

EXPLANATION OF COMMISSION'S DETERMINATIONS ON ADEQUACY

in

Certain Pipe and Tube from Brazil, India, Korea, Mexico, Taiwan, Thailand, and Turkey
Inv. Nos. 701-TA-253 and 731-TA-132, 252, 271, 273, 410, 532-534, and 536 (Third Review)

On October 4, 2011, the Commission decided to proceed to full reviews in the five-year reviews of the orders on imports of circular, welded, non-alloy steel pipe and tube not more than 16 inches in outside diameter ("CW pipe and tube") from Brazil, India, Korea, Mexico, Taiwan, Thailand, and Turkey pursuant to section 751(c)(5) of the Tariff Act of 1930, as amended, (19 U.S.C. § 1675(c)(5)) and to conduct an expedited five-year review of the order on imports of light-walled rectangular pipe and tube of welded carbon steel ("LWR pipe and tube") from Taiwan pursuant to section 751(c)(3)(b) of the Tariff Act of 1930, as amended (19 U.S.C. § 1675(c)(3)(b)).

The Commission received a response to the notice of institution from domestic interested party United States Steel Corporation, a domestic producer of CW pipe and tube. The Commission also received a joint response to the notice of institution filed by Allied Tube and Conduit ("Allied Tube"), JMC Steel Group ("JMC Steel"), Leavitt Tube Company ("Leavitt Tube"), Northwest Pipe Company, and TMK IPSCO Tubulars, other domestic producers of CW pipe and tube. The Commission found the responses to the notice of institution from each of these firms to be individually adequate. The Commission further found that the domestic interested party group response was adequate for each of the CW pipe and tube orders under review.

The Commission received responses to the notice of institution from respondent interested parties Pytco, S.A. de C.V. ("Pytco"), a producer of CW pipe and tube in Mexico, and Ternium México, S.A. de C.V. ("Ternium"), a producer and exporter of CW pipe and tube in Mexico. The Commission found the responses to the notice of institution from each of these firms to be individually adequate. The Commission further found that the respondent interested party group response was adequate for the antidumping duty order on CW pipe and tube from Mexico.

The Commission also received a response to the notice of institution from respondent interested party Saha Thai Steel Pipe (Public) Co., Ltd. ("Saha Thai"), a producer, exporter, and importer of CW pipe and tube from Thailand. The Commission found Saha Thai's response to the notice of institution to be individually adequate. The Commission further determined that the respondent interested party group response was adequate for the antidumping duty order on CW pipe and tube from Thailand.

The Commission received a response to the notice of institution from the Government of Turkey, and it received a joint response to the notice of institution filed in their individual and collective capacities by an association of Turkish steel exporters;¹ Noksel Celik Boru Sanayi A.S. ("Noksel"), a producer of CW pipe and tube in Turkey; Borusan Mannesmann Boru Sanayi ve Ticaret AS ("Borusan"), a

¹ The association's name is Çelik İhracatçıları Birliği – Steel Exporters Association ("ÇİB"). Based on information CIB reported, its membership predominantly includes firms that are not producers, exporters, or importers of the subject merchandise. See, e.g., Turkish Producers and Exporters' Sept. 2, 2011, Supplemental Response to NOI. Although we find that CIB does not qualify as an interested party association under 19 U.S.C. § 1677(9)(A) because it is not the case that "a majority of the members of {the association} are producers, exporters, or importers of {subject} merchandise," we considered CIB's response to the notice of institution pursuant to 19 C.F.R. § 207.61(d). See, e.g., Turkish Producers and Exporters' Response to NOI at 2 n.1.

producer/exporter of CW pipe and tube in Turkey; and two sets of affiliated companies in Turkey – the Yucel Group (Yucel Boru ve Profil Endustirisi A.S., an exporter; Cayirova Boru San. ve Tic. A.S., a producer; and Yucelboru Ihracat Ithalat Ve Pazarlama A.S., a producer) and the Toscelik group (Toscelik Profil ve Sac Endustrisi A.S., a producer; Toscelik Metal Ticaret A.S., and Tosyali Dis Ticaret A.S., an exporter). The Commission found the responses to the notice of institution from the Government of Turkey and from Noksel, Borusan, Toscelik, and Yucel to be individually adequate. The Commission further found that the respondent interested party group responses were adequate for both the antidumping and countervailing duty orders on CW pipe and tube from Turkey.

Because the group and individual responses from both domestic interested parties and respondent interested parties were adequate in the reviews of the countervailing duty order concerning CW pipe and tube from Turkey and the antidumping duty orders concerning CW pipe and tube from Mexico, Thailand, and Turkey, the Commission decided to conduct full reviews of those orders.

The Commission did not receive a response from any respondent interested parties in the reviews of the antidumping duty orders on CW pipe and tube from Brazil, India, Korea or regarding either of the antidumping duty orders on CW pipe and tube from Taiwan, and therefore found that the respondent interested party group responses for these countries were not adequate. The Commission nevertheless voted to conduct full reviews concerning the CW pipe and tube orders from Brazil, India, Korea, and Taiwan in order to promote administrative efficiency in light of the Commission's decision to conduct full reviews of the other CW pipe and tube orders in these grouped reviews.

With respect to the antidumping duty order on imports of LWR pipe and tube from Taiwan, the Commission received a joint response filed on behalf of domestic interested parties Allied Tube, Bull Moose Tube, JMC Steel, Leavitt Tube, California Steel and Tube, Hannibal Industries, and Searing Industries, each of which manufactures LWR pipe and tube in the United States. The Commission found that each of these firms had provided an individually adequate response to the notice of institution. The Commission further found that the domestic interested party group response was adequate for the antidumping duty order on LWR pipe and tube from Taiwan.

The Commission did not receive a response from any respondent interested party in the review of the antidumping duty order on imports of LWR pipe and tube from Taiwan, and therefore, found that the respondent interested party group response was inadequate for this review.

The Commission did not find any circumstances that would warrant conducting a full review of the antidumping duty order on imports of LWR pipe and tube from Taiwan. The Commission, therefore, decided to conduct an expedited review of this order.²

A record of the Commissioners' votes is available from the Office of the Secretary and on the Commission's website (<http://www.usitc.gov>).

² Commissioner Charlotte R. Lane voted to conduct a full review of the antidumping duty order on imports of LWR pipe and tube from Taiwan.