

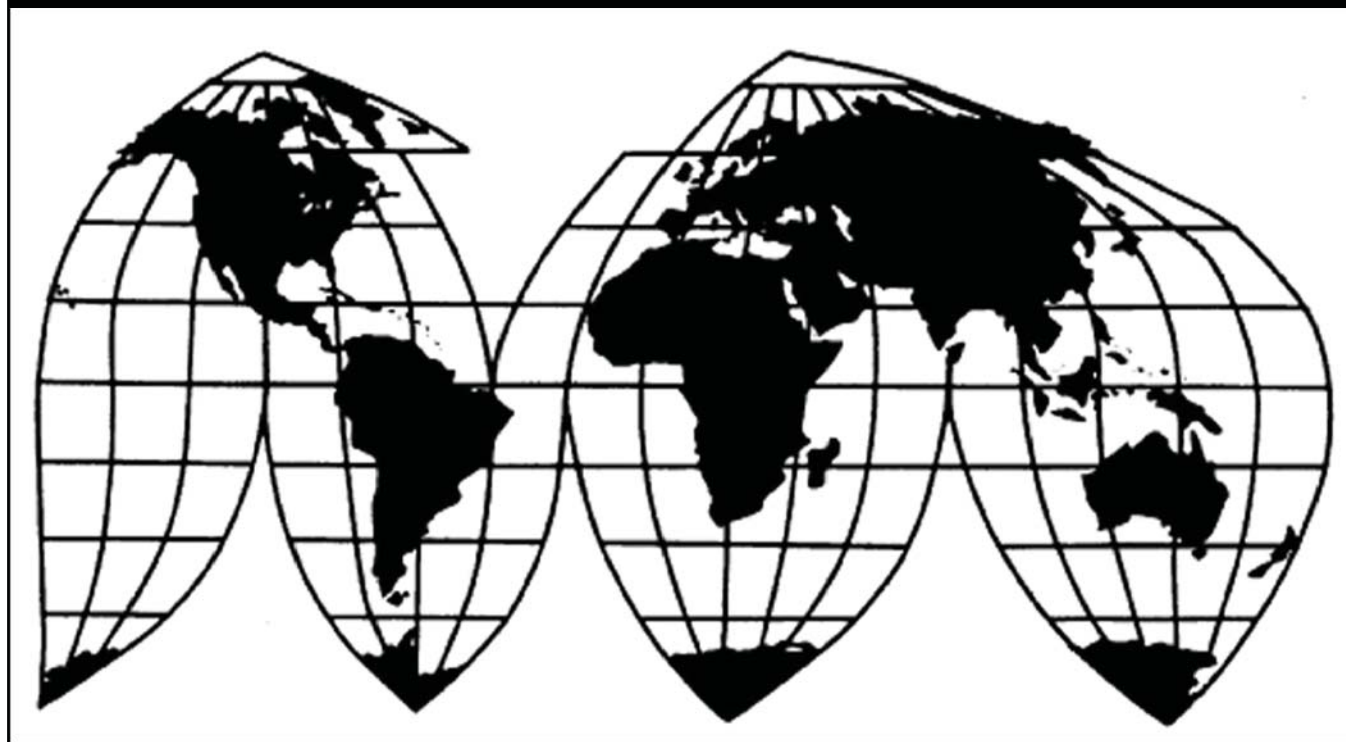
Carbon Steel Butt-Weld Pipe Fittings From Brazil, China, Japan, Taiwan, and Thailand

Investigation Nos. 731-TA-308-310 and 520-521 (Third Review)

Publication 4222

April 2011

U.S. International Trade Commission



Washington, DC 20436

U.S. International Trade Commission

COMMISSIONERS

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

Karen Laney
Acting Director of Operations

Staff assigned

Christopher Cassise, Senior Investigator
Karl von Schriltz, Attorney

Christopher Cassise, Acting Supervisory Investigator

Address all communications to
Secretary to the Commission
United States International Trade Commission
Washington, DC 20436

U.S. International Trade Commission

Washington, DC 20436
www.usitc.gov

Carbon Steel Butt-Weld Pipe Fittings From Brazil, China, Japan, Taiwan, and Thailand

Investigation Nos. 731-TA-308-310 and 520-521 (Third Review)

Publication 4222



April 2011

CONTENTS

	<i>Page</i>
Determinations	1
Views of the Commission	3
Information obtained in the review	I-1
Introduction	I-1
Background	I-1
The original investigations	I-2
The first five-year reviews	I-3
The second five-year reviews	I-3
Related investigations	I-4
Title VII investigations	I-4
Safeguard investigation	I-4
Commerce's circumvention rulings	I-4
Commerce's scope rulings	I-5
Commerce's changed circumstances review	I-5
Commerce's administrative reviews	I-6
Commerce's final results of expedited sunset review	I-6
The subject product	I-8
Commerce's scope	I-8
Physical characteristics, processing operations, and end uses	I-8
The U.S. market participants	I-10
U.S. producers	I-10
U.S. capacity, production, capacity utilization, U.S. commercial shipments, and financial data	I-12
U.S. imports	I-13
Cumulation considerations	I-14
Apparent U.S. consumption and market shares	I-15
Summary data	I-16
The industry in Brazil	I-19
The industry in China	I-20
The industry in Japan	I-21
The industry in Taiwan	I-23
The industry in Thailand	I-25
Antidumping duty orders in third-country markets	I-26
Appendix	
A. <i>Federal Register</i> notices	A-1
B. Statement on adequacy	B-1

Note.--Information that would reveal confidential operations of individual concerns may not be published and therefore has been deleted from this report.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

UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation Nos. 731-TA-308-310 and 520-521 (Third Review)

CARBON STEEL BUTT-WELD PIPE FITTINGS FROM BRAZIL, CHINA, JAPAN, TAIWAN, AND
THAILAND

DETERMINATIONS

On the basis of the record¹ developed in the subject five-year reviews, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)), that revocation of the antidumping duty orders on carbon steel butt-weld pipe fittings from Brazil, China, Japan, Taiwan, and Thailand would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

BACKGROUND

The Commission instituted these reviews on October 1, 2010 (75 F.R. 60814) and determined on January 4, 2011 that it would conduct expedited reviews (76 F.R. 5205).

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

VIEWS OF THE COMMISSION

Based on the record in these five-year reviews, we determine under section 751(c) of the Tariff Act of 1930, as amended (“the Act”), that revocation of the antidumping duty orders on carbon steel butt-weld pipe fittings from Brazil, China, Japan, Taiwan, and Thailand, 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

The Commission determined that an industry in the United States was materially injured by reason of less than fair value (“LTFV”) imports of carbon steel butt-weld pipe fittings from Brazil and Taiwan in December 1986, and from Japan in January 1987.¹ In June 1992, the Commission determined that a U.S. industry was materially injured or threatened with material injury by reason of LTFV imports of carbon steel butt-weld pipe fittings from China and Thailand.² Commerce imposed antidumping duty orders on imports of the subject product from Brazil and Taiwan in December 1986; from Japan in February 1987; and from China and Thailand (excluding imports from Awaji Sangyo (Thailand Co.) (“Awaji Thailand”), found to have *de minimis* margins) in July 1992.

On May 3, 1999, the Commission instituted its first five-year reviews of the antidumping duty orders on the subject product from all five subject countries. On August 5, 1999, the Commission determined to conduct expedited reviews and on December 16, 1999, the Commission determined that revocation of the orders would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.³ Commerce published its notice of continuation of the antidumping duty orders on January 6, 2000.

The Commission instituted the second reviews of the orders at issue on December 1, 2004. On March 7, 2005, the Commission determined that it would conduct full reviews,⁴ and on October 31, 2005, the Commission determined that revocation of the antidumping duty orders would be likely to lead to

¹ Butt-Weld Pipe Fittings from Brazil and Taiwan, Inv. Nos. 731-TA-308 and 310 (Final), USITC Pub. 1918 (December 1986) (“Original Determinations on Brazil and Taiwan”); Butt-Weld Pipe Fittings from Japan, Inv. No. 731-TA-309 (Final), USITC Pub. 1943 (January 1987) (“Original Determination on Japan”). Although antidumping petitions were filed simultaneously with respect to subject imports from Brazil, Japan, and Taiwan, Commerce postponed the date for its final determination on subject imports from Japan, thereby postponing the Commission’s final determination with respect to subject imports from Japan. Butt-Weld Pipe Fittings from Brazil and Taiwan, USITC Pub. 1918 at 15. Nevertheless, the Commission determined to cumulate subject imports from Brazil, Japan, and Thailand for purposes of both its final determination with respect to Brazil and Taiwan and its separate final determination with respect to Japan. See Butt-Weld Pipe Fittings from Brazil and Taiwan, USITC Pub. 1918 at 15-16; Butt-Weld Pipe Fittings from Japan, USITC Pub. 1943 at 8-9.

² Certain Carbon Steel Butt-Weld Pipe Fittings from China and Thailand, Inv. Nos. 731-TA-520-521 (Final), USITC Pub. 2528 (June 1992) (“Original Determinations on China and Thailand”) (Commission majority found threat of material injury).

³ Carbon Steel Butt-Weld Pipe Fittings from Brazil, China, Japan, Taiwan and Thailand, Inv. Nos. 731-TA-308-310 and 520-521 (Review), USITC Pub. 3263 (December 1999) (“First Five-Year Review Determinations”).

⁴ 70 Fed. Reg. 14713 (March 23, 2005); see also Confidential Staff Report (“CR”)/Public Staff Report (“PR”) at Appendix A, Explanation of Commission Determination on Adequacy in Carbon Steel Butt-Weld Pipe Fittings From Brazil, China, Japan, Taiwan, and Thailand, Inv. Nos. 731-TA-308-310 and 520-521 (Second Review) (Chairman Koplan and Commissioner Hillman dissented and voted to conduct expedited reviews).

continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.⁵

The Commission instituted these third reviews of the orders at issue on October 1, 2010.⁶ On January 4, 2011, the Commission determined that the domestic interested party group response to its notice of institution was adequate, but that the respondent interested party group response was inadequate.⁷ In the absence of an adequate respondent interested party group response or other factors warranting a full review, the Commission determined to conduct expedited reviews pursuant to section 751(c)(3) of the Act.^{8 9} Domestic producer Weldbend Corporation (“Weldbend”) responded to the Commission’s notice of institution and filed comments, and domestic producers Mills Iron Works (“Mills”), Tube Forgings of America, Inc. (“TFA”), and Hackney Ladish, Inc. (“HL”), jointly responded to the Commission’s notice of institution and filed comments in these reviews. No respondent interested party has provided any information or argument to the Commission.

II. DOMESTIC LIKE PRODUCT AND INDUSTRY

A. Domestic Like Product

In making its determination under section 751(c) of the Act, the Commission defines the “domestic like product” and the “industry.”¹⁰ 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.”¹¹ The Commission’s practice in five-year reviews is to examine the like product definition from the original determination and any completed reviews and consider whether the record indicates any reason to revisit the prior findings.¹²

In these five-year reviews, Commerce has defined the scope of the antidumping duty order as follows:

Carbon steel butt-weld pipe fittings from Brazil, Taiwan, and Japan are defined as carbon steel butt-weld type fittings, other than couplings, under 14 inches in diameter, whether finished or unfinished, that have been formed in the shape of elbows, tees, reducers, caps, etc., and, if forged, have been advanced after forging. These advancements may include any one or more of the

⁵ Carbon Steel Butt-Weld Pipe Fittings from Brazil, China, Japan, Taiwan and Thailand, Inv. Nos. 731-TA-308-310 and 520-521 (Second Review), USITC Pub. 3809 (October 2005) (“Second Five-Year Review Determinations”).

⁶ 75 Fed. Reg. 60814.

⁷ See Confidential Staff Report (“CR”)/ Public Staff Report (“PR”) at Appendix B.

⁸ 19 U.S.C. § 1675(c)(3).

⁹ See CR/PR at Appendix B.

¹⁰ 19 U.S.C. § 1677(4)(A).

¹¹ 19 U.S.C. § 1677(10); see, e.g., Cleo Inc. v. United States, 501 F.3d 1291, 1299 (Fed. Cir. 2007); NEC Corp. v. Department of Commerce, 36 F. Supp. 2d 380, 383 (Ct. Int’l Trade 1998); Nippon Steel Corp. v. United States, 19 CIT 450, 455 (1995); Timken Co. v. United States, 913 F. Supp. 580, 584 (Ct. Int’l Trade 1996); Torrington Co. v. United States, 747 F. Supp. 744, 748-49 (Ct. Int’l Trade 1990), aff’d, 938 F.2d 1278 (Fed. Cir. 1991); see also S. Rep. No. 249, 96th Cong., 1st Sess. 90-91 (1979).

¹² See, e.g., Internal Combustion Industrial Forklift Trucks From Japan, Inv. No. 731-TA-377 (Second Review), USITC Pub. 3831 at 8-9 (Dec. 2005); Crawfish Tail Meat From China, Inv. No. 731-TA-752 (Review), USITC Pub. 3614 at 4 (Jul. 2003); Steel Concrete Reinforcing Bar From Turkey, Inv. No. 731-TA-745 (Review), USITC Pub. 3577 at 4 (Feb. 2003).

following: Coining, heat treatment, shot blasting, grinding, die stamping or painting. These imports are currently classified under subheading 7307.93.30 of the Harmonized Tariff Schedule of the United States (HTSUS).

Carbon steel butt-weld pipe fittings from Thailand and China are defined as carbon steel butt-weld pipe fittings, having an inside diameter of less than 14 inches, imported in either finished or unfinished form. These formed or forged pipe fittings are used to join sections in piping systems where conditions require permanent, welded connections, as distinguished from fittings based on other fastening methods (e.g., threaded, grooved, or bolted fittings). Carbon steel butt-weld pipe fittings are currently classified under subheading 7307.93.30 of the HTSUS.¹³

In the original investigations, its expedited first five-year review determinations, and its full second five-year review determination, the Commission defined a single domestic like product encompassing all carbon steel butt-weld pipe fittings corresponding to the scope of Commerce's investigations and reviews.¹⁴

In these reviews, the domestic interested parties support the definition of the domestic like product used in the second five-year reviews of the orders.¹⁵ No party has expressed disagreement with the like product definition, and no new information suggests that it should be revisited. Therefore, for the reasons stated in the original determinations and the first and second five-year reviews, we continue to define the domestic like product as all carbon steel butt-weld pipe fittings, corresponding to the scope of Commerce's investigations and reviews.

B. Domestic Industry and Related Parties

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."¹⁶ In defining the domestic industry, the Commission's general practice has been to include in the industry producers of all domestic production of the like product, whether toll-produced, captively consumed, or sold in the domestic merchant market. Section 771(4)(B) of the Act allows the Commission, if appropriate circumstances exist, to exclude from the domestic industry producers that are related to an exporter or importer of subject merchandise, or which are themselves importers.

In the original investigations on subject merchandise from China and Thailand, the Commission defined the domestic industry to include all domestic producers of carbon steel butt-weld pipe fittings except Weldbend and Tube Line, which the Commission determined to exclude as related parties.¹⁷ In the first five-year reviews, the Commission defined the domestic industry to include all domestic producers of carbon steel butt-weld pipe including Weldbend, which the Commission determined was no longer a related party, but again excluding Tube Line as a related party.¹⁸ In the second five-year reviews, the Commission defined the domestic industry to include all domestic producers of carbon steel butt-weld

¹³ CR at I-11; PR at I-8; 76 Fed Reg. 7151 (February 9, 2011).

¹⁴ CR at I-11 n.32; PR at I-8 n.32.

¹⁵ CR at I-11 n.32; PR at I-8 n.32.

¹⁶ 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.

¹⁷ Original Determinations on China and Thailand, USITC Pub. 2528 at 16.

¹⁸ First Five-Year Review Determinations, USITC Pub. 3263 at 6 & n.22.

pipe fittings, and determined that although Tube Line and *** qualified as related parties, circumstances did not warrant their exclusion from the domestic industry.¹⁹

In these reviews, no party disagrees with the domestic industry definition from the second five-year reviews, and no new facts have been presented to warrant a different definition.²⁰ We therefore define the domestic industry as all domestic producers of carbon steel butt-weld pipe fittings.

III. CUMULATION

A. Legal Standard

With respect to five-year reviews, section 752(a) of the Act provides as follows:

the Commission may cumulatively assess the volume and effect of imports of the subject merchandise from all countries with respect to which reviews under section 1675(b) or (c) of this title were initiated on the same day, if such imports would be likely to compete with each other and with domestic like products in the United States market. The Commission shall not cumulatively assess the volume and effects of imports of the subject merchandise in a case in which it determines that such imports are likely to have no discernible adverse impact on the domestic industry.²¹

Cumulation therefore is discretionary in five-year reviews, unlike original investigations, which are governed by section 771(7)(G)(I) of the Act.²² The Commission may exercise its discretion to cumulate, however, only if the reviews are initiated on the same day, the Commission determines that the subject imports are likely to compete with each other and the domestic like product in the U.S. market, and imports from each such subject country are not likely to have no discernible adverse impact on the domestic industry in the event of revocation. Our focus in five-year reviews is not only on present conditions of competition, but also on likely conditions of competition in the reasonably foreseeable future.

The threshold criterion for cumulation in these reviews is satisfied because all of these five-year review investigations were instituted on the same day, October 1, 2010.²³ We consider three issues in deciding whether to exercise our discretion to cumulate the subject imports: (1) whether imports from

¹⁹ Second Five-Year Review Determinations, USITC Pub. 3809 at 6-7; see also Confidential Views, Certain Carbon Steel Butt-Weld Pipe Fittings from China and Thailand, Inv. Nos. 731-TA-308-310 and 520-521 (Second Review) (“Second Five-Year Review Confidential Views”), at 9.

²⁰ Weldbend urges the Commission to define the domestic industry as all known producers of carbon steel butt-weld pipe fittings, including Mills, TFA, HL, and Weldbend, while Mills, TFA, and HL do not address the issue. See Response to Notice of Institution of TFA, Mills, and HL (“Joint Domestic Interested Party Response”) at 25; Response to Notice of Institution of Weldbend Corporation (“Weldbend Response”) at 4. All domestic interested parties report that they are unaware of any domestic producers that could be considered related parties. Joint Domestic Interested Party Response at 25; Weldbend Response at 4.

²¹ 19 U.S.C. § 1675a(a)(7).

²² 19 U.S.C. § 1677(7)(G)(i); see also, e.g., Nucor Corp. v. United States, 601 F.3d 1291, 1293, App. No. 2009-1234, Slip Op. at 7-8 (Fed. Cir. Apr. 7, 2010) (Commission may reasonably consider likely differing conditions of competition in deciding whether to cumulate subject imports in five-year reviews); Allegheny Ludlum Corp. v. United States, 475 F. Supp. 2d 1370, 1378 (Ct. Int’l Trade 2006) (recognizing the wide latitude the Commission has in selecting the types of factors it considers relevant in deciding whether to exercise discretion to cumulate subject imports in five-year reviews); Nucor Corp. v. United States, 569 F. Supp. 2d 1328, 1337-38 (Ct. Int’l Trade 2008).

²³ 75 Fed. Reg. 60814.

any of the subject countries are precluded from cumulation because they are likely to have no discernible adverse impact on the domestic industry; (2) whether there is a likelihood of a reasonable overlap of competition among imports from the subject countries and the domestic like product; and (3) other considerations, such as whether there are similarities and differences in the likely conditions of competition under which subject imports are likely to compete in the U.S. market.^{24 25}

In these reviews, there is no new evidence on the record or interested party argument that would warrant departure from the Commission's finding in the second five-year reviews that revocation of any of the individual antidumping duty orders on Brazil, China, Japan, Taiwan, and Thailand would likely have a discernable adverse impact on the domestic industry.²⁶ Over the period examined in the original investigations, subject import volume from each of the subject countries was significant and subject import volume and market share increased significantly with respect to Brazil, China, and Taiwan.²⁷ Subject imports from China, Japan, Taiwan, and Thailand maintained a presence in the U.S. market during the periods examined in the first and second reviews, as well as in these reviews.²⁸ Subject imports from Brazil *** 2003, when subject imports from Brazil amounted to 10,000 short tons).²⁹ However, there is no evidence on the record that the structure of the Brazilian industry, including

²⁴ Chairman Okun and Commissioner Pearson note that, while they consider the same issues discussed in this section in determining whether to exercise their discretion to cumulate the subject imports, their analytical framework begins with whether imports from the subject countries are likely to face similar conditions of competition. For those subject imports which are likely to compete under similar conditions of competition, they next proceed to consider whether there is a likelihood of a reasonable overlap of competition whereby those imports are likely to compete with each other and with the domestic like product. Finally, if based on that analysis they intend to exercise their discretion to cumulate one or more subject countries, they analyze whether they are precluded from cumulating such imports because the imports from one or more subject countries, assessed individually, are likely to have no discernible adverse impact on the domestic industry. See Steel Concrete Reinforcing Bar From Belarus, China, Indonesia, Korea, Latvia, Moldova, Poland, and Ukraine, Invs. Nos. 731-TA-873 to 875, 877 to 880, and 882 (Review), USITC Pub. 3933 (Jul. 2007) (Separate and Dissenting Views of Chairman Daniel R. Pearson and Commissioner Deanna Tanner Okun Regarding Cumulation). Accord Nucor Corp. v. United States, 605 F. Supp.2d 1361, 1372 (Ct. Int'l Trade 2009); Nucor Corp. v. United States, 594 F. Supp.2d 1320, 1345-47 (Ct. Int'l Trade 2008), aff'd, Slip Op. 2009-1234 (Fed Cir. Apr. 7, 2010).

²⁵ Commissioners Lane and Pinkert explain their analysis of other considerations as follows. Where, in a five-year review, they do not find that the subject imports would be likely to have no discernible adverse impact on the domestic industry if the orders were revoked, and find that such imports would be likely to compete with each other and with the domestic like product in the U.S. market, they cumulate such imports unless there is a condition or propensity – not merely a trend – that is likely to persist for a reasonably foreseeable time and that significantly limits competition such that cumulation is not warranted. They note, as is pointed out in the text, the paucity of record information about the industries in the subject countries. Consequently, they find that there is no condition or propensity warranting non-cumulation with respect to subject imports from any of the subject countries, and they have cumulated them in these reviews.

²⁶ See Second Five-Year Review Determinations, USITC Pub. 3809 at 9-11; see also Second Five-Year Review Confidential Views at 12.

²⁷ CR/PR at Table I-6 (Subject imports from Brazil increased from *** pounds in 1983 to *** pounds in 1985; subject imports from China increased from *** pounds in 1989 to *** pounds in 1991; subject imports from Japan increased from *** pounds in 1983 to *** pounds in 1984, before declining to *** pounds in 1985; subject imports from Taiwan increased from *** pounds in 1983 to *** pounds in 1985; and subject imports from Thailand declined from *** pounds in 1989 to *** pounds in 1991).

²⁸ CR/PR at Table I-6.

²⁹ CR/PR at Table I-6.

Brazilian capacity, has changed since the original investigations, when subject imports from Brazil increased significantly from *** pounds in 1983 to *** pounds in 1985.³⁰

Although no data is available on the current capacity and production of subject foreign producers because no respondent interested party has participated in these reviews, the Global Trade Atlas indicates that producers in Brazil, China, Japan, Taiwan, and Thailand exported significant quantities of carbon steel butt-weld pipe fittings to third country markets over the 2006-2010 period.³¹ Based on the information available in these reviews, we find that revocation of any of the individual antidumping duty orders on Brazil, China, Japan, Taiwan, and Thailand would likely have a discernable adverse impact on the domestic industry.

The Commission generally has considered four factors intended to provide a framework for determining whether the imports compete with each other and with the domestic like product.³² Only a “reasonable overlap” of competition is required.³³ In five-year reviews, the relevant inquiry is whether there likely would be competition even if none currently exists because the subject imports are absent from the U.S. market.³⁴ Based on these four factors, the Commission found a reasonable overlap of

³⁰ CR/PR at Table I-6.

³¹ See CR/PR at Table I-7 (Brazilian exports of carbon steel butt-weld pipe fittings to all markets other than the United States declined from 180,000 pounds in 2005 to 55,000 pounds in 2007, increased to 172,000 pounds in 2009, and then declined to 68,000 pounds in 2010), Table I-8 (Chinese exports of carbon steel butt-weld pipe fittings to markets other than the United States increased from 98.7 million pounds in 2005 to 230.8 million pounds in 2008, declined to 178.3 million pounds in 2009, and then increased to 241.3 million pounds in 2010, a level 144.5 percent higher than in 2005), Table I-9 (Japanese exports of carbon steel butt-weld pipe fittings to markets other than the United States increased from 21.5 million pounds in 2005 to 31.6 million pounds in 2006, declined to 12.8 million pounds in 2009, and increased to 14.6 million pounds in 2010), Table I-10 (Taiwan exports of carbon steel butt-weld pipe fittings to markets other than the United States increased from 12.0 million pounds in 2004 to 24.0 million pounds in 2007 and 2008, before declining to 14.0 million pounds in 2009), and Table I-11 (Thai exports of carbon steel butt-weld pipe fittings to markets other than the United States increased from 56.7 million pounds in 2005 to 76.7 million pounds in 2006, declined to 37.2 million pounds in 2009, and increased to 47.5 million pounds in 2010). We recognize that the Global Trade Atlas statistics may include products not within the scope of these reviews, and also that Global Trade Atlas statistics on the volume of Brazilian, Chinese, Japanese, Taiwanese, and Thai exports to the United States are not consistent with record information on the volume of imports of subject merchandise from Brazil, China, Japan, Taiwan, and Thailand. Compare *id.* at Tables I-7-11 with *id.* at Table I-6. We nevertheless rely on these data as the information available.

³² The four factors generally considered by the Commission in assessing whether there is a reasonable overlap in competition of imports with each other and with the domestic like product are as follows: (1) the degree of fungibility between the imports from different countries and between imports and the domestic like product, including consideration of specific customer requirements and other quality related questions; (2) the presence of sales or offers to sell in the same geographical markets of imports from different countries and the domestic like product; (3) the existence of common or similar channels of distribution for imports from different countries and the domestic like product; and (4) whether the imports are simultaneously present in the market. See, e.g., *Wieland Werke, AG v. United States*, 718 F. Supp. 50 (Ct. Int’l Trade 1989).

³³ See *Mukand Ltd. v. United States*, 937 F. Supp. 910, 916 (Ct. Int’l Trade 1996); *Wieland Werke*, 718 F. Supp. at 52 (“Completely overlapping markets are not required.”); *United States Steel Group v. United States*, 873 F. Supp. 673, 685 (Ct. Int’l Trade 1994), *aff’d*, 96 F.3d 1352 (Fed. Cir. 1996). We note, however, that there have been investigations where the Commission has found an insufficient overlap in competition and has declined to cumulate subject imports. See, e.g., *Live Cattle From Canada and Mexico*, Invs. Nos. 701-TA-386 and 731-TA-812 to 813 (Prelim.), USITC Pub. 3155 at 15 (Feb. 1999), *aff’d sub nom*, *Ranchers-Cattlemen Action Legal Foundation v. United States*, 74 F. Supp. 2d 1353 (Ct. Int’l Trade 1999); *Static Random Access Memory Semiconductors from the Republic of Korea and Taiwan*, Invs. Nos. 731-TA-761 to 762 (Final), USITC Pub. 3098 at 13-15 (Apr. 1998).

³⁴ See generally *Cheffline Corp. v. United States*, 219 F. Supp. 2d 1313, 1314 (Ct. Int’l Trade 2002).

competition between and among subject imports from Brazil, China, Japan, Taiwan, and Thailand, and the domestic like product, in the first and second five-year reviews.³⁵

In the absence of new information to the contrary, we find that our findings from the second five-year reviews concerning the likelihood of a reasonable overlap of competition remain valid in these reviews.³⁶ There is no new information to suggest that carbon steel butt-weld pipe fittings from Brazil, China, Japan, Taiwan, Thailand, and the United States are likely to be any less interchangeable today than in the second reviews, when we found a moderately high degree of substitutability between and among carbon steel butt-weld pipe fittings from all sources.³⁷ Subject imports from Brazil, China, Japan, Taiwan, and Thailand entered the United States through ports spread across the country so as to serve the same geographic markets as the domestic industry.³⁸ With respect to channels of distribution, almost all domestically produced and subject imported carbon steel butt-weld pipe fittings are sold to jobbers or distributors for eventual sale to the end user.³⁹ Subject imports from Thailand were imported into the United States in each month during the 2005-2010 period and from Taiwan during the vast majority of those months.⁴⁰ Although subject imports from China and Japan entered the U.S. market only sporadically during the period, and there were no reported subject imports from Brazil,⁴¹ the Commission's focus is on whether there is likely to be a reasonable overlap of competition if the orders were to be revoked. Thus, the absence of a simultaneous presence with the orders in place does not dictate a finding of no likely reasonable overlap of competition.

No party has argued in these current reviews that the Commission should find that there would likely be no reasonable overlap of competition were the orders to be revoked. Based on our determinations in the original investigations and in the first and second reviews, and the absence of new evidence to the contrary on the record of these reviews, we find that if the orders were revoked there would likely be a reasonable overlap of competition among carbon steel butt-weld pipe fittings from each subject country, and between the domestic like product and subject imports from each subject country. For these reasons, and because there is no indication of other significant differences in the likely conditions of competition in the market such that the likely volume and effect of subject imports would be substantially different, we conclude that it is appropriate to exercise our discretion to cumulate subject imports from Brazil, China, Japan, Taiwan, and Thailand in these reviews.

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

³⁵ CR at I-19 n.51; PR at I-14 n.51.

³⁶ See Second Five-Year Review Determinations, USITC Pub. 3809 at 11-12.

³⁷ See CR at I-13 & n.37; PR at I-9 & n.37.

³⁸ CR at I-19-20; PR at I-14.

³⁹ CR at I-14; PR at I-10.

⁴⁰ CR at I-20; PR at I-14.

⁴¹ CR at I-20; PR at I-14.

material injury within a reasonably foreseeable time.”⁴² 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.”⁴³ Thus, the likelihood standard is prospective in nature.⁴⁴ The U.S. Court of International Trade has found that “likely,” as used in the five-year review provisions of the Act, means “probable,” and the Commission applies that standard in five-year reviews.^{45 46 47}

The statute 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.”⁴⁸ 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.”⁴⁹

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

⁴² 19 U.S.C. § 1675a(a).

⁴³ 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.

⁴⁴ While the SAA states that “a separate determination regarding current material injury is not necessary,” it indicates that “the Commission may consider relevant factors such as current and likely continued depressed shipment levels and current and likely continued {sic} prices for the domestic like product in the U.S. market in making its determination of the likelihood of continuation or recurrence of material injury if the order is revoked.” SAA at 884.

⁴⁵ 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’”).

⁴⁶ 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).

⁴⁷ 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.

⁴⁸ 19 U.S.C. § 1675a(a)(5).

⁴⁹ 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.*

merchandise on the industry if the orders are revoked or the suspended investigation is terminated.”⁵⁰ 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).⁵¹ 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.⁵²

No respondent interested parties participated in these expedited reviews. The record, therefore, contains limited new information with respect to the carbon steel butt-weld pipe fittings industries in Brazil, China, Japan, Taiwan, and Thailand, as well as limited information on the U.S. carbon steel butt-weld pipe fittings market during the period of review. Accordingly, for our determinations, we rely as appropriate on the facts available from the original investigations and prior reviews and the limited new information on the record in these reviews.^{53 54}

⁵⁰ 19 U.S.C. § 1675a(a)(1).

⁵¹ 19 U.S.C. § 1675a(a)(1). There have been no duty absorption findings on the subject merchandise covered by the orders.

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

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

⁵⁴ 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.

B. Conditions of Competition

In evaluating the likely impact of the subject imports on the domestic industry, the statute directs the Commission to consider all relevant economic factors “within the context of the business cycle and conditions of competition that are distinctive to the affected industry.”⁵⁵

In the original investigations, the Commission did not discuss conditions of competition.⁵⁶ In the first five-year reviews, the Commission identified several conditions of competition relevant to its analysis. First, the Commission found that the domestic industry had undergone significant consolidation in the late 1980s, and in the 1990s moved toward integrated production of pipe fittings instead of converting imported, unfinished fittings.⁵⁷ Second, the Commission found that demand was derived from end use markets and that apparent U.S. consumption had increased from 79.0 million pounds in 1985 to *** pounds in 1998.⁵⁸ Finally, the Commission found that the U.S. market was divided into an “approved” segment, consisting of end users in the petroleum, nuclear energy, and power generation industries that purchase pipe fittings for sensitive applications from approved suppliers, and a “non-approved” segment, consisting of end users purchasing pipe fittings for less sensitive applications.⁵⁹

In the second five-year reviews, the Commission also identified several conditions of competition relevant to its analysis. First, the Commission found that the carbon steel butt-welded pipe fittings market was a mature one, and that demand had been stable over the period examined in the reviews and was not expected to increase significantly in the near future.⁶⁰ Second, the Commission found that the domestic industry had consolidated from 12 producers in 1986 to seven producers in 1992 to five producers during the period examined in the reviews.⁶¹ Third, the Commission found that subject imports had been subject to Section 201 relief from March 20, 2002 through December 4, 2003, as a result of the Commission’s global Section 201 investigation on steel imports.⁶² Fourth, the Commission found that the cost of raw materials, primarily seamless pipe, had surged during the period examined.⁶³ Finally, the Commission found a moderately high degree of substitutability between the domestic like product, subject imports, and nonsubject imports, and that price was an important factor in purchasing decisions with respect to products meeting the same quality standards.⁶⁴

In these reviews, we find the following conditions of competition relevant to our analysis.

⁵⁵ 19 U.S.C. § 1675a(a)(4).

⁵⁶ We would again note that the Commission issued three separate determinations in the original investigations: one in December 1986 for Butt-Weld Pipe Fittings from Brazil and Taiwan, USITC Pub. 1918; one in January 1987 for Butt-Weld Pipe Fittings from Japan, USITC Pub. 1943; and one in June 1992 for Certain Carbon Steel Butt-Weld Pipe Fittings from China and Thailand, USITC Pub. 2528.

⁵⁷ First Five-Year Review Determinations, USITC Pub. 3263 at 13.

⁵⁸ First Five-Year Review Determinations, USITC Pub. 3263 at 13; Confidential Views, Carbon Steel Butt-Weld Pipe Fittings from Brazil, China, Japan, Taiwan, and Thailand, Inv. Nos. 731-TA-308-310 and 520-521 (Review) (“First Five-Year Review Confidential Views”) at 13-14.

⁵⁹ First Five-Year Review Determinations, USITC Pub. 3263 at 13-14.

⁶⁰ Second Five-Year Review Determinations, USITC Pub. 3809 at 15-16.

⁶¹ Second Five-Year Review Determinations, USITC Pub. 3809 at 16.

⁶² Second Five-Year Review Determinations, USITC Pub. 3809 at 16.

⁶³ Second Five-Year Review Determinations, USITC Pub. 3809 at 16-17.

⁶⁴ Second Five-Year Review Determinations, USITC Pub. 3809 at 17.

1. Demand Conditions

The U.S. market for carbon steel butt-weld pipe fittings is a mature one, with demand derived from end use markets including oil refining, petrochemicals, energy generation, and gas production and transmission, among others.⁶⁵ U.S. demand for carbon steel butt-weld pipe fittings declined over 34 percent between 2004 and 2009, from 118.8 million pounds to 77.9 million pounds, in large part because of the severe economic downturn.⁶⁶ According to Weldbend, activity in the refining, petrochemical, and commercial construction industries is recovering but is unlikely to have any short- or medium-term impact on demand for carbon steel butt-weld pipe fittings because of long project lead times.⁶⁷

2. Supply Conditions

The U.S. carbon steel butt-weld pipe fittings market is supplied by domestic producers, subject imports, and nonsubject imports. The domestic industry has undergone significant consolidation since the original investigations, with the number of U.S. producers declining from 12 in the original investigations in 1986 to seven in the original investigations in 1992, to four major producers in the first and second five-year reviews.⁶⁸ In these reviews, these same four producers -- HL, Mills, TFA, and Weldbend -- accounted for *** percent of U.S. production in 2009.⁶⁹ The domestic industry's share of apparent U.S. consumption is lower than in the second five-year reviews: it was 64.8 percent in 1999, 53.2 percent in 2004, and 36.3 percent in 2009.⁷⁰

Cumulated subject imports maintained a presence in the U.S. market throughout the 2005-2010 period examined in these reviews and accounted for *** percent of apparent U.S. consumption in 2009.⁷¹

Nonsubject imports maintained a significant presence in the U.S. market during the 2005-2010 period and accounted for 54.8 percent of apparent U.S. consumption in 2009.⁷² The top five nonsubject country sources of carbon-steel butt-weld pipe fittings in 2010 -- Malaysia, Korea, Thailand, Vietnam, and Mexico -- accounted for *** percent of nonsubject imports volume that year.⁷³

3. Substitutability

We adopt our finding from the second five-year reviews that there is a moderately high degree of substitutability between the domestic like product, subject imports, and nonsubject imports, in the absence of any new evidence to the contrary on the record of these reviews.⁷⁴ All carbon steel butt-weld pipe fittings, whether domestic or imported, must meet the same ASTM International and American

⁶⁵ CR at I-12; PR at I-9; see also Weldbend Comments at 10.

⁶⁶ CR/PR at Table I-6.

⁶⁷ Weldbend Comments at 11. In their joint comments, Mills, TFA, and HL observe that apparent U.S. consumption in 2009 was *** of apparent consumption in 2005 and lower than in any year identified in the staff report. Joint Domestic Interested Party Comments at 8.

⁶⁸ CR at I-14-16; PR at I-10-12.

⁶⁹ CR at I-16; PR at I-12.

⁷⁰ CR/PR at Table I-6.

⁷¹ CR/PR at Table I-6.

⁷² CR/PR at Table I-6.

⁷³ CR at I-18 n.50; PR at I-13 n.50.

⁷⁴ Second Five-Year Review Determinations, USITC Pub. 3809 at 17.

National Standards Institute (“ANSI”) specifications.⁷⁵ Moreover, almost all domestically produced and imported carbon steel butt-weld pipe fittings compete in the same channels of distribution, and are sold to jobbers or distributors for eventual sale to end users.⁷⁶ Although there was some question in the original investigations as to whether subject imports from China and Thailand competed with the domestic like product in the “approved” market sector, the domestic interested parties argued in the second five-year reviews that any distinction between the approved and unapproved market sectors had diminished since the original investigations and first five-year reviews.⁷⁷

Based on the record of these reviews, we find that conditions of competition in the carbon steel butt-weld pipe fittings market are not likely to change significantly in the reasonably foreseeable future. Accordingly, in these reviews, we find that current conditions of competition provide us with a reasonable basis on which to assess the likely effects of revocation of the orders in the reasonably foreseeable future.

C. Likely Volume

In evaluating the likely volume of imports of subject merchandise if the antidumping and countervailing duty orders are 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.⁷⁸ 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.⁷⁹

We conclude, based on the facts available,⁸⁰ that the volume of cumulated subject imports would likely be significant and increase significantly if the orders were revoked. In making this finding, we recognize that the volume of cumulated subject imports is currently small, both in absolute terms and relative to apparent U.S. consumption.⁸¹ In a five-year review, however, our focus is on whether subject import volume is likely to be significant within a reasonably foreseeable time if the antidumping duty order is revoked.

In the 1986 original determinations, the Commission found that the absolute volume of cumulated imports, at 32 million pounds in 1983 and 51 million pounds in 1985, was significant throughout the period of investigation and that subject imports’ market share had increased from 47 percent in 1983 to 65 percent in 1985.⁸² In the 1992 original determinations, based on threat of material injury, the Commission found a ten-fold increase in Chinese producers’ capacity and production during the period of investigation, a 10 percent increase in Thai producers’ capacity and a 30 percent increase in their production, as well as significant excess capacity in both countries. It further noted that the cumulated

⁷⁵ CR at I-13; PR at I-9.

⁷⁶ CR at I-14; PR at I-10.

⁷⁷ Second Five-Year Review Determinations, USITC Pub. 3809 at 17 & n.116; CR at I-13 & n.37; PR at I-9 & n.37.

⁷⁸ 19 U.S.C. § 1675a(a)(2).

⁷⁹ 19 U.S.C. § 1675a(a)(2)(A-D).

⁸⁰ See 19 U.S.C. § 1677e(a).

⁸¹ CR/PR at Table I-6.

⁸² Original Determinations on Brazil and Taiwan, USITC Pub. 1918 at 16-17; Original Determination on Japan, USITC Pub. 1943 at 9-10.

imports' market share had increased slightly and was at all times in excess of one third of the U.S. market and that the United States was a primary export market for both countries.⁸³

In the first five-year reviews, the Commission found a likely significant increase in subject import volume in the reasonably foreseeable future if the orders were revoked. It reasoned that, although there was limited information on the record concerning the foreign industries, they did appear to be structured as they were during the original investigations. The Commission noted that the orders had had a significant restraining effect on subject imports, but that, in the absence of contrary information or argument, subject imports would likely increase to a significant level and regain U.S. market share without the orders.⁸⁴

In the second five-year reviews, the Commission found that the volume of cumulated subject imports likely would be significant if the orders were revoked.⁸⁵ The Commission found that cumulated subject import volume and market share was significant during the original investigations, though at a low level during the reviews because of the restraining effect of the orders.⁸⁶ Even so, the Commission found that there *** of subject imports in the U.S. market.⁸⁷ It also found that subject foreign producers had an incentive to increase exports of carbon steel butt-welded pipe fittings to the U.S. market if the orders were revoked, given their substantial quantity of exports to third country markets, the relatively higher prices available in the U.S. market, and the moderately high degree of substitutability between subject imports and the domestic like product.⁸⁸

In these reviews, cumulated subject import volume declined from *** pounds in 2005 to *** pounds in 2007, increased to *** pounds in 2008, declined to *** pounds in 2009, and then increased to *** in 2010, a level *** percent higher than in 2005.⁸⁹ Because of the continued restraining effects of the orders, cumulated subject imports accounted for *** percent of apparent U.S. consumption in 2009, compared with 36.2 percent in 1985 and *** percent in 1991.⁹⁰ Nevertheless, cumulated subject imports maintained a presence in the U.S. market throughout the period examined in these reviews.⁹¹

Because of the absence of any respondent interested party participation, the record of these reviews contains no evidence on the current capacity and production of the subject foreign industries. Consequently, there is no evidence that the structure of these industries has changed since the original investigations. Global Trade Atlas data indicates that producers in Brazil, China, Japan, Taiwan, and Thailand exported a significant quantity of carbon-steel butt-weld pipe fittings to third country markets during the 2005-2010 period.⁹² Were the orders to be revoked, subject foreign producers would likely have an incentive to redirect exports from third country markets to the U.S. market, given the U.S. market's size and relatively higher prices.⁹³ Subject foreign producers in China and Thailand would have an additional incentive to increase their exports to the U.S. market were the orders to be revoked, given that subject foreign producers in China face antidumping duty orders in the European Union and Mexico,

⁸³ Original Determinations on China and Thailand, USITC Pub. 2528 at 24-27.

⁸⁴ First Five-Year Review Determinations, USITC Pub. 3263 at 15.

⁸⁵ Second Five-Year Review Determinations, USITC Pub. 3809 at 18.

⁸⁶ Second Five-Year Review Determinations, USITC Pub. 3809 at 18-19.

⁸⁷ Second Five-Year Review Determinations, USITC Pub. 3809 at 19; Second Five-Year Review Confidential Views at 27.

⁸⁸ Second Five-Year Review Determinations, USITC Pub. 3809 at 19-20.

⁸⁹ CR/PR at Table I-4.

⁹⁰ CR/PR at Table I-6.

⁹¹ See CR/PR at Table I-6.

⁹² CR/PR at Tables I-7-11.

⁹³ Weldbend Comments at 14-15.

while subject foreign producers in Thailand face an antidumping duty order in the European Union.⁹⁴ For all these reasons, we find that cumulated subject import volume, both in absolute terms and relative to production and consumption in the United States, would likely be significant and increase significantly absent the restraining effect of the antidumping duty orders.

D. Likely Price Effects

In evaluating the likely price effects of subject imports if an antidumping duty order is revoked, the Commission is directed to consider whether there is likely to be significant underselling by the subject imports as compared 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.⁹⁵

In the original determinations, the Commission found that the subject imports and domestic product were relatively substitutable, price was an important factor in purchasing decisions, subject imports consistently undersold the domestic product by significant margins, and domestic prices declined as a result.⁹⁶

In the first five-year reviews, the Commission found that revocation of the orders would likely lead to significant underselling and significant price depression and suppression within a reasonably foreseeable time. It noted that, despite the discipline of the orders, the average unit value for the subject imports was lower than that of the domestic product during the first review period, and the record indicated that competition in the marketplace was still predominantly based on price.⁹⁷

In the second five-year reviews, the Commission found that limited underselling during the review period, as well as the underselling in the original investigations, made it reasonable to conclude that subject imports would undersell the domestic like product if the orders were revoked.⁹⁸ It also found that the average unit value of subject imports was significantly lower than that of the domestic like product during the review period, while recognizing the influence of product mix.⁹⁹ Given the moderately high level of substitutability between subject imports and the domestic like product, and the importance of price in purchasing decisions, the Commission found that subject import underselling would likely force the domestic industry to either lower its prices or risk losing market share.¹⁰⁰ For these reasons, the Commission concluded that revocation of the orders would likely result in significant subject import underselling and adverse price effects on domestic producers.¹⁰¹

There is no new product-specific pricing information on the record of these reviews. According to information provided by the domestic interested parties, however, the average unit values of subject

⁹⁴ CR at I-35; PR at I-26.

⁹⁵ 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.

⁹⁶ Original Determinations on Brazil and Taiwan, USITC Pub. 1918 at 18-20; Original Determination on Japan, USITC Pub. 1943 at 10; Original Determinations on China and Thailand, USITC Pub. 2528 at 27.

⁹⁷ First Five-Year Review Determinations, USITC Pub. 3263 at 16.

⁹⁸ Second Five-Year Review Determinations, USITC Pub. 3809 at 21.

⁹⁹ Second Five-Year Review Determinations, USITC Pub. 3809 at 21.

¹⁰⁰ Second Five-Year Review Determinations, USITC Pub. 3809 at 21.

¹⁰¹ Second Five-Year Review Determinations, USITC Pub. 3809 at 21.

imports from China (\$1.88 per pound), Taiwan (\$1.31 per pound), and Thailand (\$1.54 per pound),¹⁰² were significantly lower than the average unit value of U.S shipments reported by domestic producers (\$*** per pound).¹⁰³ Although the average unit value of domestic industry U.S. shipments was significantly higher in 2009 than in any other period we have examined, Weldbend claims that increased domestic like product prices reflect increased raw material costs.¹⁰⁴

In light of the maturity of the U.S. carbon steel butt-weld pipe fittings market and the moderately high degree of substitutability between the domestic like product and imports from all sources, we find that the market for carbon steel butt-weld pipe fittings is price competitive. We find it likely that subject foreign producers would resume their pattern of underselling from the original investigations if the orders were revoked, in order to increase their market share. In response, domestic producers would have to either reduce their prices or relinquish market share. Accordingly, we find that, if the orders were revoked, the likely significant increase in subject import volume at prices that would likely undersell the domestic like product would likely have significant adverse price effects on the domestic industry.

E. Likely Impact¹⁰⁵

In evaluating the likely impact of imports of subject merchandise if the antidumping duty orders under review were revoked, the Commission is directed to consider all relevant economic factors that are likely to have a bearing on the state of the industry in the United States, including, but not limited to the following: (1) likely declines in output, sales, market share, profits, productivity, return on investments, and utilization of capacity; (2) likely negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment; and (3) likely negative effects on the existing development and production efforts of the industry, including efforts to develop a derivative or more advanced version of the domestic like product.¹⁰⁶ 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.¹⁰⁷ 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 orders at issue and whether the industry is vulnerable to material injury if the orders were revoked.

In the 1986 original determinations, the Commission concluded that the significant volume of subject imports, their consistently high import penetration, and underselling by the subject imports while

¹⁰² Joint Domestic Interested Party Comments at 14 (citing USITC Trade Dataweb). No average unit value data was available for subject imports from Brazil or Japan. *Id.*

¹⁰³ CR/PR at Table I-6. While we recognize that the differential between the average unit value of subject imports and the average unit value of domestic industry shipments in 2009 partly reflects different levels of trade, the differential is too great to be fully explained by this factor.

¹⁰⁴ Weldbend Comments at 18.

¹⁰⁵ Section 752(a)(6) of the Act states that “the Commission may consider the magnitude of the margin of dumping” in making its determination in a five-year review. 19 U.S.C. § 1675a(a)(6). The statute defines the “magnitude of the margin of dumping” to be used by the Commission in five-year reviews as “the dumping margin or margins determined by the administering authority under section 1675a(c)(3) of this title.” 19 U.S.C. § 1677(35)(C)(iv). *See also* SAA at 887. In the final results of its expedited sunset review of the antidumping duty orders, Commerce published likely dumping margins of 52.25 percent for Brazil, 35.06 percent to 182.90 percent for China, 30.83 percent to 65.81 percent for Japan, 6.84 percent to 87.30 percent for Taiwan, and 12.44 percent to 52.60 percent for Thailand. CR/PR at Table I-1; 76 Fed. Reg. 7,151 (February 9, 2011).

¹⁰⁶ 19 U.S.C. § 1675a(a)(4).

¹⁰⁷ 19 U.S.C. § 1675a(a)(4).

domestic prices declined established material injury by reason of the subject imports.¹⁰⁸ In the 1992 original determinations, the Commission majority found the domestic industry threatened with material injury based on the following factors: (1) unused or underutilized capacity in the subject countries and inventory buildup that would lead to an increase in the volume and market share of subject imports; (2) substitutability of the product and price sensitivity of the market which would result in price suppression and depression; and (3) the declining profitability and vulnerability of the domestic industry.¹⁰⁹

In the first five-year reviews, the Commission found that material injury would likely continue or recur if the orders were revoked. It noted that the industry's condition had improved immediately after the orders were imposed, but then began to decline again, and found the domestic industry to be vulnerable to the continuation or recurrence of material injury.¹¹⁰

In the second five-year reviews, the Commission found that material injury would likely continue or recur were the antidumping duty orders to be revoked. Although the Commission did not find the domestic industry vulnerable in light of its increased profitability over the review period, the Commission nevertheless found that the domestic industry's level of profitability was unlikely to continue if the orders were revoked, given its poor or declining performance with respect to financial performance criteria, sales volume, and market share.¹¹¹ As raw material costs rose, the Commission found that the domestic industry raised its prices to cover its increased costs, but that it did so at the expense of market share lost to nonsubject imports.¹¹² Consequently, the Commission concluded that the likely significant increase in subject imports coupled with their likely adverse price effects would likely result in a significant adverse impact on the domestic industry within a reasonably foreseeable time.¹¹³

In these expedited reviews, the record information on the domestic industry's condition is limited. In 2009, the domestic industry's capacity was 96.4 million pounds, its output was 30.2 million pounds, and its rate of capacity utilization was 31.3 percent.¹¹⁴ The domestic industry's U.S. shipments were 28.2 million pounds, accounting for 36.3 percent of apparent U.S. consumption; its net sales value was \$110 million; and its operating income was \$10.8 million, equivalent to 9.9 percent of net sales.¹¹⁵ Although the domestic industry's output, rate of capacity utilization, U.S. shipments, and market share in 2009 were significantly lower than in any other period examined, the industry's net sales value, operating income, and operating income were higher than in any other period.¹¹⁶ The limited evidence in this expedited review is insufficient for us to make a finding on whether the domestic industry is vulnerable to the continuation or recurrence of material injury in the event of revocation of the order.¹¹⁷

Based on the record in these reviews, we find that the likely volume and price effects of the subject imports would likely have a significant adverse impact on the industry's production, sales, and revenue levels and would likely have a direct adverse impact on the industry's profitability and employment levels as well as its ability to raise capital and make and maintain necessary capital investments. We recognize that, given the substitutability of the product generally, subject imports would

¹⁰⁸ Original Determinations on Brazil and Taiwan, USITC Pub. 1918 at 20; Original Determination on Japan, USITC Pub. 1943 at 1-12.

¹⁰⁹ Original Determinations on China and Thailand, USITC Pub. 2528 at 30-31.

¹¹⁰ First Five-Year Review Determinations, USITC Pub. 3263 at 18.

¹¹¹ Second Five-Year Review Determinations, USITC Pub. 3809 at 22-23.

¹¹² Second Five-Year Review Determinations, USITC Pub. 3809 at 23.

¹¹³ Second Five-Year Review Determinations, USITC Pub. 3809 at 23-24.

¹¹⁴ CR/PR at Table I-6.

¹¹⁵ CR/PR at Table I-6.

¹¹⁶ See CR/PR at Table I-6.

¹¹⁷ Commissioner Pinkert would conclude based on the information discussed in this paragraph that the evidence on domestic industry vulnerability is mixed.

also likely displace nonsubject imports in the U.S. market to some degree in the event of revocation. We nevertheless find that a significant portion of the expected increase in subject imports would be at the expense of the domestic industry, particularly given the likelihood of subject import underselling and adverse price effects. Accordingly, we conclude that, if the antidumping duty orders on subject carbon steel butt-weld pipe fittings from Brazil, China, Japan, Taiwan, and Thailand were revoked, subject imports would be likely to have a significant adverse impact on the domestic industry within a reasonably foreseeable time.

CONCLUSION

For all the foregoing reasons, we determine that revocation of the antidumping duty orders on subject carbon steel butt-weld pipe fittings from Brazil, China, Japan, Taiwan, and Thailand 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

Background

On October 1, 2010, in accordance with section 751(c) of the Tariff Act of 1930 (“the Act”),¹ as amended, the U.S. International Trade Commission (“Commission”) gave notice that it had instituted five-year reviews to determine whether revocation of the antidumping duty order on carbon steel butt-weld pipe fittings from Brazil, China, Japan, Taiwan, and Thailand would be likely to lead to a continuation or recurrence of material injury within a reasonably foreseeable time.^{2 3} On January 4, 2011, the Commission determined that the domestic interested party group response to its notice of institution was adequate.⁴ The Commission also determined that the respondent interested party group response was inadequate.⁵ The Commission found no other circumstances that would warrant conducting full reviews.⁶ Accordingly, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Act.⁷ The Commission is tentatively scheduled to vote on these reviews on March 24, 2011, and to notify Commerce of its determinations on March 30, 2011. Information relating to the background of the reviews is presented in the tabulation below.

¹ 19 U.S.C. §1675(c).

² All interested parties were requested to respond to the notice by submitting information requested by the Commission. 75 FR 60814, October 1, 2010. Copies of the Commission’s *Federal Register* notices are presented in app. A.

³ In accordance with section 751(c) of the Act, the U.S. Department of Commerce (“Commerce”) published a notice of initiation of the five-year review of the subject antidumping duty order concurrently with the Commission’s notice of institution. 75 FR , 60731, October 1, 2010.

⁴ The Commission received two submissions in response to its notice of institution for the subject review. They were filed on behalf of: (1) Hackney Ladish, Inc.; Mills Iron Works, Inc.; and Tube Forgings of America, Inc., domestic producers of carbon steel butt-weld pipe fittings and (2) Weldbend Corp., a domestic producer of carbon steel butt-weld pipe fittings.

⁵ The Commission received no responses to its notice of institution from respondent interested parties.

⁶ A copy of the *Explanation of Commission Determination on Adequacy* is presented in app. B.

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

Effective date	Action	<i>Federal Register</i> citation
December 17, 1986	Commerce issuance of original antidumping duty order with respect to imports from Brazil and Taiwan	51 FR 45152
February 10, 1987	Commerce's issuance of original antidumping duty order with respect to imports from Japan	52 FR 4167
July 6, 1992	Commerce's issuance of antidumping duty orders with respect to imports from China and Thailand	57 FR 29702, July 6, 1992
January 6, 2000	Commerce's continuation of antidumping duty orders after the first expedited five-year reviews	65 FR 753
November 10, 2005	Commerce's continuation of antidumping duty orders after the second full five-year reviews	70 FR 70059, November 21, 2005
October 1, 2010	Commission's institution of third reviews	75 FR 60814
January 4, 2011	Commission's decision to conduct expedited third reviews	Not applicable
January 24, 2011	Commission's scheduling of the third expedited reviews	76 FR 5205, January 28, 2011
January 31, 2011	Commerce's final results of expedited third reviews	76 FR 7151, February 9, 2011
March 24, 2011	Commission's vote	Not applicable
April 4, 2011	Commission's determinations to Commerce	Not applicable
Source: Cited <i>Federal Register</i> notices.		

THE ORIGINAL INVESTIGATIONS

On February 24, 1986, a petition was filed with Commerce and the Commission alleging that an industry in the United States was materially injured, or was threatened with material injury by reason of imports sold at less than fair value (“LTFV”) from Brazil, Japan, and Taiwan.⁸ The Commission completed the original investigations for Brazil and Taiwan (Inv. Nos. 731-TA-308 and 310) in December 1986, determining that an industry in the United States was materially injured by reason of LTFV imports from Brazil and Taiwan.⁹ Subsequently, in January 1987, the Commission made an affirmative material injury determination regarding imports of carbon steel butt-weld pipe fittings from Japan (Inv. No. 731-TA-309).¹⁰

On May 22, 1991, a petition was filed with Commerce and the Commission alleging that an industry in the United States was materially injured, or was threatened with material injury by reason of imports sold at LTFV from China and Thailand.¹¹ In June 1992, the Commission determined that an

⁸ The petition was filed by the U.S. Butt-Weld Fittings Committee, an ad hoc organization consisting of U.S. producers Ladish, Mills, and Steel Forgings.

⁹ *Butt-Weld Pipe Fittings from Brazil and Taiwan, Invs. Nos. 731-TA-308 and 310 (Final)*, USITC Publication 1918, December 1986, p. 1.

¹⁰ *Butt-Weld Pipe Fittings from Japan, Inv. No. 731-TA-309 (Final)*, USITC Publication 1943, January 1987, p. 1.

¹¹ The petition was filed by the U.S. Butt-Weld Fittings Group, an ad hoc trade association consisting of U.S. producers Hackney, Ladish, Mills, Steel Forgings, and Tube Forgings.

industry in the United States was materially injured or threatened with material injury by reason of LTFV imports of carbon steel butt-weld pipe fittings from China and Thailand (Inv. Nos. 731-TA-520-521).¹²

In December 1986, Commerce issued antidumping duty orders on imports of butt-weld pipe fittings from Brazil and Taiwan; on imports of such fittings from Japan in February 1987; and on imports from China and Thailand in July 1992 (the order excluded imports from Awaji Sangyo (Thailand) Co. (“Awaji Thailand”), which Commerce found to have *de minimis* dumping margins).

THE FIRST FIVE YEAR REVIEWS

On August 5, 1999, the Commission determined that it would conduct expedited reviews of the antidumping duty orders on carbon steel butt-weld pipe fittings from Brazil, China, Japan, Taiwan, and Thailand.¹³ On December 16, 1999, the Commission determined that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.¹⁴ On January 6, 2000, Commerce published its notice of continuation of the antidumping duty orders.¹⁵

THE SECOND FIVE YEAR REVIEWS

On March 7, 2005, the Commission determined that it would conduct full reviews of the antidumping duty orders on carbon steel butt-weld pipe fittings from Brazil, China, Japan, Taiwan, and Thailand.¹⁶ On October 31, 2005, the Commission determined that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.¹⁷ On November 21, 2005, Commerce published its notice of continuation of the antidumping duty orders.¹⁸

¹² *Certain Carbon Steel Butt-Weld Pipe Fittings from China and Thailand, Invs. Nos. 731-TA-520 and 521 (Final)*, USITC Publication 2528, June 1992, p. 1.

¹³ *Carbon Steel Butt-Weld Pipe Fittings from Brazil, China, Japan, Taiwan, and Thailand*, 64 FR 44536 (August 16, 1999). The Commission found that the domestic response was adequate and the respondent foreign industry response was inadequate.

¹⁴ *Carbon Steel Butt-Weld Pipe Fittings from Brazil, China, Japan, Taiwan, and Thailand*, 64 FR 71830 (December 22, 1999).

¹⁵ *Continuation of Antidumping Duty Orders: Certain Carbon Steel Butt-Weld Pipe Fittings from Brazil, Taiwan, Japan, Thailand, and the People’s Republic of China*, 65 FR 753 (January 6, 2000); see also *Final Results of Expedited Sunset Reviews: Certain Carbon Steel Butt-Weld Pipe Fittings from Brazil, Taiwan, Japan, Thailand, and the People’s Republic of China*, 64 FR 67847 (December 3, 1999).

¹⁶ *Carbon Steel Butt-Weld Pipe Fittings from Brazil, China, Japan, Taiwan, and Thailand*, 70 FR 14713, March 23, 2005. The Commission found that the domestic response was adequate and the respondent foreign industry response was inadequate, but nonetheless conducted full reviews because of the age of the orders in question and to examine in detail changes in the conditions of competition in the market.

¹⁷ *Carbon Steel Butt-Weld Pipe Fittings from Brazil, China, Japan, Taiwan, and Thailand*, 70 FR 66847 (November 3, 2005).

¹⁸ *Continuation of Antidumping Duty Orders: Certain Carbon Steel Butt-Weld Pipe Fittings from Brazil, Taiwan, Japan, Thailand, and the People’s Republic of China*, 70 FR 70059.

RELATED INVESTIGATIONS

Title VII Investigations

In February 1994, the U.S. Fittings Group¹⁹ filed a petition alleging that LTFV imports of carbon steel butt-weld pipe fittings from France, India, Israel, Malaysia, Korea, Thailand (Awaji only), the United Kingdom, and Venezuela were materially injuring or threatening to materially injure the domestic industry and that the governments of India and Israel were granting countervailable subsidies to their domestic industries.²⁰ Commerce determined that imports from France, India, Israel, Malaysia, Korea, Thailand (Awaji only), the United Kingdom, and Venezuela were sold in the United States at LTFV and that the governments of India and Israel were subsidizing their respective domestic industries. However, the Commission determined that the U.S. industry was not materially injured or threatened with material injury by reason of LTFV imports from any of the subject countries nor by reason of subsidized imports from India or Israel.²¹ Consequently, Commerce did not issue antidumping or countervailing duty orders against U.S. imports of carbon steel butt-weld pipe fittings from these countries.

Safeguard Investigation

In 2001, the Commission conducted a safeguard investigation of steel products (Inv. No. TA-201-73) that included carbon steel-butt weld pipe fittings. Following affirmative determinations of serious injury and remedy recommendations by the Commission, the President issued a proclamation on March 5, 2002, imposing temporary import relief, effective March 20, 2002, for a period not to exceed three years and one day, on imports from selected countries.²² Import relief relating to carbon steel butt-weld pipe fittings consisted of an additional tariff of 13 percent *ad valorem* on imports in the first year, 10 percent in the second year, and 7 percent in the third year. On December 4, 2003, the President terminated the steel safeguard tariffs.²³

COMMERCE'S CIRCUMVENTION RULINGS

Since the imposition of the original antidumping duty orders on carbon steel butt-weld pipe fittings, Commerce has conducted two circumvention investigations. On March 31, 1994, Commerce published its affirmative final determination of circumvention of the antidumping order on carbon steel

¹⁹ The U.S. Fittings Group was an ad hoc trade association consisting of U.S. producers Hackney, Ladish, Mills, Steel Forgings, and Tube Forgings.

²⁰ *Certain Carbon Steel Butt-Weld Pipe Fittings from France, India, Israel, Malaysia, The Republic of Korea, Thailand, the United Kingdom, and Venezuela*, Invs. Nos. 701-TA-360 and 361 and 731-TA-688-695 (Final), USITC Publication 2870, April 1995.

²¹ *Ibid.* at p. 1-3.

²² *Presidential Proclamation 7529 of March 5, 2002, To Facilitate Positive Adjustment to Competition From Imports of Certain Steel Products*, 67 FR 10553 (March 7, 2002). The safeguard measures were applied to imports of subject steel products from all countries except Canada, Israel, Jordan, and Mexico, and developing countries that are members of the World Trade Organization ("WTO"), whose share of total imports of a particular product did not exceed 3 percent (provided that imports that are the product of all such countries with less than 3 percent import share collectively accounted for not more than 9 percent of total imports of the product).

²³ *Presidential Proclamation 7741 of December 4, 2003, To Provide for the Termination of Action Taken With Regard to Imports of Certain Steel Products*, 68 FR 68483 (December 8, 2003).

butt-weld pipe fittings from China. Commerce determined that pipe fittings finished in Thailand from unfinished pipe fittings produced in China fell within the scope of the antidumping duty order.²⁴

On March 22, 1994, Commerce received a petition from the original petitioners which alleged that unfinished carbon steel butt-weld pipe fittings from Japan were being finished in Thailand by Awaji Thailand, thereby circumventing antidumping duties imposed on imports from Japan. On November 27, 1995, Commerce issued a negative determination of circumvention of the antidumping duty order.²⁵

COMMERCE'S SCOPE RULINGS

Since the imposition of the antidumping duty orders, Commerce has issued two scope rulings. In 1992, Commerce conducted a scope inquiry with regard to the antidumping duty order on imports from Taiwan. Commerce issued a scope ruling that the "sprink-let" is included within the scope of the antidumping duty order.²⁶

In 2009, Commerce conducted a scope inquiry with regard to the antidumping duty order on China. Commerce issued a scope ruling that pipe fittings for structural use in handrails and fencing were within the scope of the antidumping order.²⁷ Subsequently, however, the Court of International Trade remanded Commerce's scope ruling holding that its inclusion of pipe fittings for structural use in handrails and fencing was unsupported by the scope language in the antidumping order.²⁸ On January 20, 2011, Commerce amended its original scope ruling to exclude pipe fittings for structural use in handrails and fencing from coverage of the antidumping duty order on U.S. imports from China.²⁹

COMMERCE'S CHANGED CIRCUMSTANCES REVIEW

On November 18, 2008, Commerce received a request for a changed circumstances review with regard to the antidumping duty order on U.S. imports from Thailand. The request from Awaji Material (Thailand) Co., Ltd. sought Commerce's determination as to whether Awaji Material (Thailand) Co., Ltd. was the successor-in-interest to Awaji Sangyo (Thailand) Co., Ltd. for purposes of the antidumping duty order. Commerce, in its original investigation, assigned a *de minimis* antidumping margin to Awaji Sangyo (Thailand) Co., Ltd. The firm is currently excluded from the antidumping duty order. On February 20, 2009, Commerce determined that Awaji Material (Thailand) Co., Ltd. was the successor-in-interest to Awaji Sangyo (Thailand) Co., Ltd.³⁰

²⁴ *Certain Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China; Affirmative Final Determination of Circumvention of Antidumping Duty Order*, 59 FR 15155 (March 31, 1994).

²⁵ *Certain Carbon Steel Butt-Weld Pipe Fittings from Japan; Negative Preliminary Determination of Circumvention of Antidumping Duty Order*, 60 FR 48686 (September 20, 1995); *Certain Carbon Steel Butt-Weld Pipe Fittings from Japan; Negative Final Determination of Circumvention of Antidumping Duty Order*, 60 FR 58329 (November 27, 1995).

²⁶ *Notice of Scope Rulings*, 57 FR 19602 (May 7, 1992).

²⁷ *Notice of Scope Rulings*, 75 FR 38081 (July 1, 2010).

²⁸ *King Supply Co. LLC v. United States*, Slip Op. 10-111 (Ct. Int'l Trade September 30, 2010); see also *King Supply Co. LLC v. United States*, Slip Op. 11-2 (Ct. Int'l Trade January 6, 2011) (sustaining Commerce's redetermination);

²⁹ *Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China: Notice of Court Decision Not in Harmony with Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision*, 76 FR 4633 (January 26, 2011).

³⁰ *Carbon Steel Butt-Weld Pipe Fittings from Thailand: Final Results of Changed Circumstances Antidumping Duty Review*, 74 FR 8904 (February 27, 2009).

COMMERCE'S ADMINISTRATIVE REVIEWS

Brazil, China, and Japan

Commerce has not conducted any administrative reviews of the antidumping duty orders on carbon steel butt-weld pipe fittings from Brazil, China, and Japan since the imposition of the orders.

Taiwan

Commerce has conducted two administrative reviews of the antidumping duty order on carbon steel butt-weld pipe fittings from Taiwan, as shown in the following tabulation:

Period of review	Date results published	Exporter	Margins (percent)
December 1, 1987 to November 30, 1988	May 2, 1991 (56 FR 20187)	Rigid Industries	6.89
		Chung Ming	8.31
		Gei Bey Corp.	87.30
		Chup Hsin	87.30
		All others	8.31
December 1, 1992 to November 30, 1993	September 26, 1995 (60 FR 49585)	Rigid Industries	4.38
		Chung Ming	5.55
		Gei Bey Corp.	87.30
		Chup Hsin	87.30
		All others	49.46

Thailand

Commerce has conducted three administrative reviews of the antidumping duty order on carbon steel butt-weld pipe fittings from Thailand as shown in the following tabulation:

Period of review	Date results published	Exporter	Margins (percent)
July 1, 1995 to June 30, 1996	July 30, 1997 (62 FR 40797)	TTU Industrial Corp.	52.60
July 1, 1997 to June 30, 1998	December 13, 1999 (64 FR 69487)	Thai Benken	0.94
July 1, 2000 to June 30, 2001	February 7, 2003 (68 FR 6409)	Thai Benken	52.60

COMMERCE'S RESULTS OF EXPEDITED REVIEWS

On February 9, 2011, Commerce published its findings that revocation of the antidumping duty orders on carbon steel butt-weld pipe fittings from Brazil, China, Japan, Taiwan, and Thailand would likely lead to continuation or recurrence of dumping.³¹ The weighted-average dumping margins (in percent *ad valorem*), as reported by Commerce, for the original investigations, the first five-year reviews, the second five-year reviews, and the third five-year reviews, are presented in the table I-1.

³¹ *Certain Carbon Steel Butt-Weld Pipe Fittings from Brazil, Japan, Taiwan, Thailand, and the People's Republic of China: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders*, 76 FR 7151 (February 9, 2011).

Table I-1

Carbon steel butt-weld pipe fittings: Weighted-average dumping margins, as reported by Commerce, for the original investigations, the first five-year reviews, the second five-year reviews, and the third five-year reviews, by country and firm

Country and firm	Original	First reviews	Second reviews	Third reviews
	Margin (percent)			
Brazil				
All exporters	52.25	52.25	52.25	52.25
China				
China North Industries Corp.	154.72	154.72	154.72	154.72
Jilin Provincial Machinery & Equipment Import & Export Corp.	75.23	75.23	75.23	75.23
Liaoning Machinery & Equipment Import & Export Corp.	134.79	134.79	134.79	134.79
Liaoning Metals	182.90	182.90	182.90	182.90
Liaoning Metals & Minerals Import & Export Corp.	103.70	103.70	103.70	103.70
Shenyang Billiongold Pipe Fittings Co., Ltd.	110.39	110.39	110.39	110.39
Shandong Metals & Minerals Import & Export Corp.	35.06	35.06	35.06	35.6
Shenyang Machinery & Equipment Import & Export Corp.	182.90	182.90	182.90	182.90
Shenzhen Machinery Industry Corp.	182.90	182.90	182.90	182.90
All others	182.90	182.90	182.90	182.90
Japan				
Awaji Sangyo, K.K.	30.83	30.83	30.83	30.83
Nippon Benkan Kogyo, Ltd., Co.	65.81	65.81	65.81	65.81
All others	62.79	62.79	62.79	62.79
Taiwan				
Rigid Industries	6.84	6.84	6.84	6.84
Chung Ming Pipe Fitting Manufacturing Co., Ltd.	8.57	8.57	8.57	8.57
Gei Bey Corp.	87.30	87.30	87.30	87.30
Chup Hsin Enterprises	87.30	87.30	87.30	87.30
All others	49.46	49.46	49.46	49.46
Thailand				
Awaji Sangyo (Thailand) Co.	0.22 (<i>de minimis</i>)	38.41	excluded	excluded
TTU Industrial Corp.	10.68	10.68	10.68	12.44
Thai Benken	50.84	50.84	52.60	52.60
All others	39.10	39.10	39.10	40.86
Source: Various <i>Federal Register</i> notices.				

THE SUBJECT PRODUCT

Commerce's Scope

The imported products subject to the antidumping duty orders under review, as defined by Commerce, are:³²

Carbon steel butt-weld pipe fittings from Brazil, Taiwan, and Japan are defined as carbon steel butt-weld pipe fittings, other than couplings, under 14 inches in diameter, whether finished or unfinished, that have been formed in the shape of elbows, tees, reducers, caps, etc., and, if forged, have been advanced after forging. These advancements may include any one or more of the following: coining, heat treatment, shot blasting, grinding, die stamping or painting. These imports are currently classifiable under the Harmonized Tariff Schedule of the United States ("HTS") item number 7307.93.30.³³

Carbon steel butt-weld pipe fittings from Thailand and China are defined as carbon steel butt-weld pipe fittings, having an inside diameter of less than 14 inches, imported in either finished or unfinished form. These formed or forged pipe fittings are used to join sections in piping systems where conditions require permanent, welded connections, as distinguished from fittings based on other fastening methods (e.g., threaded grooved, or bolted fittings). These imports are currently classifiable under the HTS item number 7307.93.30.

Physical Characteristics, Processing Operations, and End Uses³⁴

Butt-weld pipe fittings are used to connect pipe sections where conditions require permanent, welded connections. The beveled edges of butt-weld pipe fittings distinguish them from other types of pipe fittings, such as threaded, grooved, or bolted fittings, which rely on different types of fastening methods. When placed against the end of a beveled pipe or another fitting, the beveled edges of a butt-weld pipe fitting form a shallow channel that accommodates the "bead" of the weld that fastens the two adjoining pieces. Butt-weld pipe fittings can be produced from various materials, including carbon steel, alloy steel, and stainless steel; however, only those butt-weld pipe fittings produced from carbon steel and which are under 14 inches (356 mm) in inside diameter are covered by these reviews. Approximately 90 percent of all butt-weld pipe fittings under 14 inches (356 mm) in inside diameter are of carbon steel.

³² *Certain Carbon Steel Butt-Weld Pipe Fittings from Brazil, Japan, Taiwan, Thailand, and the People's Republic of China: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders*, 76 FR 7151 (February 9, 2011).

In its original determinations, its expedited first five-year review determinations, and its full second five-year review determinations, the Commission defined a single domestic like product as all carbon steel butt-weld pipe fittings corresponding to the scope of Commerce's investigations. In response to the Commission's notice of institution in these reviews, the domestic interested parties stated that they support the definition of the domestic like product to correspond with Commerce's scope language in these third reviews. *Domestic Producers' Response to Notice of Institution*, November 1, 2010, p. 33; *Weldbend's Response to Notice of Institution*, November 1, 2010, p. 8.

³³ The normal trade relations rate of duty for this subheading is 6.2 percent *ad valorem*. In these reviews, "carbon steel" is interpreted to have the same meaning as "non-alloy" steel in the HTS.

³⁴ *Carbon Steel Butt-weld Pipe Fittings from Brazil, China, Japan, Taiwan, and Thailand*, Inv. Nos. 731-TA-308-310 and 520-521 (Second Review), USITC Publication 3809, October 2005, pp. I-13 to I-15.

Carbon steel butt-weld pipe fittings come in several basic shapes, the most common of which are elbows, tees, reducers, and caps. Elbows are two-outlet fittings usually having a 45-degree or 90-degree bend, tees are T-shaped fittings having three outlets, and reducers are two-outlet fittings that connect pipes of two different diameters. Caps are used to seal the end of a pipe. There are further variations within each class of fitting based on differences in the size of one or more of the outlets (for example, there are reducing elbows and reducing tees).

The subject product is utilized in residential, commercial, or industrial pipe systems in chemical synthesis, petroleum refining, electric-power generation, construction, and shipbuilding. Butt-weld pipe fittings join pipes in straight lines and change or divide the flow of fluids (oil, water, natural gas or other gases, or steam). They are welded into permanent, fixed piping systems that convey gases or liquids in plumbing, heating, refrigeration, air-conditioning, automatic fire sprinklers, electrical conduit, irrigation, and process-piping systems. Butt-weld pipe fittings are also found in structural applications for construction, where pipes and fittings are used as support members.

The manufacture of carbon steel butt-weld pipe fittings typically begins with seamless carbon steel pipe which is first transformed into the rough shape of an elbow, tee, reducer, etc., through a cold- or hot-forming (or forging) process. At this stage of production the fittings are considered to be in a rough, “as formed,” state. After forming, the pipe often must undergo a “reforming” or “sizing” operation to ensure that the fitting will match the pipe to which it is to be welded. The finishing steps may include shot blasting, or other cleaning, machine beveling, boring and tapering, grinding, die stamping, inspection, and painting.

Carbon steel butt-weld pipe fittings historically were manufactured by firms that entered the production process at various stages. Integrated producers generally begin with seamless pipe as the raw material and perform both forming and machining operations. Converters purchase rough formed or semifinished pipe fittings and perform only machining and finishing operations. Combination producers produce some fittings in an integrated process and others in a conversion process.

All carbon steel butt-weld pipe fittings, whether imported or domestically produced, must meet American Society for Testing and Materials (“ASTM”) and American National Standards Institute (“ANSI”) specifications. In the original investigations, the Commission found the physical characteristics of carbon steel butt-weld pipe fittings from Brazil, Taiwan, and the United States to be very similar, with the fittings being interchangeable in use.³⁵ The Commission noted that most markets, except possibly the nuclear power industry, where carbon steel butt-weld pipe fittings must be certified, are no longer closed to imported and converted carbon steel butt-weld pipe fittings.³⁶ With reference to imports from China and Thailand, the parties disagreed in the 1992 investigations about the alleged fungibility of the carbon steel butt-weld pipe fittings from China and Thailand with those manufactured in the United States. In particular, respondents in those investigations pointed to quality considerations that allegedly prevented competition between imports from China and the domestic product in the “approved” sector, which they alleged constituted 50 percent of the domestic market.³⁷

³⁵ *Butt-Weld Pipe Fittings from Brazil and Taiwan, Invs. Nos. 731-TA-308 and 310 (Final)*, USITC Publication 1918, December 1986, p. 5.

³⁶ *Ibid.*, pp. 14-15; *Butt-Weld Pipe Fittings from Japan, Inv. No. 731-TA-309 (Final)*, USITC Publication 1943, January 1987, pp. 8-9.

³⁷ End users, particularly in the petroleum, nuclear energy, and power generation industries, often maintain approved supplier lists of qualified butt-weld pipe fitting manufacturers. During the original investigations, due to quality considerations, butt-weld pipe fittings from China had not been given an approval rating on the vendor lists of these industries. In the second full reviews, the parties argued that these lists are no longer a significant barrier to competition for the following reasons: (1) most of the foreign producers are named in the lists, (2) these lists are often not followed, (3) some purchasers assume comparable quality if the manufacturers are certified by the International Society for Standardization (“ISO”), and (4) purchasers who use approved manufacturers lists are

(continued...)

Carbon steel butt-weld pipe fittings are priced on an f.o.b. factory/port of entry or f.o.b. warehouse basis. Certain uses of pipe fittings, including gas and oil transmission and power plants, require fittings that can withstand great pressures, and therefore require high-quality carbon steel butt-weld pipe fittings that carry a premium price. The majority of the domestic producers in the original investigations reported publishing price lists for their distributor customers, which used them to compare and negotiate prices and to place orders. Discount schedules were usually provided with the price lists. Most importers did not publish such lists, but based prices on their costs and the volume of business, or negotiated prices directly with the purchaser.

Almost all domestically produced and imported finished fittings are sold to jobbers or distributors for eventual sale to the end user. Distributors do not stock unfinished fittings. U.S. producers are the only purchasers of unfinished fittings, either importing them directly or purchasing them from U.S. importers or other U.S. producers.

U.S. MARKET PARTICIPANTS

U.S. Producers

During these third expedited reviews, four firms provided the Commission with responses to its notice of institution: (1) Hackney Ladish, Inc. (“Hackney”); (2) Mills Iron Works, Inc. (“Mills”); (3) Tube Forgings of America, Inc. (“Tube Forgings”); and (4) Weldbend Corp. (“Weldbend”). Table I-2 presents the list of responding U.S. producers with each company’s U.S. production location, share of estimated total U.S. production in 2009, and position on the continuation of the antidumping duty orders.

Table I-2

Carbon steel butt-weld pipe fittings: U.S. producers, U.S. production locations, shares of reported U.S. production in 2004, and positions on the continuation of the antidumping duty orders

Firm	Production location(s)	Share of production (percent)	Position on continuation of the orders ¹
Hackney	Enid, OK Russellville, AR	***	Support
Mills	Gardena, CA	***	Support
Tube Forgings	Portland, OR	***	Support
Weldbend	Argo, IL	***	Support

¹ Firms stated as supporting the continuation of the antidumping orders do so for the orders on all countries.

Source: Compiled from data submitted in responses to Commission’s notice of institution.

Since the original investigations, the U.S. industry has experienced consolidation and the exit of a number of U.S. producers of carbon steel butt-weld pipe fittings. During the Commission’s 1986 investigations on carbon steel butt-weld pipe fittings from Brazil, Japan, and Taiwan, there were 12 U.S. producers of the product. These companies included: (1) Flo-Bend, Inc.; (2) Hackney, Inc.;³⁸ (3) ITT Grinnell; (4) Ladish Co., Inc.; (5) L.A. Boiler Works, Inc.; (6) Mills; (7) Standard Fittings Co.; (8) Steel Forgings, Inc.; (9) Tube Forgings; (10) Tube-Line Co.; (11) Tube Turns, Inc.; and (12) Weldbend. Six of

³⁷ (...continued)

beginning to accept products manufactured in China.

³⁸ At this time Hackney, Inc. was a wholly owned subsidiary of the Trinity Fittings Group.

these 12 U.S. producers were integrated producers (Flo-Bend, L.A. Boiler Works, Ladish, Mills, Standard Fittings, and Steel Forgings).³⁹ Hackney, ITT Grinnell, Tube Forgings, and Tube Turns were combination producers while Tube Line and Weldbend were exclusively converters of carbon steel butt-weld pipe fittings.

By the time of the 1992 investigations on U.S. imports from China and Thailand, there were seven U.S. producers of carbon steel butt-weld fittings:⁴⁰ (1) Hackney, (2) Ladish, (3) Mills, (4) Steel Forgings, (5) Tube Forgings, (6) Tube-Line, and (7) Weldbend. Ladish, Mills, and Steel Forgings were integrated producers. Hackney, Tube Forgings, Tube-Line, and Weldbend were combination producers.⁴¹ In the 1995 investigations, four U.S. producers accounted for 90 percent of U.S. production of carbon steel butt-weld pipe fittings: (1) Hackney, (2) Tube Forgings, (3) Tube-Line,⁴² and (4) Weldbend.⁴³ During the first five-year reviews in 1999, four U.S. producers (Mills, Trinity, Tube Forgings, and Weldbend) accounted for approximately *** percent of 1998 U.S. production of carbon steel butt-weld pipe fittings. In the second full reviews, these same four U.S. producers responded to the Commission's notice of institution and stated that they account for *** percent of total U.S. production of carbon steel butt-weld pipe fittings. Again, in the third expedited reviews, these four U.S. producers⁴⁴ responded to the Commission's notice of institution and stated that they accounted for *** percent of total U.S. production in 2009.⁴⁵

³⁹ Integrated producers begin with seamless pipe as the raw material and perform both forming and machining operations. Converters purchase rough formed or semifinished pipe fittings and perform only machining and finishing operations. Combination producers produce some fittings in an integrated process and others in a conversion process.

⁴⁰ ITT Grinnell ceased production of carbon steel butt-weld pipe fittings in 1985. L.A. Boiler Works ceased production in 1988, and Tube Turns ceased production in 1987. Flo-Bend shifted its production to specialty alloy fittings and became a wholly owned subsidiary of Trinity. Both Tube-Line and Weldbend added capital equipment from the time of the 1986 investigations to the 1992 investigation that granted them some integrated production capability, thereby making them combination producers instead of mere converters.

⁴¹ ***. In its 1992 determination, the Commission excluded Tube-Line and Weldbend from the domestic industry under the related parties provision, stating that "the production processes and financial performance of Tube-Line and Weldbend have been, and remain, dependent on low-cost unfinished imports. Further, inclusion of their data distorts certain domestic industry indicators, especially pricing, productivity, and profitability." *Certain Carbon Steel Butt-Weld Pipe Fittings from China and Thailand, Invs. Nos. 731-TA-520 and 521 (Final)*, USITC Publication 2528, June 1992, p. 16.

⁴² In 2002, Ezeflow, Inc. of Quebec, Canada acquired Tube-Line.

⁴³ Ladish sold its production facilities and brand name to Hackney. Steel Forgings became a specialty products manufacturer and no longer produced carbon steel butt-weld pipe fittings.

In the 1995 investigations, the Commission did not exclude Weldbend from the domestic industry, determining that "Weldbend operates an integrated manufacturing facility, producing a substantial majority of the unfinished fittings it finishes. This stands in contrast to its position principally as a converter dependent on low-cost, unfinished imported fittings during previous investigations." *Certain Carbon Steel Butt-Weld Pipe Fittings from France, India, Israel, Malaysia, The Republic of Korea, Thailand, the United Kingdom, and Venezuela, Invs. Nos. 701-TA-360 and 361 and 731-TA-688-695 (Final)*, USITC Publication 2870, April 1995, pp. I-8-9.

⁴⁴ Trinity Fittings Group was renamed Hackney Ladish, Inc. in 2006. Hackney, Mills, and Tube Forgings' Response to the Notice of Institution (Hereafter, "*Domestic Producers' Response to Notice of Institution*"), November 1, 2010, p. 2, fn. 2.

⁴⁵ *Domestic Producers' Response to Notice of Institution*, November 1, 2010, p. 23. Weldbend did not provide an estimate of the relative size of the domestic interested parties. Hackney, Mills, and Tube Forgings estimated that there are a number of U.S. firms that produce predominately specialty pipe fittings that would not be within the scope of these reviews, but may also produce small quantities of pipe fittings that would be within the scope. These firms may account for approximately *** percent of total U.S. production in 2009. These firms include: ***.

U.S. Capacity, Production, Capacity Utilization, U.S. Commercial Shipments, and Financial Data

Domestic interested parties were requested by the Commission to present certain data in their response to the notice of institution. Data on U.S. producers' capacity, production, capacity utilization, U.S. commercial shipments, and financial data for 2009 are presented in table I-3.⁴⁶

Table I-3

Carbon steel butt-weld pipe fittings: U.S. producers' capacity, production, capacity utilization, U.S. commercial shipments, and financial data, 2009

Item	Mills	Tube Forgings	Hackney Ladish	Weldbend	Total
Capacity (1,000 lbs)	***	***	***	***	96,421
Production (1,000 lbs)	***	***	***	***	30,172
Capacity utilization (percent)	***	***	***	***	31.3
Commercial shipments:					
Quantity (1,000 lbs)	***	***	***	***	28,226
Value (\$1,000)	***	***	***	***	109,794
Unit value (per pound)	\$***	\$***	\$***	\$***	\$3.89
Net sales (\$1,000)	***	***	***	***	109,994
COGS (\$1,000)	***	***	***	***	83,336
Gross profit or (loss) (\$1,000)	***	***	***	***	26,658
SG&A expenses (\$1,000)	***	***	***	***	15,851
Operating income or (loss) (\$1,000)	***	***	***	***	10,808
Note.— The production, capacity and shipment data presented are for calendar year 2009. The financial data presented are for fiscal year 2009. Source: <i>Domestic Producers' Response to Notice of Institution</i>, November 1, 2010, pp. 30-32; <i>Weldbend's Response to Notice of Institution</i>, November 1, 2010, attachment A.					

⁴⁶ Total U.S. industry data for 2009 is shown beside other annual data collected in the original investigations and other reviews in a summary table at table I-6.

U.S. Imports

In their response to the notice of institution in these reviews, the domestic interested parties identified seven current importers of the subject merchandise from subject countries. These firms include: ***.⁴⁷

Data regarding U.S. imports of carbon steel butt-weld pipe fittings, as reported by Commerce, are presented in table I-4.⁴⁸ As shown, U.S. imports from subject sources cumulatively have fluctuated from 2005 through 2010, with subject U.S. import volume in 2010 being *** percent higher than that in 2009. Generally, U.S. imports from Brazil were nonexistent during this period.⁴⁹ The volumes of U.S. imports from China and Japan were relatively small from 2005 to 2010. U.S. imports from Taiwan also fluctuated during the review period, increasing almost 61.8 percent from 2009 to 2010. Subject U.S. imports from Thailand increased *** percent (***) from 2009 to 2010. U.S. imports from nonsubject sources increased *** percent from 2009 to 2010.⁵⁰

⁴⁷ *Domestic Producers' Response to Notice of Institution*, November 1, 2010, p. 25.

⁴⁸ U.S. import data from Thailand are based on adjusted Commerce data. One Thai producer, Awaji Materia (successor-in interest to Awaji Sangyo (Thailand)), is excluded from the antidumping order. Therefore, U.S. imports from Awaji Materia are considered nonsubject imports from Thailand. U.S. imports identified as being manufactured by Awaji Materia have been removed from subject U.S. imports from Thailand and have been identified as nonsubject imports from Thailand throughout this report. These imports were identified using proprietary Customs data.

⁴⁹ Domestic interested parties presented bills of lading that purport to show small volumes of U.S. imports from Brazil in 2007 (*** pounds) and in 2008 (*** pounds). *Domestic Producers' Response to Notice of Institution*, November 1, 2010, p. 11 & exh. C.

⁵⁰ According to Commerce data, U.S. imports from nonsubject countries included the following countries, in order of volume in 2010: (1) Malaysia (31.6 million pounds), (2) Korea (10.6 million pounds), (3) Thailand (6.2 million pounds), (4) Vietnam (4.3 million pounds), and (5) Mexico (3.8 million pounds). These countries accounted for approximately *** pounds or *** percent of U.S. imports from nonsubject countries in 2010. U.S. imports from Mexico accounted for approximately 37.6 percent of U.S. imports from nonsubject countries in 2004. U.S. imports from Malaysia accounted for approximately *** percent, followed by U.S. imports from Korea (*** percent), Thailand (*** percent), Vietnam (*** percent), and Mexico (*** percent).

Table I-4**Carbon steel butt-weld pipe fittings: U.S. imports, by source, 2005-2010**

Item	2005	2006	2007	2008	2009	2010
Quantity (1,000 pounds)						
U.S. imports from--						
Brazil	0	0	0	0	0	0
China	92	559	829	862	389	411
Japan	46	37	7	9	2	0
Taiwan	2,224	1,375	900	1,133	1,203	1,951
Thailand (subject)	***	***	***	***	***	***
Subtotal	***	***	***	***	***	***
Thailand (nonsubject)	***	***	***	***	***	***
Other sources	48,222	57,275	76,419	87,756	42,590	61,501
Subtotal	***	***	***	***	***	***
Total imports	61,670	66,810	81,462	96,571	49,537	71,441
Source: Official Commerce statistics. U.S. imports identified as being manufactured by Awaji Materia (Thailand) have been removed from subject U.S. imports from Thailand and have been identified as nonsubject imports from Thailand. These imports were identified using proprietary Customs data.						

CUMULATION CONSIDERATIONS

In assessing whether imports will likely compete with each other and with the domestic like product, the Commission has generally considered four factors: (1) fungibility, (2) presence of sales or offers to sell in the same geographical market, (3) common or similar channels of distribution, and (4) simultaneous presence in the market.⁵¹ Geographical markets and presence in the market are discussed below.

Based on official Commerce statistics, from 2005 to 2010, U.S. imports of carbon steel butt-weld pipe fittings were generally dispersed geographically throughout the United States. Primary U.S. Customs districts of entry for U.S. imports from Taiwan were Savannah, GA; Chicago, IL; Los Angeles, CA; and Houston, TX. The principal U.S. Customs district of entry for U.S. imports from Thailand during this period was Houston, TX; Los Angeles, CA; and Chicago, IL. The reported low volumes of U.S. imports from China and Japan entered the United States primarily through the districts of Chicago, IL; Houston, TX; and Los Angeles, CA.

Carbon steel butt-weld pipe fittings from Thailand were imported into the United States in each month during 2005 to 2010 and from Taiwan during the vast majority of those months. There are no reported U.S. imports from Brazil. Low volumes of U.S. imports from China and Japan entered the United States sporadically, with U.S. import statistics showing many months during which carbon steel butt-weld pipe fittings did not enter the United States from those countries.

⁵¹ In the previous five-year reviews, the Commission has exercised its discretion and found it appropriate to cumulate U.S. imports from all five subject sources. *Carbon Steel Butt-weld Pipe Fittings from Brazil, China, Taiwan, and Japan Invs. Nos. 731-TA-308-310, 520, and 521 (Review)*, USITC Publication 3263, December 1999, p. 11; *Carbon Steel Butt-weld Pipe Fittings from Brazil, China, Japan, Taiwan, and Thailand*, Inv. Nos. 731-TA-308-310 and 520-521 (Second Review), USITC Publication 3809, October 2005, p. 12.

APPARENT U.S. CONSUMPTION AND U.S. MARKET SHARES

Table I-5 presents apparent U.S. apparent consumption and U.S. market shares for the period of the Commission's second full review (1999-2004) and the period of the Commission's third expedited review (2009).

Table I-5

Carbon steel butt-weld pipe fittings: U.S. shipments of domestic product, U.S. imports, and apparent U.S. consumption, and U.S. market shares, 1999-2004 and 2009

Item	1999	2000	2001	2002	2003	2004	2009
Quantity (1,000 pounds)							
U.S. producers' U.S. shipments	67,056	67,811	62,241	62,981	50,894	63,213	28,226
U.S. imports from--							
Brazil	0	0	0	0	10	0	0
China	125	138	224	68	83	177	389
Japan	292	220	74	101	0.4	0.1	2
Taiwan	4,952	3,308	3,173	1,076	1,602	2,482	1,203
Thailand (subject)	***	***	***	***	***	***	***
Subtotal	***	***	***	***	***	***	***
Thailand (nonsubject)	***	***	***	***	***	***	***
Other sources	19,863	30,273	49,909	35,478	28,812	41,070	42,590
Subtotal	***	***	***	***	***	***	***
Total imports	36,481	46,521	66,680	47,945	41,087	55,577	49,537
Apparent consumption	103,537	114,332	128,921	110,926	91,981	118,790	77,763
Share of quantity (percent)							
U.S. producers' U.S. shipments	64.8	59.3	48.3	56.8	55.3	53.2	36.3
U.S. imports from--							
Brazil	0.0	0.0	0.0	0.0	0.0	0.0	0
China	0.1	0.1	0.2	0.1	0.1	0.1	0.5
Japan	0.3	0.2	0.1	0.1	0.0	0.0	0
Taiwan	4.8	2.9	2.5	1.0	1.7	2.1	1.5
Thailand (subject)	***	***	***	***	***	***	***
Subtotal	***	***	***	***	***	***	***
Thailand (nonsubject)	***	***	***	***	***	***	***
Other sources	19.2	26.5	38.7	32.0	31.3	34.6	54.8
Subtotal	***	***	***	***	***	***	***
Total imports	35.2	40.7	51.7	43.2	44.7	46.8	63.7
Source: 1999-2004 U.S. producers data compiled from responses to Commission questionnaires in the second full review. 2009 U.S. producer data compiled from responses to the Commission's notice of institution for the third expedited review. U.S. import data for all periods is compiled from official Commerce statistics. U.S. imports identified as being manufactured by Awaji Materia (Thailand) have been removed from subject U.S. imports from Thailand and have been identified as nonsubject imports from Thailand. These imports were identified using proprietary Customs data.							

SUMMARY DATA

Table I-6 presents summary data for all investigations and reviews that the Commission has compiled regarding carbon steel butt weld pipe fittings since the original investigations. It shows selected U.S. trade and financial data, U.S. imports, apparent U.S. apparent consumption, and U.S. market shares for the period of the Commission's original investigations (1983-1985 and 1989-1991), second full reviews (1999-2004), and the period of the Commission's third expedited review (2009).

Table I-6

Carbon steel butt-weld pipe fittings: Summary data from the original investigations, second full reviews, and third expedited reviews, 1983-1985, 1989-1991, 1999-2004, and 2009

(Quantity=1,000 pounds; value=\$1,000; unit values, unit labor costs, and unit financial data are per pound)													
Item	1983	1984	1985	1989	1990	1991	1999	2000	2001	2002	2003	2004	2009
U.S. consumption quantity: Amount	68,625	80,561	79,015	95,192	99,365	101,784	103,537	114,332	128,921	110,926	91,981	118,790	77,867
Producers' share ¹	***	***	***	***	***	***	64.8	59.3	48.3	56.8	55.3	53.2	36.3
Importer's share: ¹													
Brazil	***	***	***	(2)	(2)	(2)	0.0	0.0	0.0	0.0	0.0	0.0	0
China	(2)	(2)	(2)	***	***	***	0.1	0.1	0.2	0.1	0.1	0.1	0.5
Japan	***	***	***	(2)	(2)	(2)	0.3	0.2	0.1	0.1	0.0	0.0	0
Taiwan	***	***	***	(2)	(2)	(2)	4.8	2.9	2.5	1.0	1.7	2.1	1.5
Thailand (subject)	(2)	(2)	(2)	***	***	***	***	***	***	***	***	***	***
Subtotal	30.4	38.6	36.2	***	***	***	***	***	***	***	***	***	***
Thailand (nonsubject)	(2)	(2)	(2)	(2)	(2)	(2)	***	***	***	***	***	***	***
All other countries ¹	***	***	***	***	***	***	19.2	26.5	38.7	32.0	31.3	34.6	54.8
Subtotal	(2)	(2)	(2)	(2)	(2)	(2)	***	***	***	***	***	***	***
Total imports ¹	***	***	***	42.7	37.6	41.3	35.2	40.7	51.7	43.2	44.7	46.8	63.7
U.S. import quantity from--				(2)	(2)	(2)							
Brazil	***	***	***				0	0	0	0	10	0	0
China	(2)	(2)	(2)	***	***	***	125	138	224	68	83	177	389
Japan	***	***	***	(2)	(2)	(2)	292	220	74	101	0.4	0.1	2
Taiwan	***	***	***	(2)	(2)	(2)	4,952	3,308	3,173	1,076	1,602	2,482	1,203
Thailand (subject)	(2)	(2)	(2)	***	***	***	***	***	***	***	***	***	***
Subtotal	20,880	31,059	28,580	***	***	***	***	***	***	***	***	***	***
Thailand (nonsubject)	(2)	(2)	(2)	(2)	(2)	(2)	***	***	***	***	***	***	***
Other sources	***	***	***	***	***	***	19,863	30,273	49,909	35,478	28,812	41,070	42,590
Subtotal	(2)	(2)	(2)	(2)	(2)	(2)	***	***	***	***	***	***	***
All sources	***	***	***	40,602	37,342	42,029	36,481	46,521	66,680	47,945	41,087	55,577	49,537

Table continued on next page.

Table I-6--Continued

Carbon steel butt-weld pipe fittings: Summary data from the original investigations, second full reviews, and third expedited reviews, 1983-1985, 1989-1991, 1999-2004, and 2009

(Quantity=1,000 pounds; value=\$1,000; unit values, unit labor costs, and unit financial data are <i>per pound</i>)													
Item	1983	1984	1985	1989	1990	1991	1999	2000	2001	2002	2003	2004	2009
U.S. producers'-- Capacity	***	***	***	***	***	***	114,000	114,000	101,000	96,520	87,225	114,000	96,421
Production	36,602	51,795	47,580	***	***	***	65,514	64,796	62,606	61,467	48,571	67,809	30,172
Capacity utilization ¹	***	***	***	***	***	***	57.5	56.8	62.0	63.7	55.7	59.5	31.3
U.S. shipments Quantity	***	***	***	***	***	***	67,056	67,811	62,241	62,981	50,894	63,213	28,226
Value	***	***	***	***	***	***	66,437	67,035	70,298	68,053	59,601	84,173	109,794
Unit value	***	***	***	***	***	***	\$0.99	\$0.99	\$1.13	\$1.08	\$1.17	\$1.33	\$3.89
Net sales	\$41,621	\$46,298	\$44,908	***	***	***	\$67,448	\$67,913	\$71,306	\$68,589	\$59,979	\$85,048	\$109,994
Operating income	(7,705)	(3,857)	(4,066)	***	***	***	(1,458)	(494)	2,577	3,407	1,013	6,158	10,808
Net income	(8,844)	(4,880)	(6,362)	***	***	***	(1,832)	(1,135)	2,122	3,231	1,556	6,479	(2)
Operating income to net sales ¹	(18.5)	(8.3)	(9.1)	***	***	***	(2.2)	(0.7)	3.6	5.0	1.7	7.2	9.9
Net income to net sales ¹	(21.2)	(10.5)	(14.2)	***	***	***	(2.7)	(1.7)	3.0	4.7	2.6	7.6	(2)
¹ In percent. ² Unavailable or not presented. Note.--Because of rounding, figures may not add to the totals shown. Source: Data for 1983-1985 are compiled from information collected in the Commission's original antidumping duty investigations on Brazil, Japan, and Taiwan: <i>Butt-weld Pipe Fittings from Brazil and Taiwan, Invs. Nos. 731-TA-308 and 310 (Final)</i> , USITC Publication 1918, December 1986 and <i>Butt-weld Pipe Fittings from Japan, Inv. No. 731-TA-309 (Final)</i> , USITC Publication 1943, January 1987. Data for 1989-1991 are compiled from information collected in the Commission's original antidumping duty investigations on China and Thailand: <i>Certain Carbon Steel Butt-weld Pipe Fittings from China and Thailand, Invs. Nos. 731-TA-520 and 521 (Final)</i> , USITC Publication 2528, June 1992. Data for 1999-2004 are compiled from information collected in the Commission's second full review on Brazil, China, Japan, Taiwan, and Thailand. <i>Carbon Steel Butt-weld Pipe Fittings from Brazil, China, Japan, Taiwan, and Thailand</i> , Inv. Nos. 731-TA-308-310 and 520-521 (Second Review), USITC Publication 3809, October 2005. Data for 2009 are compiled from data submitted in response to the Commission's notice of institution in the present expedited reviews, official Commerce statistics, and proprietary Customs data.													

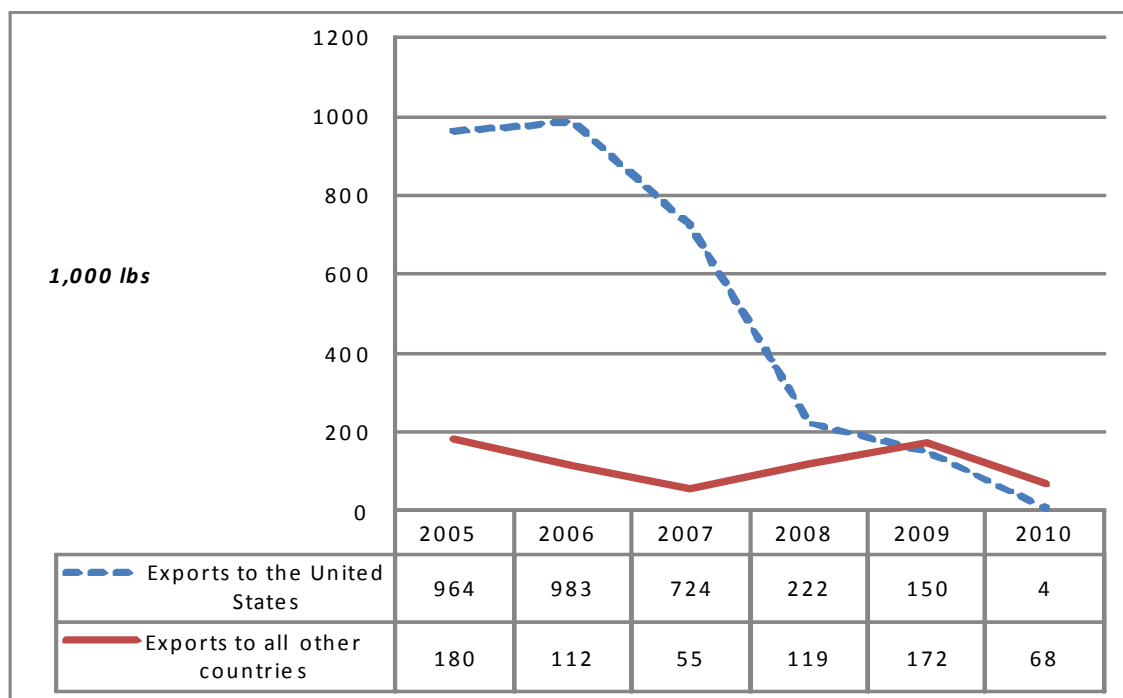
THE INDUSTRY IN BRAZIL

In the original investigations, the Commission received data from the sole producer of carbon steel butt-weld pipe fittings in Brazil, Conforja, S.A. (“Conforja”). According to the Commission’s original investigations, sunset reviews, and responses to the Commission’s notice of institution in these third expedited reviews, Conforja, now doing business as Uniforja, accounted for 100 percent of Brazil’s exports to the United States.⁵² U.S. producers claim that Uniforja is still in operation and exporting carbon steel butt-weld pipe fittings.⁵³

Table I-7 provides data obtained from the Global Trade Atlas regarding exports of iron or steel butt-weld pipe fittings⁵⁴ from Brazil to the United States and to all other countries combined.

Table I-7

Carbon steel butt-weld pipe fittings: Exports from Brazil to the United States and to all other countries, 2005-2010



Source: Compiled from Global Trade Atlas, Export Statistics, HTS 7307.93, February 15, 2011. Please note that HTS 7307.93 may include products not within the scope of these reviews.

⁵² *Carbon Steel Butt-weld Pipe Fittings from Brazil, China, Taiwan, and Japan Invs. Nos. 731-TA-308-310, 520, and 521 (Review)*, USITC Publication 3263, December 1999, p. 22; *Domestic Producers’ Response to Notice of Institution*, November 1, 2010, p. 26.

⁵³ Domestic interested parties reported that Uniforja exported 322,196 pounds of carbon steel butt-weld pipe fittings worldwide in 2009 and 66,600 pounds to the United States in 2007. *Domestic Producers’ Response to Notice of Institution*, November 1, 2010, p. 11.

⁵⁴ The Global Trade Atlas definition of the product is HTS subheading 7307.93. The HTS subheading mentioned in the scope of these reviews is 7307.93.30, a narrower product item number. Thus, the Global Trade Atlas data may include products not within the scope of these reviews.

THE INDUSTRY IN CHINA

During the second full review, the Commission requested data from six producers of carbon steel butt-weld pipe fittings in China, none of which provided the Commission with a response. In 2005, these producers were believed to represent the vast majority of exporting producers in China.⁵⁵ U.S. producers claim that at a minimum Shandong is still producing carbon steel butt-weld pipe fittings and are focused on exportation of their products.⁵⁶ U.S. producers also reported that an additional 10 Chinese firms are also known to manufacture carbon steel butt-weld pipe fittings in China.⁵⁷

Table I-8 provides data obtained from the Global Trade Atlas regarding exports of iron or steel butt-weld pipe fittings⁵⁸ from China to the United States and to all other countries combined.

⁵⁵ These producers are: (1) Shandong Metals & Minerals Import & Export Corp. (“Shandong”); (2) Liaoning Metals & Minerals Import & Export Corp. (“Liaoning Metals”); (3) China North Industries (“China North”); (4) Shenyang Machinery & Equipment Import & Export Corp. (“Shenyang”); (5) Liaoning Machinery & Equipment Import & Export Corp. (“Liaoning”); and (6) Jilin Provincial Machinery & Equipment Import & Export Corp. (“Jilin”).

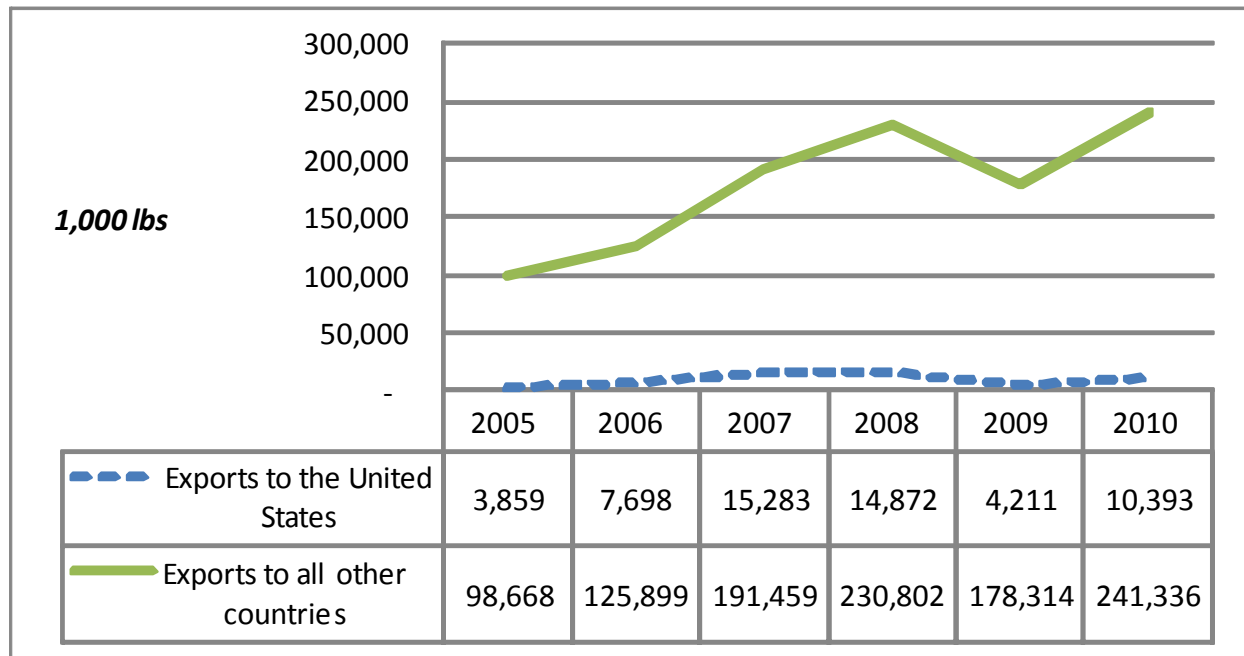
⁵⁶ *Domestic Producers’ Response to Notice of Institution*, November 1, 2010, p. 27. According to data obtained by the Commission in the original investigations, producers in China had a capacity of *** pounds in 1989, *** pounds in 1990, and *** pounds in 1991, production ranging from *** pounds in 1989 to *** pounds in 1991, and exported approximately *** percent of their shipments to the United States in 1991. *Carbon Steel Butt-weld Pipe Fittings from Brazil, China, Taiwan, and Japan Invs. Nos. 731-TA-308-310, 520, and 521 (Review)*, USITC Publication 3263, December 1999, p. I-31.

⁵⁷ These firms are: (1) Cangzhou Ruitai Pipe Fittings Co., Ltd.; (2) Cangzhou Ritia Pipe Fittings Co., Ltd.; (3) Cangzhou Honda Pipe Bends Co., Ltd.; (4) Cangzhou Heng Xian Tai Pipeline Machinery Co., Ltd.; (5) Cangzhou Baisheng Pipe Fittings Manufacturing Co., Ltd.; (6) Cangzhou Qiancheng Steel Pipe Co., Ltd.; (7) Qingdao Best Year Hardware & Machinery Co., Ltd.; (8) Zhejiang Aoxing Pipe Fittings Co., Ltd.; (9) Heibi Minhai Pipe Fittings Co., Ltd.; and (10) Zibo Wel-Fit Metal Products Co., Ltd.

⁵⁸ The Global Trade Atlas definition of the product is HTS subheading 7307.93. The HTS subheading mentioned in the scope of these reviews is 7307.93.30, a narrower product item number. Thus, the Global Trade Atlas data may include products not within the scope of these reviews.

Table I-8

Carbon steel butt-weld pipe fittings: Exports from China to the United States and to all other countries, 2005-2010



Source: Compiled from Global Trade Atlas, Export Statistics, HTS 7307.93, February 15, 2011. Please note that HTS 7307.93 may include products not within the scope of these reviews.

THE INDUSTRY IN JAPAN

During the second full review, the Commission requested data from three producers of carbon steel butt-weld pipe fittings, none of which provided the Commission with a response. These producers are: (1) Awaji Materia Co., Ltd. (formally Awaji Sangya, K.K.) (“Awaji”); (2) Benkan Japan KK (formally Benex Corp.) (“Benkan”); and (3) Mitsui & Co., Ltd. (“Mitsui”). These producers were believed to represent the vast majority of exporting producers in Japan in 2005.⁵⁹ U.S. producers claim that producers of carbon steel butt-weld pipe fittings in Japan, especially Awaji and Benkan, remain the largest producers of the subject product in Japan and are committed to exportation.⁶⁰

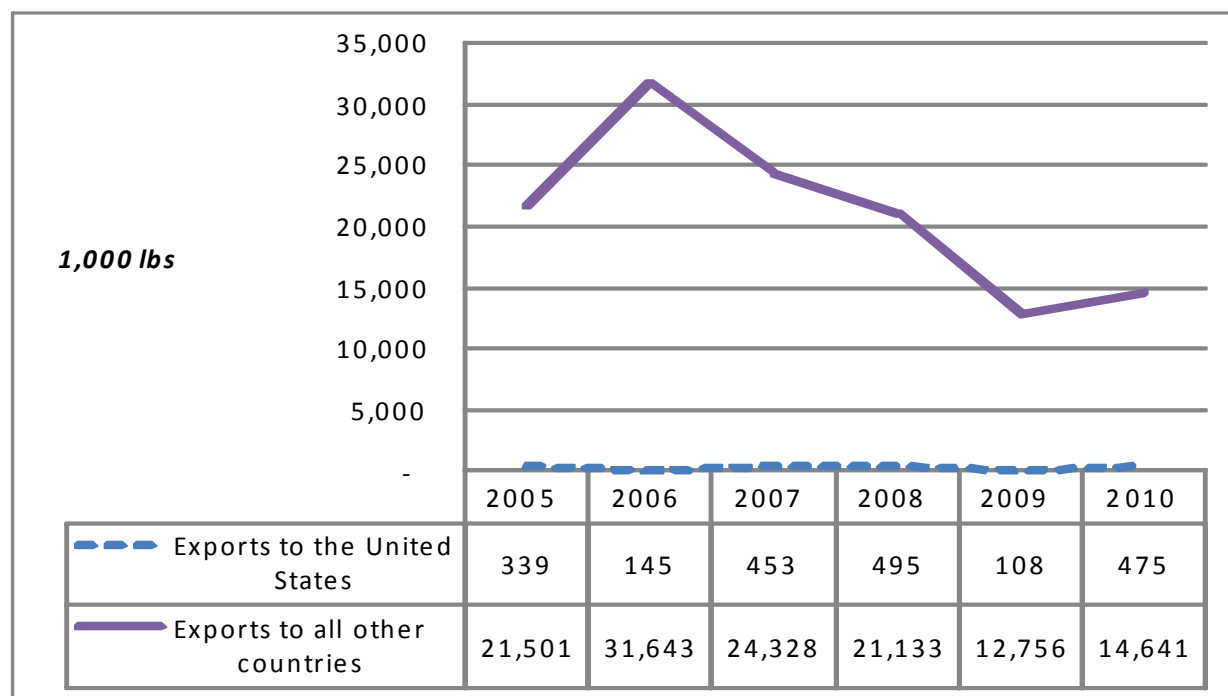
⁵⁹ *Domestic Producers’ Response to Notice of Institution*, November 1, 2010, p. 27. According to data obtained by the Commission in the original investigations, producers in Japan had a capacity of *** pounds in 1984 and *** pounds in 1985, production ranging from *** pounds in 1984 to *** pounds in 1985, and exported approximately *** percent of their shipments to the United States in 1985. *Carbon Steel Butt-weld Pipe Fittings from Brazil, China, Taiwan, and Japan Invs. Nos. 731-TA-308-310, 520, and 521 (Review)*, USITC Publication 3263, December 1999, p. I-30.

⁶⁰ U.S. producers reported that based on data obtained from the United Nations’ Commodity Trade Statistics database (COMTRADE), worldwide exports of carbon steel butt-weld pipe fittings from Japan ranged from 12.9 million pounds in 2009 to 24.8 million pounds in 2007. *Domestic Producers’ Response to Notice of Institution*, November 1, 2010, pp. 8 and 27.

Table I-9 provides data obtained from the Global Trade Atlas regarding exports of iron or steel butt-weld pipe fittings⁶¹ from Japan to the United States and to all other countries combined.

Table I-9

Carbon steel butt-weld pipe fittings: Exports from Japan to the United States and to all other countries, 2005-2010



Source: Compiled from Global Trade Atlas, Export Statistics, HTS 7307.93, February 15, 2011. Please note that HTS 7307.93 may include products not within the scope of these reviews.

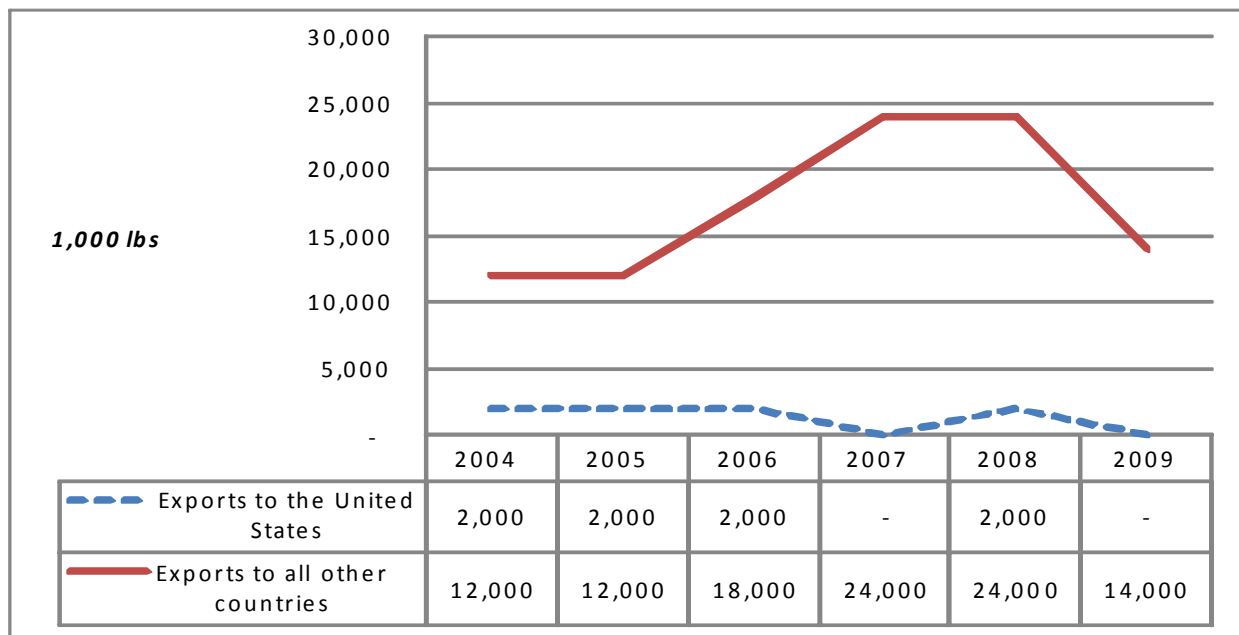
⁶¹ The Global Trade Atlas definition of the product is HTS subheading 7307.93. The HTS subheading mentioned in the scope of these reviews is 7307.93.30, a narrower product item number. Thus, the Global Trade Atlas data may include products not within the scope of these reviews.

THE INDUSTRY IN TAIWAN

During the second full review, the Commission requested data from two producers of carbon steel butt-weld pipe fittings, neither of which provided the Commission with a response. These producers are: (1) Chup Hsin Enterprises Co., Ltd. (“Chup Hsin”); and (2) Rigid Industries Co., Ltd. (“Rigid Industries”).⁶² U.S. producers claim that these producers in Taiwan are still producing carbon steel butt-weld pipe fittings and are focused on exportation. U.S. producers also claim that two additional producers may exist in Taiwan, Wellgrow Industries Corp. and Valtec Industries Co., Ltd.⁶³

Table I-10 provides data obtained from the Global Trade Atlas regarding exports of iron or steel butt-weld pipe fittings⁶⁴ from Taiwan to the United States and to all other countries combined.

Table I-10
Carbon steel butt-weld pipe fittings: Exports from Taiwan to the United States and to all other countries, 2004-2009



Source: Compiled from Global Trade Atlas, Export Statistics, HTS 7307.93, February 15, 2011. Please note that HTS 7307.93 may include products not within the scope of these reviews.

⁶² According to data obtained by the Commission in the original investigations, producers in Taiwan had a capacity of *** pounds in 1983, *** pounds in 1984, and *** pounds in 1985, production ranging from *** pounds in 1983 to *** pounds in 1985, and exported approximately *** percent of their shipments to the United States in 1985. *Carbon Steel Butt-weld Pipe Fittings from Brazil, China, Taiwan, and Japan Invs. Nos. 731-TA-308-310, 520, and 521 (Review)*, USITC Publication 3263, December 1999, p. I-31.

⁶³ U.S. producers reported that based on data obtained from the United Nations’ Commodity Trade Statistics database (COMTRADE), worldwide exports of carbon steel butt-weld pipe fittings from Taiwan ranged from 1.0 million pounds in 2007 to 1.2 million pounds in 2009. *Domestic Producers’ Response to Notice of Institution*, November 1, 2010, pp. 9 and 28.

⁶⁴ The Global Trade Atlas definition of the product is HTS subheading 7307.93. The HTS subheading mentioned in the scope of these reviews is 7307.93.30, a narrower product item number. Thus, the Global Trade Atlas data may include products not within the scope of these reviews.

THE INDUSTRY IN THAILAND

During the second full review, the Commission requested data from two producers of carbon steel butt-weld pipe fittings in Thailand, neither of which provided the Commission with a response. These producers are: (1) Thai Benkan Co., Ltd. (“Thai Benkan”); and (2) TTU Industrial Corp., Ltd. (“TTU”). A third producer in Thailand, Awaji Materia (Thailand) Co., received *de minimus* dumping margins in the original investigation and is currently excluded from the order. These producers are believed to represent the vast majority of exporting producers in Thailand.⁶⁵ U.S. producers claim that Awaji, Thai Benkan, and TTU are still producing carbon steel butt-weld pipe fittings and are focused on exportation.⁶⁶

Table I-11 provides data obtained from the Global Trade Atlas regarding exports of iron or steel butt-weld pipe fittings⁶⁷ from Thailand to the United States and to all other countries combined.

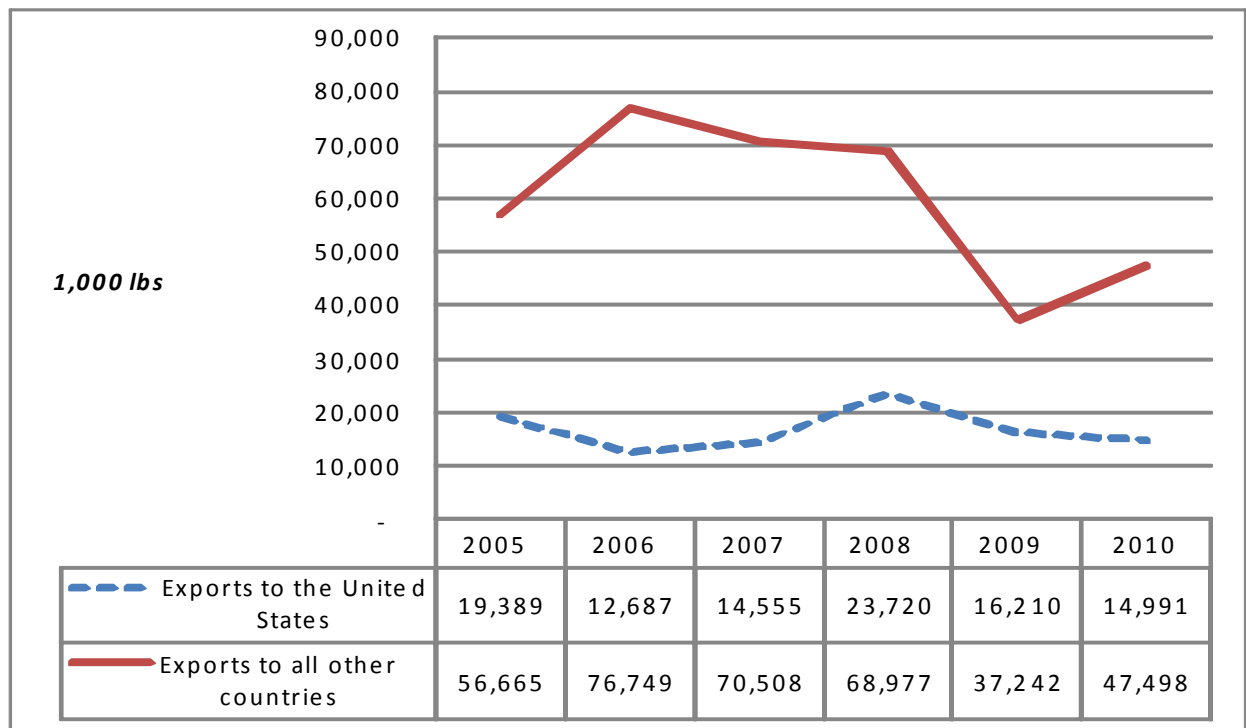
⁶⁵ According to data obtained by the Commission in the original investigations, producers in Thailand had a capacity of *** pounds in 1989, *** pounds in 1990, and *** pounds in 1991, production ranging from *** pounds in 1990 to *** pounds in 1991, and exported approximately *** percent of their shipments to the United States in 1991. *Carbon Steel Butt-weld Pipe Fittings from Brazil, China, Taiwan, and Japan Invs. Nos. 731-TA-308-310, 520, and 521 (Review)*, USITC Publication 3263, December 1999, p. I-32.

⁶⁶ U.S. producers reported that based on data obtained from the United Nations’ Commodity Trade Statistics database (COMTRADE), worldwide exports of carbon steel butt-weld pipe fittings from Thailand were 53.6 million pounds in 2009 (including nonsubject exports from Awaji Thailand). *Domestic Producers’ Response to Notice of Institution*, November 1, 2010, pp. 10 and 28.

⁶⁷ The Global Trade Atlas definition of the product is HTS subheading 7307.93. The HTS subheading mentioned in the scope of these reviews is 7307.93.30, a narrower product item number. Thus, the Global Trade Atlas data may include products not within the scope of these reviews.

Table I-11

Carbon steel butt-weld pipe fittings: Exports from Thailand to the United States and to all other countries, 2005-2010



Source: Compiled from Global Trade Atlas, Export Statistics, HTS 7307.93, February 15, 2011. Please note that HTS 7307.93 may include products not within the scope of these reviews. Exports of Awaji Materia are included in the “exports to the United States” data.

ANTIDUMPING DUTY ORDERS IN THIRD-COUNTRY MARKETS

Since 1996, the European Union (“EU”) has had an antidumping duty order on imports of carbon steel butt-weld pipe fittings from China and Thailand. These antidumping duty orders are presently in effect. Subsequent to the EU’s latest review of these orders, margins ranged from 7.4 percent *ad valorem* for imports from Awaji Materia in Thailand to approximately 59 percent *ad valorem* for imports originating from all other companies in Thailand and all companies in China.⁶⁸ In 2002, the EU also issued an antidumping duty order on carbon steel butt-weld pipe fittings from Korea and Malaysia. These antidumping duty orders are presently in effect. Subsequent to the EU’s latest review of these orders, margins ranged from 44 percent *ad valorem* for imports from all companies in Korea to 75 percent *ad valorem* for imports originating from all other companies in Malaysia.⁶⁹

In 2004, Mexico issued an antidumping duty order on carbon steel butt-weld pipe fittings from China. This antidumping duty order is presently in effect. Subsequent to the Government of Mexico’s latest review of this order, a duty of USD 1.05 per kilogram was imposed on imports from China.⁷⁰

⁶⁸ See Council Regulation 803/2009: *Imposing Definitive Anti-dumping Duties on Imports of Certain Tube and Pipe Fittings, of Iron or Steel, Originating in the People’s Republic of China and Thailand, and those Consigned from Taiwan, whether Declared as Originating in Taiwan or Not, and repealing the exemption granted to Chup Hsin Enterprise Co., Ltd. and Nian Hong Pipe Fittings Co., Ltd.*, August 27, 2009, 2009, O.J. L 233/1, September 4, 2009. The order also included certain imports originating in Taiwan as an anti-circumvention measure. Thai Benken, a carbon steel butt-weld pipe fittings producer in Thailand, is not subject to the EU antidumping duty order.

⁶⁹ See Council Regulation 1001/2008: *Imposing Definitive Anti-dumping Duties on Imports of Certain Tube and Pipe Fittings, of Iron or Steel, Originating in the Republic of Korea and Malaysia, following an expiry review pursuant to Article 11(2) of Regulation (EC) No. 384/96*, October 13, 2008, 2008, O.J. L 275/18, October 16, 2008.

⁷⁰ *Domestic Producers’ Response to Notice of Institution*, November 1, 2010, p. , fn. 8; “Mexico Ends Review Investigations into Carbon Steel Pipe/Tube Fittings and Continues Antidumping Duty,” February 2, 2011, E-to-China.com accessed on February 17, 2011.

APPENDIX A

***FEDERAL REGISTER* NOTICES**

Iqurmuit Traditional Council
 Ivanoff Bay Village
 Kaguyak Village
 Organized Village of Kake
 Kaktovik Village (aka Barter Island)
 Village of Kalskag
 Village of Kaltag
 Native Village of Kanatak
 Native Village of Karluk
 Organized Village of Kasaan
 Kasigluk Traditional Elders Council
 Kenaitze Indian Tribe
 Ketchikan Indian Corporation
 Native Village of Kiana
 King Island Native Community
 King Salmon Tribe
 Native Village of Kipnuk
 Native Village of Kivalina
 Klawock Cooperative Association
 Native Village of Kluti Kaah (aka Copper Center)
 Knik Tribe
 Native Village of Kobuk
 Kokhanok Village
 Native Village of Kongiganak
 Village of Kotlik
 Native Village of Kotzebue
 Native Village of Koyuk
 Koyukuk Native Village
 Organized Village of Kwethluk
 Native Village of Kwigillingok
 Native Village of Kwinhagak (aka Quinhagak)
 Native Village of Larsen Bay
 Levelock Village
 Lime Village
 Village of Lower Kalskag
 Manley Hot Springs Village
 Manokotak Village
 Native Village of Marshall (aka Fortuna Ledge)
 Native Village of Mary's Igloo
 McGrath Native Village
 Native Village of Mekoryuk
 Mentasta Traditional Council
 Metlakatla Indian Community, Annette Island Reserve
 Native Village of Minto
 Naknek Native Village
 Native Village of Nanwalek (aka English Bay)
 Native Village of Napaimute
 Native Village of Napakiak
 Native Village of Napaskiak
 Native Village of Nelson Lagoon
 Nenana Native Association
 New Koliganek Village Council
 New Stuyahok Village
 Newhalen Village
 Newtok Village
 Native Village of Nightmute
 Nikolai Village
 Native Village of Nikolski
 Ninilchik Village
 Native Village of Noatak
 Nome Eskimo Community
 Nondalton Village
 Noorvik Native Community
 Northway Village

Native Village of Nuiqsut (aka Nooiksut)
 Nulato Village
 Nunakauyarmiut Tribe
 Native Village of Nunam Iqua (formerly the Native Village of Sheldon's Point)
 Native Village of Nunapitchuk
 Village of Ohogamiut
 Village of Old Harbor
 Orutsararmiut Native Village (aka Bethel)
 Oscarville Traditional Village
 Native Village of Ouzinkie
 Native Village of Paimiut
 Pauloff Harbor Village
 Pedro Bay Village
 Native Village of Perryville
 Petersburg Indian Association
 Native Village of Pilot Point
 Pilot Station Traditional Village
 Native Village of Pitka's Point
 Platinum Traditional Village
 Native Village of Point Hope
 Native Village of Point Lay
 Native Village of Port Graham
 Native Village of Port Heiden
 Native Village of Port Lions
 Portage Creek Village (aka Ohgsenakale)
 Pribilof Islands Aleut Communities of St. Paul & St. George Islands
 Qagan Tayagungin Tribe of Sand Point Village
 Qawalangin Tribe of Unalaska
 Rampart Village
 Village of Red Devil
 Native Village of Ruby
 Saint George Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)
 Native Village of Saint Michael
 Saint Paul Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)
 Village of Salamattoff
 Native Village of Savoonga
 Organized Village of Saxman
 Native Village of Scammon Bay
 Native Village of Selawik
 Seldovia Village Tribe
 Shageluk Native Village
 Native Village of Shaktoolik
 Native Village of Shishmaref
 Native Village of Shungnak
 Sitka Tribe of Alaska
 Skagway Village
 Village of Sleetmute
 Village of Solomon
 South Naknek Village
 Stebbins Community Association
 Native Village of Stevens
 Village of Stony River
 Sun'aq Tribe of Kodiak (formerly the Shoonaq' Tribe of Kodiak)
 Takotna Village
 Native Village of Tanacross
 Native Village of Tanana
 Tangirnaq Native Village (formerly Lesnoi Village (aka Woody Island))
 Native Village of Tatitlek

Native Village of Tazlina
 Telida Village
 Native Village of Teller
 Native Village of Tetlin
 Central Council of the Tlingit & Haida Indian Tribes
 Traditional Village of Togiak
 Tuluksak Native Community
 Native Village of Tuntutuliak
 Native Village of Tununak
 Twin Hills Village
 Native Village of Tyonek
 Ugashik Village
 Umkumiut Native Village (previously listed as Umkumiute Native Village)
 Native Village of Unalakleet
 Native Village of Unga
 Village of Venetie (See Native Village of Venetie Tribal Government)
 Native Village of Venetie Tribal Government (Arctic Village and Village of Venetie)
 Village of Wainwright
 Native Village of Wales
 Native Village of White Mountain
 Wrangell Cooperative Association
 Yakutat Tlingit Tribe

[FR Doc. 2010-24640 Filed 9-30-10; 8:45 am]

BILLING CODE 4310-4J-P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-308-310, 520, and 521 (Third Review)]

Carbon Steel Butt-Weld Pipe Fittings From Brazil, China, Japan, Taiwan, and Thailand

AGENCY: United States International Trade Commission.

ACTION: Institution of five-year reviews concerning the antidumping duty orders on carbon steel butt-weld pipe fittings from Brazil, China, Japan, Taiwan, and Thailand.

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 carbon steel butt-weld pipe fittings from Brazil, China, Japan, Taiwan, and Thailand 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

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. 11-5-224, expiration date June 30, 2011. Public reporting

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), as most recently amended at 74 FR 2847 (January 16, 2009).

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 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

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

Order date	Product/country	Investigation No.	F.R. cite
12/17/86	Carbon steel butt-weld pipe fittings/Brazil	731–TA–308	51 FR 45152.
12/17/86	Carbon steel butt-weld pipe fittings/Taiwan	731–TA–310	51 FR 45152.
2/10/87	Carbon steel butt-weld pipe fittings/Japan	731–TA–309	52 FR 4167.
7/6/92	Carbon steel butt-weld pipe fittings/China	731–TA–520	57 FR 29702.
7/6/92	Carbon steel butt-weld pipe fittings/Thailand	731–TA–521	57 FR 29702.

Following first five-year reviews by Commerce and the Commission, effective January 6, 2000, Commerce issued a notice of the continuation of the antidumping duty orders on imports of carbon steel butt-weld pipe fittings from Brazil, China, Japan, Taiwan, and Thailand (65 FR 753). Following second five-year reviews by Commerce and the Commission, effective November 21, 2005, Commerce issued a notice of the continuation of the antidumping duty orders on imports of carbon steel butt-weld pipe fittings from Brazil, China, Japan, Taiwan, and Thailand (70 FR 70059). 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 Brazil, China, Japan, Taiwan, and Thailand.

(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 expedited first five-year review determinations, and its full second five-year review determinations, the Commission defined the *Domestic Like Product* as carbon steel butt-weld pipe fittings having an inside diameter of less than 14 inches, whether finished or unfinished, as coextensive with 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 expedited first five-year review determinations, and its full second five-year review determinations, the Commission defined a single *Domestic Industry*: Producers of finished and unfinished carbon steel butt-weld pipe fittings having an inside diameter of less than 14 inches, including integrated producers, converters, and combination producers which perform both integrated production and conversion. One Commissioner defined the *Domestic Industry* differently in the original determinations concerning Brazil, Japan, and Taiwan. In the original determinations concerning China and Thailand, the Commission excluded two domestic producers, Tube Line and Weldbend, from the *Domestic Industry* under the related parties provision. In its expedited first five-year review determinations, the Commission

once again excluded Tube Line from the *Domestic Industry* under the related parties provision but found that Weldbend was no longer a related party eligible for exclusion. Certain Commissioners did not exclude Tube Line from the *Domestic Industry* in the expedited first five-year reviews. In the full second five-year review determinations, the Commission determined that appropriate circumstances did not exist for excluding any domestic producer from the *Domestic Industry* as a related party.

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

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

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

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

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

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

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

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

(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 any *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2009 (report quantity data in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from 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 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 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 pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

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

(b) Capacity (quantity) of your firm to produce the *Subject Merchandise* in the *Subject Country(ies)* (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: September 21, 2010.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010-24066 Filed 9-30-10; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-841 (Second Review)]

Non-Frozen Concentrated Apple Juice From China

AGENCY: United States International Trade Commission.

ACTION: Institution of a five-year review concerning the antidumping duty order on non-frozen concentrated apple juice from China.

SUMMARY: The Commission hereby gives notice that it has instituted a review 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 order on non-frozen concentrated apple juice from China 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

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. 11-5-226, 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.

**INTERNATIONAL TRADE
COMMISSION**

[Investigation Nos. 731–TA–308–310 and
520–521 (Third Review)]

**Carbon Steel Butt-Weld Pipe Fittings
from Brazil, China, Japan, Taiwan, and
Thailand**

AGENCY: United States International
Trade Commission.

ACTION: Scheduling of expedited five-
year reviews concerning the
antidumping duty orders on carbon
steel butt-weld pipe fittings from Brazil,
China, Japan, Taiwan, and Thailand.

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

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

FOR FURTHER INFORMATION CONTACT:
Christopher J. Cassise (202–708–5408),
Office of Investigations, U.S.
International Trade Commission, 500 E
Street, SW., Washington, DC 20436.
Hearing-impaired persons can obtain
information on this matter by contacting
the Commission's TDD terminal on 202–
205–1810. Persons with mobility
impairments who will need special
assistance in gaining access to the
Commission should contact the Office
of the Secretary at 202–205–2000.

General information concerning the
Commission may also be obtained by
accessing its Internet server (<http://www.usitc.gov>). The public record for
these reviews may be viewed on the
Commission's electronic docket (EDIS)
at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background. On January 4, 2011, the
Commission determined that the
domestic interested party group
response to its notice of institution (75
FR 60814, October 1, 2010) of the
subject five-year reviews was adequate
and that the respondent interested party
group response was inadequate. The
Commission did not find any other
circumstances that would warrant
conducting full reviews.¹ Accordingly,
the Commission determined that it
would conduct expedited reviews
pursuant to section 751(c)(3) of the Act.

Staff report. A staff report containing
information concerning the subject
matter of the reviews will be placed in
the nonpublic record on March 2, 2011,
and made available to persons on the
Administrative Protective Order service
list for these reviews. A public version
will be issued thereafter, pursuant to
section 207.62(d)(4) of the
Commission's rules.

Written submissions. As provided in
section 207.62(d) of the Commission's
rules, interested parties that are parties
to the reviews and that have provided
individually adequate responses to the
notice of institution,² and any party
other than an interested party to the
reviews may file written comments with
the Secretary on what determination the
Commission should reach in the
reviews. Comments are due on or before
March 7, 2011 and may not contain new
factual information. Any person that is
neither a party to the five-year reviews
nor an interested party may submit a
brief written statement (which shall not
contain any new factual information)
pertinent to the reviews by March 7,
2011. However, should the Department
of Commerce extend the time limit for
its completion of the final results of its
reviews, the deadline for comments
(which may not contain new factual
information) on Commerce's final
results is three business days after the
issuance of Commerce's results. If

¹ A record of the Commissioners' votes, the
Commission's statement on adequacy, and any
individual Commissioner's statements will be
available from the Office of the Secretary and at the
Commission's Web site.

² The Commission has found the responses
submitted by Hackney Ladish, Inc.; Mills Iron
Works, Inc.; Tube Forgings of America, Inc.; and
Weldbend Corp. to be individually adequate.
Comments from other interested parties will not be
accepted (see 19 CFR 207.62(d)(2)).

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 reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

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

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

Issued: January 24, 2011.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2011-1880 Filed 1-27-11; 8:45 am]

BILLING CODE 7020-02-P

APPENDIX B

STATEMENT ON ADEQUACY

EXPLANATION OF COMMISSION DETERMINATION ON ADEQUACY
in
Carbon Steel Butt-Weld Pipe Fittings from Brazil, China, Japan, Taiwan, and Thailand, Inv. Nos. 731-
TA-308-310 and 520-521 (Third Review)

On January 4, 2011, the Commission determined that it should proceed to expedited reviews in the subject five-year reviews pursuant to section 751(c)(3)(B) of the Tariff Act of 1930, as amended, 19 U.S.C. § 1675(c)(3)(B).

The Commission determined that the domestic producer response filed jointly by Tube Forgings of America, Inc., Mills Iron Works, Inc., and Hackney-Ladish, Inc., and the domestic producer response filed by Weldbend Corporation, were individually adequate. Because these four domestic producers together accounted for the vast majority of U.S. production of carbon steel butt-weld pipe fittings in 2009, the Commission further determined that the domestic interested party group response was adequate.

The Commission did not receive a response from any respondent interested party in the reviews and, therefore, determined that the respondent interested party group response was inadequate.

Given the absence of an adequate respondent interested party group response, and any other circumstances that might warrant proceeding to full reviews, the Commission determined to conduct expedited reviews. A record of the Commissioners' votes is available from the Office of the Secretary and the Commission's website (<http://www.usitc.gov>).

