-Stove Stainless Steel Cooking Ware From Korea and Taiwan*, 70 FR 67740, November 8, 2005.

¹⁹ *Porcelain-on-Steel Cooking Ware from the People's Republic of China and Taiwan; Continuation of Antidumping Duty Orders*, 70 FR 70581, November 22, 2005.

Commerce's Administrative Reviews

Commerce has completed ten administrative reviews of the antidumping duty order on POS cooking ware from China, as presented in table I-1. Currently, all imports of POS cooking ware from China, except those of one firm,²⁰ are subject to a dumping rate of 66.65 percent *ad valorem*. Although there have been four scope rulings,²¹ there have been no changed circumstances determinations and no duty absorption findings.

Table I-1
POS cooking ware: Commerce's administrative reviews

Period of review	Date results published and <i>Federal Register</i> citation	Firm-specific margin (percent)
May 20, 1986 to November 30, 1987	November 7, 1990 (55 FR 46850)	13.76 - 66.65
December 1, 1987 to November 30, 1988	March 29, 1990 (55 FR 11632)	66.65
December 1, 1989 to November 30, 1990	October 30, 1991 (56 FR 55891)	66.65
December 1, 1990 to November 30, 1991	July 10, 1992 (57 FR 30717)	66.65
December 1, 1993 to November 30, 1994	October 22, 1997 (62 FR 54825)	66.65
December 1, 1994 to November 30, 1995	June 17, 1997 (62 FR 32757)	57.56
December 1, 1995 to November 30, 1996	May 18, 1998 (63 FR 27262)	0.81 - 66.65
December 1, 1997 to November 30, 1998	May 16, 2000 (65 FR 31144)	0.00 ¹
December 1, 2003 to November 30, 2004	April 26, 2006 (71 FR 24641)	(²)
December 1, 2006, to November 30, 2007	December 10, 2008 (73 FR 75081)	(²)
¹ Clover Enamelware Enterprise, Ltd. and its affiliated reseller, Lucky Enamelware Factor Ltd. are subject to a <i>de minimis</i> rate of zero. <i>Porcelain-on-Steel Cooking Ware From China; Final Results of Antidumping Duty Administrative Review</i> , 65 FR 31144, May 16, 2000. ² Commerce did not find any company under review eligible for a firm-specific rate. The companies under review are therefore subject to the country-wide margin of 66.65 percent. Source: Cited <i>Federal Register</i> notices.		

Distribution of Continued Dumping and Subsidy Offset Act Funds to Affected Domestic Producers

The Continued Dumping and Subsidy Offset Act of 2000 ("CDSOA") (also known as the Byrd Amendment) provides that assessed duties received pursuant to antidumping or countervailing duty orders must be distributed to affected domestic producers for certain qualifying expenditures that these producers incur after the issuance of such orders.²² Qualified U.S. producers of POS cooking ware have been eligible to receive disbursements from the U.S. Customs and Border Protection ("Customs") under

²⁰ Clover Enamelware Enterprise, Ltd. and its affiliated reseller, Lucky Enamelware Factory Ltd. are subject to a *de minimis* rate of zero. *Porcelain-on-Steel Cooking Ware From China; Final Results of Antidumping Duty Administrative Review*, 65 FR 31144, May 16, 2000.

²¹ See the section of this report entitled "Scope" for information concerning Commerce's scope rulings.

²² Section 754 of the Tariff Act of 1930, as amended (19 U.S.C. § 1675(c)). The Deficit Reduction Act of 2005 repealed the CDSOA with respect to duties on entries of goods made and filed on or after October 1, 2007. See Pub. L. No. 109-171, 120 Stat. 4, 154 (2006).

CDSOA relating to the order covering the subject merchandise beginning in Federal fiscal year 2001.²³ Columbian, the sole U.S. producer of subject merchandise, filed certifications with Customs from 2001 to 2010.²⁴ Table I-2 presents Columbian's CDSOA disbursements for Federal fiscal years 2001-2010.

Table I-2

POS cooking ware: CDSOA disbursements, Federal fiscal years 2001-09¹

Year	Amount disbursed
2001	\$207,170.32
2002	\$747,417.15
2003	\$1,612,140.52
2004	\$1,442,734.85
2005	\$0.00
2006	\$1,653,562.62
2007	\$811,896.69
2008	\$38,554.37
2009	\$1,604,439.54
2010	\$3,117.88

¹ The Federal fiscal year is October 1-September 30.

Source: Customs' CDSOA Annual Reports 2001-10, http://www.cbp.gov/xp/cgov/trade/priority_trade/add_cvd/cont_dump/.

Related Commission Investigations and Reviews

On May 4, 1979, a petition was filed with the Commission by GHC for import relief under section 201(a)(1) of the Trade Act of 1974. The petition requested that an investigation be instituted to determine whether cooking ware of steel, enameled or glazed with vitreous glasses, was being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing a like product.²⁵

On November 13, 1979, the Commission unanimously determined that imports of POS cooking ware were a substantial cause of serious injury, or the threat thereof, to the domestic industry.²⁶ In Proclamation 4713, effective January 17, 1980, and expiring on January 16, 1984, the President imposed a temporary duty increase on the subject POS cooking ware, valued not over \$2.25 per pound and not including teakettles.²⁷

²³ 19 CFR 159.64 (g).

²⁴ Customs' CDSOA Annual Reports 2004-2009, http://www.cbp.gov/xp/cgov/trade/priority_trade/add_cvd/cont_dump/.

²⁵ On June 20, 1979, the Commission amended the scope of the investigation by adding other types of nonelectric cooking ware, such as aluminum, cast iron, and stainless steel cooking ware.

²⁶ The Commission made negative determinations with respect to all the other types of nonelectric cooking ware.

²⁷ *Porcelain-on-Steel Cooking Ware from Mexico, the People's Republic of China, and Taiwan: Investigation Nos. 701-TA-265 and 731-TA-297-299 (Final)*, USITC Publication 1911, November 1986, pp. A-2-A-3.

THE PRODUCT

Scope

In its most recent *Federal Register* notice, Commerce defined the subject merchandise as follows:

The merchandise covered by the order is porcelain-on-steel cooking ware from the PRC, including tea kettles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses.^{28 29}

Commerce has issued several scope clarifications on POS cookware from China.³⁰

U.S. Tariff Treatment

Table I-3 presents current tariff rates for POS cooking ware as defined in Commerce's scope. POS cooking ware is classifiable in the Harmonized Tariff Schedule of the United States ("HTS") under subheading 7323.94.00. Subject imports enter under statistical reporting numbers 7323.94.0010, 7323.94.0021, and 7323.94.0026. Although some nonsubject merchandise may be reported under these three provisions, POS cooking ware as defined by the scope is believed to account for the majority of imports reported under statistical reporting numbers 7323.94.0010, 7323.94.0021, and 7323.94.0026.³¹

²⁸ *Porcelain-on-Steel Cooking Ware from the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 76 FR 7534, February 10, 2011.

²⁹ Tariff treatment of this product is presented in the next section of this report. Although the HTS subheadings are provided for convenience and customs purposes, the written description of the scope is dispositive.

³⁰ In response to a request from CGS International, on January 30, 1991, Commerce clarified that high quality, hand finished cookware, including the small basin, medium basin, large basin, small colander, large colander, 8" bowl, 6" bowl, mugs, ash tray, napkin rings, utensil holder and utensils, ladle, cream & sugar, and mixing bowls are properly considered kitchen ware and are therefore, outside the scope of the order. Further, Commerce clarified that CGS International's casserole, 12-cup coffee pot, 6-cup coffee pot, roasting pan, oval roaster, and butter warmer are within the scope of the order. See *Notice of Scope Rulings*, 56 FR 1983, April 30, 1991. In response to a request from Texsport, on August 8, 1990, Commerce determined that camping sets, with the exception of the cups and plates included in those sets, are within the scope of the order. In response to a request from Tristar Products, Commerce determined that grill sets with aluminum grill plate are outside the scope. In response to a request from the Target Corporation, Commerce determined that certain enamel-clad beverage holders and dispensers are outside the scope of the order. See *Notice of Scope Rulings*, 55 FR 43020, October 25, 1990.

³¹ *Response of domestic interested party*, November 1, 2010, pp. 5-6.

Table I-3
POS cooking ware: Tariff rates, 2011

HTS provision	Article description	General ¹	Special ²	Column 2 ³
		Rates (percent ad valorem)		
7323	Table, kitchen or other household articles and parts thereof, of iron or steel; iron or steel wool; pot scourers and scouring or polishing pads, gloves and the like, of iron or steel:			
7323.94.00	Other: Of iron (other than cast iron) or steel, enameled	2.7%	Free ⁴	35.5%
	Cooking and kitchen ware:			
	Of steel:			
10	Teakettles.....			
	Other:			
21	Cooking ware: Bakeware (cookware not suitable for stove top use).....			
26	Other.....			
¹ Normal trade relations, formerly known as the most-favored-nation duty rate, applicable to China. ² General note 3(c)(i) defines the special duty program symbols enumerated for this provision. China is not eligible for any special duty rate. ³ Applies to imports from a small number of countries that do not enjoy normal trade relations duty status. ⁴ Applies to imports from A, AU, BH, CA, CL, E, IL, J, JO, MA, MX, OM, P, PE, SG. The Generalized System of Preferences (shown by the symbol "A") is not currently in effect.				
Source: Harmonized Tariff Schedule of the United States (2011).				

Domestic Like Product and Domestic Industry

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. The domestic industry is the collection of 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 determination, its full first five-year review determination, and its expedited second five-year review determination concerning POS cooking ware from China, the Commission defined the domestic like product as all POS cooking ware, including teakettles, and it defined the domestic industry as all domestic producers of the domestic like product.^{32 33}

³² *Porcelain-on-Steel Cooking Ware from Mexico, the People's Republic of China, and Taiwan: Investigation Nos. 701-TA-265 and 731-TA-297-299 (Final)*, USITC Publication 1911, November 1986, pp. 4-7; *Porcelain-on-Steel Cooking Ware From China, Mexico, and Taiwan, and Top-of-the-Stove Stainless Steel Cooking Ware From Korea and Taiwan: Investigation Nos. 701-TA-267 and 268 and 731-TA-297-299, 304 and 305 (Review)*, USITC Publication 3286, March 2000, pp. 5-10; and *Porcelain-on-Steel Cooking Ware From China and Taiwan, and Top-of-the-Stove Stainless Steel Cooking Ware From Korea and Taiwan: Investigation Nos. 701-TA-267 and 268 and 731-TA-298, 299, 304, and 305 (Second Review)*, USITC Publication 3808, October 2005, p. 8.

³³ In the original determination, Commissioner Rohr dissented and found two like products, POS teakettles and other POS cooking ware. *Porcelain-on-Steel Cooking Ware from Mexico, the People's Republic of China, and Taiwan: Investigation Nos. 701-TA-265 and 731-TA-297-299 (Final)*, USITC Publication 1911, November 1986, pp. 19-20, n. 5.

The information regarding the nature of POS cooking ware is unchanged since the Commission's second five-year review. Domestic producer Columbian indicated in its response to the Commission's notice of institution in this third five-year review that it is in agreement with the Commission's definitions and "is unaware of any reason that the like product definition should be revised."³⁴

Physical Characteristics and Uses³⁵

POS cooking ware consists of articles of porcelain-coated steel used as receptacles in the cooking and heating of food. Related items of porcelain-coated steel used only to handle or process food, i.e., POS kitchenware, such as mixing bowls and colanders, are not included. Porcelain is an opaque glass, suffused onto the steel during the production process by means of intense heat. Among the most common POS cooking ware articles are skillets, frypans, saucepans, double boilers, dutch ovens, stock pots, steamers, canners, blanchers, coffee pots, egg poachers, teakettles, broiling pans, and roasters. Although such articles of POS cooking ware are primarily identified according to the kind of cooking they are designed to perform and/or the kind of food they are designed to heat, their use, to a greater extent, may be linked to their unique characteristics for specialized applications.

POS cooking ware is categorized in terms of the thickness of its steel substrate. Light-gauge POS cooking ware is typically less than 0.6 mm thick and bears a single coat of dark-colored porcelain, which may have white flecks. Heavy-gauge POS cooking ware is typically more than 0.6 mm thick and, accordingly, can support more layers of porcelain, which allows the use of a broader array of colors and decoration.³⁶

All of the most common articles of POS cooking ware identified above are sold in a wide variety of shapes, sizes, configurations, steel thicknesses, colors, decorative patterns, trim, handle designs (either wood, phenolic resin or various metals), and/or price ranges. Over the years these articles have become increasingly differentiated, particularly in terms of style and decoration. Several variations of a single article may be offered by a single producer. Most articles of POS cooking ware are sold individually; the remainder are sold in sets, the most common consisting of seven pieces, such as a skillet, dutch oven, two sauce pans, and three lids, with one lid serving both the skillet and dutch oven.

³⁴ Response of domestic interested party, November 1, 2010, p. 38.

³⁵ Unless indicated otherwise, the discussion in this section is based on information contained in *Porcelain-on-Steel Cooking Ware from Mexico, the People's Republic of China, and Taiwan: Investigation Nos. 701-TA-265 and 731-TA-297-299 (Final)*, USITC Publication 1911, November 1986, pp. A-4-A-5; *Porcelain-on-Steel Cooking Ware From China, Mexico, and Taiwan, and Top-of-the-Stove Stainless Steel Cooking Ware From Korea and Taiwan: Investigation Nos. 701-TA-267 and 268 and 731-TA-297-299, 304 and 305 (Review)*, USITC Publication 3286, March 2000, pp. I-14-I-19; and *Porcelain-on-Steel Cooking Ware From China and Taiwan, and Top-of-the-Stove Stainless Steel Cooking Ware From Korea and Taiwan: Investigation Nos. 701-TA-267 and 268 and 731-TA-298, 299, 304, and 305 (Second Review)*, USITC Publication 3808, October 2005, pp. I-14-I-15.

³⁶ Columbian currently produces light-gauge POS cooking ware only, while China is reported to produce both light- and heavy-gauge POS cooking ware. In the first five-year review, the Commission noted that limited evidence indicated that more than half of Chinese imports are of heavy-gauge POS cooking ware, which does not compete with the domestic producers' light-gauge POS cooking ware. *Porcelain-on-Steel Cooking Ware From China, Mexico, and Taiwan, and Top-of-the-Stove Stainless Steel Cooking Ware From Korea and Taiwan: Investigation Nos. 701-TA-267 and 268 and 731-TA-297-299, 304 and 305 (Review)*, USITC Publication 3286, March 2000, p. 44.

Manufacturing Process³⁷

There are two main stages in the production of POS cooking ware. First, blanks are cut from a porcelain enameling grade of steel sheet and pressed into the shape of the desired cooking ware article. The second stage is the enameling process, in which the articles are coated with a porcelain enamel glaze and then fired at high temperatures (1,500-1,550 degrees Fahrenheit). Light-gauge POS cooking ware enamel produced in the United States is limited to only four colors (or variations of the four) as only a single layer of porcelain will bond to the steel. When producing the heavy gauge POS cooking ware, two or three layers of glaze may be applied to achieve the desired decoration or color. The presses and other equipment used to form the various articles are interchangeable, enabling the workers to shift easily from the production of one article to another.

Interchangeability³⁸

POS cooking ware is best suited for specialized applications rather than for everyday cooking, especially for roasting where its sturdy steel base and superior heat absorption characteristics are important advantages. In contrast, both aluminum and stainless steel have reflective properties and do not absorb heat. Further, the glass surface of POS cooking ware does not interact with certain types of foods as does aluminum cooking ware. Its relatively light construction is preferred for larger vessels compared with cast iron or cast aluminum, and it is relatively low cost. POS cooking ware also is reported to lack the durability that is found in stainless steel, aluminum, iron, and copper cooking ware in these applications.

In the original investigation, the Commission found that there was a “high degree of substitution in the U.S. market between domestically produced porcelain-on-steel cooking ware and the imports from the three countries,” including China. In the full first five-year review, Columbian and all three responding importers reported that U.S. POS cooking ware and Chinese POS cooking ware could be used interchangeably.³⁹ In addition, the Commission noted that there was a moderate degree of substitutability between and among the domestically produced POS cooking ware and subject imports from China. The Commission also noted that imported light-gauge POS cooking ware is highly substitutable with the domestic like product, while imported heavy-gauge POS cooking ware is much less substitutable.⁴⁰

In the current review, Columbian notes that there is at least a moderate degree of substitutability

³⁷ Unless indicated otherwise, the discussion in this section is based on information contained in *Porcelain-on-Steel Cooking Ware From China, Mexico, and Taiwan, and Top-of-the-Stove Stainless Steel Cooking Ware From Korea and Taiwan: Investigation Nos. 701-TA-267 and 268 and 731-TA-297-299, 304 and 305 (Review)*, USITC Publication 3286, March 2000, pp. I-14-I-16.

³⁸ Unless indicated otherwise, the discussion in this section is based on information contained in *Porcelain-on-Steel Cooking Ware From China, Mexico, and Taiwan, and Top-of-the-Stove Stainless Steel Cooking Ware From Korea and Taiwan: Investigation Nos. 701-TA-267 and 268 and 731-TA-297-299, 304 and 305 (Review)*, USITC Publication 3286, March 2000, pp. I-14-I-16.

³⁹ *Porcelain-on-Steel Cooking Ware From China, Mexico, and Taiwan, and Top-of-the-Stove Stainless Steel Cooking Ware From Korea and Taiwan: Investigation Nos. 701-TA-267 and 268 and 731-TA-297-299, 304 and 305 (Review)*, USITC Publication 3286, March 2000, p. II-16.

⁴⁰ Subject imports from China appear to consist of both light and heavy-gauge POS cooking ware. While there is limited information on the record regarding the relative quantities of each type of POS cooking ware that each country imports, the evidence indicates that more than half of Chinese imports are of heavy-gauge POS cooking ware, which does not compete with the domestic producers' light-gauge POS cooking ware.

between and among domestically produced POS cooking ware, the subject imports from China, and other foreign production. Colombian also indicated that “***.”⁴¹

Customer and Producer Perceptions⁴²

During the first five-year review, it was reported that POS cooking ware was not regarded as being very durable, especially in comparison with stainless steel cooking ware, but was seen as a good value in the applications where it is preferred. It was generally not considered everyday cooking ware, but rather special purpose cooking ware. According to purchaser questionnaire responses, POS cooking ware was perceived to be less convenient than non-stick cooking ware and less durable than stainless steel cooking ware. It was seen as a lower cost, lower quality cooking ware used for specialty purposes such as camping. While some purchasers stipulated that customer preferences and price may limit the substitutability of these other types of cooking ware for POS cooking ware, the majority of responses indicated that any other type of cooking ware can easily be substituted for POS cooking ware (e.g., stainless steel cooking ware, aluminum, cast iron, etc.). In fact, the Mexican producer indicated that price, style, shape, and size, rather than the component material, determine which cooking ware article will be purchased by the consumer. Therefore, retailers will sell a full range of cooking ware based on different price points rather than material. Additionally, because POS cooking ware was seen as a lower cost, lower quality cooking ware, it competes directly with other low-end cooking ware such as pressed aluminum and lower quality stainless steel.

Channels of Distribution⁴³

As reported during the first five-year review, both domestic and foreign producers sold POS cooking ware in the United States primarily to large retail mass merchandisers and mail-order houses, and to large houseware distributors which served the smaller retailers. POS cooking ware was not normally sold to high end department stores, to gourmet shops, or through direct sales (e.g., door-to-door, or in-home demonstrations). In fact, heavy-gauge POS tended to be sold, along with other mid- to high-end cooking ware, to department stores and specialty stores. The Chinese sold predominantly to large retailers and had some sales representation.

Pricing

According to information gathered during the first review, prices of cooking ware vary according to the size, shape, and component material used. Light-gauge POS cooking ware is generally the least expensive type of cooking ware, along with light-gauge stamped aluminum and lower quality stainless

⁴¹ Response of domestic interested party, November 1, 2010, p. 37.

⁴² Unless indicated otherwise, the discussion in this section is based on information contained in *Porcelain-on-Steel Cooking Ware From China, Mexico, and Taiwan, and Top-of-the-Stove Stainless Steel Cooking Ware From Korea and Taiwan: Investigation Nos. 701-TA-267 and 268 and 731-TA-297-299, 304 and 305 (Review)*, USITC Publication 3286, March 2000, pp. I-14-I-16.

⁴³ Unless indicated otherwise, the discussion in this section is based on information contained in *Porcelain-on-Steel Cooking Ware From China, Mexico, and Taiwan, and Top-of-the-Stove Stainless Steel Cooking Ware From Korea and Taiwan: Investigation Nos. 701-TA-267 and 268 and 731-TA-297-299, 304 and 305 (Review)*, USITC Publication 3286, March 2000, pp. I-14-I-16.

steel cooking ware. Heavy-gauge POS cooking ware is relatively more expensive because of the heavier steel, added layers of porcelain, and added decorative aspects.⁴⁴

In the original investigations, the Commission noted that purchasers had identified instances of price undercutting by the subject imports and that the domestic producer had been unable to raise prices enough to cover increases in its costs.⁴⁵

In the first five-year review, the Commission noted in its determinations that it had received no specific pricing information for subject imports from China. The Commission explained, however, that the domestic like product and the subject merchandise were quite similar or indistinguishable, price is a critical factor in purchasing decisions, and domestically produced cooking ware is likely to be highly sensitive to price-based competition. Accordingly, the Commission noted that, in order to gain a greater share of the POS cooking ware market, subject imports from China would have to be priced aggressively. The Commission found that underselling would likely be significant in the event of revocation of the antidumping duty orders given subject producers' pricing behavior during the original investigations, the importance of price, the substitutability of the products, and the fact that increased volumes for this product would likely be achieved through lower prices. Accordingly, the Commission found that revocation of the antidumping duty orders would be likely to lead to significant underselling by the cumulated subject imports of the domestic like product, as well as significant price depression and suppression, within a reasonably foreseeable time.⁴⁶

In the expedited second review, there was no new product-specific pricing information on the record, and the Commission continued to find that China was likely to significantly increase exports to the United States in the reasonably foreseeable future if the antidumping duty orders were revoked. The Commission also found that the market for POS cooking ware is price competitive.⁴⁷

In its response to the Commission's notice of institution in the current review, Columbian continued to emphasize the price sensitivity of the POS cooking ware market, particularly in light of the increased presence of Chinese imports in the U.S. market in 2009.⁴⁸ The following tabulation presents recent pricing data *** of ***, which demonstrates that the estimated landed cost of imports from China was ***.⁴⁹

* * * * *

⁴⁴ According to information reported in the first five-year review, the domestic producer only makes light-gauge POS cooking ware.

⁴⁵ *Porcelain-on-Steel Cooking Ware from Mexico, the People's Republic of China, and Taiwan: Investigation Nos. 701-TA-265 and 731-TA-297-299 (Final)*, USITC Publication 1911, November 1986, p. 14. The Commission noted, however, that pricing data it had obtained in the investigations were difficult to assess because producers changed POS cooking ware styles over the course of the investigation period and because the pricing categories encompassed products of different gauges and colors.

⁴⁶ *Porcelain-on-Steel Cooking Ware From China, Mexico, and Taiwan, and Top-of-the-Stove Stainless Steel Cooking Ware From Korea and Taiwan: Investigation Nos. 701-TA-267 and 268 and 731-TA-297-299, 304 and 305 (Review)*, USITC Publication 3286, March 2000, pp. 20-21.

⁴⁷ *Porcelain-on-Steel Cooking Ware From China and Taiwan, and Top-of-the-Stove Stainless Steel Cooking Ware From Korea and Taiwan: Investigation Nos. 701-TA-267 and 268 and 731-TA-298, 299, 304, and 305 (Second Review)*, USITC Publication 3808, October 2005, pp. 17-18.

⁴⁸ *Response of domestic interested party*, November 1, 2010, p. 29.

⁴⁹ *Response of domestic interested party*, November 1, 2010, p. 26 and exh. 6.

THE INDUSTRY IN THE UNITED STATES

U.S. Producers

The original antidumping duty investigation resulted from a petition filed on behalf of GHC on December 4, 1985, the sole U.S. producer of POS cooking ware at the time. In March 1998, Columbian acquired GHC's POS cooking ware business and became the successor-in-interest to the original petitioner. Columbian has remained the only U.S. producer of POS cooking ware since its acquisition of the GHC POS cooking ware operations in 1998.⁵⁰

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

Table I-4 presents data reported by GHC/Columbian in the Commission's original investigation and its subsequent reviews.

Table I-4

POS cooking ware: Columbian's trade, employment, and financial data, 1983-85, 1997-98, 2004, and 2009

* * * * * * *

Related Party Issues

The domestic producer reported in its response to the Commission's notice of institution in this third five-year review of the antidumping duty order that it is not related to any Chinese producer or exporter of POS cooking ware. It also indicated that it has not imported POS cooking ware from China at any time since its acquisition of GHC's POS cooking ware operations.⁵¹

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

U.S. Imports

During the first and second five-year reviews of the antidumping duty order, two firms were identified as U.S. importers of POS cooking ware from China. Domestic producer Columbian identified five firms as U.S. importers of POS cooking ware from China in its response to the Commission's notice of institution during this third five-year review.

Imports from China entering the United States amounted to 4,908,048 pieces (\$15,591,214 landed, duty-paid) in 2009. Since the second five-year review, there has been a marked increase in subject imports that has continued through 2009. China accounted for 50.9 percent of U.S. imports in 2009, compared with 36.7 percent in 2004, based on quantity. The presence of nonsubject sources of imports, however, has decreased by 24.6 percent since the last five-year review, from 6.3 million pieces in 2004 to 4.7 million pieces in 2009.

⁵⁰ *Response of domestic interested party*, November 1, 2010, p. 34.

⁵¹ *Response of domestic interested party*, November 1, 2010, p. 34. In March 1998, Columbian acquired GHC's POS cooking ware business and became the successor-in-interest to the original petitioner. Columbian has remained the only U.S. producer of POS cooking ware since its acquisition of the GHC POS cooking ware operations in 1998. *Response of domestic interested party*, November 1, 2010, p. 34.

Data on U.S. imports of POS cooking ware, by source, during 2004-09 are presented in table I-5. Figure I-1 presents the quantity of imports of POS cooking ware from China and from all other countries from 1983 to 2009.

Table I-5
POS cooking ware: U.S. imports, by source, 2004-09

Source	2004	2005	2006	2007	2008	2009
Quantity (1,000 units)						
China	3,631	6,265	6,285	4,054	4,665	4,908
Thailand	2,070	1,951	1,901	1,684	1,893	1,739
Indonesia	767	1,284	1,731	1,679	1,172	1,133
Mexico	1,650	1,595	1,449	1,189	748	957
All other	1,786	2,404	1,860	1,583	1,514	903
Subtotal, nonsubject	6,273	7,234	6,941	6,135	5,327	4,732
Total	9,905	13,498	13,225	10,190	9,993	9,642
Value (\$1,000)						
China	8,833	11,778	12,838	13,131	15,854	15,591
Thailand	12,743	15,037	15,076	13,425	15,835	13,845
Indonesia	1,845	4,295	5,108	5,464	3,992	6,172
Mexico	5,391	6,000	5,573	4,834	3,529	4,199
All other	9,135	11,502	9,419	8,232	8,243	3,972
Subtotal, nonsubject	29,114	36,834	35,176	31,955	31,599	28,188
Total	37,946	48,613	48,015	45,086	47,455	43,780
Unit value (per unit)						
China	\$2.43	\$1.88	\$2.04	\$3.24	\$3.40	\$3.18
Thailand	6.16	7.71	7.93	7.97	8.37	7.96
Indonesia	2.40	3.34	2.95	3.25	3.41	5.45
Mexico	3.27	3.76	3.85	4.06	4.72	4.39
All other	5.11	4.79	5.07	5.20	5.44	4.39
Average, nonsubject	4.64	5.09	5.07	5.21	5.93	5.95
Average	3.83	3.60	3.63	4.42	4.75	4.54

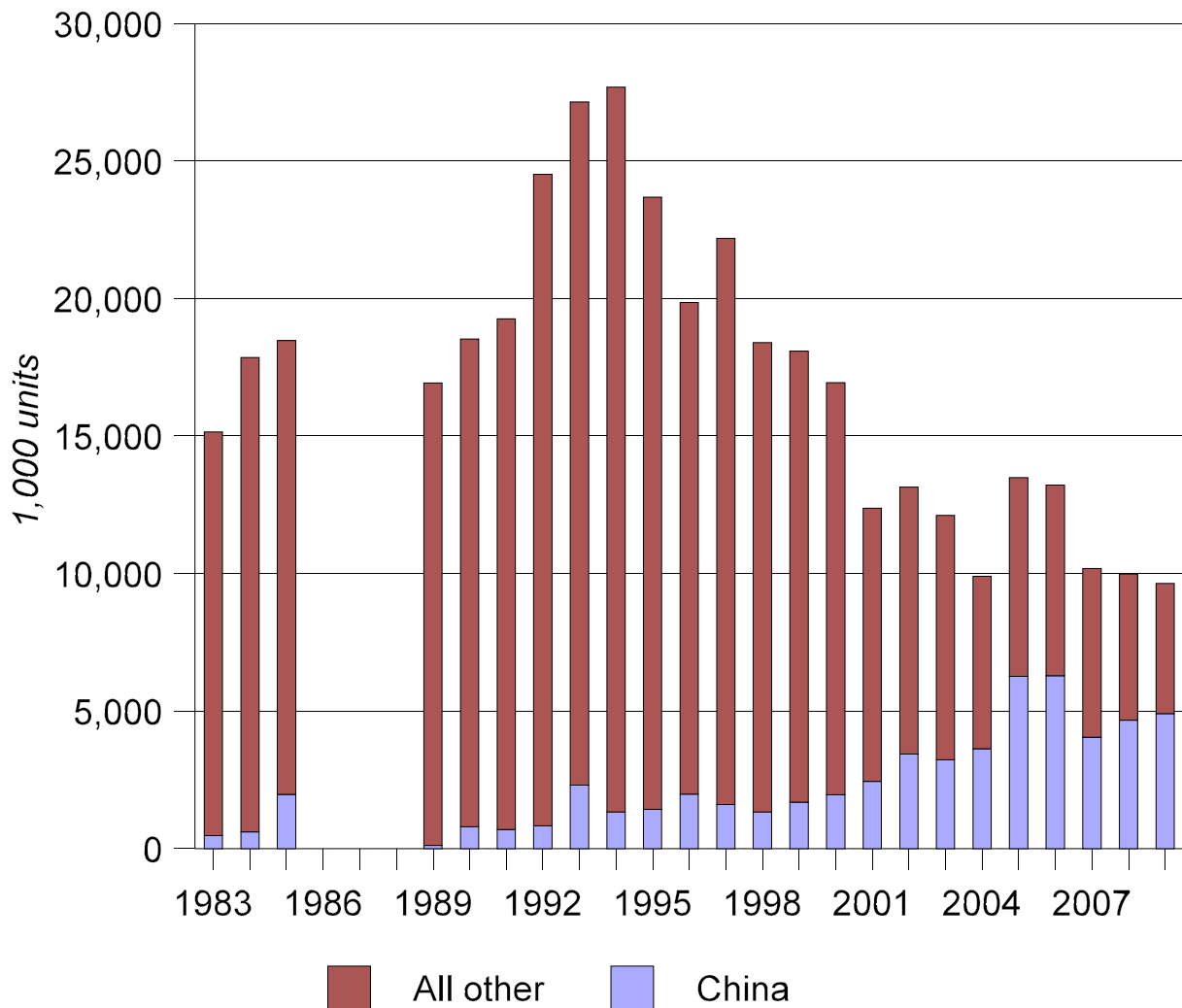
Table continued on next page.

Table I-5--Continued

POS cooking ware: U.S. imports, by source, 2004-09

Source	2004	2005	2006	2007	2008	2009
Share of quantity (percent)						
China	36.7	46.4	47.5	39.8	46.7	50.9
Thailand	20.9	14.5	14.4	16.5	18.9	18.0
Indonesia	7.7	9.5	13.1	16.5	11.7	11.8
Mexico	16.7	11.8	11.0	11.7	7.5	9.9
All other	18.0	17.8	14.1	15.5	15.2	9.4
Subtotal, nonsubject	63.3	53.6	52.5	60.2	53.3	49.1
Total	100.0	100.0	100.0	100.0	100.0	100.0
Share of value (percent)						
China	23.3	24.2	26.7	29.1	33.4	35.6
Thailand	33.6	30.9	31.4	29.8	33.4	31.6
Indonesia	4.9	8.8	10.6	12.1	8.4	14.1
Mexico	14.2	12.3	11.6	10.7	7.4	9.6
All other	24.1	23.7	19.6	18.3	17.4	9.1
Subtotal, nonsubject	76.7	75.8	73.3	70.9	66.6	64.4
Total	100.0	100.0	100.0	100.0	100.0	100.0
Note.—Because of rounding, figures may not add to the totals shown.						
Source: Official Commerce statistics, HTS statistical reporting numbers 7323.94.0010, 7323.94.0021, and 7323.94.0026.						

Figure I-1
POS cooking ware: U.S. imports from China and all others, 1983-2009



Note.--Since 2003, POS cooking ware has been reported under HTS statistical reporting numbers 7323.94.0010, 7323.94.0021, and 7323.94.0026. Prior to 2003, the subject merchandise was classified as follows: TSUS item 654.02 (1983); TSUS item 654.08 (1984-85); HTS statistical reporting numbers 7323.94.0010 and 7323.94.0020 (1989-2002).

Note.--Data for years 1986-88 are not available.

Source: Compiled from official Commerce statistics.

Ratio of Imports to U.S. Production

Information concerning the ratio of U.S. imports to U.S. production of POS cooking ware is presented in table I-6. Imports of POS cooking ware from China were equivalent to *** percent of U.S. production in 2009, compared to *** percent in 2004, *** percent in 1998, and *** percent in 1985. The ratio of imports of POS cooking ware from nonsubject countries to domestic production was *** percent in 2009, compared to *** percent in 2004, *** percent in 1998, and *** percent in 1985. The ratio of total imports to U.S. production fluctuated throughout the period and was *** percent in 2009, *** percent in 2004, *** percent in 1998, and *** percent in 1985.

Table I-6

Cooking ware: Ratio of U.S. imports to U.S. production, by source, 1985, 1998, 2004 and 2009

Item	1985	1998	2004	2009
Quantity (1,000 units)				
U.S. production	***	***	***	***
U.S. imports from--				
China	1,977	1,335	3,631	4,908
All other	16,498	17,072	6,238 ¹	4,732
Total	18,475	18,407	9,868 ¹	9,642
Ratio of U.S. imports to production (percent)				
China	***	***	***	***
All other	***	***	*** ¹	***
Total	***	***	*** ¹	***

¹ Data as originally tabulated.

Source: Compiled from data presented in the original staff report, the first and second five-year reviews, and Colombian's response to the Commission's notice of institution (November 1, 2010).

Apparent U.S. Consumption and Market Shares

Apparent U.S. consumption and market shares are presented in table I-7.

In its response to the Commission's notice of institution, the domestic interested party reported that, according to industry reports, in 2009, ***. Poor economic conditions in the United States are believed to have *** in 2009. Colombian believes that U.S. demand for POS cooking ware “***.”

Colombian states that, although the antidumping duty order has enabled the company “***.”

Table I-7

POS cooking ware: U.S. producers' U.S. shipments, U.S. imports, and apparent U.S. consumption, 1983-85, 1997-98, 2004, and 2009

Item	1983	1984	1985	1997	1998	2004	2009
Quantity (1,000 units)							
U.S. producers' U.S. shipments	***	***	***	***	***	***	***
U.S. imports from-- China	472	613	1,977	1,601	1,335	3,631	4,908
Other sources	14,678	17,242	16,498	20,589	17,072	6,238 ¹	4,732
Total imports	15,150	17,855	18,475	22,190	18,407	9,868 ¹	9,642
Apparent U.S. consumption	***	***	***	***	***	*** ¹	***
Value (1,000 dollars)							
U.S. producers' U.S. shipments	***	***	***	***	***	(²)	***
U.S. imports from-- China	282	1,370	3,305	3,238	3,020	8,833	15,591
Other sources	57,647	59,127	49,380	67,599	51,091	28,772 ¹	28,188
Total imports	57,929	60,497	52,685	70,837	54,111	37,605 ¹	43,780
Apparent U.S. consumption	***	***	***	***	***	(²)	***
Share of consumption based on quantity (percent)							
U.S. producers' U.S. shipments	***	***	***	***	***	***	***
U.S. imports from-- China	***	***	***	***	***	***	***
Other sources	***	***	***	***	***	***	***
Total imports	***	***	***	***	***	***	***
Apparent U.S. consumption	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Share of consumption based on value (percent)							
U.S. producers' U.S. shipments	***	***	***	***	***	(²)	***
U.S. imports from-- China	***	***	***	***	***	(²)	***
Other sources	***	***	***	***	***	(²)	***
Total imports	***	***	***	***	***	(²)	***
Apparent U.S. consumption	100.0	100.0	100.0	100.0	100.0	100.0	100.0
¹ Data as originally tabulated. Not derivable from official Commerce statistics. ² Not available. Note.—Because of rounding, figures may not add to the totals shown. Source: <i>Staff Report on Porcelain-on-Steel Cooking Ware From China and Taiwan, and Top-of-the-Stove Stainless Steel Cooking Ware From Korea and Taiwan, Investigation Nos. 701-TA-267 and 268 and 731-TA-298, 299, 304, and 305 (Second Review)</i> , June 17, 2005, INV-CC-099, table I-13; official Commerce statistics, HTS statistical reporting numbers 7323.94.0010, 7323.94.0021, and 7323.94.0026; and <i>Response of domestic interested party</i> , November 1, 2010, p. 35.							

ANTIDUMPING ACTIONS OUTSIDE THE UNITED STATES

Based on available information, subject POS cooking ware from China has not been subject to any other import relief investigations in any other countries.

THE SUBJECT INDUSTRY IN CHINA

In response to the Commission's notice of institution in the second five-year review of the subject order, Columbian estimated that there were approximately 34 manufacturers of POS cooking ware in China with a production capacity *** times the amount of U.S. domestic consumption of POS cooking ware.

In its response to the notice of institution in this third five-year review, Columbian indicated that China is currently the leading global competitor for light-gauge POS cooking ware products and that there are at least 47 current producers and exporters of POS cooking ware in China.⁵² Columbian also noted that, as a result of the duties, only a few companies are currently exporting the subject merchandise to the United States. The companies identified are as follows: ***. However, Columbian indicated that a large number of Chinese producers are currently exporting POS cooking ware to the Canadian market and could readily enter the U.S. market. It identified *** as Zhejiang Sunboat Enamel Co., Ltd. ("Sunboat"). Other significant Chinese exporters to Canada identified by Columbian in its response include the following firms: ***. Columbian noted that there are also numerous other Chinese producers that export POS cooking ware to other markets that could easily establish export sales to the United States.⁵³

Columbian states that the Chinese POS cooking ware industry has continued to invest and expand Chinese production, and is supplying the global market.⁵⁴ Tables I-8 and I-9 present data on the Chinese cooking ware exports from 2004 to 2009.

Table I-8
Cooking ware: Chinese exports, 2004-2010

	2004	2005	2006	2007	2008	2009	2010
Exports to:	Quantity (1,000 kilograms)						
United States	4,484	6,808	3,639	3,541	3,589	2,258	2,406
All other	244,844	216,431	236,358	266,896	239,415	194,225	219,128
Total	249,328	223,239	239,998	270,437	243,004	196,483	221,534
	Value (1,000 dollars)						
United States	4,379	6,903	4,486	4,267	5,230	3,465	3,610
All other	151,025	147,309	161,720	194,450	215,936	167,970	201,064
Total	155,404	154,212	166,206	198,717	221,166	171,435	204,674
Note--As the World Trade Atlas provides data according to a six-digit HTS subheading, data for China's global exports of cooking ware include nonsubject cooking ware.							
Source: Compiled from World Trade Atlas data, HTS 7323.94.							

⁵² Response of domestic interested party, November 1, 2010, pp. 25-26.

⁵³ Response of domestic interested party, November 1, 2010, pp. 31-32.

⁵⁴ Response of domestic interested party, November 1, 2010, p. 37.

Table I-9
Cooking ware: Chinese exports, by market, 2004-2010

Market	2004	2005	2006	2007	2008	2009	2010
Quantity (1,000 kilograms)							
Benin	34,393	41,035	35,177	63,564	44,416	27,210	44,414
Nigeria	10,719	6,270	17,413	9,130	23,204	28,553	22,117
Ghana	14,188	11,914	13,618	14,199	12,642	12,274	14,708
United Arab Emirates	29,609	26,004	25,110	24,096	16,928	11,959	10,746
Indonesia	9,419	7,500	9,433	9,546	11,441	8,167	10,422
All other	150,999	130,517	139,248	149,902	134,372	108,319	119,127
Total	249,328	223,239	239,998	270,437	243,004	196,483	221,534
Value (1,000 dollars)							
Benin	18,099	24,205	19,851	39,503	33,538	19,582	33,137
Nigeria	5,741	3,849	9,978	5,934	18,921	20,161	18,453
Ghana	8,853	8,132	8,921	10,631	11,986	10,997	13,908
United Arab Emirates	16,815	16,998	16,068	17,371	14,661	10,417	10,233
Indonesia	5,026	4,580	5,545	6,465	9,539	6,394	8,763
All other	100,869	96,447	105,843	118,813	132,522	103,884	120,181
Total	155,404	154,212	166,206	198,717	221,166	171,435	204,674
Note.—As the World Trade Atlas provides data according to a six-digit HTS subheading, data for China's global exports of cooking ware include nonsubject cooking ware. Source: Compiled from World Trade Atlas data, HTS 7323.94.							

APPENDIX A
***FEDERAL REGISTER* NOTICES**

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-298 and 299 (Third Review); (Investigation Nos. 701-TA-267 and 731-TA-304 (Third Review))]

Porcelain-on-Steel Cooking Ware From China and Taiwan; Top-of-the-Stove Stainless Steel Cooking Ware From Korea

AGENCY: United States International Trade Commission.

ACTION: Institution of five-year reviews concerning the antidumping duty orders on porcelain-on-steel cooking ware from China and Taiwan and the antidumping and countervailing duty orders on top-of-the-stove stainless steel cooking ware from Korea.

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 porcelain-on-steel cooking ware from China and Taiwan and the countervailing and antidumping duty orders on top-of-the-stove stainless steel cooking ware from Korea 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 November 1, 2010. Comments on the adequacy of responses may be filed with the Commission by December 14, 2010. 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 1, 2010.

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-

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. 11-5-227 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.

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 2, 1986, the Department of Commerce (Commerce) issued antidumping duty orders on imports of porcelain-on-steel cooking ware from China and Taiwan (51 FR 43414). On January 20, 1987, Commerce issued antidumping and countervailing duty orders on imports of top-of-the-stove stainless steel cooking ware from Korea (52 FR 2138). Following five-year reviews by Commerce and the Commission, effective April 14, 2000, Commerce issued a continuation of the antidumping duty orders on porcelain-on-steel cooking ware from China and Taiwan (65 FR 20136 and 21504) and, effective April 18, 2000, Commerce issued a continuation of the countervailing and antidumping duty orders on top-of-the-stove stainless steel cooking ware from Korea (65 FR 20801). Following second five-year reviews by Commerce and the Commission, effective November 17, 2005, Commerce issued a continuation of the antidumping duty order on imports of top-of-the-stove stainless steel cooking ware from Korea (70 FR 69739). Effective November 22, 2005, Commerce issued a continuation of the countervailing duty order on top-of-the-stove stainless steel cooking ware from Korea (70 FR 70585) and the antidumping duty orders on porcelain-on-steel cooking ware from China and Taiwan (70 FR 70581). 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 Commerce.

(2) The *Subject Countries* in these reviews are China, 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, its full first five-year review determinations, and its expedited second five-year review determinations concerning porcelain-on-steel cooking ware from China and Taiwan, the Commission defined the *Domestic Like Product* as all porcelain-on-steel cooking ware, including teakettles. One Commissioner defined the *Domestic Like Product* differently in the original determinations concerning porcelain-on-steel cooking ware from China and Taiwan. In its original determinations, its full first five-year review determinations, and its expedited second five-year review determinations concerning top-of-the-stove stainless steel cooking ware from Korea, the Commission defined the *Domestic Like Product* as all top-of-the-stove stainless steel cooking ware as defined in Commerce's scope.

(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, its full first five-year review determinations, and its expedited second five-year review determinations concerning porcelain-on-steel cooking ware from China and Taiwan, the Commission defined the *Domestic Industry* as all domestic producers of porcelain-on-steel cooking ware, including teakettles. One Commissioner defined the *Domestic Industry* differently in the original determinations concerning porcelain-on-steel cooking ware from China and Taiwan. In the original determinations, its full first five-year review determinations, and its expedited second five-year review determinations concerning top-of-the-stove stainless steel cooking ware from Korea, the Commission defined the *Domestic Industry* as all domestic producers of top-of-the-stove stainless steel cooking ware.

(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 November 1, 2010. 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 or full reviews. The deadline for filing such comments is December 14, 2010. 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: Please provide the requested information separately for each *Domestic Like Product*, as defined by the Commission in its original determinations and its prior five-year review determinations, and for each of the products identified by Commerce as *Subject Merchandise*. 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 if available) 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 countervailing and/or 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 2004.

(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 2009, except as noted (report quantity data in units 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(ies)*, provide the following information on your firm's(s') operations on that product during calendar year 2009 (report quantity data in units 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 or countervailing 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(ies)* accounted for by your firm's(s') imports;

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

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

(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 2009 (report quantity data in units and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing 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 2004, 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: October 4, 2010.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010-25286 Filed 10-6-10; 8:45 am]

BILLING CODE 7020-02-P

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 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:* October 1, 2010.

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:

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (“Sunset”) Review

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

DOC Case No.	ITC Case No.	Country	Product	Department contact
A–351–602	731–TA–308	Brazil	Carbon Steel Butt-Weld Pipe Fittings (3rd Review).	Dana Merrmelstein (202) 482–1391.
A–588–602	731–TA–309	Japan	Carbon Steel Butt-Weld Pipe Fittings (3rd Review).	Dana Mermelstein (202) 482–1391.

DOC Case No.	ITC Case No.	Country	Product	Department contact
A-583-605	731-TA-310	Taiwan	Carbon Steel Butt-Weld Pipe Fittings (3rd Review).	Dana Mermelstein (202) 482-1391.
A-549-807	731-TA-521	Thailand	Carbon Steel Butt-Weld Pipe Fittings (3rd Review).	Dana Mermelstein (202) 482-1391.
A-580-601	731-TA-304	South Korea	Top-of-the-Stove Stainless Steel Cooking Ware (3rd Review).	Dana Mermelstein (202) 482-1391.
A-570-836	731-TA-718	PRC	Glycine (3rd Review)	Dana Mermelstein (202) 482-1391.
A-583-508	731-TA-299	Taiwan	Porcelain-on-Steel Cooking Ware (3rd Review).	Jennifer Moats (202) 482-5047.
A-570-855	731-TA-841	PRC	Apple Juice Concentrate Non-Frozen (2nd Review).	Jennifer Moats (202) 482-5047.
A-570-814	731-TA-520	PRC	Carbon Steel Butt-Weld Pipe Fittings (3rd Review).	Dana Mermelstein (202) 482-1391.
A-570-506	731-TA-298	PRC	Porcelain-on-Steel Cooking Ware (3rd Review).	Jennifer Moats (202) 482-5047.
C-580-602	701-TA-267	South Korea	Top-of-the-Stove Stainless Steel Cooking Ware (3rd Review).	David Goldberger (202) 482-4136.

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, service, and certification of documents. These rules can be found at 19 CFR 351.303.

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. See 19 CFR 351.218(d)(1)(i). 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 antidumping and

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.

countervailing duty 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: September 28, 2010.

Susan H. Kuhbach,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010-24736 Filed 9-30-10; 8:45 am]

BILLING CODE 3510-DS-P

**INTERNATIONAL TRADE
COMMISSION**

[Investigation No. 731–TA–298 (Third Review)]

Porcelain-on-Steel Cooking Ware From China

AGENCY: United States International Trade Commission.

ACTION: Scheduling of an expedited five-year review concerning the antidumping duty order on porcelain-on-steel cooking ware from China.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review 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 order on porcelain-on-steel cooking ware from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of

this review 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: January 4, 2011.

FOR FURTHER INFORMATION CONTACT: Keysha Martinez (202–205–2136), 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 this review may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On January 4, 2011, the Commission determined that the domestic interested party group response to its notice of institution (75 FR 62144, October 7, 2010) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.¹ Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act.

Staff report.—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on January 31, 2011, and made available to persons on the Administrative Protective Order service list for this review. 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 review and that have provided individually adequate responses to the notice of institution,² and any party other than an interested party to the

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 response submitted by Columbia Home Products, LLC to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before February 3, 2011 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by February 3, 2011. However, should the Department of Commerce extend the time limit for its completion of the final results of its review, 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 review (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.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: January 11, 2011.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2011-837 Filed 1-14-11; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-506]

Porcelain-on-Steel Cooking Ware from the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order

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

SUMMARY: On October 1, 2010, the Department of Commerce ("Department") initiated a sunset review of the antidumping duty order on porcelain-on-steel cooking ware ("POS cookware") from the People's Republic of China ("PRC") pursuant to section 751(c) of the Tariff Act of 1930, as amended ("Act"). See *Initiation of Five-Year ("Sunset") Review*, 75 FR 60731 (October 1, 2010) ("*Sunset Initiation*"); see also *Antidumping Duty Order; Porcelain-on-Steel Cooking Ware from the People's Republic of China*, 51 FR 43414 (December 2, 1986) ("*Order*"). On October 18, 2010, Columbian Home Products, LLC (formerly General Housewares Corporation) ("Columbian"), the petitioner in the POS cookware investigation, notified the Department that it intended to participate in the sunset review. The Department did not receive a substantive response from any respondent party. Based on the notice of intent to participate and adequate response filed by the domestic interested party, and the lack of response from any respondent interested party, the Department conducted an expedited sunset review of the *Order* pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2). As a result of this sunset review, the Department finds that revocation of the *Order* would likely lead to continuation or recurrence of dumping, at the levels indicated in the "Final Results of Sunset Review" section of this notice, *infra*.

DATES: *Effective Date:* February 10, 2011.

FOR FURTHER INFORMATION CONTACT: Toni Dach; AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution

Avenue, NW., Washington, DC 20230; telephone: 202-482-1655.

SUPPLEMENTARY INFORMATION:

Background

On October 1, 2010, the Department initiated a sunset review of the order on POS cookware pursuant to section 751(c) of the Act. See *Sunset Initiation*, 75 FR 60731. On October 18, 2010, the Department received a timely notice of intent to participate in the sunset review from Columbian, pursuant to 19 CFR 351.218(d)(1)(i). In accordance with 19 CFR 351.218(d)(1)(ii)(A), Columbian claimed interested party status under section 771(9)(C) of the Act as a producer of the domestic like product.

On November 1, 2010, Columbian filed a substantive response in the sunset review, within the 30-day deadline as specified in 19 CFR 351.218(d)(3)(i). The Department did not receive a substantive response from any respondent interested party in the sunset review. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited sunset review of the *Order*.

Scope of the Order

The merchandise covered by this order is porcelain-on-steel cooking ware from the PRC, including tea kettles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses. The merchandise is currently classifiable under the Harmonized Tariff Schedule of the United States ("HTSUS") subheading 7323.94.00. The HTSUS subheading is provided for convenience and customs purposes. The written description of the scope remains dispositive.

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review is addressed in the accompanying Issues and Decision Memorandum, which is hereby adopted by this notice. See the Department's memorandum entitled, "Issues and Decision Memorandum for the Final Results in the Expedited Sunset Review of the Antidumping Duty Order on Porcelain-on-Steel Cooking Ware from the People's Republic of China," dated January 27, 2011 ("I&D Memo"). The issues discussed in the accompanying I&D Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the dumping margin likely to prevail if the *Order* was revoked. Parties can obtain a public copy of the I&D Memo on file in the Central Records Unit, Room 7046, of

the main Commerce building. In addition, a complete public copy of the I&D Memo can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the I&D Memo are identical in content.

Final Results of Sunset Review

The Department determines that revocation of the *Order* on POS cookware would likely lead to continuation or recurrence of dumping. The Department also determines that the dumping margins likely to prevail if the order was revoked are as follows:

Manufacturers/exporters/ producers	Weighted- average margin (percent)
China National Light Industrial Products Import and Export Corporation	66.65
PRC-Wide Entity	66.65

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 return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these results and notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: January 27, 2011.

Christian Marsh,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 2011-3008 Filed 2-9-11; 8:45 am]

BILLING CODE 3510-DS-P

APPENDIX B

COMMISSION'S STATEMENT ON ADEQUACY

EXPLANATION OF COMMISSION DETERMINATION ON ADEQUACY

in

Porcelain-on-Steel Cooking Ware from China,
Inv. No. 731-TA-298 (Third Review)

On January 4, 2011, the Commission determined that it should proceed to an expedited review in the subject five-year review 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 single response to the notice of institution filed by Columbian Home Products, LLC (“Columbian”), a domestic producer of porcelain-on-steel (“POS”) cooking ware. The Commission found Columbian’s individual response to be adequate. In light of Columbian’s assertion that it is the sole domestic producer of POS cooking ware, the Commission further determined that the domestic interested party group response was adequate.

The Commission received no response from any respondent interested party, and therefore determined that the respondent interested party group response to the notice of institution was inadequate. In the absence of an adequate respondent interested party group response or any other circumstances warranting a full review, the Commission determined to conduct an expedited review.

A record of the Commissioners’ votes is available from the Office of the Secretary and the Commission’s web site (www.usitc.gov).

