DEPARTMENT OF COMMERCE
International Trade Administration

Steel Wheels From the People’s Republic of China: Notice of Preliminary Affirmative Determination of Critical Circumstances

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

SUMMARY: The Department of Commerce (the Department) has preliminary determined that critical circumstances exist with respect to imports of steel wheels from the People’s Republic of China (PRC).

DATES: Effective Date: March 2, 2012.

FOR FURTHER INFORMATION CONTACT: Robert Copyak or Eric Groyndals, 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: 202-482–2209 and 202-482–6071, respectively.

SUPPLEMENTARY INFORMATION:

Case History

On March 30, 2011, the Department received a countervailing duty (CVD) petition concerning imports of steel wheels from the PRC filed in proper form by Accuride Corporation (Accuride) and Hayes Lemmerz International, Inc. (collectively, petitioners).1 This investigation was initiated on April 19, 2011.2 The affirmative preliminary determination was published on September 6, 2011.3 On September 1, 2011, petitioners alleged that critical circumstances exist with respect to imports of steel wheels from the PRC and submitted U.S. Census Data in support of their allegation at Exhibit 1.4 On September 9, 2011, the Department requested from the three mandatory respondents—the Jingu Companies,5 the Xingmin Companies,6 and the Centurion Xingmin Companies7—monthly shipment data of subject merchandise to the United States for the period October 2010 through June 2011. On September 21, 2011, the Xingmin Companies submitted to the Department their monthly shipment data of subject merchandise to the United States for the period October 2010 through June 2011.8 At verification, the Xingmin Companies provided some minor corrections to these data.9 On September 25, 2011, the Jingu Companies submitted to the Department their monthly shipment data of subject merchandise to the United States for the period October 2010 through June 2011.10 At verification, the Jingu Companies provided some minor corrections to these data.11 On September 26, 2011, the Centurion Companies submitted to the Department their monthly shipment data of subject merchandise to the United States for the period October 2010 through June 2011.12

1 See Petition for the Imposition of Countervailing Duties (Petition). A public version of the Petition and all other public documents and public versions of business proprietary documents for this investigation are available on the public file in the Central Records Unit (CRU), Room 7046 of the main Department of Commerce building.
4 See Petitioners’ Critical Circumstances Allegation (September 1, 2011).
5 The Jingu Companies are Zhejiang Jingu Company Limited (Zhejiang Jingu), Chengdu Jingu Wheel Co., Ltd. (Chengdu Jingu), Shanghai Yata Industrial Co., Ltd. (Shanghai Yata), and Zhejiang Wheel Industrial Co., Ltd. (Wheel World).
6 The Xingmin Companies are Shandong Xingmin Wheel Co. Ltd. (Xingmin) and Sino-tex (Longkou) Wheel Manufacturers, Inc. (Sino-tex).
7 The Centurion Companies are Jining Centurion Wheels Manufacturing Co. Ltd. (Jining Centurion) and Jining CII Wheel Manufacturing Co., Ltd. (Jining CII).
8 See the Xingmin Companies’ third supplemental questionnaire response titled “Steel Wheels from China: Third Supplemental Questionnaire Response” (September 21, 2011) at Exhibit I.
10 See the Jingu Companies’ third supplemental questionnaire response titled “CVD Investigation of Steel Wheels from China: Critical Circumstances Shipment Data” (filed on IA ACCESS on September 25, 2011, and dated September 26, 2011) at Exhibit I.
12 See the Centurion Companies’ third supplemental questionnaire response titled “CVD Investigation of Steel Wheels from China: Critical Circumstances Shipment Data” (dated September 26, 2011) at Exhibit I.

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In their critical circumstances allegation, Petitioners also allege that there is a reasonable basis to believe that there are subsidies in this investigation which are inconsistent with the World Trade Organization (WTO) Agreement on Subsidies and Countervailing Measures (Subsidies Agreement). Petitioners cite to the Preliminary Determination, in which the Department preliminarily determined that the Jingu Companies have received several subsidies which are contingent on export performance. See Petitioners’ Critical Circumstances Allegation (September 1, 2011) at 2.

Petitioners also claim in their critical circumstances allegation that there have been massive imports of steel wheels in the three months following the filing of the petition on March 30, 2011. Petitioners provided Census Bureau Data, which they contend demonstrate that imports of subject merchandise increased by more than 15 percent, which is required to be considered “massive" under section 351.206(h)(2) of the Department’s regulations.

Petitioners submit that, by volume, imports increased approximately 48 percent from 510,174 wheels in the first quarter of 2011, to 753,604 wheels in the second quarter of 2010. Id. at 3 and Exhibit 1. Petitioners also contend that, by value, imports increased approximately 40 percent, from $17,787,704 in the first quarter of 2011, to $24,893,481 in the second quarter of 2010. Id.

Analysis
Section 703(e)(1) of the Tariff Act of 1930, as amended (the Act), provides that the Department will preliminarily determine that critical circumstances exist if there is a reasonable basis to believe or suspect that: (A) The alleged countervailable subsidy is inconsistent with the Subsidies Agreement, and (B) there have been massive imports of the subject merchandise over a relatively short period.

When determining whether an alleged countervailable subsidy is inconsistent with the Subsidies Agreement, the Department limits its findings to those subsidies contingent on export performance or use of domestic over imported goods (i.e., those prohibited under Article 3 of the Subsidies Agreement). In the Preliminary Determination, the Department found that, during the POI, the Jingu Companies received countervailable benefits under five programs that are contingent upon export performance. Therefore, we preliminarily determine that there is a reasonable basis to believe or suspect that these five programs are inconsistent with the Subsidies Agreement.

In the Preliminary Determination, the Department found that, during the POI, the Centurion Companies and Xingmin Companies did not receive countervailable benefits under any programs that are contingent upon export performance. Therefore, we preliminarily determine that there is not a reasonable basis to believe or suspect that the Centurion Companies and the Xingmin Companies received benefits inconsistent with the Subsidies Agreement.

In determining whether imports of the subject merchandise have been “massive,” section 351.206(h)(1) of the Department’s regulations provides that the Department normally will examine: (i) The volume and value of the imports; (ii) seasonal trends; and (iii) the share of domestic consumption accounted for by the imports. In addition, the Department will not consider imports to be massive unless imports during the “relatively short period” (comparison period) have increased by at least 15 percent compared to imports during an “immediately preceding period of comparable duration” (base period). See 19 CFR 351.206(h)(2).

Section 351.206(l) of the Department’s regulations defines “relatively short period” as normally being the period beginning on the proceeding commences (i.e., the date the petition is filed) and ending at least three months later. For consideration of this allegation, we have used a three-month base period (i.e., January 2011 through March 2011) and a three-month comparison period (i.e., April 2011 through June 2011).

In determining whether there were massive imports from the Jingu Companies, we analyzed the Jingu Companies’ monthly shipment data for the period January 2011 through June 2011. These data indicate that there was not a massive increase in shipments of subject merchandise to the United States by the Jingu Companies during the three-month period immediately following the filing of the petition on March 30, 2011. Specifically, shipments of subject merchandise to the United States from the Jingu Companies decreased, both in terms of volume and value. See the Memorandum to the File from Robert Copyak, Senior Financial Analyst, AD/CVD Operations Office 3, titled “Critical Circumstances Shipments Data Analysis,” (Critical Circumstances Memorandum) (February, 2011) at Attachment I.

With regard to whether imports of subject merchandise by the “all other” exporters of steel wheels in the PRC were massive, we preliminarily determine that there is evidence of the existence of countervailable subsidies that are inconsistent with the Subsidies Agreement, an analysis is warranted as to whether there was a massive increase in shipment by the “all other” companies, in accordance with section 351.206(b)(1) of the Department’s regulations. Therefore, we analyzed, in accordance with 19 CFR 351.206(i), monthly shipment data for the period January 2011 through June 2011, using shipment data from the International Trade Commission’s (ITC’s) Dataweb and adjusting it to remove the shipments by the respondents participating in the investigation. For this analysis, we used only the data pertaining to the HTSUS numbers 8708.70.05.00, 8708.70.25.00, 8708.70.45.00, and 8708.70.60.30, which are the HTSUS categories under which a majority of the subject merchandise entered the United States. We did not use the HTSUS numbers described in the scope as categories that imports of subject merchandise “may also enter under” because they are basket categories. The data provided by the respondents and the data for shipments by other exporters from the ITC’s Dataweb indicate there was a massive increase in shipments, as defined by 19 CFR 351.206(h). See Critical Circumstances Memorandum at Attachment II.

Conclusion
We preliminarily determine that critical circumstances do not exist for...
DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
RIN 0648–XB055
North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a meeting of the North Pacific Fishery Management Council (Council) and Alaska Board of Fisheries (AK BOF) Joint Protocol Committee.

SUMMARY: The North Pacific Fishery Management Council Joint Protocol Committee of the AK BOF and Council will meet in March in Anchorage, AK.

DATES: The meeting will be held on March 19, 2012, from 10 a.m. to 4 p.m.

ADDRESSES: The meeting will be held at the Hilton Hotel, Aleutian Room, 500 W. Third Avenue, Anchorage, AK.


FOR FURTHER INFORMATION CONTACT: AK BOF Staff; telephone: (907) 465–4110 or Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION: The Committee will review the following:

- Status of Tanner Rebuilding, review pending actions; Status of Gulf of Alaska (GOA) Halibut Bycatch, review pending actions; Status of Salmon Chum Bycatch, review of actions on Bering Sea (BS) Chinkon, review of actions on GOA Chinkon, review of pending actions on BS chum salmon bycatch; Status of GOA Pacific cod (discussion papers): reverse parallel jig fishery, revise “A” season opening date in GOA, limiting other gear on board while jig fishing; Close waters to bottom gear in Prince William Sound; Aleutian Islands golden king crab total allowable catch (TAC), remove minimum TAC in Bristol Bay red king crab fishery; statewide scallops. Determination of next committee meeting and/or full Joint Board meeting; miscellaneous business.

The Agenda is subject to change, and the latest version will be posted at http://www.alaskafisheries.noaa.gov/npfmc/.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council’s intent to take final action to address the emergency.

Special Accommodations
This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at (907) 271–2809 at least 7 working days prior to the meeting date.


Tracey L. Thompson, Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
RIN0648–XB056
Mid-Atlantic Fishery Management Council (MAFMC); Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Scientific and Statistical Committee (SSC) and the Tilefish Monitoring Committee of the Mid-Atlantic Fishery Management Council (Council) will hold meetings.

DATES: The SSC will meet Wednesday, March 21, 2012 from 10 a.m. until 5 p.m. and Thursday, March 22, 2012 from 8 a.m. until 4 p.m. The Tilefish Monitoring Committee will meet Wednesday, March 21, 2012 from 3 p.m. until 5 p.m.

ADDRESSES: The meetings will be held at the Pier V Hotel, 711 Eastern Avenue, Baltimore, MD 21202; telephone: (410) 539–2000.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The primary purpose of the SSC meeting includes: 2012–14 ABC...