

**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-489-805]

**Certain Pasta From Turkey: Notice of Initiation of Antidumping Duty New Shipper Review**

**AGENCY:** Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (the Department) received a request for a new shipper review of the antidumping duty order<sup>1</sup> on certain pasta from Turkey.<sup>2</sup> In accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214, we are initiating an antidumping duty new shipper review of Beşsan Makarına Gıda San. Ve Tic. A.Ş. (Beşsan). The period of review (POR) of this new shipper review is July 1, 2013, through January 31, 2014.

**DATES:** *Effective Date:* March 10, 2014.

**FOR FURTHER INFORMATION CONTACT:**

Tyler Weinhold or Robert James, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482-1121 or (202) 482-0649, respectively.

**SUPPLEMENTARY INFORMATION:****Background**

On July 24, 1996, the Department published the antidumping duty order on certain pasta from Turkey.<sup>3</sup> Thus, the antidumping duty order on certain pasta from the Turkey has a January semi-annual anniversary month. On January 31, 2014, the Department received a timely filed request for a new shipper review from Beşsan. In its request for a review, Beşsan identified itself as both a producer and exporter of the subject merchandise which was exported to the United States.

Pursuant to the requirements set forth in section 751(a)(2)(B)(i) of the Act and 19 CFR 351.214(b)(2), Beşsan certified that (1) it did not export subject merchandise to the United States during the period of investigation (POI); and (2) since the initiation of the investigation, it has never been affiliated with any

company that exported subject merchandise to the United States during the POI, including those companies not individually examined during the investigation.<sup>4</sup> Additionally, in accordance with 19 CFR

351.214(b)(2)(iv), Beşsan submitted documentation establishing: (1) The date on which it first shipped subject merchandise to the United States; (2) the volume of its first shipment; and (3) the date of its first sale to a U.S. purchaser for export to the United States.<sup>5</sup>

We note that although Beşsan submitted documentation regarding the volume of its shipment and the date of their first sale to an unaffiliated customer in the United States, our customs query shows that Beşsan's shipment appears to have entered the United States shortly after the semi-annual anniversary month. Under 19 CFR 351.214(f)(2)(ii), when the sale of the subject merchandise occurs within the normal POR, but the entry occurs after the normal POR, the POR may be extended unless it would be likely to prevent the completion of the review within the time limits set by the Department's regulations. The preamble to the Department's regulations states that both the entry and the sale should occur during the POR, and that under "appropriate" circumstances the Department has the flexibility to extend the POR.<sup>6</sup> In this instance, Beşsan's shipment appears to have entered during the month following the end of the normal POR. The Department does not find that this delay would be likely to prevent the completion of the review within the time limits set by the Department's regulations.

**Initiation of Review**

Based on information on the record and in accordance with section 751(a)(2)(B) of the Act, and 19 CFR 351.214(d), we find that the request meets the statutory and regulatory requirements for initiation of a new shipper review.<sup>7</sup> Accordingly, we are initiating a new shipper review of the antidumping duty order on pasta from Turkey produced and exported by Beşsan, for the period July 1, 2013, through January 31, 2014.

If the Department subsequently determines, based on information collected, that a new shipper review for Beşsan is not warranted, the Department will either rescind the review or apply facts available pursuant to section 776 of the Act, as appropriate.

We intend to issue the preliminary results of this review no later than 180 days after the date on which this review is initiated, and the final results within 90 days after the date on which we issue the preliminary results.<sup>8</sup>

We will instruct CBP to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for certain entries of the subject merchandise produced and exported by Beşsan in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). Because Beşsan certified that it produces and exports the subject merchandise, the sale of which forms the basis for its new shipper review request, we will instruct CBP to permit the use of a bond only for entries of subject merchandise which Beşsan produced and exported.

Interested parties may submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and this notice are issued and published in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: February 27, 2014.

**Christian Marsh,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-580-836]

**Certain Cut-to-Length Carbon-Quality Steel Plate Products From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2012-2013**

**AGENCY:** Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain cut-to-length carbon-quality steel plate

<sup>8</sup> See section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(h)(i).

<sup>1</sup> See *Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Certain Pasta From Turkey*, 61 FR 38545 (July 24, 1996) (*Order*).

<sup>2</sup> See Letter from Beşsan, "Request for New Shipper Review; Antidumping Duty Order Involving Certain Pasta from Turkey," (January 31, 2014) (Beşsan's Request).

<sup>3</sup> See *Order*.

<sup>4</sup> See Beşsan's Request at 2 and Exhibit 1.

<sup>5</sup> For more information, see Memorandum from Tyler Weinhold, through Robert James, to the file, "Initiation of Antidumping Duty New Shipper Review: Pasta from Turkey," dated concurrently with this notice (Initiation Checklist).

<sup>6</sup> See *Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27319-27320 (May 19, 1997).

<sup>7</sup> See Initiation Checklist.

products (CTL plate) from the Republic of Korea (Korea). The period of review (POR) is February 1, 2012, through January 31, 2013. The Department preliminarily determines that the producers/exporters subject to this review made sales of subject merchandise at less than normal value or had no shipments of subject merchandise.<sup>1</sup> We invite interested parties to comment on these preliminary results.

**DATES:** *Effective Date:* March 10, 2014.

**FOR FURTHER INFORMATION CONTACT:** Yang Jin Chun, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-5760.

### Scope of the Order

The products covered by the antidumping duty order are certain CTL plate. Imports of CTL plate are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 7208.40.30.30, 7208.40.30.60, 7208.51.00.30, 7208.51.00.45, 7208.51.00.60, 7208.52.00.00, 7208.53.00.00, 7208.90.00.00, 7210.70.30.00, 7210.90.90.00, 7211.13.00.00, 7211.14.00.30, 7211.14.00.45, 7211.90.00.00, 7212.40.10.00, 7212.40.50.00, 7212.50.00.00, 7225.40.30.50, 7225.40.70.00, 7225.50.60.00, 7225.99.00.90, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. While the HTSUS subheadings are provided for convenience and customs purposes, the written description is dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.<sup>2</sup>

### Preliminary Determination of No Reviewable Entries

We received timely submissions of letters from Daewoo International Corp.

<sup>1</sup> The deadline for the preliminary results of this review was March 3, 2014. Due to the closure of the Federal Government in Washington, DC on March 3, 2014, the Department reached this determination on the next business day (*i.e.*, March 4, 2014). See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

<sup>2</sup> See the memorandum from Gary Taverman, Senior Advisor for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, "Preliminary Decision Memorandum for the Administrative Review of the Antidumping Duty Order on Certain Cut-to-Length Carbon-Quality Steel Plate Products from the Republic of Korea" dated concurrently with this notice (Preliminary Decision Memorandum), which is hereby adopted by this notice.

(Daewoo), Dongbu Steel Co., Ltd. (Dongbu), GS Global Corp. (GS Global), Hyosung Corporation (Hyosung), and Hyundai Steel Co. (Hyundai Steel) reporting to the Department that they had no exports, sales or entries of subject merchandise to the United States during the POR.<sup>3</sup> Based on record evidence, we preliminarily determine that Daewoo, Dongbu, GS Global, Hyosung, and Hyundai Steel had no reviewable entries during the POR. For additional information on our preliminary determination of no reviewable entries, see the Preliminary Decision Memorandum.

### Methodology

We selected one company for individual examination in this administrative review, Dongkuk Steel Mill Co., Ltd. (DSM). The Department conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Constructed export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is made available to the public *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at <https://iaaccess.trade.gov>, and is available to all parties in the Department's Central Records Unit, located at room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at <http://enforcement.trade.gov/frn/>. The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

### Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margins exist for the respondents for the period February 1, 2012, through January 31, 2013. The rate for the companies not selected for individual examination is equal to the weighted-average dumping margin for the selected respondent, DSM.

<sup>3</sup> See the letters from Daewoo, Dongbu, GS Global, Hyosung, and Hyundai Steel dated May 10, 2013, April 10, 2013, May 15, 2013, May 23, 2013, and May 15, 2013, respectively.

Manufacturer/exporter	Weighted-average dumping margin (percent)
Dongkuk Steel Mill Co., Ltd ..	4.64
Edgen Murray Corporation ...	4.64
Kyungil Co., Ltd .....	4.64
Samsung C&T Corp .....	4.64
Samwoo EMC Co., Ltd .....	4.64
TCC Steel Corp .....	4.64

### Disclosure and Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.<sup>4</sup> Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.<sup>5</sup>

Pursuant to 19 CFR 351.310(c), 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 Enforcement and Compliance, filed electronically *via* IA ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.<sup>6</sup> 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. Issues raised in the hearing will be limited to those raised in the respective case briefs. The Department will issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

### Assessment Rates

If DSM's weighted-average dumping margin continues to be above *de minimis* in the final results of this review, we will calculate an importer-specific assessment rate on the basis of the ratio of the total amount of antidumping duties calculated for the importer's examined sales and the total entered value of the sales in accordance

<sup>4</sup> See 19 CFR 351.309(d).

<sup>5</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>6</sup> See 19 CFR 351.310(c).

with 19 CFR 351.212(b)(1).<sup>7</sup> If DSM's weighted-average dumping margin is zero or *de minimis* in the final results of review, we will instruct U.S. Customs and Border Protection (CBP) not to assess duties on any of its entries in accordance with the *Final Modification for Reviews*.<sup>8</sup>

The Department clarified its "automatic assessment" regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the POR produced by DSM, which is the company selected for individual examination in this review, for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

In the final results of this review, if we continue to find that Daewoo, Dongbu, GS Global, Hyosung, and Hyundai Steel had no reviewable transactions of subject merchandise, we will instruct CBP to liquidate any existing entries of merchandise produced by these companies but exported by other companies at the all-others rate.<sup>9</sup>

For the companies which were not selected for individual examination, Edgen Murray Corporation, Kyoungil Co., Ltd., Samsung C&T Corp., Samwoo EMC Co., Ltd., and TCC Steel Corp., we will instruct CBP to apply the rates listed above to all entries of subject merchandise produced and/or exported by those firms.

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of CTL plate from Korea entered, or withdrawn from

<sup>7</sup> In these preliminary results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

<sup>8</sup> See *Final Modification for Reviews*, 77 FR at 8102.

<sup>9</sup> See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for companies subject to this review will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 0.98 percent,<sup>10</sup> the all-others rate established in the less-than-fair-value investigation, adjusted for the export-subsidy rate in the companion countervailing duty investigation. 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 duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

The Department is issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 4, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

- A. Summary
- B. Background
- C. Scope of the Order
- D. Preliminary Determination of No Reviewable Entries
- E. Rates for Respondents Not Selected for Individual Examination
- F. Comparisons to Normal Value
- G. Determination of Comparison Method
- H. Results of the Differential Pricing Analysis

<sup>10</sup> See, e.g., *Certain Cut-to-Length Carbon-Quality Steel Plate Products From the Republic of Korea: Final Results of Antidumping Duty Administrative Review: 2011–2012*, 78 FR 29113, 29114 (May 17, 2013).

- I. Product Comparisons
- J. Date of Sale
- K. Level of Trade/CEP Offset
- L. Constructed Export Price
- M. Normal Value
  1. Overrun Sales
  2. Selection of Comparison Market
  3. Affiliated Parties
  4. Affiliated Party Transactions and Arm's-Length Test
  5. Cost of Production
  6. Calculation of Normal Value Based on Comparison Market Prices
- N. Currency Conversion
- O. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–928, A–791–821, A–552–803]

### Uncovered Innerspring Units From the People's Republic of China, South Africa, and Socialist Republic of Vietnam: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders

**AGENCY:** Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** On November 1, 2013, the Department of Commerce (the Department) published the initiation of the first five-year (sunset) reviews of the antidumping duty orders on uncovered innerspring units from the People's Republic of China (PRC), South Africa, and Socialist Republic of Vietnam (Vietnam) pursuant to section 751(c) of the Tariff Act of 1930 (the Act), as amended.<sup>1</sup> The Department finds that revocation of these antidumping duty orders would be likely to lead to the continuation or recurrence of dumping as indicated in the "Final Results of Sunset Reviews" section of this notice.

**DATES:** *Effective Date:* March 10, 2014.

**FOR FURTHER INFORMATION CONTACT:** Catherine Cartsos or Minoos Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1757 or (202) 482–1690, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

The Department received a notice of intent to participate in these sunset reviews from Leggett & Platt,

<sup>1</sup> See *Initiation of Five-Year ("Sunset") Review*, 78 FR 65711 (November 1, 2013) (*Notice of Initiation*).