

Shandong Heze's garlic seed used in the production of fresh garlic; (5) continued to value water with municipal water rates to account for the respondents' water consumption used in the production of fresh garlic; and (6) continued to value Jinan Yipin's packing cartons with Indian Import Statistics. As a result, we calculated a revised weighted-average margin for Jinan Yipin, however Shandong Heze's antidumping duty margin remained consistent with the margin issued in *Garlic AR8 Final Results*.

On July 2, 2009, the CIT affirmed the *Jinan Yipin I Redetermination*, with regard to issues 1, 2, and 3, discussed above. However, the Court remanded the redetermination with regard to issues 4, 5, and 6, discussed above. Additionally, the Court directed the Department to examine an alleged ministerial error in the calculation of the surrogate financial ratios that Jinan Yipin raised for the first time in this proceeding in its comments on the draft redetermination pursuant to *Jinan Yipin I 2007*. The Department had declined to address this ministerial error allegation in the *Jinan Yipin I Redetermination* on the basis that the alleged ministerial error was not raised during the administrative proceeding pursuant to our regulations<sup>7</sup> or in Jinan Yipin's complaint in this litigation, and the issue was not remanded by the Court, and, therefore, was not before the Department on remand.<sup>8</sup>

On February 25, 2010, the Department issued its second remand redetermination,<sup>9</sup> wherein we: (1) Again continued to rely on data from the NHRDF to value Jinan Yipin and Shandong Heze's garlic seed used in the production of fresh garlic; (2) re-evaluated both respondent's water consumption and determined to value the irrigation pumping costs (*i.e.*, the energy used to pump the water) rather than valuing the water consumed in production, because both respondents incur only the irrigation cost associated with pumping the water from wells; (3) continued to value Jinan Yipin's packing cartons with Indian Import Statistics, however, in response to the Court's directive we provided further explanation as to why the Department had determined to exclude imports from

Indonesia, South Korea, and Thailand in deriving this surrogate value; and (4) determined that we had made a ministerial error in the calculation of the surrogate financial ratios, as alleged by Jinan Yipin, and corrected this ministerial error as directed by the Court. As a result, we calculated revised weighted-average dumping margins of 6.58 percent for Jinan Yipin and 40.66 percent for Shandong Heze.

In the *Jinan Yipin II Redetermination*, the Department declined to address an argument put forth by Jinan Yipin concerning the calculation of its surrogate labor wage rate, on the basis that the company raised the issue for the first time in its comments on the draft version of that redetermination.<sup>10</sup> However, during the pendency of this litigation, the CAFC issued its decision in *Dorbest Ltd. v. United States*, 604 F.3d 1363, 1372–73 (Fed. Cir. 20 10) ("*Dorbest*"), invalidating the Department's regulation, 19 CFR 35 IA08(c)(3), which previously governed our calculation of a respondent's surrogate labor wage rate. On June 30, 2010, with the Department's consent, Jinan Yipin moved to amend its complaint to add a new count, "Count 8," challenging our prior calculation of the company's surrogate labor wage rate under 19 CFR 351A08(c)(3).

The CIT granted Jinan Yipin leave to amend its complaint to add this new count on July 20, 2010. On April 12, 2011, the CIT issued its opinion in *Jinan Yipin III* and granted the Department's request for a voluntary remand for the purpose of recalculating Jinan Yipin's surrogate labor wage rate.<sup>11</sup> In that opinion, the CIT upheld the *Jinan Yipin II Redetermination* with regard to all other issues.

On September 7, 2012 the Department filed its third remand redetermination with the Court, wherein we recalculated the surrogate wage rate for Jinan Yipin.<sup>12</sup> As a result, we calculated a revised weighted-average dumping margins of 1.77 percent for Jinan Yipin.

**Timken Notice**

In its decision in *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the CAFC has held that, pursuant to section 516A(e) of the Act, the Department must publish a notice of a court decision that is not "in harmony" with a Department determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's June 5, 2012, judgment

<sup>10</sup> See *Jinan Yipin II Redetermination* at Comment 4.

<sup>11</sup> See *Jinan Yipin III* at 18.

<sup>12</sup> See *Jinan Yipin III Redetermination*.

sustaining the *Jinan Yipin III Redetermination* constitutes a final decision of that court that is not in harmony with the *Garlic AR8 Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. The cash deposit rates will remain the respective company-specific rates established for the subsequent and most recent period during which the respondents were reviewed.

**Amended Final Results**

Because there is now a final court decision with respect to these Plaintiffs, the revised dumping margins are as follows:

Exporter	Weighted-average margin (percent)
Jinan Yipin Corporation, Ltd. <sup>13</sup>	1.77
Shandong Heze International Trade and Developing Company <sup>14</sup> .....	40.66

In the event the CIT's ruling is not appealed or, if appealed, upheld by the CAFC, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on entries of the subject merchandise during the POR from the two companies named above based on the revised assessment rates calculated by the Department.

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: June 11, 2012.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-533-852]

**Circular Welded Carbon-Quality Steel Pipe From India: Postponement of Final Determination of Antidumping Duty Investigation**

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

<sup>13</sup> See *Jinan Yipin III Redetermination*.

<sup>14</sup> See *Jinan Yipin II Redetermination*.

<sup>7</sup> 19 CFR 351.224.

<sup>8</sup> See *Jinan Yipin I Redetermination* at p. 36.

<sup>9</sup> See *Jinan Yipin Corporation, Ltd. and Shandong Heze International Trade and Developing Company v. United States*, Consol. Court No. 04-00240, Slip Op. 09-70 (CIT July 2, 2009) Final Results of Redetermination Pursuant to Court Remand, dated February 25, 2010 ("*Jinan Yipin II Redetermination*") available at: <http://www.ia.ita.doc.gov/remands/index.html>.

**DATES:** *Effective Date:* June 18, 2012.

**FOR FURTHER INFORMATION CONTACT:** Steve Bezirgianian or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington DC 20230; telephone: (202) 482-1131 or (202) 482-0649, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On November 15, 2011, the Department of Commerce ("Department") initiated an antidumping duty investigation on circular welded carbon-quality steel pipe from India.<sup>1</sup> On June 1, 2012, the Department published its preliminary determination of sales at less than fair value.<sup>2</sup> The final determination of this antidumping duty investigation is currently due on August 6, 2012.

**Postponement of Final Determination and Extension of Provisional Measures**

Section 735(a)(2) of the Act provides that the Department may postpone a final determination until no later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by petitioner. In addition, 19 CFR 351.210(e)(2) requires that requests by respondents for postponement of a final determination be accompanied by a request for extension of provisional measures from a four-month period to not more than six months.

On June 6, 2012, Zenith Birla (India) Limited, the sole mandatory respondent in this investigation, requested a postponement of the final determination and an extension of the provisional measures pursuant to section 735(a)(2) of the Act and 19 CFR 351.210(e)(2). In accordance with section 735(a)(2) of the Act and 19 CFR 351.210(b), because (1) our preliminary determination is affirmative, (2) the requesting exporter accounts for a significant proportion of

exports of the subject merchandise,<sup>3</sup> and (3) no compelling reasons for denial exist, we are granting the request and are postponing the final determination until no later than 135 days after the publication of the preliminary determination notice in the **Federal Register**, or October 14, 2012.<sup>4</sup> Suspension of liquidation will be extended accordingly.

This notice is issued and published pursuant to sections 777(i) and 735(a)(2) of the Act and 19 CFR 351.210(g).

Dated: June 8, 2012.

**Paul Piquado,**  
*Assistant Secretary for Import Administration.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-423-808, A-449-804, A-405-803, A-475-818, A-421-811, A-469-807, A-475-703, A-588-845]

**Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act: Stainless Steel Plate in Coils From Belgium, Steel Concrete Reinforcing Bars From Latvia, Purified Carboxymethylcellulose From Finland, Certain Pasta From Italy, Purified Carboxymethylcellulose From the Netherlands, Stainless Steel Wire Rod From Spain, Granular Polytetrafluoroethylene Resin From Italy, Stainless Steel Sheet and Strip in Coils From Japan**

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

**SUMMARY:** On June 8, 2012, the U.S. Trade Representative ("USTR") instructed the Department of Commerce ("Department") to implement its determinations under section 129 of the Uruguay Round Agreements Act ("URAA") regarding the recalculation of cash deposit rates for estimated antidumping duties currently in effect for certain companies, in a manner which renders them not inconsistent with the World Trade Organization ("WTO") dispute settlement findings in

*US-Zeroing (EC)*,<sup>1</sup> *US-Continued Zeroing (EC)*,<sup>2</sup> and *US-Zeroing (Japan)*.<sup>3</sup> The Department issued its determinations in the Final Results of its section 129 proceedings<sup>4</sup> on June 6, 2012. The Department is now implementing these Final Results.

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

**FOR FURTHER INFORMATION CONTACT:** Sapna Sharma, James Maeder, or Michael Rill, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5285, (202) 482-3330, or (202) 482-3058, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On February 13, 2012, the USTR requested, pursuant to section 129 of the URAA, that the Department render the cash deposit rates currently in effect for certain companies not inconsistent with the WTO Dispute Settlement Body's ("DSB") recommendations and rulings in *US-Zeroing (EC)*, *US-Continued Zeroing (EC)*, and *US-Zeroing (Japan)*. Subsequently, on February 21, 2012, the Department initiated section 129 proceedings for the completed administrative reviews corresponding to the request from the USTR. In each section 129 proceeding, the Department recalculated the cash deposit rates for certain companies, as specified by the USTR, applying the calculation methodology described in *Antidumping Proceedings: Calculation of the*

<sup>1</sup> *United States-Laws, Regulations and Methodology for Calculating Dumping Margins ("Zeroing")*, WT/DS294/R, WT/DS294/AB/R, adopted May 9, 2006; *United States-Laws, Regulations and Methodology for Calculating Dumping Margins ("Zeroing"), Recourse to Article 21.5 of the DSU by the European Communities*, WT/DS294/AB/RW, adopted June 11, 2009 (collectively "*US-Zeroing (EC)*").

<sup>2</sup> *United States-Continued Existence and Application of Zeroing Methodology*, WT/DS350/R, WT/DS350/AB/R, adopted February 19, 2009 ("*US-Continued Zeroing (EC)*").

<sup>3</sup> *United States-Measures Related to Zeroing and Sunset Reviews*, WT/DS322/R, WT/DS322/AB/R, adopted January 23, 2007; *United States-Measures Related to Zeroing and Sunset Reviews, Recourse to Article 21.5 of the DSU by Japan*, WT/DS322/AB/RW, adopted August 31, 2009 (collectively "*US-Zeroing (Japan)*").

<sup>4</sup> Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, Final Results of Proceedings Under Section 129: Stainless Steel Plate in Coils from Belgium, Steel Concrete Reinforcing Bars from Latvia, Purified Carboxymethylcellulose from Finland, Certain Pasta from Italy, Purified Carboxymethylcellulose from the Netherlands, Stainless Steel Wire Rod from Spain, Granular Polytetrafluoroethylene Resin from Italy, Stainless Steel Sheet and Strip in Coils from Japan ("Final Results").

<sup>1</sup> See *Circular Welded Carbon-Quality Steel Pipe from India, the Sultanate of Oman, the United Arab Emirates, and the Socialist Republic of Vietnam: Initiation of Antidumping Duty Investigations*, 76 FR 72164 (November 22, 2011).

<sup>2</sup> See *Circular Welded Carbon-Quality Steel Pipe from India: Preliminary Determination of Sales at Less Than Fair Value*, 77 FR 32562 (June 1, 2012) (*Preliminary Determination*).

<sup>3</sup> See, e.g., *Preliminary Determination*, 77 FR at 32562.

<sup>4</sup> As October 14, 2012, is a Sunday, the signature day will be the next business day, October 15, 2012, in accordance with our practice. 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).