# Steel Wire Garment Hangers from Vietnam

Investigation Nos. 701-TA-487 and 731-TA-1198 (Final)

## **Publication 4371**

January 2013

# U.S. International Trade Commission

Washington, DC 20436

# **U.S. International Trade Commission**

### **COMMISSIONERS**

Irving A. Williamson, Chairman
Daniel R. Pearson
Shara L. Aranoff
Dean A. Pinkert
David S. Johanson
Meredith M. Broadbent

Robert B. Koopman

Director, Office of Operations

Staff assigned

Joanna Lo, Investigator
Kathryn Lundquist, Industry Analyst
Clark Workman, Economist
Mary Klir, Accountant
David Goldfine, Attorney
Lita David-Harris, Statistician
Elizabeth Haines, Supervisory Investigator
Special assistance from
Alexander Guido, Investigative Intern

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

# Steel Wire Garment Hangers from Vietnam

Investigation Nos. 701-TA-487 and 731-TA-1198 (Final)



### **CONTENTS**

	Page
Determinations	1
Views of the Commission	3
Part I: Introduction	
Background	I-1
Nature and extent of alleged subsidies and sales at LTFV	I-3
Critical circumstances	I-5
Appendix	
A. Selected Federal Register notices	A-1

# **UNITED STATES INTERNATIONAL TRADE COMMISSION Investigation Nos. 701-TA-487 and 731-TA-1198 (Final)**

### STEEL WIRE GARMENT HANGERS FROM VIETNAM

### **DETERMINATIONS**

On the basis of the record<sup>1</sup> developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to sections 705(b) and 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1671d(b)) and (19 U.S.C. § 1673d(b)) (the Act), that an industry in the United States is materially injured by reason of imports of steel wire garment hangers from Vietnam, provided for in subheading 7326.20.00 of the Harmonized Tariff Schedule of the United States, that the U.S. Department of Commerce has determined are subsidized and sold in the United States at less than fair value ("LTFV").<sup>2</sup>

### **BACKGROUND**

The Commission instituted these investigations effective December 29, 2011, following receipt of a petition filed with the Commission and Commerce by M&B Metal Products Company, Inc., Leeds, AL; Innovative Fabrication LLC/Indy Hanger, Indianapolis, IN; and US Hanger Company LLC, Gardena, CA. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of steel wire garment hangers from Vietnam were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. § 1671b(b)) and dumped within the meaning of 733(b) of the Act (19 U.S.C. § 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the *Federal Register* on August 20, 2012 (77 FR 50160) and on August 22, 2012 (77 FR 50713, corrected). The hearing was held in Washington, DC, on October 24, 2012, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on January 28, 2013. The views of the Commission are contained in USITC Publication 4371 (January 2013), entitled *Steel Wire Garment Hangers from Vietnam: Investigation Nos. 701-TA-487 and 731-TA-1198 (Final)*.

<sup>&</sup>lt;sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

<sup>&</sup>lt;sup>2</sup> All six Commissioners voted in the affirmative. The Commission also finds that imports subject to Commerce's affirmative critical circumstances determinations are not likely to undermine seriously the remedial effects of the countervailing and antidumping duty orders on steel wire garment hangers from Vietnam.

### VIEWS OF THE COMMISSION

Based on the record in these investigations, we find that an industry in the United States is materially injured by reason of imports of steel wire garment hangers ("SWG hangers") from Vietnam that are subsidized and sold in the United States at less than fair value.

### I. ADOPTION OF VIEWS IN SWG HANGERS FROM TAIWAN

These investigations and the accompanying investigation of SWG hangers from Taiwan arose out of petitions filed by three U.S. producers of SWG hangers on December 29, 2011. The Commission was required to issue its determination in the investigation of SWG hangers from Taiwan in November 2012 because Commerce issued its final determination in that investigation earlier than it did in the investigations concerning SWG hangers from Vietnam. The Commission made an affirmative determination on the basis of cumulated imports from both countries in the investigation of SWG hangers from Taiwan.<sup>1</sup>

The Commission's record in these investigations closed on November 9, 2012, except with respect to the final antidumping duty and countervailing duty determinations by the Department of Commerce ("Commerce") regarding subject imports from Vietnam, the final comments of the parties with respect to the investigations on SWG hangers from Vietnam, and the supplemental staff report concerning SWG hangers from Vietnam.<sup>2</sup> The Commission also reopened the record to include import data affecting its critical circumstances analysis and to permit the parties to submit final comments on these data. The Commission released the data to all of the parties under administrative protective order on January 10, 2013, and only the Vietnamese respondents submitted final comments on the data.<sup>3</sup>

Under section 771(7)(G)(iii) of the Tariff Act of 1930, as amended ("the Act"), we are required to make our material injury determinations in the instant investigations on the basis of the same record as that in the investigation regarding imports from Taiwan, except to the extent discussed above. Therefore, in these investigations, we adopt the findings and analyses in our determination and views regarding subject imports from Taiwan with respect to the issues of domestic like product, domestic industry, cumulation, and material injury by reason of cumulated subject imports.

Accordingly, we determine that the domestic industry producing SWG hangers is materially injured by reason of subject imports from Vietnam that Commerce determined were sold in the U.S. market at less than fair value and subsidized by the Government of Vietnam.<sup>5</sup>

<sup>&</sup>lt;sup>1</sup> Steel Wire Garment Hangers from Taiwan, Inv. No. 731-TA-1197 (Final), USITC Pub. 4363 (Nov. 2012).

<sup>&</sup>lt;sup>2</sup> <u>See</u> 19 U.S.C. § 1677(7)(G)(iii); 77 Fed. Reg. 75973 (Dec. 26, 2012); 77 Fed. Reg. 75980 (Dec. 26, 2012); INV-LL-003 (Jan. 8, 2013).

<sup>&</sup>lt;sup>3</sup> <u>See</u> Final Comments of H2I2 Dry Cleaning Supply Inc., Tan Dinh Enterprise, and Infinite Industrial Hanger, Ltd. (Jan. 14, 2013).

<sup>&</sup>lt;sup>4</sup> 19 U.S.C. §1677(7)(G)(iii).

<sup>&</sup>lt;sup>5</sup> We note that, in its final antidumping duty and countervailing duty determinations on Vietnam, Commerce modified the dumping margins and net subsidy rates somewhat from its preliminary determinations. The changes in the dumping margins and subsidy rates, however, do not alter our conclusion that the domestic industry producing SWG hangers is materially injured by reason of cumulated subject imports from Taiwan and Vietnam. In its preliminary antidumping duty determination concerning subject imports from Vietnam, Commerce found margins of 135.81 percent for four named producers and 187.51 percent for all others. 77 Fed. Reg. 46044, 46053 (Aug. 2, 2012). In its final antidumping duty determination concerning subject imports from Vietnam, Commerce found dumping margins of 157.00 percent for three named producers and 220.68 percent for all others. 77 Fed. Reg. 75980

### II. CRITICAL CIRCUMSTANCES

### A. Legal Standards and Party Arguments

In its final antidumping and countervailing duty determinations concerning SWG hangers from Vietnam, Commerce found that critical circumstances exist with respect to certain subject producers/exporters. Therefore, because we have determined that the domestic industry is materially injured by reason of subject imports from Vietnam, we must further determine "whether the imports subject to the affirmative {Commerce critical circumstances} determination . . . are likely to undermine seriously the remedial effect of the antidumping {and/or countervailing duty} order{s} to be issued." The Statement of Administrative Action to the Uruguay Round Agreements Act ("SAA") indicates that the Commission is to determine "whether, by massively increasing imports prior to the effective date of relief, the importers have seriously undermined the remedial effect of the order" and specifically "whether the surge in imports prior to the suspension of liquidation, rather than the failure to provide retroactive relief, is likely to seriously undermine the remedial effect of the order." The legislative history of the critical circumstances provision indicates that the provision was designed "to deter exporters whose merchandise is subject to an investigation from circumventing the intent of the law by increasing their exports to the United States during the period between initiation of an investigation and a preliminary determination by {Commerce}." An affirmative critical circumstances determination by the Commission, in conjunction with an affirmative determination of material injury by reason of subject imports, would in most instances result in the retroactive imposition of duties for those imports subject to Commerce's affirmative critical circumstances determination for a period 90 days prior to the suspension of liquidation.

The statute provides that, in making this determination, the Commission shall consider, among other factors it considers relevant, the following:

- (I) the timing and the volume of the imports,
- (II) a rapid increase in inventories of the imports, and
- (III) any other circumstances indicating that the remedial effect of the {order} will be seriously undermined.<sup>8</sup>

<sup>(</sup>Dec. 26, 2012). In its preliminary countervailing duty determination concerning subject imports from Vietnam, Commerce found net subsidy rates ranging from 11.03 percent to 21.25 percent. 77 Fed. Reg. 32930 (June 4, 2012). In its final countervailing duty determination with respect to subject imports from Vietnam, Commerce found net subsidy rates ranging from 31.52 percent to 90.42 percent. 77 Fed. Reg. 75973 (Dec. 26, 2012). Commerce also found the following programs to be countervailable in its final countervailing duty determination: Land Preferences for Enterprises in Encouraged Industries or Industrial Zones, Corporate Income Tax Reductions for Newly Established Investment Projects, Import Duty Exemptions or Reimbursements for Raw Materials, and Preferential Lending to Exporters. Id.

<sup>&</sup>lt;sup>6</sup> SAA, H.R. Rep. 103-316, vol. 1 at 877 (1994).

<sup>&</sup>lt;sup>7</sup> <u>ICC Industries, Inc. v. United States</u>, 812 F.2d 694, 700 (Fed. Cir. 1987), <u>quoting</u> H.R. Rep. No. 317, 96<sup>th</sup> Cong., 1<sup>st</sup> Sess. 63 (1979), aff'g 632 F. Supp. 36 (Ct. Int'l Trade 1986).

<sup>&</sup>lt;sup>8</sup> 19 U.S.C. §§ 1671d(b)(4)(A)(ii), 1673d(b)(4)(A)(ii).

In considering the timing and volume of subject imports, the Commission's practice is to compare import volumes prior to the filing of the petition with those subsequent to the filing of the petition using monthly statistics on the record regarding those firms for which Commerce has made an affirmative critical circumstances determination.

Petitioners M&B Metal Products Co., Inc., Innovative Fabrication LLC/Indy Hanger, and U.S. Hanger Co., LLC ("Petitioners") argue that the Commission should make affirmative critical circumstances findings in its investigations of SWG hangers from Vietnam.<sup>9</sup> Petitioners assert that, in comparing import volumes before and after the filing of the petition to determine whether there has been a massive increase, the Commission should include data for December 2011 in the pre-petition period because the petition was filed on December 29, 2011.<sup>10</sup> They also ask that, if the Commission includes December 2011 in the pre-petition period, it should compare import data for five months prior to the filing of the petition with import data for five months following the filing of the petition to avoid including June 2012 in the post-petition period.<sup>11</sup> According to petitioners, Commerce's June 4, 2012 preliminary countervailing duty determination on subject imports from Vietnam, and Commerce's concomitant suspension of liquidation on such imports, caused an artificial decline in the post-petition period that should not be reflected in the Commission's critical circumstances analysis.<sup>12</sup>

Respondents H2I2 Dry Cleaning Supply Inc., Tan Dinh Enterprise, and Infinite Industrial Hanger, Ltd. ("Respondents") argue that, regardless of the periods compared, there was not a massive increase in subject imports from Vietnam following the filing of the petition that would warrant a finding of critical circumstances.<sup>13</sup> Accordingly, Respondents urge the Commission to make negative critical circumstances findings.<sup>14</sup>

### B. Analysis

Commerce's affirmative critical circumstances finding in its final antidumping duty determination applies to all U.S. imports of SWG hangers from Vietnam, <sup>15</sup> but the affirmative critical circumstances finding in its final countervailing duty determination applies only to a subset of Vietnamese firms. Specifically, in its affirmative countervailing duty determination, Commerce found critical circumstances with respect to all subject imports except those produced by foreign producers/exporters South East Asia Hamico Export Joint Stock Company, Nam A Hamico Export Joint Stock Company, and Linh Sa Hamico Company Limited (collectively "the Hamico Companies"). <sup>16</sup> As we recently explained in Crystalline Silicon Photovoltaic Cells and Modules from China, <sup>17</sup> because the statute calls for the Commission to make its critical circumstances determinations on the basis of imports subject to Commerce's affirmative critical circumstances determinations, we separately examine the respective data for each investigation.

<sup>&</sup>lt;sup>9</sup> Petitioners' Prehearing Br. at 14-16.

<sup>&</sup>lt;sup>10</sup> Petitioners' Prehearing Br. at 14-15.

<sup>&</sup>lt;sup>11</sup> Petitioners' Prehearing Br. at 15.

<sup>&</sup>lt;sup>12</sup> Petitioners' Prehearing Br. at 15.

<sup>&</sup>lt;sup>13</sup> Respondents' Posthearing Br. at 3-6.

<sup>&</sup>lt;sup>14</sup> Respondents' Posthearing Br. at 3-6.

<sup>&</sup>lt;sup>15</sup> 77 Fed. Reg. 75980 (Dec. 26, 2012).

<sup>&</sup>lt;sup>16</sup> 77 Fed. Reg. 759973 (Dec. 26, 2012).

<sup>&</sup>lt;sup>17</sup> Inv. Nos. 701-TA-481, 731-TA-1190 (Final), USITC Pub. 4360 at 40-41 (Nov. 2012) ("Solar Panels").

Unless the industry under investigation involves seasonal market conditions or the Commission decides that circumstances otherwise warrant, the Commission generally compares six months of data gathered from the periods immediately preceding and following the filing of a petition, with the earlier period including the month in which the petitions were filed. In these investigations, we are not persuaded by Petitioners' argument that we should diverge from our normal practice of comparing data for six-month periods. Absent a compelling reason to depart from our normal practice, we analyze data for six-month periods and, given the timing of the filing of the petition (late in the month, on the 29th), we include the month in which the petitions were filed (December 2011) in the initial six-month comparison period.

Based on a comparison of subject imports over the six-month periods before and after the December 29, 2011 petition filing, we do not find a surge in subject imports warranting affirmative critical circumstances determinations. For the antidumping duty investigation, subject imports increased from \*\*\* hangers to \*\*\* hangers between the two six-month periods, an increase of only \*\*\* percent. 19 For the countervailing duty investigation, relevant subject imports increased from \*\*\* hangers to \*\*\* hangers between the two six-month periods, an increase of only \*\*\* percent. 20 Thus, subject imports covered by Commerce's affirmative critical circumstances determinations did not increase sufficiently to undermine seriously the remedial effect of the antidumping and countervailing duty orders. 21

The inventory data also do not support affirmative critical circumstances determinations. U.S. importers' end-of-period inventories of subject merchandise from Vietnam for the period January-June 2012 (\*\*\* hangers) were \*\*\* lower than for the period January-June 2011 (\*\*\* hangers).<sup>22</sup> These data

<sup>&</sup>lt;sup>18</sup> In analyzing critical circumstances for its antidumping and countervailing duty investigations, Commerce used a five-month base period (August 2011 through December 2011) and a five-month comparison period (January 2012 through May 2012). See, e.g., 77 Fed. Reg. 32930 (June 4, 2012); 77 Fed. Reg. 46044 (Aug. 2, 2012); 77 Fed. Reg. 75980 (Dec. 26, 2012); 77 Fed. Reg. 759973 (Dec. 26, 2012). The Commission, however, is not required to analyze the same period that Commerce examined. See, e.g., Solar Panels, USITC Pub. 4360 at 41-42, 44 (using six-month periods for analysis in both antidumping and countervailing duty investigations;) Certain Polyester Staple Fiber from China, Inv. No. 731-TA-1104 (Final), USITC Pub. 3922 at 35 (June 2007); Steel Concrete Reinforcing Bars from Turkey, Inv. No. 731-TA-745 (Final), USITC Pub. 3034 at 34 (Apr. 1997). Moreover, as discussed below, regardless of whether a five-month or six-month period is used for analyzing critical circumstances, we find that critical circumstances do not exist with respect to subject imports from Vietnam that are covered by the affirmative critical circumstances determinations in Commerce's final antidumping and countervailing duty investigations.

<sup>&</sup>lt;sup>19</sup> Derived from INV-LL-007 (Jan. 14, 2013) at Revised Supplemental Table 1.

<sup>&</sup>lt;sup>20</sup> Derived from INV-LL-007 (Jan. 14, 2013) at Revised Supplemental Table 1.

<sup>&</sup>lt;sup>21</sup> As discussed above, we have followed the Commission's general practice of comparing six months of data gathered from the periods immediately preceding and following the petitions' filing. Nevertheless, even if we compared subject imports over the five-month periods before and after the December 29, 2011 filing of the petition, we still would not find that critical circumstances exist. For the antidumping duty investigation, subject imports increased from \*\*\* hangers to \*\*\* hangers between the two five-month periods, an increase of \*\*\* percent. Derived from INV-LL-007 (Jan. 14, 2013) at Revised Supplemental Table 1. For the countervailing duty investigation, relevant subject imports increased from \*\*\* hangers to \*\*\* hangers between the two five-month periods, an increase of \*\*\* percent. Derived from INV-LL-007 (Jan. 14, 2013) at Revised Supplemental Table 1. Although these increases are somewhat larger than those for the six-month periods, they are still insufficient to undermine seriously the remedial effect of the antidumping or countervailing duty orders.

<sup>&</sup>lt;sup>22</sup> INV-KK-108 at Table VII-3 (Nov. 8, 2012). The record does not contain separate data on inventories of subject merchandise exported by the Hamico Companies. Thus, the Commission uses the information available – total end-of-period inventories of responding importers – as the information available in its critical circumstances analysis for the countervailing duty investigation.

are inconsistent with the claim that U.S. importers were stockpiling SWG hangers from Vietnam after the December 2011 filing of the petition and confirm that the post-petition subject imports would not seriously undermine the remedial effect of the antidumping duty or countervailing duty orders.

Based on the above analysis, although we recognize the domestic industry's condition, the adverse price effects of subject imports during the POI, and the high degree of substitutability among subject imports and the domestic like product, we do not find that the subject imports that entered the U.S. market after the filing of the petition and before Commerce's suspension of liquidation would seriously undermine the remedial effect of the antidumping duty and countervailing duty orders. Thus, we do not find evidence that the retroactive application of suspension of liquidation and the imposition of duties for a 90-day period is warranted.

We therefore determine that critical circumstances do not exist with respect to subject imports from Vietnam of SWG hangers covered by the affirmative critical circumstances determinations in Commerce's final antidumping duty and countervailing duty investigations.

### **CONCLUSION**

For the foregoing reasons, we find that an industry in the United States is materially injured by reason of imports of SWG hangers from Vietnam that are subsidized and sold in the United States at less than fair value. We also determine that critical circumstances do not exist with respect to subject imports from Vietnam that are covered by the affirmative critical circumstances determinations in Commerce's final antidumping and countervailing duty investigations.

### **PART I: INTRODUCTION**

### **BACKGROUND**

These investigations result from a petition filed with the U.S. Department of Commerce ("Commerce") and the U.S. International Trade Commission ("USITC" or "Commission") by M&B Metal Products Company, Inc. ("M&B"), Leeds, AL; Innovative Fabrication LLC/Indy Hanger ("Indy Hanger"), Indianapolis, IN; and US Hanger Company LLC ("US Hanger"), Gardena, CA, on December 29, 2011, alleging that an industry in the United States is materially injured and threatened with material injury by reason of subsidized imports of steel wire garment hangers ("SWG hangers") from Vietnam and less-than-fair-value ("LTFV") imports of SWG hangers from Vietnam and Taiwan. Information relating to the background of the investigations is provided in the tabulation on the next page.

<sup>&</sup>lt;sup>1</sup> The Commission transmitted its determination and views with respect to Taiwan on November 29, 2012.

<sup>&</sup>lt;sup>2</sup> Selected *Federal Register* notices cited in the tabulation are presented in app. A.

Effective date	Action
December 29, 2011	Petition filed with Commerce and the Commission; institution of the Commission's investigation (77 FR 806, January 6, 2012)
January 25, 2012	Commerce's notice of AD initiation (77 FR 3731)
January 25, 2012	Commerce's notice of CVD initiation (77 FR 3737)
February 17, 2012	Commission's preliminary AD determination on Taiwan and Vietnam (77 FR 9701)
June 4, 2012	Commerce's preliminary CVD determination on Vietnam (77 FR 32930)
August 2, 2012	Commerce's preliminary AD determination on Taiwan (77 FR 46055); Commerce's preliminary AD determination on Vietnam (77 FR 46044); scheduling of final phase of Commission investigation, corrected (77 FR 50713, August 22, 2012)
October 15, 2012	Commerce's final AD determination on Taiwan (77 FR 62492)
October 24, 2012	Commission's hearing <sup>1</sup>
November 15, 2012	Commission's vote (Taiwan)
November 29, 2012	Commission's determination to Commerce (Taiwan)
December 24, 2012	Commerce's final CVD determination on Vietnam (77 FR 75973, December 26, 2012); Commerce's final AD determination on Vietnam (77 FR 75980, December 26, 2012)
January 16, 2013	Scheduled date for the Commission's vote (Vietnam)
January 28, 2013	Commission's determination due to Commerce (Vietnam)

The information contained in this report is intended to be used in conjunction with data presented in the Commission's report *Steel Wire Garment Hangers from Taiwan, Inv. No. 731-TA-1197 (Final)*, USITC Publication 4363, November 2012 ("USITC Publication 4363") and its corresponding confidential version contained in memorandum No. INV-KK-108, *Steel Wire Garment Hangers from Taiwan and Vietnam* ("INV-KK-108") and the revised confidential version contained in memorandum No. INV-KK-110 ("INV-KK-110"). No new information except for Commerce's final affirmative determinations of subsidizes imports, sales at LTFV, and critical circumstances of SWG hangers from Vietnam, and party comments<sup>3</sup> thereon is included in the record for this proceeding.

<sup>3</sup> The only party comments received were from counsel on behalf of the petitioners (Vorys).

### NATURE AND EXTENT OF SUBSIDIES AND SALES AT LTFV

### **Subsidies**

On December 26, 2012, Commerce published a notice in the *Federal Register* of its final determination of countervailable subsidies for producers and exporters of SWG hangers from Vietnam.<sup>4</sup> Table I-1 presents Commerce's final findings of subsidization of SWG hangers in Vietnam.

Table I-1 SWG hangers: Commerce's final subsidy determination with respect to imports from Vietnam

Entity	Preliminary countervailable subsidy margin ( <i>percent</i> )
South East Asia Hamico Export Joint Stock Company (SEA Hamico), Nam A Hamico Export Joint Stock Company (Nam A), and Linh Sa Hamico Company Limited (Linh Sa) (collectively, the Hamico Companies)	31.58
Infinite Industrial Hanger Limited (Infinite) and Supreme Hanger Company Limited (Supreme) (collectively the Infinite Companies)	90.42
All others	31.58
Source: 77 FR 75973, December 26, 2012.	

<sup>&</sup>lt;sup>4</sup> Certain Steel Wire Garment Hangers From the Socialist Republic of Vietnam: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination, 77 FR 75973, December 26, 2012.

### Sales at LTFV

On December 26, 2012, Commerce published a notice in the *Federal Register* of its final determination of sales at LTFV with respect to imports from Vietnam.<sup>5</sup> Table I-3 presents Commerce's final dumping margins with respect to imports of SWG hangers from Vietnam.

Table I-3
SWG hangers: Commerce's final weighted-average LTFV margins with respect to imports from Vietnam

Exporter/Producer	Preliminary dumping margin (percent)
CTN Limited Company	157.00
Ju Fu Co., Ltd.	157.00
Triloan Hangers, Inc.	157.00
All others	220.68
Source: 77 FR 75980, December 26, 2012.	

<sup>&</sup>lt;sup>5</sup> Steel Wire Garment Hangers From the Socialist Republic of Vietnam: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, 77 FR 75980, December 26, 2012.

### CRITICAL CIRCUMSTANCES

On December 26, 2012, Commerce published a notice in the *Federal Register* of its final critical circumstances determination of countervailable subsidies for producers and exporters of SWG hangers from Vietnam.<sup>6</sup> Commerce stated that "because there are no comments on the record, we have not changed our findings from the preliminary critical circumstances determination. Therefore, in accordance with section 705(a)(2) of the Act, we continue to find that critical circumstances exist with respect to imports from the Infinite Companies and "all other" exporters of SWG hangers from Vietnam." On the same day, Commerce also issued its final critical circumstance determination of sales at LTFV with respect to imports from Vietnam, affirming its preliminary affirmative determination of critical circumstances and continue to find that critical circumstances exist with respect to imports of steel wire garment hangers from Vietnam.<sup>8</sup>

<sup>&</sup>lt;sup>6</sup> Certain Steel Wire Garment Hangers From the Socialist Republic of Vietnam: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination, 77 FR 75973, December 26, 2012.

<sup>&</sup>lt;sup>7</sup> Certain Steel Wire Garment Hangers From the Socialist Republic of Vietnam: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination, 77 FR 75973, December 26, 2012. In the preliminary critical circumstances determination on subsidized imports of SWG hangers, Commerce concluded that critical circumstances do not exist with respect to the Hamico Companies; however, Commerce also concluded that critical circumstances exist for the Infinite Companies and for imports from ''all other'' exporters of SWG hangers from Vietnam.

<sup>&</sup>lt;sup>8</sup> Steel Wire Garment Hangers From the Socialist Republic of Vietnam: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, 77 FR 75980, December 26, 2012. In the preliminary critical circumstances determination on LTFV imports of SWG hangers, Commerce determined that "critical circumstances" exist with regard to imports from Vietnam of SWG hangers from the Vietnam-wide entity (which includes Hamico), the TJ Group, and the separate rate respondents (CTN Limited Company, Ju Fu Co., Ltd., and Triloan Hangers, Inc.).

# APPENDIX A SELECTED FEDERAL REGISTER NOTICES

Certain Steel Wire Garment Hangers From the Socialist Republic of Vietnam: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination, 77 FR 75973, December 26, 2012. <a href="http://www.gpo.gov/fdsys/pkg/FR-2012-12-26/pdf/2012-30948.pdf">http://www.gpo.gov/fdsys/pkg/FR-2012-12-26/pdf/2012-30948.pdf</a>

Steel Wire Garment Hangers From the Socialist Republic of Vietnam: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, 77 FR 75980, December 26, 2012. <a href="http://www.gpo.gov/fdsys/pkg/FR-2012-12-26/pdf/2012-30951.pdf">http://www.gpo.gov/fdsys/pkg/FR-2012-12-26/pdf/2012-30951.pdf</a>