

Dated: February 11, 2014.

**Yvette Springer,**

*Committee Liaison Officer.*

[FR Doc. 2014-03384 Filed 2-14-14; 8:45 am]

**BILLING CODE 3510-JT-P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### Materials Processing Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Processing Equipment Technical Advisory Committee (MPETAC) will meet on March 11, 2014, 9:00 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials processing equipment and related technology.

#### Agenda

##### Open Session

1. Opening remarks and introductions.
2. Presentation of papers and comments by the Public.
3. Discussions on results from last, and proposals for next Wassenaar meeting.
4. Report on proposed and recently issued changes to the Export Administration Regulations.
5. Other business.

##### Closed Session

6. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at [Yvette.Springer@bis.doc.gov](mailto:Yvette.Springer@bis.doc.gov), no later than March 4, 2014.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 20, 2013, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d)), that the portion of the meeting dealing with matters the premature disclosure of which would be likely to frustrate significantly implementation of a proposed agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482-2813.

Dated: February 11, 2014.

**Yvette Springer,**

*Committee Liaison Officer.*

[FR Doc. 2014-03385 Filed 2-14-14; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-856]

#### Steel Threaded Rod from India: Preliminary Affirmative Determination of Critical Circumstances for the Countervailing Duty Investigation

**AGENCY:** Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce ("Department") has preliminarily determined that critical circumstances exist with respect to imports of subject merchandise in the countervailing duty ("CVD") investigation of steel threaded rod from India, with the exception of imports from Mangal Steel Enterprises Limited ("Mangal Steel").

**DATES:** *Effective Date:* February 18, 2014.

**FOR FURTHER INFORMATION CONTACT:** Andrew Medley, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, Room 4416, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202-482-4987.

#### SUPPLEMENTARY INFORMATION:

##### Case History

On June 27, 2013, the Department received a CVD Petition concerning imports of steel threaded rod from India filed in proper form by All America Threaded Products Inc.; Bay Standard

Manufacturing Inc.; and Vulcan Threaded Products Inc. (collectively, "Petitioners").<sup>1</sup> This investigation was initiated on July 17, 2013.<sup>2</sup> The affirmative *Preliminary Determination* was published on December 19, 2013.<sup>3</sup>

On January 10, 2014, Petitioners alleged that critical circumstances exist with respect to imports of steel threaded rod from India and submitted U.S. Census Bureau import data in support of their allegation. On January 17, 2014, the Department requested from Mangal Steel monthly shipment data of subject merchandise to the United States for the period February 2013 through November 2013. On January 22, 2014, Mangal Steel submitted the requested data.

#### Period of Investigation

The period for which we are measuring subsidies, or the period of investigation ("POI"), is calendar year 2012.

#### Scope of Investigation

The merchandise covered by this investigation is steel threaded rod. Steel threaded rod is certain threaded rod, bar, or studs, of carbon quality steel, having a solid, circular cross section, of any diameter, in any straight length, that have been forged, turned, cold-drawn, cold-rolled, machine straightened, or otherwise cold-finished, and into which threaded grooves have been applied. In addition, the steel threaded rod, bar, or studs subject to this investigation are non-headed and threaded along greater than 25 percent of their total length. A variety of finishes or coatings, such as plain oil finish as a temporary rust protectant, zinc coating (*i.e.*, galvanized, whether by electroplating or hot-dipping), paint, and other similar finishes and coatings, may be applied to the merchandise.<sup>4</sup>

<sup>1</sup> See submission by Petitioners titled "Petitions for the Imposition of Antidumping Duties on Steel Threaded Rod from Thailand and Antidumping and Countervailing Duties on Steel Threaded Rod from India," and dated June 27, 2013 ("Petition"). A public version of the Petition and all other public documents and public versions for this investigation are available on the public file in the Central Records Unit, Room 7046 of the main Department of Commerce building.

<sup>2</sup> See *Steel Threaded Rod From India: Initiation of Countervailing Duty Investigation*, 78 FR 44532 (July 24, 2013), and accompanying Initiation Checklist.

<sup>3</sup> See *Steel Threaded Rod from India: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Determination*, 78 FR 76815 (December 19, 2013) ("Preliminary Determination").

<sup>4</sup> For a complete description of the scope of the investigation, see Appendix 1 to the *Preliminary Determination*.

## Comments of the Parties

In their critical circumstances allegation, Petitioners allege that there is a reasonable basis to believe that there are subsidies in this investigation which are inconsistent with the World Trade Organization Agreement on Subsidies and Countervailing Measures (“Subsidies Agreement”). Petitioners cite to the *Preliminary Determination*, in which the Department preliminarily determined that Mangal Steel and Babu Exports (“Babu”) received subsidies which are contingent on export performance.

Petitioners also claim that there have been massive imports of steel threaded rod in the five months following the filing of the Petition on June 27, 2013. Petitioners provided data which they contend demonstrate that imports of subject merchandise increased by more than 15 percent, which is required to be considered “massive” under 19 CFR 351.206(h)(2).

## Critical Circumstances Analysis

Section 703(e)(1) of the Tariff Act of 1930, as amended (“the Act”) provides that the Department will 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).<sup>5</sup>

In determining whether imports of the subject merchandise have been “massive,” 19 CFR 351.206(h)(1) 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

<sup>5</sup> See, e.g., *Notice of Preliminary Negative Determination of Critical Circumstances: Certain New Pneumatic Off-the-Road Tires From the People's Republic of China*, 73 FR 21588, 21589–90 (April 22, 2008), unchanged in *Final Affirmative Countervailing Duty Determination and Final Negative Critical Circumstances Determination: Carbon and Certain Alloy Steel Wire Rod From Germany*, 67 FR 55808, 55809 (August 30, 2002).

compared to imports during an “immediately preceding period of comparable duration” (base period).<sup>6</sup>

19 CFR 351.206(i) defines “relatively short period” as normally being the period beginning on the date 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 five-month base period (*i.e.*, February 2013 through June 2013) and a five-month comparison period (*i.e.*, July 2013 through November 2013).

## Mangal Steel

In the *Preliminary Determination*, the Department found that, during the POI, Mangal Steel received countervailable benefits under five programs that are contingent upon export performance: Pre- and Post-Shipment Export Financing, Duty Drawback, Export Promotion of Capital Goods Scheme, Focus Product Scheme, and Status Holder Incentive Scrip. Therefore, we preliminarily determine that there is a reasonable basis to believe or suspect that these programs are inconsistent with the Subsidies Agreement.

In determining whether there were massive imports from Mangal Steel, we analyzed Mangal Steel’s monthly shipment data for the period February 2013 through November 2013. These data indicate that there was not a massive increase in shipments of subject merchandise to the United States by Mangal Steel during the five-month period immediately following the filing of the Petition on June 27, 2013.<sup>7</sup>

## Babu

Because Babu is not participating in this investigation,<sup>8</sup> consistent with Department practice, we have based our critical circumstances determination for Babu on adverse facts available (“AFA”), in accordance with sections 776(a) and (b) of the Act and 19 CFR 351.308(c).<sup>9</sup> As AFA, we preliminarily

<sup>6</sup> See 19 CFR 351.206(h)(2).

<sup>7</sup> See the Memorandum to the File from Andrew Medley titled “Critical Circumstances Shipment Data Analysis,” dated concurrently with this notice (“Critical Circumstances Memorandum”).

<sup>8</sup> Babu did not respond to the Department’s September 6, and 19, 2013, questionnaires; thus, for the *Preliminary Determination*, we based Babu’s CVD rate upon facts otherwise available and made an adverse inference for Babu, pursuant to section 776(b) of the Act, because we determined that, by not responding to our questionnaires, Babu had failed to cooperate to the best of its ability.

<sup>9</sup> See, e.g., *Final Determination of Sales at Less Than Fair Value and Affirmative Determination of Critical Circumstances: Small Diameter Graphite Electrodes from the People's Republic of China*, 74 FR 2049, 2052–53 (January 14, 2009), where we cite to the Statement of Administrative Action accompanying the Uruguay Round Agreements Act,

determine that Babu received countervailable benefits under programs that are contingent upon export performance. Also, as AFA, we preliminarily determine that Babu made massive imports of subject merchandise over a relatively short period of time.

## All Other Exporters

With regard to whether imports of subject merchandise by the “all other” exporters of steel threaded rod from India were massive, we preliminarily determine that because 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 shipments by the “all other” companies, in accordance with section 703(e)(1)(B) of the Act and 19 CFR 351.206(h). Therefore, we analyzed, in accordance with 19 CFR 351.206(i), monthly shipment data for the period February 2013 through November 2013, using shipment data from the U.S. Census Bureau, adjusted to remove shipments reported by the only exporter actively participating in this investigation, Mangal Steel.<sup>10</sup> The resulting data indicate there was a massive increase in shipments, as defined by 19 CFR 351.206(h)(2).<sup>11</sup>

## Conclusion

We preliminarily determine that critical circumstances do not exist with regard to shipments from one mandatory respondent, Mangal Steel and, as AFA, preliminarily determine that critical circumstances exist with regard to shipments from the other mandatory respondent, Babu. We also preliminarily determine, based on our analysis of the shipment data on the record, that critical circumstances exist for imports from “all other” exporters of

H.R. Doc. 103–316, Vol. 1 (1994) at 870, noting that the Department may employ adverse inferences in selecting from among the facts available “to ensure that the party does not obtain a more favorable result by failing to cooperate fully.”

<sup>10</sup> See, e.g., *Steel Wire Garment Hangers From the Socialist Republic of Vietnam: Preliminary Affirmative Determination of Critical Circumstances*, 77 FR 73430, 73432 (December 10, 2012), unchanged in *Certain Steel Wire Garment Hangers From the Socialist Republic of Vietnam: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination*, 77 FR 75973, 75974 (December 26, 2012); see also *Certain Oil Country Tubular Goods From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination, Preliminary Negative Critical Circumstances Determination*, 74 FR 47210, 47212 (September 15, 2009), unchanged 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, 64047 (December 7, 2009).

<sup>11</sup> See Critical Circumstances Memorandum.

steel threaded rod from India. We will make a final determination concerning critical circumstances for steel threaded rod from India when we make our final countervailable subsidy determination in this investigation. As provided in section 782(i)(1) of the Act, we intend to verify the information submitted in response to the Department's questionnaires.

### Suspension of Liquidation

In accordance with section 703(e)(2)(A) of the Act, we are directing U.S. Customs and Border Protection to suspend liquidation, with regards to all exporters except Mangal Steel, of any unliquidated entries of subject merchandise from the India entered, or withdrawn from warehouse for consumption, on or after September 20, 2013, which is 90 days prior to the date of publication of the *Preliminary Determination* in the **Federal Register**.

### ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination.

This determination is issued and published pursuant to sections 703(f) and 777(i)(1) of the Act.

Dated: February 7, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-855]

#### Steel Threaded Rod from India: Preliminary Determination of Sales at Less Than Fair Value, Affirmative Preliminary Determination of Critical Circumstances, in Part, and Postponement of Final Determination

**AGENCY:** Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (the "Department") preliminarily determines that steel threaded rod from India is being, or is likely to be, sold in the United States at less than fair value ("LTFV"), as provided in section 733(b) of the Tariff Act of 1930, as amended (the "Act"). The period of investigation ("POI") is April 1, 2012, through March 31, 2013. The estimated weighted-average dumping margins of sales at LTFV are listed in the "Preliminary Determination" section of this notice.

Interested parties are invited to comment on this preliminary determination.

**DATES:** *Effective Date:* February 18, 2014.

**FOR FURTHER INFORMATION CONTACT:** Paul Stolz or Raquel Silva, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4474 or (202) 482-6475.

### SUPPLEMENTARY INFORMATION:

#### Scope of the Investigation

The merchandise covered by this investigation is steel threaded rod. Steel threaded rod is certain threaded rod, bar, or studs, of carbon quality steel, having a solid, circular cross section, of any diameter, in any straight length, that have been forged, turned, cold-drawn, cold-rolled, machine straightened, or otherwise cold-finished, and into which threaded grooves have been applied. In addition, the steel threaded rod, bar, or studs subject to this investigation are non-headed and threaded along greater than 25 percent of their total length. A variety of finishes or coatings, such as plain oil finish as a temporary rust protectant, zinc coating (*i.e.*, galvanized, whether by electroplating or hot-dipping), paint, and other similar finishes and coatings, may be applied to the merchandise. For a complete description of the scope of the investigation, *see* Appendix I to this notice.

#### Postponement of Final Determination

Pursuant to section 735(a)(2) of the Act, on December 13, 2013, and December 18, 2013, Petitioners<sup>1</sup> and Mangal Steel Enterprises Limited ("Mangal"), one of the mandatory respondents in this proceeding, respectively, requested that the Department postpone the final determination.<sup>2</sup> In accordance with section 733(d) 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, and (3) no

<sup>1</sup> The petition was filed by All America Threaded Products Inc., Bay Standard Manufacturing Inc., and Vulcan Threaded Products Inc. ("Petitioners").

<sup>2</sup> *See* Letter from Petitioners, "Antidumping Duty Investigation of Steel Threaded Rod from India — Petitioners' Request for Extension of Time for Final Determination," dated December 13, 2013; and Letter from Mangal, "Steel Threaded Rod from India: Request for Extension of the Final Determination and Provisional Measures," dated December 18, 2013.

compelling reasons for denial exist, we are granting the requests and are postponing the final determination until no later than 135 days after the publication of the preliminary determination notice in the **Federal Register**. Suspension of liquidation will be extended accordingly. The Department is further extending the application of the provisional measures from a four-month period to a six-month period.

#### Preliminary Determination of Affiliation and Collapsing

Based on the evidence presented in Mangal's questionnaire responses, we preliminarily find that Mangal and Corona Steel Industries Private Limited ("Corona") are affiliated pursuant to sections 771(33)(A) and (F) of the Act.<sup>3</sup> Additionally, based on an analysis of the principle/agent relationship between Mangal and NASCO,<sup>4</sup> a U.S. trader/reseller of Mangal-produced subject merchandise, we preliminarily find Mangal and NASCO to be partners and, thus, affiliated pursuant to section 771(33)(G) of the Act.<sup>5</sup>

In addition, based on the evidence presented in the questionnaire responses, we preliminarily find that Mangal and Corona should not be treated as a single entity for the purposes of this investigation. This

<sup>3</sup> *See* the Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations entitled "Decision Memorandum for the Preliminary Determination of the Antidumping Duty Investigation of Steel Threaded Rod from India" ("Preliminary Decision Memorandum"), and Memorandum to the File, entitled, "Affiliation and Collapsing, Mangal Steel Enterprises Limited and Corona Steel Industries Private Limited," ("Affiliation and Collapsing Memorandum"), each dated concurrently with this notice.

<sup>4</sup> The fact that NASCO is Mangal's trader/reseller was initially bracketed by Mangal and identified as proprietary information. However, Mangal and Petitioners subsequently disclosed this information publicly on the record. *See, e.g.*, Letter from Mangal, "Steel Threaded Rod from India: Supplemental Section A Response," dated January 3, 2014, at 8 (stating: "or requiring Mangal to only sell threaded rod in the United States through NASCO."); *see also* Letter from Petitioners, "Antidumping Investigation of Steel Threaded Rod from India — Petitioners' Deficiency Comments on Response of Mangal Steel to Section A of Antidumping Duty Questionnaire," dated October 30, 2013, at 4 (stating: "In researching shipments of subject merchandise from Mangal Steel, Petitioners found that Mangal Steel had a significant number of shipments to a consignee called North American Steel Connection (NASCO). . . ." and "Based on a general internet search regarding North American Steel Connection, Petitioners found that NASCO was a joint venture partner in another company. . ."). Once a party discloses its information that was formerly given proprietary treatment publicly, the Department no longer will treat that information as proprietary on the administrative record.

<sup>5</sup> *See* Preliminary Decision Memorandum.