

accordance with section 734(i)(1)(B) of the Tariff Act of 1930, as amended (the Act). Pursuant to section 734(i)(1)(B) of the Act, the Department would resume the investigation as if it had published the affirmative preliminary determination under section 733(b) of the Act on the effective date of the termination. As explained in the *Preliminary Determination* (61 FR at 56609), the Department postponed the final determination until the 135th day after the date of the preliminary determination. The Department therefore would make its final determination in a resumed investigation within 135 days of termination of the 2008 Suspension Agreement, unless a new suspension agreement becomes effective. However, if the Department and substantially all of the growers/exporters of fresh tomatoes from Mexico sign a new suspension agreement, following the notice and comment period provided in accordance with section 734(c) of the Act, the resumed investigation would be suspended.

#### **Intent To Terminate the Five-Year Sunset Review**

On December 3, 2012, the Department initiated a five-year sunset review of the suspended antidumping investigation on fresh tomatoes from Mexico pursuant to section 751(c) of the Act. See *Initiation of Five-Year ("Sunset") Review*, 77 FR 71684 (December 3, 2012).

If the Department terminates the 2008 Suspension Agreement, there will no longer be a suspended investigation of which to conduct a sunset review. Therefore, the Department would terminate the sunset review of the suspended antidumping investigation on fresh tomatoes from Mexico, effective on the date of termination of the 2008 Suspension Agreement.

#### **International Trade Commission**

The Department has notified the International Trade Commission (ITC) of its intent to terminate the 2008 Suspension Agreement and resume the antidumping investigation. If the Department resumes the antidumping investigation, and if the Department makes a final affirmative determination in the investigation, the ITC is scheduled to make its final determination concerning injury within 45 days of publication of the Department's final determination. If both the Department's and the ITC's final determinations are affirmative, the Department will issue an antidumping duty order. However, as indicated above, if the Department and

substantially all of the growers/exporters of fresh tomatoes from Mexico sign a new suspension agreement, following the notice and comment period provided in accordance with section 734(c) of the Act, the resumed investigation would be suspended.

#### **Suspension of Liquidation**

If the Department terminates the 2008 Suspension Agreement and resumes the antidumping investigation as described above, the Department will instruct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of fresh tomatoes from Mexico that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the termination of the 2008 Suspension Agreement. CBP shall require antidumping duty cash deposits or bonds for entries of the subject merchandise based on the preliminary dumping margins, which range from 4.16 to 188.45 percent. See *Preliminary Determination*, 61 FR at 56615.

#### **Administrative Protective Order Access and Applicable Regulations**

The following requirements will apply if and during such time as the investigation is resumed. Because of the significant changes made to the administrative protective order (APO) process since the investigation, the Department will issue a new APO for any resumed investigation that will supersede the previously issued firm-specific APOs. Those authorized applicants that were granted APOs during the original investigation, as indicated in the most recent APO service list on the Department's Web site, will continue to have access to business proprietary information under APO. Any new APO applications or necessary amendments for changes in staff under the pre-existing APOs should be submitted promptly, and in accordance with the Department's regulations currently in effect. See section 777(c)(1) of the Act; 19 CFR 351.103, 351.304, 351.305 and 351.306.

In addition, because of the significant changes made to the Department's filing and certification requirements since the investigation, including electronic filing, the Department intends to apply its current regulations and practices with regard to filing and certification, should the antidumping investigation be resumed. See 19 CFR 351.303(b) and (g). However, with respect to the procedures for the conduct of any resumed investigation generally, including any possible suspension thereof, the Department's regulations in effect in 1996 shall govern. See 19 CFR 351.701; *San Vicente Camalu SPR de Ri v.*

*United States*, 491 F.Supp.2d 1186 (CIT 2007).

This determination is issued and published in accordance with section 733(f) and 734(i) of the Act.

Dated: February 4, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

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## **DEPARTMENT OF COMMERCE**

### **International Trade Administration**

**[C-570-944]**

#### **Certain Oil Country Tubular Goods From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review; 2011**

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

**SUMMARY:** The Department of Commerce ("the Department") is conducting an administrative review of the countervailing duty order on certain oil country tubular goods ("OCTG") from the People's Republic of China ("PRC"). The period of review ("POR") is January 1, 2011, through December 31, 2011. We preliminarily determine that Wuxi Seamless Oil Pipe Co., Ltd. ("Wuxi") and Jiangsu Chengde Steel Tube Share Co., Ltd. ("Jiangsu Chengde") received countervailable subsidies during the POR.

**DATES:** *Effective Date:* February 8, 2013.

**FOR FURTHER INFORMATION CONTACT:** Joshua Morris or Christopher Siepmann, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-1779 or (202) 482-7958, respectively.

#### **Scope of the Order**

The scope of the order consists of OCTG. The merchandise subject to the order is currently classified in the Harmonized Tariff Schedule of the United States ("HTSUS") under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10,

7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The OCTG coupling stock covered by the order may also enter under the following HTSUS item numbers:

7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, and 7304.59.80.80.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description, available in *Certain Oil Country Tubular Goods From the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order*, 75 FR 3203 (January 20, 2010), remains dispositive.

A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Paul Piquado, Assistant Secretary for Import Administration, "Decision Memorandum for Preliminary Results of Countervailing Duty Administrative Review: Certain Oil Country Tubular Goods from the People's Republic of China," dated concurrently with this notice ("Preliminary Decision Memorandum"), which is hereby adopted by this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System ("IA ACCESS"). IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can

be accessed directly on the Internet at <http://www.trade.gov/ia/>. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

#### Methodology

The Department has conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended ("the Act"). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific. See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and, section 771(5A) of the Act regarding specificity. See sections 776(a) and (b) of the Act.

In making these findings, we have relied, in part, on facts available and, because one or more respondents did not act to the best of their ability to respond to the Department's requests for information, we have drawn an adverse inference in selecting from among the facts otherwise available. See sections 776(a) and (b) of the Act. For further information, see "Use of Facts Otherwise Available and Adverse Inferences" in the Preliminary Decision Memorandum.

Finally, the Department was not able to make a preliminary determination of countervailability for certain programs because it requires additional information. See Preliminary Decision Memorandum at "Analysis of Programs—II. Programs For Which More Information is Required." We intend to seek that information prior to our final results.

For a full description of the methodology underlying our conclusions, see Preliminary Decision Memorandum.

#### Preliminary Results of the Review

As a result of this review, we preliminarily determine a net subsidy rate of 7.33 percent for Wuxi and a net subsidy rate of 1.84 percent for Jiangsu Chengde for the period January 1, 2011, through December 31, 2011.

#### Disclosure and Public Comment

The Department will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.<sup>1</sup> Due to the

anticipated timing of the release of post-preliminary analysis memoranda, interested parties may submit written comments (case briefs) for this administrative review no later than one week after the issuance of the last post-preliminary analysis memorandum, and rebuttal comments (rebuttal briefs) within five days after the time limit for filing case briefs.<sup>2</sup> Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

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, U.S. Department of Commerce within 30 days after the date of publication of this notice.<sup>3</sup> 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.<sup>4</sup> Parties should confirm by telephone the date, time, and location of the hearing.

Parties are reminded that briefs and hearing requests are to be filed electronically using IA ACCESS and that electronically filed documents must be received successfully in their entirety by 5 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, the Department will issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after issuance of these preliminary results.

#### Assessment Rates

Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection ("CBP") shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue 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

<sup>2</sup> See 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1).

<sup>3</sup> See 19 CFR 351.310(c).

<sup>4</sup> See 19 CFR 351.310.

<sup>1</sup> See 19 CFR 351.224(b).

notice of final results of administrative review for all shipments of OCTG from the PRC entered, or withdrawn from 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 Wuxi and Jiangsu Chengde 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 13.20 percent, the all-others rate established in *Certain Oil Country Tubular Goods from the People's Republic of China: Final Affirmative Countervailing Duty Determination, Final Negative Critical Circumstances Determination*, 74 FR 64045 (December 7, 2009). These cash deposit requirements, when imposed, shall remain in effect until further notice.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213.

Dated: February 1, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

## Appendix

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

1. Scope of the Order
2. Use of Facts Otherwise Available and Adverse Inferences
3. Subsidies Valuation Information
4. Analysis of Programs

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Notice of Scope Rulings

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

**DATES:** *Effective Date:* February 8, 2013.  
**SUMMARY:** The Department of Commerce ("Department") hereby publishes a list of scope rulings and anticircumvention determinations made between July 1,

2012, and September 30, 2012. We intend to publish future lists after the close of the next calendar quarter.

**FOR FURTHER INFORMATION CONTACT:** Jamie Blair-Walker, AD/CVD Operations, China/NME Group, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202-482-2615.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department's regulations provide that the Secretary will publish in the **Federal Register** a list of scope rulings on a quarterly basis.<sup>1</sup> Our most recent notification of scope rulings was published on August 29, 2012.<sup>2</sup> This current notice covers all scope rulings and anticircumvention determinations made by Import Administration between July 1, 2012, and September 30, 2012, inclusive. As described below, subsequent lists will follow after the close of each calendar quarter.

##### Scope Rulings Made Between July 1, 2012, and September 30, 2012

###### *People's Republic of China*

A-570-504: Petroleum Wax Candles From the People's Republic of China

Requestor: FashionCraft-Excello, Inc.; six animal figurine candles are not within the scope of the antidumping duty order; August 14, 2012.

A-570-836: Glycine From the People's Republic of China

Requestor: GEO Specialty Chemicals, Inc. and Chattem Chemicals, Inc.; People's Republic of China-origin technical or crude glycine further processed in India is within the scope of the antidumping duty order; preliminary ruling September 13, 2012.

A-570-868: Folding Metal Tables and Chairs From the People's Republic of China

Requestor: Lifetime Products, Inc.; its 34-inch square fold-in-half tables with model number 80243 and 37-inch square fold-in-half tables with model numbers 80100 and 280011 are not within the scope of the antidumping duty order; July 3, 2012.

A-570-886 Polyethylene Retail Carrier Bags From the People's Republic of China

Requestor: Bunzl Distribution USA, Inc.; its ice bag is not within the scope

of the antidumping duty order; July 6, 2012.

A-570-899: Certain Artist Canvas From the People's Republic of China

Requestor: Ningbo Conda Imp & Exp Company Ltd.; artist canvases woven and primed in India, which are subsequently cut, stretched, framed, and packaged in the PRC before exportation to the United States are not within the antidumping duty order; July 6, 2012.

A-570-910/C-570-911: Circular Welded Carbon Quality Steel Pipe From the People's Republic of China

Requestor: LDA Incopordo; electrical rigid metal steel conduits are not within the scope of the antidumping and countervailing duty orders; July 2, 2012.

A-570-912/C-50-913: Certain New Pneumatic Off-the-Road Tires From the People's Republic of China

Requestor: Igloo Products Corp. ("Igloo"); Igloo's new pneumatic tires with an overall 5-inch rim diameter are not within the scope of the antidumping and countervailing duty orders; September 24, 2012.

A-570-918: Steel Wire Garment Hangers From The People's Republic of China

Requestor: PetEdge Inc.; steel wire Canine Pet Fashion Hangers, with dog-shaped, rubber tipped hooks, are not within the scope of the antidumping duty order; August 2, 2012.

A-570-967/C-570-968: Aluminum Extrusions From the People's Republic of China

Requestor: A.O. Smith Corporation; water heater anodes are not within the scope of the antidumping and countervailing duty orders; preliminary ruling July 2, 2012.

A-570-967/C-570-968: Aluminum Extrusions From the People's Republic of China

Requestor: UQM Technologies Inc.; inner and outer motor cases are within the scope of the antidumping and countervailing duty orders; July 6, 2012.

A-570-967/C-570-968: Aluminum Extrusions From the People's Republic of China

Requestor: Electrolux North America, Inc., Electrolux Home Products, Inc. and Electrolux Major Appliances; certain fin evaporator systems ("FESs") are within the scope of the antidumping and countervailing duty orders; July 13, 2012.

<sup>1</sup> See 19 CFR 351.225(o).

<sup>2</sup> See *Notice of Scope Rulings*, 77 FR 52313 (August 29, 2012).