

and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this administrative review and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: May 25, 2011.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-820]

#### **Certain Hot-Rolled Carbon Steel Flat Products From India: Notice of Preliminary Results of 2009-2010 Antidumping Duty Administrative Review**

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

**SUMMARY:** In response to requests from petitioners,<sup>1</sup> the Department of Commerce (“the Department”) is conducting an administrative review of the antidumping duty order on certain hot-rolled carbon steel flat products from India (“hot-rolled steel”) manufactured by Ispat Industries Limited (“Ispat”), JSW Steel Limited (“JSW”), and Tata Steel Limited (“Tata”). The period of review (“POR”) is December 1, 2009, through November 30, 2010. We preliminarily determine that Ispat, JSW, and Tata had no entries of subject merchandise during the POR.

Interested parties are invited to comment on these preliminary results. We intend to issue the final results no later than 120 days from the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (“the Act”).

**DATES:** *Effective Date:* June 2, 2011.

**FOR FURTHER INFORMATION CONTACT:** Christopher Hargett or James Terpstra, AD/CVD Operations Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4161 and (202) 482-3965, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On December 3, 2001, the Department published in the **Federal Register** the

antidumping duty order on Indian hot-rolled steel. *See Notice of Amended Final Antidumping Duty Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Hot-Rolled Carbon Steel Flat Products From India*, 66 FR 60194 (December 3, 2001) (“*Amended Final Determination*”). On December 1, 2010, the Department published in the **Federal Register** a notice titled “Opportunity to Request Administrative Review” of the antidumping duty order on Indian hot-rolled steel. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 75 FR 74682 (December 1, 2010). On December 30, 2010, and January 3, 2011, petitioners requested an administrative review of the antidumping duty order on Indian hot-rolled steel, for subject merchandise produced or exported by Ispat, JSW, and Tata. On January 28, 2011, the Department published a notice of initiation of antidumping duty administrative review of Indian hot-rolled steel for the period December 1, 2009, through November 30, 2010. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 76 FR 5137 (January 28, 2011) (“*Initiation Notice*”). On January 31, 2011, February 4, 2011, and February 15, 2011, respectively, JSW, Ispat and Tata each informed the Department that they did not have shipments of subject merchandise to the United States during the POR.

On April 11, 2011, the Department placed on the record and invited interested parties to comment on U.S. Customs and Border Protection (“CBP”) data obtained to corroborate the claims of the respondents. *See Memorandum to the File from Christopher Hargett, International Trade Compliance Analyst, through Melissa Skinner, Office Director, concerning “Certain Hot Rolled Carbon Steel Flat Products from India: Customs and Border Protection (“CBP”) Data for Corroboration of Claims of No Shipments,”* dated April 11, 2011 (“*CBP Data Memo*”). We received no comments regarding the CBP data.

On May 13, 2011, the Department placed on the record the April 13, 2011, inquiry of no shipments to CBP from the Department. *See Memorandum to the File from Christopher Hargett, International Trade Compliance Analyst, through Melissa Skinner, Office Director, concerning “Certain Hot-Rolled Carbon Steel Flat Products from India: Customs No Shipments Inquiry,”* dated May 13, 2011. The Department did not receive a reply from CBP regarding its inquiry.

##### **Period of Review**

The POR covered by this review is December 1, 2009, through November 30, 2010.

##### **Scope of the Order**

The merchandise subject to this order is certain hot-rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths, of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this order.

Specifically included in the scope of this order are vacuum-degassed, fully stabilized (commonly referred to as interstitial-free (“IF”)) steels, high-strength low-alloy (“HSLA”) steels, and the substrate for motor lamination steels. IF steels are recognized as low-carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products included in the scope of this order, regardless of definitions in the Harmonized Tariff Schedule of the United States (“HTSUS”), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or 2.25 percent of silicon, or 1.00 percent of copper, or 0.50 percent of aluminum, or 1.25 percent of chromium, or 0.30 percent of cobalt, or 0.40 percent of lead, or 1.25 percent of nickel, or 0.30 percent of tungsten, or 0.10 percent of molybdenum, or 0.10 percent of niobium, or 0.15 percent of vanadium, or 0.15 percent of zirconium.

<sup>1</sup> The petitioners are the United States Steel Corporation Steel and Nucor Corporation (collectively “petitioners”).

All products that meet the physical and chemical description provided above are within the scope of this order unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this order:

- Alloy hot-rolled carbon steel products in which at least one of the chemical elements exceeds those listed above (including, e.g., American Society for Testing and Materials ("ASTM") specifications A543, A387, A514, A517, A506).

- Society of Automotive Engineers ("SAE")/American Iron & Steel Institute ("AISI") grades of series 2300 and higher.

- Ball bearings steels, as defined in the HTSUS.

- Tool steels, as defined in the HTSUS.

- Silico-manganese (as defined in the HTSUS) or silicon electrical steel with a silicon level exceeding 2.25 percent.

- ASTM specifications A710 and A736.

- United States Steel ("USS") Abrasion-resistant steels (USS AR 400, USS AR 500).

- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).

- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTSUS.

The merchandise subject to this order is currently classifiable in the HTSUS at subheadings:

7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90.

Certain hot-rolled carbon steel covered by this order, including: Vacuum-degassed fully stabilized; high-strength low-alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers:

7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30,

7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise subject to this order is dispositive.

#### Preliminary Results of Review

As noted in the "Background" section above, Ispat, Tata and JSW have each submitted timely-filed certifications indicating that they had no shipments of subject merchandise to the United States during the POR.

On April 11, 2011, the Department released to interested parties the CBP data it intended to use for corroboration of the respondents' claims. See CBP Data Memo. The Department received no comments.

Based on the claims of the parties and our analysis of CBP data, we preliminarily determine that the evidence on the record indicates that Tata, Ispat, and JSW did not export subject merchandise to the United States during the POR.

#### Disclosure

The Department will disclose these preliminary results to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

#### Comments

Interested parties are invited to comment on the preliminary results and may submit case briefs and/or written comments within 30 days of the date of publication of this notice. See 19 CFR 351.309(c)(1)(ii). Rebuttal briefs, limited to issues raised in the case briefs, will be due five days later, pursuant to 19 CFR 351.309(d). Parties who submit case or rebuttal briefs in this proceeding are requested to submit with each argument (1) a statement of the issue, and (2) a brief summary of the argument. Parties are requested to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. See 19 CFR 351.309(c)(2). Additionally, parties are requested to provide their case brief and rebuttal briefs in electronic format (e.g., Microsoft Word, pdf, etc.). Interested parties, who wish to request a hearing or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration within 30 days

of the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. See 19 CFR 351.310(c). Issues raised in the hearing will be limited to those raised in case and rebuttal briefs. The Department will issue the final results of this review, including the results of its analysis of issues raised in any such written briefs or at the hearing, if held, not later than 120 days after the date of publication of this notice.

#### Assessment Rate

The Department intends to issue appropriate assessment instructions directly to CBP 15 days after the publication of the final results of this review.

Since the implementation of the 1997 regulations, our practice concerning no-shipment respondents has been to rescind the administrative review if the respondent certifies that it had no shipments and we have confirmed through our examination of CBP data that there were no shipments of subject merchandise during the POR. See *Antidumping Duties; Countervailing Duties*, 62 FR 27296, 27393 (May 19, 1997). As a result, in such circumstances, we normally instruct CBP to liquidate any entries from the no-shipment company at the deposit rate in effect on the date of entry.

In our May 6, 2003, "automatic assessment" clarification, we explained that, where respondents in an administrative review demonstrate that they had no knowledge of sales through resellers to the United States, we would instruct CBP to liquidate such entries at the all-others rate applicable to the proceeding. See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*).

Because "as entered" liquidation instructions do not alleviate the concerns which the May 2003 clarification was intended to address, we find it appropriate in this case to instruct CBP to liquidate any existing entries of merchandise produced by Ispat, JSW, or Tata and exported by other parties at the all-others rate, should we continue to find that Ispat, Tata and JSW had no shipments of subject merchandise to the United States in our final results. See, e.g., *Magnesium Metal From the Russian Federation: Final Results of Antidumping Duty Administrative Review*, 75 FR 56989 (September 17, 2010). In addition, the Department finds that it is more consistent with the May

2003 clarification not to rescind the review in part in these circumstances but, rather, to complete the review with respect to Ispat, JSW, and Tata and issue appropriate instructions to CBP based on the final results of the review.

### Cash Deposit Requirements

The following deposit rates will be effective upon publication of the final results of this administrative review for all shipments of hot-rolled carbon steel flat products from India entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For Ispat, JSW, and Tata, and for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent final results in which that manufacturer or exporter participated; (2) if the exporter is not a firm covered in these reviews, a prior review, or the original less-than-fair-value ("LTFV") investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent final results for the manufacturer of the merchandise; and (3) if neither the exporter nor the manufacturer is a firm covered in this or any previous review or the LTFV conducted by the Department, the cash deposit rate will be 23.87 percent, the all-others rate established in the LTFV, as amended, adjusted for export subsidies. *See Certain Hot-Rolled Carbon Steel Flat Products from India: Final Results of Antidumping Duty Administrative Review*, 69 FR 36060, 36062 n.2 (June 28, 2004) ("*India Hot-Rolled First Review*") ("*The 'all others' cash deposit rate, applied by {CBP}, is reduced to account for the export subsidy rate found in the countervailing duty investigation. The adjusted 'all others' rate is 23.87 percent.*"); *Amended Final Determination*. These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping and countervailing duties occurred and the subsequent assessment of double antidumping and countervailing duties.

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(4).

Dated: May 26, 2011.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-583-814]

#### Circular Welded Non-Alloy Steel Pipe From Taiwan: Notice of Rescission of Antidumping Duty Administrative Review

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

**SUMMARY:** In response to a request from an interested party, the Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on circular welded non-alloy steel pipe from Taiwan. The period of review is November 1, 2009, through October 31, 2010. Based on the withdrawal of request for review submitted by United States Steel Corporation (Petitioner), we are now rescinding this administrative review.

**DATES:** *Effective Date:* June 2, 2011.

**FOR FURTHER INFORMATION CONTACT:** Steve Bezirganian or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1131 or (202) 482-0649, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On November 1, 2010, the Department published a notice announcing an opportunity for interested parties to request an administrative review of the antidumping duty order on circular welded non-alloy steel pipe from Taiwan. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 75 FR 67079 (November 1, 2010). On November 30, 2010, the Petitioner filed a request that the Department initiate an administrative review of the antidumping duty order on circular welded non-alloy steel pipe from Taiwan with respect to the following

four companies: Far East Machinery Co., Ltd., Kao Hsiung Chang Iron & Steel Corp. (also known as Kao Hsiung Chang Iron & Steel Corp.), Yieh Phui Enterprise Co., Ltd., and Chung Hung Steel Corporation (also known as Chung Hung Steel Co., Ltd.). Based on Petitioner's request, on December 28, 2010, the Department published in the *Federal Register* a notice of initiation of an administrative review of the antidumping duty order on circular welded non-alloy steel pipe from Taiwan covering the period November 1, 2009, through October 31, 2010. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 75 FR 81565, 81567 (December 28, 2010). On May 4, 2011, Petitioner submitted a letter withdrawing its request for a review of the order with respect to all four of the respondent companies.

#### Rescission of Review

Pursuant to 19 CFR 351.213(d)(1) of the Department's regulations, the Department will rescind an administrative review if the party that requested the review withdraws its request for review within 90 days of the publication of the notice of initiation of the requested review, or withdraws at a later date if the Department determines it is reasonable to extend the time limit for withdrawing the request. Therefore, although Petitioner withdrew its request after the 90-day deadline, the Department has the discretion to extend this time limit. Consistent with the Department's practice, we find it reasonable to extend the withdrawal deadline and to rescind the review with respect to the four respondents because the Department has not devoted significant time or resources to the review. *See, e.g., Welded Large Diameter Line Pipe From Japan: Notice of Rescission of Antidumping Duty Administrative Review*, 75 FR 38989, 38990 (July 7, 2010); *see also Persulfates from the People's Republic of China: Notice of Rescission of Antidumping Duty Administrative Review*, 71 FR 13810, 13811 (March 17, 2006).

#### Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. For the four respondent companies, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department