

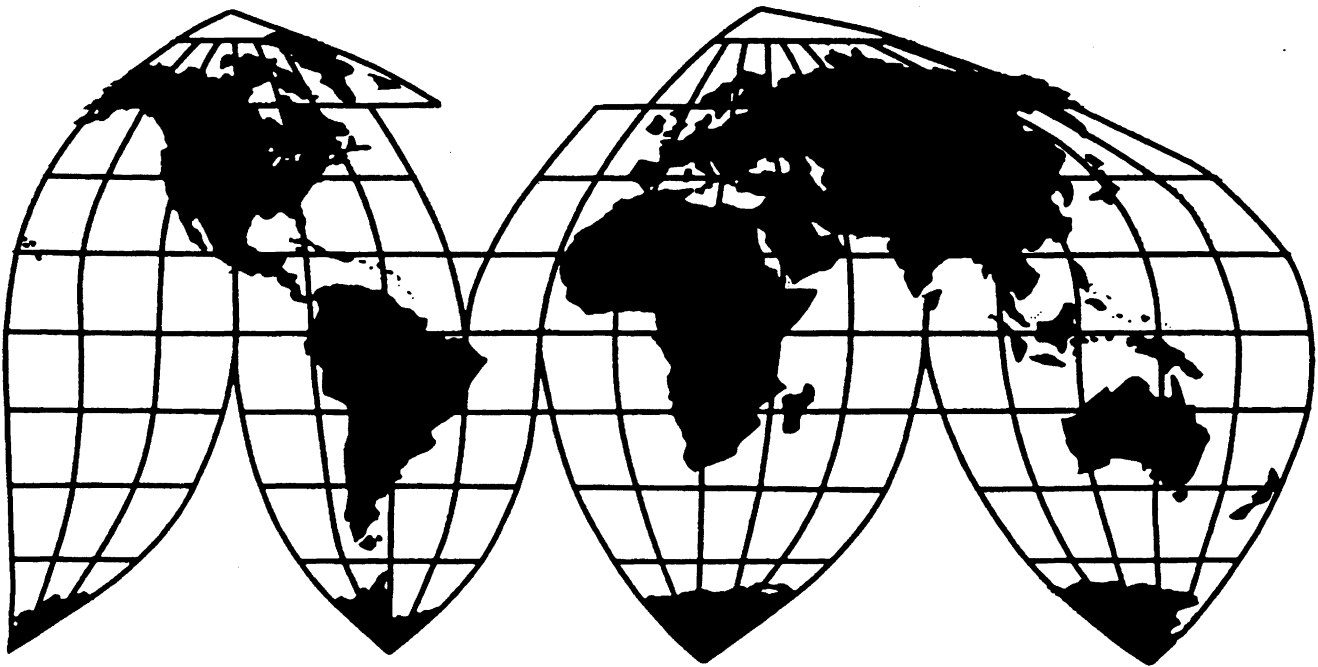
Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From the Czech Republic, Mexico, and Romania

Investigations Nos. 731-TA-846, 848 and 849 (Final)

Publication 3325

August 2000

U.S. International Trade Commission



U.S. International Trade Commission

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Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From the Czech Republic, Mexico, and Romania



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Note.—Information that would reveal confidential operations of individual concerns may not be published and therefore has been deleted from this report.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

Investigations Nos. 731-TA-846, 848 and 849 (Final)

CERTAIN SEAMLESS CARBON AND ALLOY STEEL STANDARD, LINE, AND PRESSURE PIPE FROM THE CZECH REPUBLIC, MEXICO, AND ROMANIA

DETERMINATIONS

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1673d(b)) (the Act), that an industry in the United States is materially injured by reason of imports from the Czech Republic and Romania of certain small diameter seamless carbon and alloy steel standard, line, and pressure pipe (“small diameter pipe”), provided for in subheadings 7304.10.10, 7304.10.50, 7304.31.30, 7304.31.60, 7304.39.00, 7304.51.50, 7304.59.60, and 7304.59.80 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).² The Commission made a negative determination concerning critical circumstances relating to imports from the Czech Republic. The Commission also determines that an industry in the United States is materially injured by reason of imports from Mexico of certain large diameter seamless carbon and alloy steel standard, line, and pressure pipe (“large diameter pipe”), provided for in subheadings 7304.10.10, 7304.10.50, 7304.31.60, 7304.39.00, 7304.51.50, 7304.59.60, and 7304.59.80 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at LTFV.³

BACKGROUND

The Commission instituted these investigations effective June 30, 1999, following receipt of a petition filed with the Commission and the Department of Commerce by counsel for Koppel Steel Corp., Beaver Falls, PA; Sharon Tube Co., Sharon, PA; U.S. Steel Group, Fairfield, AL; USS/Kobe Steel Co., Lorain, OH; and Vision Metals’ Gulf States Tube Div., Rosenberg, TX. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by the Department of Commerce that imports of small diameter pipe from the Czech Republic and Romania and large diameter pipe from Mexico were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. § 1673b(b)). Notice of the scheduling 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* of February 25, 2000 (65 FR 10107). The hearing was held in Washington, DC, on May 4, 2000, and all persons who requested the opportunity were permitted to appear in person or by counsel.

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

² Commissioners Jennifer A. Hillman and Thelma J. Askey dissenting with respect to small diameter pipe of alloy steel. They determine that imports of such pipe from the Czech Republic and Romania are negligible.

³ Commissioner Thelma J. Askey dissenting with respect to large diameter pipe of alloy steel. She determines that imports of such pipe from Mexico are negligible.

IEWS OF THE COMMISSION

Based on the record in these investigations, we determine that an industry in the United States is materially injured by reason of imports of certain small diameter seamless carbon and alloy standard, line, and pressure pipe (“small diameter pipe”) from the Czech Republic and Romania that the Department of Commerce found to be sold in the United States at less than fair value (“LTFV”).¹ We further determine that an industry in the United States is materially injured by reason of imports of certain large diameter seamless carbon and alloy standard, line, and pressure pipe (“large diameter pipe”) from Mexico that Commerce found to be sold at LTFV.²

I. ADOPTION OF VIEWS IN CERTAIN SEAMLESS CARBON AND ALLOY STANDARD, LINE, AND PRESSURE PIPE FROM JAPAN AND SOUTH AFRICA

The instant investigations arose out of a group of simultaneously filed petitions that also included the petitions for our recently completed investigations of small diameter pipe from South Africa, and small and large diameter pipe from Japan.³ We were required to issue our determinations in the investigations of small diameter pipe from South Africa and Japan and large diameter pipe from Japan in June 2000 because Commerce issued its final determinations in those investigations earlier than it did in the current investigations. We engaged in a cumulated analysis of the volume and price effects of subject imports from the Czech Republic, Japan, Romania, and South Africa in making our determinations with respect to subject small diameter pipe imports from Japan and South Africa. We also engaged in a cumulated analysis of the volume and price effects of subject imports from Japan and Mexico in making our determinations with respect to subject large diameter pipe imports from Japan. 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 same record as that of the determinations regarding subject imports from Japan and South Africa, except that the record in these investigations also includes Commerce’s final determinations in these investigations.⁴ The record in these investigations is otherwise identical to that in the investigations regarding imports from Japan and South Africa. Therefore, in these investigations, we adopt the findings and analysis in our

¹ Commissioner Hillman determines that the industry in the United States producing small diameter seamless carbon steel standard, line, and pressure pipe is materially injured by reason of subject imports from the Czech Republic and Romania sold at LTFV, and that subject imports of small diameter seamless alloy steel standard, line, and pressure pipe from the Czech Republic and Romania are negligible.

² Commissioner Askey determines that the industry producing small diameter seamless carbon steel standard, line, and pressure pipe in the United States is materially injured by reason of imports of small diameter seamless carbon steel standard, line, and pressure pipe from the Czech Republic and Romania that the Department of Commerce (“Commerce”) has found to be sold in the United States at less than fair value (“LTFV”). She further determines that the industry producing large diameter seamless carbon steel standard, line, and pressure pipe in the United States is materially injured by reason of imports of large diameter seamless carbon steel standard, line, and pressure pipe from Mexico that Commerce found to be sold at LTFV. However, she also determines that subject imports of small diameter seamless alloy steel standard, line, and pressure pipe from the Czech Republic and Romania are negligible. She further determines that subject imports of large diameter seamless alloy steel standard, line, and pressure pipe from Mexico are negligible. She writes separately to explain her views. See Concurring and Dissenting Views of Commissioner Thelma J. Askey.

³ Certain Seamless Carbon and Alloy Standard, Line, and Pressure Pipe from Japan and South Africa, Invs. No. 731-TA-847 and 850 (Final), USITC Pub. 3311 (June 2000).

⁴ 19 U.S.C. §1677(7)(G)(iii). See also Memorandum INV-X-153 (July 6, 2000) (“Supplemental Report”), reflecting Commerce’s antidumping margins for the Czech Republic, Mexico, and Romania.

determinations regarding subject imports from Japan and South Africa with respect to domestic like product, domestic industry, cumulation, and material injury.⁵

With respect to the material injury analysis, we note that Commerce modified the dumping margins somewhat from its preliminary determinations.^{6 7} The changes to the margins do not alter our conclusion that the domestic industry producing small diameter seamless pipe is materially injured by reason of cumulated subject imports,⁸ and that the domestic industry producing large diameter seamless pipe is materially injured by reason of cumulated subject imports.

II. CRITICAL CIRCUMSTANCES

In its final antidumping determination as to small diameter pipe from the Czech Republic, Commerce made an affirmative finding of critical circumstances with respect to imports from Nova Hut, a.s. (“Nova Hut”), while making a negative finding with respect to imports in the “all others” category from the Czech Republic.⁹ Because we have determined that the domestic small diameter pipe industry is materially injured by reason of subject small diameter pipe imports from the Czech Republic, 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 duty order to be issued.”¹⁰ The SAA indicates that the Commission is to determine “whether, by massively increasing

⁵ Commissioner Hillman adopts her previous determination regarding like product, finding separate like products of alloy and carbon small diameter pipe. *See Certain Seamless Carbon and Alloy Standard, Line, and Pressure Pipe from Japan and South Africa*, USITC Pub. 3311, Dissenting Views of Commissioner Jennifer A. Hillman. She adopts the Commission’s cumulation and material injury discussion as applied to carbon small diameter pipe. While she analyzed data for carbon pipe alone, any difference from the data for carbon and alloy pipe combined that are contained in the Commission’s views is minimal with respect to both absolute numbers and trends.

⁶ Commerce’s amended preliminary dumping margins for the Czech producers were 32.26 percent for Nova Hut, and 32.26 percent for all others. 65 Fed. Reg. 12971 (March 10, 2000). Commerce’s final antidumping duty margins were 39.93 percent for Nova Hut, and 32.26 percent for all others. 65 Fed. Reg. 39363, 39364 (June 26, 2000). Commerce’s preliminary dumping margins for the Romanian producers were 13.75 percent for Sota Communication Co., 10.99 percent for Metal Business International S.R.L., and 12.34 percent for the Romania-wide rate. 65 Fed. Reg. 5594, 5599 (February 4, 2000). Commerce’s final antidumping duty margins were 19.11 percent for Sota Communication Co., 11.08 percent for Metal Business International S.R.L., and 14.99 percent for the Romania-wide rate. 65 Fed. Reg. 39125, 39127 (June 23, 2000). Commerce’s amended preliminary dumping margins for the Mexican producers were 14.20 percent for Tubos de Acero de Mexico, and 14.20 percent for all others. 65 Fed. Reg. 13715, 13716 (March 15, 2000). Commerce’s final antidumping duty margins were 19.65 percent for Tubos de Acero de Mexico, and 19.65 percent for all others. 65 Fed. Reg. 39358, 39359 (June 26, 2000).

⁷ Commissioner Bragg notes that she does not ordinarily consider the magnitude of the margin of dumping to be of particular significance in evaluating the effects of subject imports on domestic producers. *See Separate and Dissenting Views of Commissioner Lynn M. Bragg in Bicycles From China*, Inv. No. 731-TA-731 (Final), USITC Pub. 2968 (June 1996).

⁸ Commissioner Hillman dissenting with respect to alloy small diameter pipe. Because there were no subject imports of this product from the Czech Republic or Romania, Commissioner Hillman finds these imports negligible under 19 U.S.C. § 1677(24)(A) and determines that the investigations with respect to alloy small diameter pipe from the Czech Republic and Romania should be terminated under 19 U.S.C. § 1673b(a).

⁹ 65 Fed. Reg. 25907, 25908 (May 4, 2000).

¹⁰ 19 U.S.C. § 1673d(b)(4)(A)(i).

imports prior to the effective date of relief, the importers have seriously undermined the remedial effect of the order.”¹¹

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

- (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 antidumping order will be seriously undermined.¹²

Consistent with Commission practice, in considering the timing and volume of subject imports, we have considered import quantities prior to the filing of the petitions with those subsequent to the filing of the petitions.¹³ The record contains monthly export data for Nova Hut, the firm subject to the affirmative Commerce critical circumstances determination.¹⁴ We examined both the six-month periods before and after the filing of the petitions, and the three-month periods before and after the filing of the petitions within those six-month periods.^{15 16}

The petitions were filed on June 30, 1999. Comparing the three-month period April 1999 to June 1999 with the three-month period July 1999 to September 1999, relevant Czech imports rose from *** short tons to *** short tons. Comparing the six-month period January 1999 to June 1999 with the six-month period July 1999 to December 1999, relevant Czech imports rose from *** short tons to *** short tons. The largest volumes of monthly imports entered in *** 1999 (*** and *** short tons, respectively).¹⁷

However, Nova Hut points out that *** caused a decline in Czech production and shipments in the first quarter of 1999, and, due to ***, a decline in U.S. imports from the Czech Republic in the first

¹¹ SAA at 877.

¹² 19 U.S.C. § 1673d(b)(4)(A)(ii).

¹³ See, e.g., Preserved Mushrooms from China, India, and Indonesia, Invs. Nos. 731-TA-777-779 (Final), USITC Pub. 3159 (Feb. 1999) at 24.

¹⁴ All subject imports from the Czech Republic were of small diameter carbon pipe, and thus there were no subject imports of small diameter alloy pipe from the Czech Republic. Supplemental Report at Table I-2.

¹⁵ Chairman Koplán examined the six-month periods before and after the filing of the petitions. He does not join the analysis in this section which examines the three-month periods before and after the filing of the petitions.

¹⁶ In addition to examining the six month periods before and after the filing of the petition, Commissioner Bragg also compared the two, three, four, and five, month periods both preceding and following the filing of the petition. Commissioner Bragg notes that with regard to the imports from the Czech Republic at issue, each of the foregoing comparisons demonstrates an increase in imports following the filing of the petition. Commissioner Bragg further notes, however, that the largest increase in the absolute volume of imports for any of these periods is *** short tons, which is equivalent to only about *** percent of apparent U.S. consumption of small diameter pipe in 1999, as well as only about *** percent of the domestic industry’s production of small diameter pipe that year. Accordingly, although a post-petition increase in import volume is evidenced on the record, Commissioner Bragg finds that there has not been a massive surge in imports such that the remedial effect of an order on small diameter seamless pipe from the Czech Republic will be undermined seriously absent an affirmative critical circumstances determination.

¹⁷ Supplemental Report at Table I-2.

six months of 1999, while production, shipments, and imports ***.¹⁸ The data bear this out, showing that 1999 imports were *** lower than those in 1998, as discussed below. Thus, the comparisons between the six-month periods before and after the filing of the petitions, and between the three-month periods before and after the filing of the petitions, reflect those ***. More significantly, the overall volume of U.S. shipments of small diameter pipe from the Czech Republic was relatively steady over the period examined, but declined in 1999 to a level below shipments for 1997 and 1998: *** short tons in 1997, *** short tons in 1998, and *** short tons in 1999.¹⁹ These accounted for only *** percent of domestic apparent consumption, respectively.²⁰ These import levels do not weigh in favor of an affirmative critical circumstances finding.

As of December 31, 1998, U.S. inventories of small diameter pipe from the Czech Republic were *** short tons. As of December 31, 1999, U.S. inventories of small diameter pipe from the Czech Republic were *** short tons.²¹ These inventory levels do not weigh in favor of an affirmative critical circumstances finding.

With respect to prices, our pricing data indicate that Czech prices were stable between the second quarter and the third quarter of 1999, but were *** lower in the fourth quarter of 1999 than in any prior quarter during the period examined. The fourth quarter of 1999 was also the quarter in which Czech underselling was ***, with a margin of underselling of *** percent for imported product 1 (1 inch pipe), and of *** percent for imported product 2 (4 inch pipe).²² However, the significance of the *** decline in Czech prices in the fourth quarter of 1999 is mitigated by the general declining market conditions for small diameter pipe in 1999 (in which U.S. apparent consumption fell by over 32 percent), and by the fact that the volumes of Czech import shipments were *** (less than *** percent of U.S. apparent consumption in 1999).²³

In light of the declining volume of subject import shipments of Czech pipe in 1999, the relatively *** volumes of these subject imports, and the *** percentage of the U.S. market supplied by subject imports from the Czech Republic, we conclude that, notwithstanding the increase in volume in the post-petition period, the subject imports from the Czech Republic subject to the Commerce critical circumstances finding will not seriously undermine the remedial effect of the antidumping duty order.

Accordingly, we have made a negative critical circumstances determination concerning small diameter seamless pipe from the Czech Republic.

¹⁸ Nova Hut Final Comments, June 5, 2000, at 3-4.

¹⁹ Confidential Report (INV-X-122, dated June 5, 2000) (“CR”) and Public Report (“PR”) at Table IV-5. Imports from the Czech Republic increased from *** short tons in 1997 to *** short tons in 1998, but then declined to *** short tons in 1999. CR and PR at Table IV-3.

²⁰ CR and PR at Table C-3.

²¹ CR and PR at Table VII-9.

²² CR and PR at Tables V-1 and V-3.

²³ CR and PR at Table C-1.

CONCLUSION²⁴

For the foregoing reasons, we have determined that both the domestic small diameter seamless pipe industry and the domestic large diameter seamless pipe industry are materially injured by reason of the subject imports. Accordingly, we render affirmative determinations with respect to imports of small diameter seamless pipe from the Czech Republic and Romania, and with respect to imports of large diameter seamless pipe from Mexico.

²⁴ Commissioner Hillman dissenting with respect to small diameter seamless alloy pipe. Commissioner Askey dissenting with respect to small diameter seamless alloy pipe, and with respect to large diameter seamless alloy pipe.

**CONCURRING AND DISSENTING VIEWS OF
COMMISSIONER THELMA J. ASKEY**

Based on the record in these investigations, I determine that an industry in the United States is materially injured by reason of imports of small diameter seamless carbon steel standard, line, and pressure pipe from the Czech Republic and Romania that the Department of Commerce (“Commerce”) found to be sold in the United States at less than fair value (“LTFV”). I further determine that an industry in the United States is materially injured by reason of imports of large diameter seamless carbon steel standard, line, and pressure pipe from Mexico that Commerce found to be sold at LTFV.

However, I determine that subject imports of small diameter seamless alloy steel standard, line, and pressure pipe from the Czech Republic and Romania are negligible and vote to terminate the investigations with respect to them. I also determine that the subject imports of large diameter seamless alloy steel standard, line, and pressure pipe from Mexico are negligible and vote to terminate the investigations with respect to them.¹

I explained the reasoning underlying my determinations with respect to each of these countries in my concurring and dissenting views in the antidumping investigations covering subject imports of small and large diameter seamless carbon and alloy pipe from Japan and South Africa.² Accordingly, I adopt and incorporate my earlier views in this proceeding. I note that I have considered in my analysis the final dumping margins Commerce announced for the Czech, Romanian and Mexican producers in these proceedings.

The only open issue with respect to these investigations is whether there are critical circumstances with respect to small diameter carbon and alloy pipe from the Czech producer Nova Hut. The Commerce Department made an affirmative critical circumstances finding for this producer in its final determination.³ Accordingly, I 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 duty order to be issued.”⁴ The 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.”⁵ The statute further provides that in making this determination the Commission shall consider the timing and the volume of the imports, any rapid increase in inventories of the imports, and any other circumstances indicating that the remedial effect of the antidumping order will be seriously undermined.⁶

I find that imports of small diameter carbon pipe from Nova Hut are not likely to undermine seriously the remedial effect of the antidumping duty order to be issued. Consistent with the Commission’s traditional practice in this area, when considering the timing and volume of subject

¹ In this opinion, I use the term “seamless carbon pipe” to refer to seamless carbon steel standard, line, and pressure pipe and the term “seamless alloy pipe” to refer to seamless alloy steel standard, line, and pressure pipe.

² Certain Seamless Carbon and Alloy Standard, Line, and Pressure Pipe from Japan and South Africa, Invs. Nos. 731-TA-847 and 850 (Final), USITC Pub. 3311, at 36-69 (June 2000) (Concurring and Dissenting Views of Commissioner Thelma J. Askey).

³ 65 Fed. Reg. 39363, 39364 (June 26, 2000).

⁴ 19 U.S.C. § 1673d(b)(4)(A)(i).

⁵ SAA at 877.

⁶ 19 U.S.C. § 1673d(b)(4)(A)(ii).

imports, I have compared the import quantities during the six-month period prior to the filing of the petition with those during the six-month period subsequent to the filing of the petition.⁷ The record indicates that, during the six month period after the filing of the petition, the volumes of the subject imports of small diameter carbon pipe from Nova Hut increased when compared to the six months prior to the filing of the petition, rising from *** short tons during the six months before the petition to *** short tons during the six months after the petition. However, I find that this increase is unlikely to undermine seriously the remedial effect of the antidumping duty order in a market in which consumption was approximately *** thousand tons in 1999, even during a period of significantly declining demand. Moreover, I note that the record indicates that the inventory levels of the Czech producers were small when compared to domestic consumption as well.

Accordingly, I make negative critical circumstances determinations concerning small diameter seamless carbon pipe from the Czech Republic.⁸

⁷ See, e.g., Preserved Mushrooms from China, India, and Indonesia, Invs. Nos. 731-TA-777-779 (Final), USITC Pub. 3159 at 24 (Feb. 1999).

⁸ Moreover, because there were no imports of small diameter alloy pipe from the Czech Republic in 1999 at all, I make a negative critical circumstances finding for that product as well. CR and PR at Table IV-9.

PART I: INTRODUCTION

BACKGROUND

These investigations result from petitions filed on June 30, 1999, by counsel for Koppel Steel Corp. (“Koppel”), Beaver Falls, PA; Sharon Tube Co. (“Sharon”), Sharon, PA; U.S. Steel Group (“USS-Fairfield”), Fairfield, AL; USS/Kobe Steel Co. (“USS-Lorain”), Lorain, OH; and Vision Metals’ Gulf States Tube Div. (“Gulf States”), Rosenberg, TX. The petitions alleged that industries in the United States are materially injured and threatened with material injury by reason of less-than-fair-value (“LTFV”) imports of certain small diameter seamless carbon and alloy steel standard, line, and pressure pipe¹ (“small diameter pipe”) from the Czech Republic, Japan, Romania, and South Africa, and by LTFV imports of certain large diameter seamless carbon and alloy steel standard, line, and pressure pipe (“large diameter pipe”) from Japan and Mexico.²

On June 9, 2000, the Commission made final affirmative determinations concerning Japan and South Africa. The Commission determined that an industry in the United States is materially injured by reason of imports of small diameter pipe from Japan and South Africa that the Department of Commerce (“Commerce”) determined are sold in the United States at LTFV,³ and that an industry in the United States is materially injured by reason of imports of large diameter pipe from Japan that Commerce determined are sold in the United States at LTFV.⁴ The Commission also made negative determinations concerning critical circumstances on Japan and South Africa with respect to imports of small diameter pipe.

This report only contains information related specifically to Commerce’s final determinations on LTFV imports from the Czech Republic, Mexico, and Romania. Relevant *Federal Register* notices appear in appendix A; results of the COMPAS runs are presented in appendix B. Other data collected in the investigations is contained in the Commission’s report and record on Japan and South Africa, Invs. Nos. 731-TA-847 and 850 (Final), USITC publication 3311, June 2000. General information relating to the background of the investigations is provided below.

¹ The products covered by these investigations are certain small and large diameter seamless carbon and alloy (other than stainless) steel standard, line, and pressure pipe. A complete description of the imported products subject to investigation was presented in the *The Products* section of the May 25, 2000, staff report concerning Japan and South Africa.

² Koppel, Sharon, and Gulf States are not petitioners in the investigations regarding large diameter subject products.

³ Commissioners Jennifer A. Hillman and Thelma J. Askey dissenting with respect to small diameter pipe of alloy steel. They determined that an industry in the United States producing such pipe is neither materially injured nor threatened with material injury by reason of imports of such pipe from Japan and South Africa sold at LTFV.

⁴ Commissioner Thelma J. Askey dissenting with respect to large diameter pipe of alloy steel. She determined that an industry in the United States producing such pipe is neither materially injured nor threatened with material injury by reason of imports of such pipe from Japan sold at LTFV.

<i>Date</i>	<i>Action</i>
June 30, 1999	Petition filed with Commerce and the Commission; institution of Commission investigations
July 28, 1999	Commerce's notice of initiation
August 23, 1999	Commission's preliminary determinations
December 14, 1999	Commerce's preliminary determinations on Japan and South Africa, and amendment of scope language for large diameter products
December 14, 1999	Scheduling of final phase of Commission investigations (65 FR 2430, January 14, 2000)
February 2, 2000	Commerce's preliminary determination on Mexico (65 FR 5587, February 4, 2000)
February 4, 2000	Commerce's preliminary determinations on the Czech Republic (65 FR 5599) and Romania (65 FR 5594)
February 17, 2000	Revised schedule for the Commission's investigations (65 FR 10107, February 25, 2000)
March 9, 2000	Commerce's preliminary determinations of critical circumstances with regard to imports of small diameter pipe from Japan and South Africa
March 10, 2000	Commerce's amended preliminary determination on the Czech Republic (65 FR 12971)
March 14, 2000	Commerce's amended preliminary determination for Mexico (65 FR 13715)
May 3, 2000	Commerce's final determinations on Japan and South Africa (65 FR 25907, May 4, 2000)
May 4, 2000	Commission's hearing
May 22, 2000	Commerce's preliminary determination of critical circumstances with regard to imports of small diameter pipe from the Czech Republic (65 FR 33803, May 25, 2000)
June 9, 2000	Commission's votes on Japan and South Africa
June 16, 2000	Commission determinations transmitted to Commerce for Japan and South Africa
June 23, 2000	Commerce's final determinations on Romania (65 FR 39125)
June 26, 2000	Commerce's final determinations on the Czech Republic (65 FR 39363) and Mexico (65 FR 39358)
July 13, 2000	Commission's votes on the Czech Republic, Mexico, and Romania
August 2, 2000	Commission determinations transmitted to Commerce on the Czech Republic, Mexico, and Romania

THE NATURE AND EXTENT OF SALES AT LTFV

In its preliminary and final determinations, Commerce found that the subject products from the Czech Republic, Mexico, and Romania are being, or are likely to be, sold in the United States at LTFV. The weighted-average dumping margins (in percent *ad valorem*) determined by Commerce for countries and companies subject to these investigations are presented in table I-1.

Table I-1 Small and large diameter pipe: Determinations of the Department of Commerce				
Pipe size	Country	Producer/exporter	Margin percentage (ad valorem)	
			Preliminary rate	Final rate
Small diameter	Czech Republic	Nova Hut	32.26	39.93
		All others	32.26	32.26
	Romania	Sota Communication	13.75	19.11
		Metal Business Int'l.	10.99	11.08
		Romania-wide rate	12.34	14.99
Large diameter	Mexico	TAMSA	14.20	19.65
		All others	14.20	19.65

Source: Compiled from *Federal Register* notices of the U.S. Department of Commerce.

CRITICAL CIRCUMSTANCES

Commerce determines that “critical circumstances” exist if there is a reasonable basis to believe or suspect that: (1) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise; or (2) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at LTFV and that there was likely to be material injury by reason of such sales; and (3) there have been massive imports of the subject merchandise over a relatively short period.

On June 26, 2000, the Department of Commerce issued a final affirmative determination of critical circumstances with regard to imports of small diameter pipe produced by Nova Hut in the Czech Republic. Table I-2 presents 1999 monthly imports of small diameter pipe from the Czech Republic subject to an affirmative critical circumstances determination (the petitions were filed in June 1999).

**Table I-2
Small diameter pipe: Monthly imports into the United States from the Czech Republic, 1999**

* * * * *

APPENDIX A

FEDERAL REGISTER NOTICES

**INTERNATIONAL TRADE
COMMISSION**

[Investigations Nos. 731-TA-846-850
(Final)]

**Certain Seamless Carbon and Alloy
Steel Standard, Line, and Pressure
Pipe and Tube From the Czech
Republic, Japan, Mexico, Romania,
and South Africa**

AGENCY: United States International
Trade Commission.

ACTION: Scheduling of the final phase of
antidumping investigations.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping investigations Nos. 731-TA-846-850 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of less-than-fair-value imports from the Czech Republic, Japan, Mexico, Romania, and South Africa of certain seamless carbon and alloy steel standard, line, and pressure pipe, provided for in subheadings 7304.10.10, 7304.10.50, 7304.31.30, 7304.31.60, 7304.39.00, 7304.51.50, 7304.59.60, and 7304.59.80 of the Harmonized Tariff Schedule of the United States.

For further information concerning the conduct of this phase of the investigations, hearing procedures, 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 and C (19 CFR part 207).

EFFECTIVE DATE: December 14, 1999.

FOR FURTHER INFORMATION CONTACT: Robert Carr (202-205-3402), 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>).

SUPPLEMENTARY INFORMATION:

Background

The final phase of these investigations is being scheduled as a result of

affirmative preliminary determinations by the Department of Commerce that imports of certain seamless carbon and alloy steel standard, line, and pressure pipe from Japan and South Africa are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on June 30, 1999, by Koppel Steel Corp., Beaver Falls, PA; Sharon Tube Co., Sharon, PA; U.S. Steel Group, Fairfield, AL; USS/Kobe Steel Co., Lorain, OH; and Vision Metals' Gulf States Tube Div., Rosenberg, TX.

The petitions also alleged that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by imports sold at less than fair value from the Czech Republic, Mexico, and Romania. The Commission made affirmative preliminary injury determinations with regard to those imports. Commerce has postponed its preliminary determinations concerning whether imports from these countries are sold at less than fair value. In the event Commerce makes affirmative preliminary determinations, the Commission will activate the final phase of those antidumping investigations. The briefing schedule, hearing, and other deadlines as outlined below will also apply to those investigations.

Participation in the Investigations 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 final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of

these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigation need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff Report

The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on February 23, 2000, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing

The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on March 7, 2000, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before February 29, 2000. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on March 3, 2000, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony in camera no later than 7 days prior to the date of the hearing.

Written Submissions

Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is March 1, 2000. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline

for filing posthearing briefs is March 14, 2000; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations on or before March 14, 2000. On March 27, 2000, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before March 29, 2000, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also 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.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: January 7, 2000.

Donna R. Koehnke,
Secretary.

[FR Doc. 00-883 Filed 1-13-00; 8:45 am]

BILLING CODE 7020-02-P

**INTERNATIONAL TRADE
COMMISSION**

[Investigations Nos. 731-TA-846-850
(Final)]

**Certain Seamless Carbon and Alloy
Steel Standard, Line, and Pressure
Pipe and Tube From The Czech
Republic, Japan, Mexico, Romania,
and South Africa**

AGENCY: United States International
Trade Commission.

ACTION: Revised schedule for the subject
investigations.

EFFECTIVE DATE: February 17, 2000.

FOR FURTHER INFORMATION CONTACT: Bob
Carr (202-205-3402), 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](http://www.usitc.gov)).

SUPPLEMENTARY INFORMATION: On
January 7, 2000, the Commission
established a schedule for the conduct
of the final phase of the subject
investigations (65 FR 2430, January 14,
2000). Subsequently, the Department of
Commerce extended the date for its final
determinations in the investigations on
Japan and South Africa from February
21, 2000 to April 27, 2000 (65 FR 6153).
Commerce has also extended the date
for its determinations on the Czech
Republic, Mexico, and Romania to June
19, 2000. The Commission, therefore, is
revising its schedule to conform with
Commerce's new schedule.

The Commission's new schedule for
the investigations is as follows: requests
to appear at the hearing must be filed
with the Secretary to the Commission
not later than April 27, 2000; the
prehearing conference will be held at
the U.S. International Trade
Commission Building at 9:30 a.m. on
May 1; the prehearing staff report will
be placed in the nonpublic record on
April 21; the deadline for filing
prehearing briefs is April 28; the hearing

will be held at the U.S. International
Trade Commission Building at 9:30 a.m.
on May 4; the deadline for filing
posthearing briefs is May 11; the
Commission will make its final release
of information on May 25; and, final
party comments for the investigations
concerning Japan and South Africa are
due on May 30, while final party
comments for the investigations
concerning the Czech Republic, Mexico,
and Romania are due no later than three
business days following the release of
Commerce's final determinations for
those countries.

For further information concerning
these investigations see the
Commission's notice cited above and
the Commission's Rules of Practice and
Procedure, part 201, subparts A through
E (19 CFR part 201), and part 207,
subparts A and C (19 CFR part 207).

Authority: These investigations are being
conducted under authority of title VII of the
Tariff Act of 1930; this notice is published
pursuant to section 207.21 of the
Commission's rules.

By order of the Commission.

Issued: February 18, 2000.

Donna R. Koehnke,
Secretary.

[FR Doc. 00-4497 Filed 2-24-00; 8:45 am]
BILLING CODE 7020-02-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-485-805]

Notice of Final Determination of Sales at Less Than Fair Value: Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe From Romania

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

EFFECTIVE DATE: June 23, 2000.

FOR FURTHER INFORMATION CONTACT: Magd Zalok or Charles Riggle, Group II, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4162, (202) 482-0650, respectively.

THE APPLICABLE STATUTE AND REGULATIONS: Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce (the Department) regulations refer to the regulations codified at 19 CFR Part 351 (April 1999).

FINAL DETERMINATION: We determine that certain small diameter carbon and alloy seamless standard, line and pressure pipe (small diameter seamless pipe) from Romania is being sold, or is likely to be sold, in the United States at less than fair value (LTFV), as provided in section 735 of the Act. The estimated margins of sales at LTFV are shown in the *Suspension of Liquidation* section of this notice.**Case History**

The preliminary determination in this investigation was issued on January 26, 2000. See *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Romania*, 65 FR 5594 (February 4, 2000) (*Preliminary Determination*). On February 9, 2000, we received a letter from the Romanian Ministry of Commerce and Industry reiterating its earlier request that the Department grant the seamless pipe industry in Romania market-oriented industry (MOI) status. We conducted verifications of the questionnaire responses of the respondents Sota Communications Company (Sota) and Metal Business International S.R.L. (MBI), and their respective suppliers S.C. Silcotub, S.A. (Silcotub) and S.C. Petrotub, S.A. (Petrotub) from February 14 through February 29, 2000. On February 7 and March 6, 2000, the respondents and the petitioners¹ in this investigation requested a hearing, respectively. A hearing was held on April 18, 2000.

Scope of Investigation

For purposes of this investigation, the products covered are seamless carbon and alloy (other than stainless) steel standard, line, and pressure pipes and redraw hollows produced, or equivalent, to the ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-335, ASTM A-589, ASTM A-795, and the American Petroleum Institute (API) 5L specifications and meeting certain physical parameters, regardless of application. For a detailed description of the scope of this investigation, see the "Scope of Investigation" section of the *Issues and Decision Memorandum for the Final Determination in the Antidumping Duty Investigation of Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Romania* (Decision Memorandum), from Holly Kuga, Acting Deputy Assistant Secretary, Import Administration to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated June 19, 2000, which is on file in the Central Records Unit, room B-099 of the main Commerce Building and available on the Web at www.ita.doc.gov/import_admin/records/frn/. The scope of the

¹ The petitioners in this investigation are Koppel Steel Corporation, Sharon Tube Company, U.S. Steel Group, Lorain Tubular Co. LLC (formally USS Kobe), Vision Metals, Inc. (Gulf States Tube Division) and the United Steel Workers of America.

investigation has been amended since the preliminary determination.

Period of Investigation

The period of this investigation (POI) comprises each exporter's two most recent fiscal quarters prior to the filing of the petition (*i.e.*, October 1, 1998 through March 31, 1999).

Non-Market Economy Country

The Department has treated Romania as a non-market-economy (NME) country in all past antidumping proceedings (*see, e.g., Tapered Roller Bearings and Parts Thereof From Romania: Final Results of Antidumping Duty Administrative Review*, 63 FR 36390 (July 6, 1998)). A designation as a NME remains in effect until it is revoked by the Department (*see* section 771(18)(C) of the Act). The respondents in this investigation have not requested a revocation of Romania's NME status and no further information has been provided that would lead to such a revocation. Therefore, we have continued to treat Romania as a NME in this investigation.

When the Department is investigating imports from a NME, section 773(c)(1) of the Act directs us to base normal value (NV) on the NME producer's factors of production, valued to the extent possible in a comparable market economy that is a significant producer of comparable merchandise. The sources of individual factor prices are discussed under the *Normal Value* section, below.

Market-Oriented Industry

As stated in our preliminary determination, the two Romanian producers (*i.e.*, Silcotub and Petrotub) and their respective trading companies (*i.e.*, Sota and MBI), as well as the Romanian Ministry of Industry and Commerce, requested that the Department find the seamless pipe industry in Romania to be a MOI.

The criteria for determining whether a MOI exists are: (1) There must be virtually no government involvement in setting prices or amounts to be produced; (2) the industry producing the merchandise under review should be characterized by private or collective ownership; and (3) market determined prices must be paid for all significant inputs, whether material or non-material, and for all but an insignificant portion of all inputs accounting for the total value of the merchandise. *See Chrome-Plated Lug Nuts from the People's Republic of China; Final Results of Administrative Review* 61 FR 58514, 58515-6 (November 15, 1996) (*Lug Nut*). In addition, in order to make

an affirmative determination that an industry in a NME country is a MOI, the Department requires information on virtually the entire industry. A MOI claim, and supporting evidence, must cover producers that collectively constitute the industry in question; otherwise, the MOI claim is dismissed. (*See, e.g., Freshwater Crawfish Tailmeat from the People's Republic of China, Final Determination of Sales at Less than Fair Value* 62 FR 41347, 41353 (August 1, 1997) (*Crawfish*).)

In our preliminary determination, we found that the Romanian seamless pipe industry does not meet the Department's criteria for an affirmative MOI finding because the information placed on the record shows that all of the known seamless pipe producers were owned primarily by the Romanian government during virtually the entire POI. Furthermore, we do not have sufficient information from S.C. Republica (Republica), a non-responding producer of the subject merchandise representing 20 percent of the seamless pipe industry in Romania. Therefore, we are unable to determine whether the Romanian government is involved in setting prices or amounts to be produced for a significant portion of the industry for which we have no information on the record. For a complete discussion of the Department's preliminary determination that the seamless pipe industry does not constitute a MOI, *see* the December 15, 1999, memorandum, *Whether the Seamless Pipe Industry in Romania Should Be Treated as a Market-Oriented Industry*, which is on file in B-099.

Since the preliminary determination, we received no new information from either members of the Romanian seamless pipe industry or the Romanian government with respect to the MOI issue. Moreover, the Department conducted verifications of Silcotub's and Petrotub's respective questionnaire responses, and was able to confirm that these two producers were in fact owned primarily by the Romanian government during virtually the entire POI. Consequently, we find no new evidence on the record to warrant a change to the Department's position to not grant MOI status to the Romanian seamless pipe industry for purposes of the final determination. *See* Decision Memorandum, Comment 3.

Separate Rates

It is the Department's policy to assign a single rate to all exporters of subject merchandise subject to investigation in a NME country unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate. For purposes of this

"separate rates" inquiry, the Department analyzes each exporting entity under the test established in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China* 56 FR 20588 (May 6, 1991) (*Sparklers*), as amplified in *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China* 59 FR 22585 (May 2, 1994) (*Silicon Carbide*). Under this test, exporters in NME countries are entitled to separate, company-specific margins when they can demonstrate an absence of government control over exports, both in law (*de jure*) and in fact (*de facto*).

In our preliminary determination, we found, according to the criteria identified in *Sparklers* and *Silicon Carbide*, that Sota and MBI had met the criteria for the application of separate antidumping duty rates. For a complete discussion of the Department's determination that Sota and MBI are entitled to separate rates, *see* the January 28, 2000, memorandum, *Assignment of Separate Rates for Respondents in the Antidumping Duty Investigation of Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Romania*, which is on file in the CRU. At verification, we found no discrepancies with the information provided in the questionnaire responses of Sota and MBI. We have not received any other information since the preliminary determination which would warrant reconsideration of our separate rates determinations with respect to these companies. Therefore, we continue to find that the responding companies in this investigation should be assigned individual dumping margins.

Romania-Wide Rate

As in all NME cases, the Department implements a policy whereby there is a rebuttable presumption that all exporters or producers comprise a single exporter under common government control, the "NME entity." The Department assigns a single NME rate to the NME entity, unless an exporter can demonstrate eligibility for a separate rate. Information on the record of this investigation indicates that Sota and MBI were the only Romanian exporters to the United States of the subject merchandise produced by Silcotub and Petrotub. Further, as noted above, although Republica produces the subject merchandise, we have confirmed with U.S. Customs that no subject merchandise produced by Republica was sold to the United States during the POI, either directly by Republica or through trading companies.

Consistent with our preliminary determination, since all exporters/producers of the subject merchandise sold to the United States during the POI responded to the Department's questionnaire, and we have no reason to believe that there are other non-responding exporters/producers of the subject merchandise during the POI, we calculated a Romania-wide rate based on the weighted-average margins determined for Sota and MBI.

Fair Value Comparisons

To determine whether sales of the subject merchandise by Sota and MBI to the United States were made at LTFV, we compared the export price (EP) to the NV, as described in the *Export Price* and *Normal Value* sections of this notice, below. In accordance with section 777A(d)(1)(A)(i) of the Act, we compared POI-wide weighted-average EPs to weighted-average NVs.

Export Price

We used EP methodology in accordance with section 772(a) of the Act, because Sota and MBI sold the subject merchandise directly to unaffiliated customers in the United States prior to importation, and CEP methodology was not otherwise appropriate.

1. Sota

We calculated EP based on packed C&F prices to the first unaffiliated purchaser in the United States. Where appropriate, we made deductions from the starting price (gross unit price) for inland freight from the plant/warehouse to the port of embarkation, brokerage and handling in Romania, and ocean freight. Because certain domestic inland freight and brokerage and handling were provided by NME companies, we based those charges on surrogate rates from Indonesia and Egypt. (See the *Normal Value* section for further discussion.)

2. MBI

We calculated EP based on packed FOB Romanian-port prices to the first unaffiliated purchaser in the United States. Where appropriate, we made deductions from the starting price (gross unit price) for inland freight from the plant/warehouse to the port of embarkation, and brokerage and handling in Romania. As with Sota, because certain domestic inland freight and brokerage and handling were provided by NME companies, we based those charges on surrogate rates from Indonesia and Egypt. (See the *Normal Value* section for further discussion.)

Normal Value

A. Surrogate Country

Section 773(c)(4) of the Act requires the Department to value the NME producer's factors of production, to the extent possible, in one or more market economy countries that: (1) are at a level of economic development comparable to that of the NME country; and (2) are significant producers of comparable merchandise.

For purposes of the final determination, we find that Indonesia remains the most appropriate surrogate country for Romania. Consistent with the Department's preliminary determination, we continue to use Indonesia as the surrogate country for Romania for purposes of the final determination because Indonesia is a significant producer of merchandise comparable to the subject merchandise and, contrary to other potential surrogate countries, provides reliable surrogate values for virtually all factors of production. For discussion and analysis regarding the surrogate country selection for Romania, see Comment 1 in the Decision Memorandum.

B. Factors of Production

In accordance with section 773(c) of the Act, we calculated NV based on factors of production reported by the companies in Romania which produced seamless pipes for the exporters that sold seamless pipes to the United States during the POI. We calculated NV based on the same methodology used in the preliminary determination. For Sota, based on verification findings, we made corrections with respect to billets, scrap, lacquer, freight distance, and labor. For MBI, we made corrections based on our findings at verification with respect to strap, electricity, gas, and labor. For the preliminary determination, we used the financial statements of three Indonesian steel companies in order to determine the factory overhead, SG&A, and profit rates for the Romanian respondents. For the final determination, we have relied exclusively on the financial statements of one of the three companies, P.T. Krakatau. For a complete analysis of surrogate values, see the June 19, 2000, memorandum, *Factors of Production Valuation for Final Determination*, (Valuation Memorandum) on file in B-099.

We valued labor using the method described in 19 CFR 351.408(c)(3).

Verification

As provided in section 782(i) of the Act, we verified the information submitted by the respondents for use in our final determination. We used

standard verification procedures including examination of relevant accounting and production records, and original source documents provided by the respondents.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the June 19, 2000, Decision Memorandum which is hereby adopted by this notice.

Attached to this notice as an appendix is a list of the issues which parties have raised and to which we have responded in the Decision Memorandum. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in this public memorandum which is on file in B-099. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at www.ita.doc.gov/import_admin/records/frn. The paper copy and electronic version of the Decision Memorandum are identical in content.

Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act, we are instructing the Customs Service to continue to suspend liquidation of all entries of certain small diameter carbon and alloy seamless standard, line and pressure pipe from Romania that are entered, or withdrawn from warehouse, for consumption on or after February 4, 2000, the date of publication of the *Preliminary Determination*. The Customs Service shall continue to require a cash deposit or the posting of a bond based on the estimated weighted-average dumping margins shown below. The suspension of liquidation instructions will remain in effect until further notice.

We determine that the following weighted-average dumping margins exist for the period April 1, 1998 through March 31, 1999:

Exporter/manufacturer	Weighted-average margin percentage
Sota Communication Co	19.11
Metal Business International S.R.L	11.08
Romania-wide rate	14.99

The Romania-wide rate applies to all entries of the subject merchandise except for entries from exporters/producers that are identified individually above.

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. As our final

determination is affirmative, the ITC will determine, within 45 days, whether these imports are causing material injury, or threat of material injury, to an industry in the United States. If the ITC determines that material injury or threat of injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: June 19, 2000.

Richard W. Moreland,
Acting Assistant Secretary for Import Administration,

Appendix

List of Comments in the Issues and Decision Memorandum

I. General Issues

Comment 1: Surrogate Country Selection and Sources of Surrogate Values

Comment 2: SG&A, Profit and Overhead Calculation

Comment 3: Market-Oriented Industry Issue

Comment 4: Assignment of Dumping Margins to the Producers Instead of the Trading Companies

Comment 5: Surrogate Value for Billets

Comment 6: Surrogate Value for Labor

Comment 7: Surrogate Value for Electricity

Comment 8: Surrogate Value for Rail Freight

II. Issues Specific to S.C. Silcotub S.A.

Comment 9: Scrap Factor Calculation

Comment 10: Lacquer Factor Calculation

III. Issue Specific to S.C. Petrotub S.A.

Comment 11: Electricity and Gas Factors Calculation

[FR Doc. 00-15967 Filed 6-22-00; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-201-827]

Notice of Final Determination of Sales at Less Than Fair Value: Certain Large Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe From Mexico

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

ACTION: Notice of Sales at Less than Fair Value.

SUMMARY: On February 4, 2000, the Department of Commerce ("the Department") published its preliminary determination of sales at less than fair value of certain large diameter carbon and alloy seamless standard, line and pressure pipe ("large diameter seamless pipe") from Mexico. The investigation covers one manufacturer/exporter, Tubos de Acero de Mexico, S.A. ("TAMSA"). The period of investigation ("POI") is April 1, 1998, through March 31, 1999.

Based on our analysis of comments received, we have made changes in the margin calculations. Therefore, the final determination differs from the preliminary determination. The final weighted-average dumping margin for the investigated company is listed below in the "Continuation of Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: June 26, 2000.

FOR FURTHER INFORMATION CONTACT: Russell Morris or Geoffrey Craig, AD/CVD Enforcement, Office 6, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1775 or (202) 482-4161, respectively.

SUPPLEMENTARY INFORMATION:**The Applicable Statute and Regulations**

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended ("the Act") are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all citations to the Department regulations refer to the regulations codified at 19 CFR part 351 (April 1999).

Case History

Since the preliminary determination (see 65 FR 5587 (February 4, 2000)

("Preliminary Determination")), the following events have occurred:

- On February 11, 2000, the petitioners¹ submitted ministerial error allegations. The Department accepted the clerical errors and corrected the margin calculation program where it deemed necessary and published a *Notice of Amended Preliminary Determination of Sales at Less Than Fair Value: Certain Large Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe From Mexico*, 65 FR 13715 (March 14, 2000).

- The Department verified the responses of TAMSA, in Veracruz, Mexico from February 21 through February 25, 2000, and in Houston, Texas from March 1 through March 3, 2000. (see the "Verification" section below).

- On April 26, 2000, the petitioners requested that the Department amend the scope to exclude certain line and riser pipe for use exclusively in deepwater applications and the Department accepted the revised scope language. See *Notice of Final Determination of Sales at Less Than Fair Value: Certain Large Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Japan; and Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Japan and the Republic of South Africa*, 65 FR 25907 (May 4, 2000).

- TAMSA and the petitioners filed case and rebuttal briefs on May 1, 2000 and May 8, 2000, respectively.

- On May 15, 2000, we rejected portions of TAMSA's rebuttal brief on the grounds that it contained new factual information. On May 16, 2000, TAMSA resubmitted its rebuttal brief in accordance with the Department's instructions.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation, as well as certain other findings by the Department which are summarized in this notice, are addressed in the "Issues and Decision Memorandum for the Final Determination in the Antidumping Duty Investigation of Certain Large Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Mexico" April 1, 1998, through March 31, 1999" ("Decision Memorandum"), from Holly A. Kuga, Acting Deputy Assistant Secretary, Import

¹The petitioners in this investigation are: U.S. Steel Group, Lorain Tubular Co. LLC (both units of USX Corp.), and the United Steel Workers of America.

Administration, to Richard W. Moreland, Acting Assistant Secretary for Import Administration, dated June 19, 2000, which is hereby adopted by this notice. A list of issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in this public Decision Memorandum which is on file in the Central Records Unit, of the main Department building ("Room B-099"). In addition, a complete version of the Decision Memorandum can be accessed directly on the World Wide Web at: www.ita.doc.gov/import_admin/records/frn. The paper copy and electronic version of the Decision Memorandum are identical in content.

Scope of Investigation

The products covered by the investigation are large diameter seamless carbon and alloy (other than stainless) steel standard, line, and pressure pipes.

For a complete description of the scope of this investigation, see the "Scope of Investigation" section of the Decision Memorandum. The scope of the investigation has been amended since the *Preliminary Determination*.

Product Comparisons

We compared the products sold by the respondent in the comparison market during the POI to the products sold in the United States during the POI using the methodology described in the *Preliminary Determination*.

Fair Value Comparisons

To determine whether sales of large diameter seamless pipe from Mexico were made in the United States at less than fair value, we compared constructed export price ("CEP") to the normal value ("NV"). Our calculations followed the methodologies described in the *Preliminary Determination*, except as noted below and in the "Final Determination Calculation Memorandum for the Investigation of Certain Large Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Mexico ("Calculation Memorandum"), from Russell Morris, Case Analyst, to John Brinkmann, Program Manager, dated June 16, 2000, which has been placed in the file in Room B-099.

1. CEP

For the price to the United States, we used CEP as defined in section 772 of

the Act. We calculated CEP based on the same methodology as in the *Preliminary Determination*, with the following exceptions:

The petitioners, in their case brief, alleged certain errors concerning the merchandise processing fee and inland freight expenses. See Comments 5 and 6, respectively, of the Decision Memorandum for a further discussion. We accepted their allegations and made the respective adjustments in the CEP calculation.

2. NV

We used the same methodology to calculate NV as that described in the *Preliminary Determination*, with the following exception:

The petitioners, in their case brief, alleged an error concerning the variable cost of manufacturing. See Comment 3 of the Decision Memorandum for a further discussion. We accepted their allegation and made the adjustment in the NV calculation.

3. Level of Trade Analysis

We made the same level of trade determinations described in the *Preliminary Determination*.

Currency Conversion

We made currency conversions in accordance with section 773A of the Act in the same manner as in the *Preliminary Determination*.

Verification

As provided in section 782(i) of the Act, we verified the information submitted by the respondent for use in our final determination. We used standard verification procedures, including examination of relevant accounting and production records, as well as original source documents provided by the respondents.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing the Customs Service to continue to suspend the liquidation of all entries of large diameter seamless pipe from Mexico that are entered, or withdrawn from warehouse, for consumption on or after February 4, 2000, the date of publication of the *Preliminary Determination* in the Federal Register. The Customs Service shall continue to require a cash deposit or the posting of a bond equal to the weighted-average dumping margin, as indicated in the chart below. These suspension of liquidation instructions will remain in effect until further notice.

Manufacturer/exporter	Margin (percent)
Tubos de Acero de Mexico	19.65
All Others	19.65

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission ("ITC") of our determination. As our final determination is affirmative, the ITC will, within 45 days, determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing the Customs Service to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

This determination is issued and published pursuant to sections 735(d) and 777(i)(1) of the Act.

Dated: June 19, 2000.
Richard W. Moreland,
Acting Assistant Secretary for Import Administration.

Appendix—List of Comments and Issues in the Decision Memorandum

Comment 1: Coding of U.S. Market Products
 Comment 2: Date of Sale Methodology
 Comment 3: Variable Cost of Manufacture
 Comment 4: Direct Selling Expenses
 Comment 5: Merchandise Processing Fee
 Comment 6: U.S. Inland Freight Expenses
 Comment 7: Unreported U.S. Sales
 Comment 8: Short-Term Borrowing Rate
 Comment 9: Calculation of Credit Expense
 Comment 10: Export Price ("EP")/
 Constructed Export Price ("CEP") Sales Classification
 Comment 11: CEP Profit Calculation
 [FR Doc. 00-16102 Filed 6-23-00; 8:45 am]
 BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-851-802]

Notice of Final Determination of Sales at Less Than Fair Value: Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from the Czech Republic

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

ACTION: Notice of Final Determination of Sales at Less Than Fair Value.

SUMMARY: On February 4, 2000, the Department of Commerce ("the Department") published its preliminary determination of sales at less than fair value of certain small diameter carbon and alloy seamless standard, line, and pressure pipe ("small diameter seamless pipe") from the Czech Republic. The investigation covers Nova Hut, a.s. ("Nova Hut"). The period of investigation ("POI") is April 1, 1998, through March 31, 1999.

Based on our analysis of comments received, we have made changes to the margin based on adverse facts available. Therefore, the final determination differs from the preliminary determination. The final dumping margin for the investigated company is listed below in the "Continuation of Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: June 26, 2000.

FOR FURTHER INFORMATION CONTACT: John Brinkmann or Dennis McClure, AD/CVD Enforcement, Office 6, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4126 or (202) 482-0984, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended ("the Act") are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all citations to the Department of Commerce regulations refer to the regulations codified at 19 CFR part 351 (April 1999).

Case History

Since the preliminary determination (see 65 FR 5599 (February 4, 2000)

("Preliminary Determination"), the following events have occurred:

- On February 10, 2000, the petitioners¹ and Nova Hut submitted ministerial error allegations regarding the *Preliminary Determination*. The Department accepted the clerical errors and corrected the margin calculation program where it deemed necessary and published a *Notice of Amended Preliminary Determination of Sales at Less Than Fair Value: Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from the Czech Republic* 65 FR 12971 (March 10, 2000).

- On March 8, 2000, the Department issued a supplemental questionnaire to Nova Hut relating to product characteristics.

- On March 8, 2000, Nova Hut notified the Department of its withdrawal from verification.

- On March 30, 2000, the petitioners and Nova Hut submitted their case briefs.

- On April 7, 2000, the petitioners and Nova Hut submitted their rebuttal briefs.

- On April 18, 2000, the petitioners alleged that critical circumstances exist with respect to imports of small diameter seamless pipe from the Czech Republic.

- On April 28, 2000, the Department denied Nova Hut's February 15, 2000, request to rescind the investigation on small diameter seamless pipe from the Czech Republic.

- On May 18, 2000, the Department preliminarily determined that critical circumstances exist with respect to imports from the Czech Republic of small diameter seamless pipe produced by Nova Hut.²

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation, as well as certain other findings by the Department which are summarized in this notice, are addressed in the "Issues and Decision Memorandum for the Final Determination in the Antidumping Duty Investigation of Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from the Czech Republic—April 1, 1998, through March 31, 1999" ("Decision Memorandum"),

¹ The petitioners are Koppel Steel Corporation, Sharon Tube Company, U.S. Steel Group, Lorain Tubular Co. LLC and Vision Metals, Inc. (Gulf States Tube Division) and the United Steel Workers of America.

² See *Preliminary Determination of Critical Circumstances: Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from the Czech Republic* 65 FR 33803 (May 25, 2000).

from Holly A. Kuga, Acting Deputy Assistant Secretary, Import Administration, to Richard W. Moreland, Acting Assistant Secretary for Import Administration, dated June 19, 2000, which is hereby adopted by this notice. A list of issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in this public Decision Memorandum which is on file in the Central Records Unit, Room B-099 of the main Department building ("Room B-099").

In addition, a complete version of the Decision Memorandum can be accessed directly on the World Wide Web at www.ita.doc.gov/import_admin/records/frn. The paper copy and electronic version of the Decision Memorandum are identical in content.

Scope of Investigation

The products covered by the investigation are certain small diameter carbon and alloy seamless standard, line, and pressure pipe from the Czech Republic. For a complete description of the scope of this investigation, see the "Scope of Investigation" section of the Decision Memorandum, which is on file in Room B-099 and available on the World Wide Web at www.ita.doc.gov/import_admin/records/frn/. The scope of the investigation has been amended since the *Preliminary Determination*.

Changes Since the Preliminary Determination

Because Nova Hut did not allow the Department to verify its submitted data, we have determined that the use of facts available is warranted under sections 776(a)(2)(C) and (D) of the Act. Moreover, we have determined that an adverse inference is warranted under section 776(b) of the Act, given that Nova Hut's refusal to allow verification constitutes failure to cooperate in this investigation by not acting to the best of the company's ability. As adverse facts available, we have used information on the record from Nova Hut's questionnaire response. Specifically, we have selected Nova Hut's highest product-specific margin as calculated in the amended preliminary determination. See Decision Memorandum, accessible in Room B-099 and on the World Wide Web at www.ita.doc.gov/import_admin/records/frn/.

Critical Circumstances

No comments were received regarding the Department's preliminary critical circumstances determination. For the reasons given in the preliminary determination of critical circumstances, the Department continues to find that critical circumstances exist with respect to small diameter seamless pipe imported from Nova Hut, in accordance with section 733(e)(1) of the Act.

As set forth in the preliminary determination of critical circumstances, because the massive imports criterion necessary to find critical circumstances has not been met with respect to firms other than Nova Hut, the Department continues to find, for the purposes of this final determination, that critical circumstances do not exist for imports of small diameter seamless pipe for the "all others" category.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing the Customs Service to continue to suspend the liquidation of all entries of small diameter seamless pipe from the Czech Republic produced by Nova Hut that are entered, or withdrawn from warehouse, for consumption on or after November 6, 1999, which is 90 days prior to the date of publication of the *Preliminary Determination* in the *Federal Register*. The Customs Service will also be directed to continue to suspend liquidation of all entries of small diameter seamless pipe from the Czech Republic produced by all companies not named above, that are entered, or withdrawn from warehouse, for consumption on or after February 4, 2000, the date of publication of our *Preliminary Determination* in the *Federal Register*. The Customs Service shall continue to require a cash deposit or the posting of a bond equal to the weighted-average dumping margin, as indicated in the chart below. These suspension of liquidation instructions will remain in effect until further notice.

Section 735(c)(5)(B) of the Act provides that, where the estimated weighted-averaged dumping margins established for all exporters and producers individually investigated are zero or *de minimis* or are determined entirely under section 776 of the Act, the Department may use any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated. Our recent practice under these circumstances has been to assign, as the "all others" rate, the simple average of the margins in the petition. See *Notice*

of Final Determinations of Sales at Less Than Fair Value: Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products From Argentina, Japan and Thailand, 65 FR 5520 (February 4, 2000); see also *Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Plate in Coil from Canada*, 64 FR 15457 (March 31, 1999); and *Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Plate in Coil from Italy*, 64 FR 15458, 15459 (March 21, 1999).

In this case, we have calculated the dumping margin for the sole Czech respondent based entirely on adverse facts available. Given the circumstances of this case, and the discretion provided by section 735(c)(5)(B) of the Act, we have selected a somewhat different methodology to establish the "all others" rate. Instead of relying on the simple average of the petition margins, we have relied on the weighted-average of the margins obtained for each product sold during the POI, by using the respondent's data. This is consistent with our methodology in a recent determination. See *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products From Slovakia*, 65 FR 34657, 34658 (May 31, 2000). The resulting margin, applicable to all other manufacturers/exporters, is 32.26 percent.

We determine that the following weighted-average dumping margins exist for April 1, 1998, through March 31, 1999:

Manufacturer/exporter	Margin (percent)
Nova Hut, a.s	39.93
All Others	32.26

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission ("ITC") of our determination. As our final determination is affirmative, the ITC will, within 45 days, determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing the Customs Service to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or

after the effective date of the suspension of liquidation.

This determination is issued and published pursuant to sections 735(d) and 777(i)(1) of the Act.

Dated: June 19, 2000.

Richard W. Moreland,
Acting Assistant Secretary for Import Administration

Appendix

List of Comments and Issues in the Decision Memorandum

1. Request for Rescission of Initiation
2. Facts Available

[FR Doc. 00-16101 Filed 6-23-00; 8:45 am]

BILLING CODE 3510-DS-P

APPENDIX B
COMPAS PRESENTATION

ASSUMPTIONS

The COMPAS model is a supply and demand model that assumes domestic and imported products are less than perfect substitutes. Such models, also known as Armington models, are relatively standard in applied trade policy analysis and are used extensively for the analysis of trade policy changes both in partial and general equilibrium. Based on the discussion contained in Part II of the Commission's report on certain seamless carbon and alloy steel standard, line, and pressure pipe from Japan and South Africa (invs. Nos. 731-TA-847 and 850), the staff selected a range of estimates that represent price-supply, price-demand, and product-substitution relationships (i.e., supply elasticity, demand elasticity, and substitution elasticity) in the U.S. large and small diameter pipe market. The model uses these estimates with data on market shares, Commerce's estimated margins of dumping, transportation costs, and current tariffs to analyze the likely effect of unfair pricing of subject imports on the U.S. domestic like product industry.

FINDINGS¹

Estimated effects of the LTFV Czech imports on the U.S. small diameter pipe industry are as follows: *** percent to *** percent reduction in revenue, *** percent to *** percent reduction in output, and *** to *** percent reduction in price. Estimated effects of the LTFV Mexican imports on the U.S. large diameter pipe industry are as follows: *** percent to *** percent reduction in revenue, *** percent to *** percent reduction in output, and *** to *** percent reduction in price. Estimated effects of the LTFV Romanian imports on the U.S. small diameter pipe industry are as follows: *** percent to *** percent reduction in revenue, *** percent to *** percent reduction in output, and *** to *** percent reduction in price. Estimated effects by country are shown in detail below.

* * * * *

¹ Estimates are based on 1999 data.

