

In the above-cited cases, while the value-added percentage may have been as high as 20 percent, the production processes were relatively minor, involving finishing operations that did not alter the chemical structure or basic physical nature of the imported material. In contrast, the processing of vanadium pentoxide into ferrovanadium requires the complete transformation of the chemical and physical properties of the imported material. Therefore, the value-added ranges we calculated, as discussed above, when viewed in combination with this fundamental alteration of the imported material, are not small. After considering these factors, as well as the level of investment, research and development, and extent of production facilities, we preliminarily conclude that the process of completing/producing ferrovanadium from vanadium pentoxide in the United States is neither minor nor insignificant, pursuant to section 781(a)(1)(C) of the Act.

Pursuant to section 781(a)(3), we also considered the additional factors of pattern of trade, affiliation, and import trends after the initiation of the investigation which resulted in the antidumping duty order on ferrovanadium from Russia.

#### Pattern of Trade

As discussed above, imports of ferrovanadium from Russia ceased within two years of the imposition of the antidumping duty order in 1995. Imports of vanadium pentoxide from Russia increased almost ten-fold from 2005 to 2010. While toll-processing of vanadium pentoxide has been a consistent aspect of the U.S. ferrovanadium industry, the sourcing of substantial quantities of vanadium pentoxide from Russia is a recent trend. In other words, imports of vanadium pentoxide from Russia did not begin until 10 years after the order was imposed. We do not find that these changes in the pattern of trade, when viewed in conjunction with the other statutory factors under section 871(a)(3) of the Act, support including vanadium pentoxide in the antidumping order.

#### Affiliation

Generally, we consider circumvention to be more likely when the manufacturer/exporter of the parts or components is related to the party completing or assembling merchandise in the United States using the imported parts or components. As discussed above, in this case, the manufacturer of the Russian vanadium pentoxide (Evraz Group member OAO Vanady-Tula) and the party converting the merchandise

into ferrovanadium in the United States (BMC) are not affiliated parties. BMC toll-processes the Russian vanadium pentoxide under the terms of its agreement with the Evraz Group.

#### Import Volume

Imports of vanadium pentoxide from Russia did not begin until 10 years after the order was imposed. We do not find that this change in imports, when viewed in conjunction with the other statutory factors under section 781(a)(3) of the Act, supports including vanadium pentoxide in the antidumping order.

#### Preliminary Negative Determination

Based upon our analysis of all of the factors under section 781(a) of the Act, as detailed above, we preliminarily find 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.

#### Public Comment

Case briefs from interested parties may be submitted no later than 30 days from the date of publication of this notice. A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. *See* 19 CFR 351.309(c). This summary should be limited to five pages total, including footnotes. Rebuttal briefs limited to issues raised in the case briefs may be filed no later than 35 days after the date of publication of this notice. *See* 19 CFR 351.309(d).

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, filed electronically using Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System ("IA ACCESS"). An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5 p.m. Eastern Standard Time within 30 days after the date of publication of this notice. *See* 19 CFR 351.310(c).

Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined. *See* 19 CFR

351.310. Parties should confirm by telephone the date, time, and location of the hearing. At the hearing, each party may make an affirmative presentation only on issues raised in that party's case brief and may make rebuttal presentations only on arguments included in that party's rebuttal brief. We intend to hold a hearing, if requested, no later than 40 days after the date of publication of this notice.

The Department intends to publish the final determination with respect to this anti-circumvention inquiry, including the results of its analysis of any written comments, no later than August 24, 2012. This deadline date reflects a 180-day extension of the original deadline date for the final determination pursuant to section 781(f) of the Act. This deadline extension is necessary due to the complicated nature of this proceeding and in order to allow sufficient opportunity for the submission and analysis of interested party comments for the final determination.

This negative preliminary circumvention determination, extension of the time limit for the final determination, and notice are in accordance with section 781(a) of the Act and 19 CFR 351.225(g).

Dated: January 31, 2012.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

**[C-489-502]**

#### **Certain Welded Carbon Steel Standard Pipe and Tube From Turkey: Notice of Final Rescission of Countervailing Duty Administrative Review, In Part**

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

**DATES:** *Effective Date:* February 8, 2012.

#### **FOR FURTHER INFORMATION CONTACT:**

Kristen Johnson, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 4014, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482-4793

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

On March 1, 2011, the Department of Commerce (the Department) published a

notice of opportunity to request an administrative review of the countervailing duty (CVD) order on certain welded carbon steel pipe and tube from Turkey for the period of review (POR) of January 1, 2010, through December 31, 2010. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 76 FR 11197 (March 1, 2011). On March 30, 2011, we received a letter from Erbosan Erciyas Boru Sanayi ve Ticaret A.S. (ERBOSAN) requesting that the company's entries for the POR be reviewed by the Department. On April 27, 2011, the Department published the notice of initiation of the administrative review of this CVD order for the POR, which included ERBOSAN.<sup>1</sup> *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 76 FR 23545 (April 27, 2011).

On October 27, 2011, the Department requested U.S. Customs and Border Protection (CBP) data on Type 3 entries<sup>2</sup> of subject merchandise to the United States produced by ERBOSAN during the POR. *See Memorandum to the File from Kristen Johnson, Trade Analyst, AD/CVD Operations, Office 3, regarding "Request for Customs Data in the Countervailing Duty Administrative Review of Certain Welded Carbon Steel Standard Pipe from Turkey,"* (October 27, 2011). We reviewed the customs data provided by CBP and found there were no suspended entries of subject merchandise produced by ERBOSAN during the POR.

On November 3, 2011, we issued a letter to ERBOSAN explaining that the Department's practice requires there to be a suspended entry during the POR upon which to assess duties in order to conduct an administrative review.<sup>3</sup> As such, we requested that ERBOSAN submit evidence demonstrating that the

<sup>1</sup> A review of the following companies was also initiated: Borusan Group, Borusan Mannesmann Boru Sanayi ve Ticaret A.S., Borusan Istikbal Ticaret T.A.S., Tosyalı dis Ticaret A.S., and Toscelik Profil ve Sac Endustrisi A.S.

<sup>2</sup> A Type 3 entry is an entry of merchandise imported into the United States which is subject to antidumping or countervailing duties, as the case may be, and for which liquidation is suspended until after the completion of an administrative review in which the assessment rate is calculated.

<sup>3</sup> See, e.g., *Certain Hot-Rolled Carbon Steel Flat Products from India: Final Results of Antidumping Duty Administrative Review*, 76 FR 42679 (July 19, 2011), and accompanying Issues and Decision Memorandum at Comment 1; see also *Certain Cut-to-Length Carbon-Quality Steel Plate Products from Italy: Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 71 FR 39299, 39302 (July 12, 2006), and *Portable Electric Typewriters from Japan: Final Results of Antidumping Duty Administrative Review*, 56 FR 14072, 14073 (April 5, 1991).

company had a Type 3 entry of subject merchandise to the United States during the CVD POR. We explained that if ERBOSAN was unable to provide such documentation, the Department will find that there are no suspended entries of subject merchandise produced by ERBOSAN against which to assess duties and will rescind the 2010 CVD administrative review with respect to the company. *See Letter from the Department to ERBOSAN regarding "Entry Documentation,"* (November 3, 2011). On November 17, 2011, ERBOSAN reported that it did not have entry documentation because the exports of subject merchandise to the United States during the POR were to an unrelated importer. *See ERBOSAN's "Response to Entry Documentation Request,"* (November 17, 2011) at 2.

On December 20, 2011, we published the notice of preliminary rescission of this CVD duty administrative review with respect to ERBOSAN, and invited interested parties to comment on the preliminary decision. *See Certain Welded Carbon Steel Standard Pipe and Tube from Turkey: Intent to Rescind Countervailing Duty Administrative Review, In Part*, 76 FR 78886 (December 20, 2011) (Preliminary Rescission). We received comments from Wheatland Tube Company (the petitioner) and ERBOSAN on January 9, 2012. All comments raised by the parties are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. The Issues and Decision Memorandum is a public document and is on file electronically via IA ACCESS, which is available to the public in the Department's Central Record Unit. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at <http://www.trade.gov/ia/>. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

#### Partial Rescission of Review

Because there are no suspended entries of subject merchandise produced by ERBOSAN for the CVD POR, we determine to rescind the review for ERBOSAN. *In Allegheny Ludlum Corp. v. United States*, 346 F.3d 1368 (Fed. Cir. 2003), the Court of Appeals for the Federal Circuit upheld the Department's practice of rescinding annual reviews when there are no entries of subject merchandise during the POR, which is identical to this current administrative review.

This administrative review will remain in effect for all other companies for which the review was initiated,

namely the Borusan Group, Borusan Mannesmann Boru Sanayi ve Ticaret A.S., Borusan Istikbal Ticaret T.A.S., Tosyalı dis Ticaret A.S., and Toscelik Profil ve Sac Endustrisi A.S.

We are issuing and publishing this decision and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: February 2, 2012.

**Christian Marsh,**

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

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## DEPARTMENT OF COMMERCE

### National Telecommunications and Information Administration

[Docket No. 120203097-2097-01]

RIN 0660-XA26

### Privacy Act of 1974: Systems of Records

**AGENCY:** National Telecommunications and Information Administration, U.S. Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce publishes this notice to announce the deletion of a Privacy Act System of Records entitled, COMMERCE/NTIA-1 "Applications Related to Coupons for Digital-to-Analog Converter Boxes." The Digital-to-Analog Converter Box Program has been terminated and this system of records will be deleted to comply with the applicable Disposition Authority.

**DATES:** This system of records will be deleted on February 8, 2012.

#### FOR FURTHER INFORMATION CONTACT:

Danielle N. Rodier, Attorney-Advisor, Office of the Chief Counsel, National Telecommunications and Information Administration, Room 4713, 14th Street and Constitution Avenue NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:** On December 23, 2011, the National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce, published a notice in the **Federal Register** requesting comments on the deletion of a Privacy Act System of Records, entitled COMMERCE/NTIA-1, "Applications Related to Coupons for Digital-to-Analog Converter Boxes." (76 FR 80344; Dec. 23, 2011). NTIA received no comments in response to this notice.

The National Archives and Records Administration (NARA) authorized