

circumstances unique to each specific circumvention inquiry.

Further, section 781(a)(3) of the Act directs the Department to consider, in determining whether to include parts or components produced in a foreign country within the scope of an antidumping duty order, such factors as: (A) The pattern of trade, including sourcing patterns; (B) whether the manufacturer or exporter of the parts or components is affiliated with the person who assembles or completes the merchandise sold in the United States from the parts or components produced in the foreign country with respect to which the order applies; and (C) whether imports into the United States of the parts or components produced in such foreign country have increased after the initiation of the investigation which resulted in the issuance of such order or finding.

#### Summary of Analysis of Statutory Provisions

We considered all of the comments submitted by the interested parties and find, pursuant to section 781(a) of the Act, that circumvention of the antidumping duty order on ferrovanadium and nitrided vanadium from Russia is not occurring by reason of imports of vanadium pentoxide from Russia by the Evraz Group that are toll-converted into ferrovanadium by Bear.

As we explained in the *Preliminary Determination*, in order to make an affirmative determination of circumvention, all the criteria under section 781(a)(1) of the Act must be satisfied. In addition, section 781(a)(3) of the Act instructs the Department to consider, in determining whether to include parts or components within the scope of an order, such factors as pattern of trade, affiliation, and import volume.

With respect to the four criteria under section 781(a)(1) of the Act, we find that three of the four criteria have been satisfied. Specifically, (A) the merchandise sold in the United States, ferrovanadium, is of the same class or kind as any other merchandise that is the subject of the antidumping duty order on ferrovanadium from Russia; (B) the ferrovanadium sold in the United States is completed in the United States from parts or components (*i.e.*, vanadium pentoxide), produced in Russia; and (D) the value of the Russian-produced vanadium pentoxide used in the production of ferrovanadium in the United States is a significant portion of the total value of the ferrovanadium sold in the United States. However, as discussed in detail in the *Preliminary Determination* and in the Issues and

Decision Memorandum for the Final Negative Determination of Circumvention of the Antidumping Duty Order on Ferrovanadium and Nitrided Vanadium from the Russian Federation (dated concurrently with this notice) (Decision Memo), based on our analysis of all the relevant factors under section 781(a)(2) of the Act and the record information, we do not find that the remaining criterion at section 781(a)(1)(C) of the Act, the process of assembly or completion in the United States is minor or insignificant, has been satisfied.

Pursuant to section 781(a)(3) of the Act, we also considered the additional factors concerning the pattern of trade, affiliation, and import trends after the initiation of the investigation which resulted in the antidumping duty order on ferrovanadium from Russia. Our analysis of these factors, as discussed in the *Preliminary Determination* and the Decision Memo, when viewed in conjunction with our analysis of the other statutory criteria under sections 781(a)(1) and (a)(2) of the Act, do not support including vanadium pentoxide in the antidumping duty order.

All issues raised by the interested parties to which we have responded are listed in the Appendix to this notice and are addressed in the Decision Memo, which is hereby adopted by this notice. The Decision Memo is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic system (IA ACCESS). Access to IA ACCESS is available in the Central Records Unit (CRU), room 7046 of the main Department of Commerce building. In addition, a complete version of the Decision Memo can be accessed directly on the Internet at <http://www.trade.gov/ia/>. The signed Decision Memo and the electronic version of the Decision Memo are identical in content.

#### Conclusion

Based on the analysis under section 781(a) of the Act, summarized above and detailed in the Decision Memo, we determine that circumvention of the antidumping duty order on ferrovanadium and nitrided vanadium from Russia is not occurring by reason of Evraz's imports of vanadium pentoxide from Russia that are toll-converted into ferrovanadium by Bear in the United States.

#### Notice to Parties

This notice serves as the only reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the

return or destruction of proprietary information disclosed under APO in accordance with section 351.305 of the Department's regulations. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This final negative circumvention determination is published in accordance with section 781(a) of the Act and 19 CFR 351.225.

Dated: July 30, 2012.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

#### Appendix

Comment 1: The Ferrovanadium Completion Process in the United States  
 Comment 2: The Additional Statutory Factors  
 Comment 3: Exclusion of Vanadium Pentoxide from the Scope of the Order  
 Comment 4: Economic Impact of the Anticircumvention Inquiry

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-489-502]

#### Circular Welded Carbon Steel Pipes and Tubes From Turkey: Final Results of Countervailing Duty Administrative Review

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

**SUMMARY:** On April 2, 2012, the Department of Commerce (the Department) published in the **Federal Register** its preliminary results of administrative review of the countervailing duty (CVD) order on certain welded carbon steel standard pipe from Turkey for the January 1, 2010, through December 31, 2010, period of review (POR).<sup>1</sup> The Department preliminarily found that the following producers/exporters of subject merchandise covered by this review had *de minimis* net subsidy rates for the POR: (1) Borusan Group, Borusan Mannesmann Boru Sanayi ve Ticaret A.S. (BMB), and Borusan Istikbal Ticaret T.A.S. (Istikbal) (collectively, Borusan); and (2) Tosyali dis Ticaret A.S. (Tosyali) and Toscelik Profil ve Sac Endustrisi

<sup>1</sup> See *Certain Welded Carbon Steel Standard Pipe From Turkey: Preliminary Results of Countervailing Duty Administrative Review*, 77 FR 19623 (April 2, 2012) (*Preliminary Results*).

A.S. (Toscelik Profil), (collectively, Toscelik).<sup>2</sup> The Department has now completed the administrative review in accordance with section 751(a) of the Tariff of 1930, as amended (the Act). Based on our analysis of comments received, the Department has not revised the net subsidy rate for Borusan and Toscelik. Further discussion of our analysis of the comments received is provided in the accompanying issues and decision memorandum.<sup>3</sup> The final net subsidy rate for Borusan and Toscelik is listed below in the "Final Results of Review" section.

**DATES:** *Effective Date:* August 6, 2012.

**FOR FURTHER INFORMATION CONTACT:** Jolanta Lawska at 202-482-8362 (for Borusan) and Gayle Longest at 202-482-3338 (for Toscelik), AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**

**Background**

On March 7, 1986, the Department published in the **Federal Register** the CVD order on certain welded carbon steel pipe and tube products from Turkey.<sup>4</sup> On April 2, 2012, the Department published in the **Federal Register** the preliminary results for this review.<sup>5</sup> In the *Preliminary Results*, we invited interested parties to submit case briefs commenting on the preliminary results or to request a hearing.<sup>6</sup> On April 20, 2012, we issued Memorandum to the File from Jolanta Lawska, Trade Analyst, AD/CVD Operations, Office 3, regarding "Case and Rebuttal Briefs Schedule." (April 20, 2012). On May 18, 2012, we received case briefs from Borusan, Toscelik and Wheatland Tube Company (Wheatland). On May 23, 2012, we received rebuttal briefs from United States Steel Corporation (U.S.

Steel) and Wheatland. We did not hold a hearing in this review, as one was not requested.

**Scope of Order**

The products covered by this order are certain welded carbon steel pipe and tube with an outside diameter of 0.375 inch or more, but not over 16 inches, of any wall thickness (pipe and tube) from Turkey. These products are currently provided for under the Harmonized Tariff Schedule of the United States (HTSUS) as item numbers 7306.30.10, 7306.30.50, and 7306.90.10. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Decision Memorandum, dated concurrently with this notice and which is hereby adopted by this notice. A list of the issues which parties have raised, and to which we have responded in the Decision Memorandum, is attached to this notice as an Appendix. The Decision Memorandum is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available in the Central Records Unit, main Commerce Building, Room 7046. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/>. The signed Decision Memorandum and electronic version of the Decision Memorandum are identical in content.

**Final Results of Review**

As noted above, the Department received comments concerning the preliminary results. Consistent with the *Preliminary Results*, we continue to find that Borusan and Toscelik had *de minimis* net countervailable subsidy rates for the POR. In accordance with section 751(a)(1)(A) of the Act, we calculated a total net countervailable subsidy rate of 0.22 percent *ad valorem* for Borusan and 0.35 percent for Toscelik. Pursuant to 19 CFR 351.106(c), these calculated rates are *de minimis*.

**Assessment Rates/Cash Deposits**

The Department intends to issue assessment instructions to U.S. Customs and Border Protection (CBP) 15 days after the date of publication of these final results, to liquidate shipments of subject merchandise by Borusan and

Toscelik entered, or withdrawn from warehouse, for consumption on or after January 1, 2010, through December 31, 2010, without regard to countervailing duties because a *de minimis* subsidy rate was calculated for each company. We will also instruct CBP not to collect cash deposits of estimated countervailing duties on shipments of the subject merchandise by Borusan and Toscelik entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

For all non-reviewed companies, we will instruct CBP to continue to collect cash deposits at the most recent company-specific or country-wide rate applicable to the company. Accordingly, the cash deposit rates that will be applied to companies covered by this order, but not examined in this review, are those established in the most recently completed administrative proceeding for each company. The cash deposit rates for all companies not covered by this review are not changed by the results of this review, and remain in effect until further notice.

**Return or Destruction of Proprietary Information**

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: July 30, 2012.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

**Appendix I**

**Methodology and Background Information**

**Subsidies Valuation Information**

- A. Attribution of Subsidies.
- B. Benchmark Interest Rates.

**Analysis of Programs**

*I. Programs Determined To Be Countervailable*

- A. Deduction from Taxable Income for Export Revenue.
- B. Foreign Trade Companies Short-Term Export Credits.
- C. Pre-Export Credits.
- D. Pre-Shipment Export Credits.

<sup>2</sup> The review of Erbosan Erciyas Boru Sanayi ve Ticaret A.S. (Erbosan) was rescinded. See *Certain Welded Carbon Steel Standard Pipe and Tube from Turkey: Notice of Rescission of Countervailing Duty Administrative Review, In Part*, 77 FR 6542 (February 8, 2012).

<sup>3</sup> See Issues and Decision Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, concerning the Final Results of Administrative Review of the Countervailing Duty Order on Certain Welded Carbon Steel Standard Pipe from Turkey (Decision Memorandum).

<sup>4</sup> See *Countervailing Duty Order: Certain Welded Carbon Steel Pipe and Tube Products From Turkey*, 51 FR 7984 (March 7, 1986).

<sup>5</sup> See *Preliminary Results*, 77 FR 19623.

<sup>6</sup> Petitioners in this review are Wheatland Tube Company, Allied Tube and Conduit Corporation and TMK IPSCO, and United States Steel Corporation (collectively, Petitioners).

E. Short-Term Pre-Shipment Rediscount Program.

F. Law 5084: Withholding of Income Tax on Wages and Salaries.

G. Law 5084: Incentive for Employers' Share in Insurance Premiums.

H. Law 5084: Allocation of Free Land.

I. Law 5084: Energy Support.

J. OIZ: Exemption from Property Tax.

### II. Programs Determined To not Confer Countervailable Benefits

A. Inward Processing Certificate Exemption.

B. Investment Encouragement Program (IEP): Customs Duty Exemptions.

### III. Programs Determined To not Be Used

A. Post-Shipment Export Loans.

B. Export Credit Bank of Turkey Buyer Credits.

C. Subsidized Turkish Lira Credit Facilities.

D. Subsidized Credit for Proportion of Fixed Expenditures.

E. Subsidized Credit in Foreign Currency.

F. Regional Subsidies.

G. VAT Support Program (Incentive Premium on Domestically Obtained Goods).

H. IEP: VAT Exemptions.

I. IEP: Reductions in Corporate Taxes.

J. IEP: Interest Support.

K. IEP: Social Security Premium Support.

L. IEP: Land Allocation.

M. National Restructuring Program.

N. Regional Incentive Scheme: Reduced Corporate Tax Rates.

O. Regional Incentive Scheme: Social Security Premium Contribution for Employees.

P. Regional Incentive Scheme: Allocation of State Land.

Q. Regional Incentive Scheme: Interest Support.

R. OIZ: Waste Water Charges.

S. OIZ: Exemptions From Customs Duties, VAT, and Payments for Public Housing Fund, for Investments for Which an Income Certificate Is Received.

T. OIZ: Credits for Research and Development Investments, Environmental Investments, Certain Technology Investments, Certain "Regional Development" Investments, and Investments Moved From Developed Regions to "Regions of Special Purpose".

U. Provision of Buildings and Land Use Rights for Less Than Adequate Remuneration Under the Free Zones Law.

V. Corporate Income Tax Exemption Under the Free Zones Law.

W. Stamp Duties and Fees Exemptions Under the Free Zones Law.

X. Customs Duties Exemptions Under the Free Zones Law.

Y. Value-Added Tax Exemptions Under the Free Zones Law.

Z. OIZ: Exemption From Building and Construction Charges.

AA. OIZ: Exemption From Amalgamation and Allotment Transaction Charges.

### Analysis of Comments

#### Borusan

Comment 1: Whether the Department Should Grant an Offset to the Gross Subsidy

Found on Turkish Eximbank Loans for the Bank Guarantee Fees.

#### Toscelik

Comment 2: Whether the Denominator for Benefits at the Osmaniye Plant Should Include Sale of Billets.

Comment 3: Whether the GOT's Energy Subsidies Under Law 5084 Were Properly Attributed to the Subject Merchandise.

Comment 4: Whether the Benchmark Price Used to Calculate Toscelik's Benefit from the Provision of Land for Less Than Adequate Remuneration in the Organized Industrial Zone (OIZ) Should be Revised.

Comment 5: Whether the Department Correctly Attributed Subsidies Received by Toscelik in the OIZ to Subject Merchandise and Should Continue To Do So in the Final Results.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-580-869]

### Large Residential Washers From the Republic of Korea: Amendment to the Scope of the Countervailing Duty Investigation

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

**SUMMARY:** The Department of Commerce (the Department) is amending the scope of the countervailing duty (CVD) investigation of large residential washers (washing machines) from the Republic of Korea (Korea) to exclude top-load washing machines with a vertical rotational axis and a rated capacity of less than 3.70 cubic feet.

**DATES:** *Effective Date:* July 27, 2012.

**FOR FURTHER INFORMATION CONTACT:** Justin Neuman or Milton Koch, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0486 and (202) 482-2584, respectively.

#### SUPPLEMENTARY INFORMATION:

#### Background

On January 19, 2012, the Department initiated the CVD investigation of washing machines from Korea.<sup>1</sup> On May 29, 2012, the Department issued its affirmative preliminary determination.<sup>2</sup>

<sup>1</sup> See *Large Residential Washers From the Republic of Korea: Initiation of Countervailing Duty Investigation*, 77 FR 4279 (January 27, 2012) (*Initiation Notice*).

<sup>2</sup> See *Large Residential Washers From the Republic of Korea: Preliminary Affirmative*

In accordance with the preamble to the Department's regulations,<sup>3</sup> in our *Initiation Notice* the Department set aside a period of time for parties to raise issues regarding product coverage, and encouraged all parties to submit comments within 20 calendar days of publication of the *Initiation Notice*. No interested party submitted comments during that period. However, on May 17, 2012, the petitioner, Whirlpool Corporation, requested that the Department exclude automatic washing machines with a vertical rotational axis and a rated capacity of less than 3.70 cubic feet from the scope of this and the concurrent antidumping duty (AD) investigations of washing machines from Mexico and Korea. Subsequently, the Department received comments from respondents Samsung Electronics Co., Ltd. (Samsung) on May 23, 2012, and from LG Electronics, Inc. on May 24, 2012, objecting to the petitioner's scope exclusion request. On June 21, 2012, the Department contacted U.S. Customs and Border Protection (CBP) seeking its input on whether the petitioner's proposed scope exclusion request, if granted by the Department, would be enforceable by CBP.<sup>4</sup> On July 11, 2012, General Electric Company (GE), a domestic producer and importer of washing machines, filed comments on the record of the AD investigation of washing machines from Korea in support of the petitioner's scope exclusion request. GE's comments were placed on the record of this CVD investigation on July 18, 2012. Also on July 18, Staber Industries, Inc., a domestic producer of washing machines, filed comments in support of the petitioner's scope exclusion request.

Based on the comments received from the interested parties and information provided by CBP, the Department is amending the scope of the investigations to exclude top-load washing machines with a vertical rotational axis and a rated capacity of less than 3.70 cubic feet.<sup>5</sup> Section

*Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Determination*, 77 FR 33181 (June 5, 2012) (*Preliminary Determination*).

<sup>3</sup> See *Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

<sup>4</sup> See Memorandum from Brandon Custard to The File, "Exchange with CBP Regarding Petitioner's Scope Exclusion Request," dated June 21, 2012.

<sup>5</sup> See *Large Residential Washers from Mexico: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, and *Large Residential Washers from the Republic of Korea: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, signed July 27, 2012 (not yet published), for the scope amendments in the concurrent AD washing machine investigations.