

occurred and the subsequent assessment of double antidumping duties.

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

Dated: January 7, 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 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 (“Indian Hot-Rolled”) manufactured by Essar Steel Limited (“Essar”), Ispat Industries Limited (“Ispat”), JSW Steel Limited (“JSW”), and Tata Steel Limited (“Tata”). The period of review (“POR”) covers December 1, 2008, through November 30, 2009. We preliminarily determine that Essar, Ispat, JSW, and Tata had no reviewable 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:* January 13, 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:**

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

#### **Background**

On December 3, 2001, the Department published in the **Federal Register** the antidumping duty order on Indian Hot-Rolled. 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, 2009, the Department published in the **Federal Register** a notice titled “Opportunity to Request Administrative Review” of the antidumping duty order on Indian Hot-Rolled. See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 74 FR 62743 (December 1, 2009). On December 31, 2009, petitioners requested an administrative review of the antidumping duty order on Indian Hot-Rolled, for subject merchandise produced or exported by Ispat, JSW, Tata, and Essar. On January 29, 2010, the Department published a notice of initiation of antidumping duty administrative review of Indian Hot-Rolled for the period December 1, 2008, through November 30, 2009. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews, Request for Revocation in Part, and Deferal of Initiation of Administrative Review*, 75 FR 4770 (January 29, 2010) (“*Initiation Notice*”). On February 2, 2010, Ispat and Essar, and on February 17, 2010, JSW, each informed the Department that they did not have shipments of subject merchandise to the United States during the POR.

In February 2010, the Department exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from February 5, through February 12, 2010. Thus all deadlines in this segment of the proceeding have been extended for seven days. See Memorandum to the Record from Ronald Lorentzen, DAS for Import Administration, regarding “Tolling of Administrative Deadlines As a Result of the Government Closure During the Recent Snowstorm,” dated February 12, 2010.

On February 16, 2010, the Department issued its antidumping questionnaire to Tata. On February 18, 2010, Tata informed the Department that it had one shipment of subject merchandise that was entered into the United States during the POR, but that shipment was not of normal commercial quantities and was a one-off transaction for testing purposes only. Tata informed the

Department that it would, therefore, not respond to the antidumping questionnaire.

On August 23, 2010, 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 James Terpstra, Program Manager, and Melissa Skinner, Office Director, concerning “Customs and Border Protection (“CBP”) Data for Corroboration of Claims of No Shipments,” dated August 23, 2010 (“August 23 Comment Memorandum”); clarified by Memorandum to the File from Christopher Hargett, International Trade Compliance Analyst, through James Terpstra, Program Manager, and Melissa Skinner, Office Director, concerning “Clarification of Customs and Border Protection (“CBP”) Data for Corroboration of Claims of No Shipments,” dated August 25, 2010 (“August 25 Clarification Memorandum”). On August 31, 2010, we received timely comments from Nucor Corporation.

On September 14, 2010, the Department extended the deadline for the preliminary results to January 7, 2011. See *Certain Hot-Rolled Carbon Steel Flat Products from India: Extension of Time Limit for Preliminary Results of the Antidumping Duty Administrative Review*, 75 FR 55742 (September 14, 2010).

On November 23, 2010, we requested CBP to provide documents associated with certain entries. See Memorandum to Michael Walsh, Director, AD/CVD/Revenue Policy and Programs, Office of International Trade, U.S. Customs and Border Protection, from Melissa Skinner, Office Director, entitled “Request for U.S. Entry Documents—Certain Hot-Rolled Steel Flat Products from India (A-533-820),” dated November 23, 2010 (“November 23 CBP Request Memorandum”). We received such documents on December 23, 2010. See Memorandum from Christopher Hargett, International Trade Compliance Analyst, Office 3, through Melissa Skinner, Office Director, Office 3, AD/CVD Operations, to the File, entitled “Entry Documentation for Corroboration of Claims of No Shipments,” dated January 7, 2011 (“January 7 Entry Documentation Memorandum”).

#### **Period of Review**

The POR covered by this review is December 1, 2008, through November 30, 2009.

### 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.

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, Essar, Ispat and JSW have each submitted timely-filed certifications indicating that they had no shipments of subject merchandise to the United States during the POR. In addition, Tata informed the Department that it had made one small shipment of subject merchandise that entered the United States during the POR. However, Tata claimed that the shipment was not of normal commercial quantities in the ordinary course of trade. Further, Tata claimed that the shipment to the United States was a one-off transaction for testing purposes only.

In August, 2010, the Department released to interested parties under Administrative Protective Order (“APO”) information it intended to use for corroboration of the respondents’ claims. *See* August 23 Comment Memorandum; clarified by August 25 Clarification Memorandum. In comments submitted on August 31, 2010, Nucor asserted that the data presented failed to confirm the absence of sales, entries, or shipments; alleging instead that the data raise additional questions that the Department should address.

On November 23, 2010, the Department requested from CBP the entry documents associated with certain entries which Nucor alleged raised questions with respect to the assertions of respondent(s). *See* November 23 CBP Request Memorandum.

On December 23, 2010, the Department received the entry documents from CBP. These documents and our analysis are proprietary. *See* January 7 Entry Document Memorandum. Based on the claims of the parties and our analysis of CBP data, we preliminarily determine that the evidence on the record indicates that Essar, Ispat, and JSW did not export subject merchandise to the United States during the POR. Further, the Department preliminarily determines that record evidence indicates that Tata had no reviewable transactions of subject merchandise during the POR. However, based on our review of the recently obtained entry documentation, we

intend to seek clarifying information from Tata after our preliminary results with respect to its exports.

#### 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 Essar, Ispat, JSW, or Tata and exported by other parties at the all-others rate, should we continue to find that Essar, Ispat, and JSW had no shipments of subject merchandise to the United States, and Tata had no reviewable transactions, during the POR, 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 Essar, 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 Essar, 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. See *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: January 7, 2011.

**Ronald K. Lorentzen,**  
Deputy Assistant Secretary for Import Administration.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty

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

**DATES:** *Effective Date:* January 13, 2011.

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

**SUPPLEMENTARY INFORMATION:** Section 702 of the Trade Agreements Act of 1979 (as amended) ("the Act") requires the Department of Commerce ("the Department") to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with