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The Washington Monitor is a product of the Japan Fair Trade Center in cooperation with the international trade practice of the U.S. law firm of Winston & Strawn LLP. All questions concerning its content should be addressed to:

Washington Monitor
Winston & Strawn L.L.P.
1700 K Street, N.W.
Washington, D.C. 20006
rmassony@winston.com

Trade Briefs

Affirmative Preliminary Determination of Circumvention of AD Order on Cut-to-Length Carbon Steel Plate from China

On July 14, the Department of Commerce (DOC) published in the *Federal Register* notice of its preliminary determination of circumvention of the antidumping (AD) duty order on certain cut-to-length carbon steel plate from China. The DOC issued an affirmative preliminary determination in this case.

The DOC initiated this AD circumvention inquiry in response to a request from five domestic interested parties—Nucor Corporation, SSAB N.A.D., Evraz NA Claymont Steel, Evraz NA Oregon Steel Mills, and Arcelor Mittal USA Inc.—to investigate the imports of the subject merchandise from Tianjin and Toyota Tsusho. The petitioners alleged that these companies had circumvented existing AD duty orders by modifying their products so that they fell outside of the scope of the order. Specifically, they alleged that these companies added boron to make up more than 0.0008 % of their steel by weight such that the product could be classified as an "alloy." Toyota Tsusho notified the DOC that it would not respond to its questionnaire. Tianjin did respond, arguing that the addition of boron allows for more stable mechanical properties.

The DOC disagreed with Tianjin's argument, finding that Tianjin's submitted information does not support this conclusion. Furthermore, the DOC found that the addition of trace amounts of boron at an insignificant cost coincided with the imposition of the AD order on cut-to-length carbon steel plate. Therefore, the DOC preliminarily determined that imports of the merchandise are within the class or kind of merchandise subject to the AD order. This affirmative preliminary determination applies to both Tianjin and Toyota Tsusho. The DOC will issue appropriate instructions to Customs and Border Protection (CBP).

In 2003, there was a similar circumvention review in a case regarding corrosion-resistant steel from Japan. Petitioners alleged that Japanese exporters were circumventing an AD order by exporting corrosion-resistant carbon steel flat products to which small amounts of boron had been added. The products with added boron would be classified as hot-dipped or electrolytic alloy rather than carbon steel sheet. Lawyers for Japanese respondents in this case successfully argued that there are commercially and metallurgically viable reasons for the addition of boron in certain contexts. The DOC found that Japanese imports did not circumvent existing AD orders, in contrast to the preliminary results in the Chinese plate case.

Dumping Watch

ITC Reaches Preliminary Determination in Chinese Steel Wire Strand Investigation

On July 17, the International Trade Commission (ITC) published notice of its preliminary determination in the investigations into imports of prestressed concrete steel wire strand from China.

On May 27, the ITC and DOC received a petition alleging that a domestic industry is materially injured by subsidized imports of this product from China that are sold at less than fair value (LTFV). The same day, the ITC initiated antidumping (AD) and countervailing duty (CVD) investigations regarding this product.

On July 17, the ITC found that there was a reasonable indication that an industry in the U.S. is materially injured or threatened with material injury by reason of imports of prestressed concrete steel wire strand from China. The ITC will now initiate the final phase of its investigations into the imports of this product.

Federal Register Notices

International Trade Administration

[A-357-812] Honey from Argentina: Notice of Partial Rescission of Antidumping Duty Administrative Review *74 FR 34550-34551*, July 16, 2009.

[A-570-849] Affirmative Preliminary Determination of Circumvention of the Antidumping Duty Order on Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China *74 FR 33991-33994*, July 14, 2009.

[A-201-805] Certain Circular Welded Non-Alloy Steel Pipe and Tube from Mexico; Extension of Time Limit for Final Results of Antidumping Duty Changed Circumstances Review *74 FR 33994*, July 14, 2009.

[A-571-831] Fresh Garlic from The People's Republic of China: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review *74 FR 33995*, July 14, 2009.

[A-351-825] Stainless Steel Bar From Brazil: Final Results of Antidumping Duty Administrative Review *74 FR 33995-33997*, July 14, 2009.

Sponsoring ``Sustainability and U.S. Competitiveness Summit'' for U.S. Stakeholders; Request for Comments and Interest in Attendance *74 FR 33998*, July 14, 2009.

[A-201-836] Light-Walled Rectangular Pipe and Tube from Mexico; Extension of Time Limit for Final Results of Antidumping Duty Changed Circumstances Review *74 FR 33406*, July 13, 2009.

[A-570-827] Certain Cased Pencils from the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review *74 FR 33406-33409*, July 13, 2009.

[A-533-840] Certain Frozen Warmwater Shrimp From India: Final Results and Partial Rescission of Antidumping Duty Administrative Review *74 FR 33409-33414*, July 13, 2009.

International Trade Commission

[Investigation Nos. 701-TA-464 and 731-TA-1160 (Preliminary)] Prestressed Concrete Steel Wire Strand From China 74 FR 34782-34783, July 17, 2009.

[Investigation Nos. 701-TA-459 (Final) and 731-TA-1155 (Final)] Commodity Matchbooks From India 74 FR 34783-34784, July 17, 2009.

[Investigation Nos. 701-TA-460-461 (Final)] Ni-Resist Piston Inserts From Argentina and Korea 74 FR 34784-34785, July 17, 2009.

[Investigation No. 337-TA-628] In the Matter of Certain Computer Products, Computer Components and Products Containing Same; Notice of Commission Decision Not To Review the ALJ's Final Initial Determination Finding No Violation of Section 337; Termination of Investigation 74 FR 34785-34786, July 17, 2009.

[Inv. No. 337-TA-680] In the Matter of Certain Machine Vision Software, Machine Vision Systems, and Products Containing Same; Notice of Investigation 74 FR 34589-34590, July 16, 2009.

[USITC SE-09-021] Government in the Sunshine Act Meeting Notice 74 FR 34590, July 16, 2009.

[Investigation No. TA-421-7] Certain Passenger Vehicle and Light Truck Tires From the People's Republic of China 74 FR 34363, July 15, 2009.

[Investigation Nos. 701-TA-467 and 731-TA-1164-1165 (Preliminary)] Narrow Woven Ribbons With Woven Selvedge From China and Taiwan 74 FR 34362-34363, July 15, 2009.

[USITC SE-09-020] Government in the Sunshine Act Meeting Notice 74 FR 34035, July 14, 2009.

[Investigation No. 337-TA-644] In the Matter of Certain Composite Wear Components and Products Containing Same; Notice of Commission Determination Not To Review an Initial Determination Finding Respondents AIAE Engineering Ltd. and Vega Industries in Default and Finding a Violation of Section 337 74 FR 33472-33473, July 13, 2009.

[USITC SE-09-019] Government in the Sunshine Act Meeting Notice 74 FR 33474, July 13, 2009.

Office of the U.S. Trade Representative

Notice of Proposed Measure and Opportunity for Public Comment Pursuant to Section 421 of the Trade Act of 1974: Certain Passenger Vehicle and Light Truck Tires From the People's Republic of China 74 FR 34387-34388, July 15, 2009.

Determination Regarding Waiver of Discriminatory Purchasing Requirements With Respect to Goods and Services of Taiwan (Known in the World Trade Organization as ``the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu" (Chinese Taipei)) 74 FR 34071-34072, July 14, 2009.

[Public Notice 6693] Notice of Public Meeting and Solicitation of Written Comments 74 FR 34071, July 14, 2009.

The Week Ahead

- On July 20, the ITC held a vote on the preliminary phase AD and CVD investigations into wire decking from China.
- On July 21, the ITC will hold a conference on the preliminary AD investigation into woven electric blankets from China.