

Certain Folding Metal Tables and Chairs From China

Investigation No. 731-TA-932 (Review)

Publication 3952

September 2007

U.S. International Trade Commission



Washington, DC 20436

U.S. International Trade Commission

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George Deyman, *Supervisor Investigator*

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

U.S. International Trade Commission

Washington, DC 20436
www.usitc.gov

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UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation No. 731-TA-932 (Review)

CERTAIN FOLDING METAL TABLES AND CHAIRS FROM CHINA

DETERMINATIONS

On the basis of the record¹ developed in the subject five-year review, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)), that revocation of the antidumping duty order on certain folding metal tables and certain folding metal chairs from China would be likely to lead to continuation or recurrence of material injury to industries in the United States within a reasonably foreseeable time.

BACKGROUND

The Commission instituted this review on May 1, 2007 (72 F.R. 23799) and determined on August 6, 2007 that it would conduct an expedited review (72 F.R. 46245, August 17, 2007). Notice of the scheduling of the Commission's review 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 17, 2007 (72 F.R. 46245).

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

VIEWS OF THE COMMISSION

Based on the record in this five-year review, we determine under section 751(c) of the Tariff Act of 1930, as amended (the “Act”), that revocation of the antidumping duty order on certain folding metal tables and chairs from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

I. BACKGROUND

The original investigation of certain folding metal tables and chairs (“FMTC”) from China was instituted on April 27, 2001, based on a petition filed by Meco Corp. (“Meco”).¹ In May 2002, the Commission determined that an industry in the United States producing certain folding metal chairs was materially injured by reason of imports of certain folding metal chairs from China that the U.S. Department of Commerce (“Commerce”) had determined were sold in the United States at less than fair value (“LTFV”), and that an industry in the United States producing certain folding metal tables was materially injured by reason of imports of certain folding metal tables from China that Commerce had determined were sold in the United States at LTFV.² Commerce imposed an antidumping duty order on imports of FMTC from China on June 27, 2002.³

The Commission instituted this review on May 1, 2007.⁴ The Commission received two substantive responses to the notice of institution, one on behalf of Meco and KI (“Meco/KI”), the other by Clarin, a division of Greenwich Industries L.P. (“Clarin”).⁵ The Commission did not receive any responses from producers or exporters of FMTC in China or from any U.S. importers of the subject merchandise.

On August 6, 2007, the Commission found the domestic interested party response to the notice of institution adequate and the respondent interested party response inadequate.⁶ The Commission did not find any circumstances that would warrant conducting a full review. It determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930, as amended.⁷ Accordingly, we rely on the facts available on the record when appropriate, which consist primarily of information from the original investigation and information collected in this five-year review, including that submitted by Meco/KI and Clarin.⁸

¹ Certain Folding Metal Tables and Chairs from China, Inv. No. 731-TA-932 (Final), USITC Publication 3515, June 2002, at I-1 (“Original Determination”).

² Original Determination at 3.

³ Antidumping Duty Order: Folding Metal Tables and Chairs From The People’s Republic of China, 67 Fed. Reg. 43277 (June 27, 2002).

⁴ Certain Folding Metal Tables and Chairs From China, 72 Fed. Reg. 23844 (May 1, 2007).

⁵ Confidential Staff Report (“CR”) at I-3 n.2.

⁶ See Explanation of Commission Determination on Adequacy.

⁷ Id. (Chairman Pearson dissenting); 19 U.S.C. § 1675(c)(3).

⁸ Section 751(c)(3)(B) of the Act indicates that the Commission in an expedited five-year review may issue a determination based on the facts available. See 19 U.S.C. § 1677e(a). Accordingly, we have relied upon the facts otherwise available in this review, including information from the original investigation. See 19 U.S.C. § 1677e(a).

II. DOMESTIC LIKE PRODUCT AND INDUSTRY

A. Domestic Like Product

In making its determination under section 751(c), the Commission defines the “domestic like product” and the “industry.”⁹ The Act defines the “domestic like product” as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this subtitle.”¹⁰ In five-year reviews, the Commission looks to the domestic like product definition from the original determination and any previous reviews and considers whether the record indicates any reason to revisit that definition.¹¹

In its expedited sunset determination, Commerce defined the subject merchandise as: assembled and unassembled folding tables and folding chairs made primarily or exclusively from steel or other metal, as described below:

(1) Assembled and unassembled folding tables made primarily or exclusively from steel or other metal (folding metal tables). Folding metal tables include square, round, rectangular, and any other shapes with legs affixed with rivets, welds, or any other type of fastener, and which are made most commonly, but not exclusively, with a hardboard top covered with vinyl or fabric. Folding metal tables have legs that mechanically fold independently of one another, and not as a set. The subject merchandise is commonly, but not exclusively, packed singly, in multiple packs of the same item, or in five piece sets consisting of four chairs and one table. Specifically excluded from the scope of folding metal tables are the following:

- a. Lawn furniture;
- b. Trays commonly referred to as “TV trays;”
- c. Side tables;
- d. Child-sized tables;
- e. Portable counter sets consisting of rectangular tables 36" high and matching stools; and
- f. Banquet tables. A banquet table is a rectangular table with a plastic or laminated wood table top approximately 28" to 36" wide by 48" to 96" long and with a set of folding legs at each end of the table. One set of legs is composed of two individual legs that are affixed together by one or more cross-braces using welds or fastening hardware. In contrast, folding metal tables have legs that mechanically fold independently of one another, and not as a set.

⁹ 19 U.S.C. § 1677(4)(A).

¹⁰ 19 U.S.C. § 1677(10). See Nippon Steel Corp. v. United States, 19 CIT 450, 455 (1995); Timken Co. v. United States, 913 F. Supp. 580, 584 (Ct. Int'l Trade 1996); Torrington Co. v. United States, 747 F. Supp. 744, 748-49 (Ct. Int'l Trade 1990), aff'd, 938 F.2d 1278 (Fed. Cir. 1991). See also S. Rep. No. 249, 96th Cong., 1st Sess. 90-91 (1979).

¹¹ See Stainless Steel Sheet and Strip from France, Germany, Italy, Japan, Korea, Mexico, Taiwan, and the United Kingdom, Invs. Nos. 701-TA-380 to 382 and 731-TA-797 to 804 (Review), USITC Pub. 3788 at 6 (July 2005); Crawfish Tail Meat from China, Inv. No. 731-TA-752 (Review), USITC Pub. 3614 at 4 (July 2003); Steel Concrete Reinforcing Bar from Turkey, Inv. No. 731-TA-745 (Review), USITC Pub. 3577 at 4 (Feb. 2003).

(2) Assembled and unassembled folding chairs made primarily or exclusively from steel or other metal (folding metal chairs). Folding metal chairs include chairs with one or more cross-braces, regardless of shape or size, affixed to the front and/or rear legs with rivets, welds or any other type of fastener. Folding metal chairs include: those that are made solely of steel or other metal; those that have a back pad, a seat pad, or both a back pad and a seat pad; and those that have seats or backs made of plastic or other materials. The subject merchandise is commonly, but not exclusively, packed singly, in multiple packs of the same item, or in five piece sets consisting of four chairs and one table. Specifically excluded from the scope of folding metal chairs are the following:

- a. Folding metal chairs with a wooden back or seat, or both;
- b. Lawn furniture;
- c. Stools;
- d. Chairs with arms; and
- e. Child-sized chairs.¹²

FMTCs are most commonly known as card tables and folding chairs. They are generally considered to be occasional-use furniture and collapse for efficient storage. FMTCs are suitable for use in residential or commercial applications.¹³

The scope definition set out above is unchanged from Commerce's original scope determination. In its original investigation the Commission found two domestic like products consisting of certain folding metal chairs and certain folding metal tables, which, considered together, are coextensive with the scope of the investigation.¹⁴ In this review, both Meco/KI and Clarin have stated that they agree with the Commission's definition of the domestic like products in the original investigation.¹⁵ There is no new information obtained during this review that would suggest any reason to revisit the Commission's domestic like product definitions in the original determination. Therefore, we continue to find two domestic like products: certain folding metal chairs and certain folding metal tables, which, considered together, are coextensive with the scope of the order.

B. Domestic Industry and Related Parties

Section 771(4)(A) of the Act defines the relevant domestic industry as the "producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product."¹⁶

¹² Folding Metal Tables and Chairs From the People's Republic of China: Notice of Final Results of Expedited Sunset Review of Antidumping Duty Order, 72 Fed. Reg. 51409 (Sept. 7, 2007).

¹³ CR at I-11.

¹⁴ Original Determination at 5-11.

¹⁵ Meco/KI Response to the Commission's Notice of Institution (June 20, 2007) at 16, and Clarin's Revised Response to the Commission's Notice of Institution (July 2, 2007) at 2.

¹⁶ 19 U.S.C. § 1677(4)(A). In defining the domestic industry, the Commission's general practice has been to include in the industry all domestic production of the like product, whether toll-produced, captively consumed, or sold in the domestic merchant market, provided that adequate production-related activity is conducted in the United States. See United States Steel Group v. United States, 873 F. Supp. 673, 682-83 (Ct. Int'l Trade 1994), aff'd, 96 F.3d 1352 (Fed. Cir. 1996).

In the original determination, the Commission defined the domestic industry for folding metal chairs to include all producers of folding metal chairs in the United States,¹⁷ and the domestic industry for folding metal tables to include all producers of folding metal tables in the United States (comprised of Meco and Lifetime Products),¹⁸ and it did not exclude any domestic producer as a related party.¹⁹ Both Meco/KI and Clarin have indicated that they agree with the Commission's definition of the domestic industries in the original investigation,²⁰ and there is no new information obtained during this review that would suggest any reason to revisit the Commission's prior domestic industry definition. Thus, in accordance with our like product definition, we determine that there are two domestic industries, consisting of all the domestic producers of certain folding metal chairs and all the domestic producers of certain folding metal tables.²¹

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

For the reasons stated below, we determine that revocation of the antidumping duty order on FMTC from China would be likely to lead to continuation or recurrence of material injury to the domestic industries producing folding metal chairs and folding metal tables within a reasonably foreseeable time.

A. Legal Standard In a Five-Year Review

In a five-year review conducted under section 751(c) of the Act, Commerce will revoke an antidumping duty order unless: (1) it makes a determination that dumping or subsidization is likely to continue or recur, and (2) the Commission makes a determination that revocation of the antidumping duty order "would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time."²² The Uruguay Round Agreements Act ("URAA"), Statement of Administrative Action ("SAA"), states that "under the likelihood standard, the Commission will engage in a counter-factual analysis; it must decide the likely impact in the reasonably foreseeable future of an important

¹⁷ At the time of the original investigation, there were six confirmed U.S. producers of folding metal chairs in the United States (Krueger, McCourt, Meco, Mity-Lite, SCF Industries, and Virco). CR at I-16-17, PR at I-13-14. In addition, three other firms (The HON Co., Lifetime Products, and Clarin) may also have been producing this product. CR at I-17, PR at I-14. It appears that all of these firms still produce folding metal chairs, except SCF (whose assets were sold to Scholar Craft, which now also produces folding metal chairs) and possibly The HON Co. (which appears to have ceased production of folding metal chairs). CR at I-16-20, PR at I-13-16.

¹⁸ It is unclear whether Meco is the only remaining producer of folding metal tables, or whether Lifetime Products also still makes this product. See CR at I-17 n.30, PR at I-14 n.30.

¹⁹ Original Determination at 11-12.

²⁰ Meco/KI Response (June 20, 2007) at 16, and Clarin's Revised Response to the Commission's Notice of Institution (July 2, 2007) at 2.

²¹ Meco, a producer of both folding metal chairs and folding metal tables, is a related party because it has imported both types of subject merchandise from China during the period of review. CR at I-18 n.35, PR at I-15. We find that appropriate circumstances do not exist to exclude Meco from either the folding metal chair or table industries. From the limited record in this expedited review, it appears that Meco, in light of ***. Meco participated as a petitioner in the original investigation, and supports continuation of the order in this review. Moreover, the exclusion of Meco from the domestic industries would substantially diminish the information available to the Commission regarding the performance of the domestic industries. Indeed, the exclusion of Meco from the domestic folding metal table industry would be particularly problematic because it is the only producer to provide any data on tables and may be the only producer in that industry. For these reasons, we find that appropriate circumstances do not exist to exclude Meco from either the folding metal chair or table industries.

²² 19 U.S.C. § 1675a(a).

change in the status quo – the revocation or termination of a proceeding and the elimination of its restraining effects on volumes and prices of imports.”²³ Thus, the likelihood standard is prospective in nature.²⁴ The U.S. Court of International Trade has found that “likely,” as used in the five-year review provisions of the Act, means “probable,” and the Commission applies that standard in five-year reviews.²⁵

The statute states that “the Commission shall consider that the effects of revocation or termination may not be imminent, but may manifest themselves only over a longer period of time.”²⁸ According to the SAA, a “‘reasonably foreseeable time’ will vary from case-to-case, but normally will exceed the ‘imminent’ timeframe applicable in a threat of injury analysis in original investigations.”²⁹

Although the standard in a five-year review is not the same as the standard applied in an original antidumping duty investigation, it contains some of the same fundamental elements. The statute provides that the Commission is to “consider the likely volume, price effect, and impact of imports of the subject merchandise on the industry if the orders are revoked or the suspended investigation is terminated.”³⁰ It directs the Commission to take into account its prior injury determination, whether any improvement in the state of the industry is related to the order or the suspension agreement under review, whether the

²³ The SAA, H.R. Rep. No. 103-316, vol. I, at 883-84 (1994). The SAA states that “[t]he likelihood of injury standard applies regardless of the nature of the Commission’s original determination (material injury, threat of material injury, or material retardation of an industry). Likewise, the standard applies to suspended investigations that were never completed.” SAA at 883.

²⁴ While the SAA states that “a separate determination regarding current material injury is not necessary,” it indicates that “the Commission may consider relevant factors such as current and likely continued depressed shipment levels and current and likely continued [sic] prices for the domestic like product in the U.S. market in making its determination of the likelihood of continuation or recurrence of material injury if the order is revoked.” SAA at 884.

²⁵ See NMB Singapore Ltd. v. United States, 288 F. Supp. 2d 1306, 1352 (Ct. Int’l Trade 2003) (“‘likely’ means probable within the context of 19 U.S.C. § 1675(c) and 19 U.S.C. § 1675a(a)”), aff’d without opinion, 140 Fed. Appx. 268 (Fed. Cir. 2005); Nippon Steel Corp. v. United States, Slip Op. 02-153 at 7-8 (Ct. Int’l Trade Dec. 24, 2002) (same); Usinor Industeel, S.A. v. United States, Slip Op. 02-152 at 4 n.3 & 5-6 n.6 (Ct. Int’l Trade Dec. 20, 2002) (“more likely than not” standard is “consistent with the court’s opinion”; “the court has not interpreted ‘likely’ to imply any particular degree of ‘certainty’”); Indorama Chemicals (Thailand) Ltd. v. United States, Slip Op. 02-105 at 20 (Ct. Int’l Trade Sept. 4, 2002) (“standard is based on a likelihood of continuation or recurrence of injury, not a certainty”); Usinor v. United States, Slip Op. 02-70 at 43-44 (Ct. Int’l Trade July 19, 2002) (“‘likely’ is tantamount to ‘probable,’ not merely ‘possible’”).

²⁶ For a complete statement of Commissioner Okun’s interpretation of the likely standard, see Additional Views of Vice Chairman Deanna Tanner Okun Concerning the “Likely” Standard in Certain Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe from Argentina, Brazil, Germany, and Italy, Inv. Nos. 701-TA-362 (Review) and 731-TA-707-710 (Review) (Remand), USITC Pub. 3754 (Feb. 2005).

²⁷ Commissioner Lane notes that, consistent with her views in Pressure Sensitive Plastic Tape from Italy, Inv. No. AA1921-167 (Second Review), USITC Pub. 3698 (June 2004) at 15-17, she does not concur with the U.S. Court of International Trade’s interpretation of “likely” but she will apply the Court’s standard in this review and all subsequent reviews until either Congress clarifies the meaning or the U.S. Court of Appeals for the Federal Circuit addresses the issue.

²⁸ 19 U.S.C. § 1675a(a)(5).

²⁹ SAA at 887. Among the factors that the Commission should consider in this regard are “the fungibility or differentiation within the product in question, the level of substitutability between the imported and domestic products, the channels of distribution used, the methods of contracting (such as spot sales or long-term contracts), and lead times for delivery of goods, as well as other factors that may only manifest themselves in the longer term, such as planned investment and the shifting of production facilities.” *Id.*

³⁰ 19 U.S.C. § 1675a(a)(1).

industry is vulnerable to material injury if the orders are revoked or the suspension agreement is terminated, and any findings by Commerce regarding duty absorption pursuant to 19 U.S.C. § 1675(a)(4).³¹

No respondent interested party has participated in this review. The record, therefore, contains limited information with respect to the FMTC industry in China. Accordingly, we rely on the facts available on the record when appropriate, which consist primarily of information from the original investigation and information collected in this five-year review, including that submitted by Meco/KI and Clarin.^{32 33}

B. Folding Metal Chairs

1. Conditions of Competition and the Business Cycle

In evaluating the likely impact of the subject imports on the domestic industry, the statute directs the Commission to consider all relevant economic factors “within the context of the business cycle and conditions of competition that are distinctive to the affected industry.”³⁴ The following conditions of competition are relevant to our determination.

Demand. In the original investigation, the Commission found that demand for folding metal chairs had been declining, with apparent domestic consumption falling *** by quantity and *** by value over the period of investigation.³⁵ According to Meco/KI, U.S. apparent consumption of FMTC continues to be flat or declining.³⁶

Supply. In the original investigation, the Commission observed that the eight domestic producers of folding metal chairs sold into several different channels of distribution. These channels encompassed

³¹ 19 U.S.C. § 1675a(a)(1). Commerce did not make any duty absorption findings with respect to the order under review. See Commerce’s Review Determination, 71 Fed. Reg. at 70956-57. The statute further provides that the presence or absence of any factor that the Commission is required to consider shall not necessarily give decisive guidance with respect to the Commission’s determination. 19 U.S.C. § 1675a(a)(5). While the Commission must consider all factors, no one factor is necessarily dispositive. SAA at 886.

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

³³ Commissioner Okun notes that the statute authorizes the Commission to take adverse inferences in five-year reviews, but such authorization does not relieve the Commission of its obligation to consider the record evidence as a whole in making its determination. 19 U.S.C. § 1677e. She generally gives credence to the facts supplied by the participating parties and certified by them as true, but bases her decision on the evidence as a whole, and does not automatically accept participating parties’ suggested interpretations of the record evidence. Regardless of the level of participation and the interpretations urged by participating parties, the Commission is obligated to consider all evidence relating to each of the statutory factors and may not draw adverse inferences that render such analysis superfluous. “In general, the Commission makes determinations by weighing all of the available evidence regarding a multiplicity of factors relating to the domestic industry as a whole and by drawing reasonable inferences from the evidence it finds most persuasive.” SAA at 869.

³⁴ 19 U.S.C. § 1675a(a)(4).

³⁵ Original Determination at 14.

³⁶ Meco/KI Response (June 20, 2007) at 6.

both residential and commercial users. They were mass merchandisers/office superstores, other retailers (retailers other than large “box” stores), other customers (including schools, government institutions and commercial institutions), and distributors/wholesalers. The Commission noted that, while there was significant overlap among domestic folding metal chairs and subject chair imports in these channels of distribution, subject chair imports were concentrated in the mass merchandiser market. The Commission also noted that there is no clear industry standard distinguishing residential and commercial chairs, and that both residential consumers and small businesses buy folding metal chairs from both mass merchandisers and office superstores. Finally, the Commission observed that nonsubject imports had declined irregularly over the period of investigation.³⁷ There is no evidence on the record of this expedited review to suggest that these conditions have changed significantly since the original investigation.

Substitutability. In the original investigation, the Commission observed that both quality and price were important purchasing factors, and that the domestic like product and the subject merchandise were highly interchangeable. The Commission noted that the quality of subject imports had reportedly improved over the period of investigation. It also noted that, while various other types of chairs could be used for folding metal chairs in some applications, the majority of questionnaire respondents stated that there were no substitutes that competed closely with folding metal chairs on the basis of price.³⁸ There is no evidence on the record of this expedited review to suggest that these conditions have changed significantly since the original investigation. In their response to the notice of institution, Meco/KI indicated that since 2002, Chinese producers have improved the quality of their products so that they are indistinguishable from domestically produced FMTC.³⁹

Based on the record evidence, we find that these conditions of competition are not likely to change significantly in the reasonably foreseeable future.

2. Likely Volume of Subject Chair Imports

In evaluating the likely volume of imports of subject merchandise if the antidumping duty order is revoked, the Commission is directed to consider whether the likely volume of imports would be significant either in absolute terms or relative to production or consumption in the United States.⁴⁰ In doing so, the Commission must consider “all relevant economic factors,” including four enumerated factors: (1) any likely increase in production capacity or existing unused production capacity in the exporting country; (2) existing inventories of the subject merchandise, or likely increases in inventories; (3) the existence of barriers to the importation of the subject merchandise into countries other than the United States; and (4) the potential for product shifting if production facilities in the foreign country, which can be used to produce the subject merchandise, are currently being used to produce other products.⁴¹

In its original determination, the Commission observed that the volume and market share of imports of certain folding metal chairs from China increased during the period of investigation. Subject imports predominantly replaced U.S. production, but also replaced nonsubject imports. The volume of subject chair imports increased from *** in both 1999 and 2000, to *** in 2001. The share of apparent U.S. consumption held by subject chair imports increased from *** in 1999 to *** in 2001, while domestic producers’ market share dropped from *** in 1999 to *** in 2001. In comparison, nonsubject

³⁷ Original Determination at 14-15.

³⁸ Original Determination at 15.

³⁹ Meco/KI Response (June 20, 2007) at 16.

⁴⁰ 19 U.S.C. § 1675a(a)(2).

⁴¹ 19 U.S.C. § 1675a(a)(2)(A)-(D).

imports were a relatively minor factor in the market, and decreased in both volume and market share over the period of investigation. The Commission found that, therefore, subject Chinese chair imports predominantly replaced U.S. production, but also replaced nonsubject imports. The Commission found the large volume of subject imports, and the increase in that volume over the period of investigation, both in absolute terms and relative to consumption in the United States, to be significant.⁴²

In this review, because subject producers in China have declined to participate or furnish information (including information on the volume of subject imports), and because the tariff schedule subheadings associated with FMTC include many nonsubject products (making the official import statistics unusable), the Commission is constrained to rely on the facts available on the record.⁴³ In the original investigation, the Commission received questionnaires with usable data from five subject producers accounting for exports to the United States of *** units in 2001.⁴⁴ ***.⁴⁵

As noted above, subject producers from China gained a substantial share of the U.S. market during the original investigation period. The limited, anecdotal information in the record suggests that the Chinese folding metal chair industry may have grown to include even more producers than during the original investigation, and that the capacity of the industry is substantial.⁴⁶ Meco/KI assert that because many Chinese producers also make non-subject products using the same production process that is used to make FMTC, these producers have additional manufacturing capacity that could be shifted to FMTC production.⁴⁷ Meco/KI also contend that the U.S. market for folding metal chairs remains attractive due to its size.⁴⁸

Based on the substantial volumes of exports to the United States and gains in market share during the original investigation, the potential for product-shifting in the Chinese folding metal chair industry, and the attractiveness of the U.S. market,⁴⁹ Chinese producers would have an incentive to ship significant volumes of additional exports to the United States if the order were revoked. We therefore find that the likely volume of subject imports, both in absolute terms and relative to production and consumption in the United States, would be significant if the order were revoked.

3. Likely Price Effects of Subject Chair Imports

In evaluating the likely price effects of subject imports if the antidumping order is revoked, the Commission is directed to consider whether there is likely to be significant underselling by the subject imports as compared to the domestic like product and whether the subject imports are likely to enter the United States at prices that otherwise would have a significant depressing or suppressing effect on the price of the domestic like product.⁵⁰

⁴² Original Confidential Views at 22-23.

⁴³ See 19 U.S.C. § 1677e(a); see also e.g., Glycine from China, Inv. No. 731-TA-718 (Review), USITC Pub. 3315 (June 2000) at 6-7.

⁴⁴ Staff Report (INV-Z-069) at Table VII-2. As noted above, subject chair imports were *** units in 2001. Thus, these five firms likely accounted for most or all of the subject imports into the United States in 2001.

⁴⁵ These producers exported *** units to markets other than the United States in 2001. Id.

⁴⁶ Meco/KI Response (June 20, 2007) at 9.

⁴⁷ Meco/KI Response (June 20, 2007) at 9.

⁴⁸ Meco/KI Response (June 20, 2007) at 9-10.

⁴⁹ Meco/KI estimate that the U.S. FMTC market is worth over \$100 million annually. Meco/KI Response (June 20, 2007) at 9.

⁵⁰ 19 U.S.C. § 1675a(a)(3). The SAA states that “[c]onsistent with its practice in investigations, in considering the likely price effects of imports in the event of revocation and termination, the Commission may rely on

(continued...)

In the original determination, the Commission found that price competition in this industry is intense and occurs frequently through annual contract negotiations. The Commission found that domestic folding metal chairs and imported subject chairs were highly interchangeable. Importers and domestic producers tended to focus on either the residential or commercial market for folding metal chairs, suggesting some market segmentation; however, the lines between these markets were blurred. Among products of comparable quality, price was the most important factor in purchasing decisions.⁵¹

The Commission collected pricing data for two chair products, and found that subject imported chairs undersold the domestic product in 23 out of 24 quarterly price comparisons, by substantial margins that increased over the period of investigation. On this basis, the Commission found significant price underselling by subject imports. The Commission identified a particularly significant example of this underselling in Meco's ***.⁵²

The Commission found that the record was mixed regarding price depression by subject imports. On the one hand, Meco, *** domestic producer, dropped its prices in some instances due to price pressure from subject imports; on the other hand, pricing data showed that overall U.S. prices had increased over the period of investigation for the two pricing products examined by the Commission. The Commission also found evidence of price suppression, in that industry sales revenue did not keep pace with increased costs. It attributed this price-cost squeeze in large part to the loss of sales volume attributable to subject imports.⁵³

There is no new product-specific pricing information on the record in this expedited review. As explained above, we find that Chinese producers likely would increase exports to the United States significantly in the reasonably foreseeable future if the antidumping duty order were revoked.

Based on the information available in this review, including the determination in the original investigation, we find that the market for subject merchandise is price-competitive. Consequently, as in the original investigation, subject imports would likely undersell the domestic like product to gain market share. The volume of subject imports at those prices, in turn, would be likely to have significant depressing or suppressing effects on prices of the domestic like product. Therefore, we conclude that, were the order revoked, subject imports from China likely would increase significantly at prices that likely would undersell the domestic like product and those imports would have a significant depressing or suppressing effect on prices for the domestic like product.

4. Likely Impact of Subject Chair Imports

In evaluating the likely impact of imports of subject merchandise if the antidumping duty order is revoked, the Commission is directed to consider all relevant economic factors that are likely to have a bearing on the state of the industry in the United States, including, but not limited to: (1) likely declines in output, sales, market share, profits, productivity, return on investments, and utilization of capacity; (2) likely negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment; and (3) likely negative effects on the existing development and production efforts of the industry, including efforts to develop a derivative or more advanced version of the domestic like product.⁵⁴ All relevant economic factors are to be considered within the context of the business cycle and

⁵⁰ (...continued)

circumstantial, as well as direct, evidence of the adverse effects of unfairly traded imports on domestic prices.” SAA at 886.

⁵¹ Original Confidential Views at 23.

⁵² Original Confidential Views at 23-24.

⁵³ Original Confidential Views at 24-25.

⁵⁴ 19 U.S.C. § 1675a(a)(4).

the conditions of competition that are distinctive to the industry.⁵⁵ As instructed by the statute, we have considered the extent to which any improvement in the state of the domestic industry is related to the order at issue and whether the industry is vulnerable to material injury if the order is revoked.

In its original determination, the Commission found that imports of the subject chairs increased over the period of investigation and captured an increasing share of the U.S. market, at the expense of U.S. production. The record showed significant underselling by subject imports. The Commission found a deterioration in the domestic industry's production levels, capacity utilization, shipments, employment levels, and financial performance. For these reasons, the Commission found that subject imports were having a significant adverse impact on the domestic industry.⁵⁶

There is very little information in the record concerning the performance and condition of the domestic industry since the original injury determination. There is some evidence that the industry's production may have declined since 2001.⁵⁷ Meco's production of folding metal chairs has *** chairs in 2001 to *** chairs in 2006.⁵⁸ Meco states that it is currently using only *** of its production capacity for FMTC, and that it has had to lay off *** percent of its FMTC production workers since 2002. Also, Meco/KI maintain that flat demand and a cost-price squeeze have weakened the domestic industry's financial condition. They assert that stiff price competition has prevented domestic producers from increasing their prices to recover increased costs (most notably the cost of steel, the main raw material used to make FMTC) since the original investigation. Meco reports that it *** on its production of all steel chairs in its fiscal years 2005 and 2006.⁵⁹

There is no current information in the record, however, pertaining to many of the other indicators, such as operating income, productivity, return on investments, cash flow, wages, ability to raise capital, investment capacity, and employment levels, that we customarily consider in assessing whether the domestic industry is in a weakened condition. The limited evidence in this expedited review is insufficient for us to make a finding on whether the domestic industry producing folding metal chairs is vulnerable to the continuation or recurrence of material injury in the event of revocation of the order.

We find that revocation of the order would likely lead to a significant increase in the volume of subject imports that would likely undersell the domestic like product to a significant degree and significantly suppress or depress U.S. prices. We find that the significant likely volume of low-priced subject folding metal chairs, when combined with the likely adverse price effects of those imports, would likely have a significant adverse impact on the production, shipments, sales, and revenue levels of the domestic industry. This reduction in the industry's production, shipments, sales, and revenue levels likely

⁵⁵ 19 U.S.C. § 1675a(a)(4). Section 752(a)(6) of the Act states that "the Commission may consider the magnitude of the margin of dumping" in making its determination in a five-year review. 19 U.S.C. § 1675a(a)(6). The statute defines the "magnitude of the margin of dumping" to be used by the Commission in five-year reviews as "the dumping margin or margins determined by the administering authority under section 1675a(c)(3) of this title." 19 U.S.C. § 1677(35)(C)(iv). See also SAA at 887. Commerce expedited its determination in its review of FMTC from China and found that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the following margins: 13.72 percent for Dongguan Shichang, Feili, and New-Tec, and 70.71 percent for the PRC-wide rate. Folding Metal Tables and Chairs From the People's Republic of China: Notice of Final Results of Expedited Sunset Review of Antidumping Duty Order, 72 Fed. Reg. 51409, 51410 (Sept. 7, 2007).

⁵⁶ Original Confidential Views at 26-28.

⁵⁷ The combined production of the three domestic producers that responded to the notice of institution in this review (Meco, KI, and Clarin) was *** percent lower than the entire industry's production in 2001, but these three producers only accounted for an estimated *** percent of U.S. production of folding metal chairs in 2006. CR at I-23, PR at I-17.

⁵⁸ CR at I-25, PR at I-19.

⁵⁹ Meco reported that it experienced *** on production of *** all-steel chairs in fiscal year 2005, and *** on production of *** all-steel chairs in fiscal year 2006. Meco/KI Response (June 20, 2007) at 7-8.

would have a direct adverse impact on the industry's profitability and employment levels, as well as its ability to raise capital and make and maintain necessary capital investments.

Accordingly, we conclude that, if the antidumping duty order on folding metal chairs from China were revoked, subject imports from China would be likely to have a significant adverse impact on the domestic industry within a reasonably foreseeable time. Thus, we determine that revocation of the antidumping duty order on folding metal chairs from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

C. Folding Metal Tables⁶⁰

1. Conditions of Competition and the Business Cycle

Demand. In the original investigation, the Commission found that demand for folding metal tables changed little over the investigation period.⁶¹ According to Meco/KI, U.S. apparent consumption of FMTC continues to be flat or declining.⁶²

Supply. In the original investigation, the Commission observed that Meco was *** domestic producer of folding metal tables, and that Lifetime Products also appeared to be a domestic producer. With respect to channels of distribution, in 2000, *** of the U.S.-produced folding metal tables went to mass merchandisers and *** went to other retailers, while in 2001, *** were sold to retail customers other than mass merchandisers/office superstores. This shift in the channels of distribution for the domestic like product was attributed to Meco's *** in this period. The majority of subject table imports went to mass merchandisers in 2001. The Commission observed that nonsubject imports had declined steadily over the period of investigation.⁶³ Since the period of the original investigation, Meco, the largest – and perhaps the only – producer of folding metal tables, has ***.⁶⁴

Substitutability. In the original investigation, the Commission observed that both quality and price were important purchasing factors, and that the domestic like product and the subject merchandise were highly interchangeable. The Commission noted that the quality of subject imports had improved over the period of investigation. It also noted that, while various other types of tables could be used for folding metal tables in some applications, the majority of questionnaire respondents stated that there were no substitutes that competed closely with folding metal tables on the basis of price.⁶⁵ There is no evidence on the record of this expedited review to suggest that these conditions have changed significantly since the original investigation.

Based on the record evidence, we find that these conditions of competition are not likely to change significantly in the reasonably foreseeable future.

⁶⁰ We use the same legal standards concerning the likely conditions of competition, volume, price effects, and impact of subject imports if the antidumping duty order is revoked as described above in our discussion of the folding metal chair industry.

⁶¹ Original Determination at 21.

⁶² Meco/KI Response (June 20, 2007) at 6.

⁶³ Original Determination at 22.

⁶⁴ In 2001, the company produced *** folding metal tables in the United States. In 2006, its U.S. production had fallen to *** tables, and it imported *** folding metal tables from China. CR at I-18 n.35, PR at I-15 n. 35.

⁶⁵ Original Determination at 22.

2. Likely Volume of Subject Table Imports

In its original determination, the Commission found that the volume of subject table imports increased during the period of investigation, from *** units in 1999, to *** units in 2000, and to *** units in 2001. The share of apparent U.S. consumption held by subject table imports increased from *** in 1999 to *** in 2001, while domestic producer market share dropped from *** in 1999 to *** in 2001. Nonsubject imports' share of apparent domestic consumption decreased steadily over the period of investigation, from *** in 1999 to *** in 2001, while the share of subject imports increased. The Commission found that, therefore, subject Chinese table imports predominantly replaced U.S. production, but also replaced nonsubject imports. The Commission found the large volume of subject table imports, and the increase in that volume over the period of investigation, both in absolute terms and relative to consumption in the United States, to be significant.⁶⁶

In this review, because subject producers in China have declined to participate or furnish information (including information on the volume of subject imports), and because the tariff schedule subheadings associated with FMTC include many nonsubject products (making the official import statistics unusable), the Commission is constrained to rely on the facts available on the record. In the original investigation, the Commission received questionnaires with usable data from three subject producers accounting for exports to the United States of *** units in 2001.⁶⁷ ***.⁶⁸

As noted above, subject producers from China gained a dominating share of the U.S. market during the original investigation period. The record suggests that the market share of subject imports has grown even larger since then, even under the discipline of the order.⁶⁹ The limited, anecdotal information in the record suggests that the Chinese folding metal table industry may have grown to include even more producers than during the original investigation, and that the capacity of the industry is substantial.⁷⁰ Meco/KI assert that because many Chinese producers also make nonsubject products using the same production process that is used to make FMTC, these producers have additional manufacturing capacity that could be shifted to FMTC production.⁷¹ Meco/KI also contend that the U.S. market for folding metal tables remains attractive due to its size.⁷²

Based on the substantial volumes of exports to the United States, the gains in market share during the original investigation and the apparent further gains since then, the potential for product-shifting in the Chinese folding metal table industry, and the attractiveness of the U.S. market,⁷³ Chinese producers would have an incentive to ship significant volumes of additional exports to the United States if the order were revoked. We therefore find that the likely volume of subject imports, both in absolute terms and relative to production and consumption in the United States, would be significant if the order were revoked.

⁶⁶ Original Confidential Views at 33.

⁶⁷ Staff Report (INV-Z-069) at Table VII-1. As noted above, subject table imports were *** units in 2001. Thus, the exports of these three firms to the United States were *** subject imports in 2001.

⁶⁸ Id.

⁶⁹ As noted above, Meco, *** – and perhaps the only – producer of folding metal tables, has ***.

⁷⁰ Meco/KI Response (June 20, 2007) at 9.

⁷¹ Meco/KI Response (June 20, 2007) at 9.

⁷² Meco/KI Response (June 20, 2007) at 9-10.

⁷³ Meco/KI estimate that the U.S. FMTC market is worth over \$100 million annually. Meco/KI Response (June 20, 2007) at 9.

3. Likely Price Effects of Subject Table Imports

In the original determination, the Commission found that price competition for tables is intense, and frequently occurs through annual contract negotiations. The Commission found that domestic folding metal tables and imported subject tables to be highly interchangeable. The Commission collected pricing data for one table product. Subject imported tables undersold the domestic product in all 12 quarterly comparisons, by margins ranging from 6.9 percent to 22.8 percent. The margins of underselling were higher in each quarter of 2001 than they were in the corresponding quarters in 1999. On this basis, the Commission found that there had been significant price underselling by subject table imports. The Commission observed that U.S. prices fell over the period of investigation. Prices were lower ***. In light of the interchangeability, significant underselling, and growth in market share of subject imports at the expense of the domestic folding metal table industry, it concluded that the subject imports depressed domestic prices to a significant degree. The Commission noted that this conclusion was further corroborated by record evidence of underbidding and sales and revenue lost by the domestic industry to subject imports, in particular ***.⁷⁴

There is no new product-specific pricing information on the record in this expedited review. As explained above, we find that Chinese producers likely would increase exports to the United States significantly in the reasonably foreseeable future if the antidumping duty order were revoked.

Based on the information available in this review, including the determination in the original investigation, we find that the market for subject merchandise is price-competitive. Consequently, as in the original investigation, subject imports would likely undersell the domestic like product to gain market share. The volume of subject imports at those prices, in turn, would be likely to have significant depressing or suppressing effects on prices of the domestic like product. Therefore, we conclude that, were the order revoked, subject imports from China likely would increase significantly at prices that likely would undersell the domestic like product and those imports would have a significant depressing or suppressing effect on prices for the domestic like product.

4. Likely Impact of Subject Table Imports

In its original determination, the Commission found that imports of the subject chairs increased over the period of investigation and captured an increasing share of the U.S. market, at the expense of U.S. production. The record showed significant underselling and price depression by subject imports. The Commission found a deterioration in the domestic industry's production levels, capacity utilization, shipments, employment levels, and financial performance. For these reasons, the Commission found that subject imports were having a significant adverse impact on the domestic industry.⁷⁵

There is very little information in the record concerning the performance and condition of the domestic industry since the original injury determination. Domestic production and shipments appear to have ***. Meco has experienced a *** decline in its U.S. production of folding metal tables. It produced *** tables in 2001, and *** tables in 2006.⁷⁶ Meco states that it is currently using only *** of its FMTC production capacity, and that it has had to lay off *** percent of its FMTC production workers since 2002.⁷⁷ Also, Meco/KI maintain that flat demand and a cost-price squeeze have weakened the domestic industry's financial condition. They assert that stiff price competition has prevented domestic producers

⁷⁴ Original Confidential Views at 33-35, CR at I-20, PR at I-16.

⁷⁵ Original Confidential Views at 35-37.

⁷⁶ CR/PR at Table I-5. As noted above, it is unclear whether Meco is the only domestic producer of folding metal tables, or whether Lifetime Products also produces this product.

⁷⁷ Meco/KI Response (June 20, 2007) at 7-8.

from increasing their prices to recover increased costs (most notably the cost of steel, the main raw material used to make FMTC) since the original investigation. Mecco reports that it *** on its production of 34-inch tables in its fiscal years 2005 and 2006.⁷⁸

There is no current information in the record, however, pertaining to many of the other indicators, such as operating income, productivity, return on investments, cash flow, wages, ability to raise capital, investment capacity, and employment levels, that we customarily consider in assessing whether the domestic industry is in a weakened condition. The limited evidence in this expedited review is insufficient for us to make a finding on whether the domestic industry producing folding metal chairs is vulnerable to the continuation or recurrence of material injury in the event of revocation of the order.

We find that revocation of the order would likely lead to a significant increase in the volume of subject imports that would likely undersell the domestic like product to a significant degree and significantly suppress or depress U.S. prices. We find that the significant likely volume of low-priced subject folding metal tables, when combined with the likely adverse price effects of those imports, would likely have a significant adverse impact on the production, shipments, sales, and revenue levels of the domestic industry. This reduction in the industry's production, shipments, sales, and revenue levels likely would have a direct adverse impact on the industry's profitability and employment levels, as well as its ability to raise capital and make and maintain necessary capital investments.

Accordingly, we conclude that, if the antidumping duty order on folding metal tables from China were revoked, subject imports from China would be likely to have a significant adverse impact on the domestic industry within a reasonably foreseeable time. Thus, we determine that revocation of the antidumping duty order on folding metal tables from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

CONCLUSION

For the foregoing reasons, we determine under section 751(c) of the Act that revocation of the antidumping duty order on folding metal tables and chairs from China would be likely to lead to continuation or recurrence of material injury to industries in the United States within a reasonably foreseeable time.

⁷⁸ Mecco reported that it experienced *** on production of *** 34-inch tables in fiscal year 2005, and *** on production of *** 34-inch tables in fiscal year 2006. Mecco/KI Response (June 20, 2007) at 7-8.

INFORMATION OBTAINED IN THE REVIEW

INTRODUCTION

Background

On May 1, 2007, the Commission gave notice that it had instituted a five-year review to determine whether revocation of the antidumping duty order on imports of certain folding metal tables and chairs (“FMTCs”) from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.¹ On August 6, 2007, the Commission determined that the domestic interested party response to its notice of institution was adequate;² the Commission also determined that the respondent interested party response was inadequate. The Commission found no other circumstances that would warrant conducting a full review. Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)(3)).³ The Commission voted on this review on September 20, 2007; its statutory deadline to transmit its determinations to the Department of Commerce (“Commerce”) was September 28, 2007. Information relating to the background of the review is presented in the tabulation below.⁴

Effective date	Action	Federal Register citation
June 27, 2002	Imposition of antidumping duty order	67 FR 43277
May 1, 2007	Initiation of Commerce’s five-year review	72 FR 23799
May 1, 2007	Institution of Commission’s five-year review	72 FR 23844
August 6, 2007	Commission’s determination to conduct an expedited five-year review; scheduling of Commission’s review	72 FR 46245 (August 17, 2007)
August 29, 2007	Scheduled date for final results of Commerce’s expedited review	Not applicable
September 20, 2007	Date of the Commission’s vote	Not applicable
September 28, 2007	Commission’s determinations transmitted to Commerce	Not applicable

¹ 72 FR 23844. All interested parties were requested to respond to the notice by submitting information requested by the Commission.

² The Commission received two submissions in response to its notice of institution for the subject review. One response was filed on behalf of Meco Corp. (“Meco”) and KI; the other was filed on behalf of Clarin, a division of Greenwich Industries L.P. (“Clarin”). Meco and KI are represented by the law firm Akin Gump Strauss Hauer & Feld, LLP. These three firms are believed to account for *** percent of U.S. production of certain folding metal chairs in 2006. *Comments* of Meco and KI, July 16, 2007, p. 7, fn. 10. Meco claims to account for 100 percent of U.S. production of certain folding metal tables in 2006. *Response* of Meco and KI, June 20, 2007, p. 14. However, it appears as if Lifetime Products also produces certain folding metal tables domestically. Lifetime’s current website seems to indicate that it is still producing folding metal tables (a 37-inch card table and a 48-inch round table) and has introduced a folding metal chair since the original investigation. See <http://www.lifetime.com/company/history.aspx>, retrieved July 16, 2007. This seems to conflict with Meco’s statement that it is the sole U.S. producer of certain folding metal tables.

³ Commissioner votes on whether to conduct an expedited or full review are available at the Commission’s website (www.usitc.gov). The Commission’s statement on adequacy is presented in app. B.

⁴ *Federal Register* notices relating to this five-year review are presented in app. A.

The Original Investigation

The original investigation pertaining to this review resulted from a petition filed on April 27, 2001, alleging that an industry in the United States was materially injured and threatened with material injury by reason of less-than-fair-value (“LTFV”) imports of certain folding metal tables and chairs from China.⁵ On June 4, 2002, the Commission issued its unanimous determinations that industries in the United States were materially injured by reason of the subject imports.⁶ Commerce subsequently imposed an antidumping duty order on imports of certain folding metal tables and chairs from China on June 27, 2002, with the rates of duty (in percent *ad valorem*) shown below:⁷

<u>Manufacturer/exporter</u>	<u>Margin</u>
Feili Furniture Development Co., Ltd. and Feili (Fujian) Co., Ltd.	13.72
Dongguan Shichang Metals Factory Co. Ltd.	13.72
New-Tec Integration Co., Ltd.	13.72
Shin Crest Pte. Ltd.	00.00
China-Wide Rate	70.71

Commerce’s Original Determination and Five-Year Review⁸

Table I-1 presents the antidumping duty margins calculated by Commerce in its original investigation and the current expedited review.

⁵ The petition was filed by counsel on behalf of Meco Corp., Greenville, TN. *Staff Report*, May 13, 2002 (INV-Z-069), p. I-1.

⁶ *Certain Folding Metal Tables and Chairs From China, Investigation No. 731-TA-932 (Final)*, USITC Publication 3515, June 2002. The Commission determined that an industry in the United States producing certain folding metal tables was materially injured by reason of LTFV imports of the subject merchandise. The Commission also determined that an industry in the United States producing certain folding metal chairs was materially injured by reason of LTFV imports of the subject product. The Commission further determined that critical circumstances did not exist with respect to subject imports of FMTC from China that were subject to Commerce’s affirmative critical circumstances findings (Commissioner Lynn M. Bragg dissenting). *Ibid.*, p. 1.

⁷ *Antidumping Duty Order: Folding Metal Tables and Chairs From The People’s Republic of China*, 67 FR 43277 (June 27, 2002).

⁸ No duty absorption findings or changed circumstance reviews were made by Commerce.

Table I-1**FMTCs: Commerce's original and five-year expedited review antidumping duty margins for producers/exporters from China**

Producer/exporter	Original margin (percent)	Five-year review margin (percent)
Feili Furniture Development and Feili (Fujian)	13.72	(¹)
Dongguan Shichang Metals Factory	13.72	(¹)
New-Tec Integration	13.72	(¹)
Shin Crest	00.00 ²	(¹)
China-wide rate ³	70.71	(¹)

¹ To be provided in Commerce's five-year review determination on August 29, 2007.
² *De minimis* and therefore excluded from the order.
³ Commerce treated China as a non-market-economy country and used India as the surrogate country in its calculations of normal value in determining the original China-wide weighted-average dumping margin.

Source: Antidumping duty order, June 27, 2002, 67 FR 43277.

Commerce's Administrative Reviews

Commerce completed three antidumping duty administrative reviews, and has completed preliminary results on a fourth review on subject imports of FMTCs from China, the results of which are presented in table I-2.

Table I-2**FMTCs: Administrative reviews of the antidumping duty order on FMTCs from China**

Date results published	Period of review	Producer or exporter	Margin
December 20, 2004 (69 FR 75913)	12/3/2001 - 5/31/2003	Dongguan Shichang Metals Factory	3.30 ¹
		Wok & Pan Industry	70.71
		China-wide rate	70.71
January 18, 2006 (71 FR 2905)	6/1/2003 - 5/31/2004	New-Tec	0.00
		Feili Group	0.00
		China-wide rate	70.71
December 11, 2006 (71 FR 71509)	6/1/2004 - 5/31/2005	New-Tec	0.24 ²
		Feili Group	0.08 ²
		China-wide rate	70.71 ³
July 11, 2007 (72 FR 37703) ⁴	6/1/2005 - 5/31/2006	New-Tec	0.23 ²
		Feili Group	0.10 ²

¹ Results amended January 21, 2005, 70 FR 3187.
² *De minimis*.
³ This includes Anji Jiu, Xiamen Zehui, and Yixiang.
⁴ Preliminary results.

Source: Cited *Federal Register* notices.

Distribution of Continued Dumping and Subsidy Offset Act Funds

The Continued Dumping and Subsidy Offset Act of 2000 (“CDSOA”) (also known as the Byrd Amendment) provides that assessed duties received pursuant to antidumping or countervailing duty orders must be distributed to affected domestic producers for certain qualifying expenditures that these producers incur after the issuance of such orders.⁹ During the review period, qualified U.S. producers of FMTCs were eligible to receive disbursements from U.S. Customs and Border Protection (“Customs”) under CDSOA relating to the antidumping duty order on the subject product beginning in federal fiscal year 2001.¹⁰ Table I-3 presents CDSOA disbursements and claims for federal fiscal years (October 1-September 30) 2003-06, by firm.

Table I-3
FMTCs: CDSOA disbursements, by firm, and total claims, Federal fiscal years 2003-06

Item	Federal fiscal year			
	2003	2004	2005	2006
Disbursements (dollars)				
Meco Corp.	0	1,050,610	734,553	6,541,728
Virco Manufacturing	348	0	0	0
Total	348	1,050,610	734,553	6,541,728
Claims (dollars)				
Total	3,438,000	12,232,709	46,591,985	63,157,966
Source: U.S. Customs and Border Protection's CDSOA <i>Annual Reports</i> . www.cbp.gov/xp/cgov/import/add_cvd , retrieved July 25, 2007.				

THE PRODUCT

Scope

Commerce’s notice of imposition of an antidumping duty order on imports of certain metal tables and chairs from China defined the scope of the product subject to review as consisting of assembled and unassembled folding tables and folding chairs made primarily or exclusively from steel or other metal, as described below:

(1) Assembled and unassembled folding tables made primarily or exclusively from steel or other metal (“folding metal tables”). Folding metal tables include square, round, rectangular, and any other shapes with legs affixed with rivets, welds, or any other type of fastener, and which are made most commonly, but not exclusively, with a hardboard top covered with vinyl or fabric. Folding metal tables have legs that mechanically fold independently of one another, and not as a set. The subject merchandise is commonly, but not exclusively, packed singly, in multiple packs of the same item, or in five piece sets consisting of four chairs and one table. Specifically excluded from the scope of folding metal tables are the following:

⁹ Section 754 of the Tariff Act of 1930, as amended (19 U.S.C. § 1675c).

¹⁰ 19 CFR 159.64 (g).

Lawn furniture; trays commonly referred to as “TV trays;” side tables; child-sized tables; portable counter sets consisting of rectangular tables 36" high and matching stools; and banquet tables. A banquet table is a rectangular table with a plastic or laminated wood table top approximately 28" to 36" wide by 48" to 96" long and with a set of folding legs at each end of the table. One set of legs is composed of two individual legs that are affixed together by one or more cross-braces using welds or fastening hardware. In contrast, folding metal tables have legs that mechanically fold independently of one another, and not as a set.

(2) Assembled and unassembled folding chairs made primarily or exclusively from steel or other metal (“folding metal chairs”). Folding metal chairs include chairs with one or more cross-braces, regardless of shape or size, affixed to the front and/or rear legs with rivets, welds or any other type of fastener. Folding metal chairs include: those that are made solely of steel or other metal; those that have a back pad, a seat pad, or both a back pad and a seat pad; and those that have seats or backs made of plastic or other materials. The subject merchandise is commonly, but not exclusively, packed singly, in multiple packs of the same item, or in five piece sets consisting of four chairs and one table. Specifically excluded from the scope of folding metal chairs are the following:

Folding metal chairs with a wooden back or seat, or both; lawn furniture; stools; chairs with arms; and child-sized chairs.¹¹

FMTCs are currently imported under statistical reporting numbers 9401.71.0010, 9401.71.0030, 9401.79.0045, 9401.79.0050, 9403.20.0015, 9403.20.0030, 9403.70.8010, 9403.70.8020, and 9403.70.8030 of the Harmonized Tariff Schedule of the United States (“HTS”) and enter the United States free of duty under column 1-general of the HTS, applicable to imports from China. The HTS numbers associated with imports of FMTCs include many other nonsubject products, and therefore the data included in those categories of official statistics are not useful in determining the volume of trade for the subject merchandise.

There have been several scope rulings by Commerce since the 2002 antidumping duty order, which are summarized in table I-4 below.

¹¹ *Antidumping Duty Order: Folding Metal Tables and Chairs From The People’s Republic of China*, 67 FR 43277 (June 27, 2002).

Table I-4
FMTCs: Commerce’s scope rulings, 2003-06

FR notice	Date effective	Scope ruling
Within the scope		
68 FR 36770 (June 19, 2003)	January 13, 2003	“Poly-Fold” chairs consisting of steel frames (20-gauge steel) with polypropylene seats and backs, zinc-plated rivets coated with an epoxy polyester powder coating, three drainage holes in the seat, specially designed back leg cross bar, four oversized leg stoppers with drainage holes, and a frame with hybrid coating.
72 FR 37703 (July 11, 2007)	May 5, 2003	With respect to the “Complete Office-To-Go” set, the chair component is within the scope of the antidumping duty order.
70 FR 24533 (May 10, 2005)	September 7, 2004	Lifetime folding table styles 4600 and 4606 with tops made of blow-molded plastic and frames made of steel.
70 FR 70785 (November 23, 2005)	July 13, 2005	Folding metal chairs, with wooden seats that have been padded with foam and covered with fabric or polyvinyl chloride (“PVC”) and attached to the tubular steel seat frame with screws.
Not in the scope		
72 FR 37703 (July 11, 2007)	May 5, 2003	With respect to the “Complete Office-To-Go” set, the table is not within the scope of the antidumping duty order.
70 FR 70785 (November 23, 2005)	July 13, 2005	“Butterfly” chairs consist of a collapsible metal rod frame and a cover, such that when the chair frame is spread open, the pockets of the cover are slipped over the upper ends of the frame and the cover provides both the seating surface and back of the chair. The frame consists of eight s-shaped pieces (with the ends offset at almost a 90-degree angle) made from metal rod that are connected by hinges. In order to collapse the frame, the chair cover must be removed. The frame is collapsed by moving the four legs inward until they meet in the center, similar to the folding mechanism of a pocket umbrella.
71 FR 42807 (July 28, 2006)	May 1, 2006	“Moon chairs” are described as containing circular, fabric-padded, concave cushions that envelop the user at approximately a 105-degree reclining angle. The fabric cushion is ringed and supported by two curved 16-mm steel tubes. The cushion is attached to this ring by nylon fabric. The cushion is supported by a 16-mm steel tube four-sided rectangular cross-brace mechanism that constitutes the moon chair’s legs. This mechanism supports and attaches to the encircling tubing and enables the moon chair to be folded. To fold the chair, the user pulls on a fabric handle in the center of the seat cushion of the chair.
Source: Cited <i>Federal Register</i> notices and various Commerce scope ruling memoranda.		

Domestic Like Product and Domestic Industry

The domestic like product is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the subject merchandise. The domestic industry consists of the U.S. producers as a whole of the domestic like product, or those producers whose collective output of the domestic like product constitutes a major proportion of the total domestic production of the product. The Commission’s decision regarding the appropriate domestic products that are “like” the subject imported products is based on a number of factors, including (1) physical characteristics and uses; (2) common manufacturing facilities and production employees; (3) interchangeability; (4) customer and producer perceptions; (5) channels of distribution; and, where appropriate, (6) price.

In its original investigation, the Commission determined that there were two domestic like products consisting of certain folding metal tables and certain folding metal chairs, corresponding to Commerce's scope.¹² It also found the relevant domestic industries to consist of all domestic producers of certain folding metal tables and all domestic producers of certain folding metal chairs.¹³

Domestic producers Meco, KI, and Clarin indicated in their responses to the Commission's notice of institution in this current five-year review on FMTCs from China that they agree with the Commission's original definitions of the domestic like product and domestic industries in the investigation.¹⁴

¹² *Certain Folding Metal Tables and Chairs, Investigation No. 731-TA-932 (Final)*, USITC Publication 3515, June 2002, p. 11. During the original investigation, the Commission examined the issue of whether banquet tables (or "commercial" folding metal tables) should be considered in the same domestic like product as card tables (or "residential" folding metal tables). Among the factors the Commission considered were the following:

(1) Physical characteristics and end uses: Banquet tables are generally larger and stronger than folding metal tables. Banquet tables have two legs that fold together while folding metal tables have independently folding legs. Banquet tables support a heavier maximum load limit.

(2) Interchangeability: U.S. producers viewed interchangeability between folding metal tables and banquet tables as very limited or nonexistent. Importers viewed interchangeability as mixed with regard to the two types of tables, with the interchangeability existing in the smallest and lightest of banquet tables, but the majority of banquet tables sold was larger and less interchangeable with folding metal tables.

(3) Channels of distribution: Although mixed, the evidence points to more differences than similarities between the channels of distribution for banquet tables and folding metal tables. Although Meco lost *** as a customer between ***, thereby causing *** during that period. It appears that *** appeared when the *** account was lost to import competition.

(4) Manufacturing facilities, production processes, and employees: three out of four producers stated that there was some commonality of production equipment and employees but some different equipment is used to make banquet tables. Additionally, one importer cited differences, stating that heavy particle board cutting and molding work was unique to banquet tables.

(5) Customer and producer perceptions: all domestic producers viewed folding metal tables and banquet tables as different and believed their customers also shared that view. Importers were evenly split on whether the products were similar or different.

(6) Price: there were significant differences in prices for banquet tables and folding metal tables. Folding metal tables ranged from \$20-\$40 a table; banquet tables ranged from \$40-\$100 a table.

Ibid., pp. 5-9, and *Confidential Views of the Commission*, p. 8.

¹³ *Ibid.*, p. 13. The Commission considered whether to exclude as a related party *** from the domestic industry producing folding metal chairs. ***, an importer of the subject chairs, was a sister company to ***, and both firms were owned by ***. Although ***'s subject imports were equivalent to *** percent of its production in 2001, its operating margin ***. It cited its reason for importing as an ***, and no party advocated excluding *** from the domestic industry. The Commission did not exclude ***. *Confidential Views of the Commission*, p. 17.

¹⁴ *Response of Meco and KI*, June 20, 2007, p. 16, and *Response of Clarin*, June 18, 2007, p. 2.

Physical Characteristics and Uses¹⁵

FMTCs are most commonly known as card tables and folding chairs. They are generally considered to be occasional-use furniture¹⁶ and collapse for efficient storage. FMTCs are suitable for use in residential or commercial applications.

Certain Folding Metal Tables

The legs of certain metal folding tables each fold flat independently of one another. Certain folding metal tables are commonly 34 inches square. However, round, rectangular, and any other-shaped tables of comparable size are also included in this review. The principal components of certain folding metal tables are: (1) a hardboard top that is covered with vinyl or fabric; (2) a tubular metal table frame; (3) tubular legs; and (4) independent folding mechanisms which are each made up of a leg lock, leg brace, and corner bracket.

Certain Folding Metal Chairs

Certain folding metal chairs fold flat when the seat is lifted upward toward the backrest. The principal components of certain metal folding chairs are: (1) a U-shaped mainframe that also constitutes the front pair of legs (“front legs/mainframe”);¹⁷ (2) a back rest that is welded to the arched part of the U-shaped mainframe; (3) a pair of back legs that are held together with a brace; (4) leg links that hold the front and back legs together; and (5) a seat that is fixed on each side to both a front leg and a folding back leg. The seat and the back of certain metal folding chairs may or may not be upholstered. Another product variation is that the metal seat back may have a design cut into it.

Manufacturing Process¹⁸

Certain Folding Metal Tables

The production of a subject metal folding table that is 34 inches square requires about 8 pounds of steel strip,¹⁹ which is used for the production of the table frame, panel-top clips, leg locks, leg braces, legs, and corner brackets. Other types of materials used in certain folding metal tables are the hard-panel table top, vinyl or fabric to cover the table top, and plastic for the leg caps.

¹⁵ The discussion in this section is based on information from the following sources: *Staff Report*, May 13, 2002 (INV-Z-069), pp. I-3-I-4; and *Certain Folding Metal Tables and Chairs, Investigation No. 731-TA-932 (Final)*, USITC Publication 3515, June 2002, p. I-3.

¹⁶ Common uses include (1) school graduations, sporting contests, and concerts; (2) church bazaars and fund raisers; and (3) social events including bridge games and bingo. Although FMTCs are generally stored for a period of time between uses, it is not unusual for these items to be used daily. Daily uses include as a computer stand and chair or display table, and as seats and tables for lunch rooms or common areas of commercial operations (e.g., production facilities, offices, and retail stores). Although not designed as permanent household furniture, it is not unusual for FMTCs to be used as temporary dining room furniture.

¹⁷ There may or may not be a connecting brace between the front legs.

¹⁸ The discussion in this section is based on information from the following sources: *Staff Report*, May 13, 2002 (INV-Z-069), pp. I-4-I-5; and *Certain Folding Metal Tables and Chairs, Investigation No. 731-TA-932 (Final)*, USITC Publication 3515, June 2002, pp. I-3-I-4.

¹⁹ Carbon steel strip is the principal metal used in the production of certain FMTCs; however, other metals such as aluminum, stainless steel, or galvanized steel are occasionally used.

The manufacturing process for certain folding metal tables involves several steps. The hard-panel table top and its cover material (usually vinyl or fabric) are cut and the cover material is affixed to the hard panel. The table frame and legs are made from steel strip that is slit and formed into tubes, the seams of which are closed using resistance welding. To form the table frame, a tube is bent to form a 34-inch square. The remaining metal parts (clips for panel top, leg locks, leg braces, and corner brackets) are stamped from steel strip and then trimmed or tumbled to provide a smooth finish. The leg locks, leg braces, and corner brackets are assembled into the independent folding leg mechanisms. The folding mechanisms, which house the table legs, are then welded into the corners of the table frame. The completely assembled metal portion of the table is then cleaned and painted before affixing the table top and the plastic leg caps.

Certain Folding Metal Chairs

The manufacture of a subject folding metal chair requires about 10 pounds of steel.²⁰ The manufacturing process for certain folding metal chairs includes several steps. The front legs/mainframe, rear legs, and leg braces are made from steel strip that has been processed into tubes, as previously described for certain folding metal table production. The tube that will become the front legs/mainframe is then bent in a 180-degree U-shape to form the chair back and front legs. The seat pan, back pan, and leg links²¹ are stamped from steel strip. After stamping, the seat pan goes through a series of pressing operations that (1) bend the sides of the seat down, (2) fold the edges under, and (3) press out the holes for upholstery installation, if required. The back pan goes through similar pressing operations. Assembling certain folding metal chairs involves attaching the front legs and back legs together by riveting one end of the leg link to the front leg and the other end to the back leg. This is done on both sides of the chair. Also, the back legs are connected to each other by the leg brace to provide strength. The back pan is welded to the arch at the top of the front legs/mainframe. The seat pan is then riveted between the front and back legs. The assembled chair is painted and hat spacers²² are attached. For upholstered chairs, the seat and back upholstery (consisting of backing material,²³ foam, and a fabric or vinyl covering that is stretched over the foam and stapled to the backing material) is attached to the seat and back pans after painting.

Domestically Produced and Imported FMTCs

The imported FMTCs from China are virtually identical to those made in the United States. The production process involved in the manufacture of these products involves moderate levels of technology. During the original investigation, representatives of Mecos stated that their U.S. production facilities were slightly more automated than the production facilities that they saw in China, but that the production processes were essentially the same.

²⁰ The gauge/thickness of the steel used in certain folding metal chairs ranges from 0.022 to 0.084 inch. The thicknesses for certain folding metal chair components are listed from thinnest to thickest as follows: (1) back rest = 0.022 inch; (2) seat = 0.033 inch; (3) rear legs = 0.041 inch; (4) cross brace = 0.044 inch; and (5) leg link = 0.084 inch.

²¹ The leg links hold the front legs/mainframe and the back legs together and act as a hinge for folding.

²² Hat spacers are the caps for the tops of the back legs where they rest against the front legs when the chair is unfolded. Their use reduces friction caused by the front and back legs rubbing against each other.

²³ The backing material for chair seats is generally a hardboard backing which is cut to the shape of the seat pan, whereas the backing material for chair backs is generally a plastic backing which is cut to the shape of the back pan.

Interchangeability and Customer and Producer Perceptions Concerning FMTCs²⁴

Imported FMTCs from China are generally considered to be interchangeable with domestic FMTCs in most applications. During the original investigation, all purchasers, five producers, and nine importers characterized the subject imported and domestically produced products as interchangeable. A plurality of purchasers viewed U.S. producers as superior on delivery time, and a majority of purchasers viewed the subject imported product as superior (lower) on price; on other factors, the imported and domestically produced products were generally comparable (availability, discounts offered, minimum quantity requirements, packaging, product consistency, product quality, product range, reliability of supply, technical support/service, and transportation).

In their response to the Commission's notice of institution in these current five-year reviews, Meco and KI indicated that since 2002, Chinese producers have improved the quality of their products so that they are indistinguishable from domestically produced FMTCs.²⁵

Channels of Distribution²⁶

During the original investigation, there was *** in the folding metal table distribution channel as Meco *** in the mass merchandiser/office superstore market, and its ***. Imported folding metal tables were already concentrated in that channel of distribution, ranging from *** to *** percent of sales during 1999-2001. Respondents argued that Meco was the only U.S. producer concentrating in the mass merchandiser/office superstore channel of distribution for FMTCs, and that other producers concentrated in the commercial and institutional markets. Meco conceded that point but argued that there was plenty of competition between itself and Dorel (*** in the original investigation) in the mass merchandiser/office superstore area, and that there was intense competition between Krueger (now KI) and National Public Seating, an importer of commercial grade chairs, in the commercial and institutional markets for folding metal chairs. During 2001, about *** of the imported folding metal chairs was sold to other customers and about *** percent to distributors, and about *** of the domestically produced folding metal chairs was sold to other customers and about *** percent to distributors.

²⁴ The discussion in this section is based on information from the following sources: *Staff Report*, May 13, 2002 (INV-Z-069), pp. II-4-II-8; and *Certain Folding Metal Tables and Chairs, Investigation No. 731-TA-932 (Final)*, USITC Publication 3515, June 2002, pp. II-3-II-5.

²⁵ *Response of Meco and KI*, June 20, 2007, p. 16.

²⁶ The discussion in this section is based on information from the following sources: *Staff Report*, May 13, 2002 (INV-Z-069), pp. I-5-I-17; and *Certain Folding Metal Tables and Chairs, Investigation No. 731-TA-932 (Final)*, USITC Publication 3515, June 2002, pp. I-7-I-8.

Pricing²⁷

Certain Folding Metal Tables

During the original investigation, the average unit value of Mecco's U.S. shipments of certain folding metal tables was \$*** per table in 1999, \$*** in 2000, and \$*** in 2001. The average unit value of importers' U.S. shipments of certain folding metal tables from China was \$*** per table in 1999, \$*** in 2000, and \$*** in 2001.

During this review, the average unit value of Mecco's U.S. shipments of certain domestically produced folding metal tables was \$*** per table in 2006. The average unit value of Mecco's U.S. shipments of certain folding metal tables imported from China was \$*** per table in 2006.²⁸

Certain Folding Metal Chairs

During the original investigation, the average unit value for domestic producers' U.S. shipments of certain folding metal chairs was \$*** per chair in 1999, \$*** in 2000, and \$*** in 2001. The average unit value for importers' U.S. shipments of certain folding metal chairs from China was \$*** per chair in 1999, \$*** in 2000, and \$*** in 2001.

During this review, the average unit value for Mecco's U.S. shipments of domestically produced certain folding metal chairs was \$*** per chair in 2006. The average unit value for KI's U.S. shipments of certain folding metal chairs was \$*** per chair in 2006. The average unit value for Clarin's U.S. shipments of certain folding metal chairs was \$*** per chair in 2006. The average unit value for the three reporting domestic producers' U.S. shipments of domestically produced certain folding metal chairs was \$*** per chair in 2006. The average unit value for Mecco's U.S. shipments of certain folding metal chairs imported from China was \$*** per chair in 2006.²⁹

THE INDUSTRY IN THE UNITED STATES

U.S. Producers of FMTCs

At the time of the Commission's original investigation, there were six confirmed U.S. producers of FMTCs that supplied data in response to Commission questionnaires. Their names, locations, and shares of 2001 production were the following:

²⁷ The discussion in this section is based on information from the following sources: *Staff Report*, May 13, 2002 (INV-Z-069), pp. III-4-III-5 and tables C-1 and C-2; *Certain Folding Metal Tables and Chairs, Investigation No. 731-TA-932 (Final)*, USITC Publication 3515, June 2002, pp. III-2-III-3 and p. IV-2; *Response of Mecco and KI*, June 20, 2007, pp. 14-15; and *Response of Clarin*, June 18, 2007, p. 2.

²⁸ The unit value of its imports of certain folding metal tables from China in 2006 was \$*** per table.

²⁹ The unit value of its imports of certain folding metal chairs from China in 2006 was \$*** per chair.

Firm	Plant location	Share of reported 2001 table production	Share of reported 2001 chair production	Produce metal tables/chairs/both
Krueger (now KI)	Green Bay, WI	***	***	Chairs
McCourt	Fort Smith, AR	***	***	Chairs
Meco	Greenville, TN	***	***	Both
Mity-Lite	Orem, UT	***	***	Chairs
SCF Industries	Irondale, AL	***	***	Chairs
Virco	Torrance, CA	***	***	Chairs

In addition, at the time of the original investigation, it was believed that The HON Co., Muscatine, IA, was producing certain folding metal chairs (about *** in 2000) and that Lifetime Products, Clearfield, UT, was a recent entrant to the industry, producing a 37-inch folding metal table.³⁰ At the time of the original investigation, Clarin was not identified as a producer of certain folding metal chairs in the petition or by industry members, although it seems clear that it was producing at the time, as it indicates on its web site that it began production of folding metal chairs over 80 years ago, and has a photo of President Herbert Hoover sitting on a Clarin Chair.³¹

In the original investigation, the Commission considered whether to exclude *** from the U.S. industry producing certain folding metal chairs because it was related to an importer and ***, and decided to define the industry as all producers of the subject product.³²

In this current review, Meco and KI have alleged that SCF ceased production, and that Cosco Home and Office Products (a division of Dorel Industries) currently sells imported FMTC under the “Samsonite Commercial Furniture” label.³³ According to a February 27, 2003 press release, Cosco is indeed selling under the Samsonite label; however, as of May 2002, Scholar Craft, a firm that has been designing and manufacturing school furniture for over 40 years, purchased the plant assets of Samsonite Commercial Furniture and began producing certain folding metal chairs in Irondale, AL.³⁴

³⁰ Although Meco, KI, and Clarin have alleged in their responses to the notice of institution that The HON Co. is currently producing certain folding metal chairs, there is no indication from the website of The HON Co. that it produces that product. *Response of Meco and KI*, June 20, 2007, p. 12 and *Response of Clarin*, June 18, 2007, p. 1. See also <http://www.industryweek.com/ReadArticle.aspx?ArticleID=10738>, retrieved July 16, 2007. Meco and KI have also identified Lifetime as a current producer of FMTCs and Lifetime’s website seems to indicate that it is still producing certain folding metal tables (a 37-inch card table and a 48-inch round table) and has introduced a folding metal chair since the original investigation. *Response of Meco and KI*, June 20, 2007, p. 12. See <http://www.lifetime.com/company/history.aspx>, retrieved July 16, 2007. This seems to conflict with Meco’s statement that it is the sole U.S. producer of certain folding metal tables.

³¹ See <http://www.clarinseating.com/about.php>, retrieved on August 3, 2007.

³² Although ***’s subject imports were equivalent to *** percent of its production in 2001, its operating margin ***. It cited its reason for importing as an ***. Its production in 2001 ***, and no party advocated excluding *** from the domestic industry. *Confidential Views of the Commission*, p. 17.

³³ *Response of Meco and KI*, June 20, 2007, p. 12, fn. 19.

³⁴ See <http://www.scholarcraft.com/aboutus.htm>, retrieved July 13, 2007, and <http://www.samsonite-furniture.com/samsonite/newsstory.asp?newsID=31>, retrieved July 13, 2007.

The only known producer importing the subject product during this review is Meco, which is importing both certain folding metal tables and certain folding metal chairs from China for the purpose—according to Meco—of ***. Meco argues in its response to the notice of institution that its interests remain in producing FMTCs in the United States, but that the *** have caused it to import the subject product.³⁵

Meco and KI's response to the notice of institution omits the name of Clarin in the list of current U.S. producers in the domestic industry producing certain folding metal chairs, and Clarin's response to the notice of institution omits the name of Meco in the list of current U.S. producers of certain folding metal chairs (but does list Meco as an importer).³⁶ Meco and KI's comments on adequacy appear to correct that omission by including Clarin in the totals of domestic shipments of certain folding metal chairs in 2006.³⁷

Meco continues to claim that it is the only current producer of certain folding metal tables in the United States, as it did in the original investigation.³⁸ Meco, KI, and Clarin named McCourt, Mity-Lite, and Virco as other current members of the domestic industry producing certain folding metal chairs.³⁹ McCourt Manufacturing appears to be a current producer from its existing website.⁴⁰ It also appears as if Mity-Lite is a current producer of the subject chair product from existing internet research.⁴¹ Virco Manufacturing Corp. appears to be a current producer of certain folding metal chairs.⁴²

Clarin alleged that Iceberg International is producing certain folding metal chairs; however, a review of internet information on Iceberg International seems to indicate that it does not produce the subject chairs.⁴³ In addition, Meco and KI indicated in their comments on adequacy that Iceberg International does not seem to be a producer of certain folding metal chairs.⁴⁴

In their comments on adequacy, Meco and KI estimated that together with Clarin, the three firms accounted for *** percent of domestic producers' shipments of certain folding metal chairs in 2006 measured in quantity, and *** percent measured in value.⁴⁵ They base their estimate on the assumption

³⁵ Meco's commercial shipments of imports of FMTCs from China in 2006 were the following: *** tables and *** chairs. (Its imports of FMTCs from China in 2006 were *** tables and *** chairs.) Its production of FMTC produced in the United States during 2006 was the following: *** tables and *** chairs. For both products, ***. In 2001, Meco produced *** tables and *** chairs. *Response* of Meco and KI, June 20, 2007, pp. 14-15. It appears that over a five-year period, Meco's folding metal table business has ***. It is unknown how much domestic production is accounted for by Lifetime Products.

³⁶ *Response* of Meco and KI, June 20, 2007, p. 12, and *Response* of Clarin, June 18, 2007, p. 1.

³⁷ *Comments* of Meco and KI, July 16, 2007, p. 4.

³⁸ *Response* of Meco and KI, June 20, 2007, p. 14.

³⁹ *Response* of Meco and KI, June 20, 2007, p. 12 and *Response* of Clarin, June 18, 2007, p. 1.

⁴⁰ See <http://www.lifetime.com/company/history.aspx>, retrieved July 16, 2007.

⁴¹ See <http://www.mitylite.com/>, retrieved July 16, 2007.

⁴² See https://www.virco.com/b2c_virco/b2c/init.do, retrieved July 16, 2007.

⁴³ *Response* of Clarin, June 18, 2007, p. 1. See also <http://www.myiceberg.com/products.html>, www.iceburgenterprises.com, and http://www.zoominfo.com/people/Gabos_John_44272046.aspx, retrieved July 16, 2007.

⁴⁴ *Comments* of Meco and KI, July 16, 2007, p. 3, fn. 3. Provided as a source was the web site of Iceberg Enterprises, a manufacturer of office furniture, including banquet tables (www.iceburgenterprises.com).

⁴⁵ *Comments* of Meco and KI, July 16, 2007, p. 4, fn. 10. Their estimates include an assumption that SCF no longer produces folding metal tables, which might not be a correct assumption. The three responding firms collectively shipped *** chairs domestically in 2006. In 2001, the U.S. industry shipped a total of 3,921,000 chairs domestically.

that total domestic production and shipments have remained flat or declined since 2001, the last year for which comprehensive data were collected for the industry during the original investigation.

Meco indicated in its response in this current review that it is not related to a foreign producer or exporter of subject merchandise located in China, nor is it related to a U.S. importer of the subject products.⁴⁶

U.S. Producer's Operations on Certain Folding Metal Tables

Select trade and financial data relating to Meco's U.S. operations on folding metal tables for 1999-2001 (based on record information from the original investigation) and 2006 (based on information submitted in response to the Commission's notice of institution in this review) are presented in table I-5.⁴⁷ Meco's data during 1999-2001 indicate a *** decline in production, capacity utilization, U.S. shipments, production workers, hours worked, and wages paid, which was reported by Meco as attributable to the ***. The decrease in operating income over the period was attributable to ***.

Table I-5
Certain folding metal tables: Meco's production, shipments, and financial results, 1999-2001 and 2006

* * * * *

Between 2001 and 2006, Meco experienced a *** decline in U.S. production, as the quantity of production fell *** percent. This decline followed a ***-percent decline in production between 1999 and 2001 during the original investigation. Not only did Meco fail to recover from declining production after *** during the investigation period, but it went on to steadily lose further production in the 5 years following the investigation period. U.S. shipments of folding metal tables followed a similar trend. The unit value of shipments declined *** between 2001 and 2006, despite a *** increase in the price of steel between 2002 and 2006. The price of steel paid by Meco *** during that time period, but Meco was *** for certain folding metal tables.⁴⁸ For fiscal year 2006, Meco experienced *** on production of *** 34" tables.⁴⁹

During the original investigation, Meco also sold some of its tables in sets with chairs. The following tabulation indicates the quantity of tables and chairs shipped by Meco in sets during the original investigation. No such parallel information is available for the current review.⁵⁰

Item	1999	2000	2001
Tables	***	***	***
Chairs	***	***	***

⁴⁶ *Response of Meco and KI*, June 20, 2007, p. 3.

⁴⁷ The data in table I-5 are believed to account for most U.S. production of certain folding metal tables during 1999-2001, and for an unknown share of U.S. production for 2006. There are no data provided by Lifetime Products, the other possible producer of certain folding metal tables in the United States, and there has been a ***.

⁴⁸ *Response of Meco and KI*, June 20, 2007, p. 7.

⁴⁹ *Ibid.*, p. 8.

⁵⁰ *Staff Report*, May 13, 2002 (INV-Z-069), p. III-6.

During the original investigation, export shipments of certain folding metal tables were *** and declined during the period 1999-2001. The average unit value of export shipments declined from 1999 to 2001.⁵¹ There is no information available on Mecos' exports of folding metal tables in 2006.

U.S. Producers' Operations on Certain Folding Metal Chairs

Select trade and financial data relating to U.S. producers' U.S. operations on certain folding metal chairs for 1999-2001 (based on record information from the original investigation) and 2006 (based on information submitted in responses to the Commission's notice of institution in this review) are presented in table I-6.⁵²

Capacity utilization for certain folding metal chairs declined in 2000 and 2001 from an already low rate during 1999. The low rate was attributable in part to ***, ***, ***, ***.⁵³

During 2006, the combined production of Mecos, KI, and Clarin was *** percent lower than the U.S. industry's production of folding metal chairs in 2001. However, as the three firms *** accounted for *** percent of production of certain folding metal chairs in the United States in 2006, the magnitude of the decline may be misleading.⁵⁴

*** was the only firm reporting internal transfers during the original investigation period, which were to ***, a wholly owned subsidiary, at non-market prices. *** also reported purchases (***) of certain folding metal chairs from ***. ***. During the original investigation, *** reported purchases of folding metal chairs (***) from ***, an importer of folding metal chairs from China, in 2001. During the original investigation, *** was the sole U.S. producer to directly import folding metal chairs. It imported ***.⁵⁵

During the current review, Mecos' imports from China in 2006 were *** chairs, and it had commercial shipments of imports of *** of these chairs. Its production in the United States during 2006 was *** chairs. (In 2001, Mecos produced *** chairs.)⁵⁶

During the original investigation, *** reported export shipments to ***.⁵⁷ There is no information available about export shipments during the current review.

While average unit values for U.S. shipments of folding metal chairs increased for the industry as a whole during the original investigation, ***, ***.⁵⁸

⁵¹ Ibid., p. III-4.

⁵² The data in table I-6 are believed to account for most U.S. production of folding metal chairs during 1999-2001, and for *** percent of U.S. certain folding metal chair production for 2006. The estimate for 2006 was provided by Mecos and KI in their *Comments*, July 16, 2007, p. 4, fn. 10. It is based on their estimate that U.S. consumption remained flat or declined since 2001.

⁵³ *Staff Report*, May 13, 2002 (INV-Z-069), pp. III-6-III-9.

⁵⁴ *Response* of Mecos and KI, June 20, 2007, p. 14; *Response* of Clarin, June 18, 2007, p. 2; and *Comments*, July 16, 2007, p. 4, fn. 10.

⁵⁵ *Staff Report*, May 13, 2002 (INV-Z-069), p. III-7.

⁵⁶ *Response* of Mecos and KI, June 20, 2007, pp. 14-15, and 2001 production by Mecos calculated from *Staff Report*, May 13, 2002 (INV-Z-069), p. III-2 and table III-2 (*** percent of 2001 production of the subject chairs).

⁵⁷ *Staff Report*, May 13, 2002 (INV-Z-069), p. III-8.

⁵⁸ Ibid.

Table I-6
Certain folding metal chairs: U.S. producers' production, shipments, and financial results, 1999-2001
and 2006

Item	Calendar year			
	1999	2000	2001	2006
Capacity (1,000 units)	13,423	13,478	13,543	(1)
Production (1,000 units)	6,135	5,240	4,145	***
Capacity utilization (percent)	45.7	38.9	30.6	(1)
Shipments quantity (1,000 units): U.S. commercial shipments	5,650	5,439	3,921	***
Export shipments	469	523	443	(1)
Total shipments	6,119	5,962	4,364	(1)
Shipments value (\$1,000): U.S. commercial shipments	66,133	66,201	49,406	***
Export shipments	4,963	5,603	4,649	(1)
Total shipments	71,096	71,804	54,055	(1)
Shipments unit value (per unit): U.S. commercial shipments	\$11.70	\$12.17	\$12.60	\$***
Export shipments	10.58	10.70	10.48	(1)
Total shipments	11.62	12.02	12.36	(1)
PRWs ² (number)	437	505	408	(1)
Hours worked (1,000 hours)	932	993	816	(1)
Wages paid (\$1,000)	9,624	10,091	8,840	(1)
Hourly wages	\$10.33	\$10.16	\$10.83	(1)
Productivity (units per hour)	6.6	5.3	5.1	(1)
Unit labor costs (per unit)	\$1.57	\$1.93	\$2.13	(1)
Net sales (\$1,000)	72,122	68,464	56,676	(1)
COGS (\$1,000)	57,025	55,455	46,900	(1)
Gross profit (\$1,000)	15,096	13,009	9,776	(1)
SG&A (\$1,000)	12,835	12,197	9,876	(1)
Operating income (\$1,000)	2,261	813	(100)	(1)
COGS/sales (percent)	79.1	81.0	82.8	(1)
Operating income/sales (percent)	3.1	1.2	(0.2)	(1)
¹ Not available.				
Source: Staff Report, May 13, 2002, INV-Z-069, tables III-2 and C-2, and Response of Meco and KI, June 20, 2007, pp. 14-15.				

During this review, there was *** average unit values among the three responding chair producers. While the average unit value for the three reporting domestic producers' U.S. shipments of certain folding metal chairs increased to \$*** per chair in 2006, from \$*** per chair in 2001, a ***. The average unit value for Meco's U.S. shipments of certain folding metal chairs was \$*** per chair in 2006. The average unit value for KI's U.S. shipments of certain folding metal chairs was \$*** per chair in 2006. The average unit value for Clarin's U.S. shipments of certain folding metal chairs was \$*** per chair in 2006.⁵⁹ Although Clarin was not part of the original investigation, its web site seems to indicate a wide range of high-end folding metal chair products that ***.⁶⁰

During the original investigation, the number of production workers increased from 1999 to 2000, then declined from 2000 to 2001. Hourly wages increased irregularly between 1999 and 2001. ***.⁶¹ There is no information available during this current review about the number of production workers or hourly wages.

There was a range of individual company values for productivity during the original investigation, from a low of *** units per hour to a high of *** units per hour.⁶² There is no information available about productivity during this current review.

There was also variation in unit labor costs among the different firms during the original investigation, from a high of \$*** per unit to a low of \$*** or less.⁶³ There is no information available on unit labor costs during this current review.

U.S. IMPORTS AND CONSUMPTION

U.S. Importers of FMTCs

During the original investigation, usable questionnaire data were received from 15 importers of FMTCs, accounting for approximately *** percent of subject tables from China and *** percent of subject chairs from China, as estimated by comparisons with reported foreign producer exports of the subject FMTCs. Because official statistics for the HTS subheadings associated with FMTCs include many nonsubject products, questionnaire data were used to assess the quantity of subject imports.⁶⁴ There are no current data available for this review because FMTC imports are included with many nonsubject items in the HTS.⁶⁵

In the original investigation, Commerce made a final determination that imports from Shin Crest had a margin of dumping of zero percent. Accordingly, imports from China from Shin Crest were excluded from the antidumping duty order and are treated herein as "nonsubject" imports from China. *** was the largest importer of FMTCs from Shin Crest, accounting for *** percent of reported imports

⁵⁹ *Response* of Meco and KI, June 20, 2007, p. 15, and *Response* of Clarin, June 18, 2007, p. 2.

⁶⁰ See http://www.clarinseating.com/products/index_folding_chairs.php?ccID=1, retrieved on August 3, 2007.

⁶¹ *Staff Report*, May 13, 2002 (INV-Z-069), p. III-8.

⁶² *Ibid.*, pp. III-8-III-9.

⁶³ *Ibid.*, p. III-9.

⁶⁴ *Ibid.*, p. IV-1.

⁶⁵ According to official U.S. import statistics, there were \$2.9 billion in imports in 2006 from China and \$1.0 billion in imports from all other sources under the HTS numbers which include FMTCs in the original scope of the order. Exports from China to the United States in 2006 were \$2.1 billion under the same HTS statistical reporting numbers.

of folding metal tables from Shin Crest in 2001 and *** percent of reported folding metal chairs from Shin Crest in 2001.⁶⁶

The largest importer of subject FMTCs during the original investigation was ***, which accounted for *** percent of subject folding metal table imports from China in 2001 and *** percent of imports of subject chairs from China in 2001. The other major importer during that time was ***, accounting for *** percent of reported subject imports of tables from China in 2001 and *** percent of reported imports of subject chairs from China in 2001. Other notable importers of subject folding metal chairs from China during the original investigation were *** percent; *** percent; and *** percent.⁶⁷

U.S. Imports of FMTCs

Many importers of FMTCs from China imported the subject product in sets during the original investigation. The following tabulation, based on questionnaire data, indicates the quantity of sets imported by U.S. importers during the period 1999-2001. Sets accounted for *** percent of subject imports of certain folding metal tables from China in 2001 and *** percent of subject certain folding metal chairs from China in 2001.⁶⁸

Item	1999	2000	2001
Tables	***	***	***
Chairs	***	***	***

U.S. Imports of Certain Folding Metal Tables

Import data relating to U.S. imports of folding metal tables are presented in table I-7. Subject imports increased from 1999 to 2000, then increased *** from 2000 to 2001, while nonsubject imports from China and from other sources declined. The average unit values of subject certain folding metal tables from China decreased from 1999 to 2000, then increased in 2001 to a level below that of 1999. The average unit values of nonsubject imports from China were approximately *** those of subject table imports, and *** the average unit values of nonsubject imports from other sources.⁶⁹

Table I-7
Certain folding metal tables: U.S. imports, by sources, 1999-2001

* * * * *

Current imports of folding metal tables from China reported by Meco in its response to the notice of institution represent *** of subject imports during 2001, the final year of the investigation. The average unit value of imports reported by Meco in 2006 was *** that of subject imports in 2001. There is no information available about the total quantity of subject imports in 2006.⁷⁰

⁶⁶ *Staff Report*, May 13, 2002 (INV-Z-069), p. IV-2.

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*, p. IV-1.

⁶⁹ *Ibid.*, table IV-1.

⁷⁰ *Response of Meco and KI*, June 20, 2007, p. 15.

U.S. Imports of Certain Folding Metal Chairs

Import data relating to U.S. imports of certain folding metal chairs are presented in table I-8. Subject imports increased from 1999 to 2000, then increased *** from 2000 to 2001, while nonsubject imports from China decreased *** and imports from other sources declined. The average unit values of subject certain folding metal chairs from China decreased from 1999 to 2000, then increased in 2001 to a level below that of 1999. The average unit values of nonsubject imports from China were *** those of subject imports from China in 1999 and 2001, and *** that of subject imports from China in 2000. The average unit values for imports from other sources were *** subject import unit values from China in 2000-01, and *** nonsubject imports from China and subject imports from China in 1999.⁷¹

Current imports of folding metal chairs from China reported by Meco in its response to the notice of institution represent *** of subject imports during 2001, the final year of the investigation. The average unit value of imports reported by Meco in 2006 was *** that of subject imports in 2001. There is no information available about the total quantity of subject imports in 2006.⁷²

Table I-8
Certain folding metal chairs: U.S. imports, by sources, 1999-2001

* * * * *

Apparent U.S. Consumption and Market Shares of Certain Folding Metal Tables

Data relating to the apparent U.S. consumption of certain folding metal tables during the original investigation, and the market shares of U.S. producers and U.S. importers, are presented in table I-9. There are no current data available concerning apparent U.S. consumption for this current review.

U.S. apparent consumption of the subject tables increased from 1999 to 2000, then decreased from 2000 to 2001, ending at roughly the same level in 2001 as in 1999. When consumption increased in 2000, subject imports from China decreased. When consumption decreased in 2001, subject imports from China increased ***. Nonsubject imports from China and from all other sources were *** and decreased steadily from 1999 to 2001. As a share of the quantity, U.S. producer's shipments increased to a high of *** of consumption in 2000, before declining to a low of *** percent in 2001. Subject imports from China reached a high of *** percent of consumption in 2001.⁷³

Even though there are no current data available regarding apparent U.S. consumption of certain folding metal tables in the United States in 2006, Meco provided information concerning the level of its 2006 U.S. shipments of such tables, which were *** percent of its 2001 shipments of subject tables. Given that its share of U.S. consumption had declined to *** percent in 2001, it would be logical to assume that its share had fallen *** from that level in 2006.⁷⁴

⁷¹ *Staff Report*, May 13, 2002 (INV-Z-069), table IV-2.

⁷² *Response of Meco and KI*, June 20, 2007, p. 15.

⁷³ *Staff Report*, May 13, 2002 (INV-Z-069), tables IV-3 and IV-5.

⁷⁴ *Response of Meco and KI*, June 20, 2007, p. 15.

Table I-9

Certain folding metal tables: Apparent U.S. consumption and market shares, 1999-2001 and 2006

* * * * *

Apparent U.S. Consumption and Market Shares of Certain Folding Metal Chairs

Data relating to apparent U.S. consumption of certain folding metal chairs during the original investigation, and the market shares of U.S. producers and U.S. importers, are presented in table I-10. There are no data available for the current review regarding apparent U.S. consumption.

Apparent consumption remained relatively constant throughout 1999-2001. During that period, subject imports of certain folding metal chairs from China decreased *** during 1999 to 2000, then increased *** in 2001. Nonsubject imports from China followed a reverse trend, increasing from 1999 to 2000, and decreasing in 2001, ending at a lower level in 2001 than in 1999. Nonsubject imports from all other sources decreased steadily from 1999 to 2001.⁷⁵

As a share of U.S. apparent consumption, U.S. producers' shipments generally declined during 1999 to 2001, ending at about *** of consumption during 2001. The market share of subject chairs from China generally increased during the same period, while the shares of nonsubject imports from China increased from 1999 to 2000 and decreased from 2000 to 2001. The share of nonsubject imports from all other sources remained steady from 1999 to 2000, then decreased *** in 2001.⁷⁶

Even though there are no current data available regarding apparent U.S. consumption of certain folding metal chairs in the United States in 2006, Meco, KI, and Clarin provided information concerning the level of their 2006 U.S. shipments of subject chairs, which were *** percent of 2001 U.S. shipments of domestically produced chairs. Given that they claim to account for about *** percent of the quantity of U.S. shipments of folding metal chairs in 2006, and that estimate is based on the assumption that apparent U.S. consumption of chairs remained essentially stable since 2001, it would be logical to estimate that the U.S. industry's share of apparent U.S. consumption in 2006 may be *** in 2001.⁷⁷

Table I-10

Certain folding metal chairs: Apparent U.S. consumption and market shares, 1999-2001 and 2006

* * * * *

THE INDUSTRY IN CHINA PRODUCING FMTCs

During the original investigations, five firms in China provided the Commission with a response to its questionnaire: Dongguan Shichang Metals Factory, Ltd. ("Dongguan"); The Feili Group Companies (Feili Group (Fujian) Co., Ltd. and Feili Furniture Development, Ltd.) ("Feili"); Fujian Furniture Import Export Corp. ("Fujian"); New-Tec Integration Co., Ltd. ("New-Tec"); and Supper Chair Enterprise Co. ("Supper Chair"). In addition, Himark Industry Corp., Ltd. ("Himark") supplied data in the preliminary phase of the investigation. Three respondents reported exporting certain folding metal tables to the United States during the original investigation: Dongguan (*** percent of exports from China in 2001); Feili (*** percent of exports from China in 2001); and New-Tec (*** percent of exports from China in 2001). All five respondents reported exporting folding metal chairs from China to the United States in 2001: Dongguan (*** percent of exports in 2001); Feili (*** percent of exports in

⁷⁵ *Staff Report*, May 13, 2002 (INV-Z-069), tables IV-4 and IV-6.

⁷⁶ *Ibid.*

⁷⁷ *Comments* of Meco and KI, July 16, 2007, p. 4, fn. 10.

2001); Fujian (***) percent of exports in 2001); New-Tec (***) percent of exports in 2001); and Supper Chair (***) percent of exports in 2001).⁷⁸ An additional firm, Shin Crest, had a margin of dumping of zero percent, and was therefore excluded from the antidumping duty order.

Since the original investigation, Dongguan, Feili, and New-Tec have been active in the FMTC market in the United States, as evidenced by Commerce’s administrative reviews involving those firms (see table I-2).

In this current review, Meco and KI indicated that there are currently at least 26 producers of FMTCs in China,⁷⁹ more than twice the number that participated or were identified by importers at the time of the original investigation. There are no publicly available data regarding the industry in China producing FMTCs. Because FMTCs are included with many nonsubject products, data on exports of FMTCs from China to the United States from the World Trade Atlas are not available.

Operations on Certain Folding Metal Tables

Information regarding Chinese capacity, production, shipments, exports, and inventories concerning certain folding metal tables during the original investigation is presented in table I-11. Production was greater than capacity in 1999 and 2000 because *** reported production but not capacity during 1999 through 2001. Total industry capacity utilization is calculated using the data of firms that reported both capacity and production. The industry in China was *** exported-oriented during the time of the original investigation, with about *** percent of its shipments destined to exports to the United States and *** percent to all other markets. Capacity utilization increased from *** percent in 1999 to *** percent in 2000, then decreased to *** percent in 2001, indicating that the industry had unused capacity at the end of the investigation period.⁸⁰

In 2001, the production of folding metal tables by subject producers in China was *** times the amount of production in the United States by Meco in that same year. In fact, production in 2001 by the industry in China *** the entirety of U.S. apparent consumption in that same year.⁸¹

Table I-11
Certain folding metal tables: China’s production capacity, production, shipments, and inventories, 1999-2001

* * * * *

⁷⁸ In 2000, Himark exported *** subject tables and *** subject chairs to the United States, accounting for *** percent of reported exports of tables from China in that year, and *** percent of reported exports of such chairs. There were five Chinese producers that were identified in importers’ questionnaires during the original investigation that did not respond to the Commission’s foreign producer questionnaire: Nummark-Zhejiang Himax, Fujian Anxi Yinfa, Xiamen Goldetta, Hubei Gangying Furniture, and China Precision Machinery. *Staff Report*, May 13, 2002 (INV-Z-069), p. VII-1, and p. VII-1, fn. 2.

⁷⁹ Six of these firms are known to have exported FMTCs to the United States, and 20 are suspected of exporting to the United States since 2002. The known exporters include: Dongguan and Maxchief Investments Ltd. (collectively “Shichang”); Feili; Lifetime Hong Kong Ltd. and Lifetime (Xiamen) Plastic Products Ltd. (“Lifetime”); New-Tec; Shin Crest Metal and Plastic Products Ltd. (“Shin Crest”); and Wok and Pan Industries (“Wok”). *Response of Meco and KI*, June 20, 2007, exh. 1.

⁸⁰ *Staff Report*, May 13, 2002 (INV-Z-069), table VII-1.

⁸¹ *Ibid.*, tables III-1, IV-5, and VII-1.

Operations on Certain Folding Metal Chairs

Information regarding Chinese capacity, production, shipments, exports, and inventories concerning certain folding metal chairs during the original investigation is presented in table I-12. Production was greater than capacity because *** reported production but not capacity during 1999 through 2001. Total industry capacity utilization is calculated using the data of firms that reported both capacity and production. The industry in China was *** exported-oriented during the time of the original investigation, with about *** percent of its shipments destined to exports to the United States and *** destined for all other markets. Capacity utilization increased from *** percent in 1999 to *** percent in 2000, then increased to *** percent in 2001, indicating that the industry had *** capacity at the end of the investigation period.⁸²

In 2001, the production of certain folding metal chairs by subject producers in China was *** percent of the amount of production in the United States by U.S. producers of certain folding metal chairs in that same year. Production in 2001 by the industry in China was equivalent to approximately *** percent of U.S. apparent consumption in that same year.⁸³

Table I-12
Certain folding metal chairs: China's production capacity, production, shipments, and inventories, 1999-2001

* * * * *

⁸² However, *** accounted for *** percent of exports to the United States in 2001 and did not report its capacity, thereby casting doubt on the amount of true unused capacity in the industry producing certain folding metal chairs in China. *Staff Report*, May 13, 2002 (INV-Z-069), p. VII-1 and table VII-2.

⁸³ *Ibid.*, tables III-2, IV-6, and VII-2.

APPENDIX A
***FEDERAL REGISTER* NOTICES**

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-868]

Antidumping Duty Order: Folding Metal Tables and Chairs From the People's Republic of China

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

ACTION: Notice of antidumping duty order.

EFFECTIVE DATE: June 27, 2002.

FOR FURTHER INFORMATION CONTACT: John Drury or Helen Kramer, Enforcement Group III, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0195 or (202) 482-0405, respectively.

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. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations at 19 CFR part 351 (2001).

SUPPLEMENTARY INFORMATION:

Background

On April 17, 2002, the Department issued its final determination in the antidumping duty investigation of folding metal tables and chairs from the People's Republic of China ("PRC"). See *Notice of Final Determination of Sales at Less Than Fair Value: Folding Metal Tables and Chairs from the People's Republic of China*, 67 FR 20090 (April

24, 2002). On May 10, 2002, the Department issued its amended final determination in the antidumping duty investigation of folding metal tables and chairs from the PRC. See *Notice of Amended Final Determination of Sales at Less Than Fair Value: Folding Metal Tables and Chairs from the People's Republic of China*, 67 FR 34898 (May 16, 2002) ("Amended Final Determination"). In the Amended Final Determination, the Department amended the weighted-average margin for Feili Furniture Development Co., Ltd. and Feili (Fujian) Co., Ltd. ("Feili Group"), Dongguan Shichang Metals Factory Co. Ltd., and New-Tec Integration Co., Ltd.

On June 4, 2002, the International Trade Commission notified the Department of its final determination pursuant to section 735(b)(1)(A)(i) of the Act that an industry in the United States is materially injured by reason of less-than-fair-value imports of folding metal tables and chairs from the PRC. The Commission also determined that critical circumstances do not exist with regard to imports of such merchandise that are subject to the Department's affirmative critical circumstances finding.

Scope of the Investigation

The merchandise subject to this investigation consists of assembled and unassembled folding tables and folding chairs made primarily or exclusively from steel or other metal, as described below:

(1) Assembled and unassembled folding tables made primarily or exclusively from steel or other metal ("folding metal tables"). Folding metal tables include square, round, rectangular, and any other shapes with legs affixed with rivets, welds, or any

other type of fastener, and which are made most commonly, but not exclusively, with a hardboard top covered with vinyl or fabric. Folding metal tables have legs that mechanically fold independently of one another, and not as a set. The subject merchandise is commonly, but not exclusively, packed singly, in multiple packs of the same item, or in five piece sets consisting of four chairs and one table. Specifically excluded from the scope of folding metal tables are the following:

- Lawn furniture;
- Trays commonly referred to as "TV trays";
- Side tables;
- Child-sized tables;
- Portable counter sets consisting of rectangular tables 36" high and matching stools; and

Banquet tables. A banquet table is a rectangular table with a plastic or laminated wood table top approximately 28" to 36" wide by 48" to 96" long and with a set of folding legs at each end of the table. One set of legs is composed of two individual legs that are affixed together by one or more cross-braces using welds or fastening hardware. In contrast, folding metal tables have legs that mechanically fold independently of one another, and not as a set.

(2) Assembled and unassembled folding chairs made primarily or exclusively from steel or other metal ("folding metal chairs"). Folding metal chairs include chairs with one or more cross-braces, regardless of shape or size, affixed to the front and/or rear legs with rivets, welds or any other type of fastener. Folding metal chairs include: those that are made solely of steel or other metal; those that have a back pad, a seat pad, or both a back pad and a seat pad; and those that have seats or backs made of plastic or other materials. The subject merchandise is commonly, but not exclusively, packed singly, in multiple packs of the same item, or in five piece sets consisting of four chairs and one table. Specifically excluded from the scope of folding metal chairs are the following:

- Folding metal chairs with a wooden back or seat, or both;
- Lawn furniture;
- Stools;
- Chairs with arms; and
- Child-sized chairs.

The subject merchandise is currently classifiable under subheadings 9401710010, 9401710030, 9401790045, 9401790050, 9403200010 and 9403200030 of the HTSUS. Although the HTSUS subheadings are provided for convenience and U.S. Customs Service purposes, the Department's

written description of the merchandise is dispositive.

Antidumping Duty Order

In accordance with section 736(a)(1) of the Act, the Department is directing Customs officers to assess, upon further advice by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price of the merchandise for all relevant entries of folding metal tables and chairs from the PRC. The antidumping duties will be assessed on all unliquidated entries of folding metal tables and chairs from the PRC entered, or withdrawn from warehouse, for consumption on or after December 3, 2001, the date on which the Department published its notice of preliminary determination in the **Federal Register**. See *Notice of Preliminary Determination of Sales at Less Than Fair Value: Folding Metal Tables and Chairs from the People's Republic of China*, 66 FR 60185. On or after the date of publication of this notice in the **Federal Register**, customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average dumping margins as noted below. The PRC-wide rate applies to all exporters of subject merchandise from the PRC other than the companies named. The weighted-average dumping margins are as follows:

Exporter/manufacturer	weighted-average margin percentage
Feili Furniture Development Co., Ltd. and Feili (Fujian) Co., Ltd	13.72
Dongguan Shichang Metals Factory Co. Ltd	13.72
New-Tec Integration Co., Ltd ...	13.72
Shin Crest Pte. Ltd	00.00
PRC-wide	70.71

This notice constitutes the antidumping duty order with respect to folding metal tables and chairs from the PRC. Interested parties may contact the Department's Central Records Unit, room B-099 of the main Department of Commerce building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act.

Dated: June 14, 2002.

Faryar Shirzad,
Assistant Secretary for Import Administration.

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BILLING CODE 3510-DS-P

antidumping duty order listed below. The International Trade Commission ("the Commission") is publishing concurrently with this notice its notice of *Institution of Five-Year Review* which covers the same order.

EFFECTIVE DATE: May 1, 2007.

FOR FURTHER INFORMATION CONTACT: Juanita Chen, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Ave., NW, Washington, DC 20230; telephone: (202) 482-1904. For information from the Commission, contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205-3193.

SUPPLEMENTARY INFORMATION:

Background

The Department's procedures for the conduct of Sunset Reviews are set forth

in its *Procedures for Conducting Five-Year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in the Department's Policy Bulletin 98.3 - *Policies Regarding the Conduct of Five-Year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) ("*Sunset Policy Bulletin*").

Initiation of Reviews

In accordance with 19 CFR 351.218(c), we are initiating the Sunset Review of the following antidumping duty order:

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year ("Sunset") Reviews

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

SUMMARY: In accordance with section 751(c) of the Tariff Act of 1930, as amended ("the Act"), the Department of Commerce ("the Department") is automatically initiating a five-year review ("Sunset Review") of the

DOC Case No.	ITC Case No.	Country	Product
A-570-868 Countervailing Duty Proceedings. No Sunset Reviews of countervailing duty orders are scheduled for initiation in May 2007.. Suspended Investigations. No Sunset Reviews of suspended investigations are scheduled for initiation in May 2007..	731-TA-932	PRC	Folding Metal Tables and Chairs

Filing Information

As a courtesy, we are making information related to Sunset proceedings, including copies of the Department's regulations regarding Sunset Reviews (19 CFR 351.218) and *Sunset Policy Bulletin*, the Department's schedule of Sunset Reviews, case history information (*i.e.*, previous margins, duty absorption determinations, scope language, import volumes), and service lists available to the public on the Department's sunset Internet website at the following address: "<http://ia.ita.doc.gov/sunset>." All submissions in these Sunset Reviews must be filed in accordance with the Department's regulations regarding format, translation, service, and certification of documents. These rules can be found at 19 CFR 351.303.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of this notice of initiation.

Because deadlines in Sunset Reviews can be very short, we urge interested parties to apply for access to proprietary

information under administrative protective order ("APO") immediately following publication in the **Federal Register** of the notice of initiation of the sunset review. The Department's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304-306.

Information Required from Interested Parties

Domestic interested parties (defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b)) wishing to participate in these Sunset Reviews must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the orders without further review. See 19 CFR 351.218(d)(1)(iii).

If we receive an order-specific notice of intent to participate from a domestic

interested party, the Department's regulations provide that *all parties* wishing to participate in the Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that the Department's information requirements are distinct from the Commission's information requirements. Please consult the Department's regulations for information regarding the Department's conduct of Sunset Reviews.¹ Please consult the Department's regulations at 19 CFR Part 351 for definitions of terms and for other general information concerning antidumping and

¹ In comments made on the interim final sunset regulations, a number of parties stated that the proposed five-day period for rebuttals to substantive responses to a notice of initiation was insufficient. This requirement was retained in the final sunset regulations at 19 CFR 351.218(d)(4). As provided in 19 CFR 351.302(b), however, the Department will consider individual requests for extension of that five-day deadline based upon a showing of good cause.

countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: April 23, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

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BILLING CODE: 3510-DS-S

the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* May 1, 2007.

FOR FURTHER INFORMATION CONTACT:

Mary Messer (202-205-3193), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On June 27, 2002, the Department of Commerce issued an antidumping duty order on imports of certain folding metal tables and chairs from China (67 FR 43277). The Commission is conducting a review to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by the Department of Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the Subject Merchandise. In its original determination, the Commission found two Domestic Like Products corresponding to Commerce's scope: certain folding metal chairs, encompassing both "residential" and "commercial" folding chairs, and certain folding metal tables, including

only residential folding metal tables. The Commission did not include banquet tables in its definition of the Domestic Like Product for folding metal tables. The Commission also found that an expansion of the Domestic Like Products to include "other rigid-frame casual tables and chairs" was not warranted.

(4) The *Domestic Industry* is the U.S. producers as a whole of the Domestic Like Product, or those producers whose collective output of the Domestic Like Product constitutes a major proportion of the total domestic production of the product. In its original determination, the Commission defined the Domestic Industry for folding metal chairs to include all producers of folding metal chairs in the United States, and the Domestic Industry for certain folding metal tables to include all producers of residential folding metal tables in the United States.

(5) The *Order Date* is the date that the antidumping duty order under review became effective. In this review, the Order Date is June 27, 2002.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the Subject Merchandise into the United States from a foreign manufacturer or through its selling agent.

Participation in the review 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 review as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the review.

Former Commission employees who are seeking to appear in Commission five-year reviews are reminded that they are required, pursuant to 19 CFR 201.15, to seek Commission approval if the matter in which they are seeking to appear was pending in any manner or form during their Commission employment. The Commission's designated agency ethics official has advised that a five-year review is the "same particular matter" as the underlying original investigation for purposes of 19 CFR 201.15 and 18 U.S.C. 207, the post employment statute for Federal employees. Former employees may seek informal advice

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-932 (Review)]

Certain Folding Metal Tables and Chairs From China

AGENCY: United States International Trade Commission.

ACTION: Institution of a five-year review concerning the antidumping duty order on certain folding metal tables and chairs from China.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty order on certain folding metal tables and chairs from China would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission;¹ to be assured of consideration, the deadline for responses is June 20, 2007. Comments on the adequacy of responses may be filed with the Commission by July 16, 2007. For further information concerning the conduct of this review and rules of general application, consult

¹ No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB Number is 3117-0016/USITC No. 07-5-169, expiration date June 30, 2008. Public reporting burden for the request is estimated to average 10 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

from Commission ethics officials with respect to this and the related issue of whether the employee's participation was "personal and substantial." However, any informal consultation will not relieve former employees of the obligation to seek approval to appear from the Commission under its rule 201.15. For ethics advice, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202-205-3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this review available to authorized applicants under the APO issued in the review, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the review. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this review must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is June 20, 2007. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is July 16, 2007. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the

requirements of sections 201.6 and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the review you do not need to serve your response).

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determination in the review.

Information to be Provided in Response to this Notice of Institution: Please provide the requested information separately for each Domestic Like Product, as defined by the Commission in its original determination, and for each of the products identified by Commerce as Subject Merchandise. As used below, the term "firm" includes any related firms.

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

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

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

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

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

(6) A list of all known and currently operating U.S. importers of the Subject Merchandise and producers of the Subject Merchandise in the Subject Country that currently export or have exported Subject Merchandise to the United States or other countries since the Order Date.

(7) If you are a U.S. producer of the Domestic Like Product, provide the following information on your firm's operations on that product during calendar year 2006 (report quantity data in units and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the Domestic Like Product accounted for by your firm's(s') production;

(b) The quantity and value of U.S. commercial shipments of the Domestic Like Product produced in your U.S. plant(s); and

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

(8) If you are a U.S. importer or a trade/business association of U.S. importers of the Subject Merchandise from the Subject Country, provide the following information on your firm's(s') operations on that product during calendar year 2006 (report quantity data in units and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of Subject Merchandise from the Subject Country accounted for by your firm's(s') imports;

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

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

(9) If you are a producer, an exporter, or a trade/business association of producers or exporters of the Subject Merchandise in the Subject Country, provide the following information on that product during calendar year 2006 (report quantity data in units and value data in thousands of U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

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

(b) The quantity and value of your firm's(s') exports to the United States of Subject Merchandise and, if known, an estimate of the percentage of total exports to the United States of Subject Merchandise from the Subject Country accounted for by your firm's(s') exports.

(10) Identify significant changes, if any, in the supply and demand conditions or business cycle for the Domestic Like Product that have occurred in the United States or in the market for the Subject Merchandise in the Subject Country since the Order Date, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or

changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the Domestic Like Product produced in the United States, Subject Merchandise produced in the Subject Country, and such merchandise from other countries.

(11) (Optional) A statement of whether you agree with the above definitions of the Domestic Like Product and Domestic Industry; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

Issued: April 25, 2007.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E7-8147 Filed 4-30-07; 8:45 am]

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whether revocation of the antidumping duty order on certain folding metal tables and chairs from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* August 6, 2007.

FOR FURTHER INFORMATION CONTACT:

Olympia DeRosa Hand (202-205-3182), Office of Investigations, U.S. International Trade Commission, 500 E. Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background

On August 6, 2007, the Commission determined that the domestic interested party group response to its notice of institution (72 FR 23844, May 1, 2007) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.¹ Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act.²

Staff Report

A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on August 31, 2007, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to

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

² Chairman Daniel R. Pearson dissenting.

section 207.62(d)(4) of the Commission's rules.

Written Submissions

As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,³ and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before September 6, 2007 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by September 6, 2007. However, should the Department of Commerce extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 **Federal Register** 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II (C) of the Commission's Handbook on Electronic Filing Procedures, 67 FR 68168, 68173 (November 8, 2002).

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

Authority

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

³ The Commission has found the responses submitted by Mecor Corp., KI, and Clarin, a division of Greenwich Industries, L.P., to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-932 (Review)]

Certain Folding Metal Tables and Chairs From China

AGENCY: United States International Trade Commission.

ACTION: Scheduling of an expedited five-year review concerning the antidumping duty order on certain folding metal tables and chairs from China.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)) (the Act) to determine

By order of the Commission.

Issued: August 14, 2007.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E7-16225 Filed 8-16-07; 8:45 am]

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APPENDIX B
STATEMENT ON ADEQUACY

EXPLANATION OF COMMISSION DETERMINATION ON ADEQUACY

in

Certain Folding Metal Tables and Chairs from China Inv. No. 731-TA-932 (Review)

On August 6, 2007, the Commission determined that it should proceed to an expedited review in the subject five-year review pursuant to section 751(c)(3)(B) of the Tariff Act of 1930, as amended, 19 U.S.C. § 1675(c)(3)(B).

The Commission determined that the two domestic producer responses, one filed jointly by Meco Corporation and KI (formerly Kreuger International), and one filed by Clarin, a division of Greenwich Industries L.P., were individually adequate. The Commission further determined that the domestic interested party group response was adequate because these producers account for a majority of the domestic production of folding tables and a substantial share of domestic production of folding chairs.

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

Given the absence of an adequate respondent interested party group response, and any other circumstances that warrant proceeding to a full review, the Commission determined to conduct an expedited review.¹ A record of the Commissioners' votes is available from the Office of the Secretary and the Commission's web site (<http://www.usitc.gov>).

¹ Chairman Daniel R. Pearson dissenting.