

**DEPARTMENT OF COMMERCE****International Trade Administration**

[C-351-844, C-533-866, C-570-030, C-580-882, C-821-823]

**Certain Cold-Rolled Steel Flat Products From Brazil, India, the People's Republic of China, the Republic of Korea, and the Russian Federation: Initiation of Countervailing Duty Investigations**

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

**DATES:** *Effective date:* August 24, 2015.

**FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:****The Petitions**

On July 28, 2015, the Department of Commerce (Department) received countervailing duty (CVD) petitions concerning imports of certain cold-rolled steel flat products (cold-rolled steel) from Brazil, India, the People's Republic of China (the PRC), the Republic of Korea (Korea), and the Russian Federation (Russia), filed in proper form on behalf of AK Steel Corporation, ArcelorMittal USA EEC, Nucor Corporation, Steel Dynamics, Inc., and United States Steel Corporation (collectively, Petitioners). The CVD petitions were accompanied by antidumping duty (AD) petitions also concerning imports of cold-rolled steel from all of the above countries, in addition to Japan, the Netherlands, and the United Kingdom.<sup>1</sup> Petitioners are domestic producers of cold-rolled steel.<sup>2</sup>

On July 31, 2015, the Department requested information and clarification for certain areas of the Petitions.<sup>3</sup>

<sup>1</sup> See "Petitions for the Imposition of Antidumping and Countervailing Duties: Certain Cold-Rolled Steel Flat Products from Brazil, the People's Republic of China, India, Japan, the Republic of Korea, Netherlands, Russia, and the United Kingdom," dated July 28, 2015 (Petitions).

<sup>2</sup> See Volume I of the Petitions, at 2, and Exhibits I-3 and I-4.

<sup>3</sup> See Letter from the Department to Petitioners entitled "Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Cold-Rolled Steel Flat Products from

Petitioners filed responses to these requests on August 4, 2015.<sup>4</sup> On August 6, 2015, the Department sought additional information with regard to the India CVD Petition and the Russia CVD Petition.<sup>5</sup> Petitioners filed their

Brazil, the People's Republic of China, India, the Republic of Korea, and Russia and Antidumping Duties on Imports from Japan, Netherlands, and the United Kingdom: Supplemental Questions," dated July 31, 2015 (General Issues Questionnaire); Letter from the Department to Petitioners entitled "Petition for the Imposition of Countervailing Duties on Imports of Certain Cold-Rolled Steel Flat Products from Brazil: Supplemental Questions," dated July 31, 2015 (Brazil Questionnaire); Letter from the Department to Petitioners entitled "Petition for the Imposition of Countervailing Duties on Imports of Certain Cold-Rolled Steel Flat Products from India: Supplemental Questions," dated July 31, 2015 (India Questionnaire); Letter from the Department to Petitioners entitled "Petition for the Imposition of Countervailing Duties on Imports of Certain Cold-Rolled Steel Flat Products from the People's Republic of China: Supplemental Questions," dated July 31, 2015 (PRC Questionnaire); Letter from the Department to Petitioners entitled "Petition for the Imposition of Countervailing Duties on Imports of Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Supplemental Questions," dated July 31, 2015 (Korea Questionnaire); Letter from the Department to Petitioners entitled "Petition for the Imposition of Countervailing Duties on Imports of Certain Cold-Rolled Steel Flat Products from Russia: Supplemental Questions," dated July 31, 2015 (Russia Questionnaire).

<sup>4</sup> See Letter from Petitioners entitled "Certain Cold-Rolled Steel Flat Products from Brazil, the People's Republic of China, India, Japan, the Republic of Korea, Netherlands, Russia, and the United Kingdom: Response to the Department's July 31, 2015 Questionnaire Regarding Volume I of the Petitions for the Imposition of Antidumping and Countervailing Duties," dated August 4, 2015 (General Issues Supplement); Letter from Petitioners entitled "Certain Cold-Rolled Steel Flat Products from Brazil: Response to the Department's July 31, 2015 Questionnaire Regarding Volume V of the Petition for the Imposition of Countervailing Duties," dated August 4, 2015 (Brazil Supplement); Letter from Petitioners entitled "Certain Cold-Rolled Steel Flat Products from India: Response to the Department's July 31, 2015 Questionnaire Regarding Volume VII of the Petition for the Imposition of Countervailing Duties," dated August 4, 2015 (India Supplement); Letter from Petitioners entitled "Certain Cold-Rolled Steel Flat Products from the People's Republic of China: Response to the Department's July 31, 2015 Questionnaire Regarding Volume III of the Petition for the Imposition of Countervailing Duties," dated August 4, 2015 (PRC Supplement); Letter from Petitioners entitled "Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Response to the Department's July 31, 2015 Questionnaire Regarding Volume X of the Petition for the Imposition of Countervailing Duties," dated August 4, 2015 (Korea Supplement); and Letter from Petitioners entitled "Certain Cold-Rolled Steel Flat Products from Russia: Response to the Department's July 31, 2015 Questionnaire Regarding Volume XIII of the Petition for the Imposition of Countervailing Duties," dated August 4, 2015 (Russia Supplement).

<sup>5</sup> See Letter from the Department to Petitioners entitled "Petition for the Imposition of Countervailing Duties on Imports of Certain Cold-Rolled Steel Flat Products from Russia: Supplemental Question," dated August 6, 2015 (Russia Second Questionnaire); and Letter from the Department to Petitioners entitled "Petition for the Imposition of Countervailing Duties on Imports of Certain Cold-Rolled Steel Flat Products from India:

Russia CVD response on August 7, 2015, and their India CVD response on August 10, 2015.<sup>6</sup>

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), Petitioners allege that the Governments of Brazil (GOB), India (GOI), the PRC (GOC), Korea (GOK), and Russia (GOR) are providing countervailable subsidies (within the meaning of sections 701 and 771(5) of the Act) to imports of cold-rolled steel from Brazil, India, the PRC, Korea, and Russia, respectively, and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 702(b)(1) of the Act, the Petitions are accompanied by information reasonably available to Petitioners supporting their allegations.

The Department finds that Petitioners filed the Petitions on behalf of the domestic industry because Petitioners are interested parties as defined in section 771(9)(C) of the Act. The Department also finds that Petitioners demonstrated sufficient industry support with respect to the initiation of the CVD investigations that Petitioners are requesting.<sup>7</sup>

**Period of Investigations**

The period of investigations is January 1, 2014, through December 31, 2014.<sup>8</sup>

**Scope of the Investigations**

The product covered by these investigations is cold-rolled steel from Brazil, India, the PRC, Korea, and Russia. For a full description of the scope of these investigations, see the "Scope of the Investigations" in Appendix I of this notice.

**Comments on Scope of the Investigations**

During our review of the Petitions, the Department discussed with Petitioners the proposed scope to ensure that the scope language in the Petitions would be an accurate reflection of the products

Supplemental Question," dated August 6, 2015 (India Second Questionnaire).

<sup>6</sup> See Letter from Petitioners entitled "Certain Cold-Rolled Steel Flat Products from Russia: Response to the Department's August 6, 2015 Questionnaire Regarding Volume XIII of the Petition for the Imposition of Countervailing Duties," dated August 7, 2015 (Russia Second Supplement); and Letter from Petitioners entitled "Certain Cold-Rolled Steel Flat Products from India: Response to the Department's August 6, 2015 Questionnaire Regarding Volume VII of the Petition for the Imposition of Countervailing Duties," dated August 10, 2015 (India Second Supplement);

<sup>7</sup> See the "Determination of Industry Support for the Petitions" section below.

<sup>8</sup> 19 CFR 351.204(b)(2).

for which the domestic industry is seeking relief.<sup>9</sup>

As discussed in the preamble to the Department's regulations,<sup>10</sup> we are setting aside a period for interested parties to raise issues regarding product coverage (scope). The Department will consider all comments received from parties and, if necessary, will consult with parties prior to the issuance of the preliminary determinations. If scope comments include factual information (see 19 CFR 351.102(b)(21)), all such factual information should be limited to public information. In order to facilitate preparation of its questionnaires, the Department requests all interested parties to submit such comments by 5:00 p.m. Eastern Time (ET) on Tuesday, September 8, 2015, which is the first business day after 20 calendar days from the signature date of this notice.<sup>11</sup> Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on Friday, September 18, 2015, which is 10 calendar days after the initial comments deadline.

The Department requests that any factual information the parties consider relevant to the scope of the investigations be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact the Department and request permission to submit the additional information. All such comments must be filed on the records of each of the concurrent AD and CVD investigations.

### Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). An electronically-filed document must be received successfully in its entirety by the time and date it is due. Documents excepted from the electronic submission requirements must be filed manually (*i.e.*, in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and

stamped with the date and time of receipt by the applicable deadlines.

### Consultations

Pursuant to section 702(b)(4)(A)(i) of the Act, the Department notified representatives of the GOB, GOI, GOK, GOC, and GOR of the receipt of the Petitions. Also, in accordance with section 702(b)(4)(A)(ii) of the Act, the Department provided representatives of the GOB, GOI, GOK, GOC, and GOR the opportunity for consultations with respect to the Petitions. On August 11, 2015, consultations were held with the GOR, and on August 14, 2015 consultations were held with the GOB and GOK.<sup>12</sup> All invitation letters and memoranda regarding these consultations are on file electronically via ACCESS.

### Determination of Industry Support for the Petitions

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the "industry."

Section 771(4)(A) of the Act defines the "industry" as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether "the domestic industry" has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both

the Department and the ITC must apply the same statutory definition regarding the domestic like product,<sup>13</sup> they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.<sup>14</sup>

Section 771(10) of the Act defines the domestic like product as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Thus, the reference point from which the domestic like product analysis begins is "the article subject to an investigation" (*i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petitions).

With regard to the domestic like product, Petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations. Based on our analysis of the information submitted on the record, we have determined that cold-rolled steel constitutes a single domestic like product and we have analyzed industry support in terms of that domestic like product.<sup>15</sup>

In determining whether Petitioners have standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in

<sup>13</sup> See section 771(10) of the Act.

<sup>14</sup> See *USEC, Inc. v. United States*, 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

<sup>15</sup> For a discussion of the domestic like product analysis in this case, see *Countervailing Duty Investigation Initiation Checklist: Certain Cold-Rolled Steel Flat Products from Brazil* (Brazil CVD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Cold-Rolled Steel Flat Products from Brazil, the People's Republic of China, India, Japan, the Republic of Korea, the Netherlands, the Russian Federation, and the United Kingdom (Attachment II); *Countervailing Duty Investigation Initiation Checklist: Certain Cold-Rolled Steel Flat Products from the People's Republic of China* (PRC CVD Initiation Checklist), at Attachment II; *Countervailing Duty Investigation Initiation Checklist: Certain Cold-Rolled Steel Flat Products from India* (India CVD Initiation Checklist), at Attachment II; *Countervailing Duty Investigation Initiation Checklist: Certain Cold-Rolled Steel Flat Products from the Republic of Korea* (Korea CVD Initiation Checklist), at Attachment II; and *Countervailing Duty Investigation Initiation Checklist: Certain Cold-Rolled Steel Flat Products from the Russian Federation* (Russia CVD Initiation Checklist). These checklists are dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

<sup>9</sup> See Memorandum from Vicki Flynn to The File, dated August 7, 2015. See also Letter from Petitioners entitled "Revised Scope, Amendment to Petitions," dated August 10, 2015.

<sup>10</sup> See *Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

<sup>11</sup> See 19 CFR 351.303(b).

<sup>12</sup> Consultations were not held with the GOI and GOC, as none were requested by those governments prior to initiation of these investigations.

the Petitions with reference to the domestic like product as defined in the “Scope of the Investigations,” in Appendix I of this notice. Petitioners provided their production of the domestic like product in 2014, as well as total production of the domestic like product for the entire domestic industry.<sup>16</sup> To establish industry support, Petitioners compared their own production to total production of the domestic like product for the entire domestic industry.<sup>17</sup>

Our review of the data provided in the Petitions, General Issues Supplement, and other information readily available to the Department indicates that Petitioners have established industry support.<sup>18</sup> First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.*, polling).<sup>19</sup> Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act for the Petitions because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.<sup>20</sup> Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act for the Petitions because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the

domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.<sup>21</sup> Accordingly, the Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.

The Department finds that Petitioners filed the Petitions on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) of the Act and they have demonstrated sufficient industry support with respect to the CVD investigations that they are requesting the Department initiate.<sup>22</sup>

### Injury Test

Because Brazil, India, the PRC, Korea, and Russia are “Subsidies Agreement Countries” within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to these investigations. Accordingly, the ITC must determine whether imports of the subject merchandise from Brazil, India, the PRC, India, Korea, and Russia materially injure, or threaten material injury to, a U.S. industry.

### Allegations and Evidence of Material Injury and Causation

Petitioners allege that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, with regard to Brazil, the PRC, Korea, and Russia, Petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.<sup>23</sup>

In CVD petitions, section 771(24)(A) of the Act provides that imports of subject merchandise must exceed the negligibility threshold of three percent, except that imports of subject merchandise from developing countries in CVD investigations must exceed the negligibility threshold of four percent, pursuant to section 771(24)(B) of the Act. Brazil has been designated as a developing country, and India has been designated as a least developed country.<sup>24</sup>

While the allegedly subsidized imports from India do not meet the statutory negligibility threshold of four percent, Petitioners allege and provide supporting evidence that (1) there is a

reasonable indication that data obtained in the ITC’s investigation will establish that imports exceed the negligibility threshold,<sup>25</sup> and (2) there is the potential that imports from India will imminently exceed the negligibility threshold and, therefore, are not negligible for purposes of a threat determination.<sup>26</sup> Petitioners’ arguments regarding the limitations of publicly available import data and the collection of scope-specific import data in the ITC’s investigation are consistent with the SAA. Furthermore, Petitioners’ arguments regarding the potential for imports to imminently exceed the negligibility threshold are consistent with the statutory criteria for “negligibility in threat analysis” under section 771(24)(A)(iv) of the Act, which provides that imports shall not be treated as negligible if there is a potential that subject imports from a country will imminently exceed the statutory requirements for negligibility.

Petitioners contend that the industry’s injured condition is illustrated by reduced market share; reduced shipments, production, and capacity utilization; underselling and price suppression or depression; declining employment variables; lost sales and revenues; and declining financial performance.<sup>27</sup> We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.<sup>28</sup>

### Initiation of Countervailing Duty Investigations

Section 702(b)(1) of the Act requires the Department to initiate a CVD investigation whenever an interested party files a CVD petition on behalf of an industry that: (1) Alleges the elements necessary for an imposition of

<sup>16</sup> See Volume I of the Petitions, at 2–4 and Exhibits I–3 and I–4; General Issues Supplement, at 3. Petitioners also provided an alternate industry support calculation based on American Iron and Steel Institute shipment data. See Volume I of the Petitions, at 2–3 and Exhibit I–3; see also General Issues Supplement, at 2–4 and Exhibits I–Supp–10 through I–Supp–13. Petitioners demonstrate requisite industry support for the initiation of these investigations regardless of which calculation is used.

<sup>17</sup> See Volume I of the Petitions, at 2–4 and Exhibits I–3 and I–4; General Issues Supplement, at 3. For further discussion, see Brazil CVD Initiation Checklist, PRC CVD Initiation Checklist, India CVD Initiation Checklist, Korea CVD Initiation Checklist, and Russia CVD Initiation Checklist, at Attachment II.

<sup>18</sup> See Brazil CVD Initiation Checklist, PRC CVD Initiation Checklist, India CVD Initiation Checklist, Korea CVD Initiation Checklist, and Russia CVD Initiation Checklist, at Attachment II.

<sup>19</sup> See section 702(c)(4)(D) of the Act; see also Brazil CVD Initiation Checklist, PRC CVD Initiation Checklist, India CVD Initiation Checklist, Korea CVD Initiation Checklist, and Russia CVD Initiation Checklist, at Attachment II.

<sup>20</sup> See Brazil CVD Initiation Checklist, PRC CVD Initiation Checklist, India CVD Initiation Checklist, Korea CVD Initiation Checklist, and Russia CVD Initiation Checklist, at Attachment II.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> See Volume I of the Petitions, at 28–29 and Exhibit I–12.

<sup>24</sup> See section 771(36)(A)–(B) of the Act.

<sup>25</sup> See *Statement of Administrative Action (SAA)*, H.R. Doc. No. 103–316, Vol. 1, (1994) (SAA), at 857; see also General Issues Supplement, at 5–7 and Exhibit I–Supp–14.

<sup>26</sup> See section 771(24)(A)(iv) of the Act; see also Volume I of the Petitions, at Exhibit I–8; and General Issues Supplement, at 7–9 and Exhibits I–Supp–14 and I–Supp–15.

<sup>27</sup> See Volume I of the Petitions, at 14–16, 23–45, and Exhibits I–3, I–4, I–6, I–8 and I–10 through I–15; see also General Issues Supplement, at Exhibits I–Supp–1, I–Supp–14, and I–Supp–15.

<sup>28</sup> See Brazil CVD Initiation Checklist, PRC CVD Initiation Checklist, India CVD Initiation Checklist, Korea CVD Initiation Checklist, and Russia CVD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Cold-Rolled Steel Flat Products from Brazil, the People’s Republic of China, India, Japan, the Republic of Korea, the Netherlands, Russia, and the United Kingdom.

a duty under section 701(a) of the Act; and (2) is accompanied by information reasonably available to Petitioners supporting the allegations.

Petitioners allege that producers/exporters of cold-rolled steel in Brazil, India, the PRC, Korea, and Russia benefited from countervailable subsidies bestowed by the governments of these countries, respectively. The Department examined the Petitions and finds that they comply with the requirements of section 702(b)(1) of the Act. Therefore, in accordance with section 702(b)(1) of the Act, we are initiating CVD investigations to determine whether manufacturers, producers, or exporters of cold-rolled steel from Brazil, India, the PRC, Korea, and Russia receive countervailable subsidies from the governments of these countries, respectively.

On June 29, 2015, the President of the United States signed into law the Trade Preferences Extension Act of 2015, which made numerous amendments to the AD and CVD law.<sup>29</sup> The 2015 law does not specify dates of application for those amendments. On August 6, 2015, the Department published an interpretative rule, in which it announced the applicability dates for each amendment to the Act, except for amendments contained in section 771(7) of the Act, which relate to determinations of material injury by the ITC.<sup>30</sup> The amendments to sections 776 and 782 of the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to these CVD investigations.<sup>31</sup>

### Brazil

Based on our review of the petition, we find that there is sufficient information to initiate a CVD investigation on 32 of the 35 alleged programs. For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* the Brazil CVD Initiation Checklist.

### India

Based on our review of the petition, we find that there is sufficient information to initiate a CVD investigation on 53 of the 56 alleged programs. For a full discussion of the basis for our decision to initiate or not

initiate on each program, *see* the India CVD Initiation Checklist.

### The PRC

Based on our review of the petition, we find that there is sufficient information to initiate a CVD investigation on 44 of the 45 alleged programs. For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* the PRC CVD Initiation Checklist.

### Korea

Based on our review of the petition, we find that there is sufficient information to initiate a CVD investigation on 39 of the 41 alleged programs.<sup>32</sup> For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* the Korea CVD Initiation Checklist.

### Russia

Based on our review of the petition, we find that there is sufficient information to initiate a CVD investigation on 10 of the 14 alleged programs.<sup>33</sup> For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* the Russia CVD Initiation Checklist.

A public version of the initiation checklist for each investigation is available on ACCESS.

In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 65 days after the date of this initiation.

### Respondent Selection

Petitioners named eight companies as producers/exporters of cold-rolled steel from Brazil, 43 from India, 224 from the PRC, nine from Korea, and 11 from Russia.<sup>34</sup> Following standard practice in CVD investigations, the Department will, where appropriate, select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of cold-rolled steel during the periods of investigation under the following Harmonized Tariff Schedule of the United States (HTSUS) numbers: 7209.15.0000, 7209.16.0030, 7209.16.0060, 7209.16.0070, 7209.16.0091, 7209.17.0030, 7209.17.0060, 7209.17.0070,

7209.17.0091, 7209.18.1530, 7209.18.1560, 7209.18.2510, 7209.18.2520, 7209.18.2580, 7209.18.6020, 7209.18.6090, 7209.25.0000, 7209.26.0000, 7209.27.0000, 7209.28.0000, 7209.90.0000, 7210.70.3000, 7211.23.1500, 7211.23.2000, 7211.23.3000, 7211.23.4500, 7211.23.6030, 7211.23.6060, 7211.23.6075, 7211.23.6085, 7211.29.2030, 7211.29.2090, 7211.29.4500, 7211.29.6030, 7211.29.6080, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7225.50.6000, 7225.50.8015, 7225.50.8085, 7225.99.0090, 7226.92.5000, 7226.92.7050, and 7226.92.8050.

We intend to release CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO within five business days of publication of this **Federal Register** notice. The Department invites comments regarding respondent selection within seven business days of publication of this **Federal Register** notice.

Comments must be filed electronically using ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS, by 5:00 p.m. ET by the date noted above. We intend to make our decision regarding respondent selection within 20 days of publication of this notice. Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at <http://enforcement.trade.gov/apo>.

### Distribution of Copies of the Petitions

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the GOB, GOI, GOC, GOK, and GOR *via* ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each known exporter (as named in the Petitions), consistent with 19 CFR 351.203(c)(2).

### ITC Notification

We notified the ITC of our initiation, as required by section 702(d) of the Act.

### Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of cold-rolled steel from Brazil, India, the PRC, Korea, and Russia are materially injuring, or threatening

<sup>29</sup> See Trade Preferences Extension Act of 2015, Public Law 114-27, 129 Stat. 362 (2015).

<sup>30</sup> See *Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015*, 80 FR 46793 (August 6, 2015) (*Applicability Notice*). The 2015 amendments may be found at <https://www.congress.gov/bill/114th-congress/house-bill/1295/text/pl>.

<sup>31</sup> *Id.* at 46794-95.

<sup>32</sup> The Department decided to partially initiate on Dongbu's Debt Restructuring program. *See* the Korea CVD Initiation Checklist for a more detailed explanation.

<sup>33</sup> The Department decided to partially initiate on the Provision of Mining Rights for Less Than Adequate Remuneration program. *See* the Russia CVD Initiation Checklist for a more detailed explanation.

<sup>34</sup> *See* Volume I of the Petitions, at Exhibit I-7.

material injury to, a U.S. industry.<sup>35</sup> A negative ITC determination for any country will result in the investigation being terminated with respect to that country;<sup>36</sup> otherwise, these investigations will proceed according to statutory and regulatory time limits.

### Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The regulation requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Parties should review the regulations prior to submitting factual information in these investigations.

### Extension of Time Limits Regulation

Parties may request an extension of time limits before the expiration of a time limit established under part 351, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under part 351 expires. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone

submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Review *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013), available at <http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm> prior to submitting factual information in these investigations.

### Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.<sup>37</sup> Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule*.<sup>38</sup> The Department intends to reject factual submissions if the submitting party does not comply with the applicable revised certification requirements.

### Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures*, 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (e.g., the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 702 and 777(i) of the Act.

Dated: August 17, 2015.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix I—Scope of the Investigations

The products covered by these investigations are certain cold-rolled (cold-reduced), flat-rolled steel products, whether or not annealed, painted, varnished, or coated with plastics or other non-metallic

substances. The products covered do not include those that are clad, plated, or coated with metal. The products covered include coils that have a width or other lateral measurement (“width”) of 12.7 mm or greater, regardless of form of coil (e.g., in successively superimposed layers, spirally oscillating, etc.). The products covered also include products not in coils (e.g., in straight lengths) of a thickness less than 4.75 mm and a width that is 12.7 mm or greater and that measures at least 10 times the thickness. The products covered also include products not in coils (e.g., in straight lengths) of a thickness of 4.75 mm or more and a width exceeding 150 mm and measuring at least twice the thickness. The products described above may be rectangular, square, circular, or other shape and include products of either rectangular or non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process, i.e., products which have been “worked after rolling” (e.g., products which have been beveled or rounded at the edges). For purposes of the width and thickness requirements referenced above:

(1) Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above, and

(2) where the width and thickness vary for a specific product (e.g., the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, etc.), the measurement at its greatest width or thickness applies.

Steel products included in the scope of these investigations are products in which: (1) Iron predominates, by weight, over each of the other contained elements; (2) the carbon content is 2 percent or less, by weight; and (3) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

- 2.50 percent of manganese, or
- 3.30 percent of silicon, or
- 1.50 percent of copper, or
- 1.50 percent of aluminum, or
- 1.25 percent of chromium, or
- 0.30 percent of cobalt, or
- 0.40 percent of lead, or
- 2.00 percent of nickel, or
- 0.30 percent of tungsten (also called wolfram), or
- 0.80 percent of molybdenum, or
- 0.10 percent of niobium (also called columbium), or
- 0.30 percent of vanadium, or
- 0.30 percent of zirconium

Unless specifically excluded, products are included in this scope regardless of levels of boron and titanium.

For example, specifically included in this scope are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, motor lamination steels, Advanced High Strength Steels (AHSS), and Ultra High Strength Steels (UHSS). IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium and/or niobium added to stabilize carbon and

<sup>35</sup> See section 703(a) of the Act.

<sup>36</sup> *Id.*

<sup>37</sup> See section 782(b) of the Act.

<sup>38</sup> See *Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also frequently asked questions regarding the *Final Rule*, available at [http://enforcement.trade.gov/tlei/notices/factual\\_info\\_final\\_rule\\_FAQ\\_07172013.pdf](http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf).

nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, titanium, vanadium, and molybdenum. Motor lamination steels contain micro-alloying levels of elements such as silicon and aluminum. AHSS and UHSS are considered high tensile strength and high elongation steels, although AHSS and UHSS are covered whether or not they are high tensile strength or high elongation steels.

Subject merchandise includes cold-rolled steel that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the cold-rolled steel.

All products that meet the written physical description, and in which the chemistry quantities do not exceed any one of the noted element levels listed above, are within the scope of these investigations unless specifically excluded. The following products are outside of and/or specifically excluded from the scope of these investigations:

- Ball bearing steels;<sup>1</sup>
- Tool steels;<sup>2</sup>
- Silico-manganese steel;<sup>3</sup>
- Grain-oriented electrical steels (GOES) as defined in the final determination of the U.S. Department of Commerce in *Grain-Oriented Electrical Steel From Germany, Japan, and Poland*.<sup>4</sup>

<sup>1</sup> Ball bearing steels are defined as steels which contain, in addition to iron, each of the following elements by weight in the amount specified: (i) Not less than 0.95 nor more than 1.13 percent of carbon; (ii) not less than 0.22 nor more than 0.48 percent of manganese; (iii) none, or not more than 0.03 percent of sulfur; (iv) none, or not more than 0.03 percent of phosphorus; (v) not less than 0.18 nor more than 0.37 percent of silicon; (vi) not less than 1.25 nor more than 1.65 percent of chromium; (vii) none, or not more than 0.28 percent of nickel; (viii) none, or not more than 0.38 percent of copper; and (ix) none, or not more than 0.09 percent of molybdenum.

<sup>2</sup> Tool steels are defined as steels which contain the following combinations of elements in the quantity by weight respectively indicated: (i) More than 1.2 percent carbon and more than 10.5 percent chromium; or (ii) not less than 0.3 percent carbon and 1.25 percent or more but less than 10.5 percent chromium; or (iii) not less than 0.85 percent carbon and 1 percent to 1.8 percent, inclusive, manganese; or (iv) 0.9 percent to 1.2 percent, inclusive, chromium and 0.9 percent to 1.4 percent, inclusive, molybdenum; or (v) not less than 0.5 percent carbon and not less than 3.5 percent molybdenum; or (vi) not less than 0.5 percent carbon and not less than 5.5 percent tungsten.

<sup>3</sup> Silico-manganese steel is defined as steels containing by weight: (i) Not more than 0.7 percent of carbon; (ii) 0.5 percent or more but not more than 1.9 percent of manganese, and (iii) 0.6 percent or more but not more than 2.3 percent of silicon.

<sup>4</sup> *Grain-Oriented Electrical Steel From Germany, Japan, and Poland: Final Determinations of Sales at Less Than Fair Value and Certain Final Affirmative Determination of Critical Circumstances*, 79 FR 42,501, 42,503 (Dep't of Commerce, July 22, 2014). This determination defines grain-oriented electrical steel as "a flat-rolled alloy steel product containing

• Non-Oriented Electrical Steels (NOES), as defined in the antidumping orders issued by the U.S. Department of Commerce in *Non-Oriented Electrical Steel From the People's Republic of China, Germany, Japan, the Republic of Korea, Sweden, and Taiwan*.<sup>5</sup>

The products subject to these investigations are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers:

7209.15.0000, 7209.16.0030, 7209.16.0060, 7209.16.0070, 7209.16.0091, 7209.17.0030, 7209.17.0060, 7209.17.0070, 7209.17.0091, 7209.18.1530, 7209.18.1560, 7209.18.2510, 7209.18.2520, 7209.18.2580, 7209.18.6020, 7209.18.6090, 7209.25.0000, 7209.26.0000, 7209.27.0000, 7209.28.0000, 7209.90.0000, 7210.70.3000, 7211.23.1500, 7211.23.2000, 7211.23.3000, 7211.23.4500, 7211.23.6030, 7211.23.6060, 7211.23.6075, 7211.23.6085, 7211.29.2030, 7211.29.2090, 7211.29.4500, 7211.29.6030, 7211.29.6080, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7225.50.6000, 7225.50.8015, 7225.50.8085, 7225.99.0090, 7226.92.5000, 7226.92.7050, and 7226.92.8050. The products subject to the investigations may also enter under the following HTSUS numbers: 7210.90.9000, 7212.50.0000, 7215.10.0010, 7215.10.0080, 7215.50.0016, 7215.50.0018, 7215.50.0020, 7215.50.0061, 7215.50.0063, 7215.50.0065, 7215.50.0090, 7215.90.5000, 7217.10.1000, 7217.10.2000, 7217.10.3000, 7217.10.7000, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090, 7225.19.0000, 7226.19.1000, 7226.19.9000, 7226.99.0180, 7228.50.5015, 7228.50.5040, 7228.50.5070, 7228.60.8000, and 7229.90.1000.

The HTSUS subheadings above are provided for convenience and U.S. Customs purposes only. The written description of the scope of the investigations is dispositive.

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by weight at least 0.6 percent but not more than 6 percent of silicon, not more than 0.08 percent of carbon, not more than 1.0 percent of aluminum, and no other element in an amount that would give the steel the characteristics of another alloy steel, in coils or in straight lengths."

<sup>5</sup> *Non-Oriented Electrical Steel From the People's Republic of China, Germany, Japan, the Republic of Korea, Sweden, and Taiwan: Antidumping Duty Orders*, 79 FR 71741, 71741-42 (Dep't of Commerce, Dec. 3, 2014). The orders define NOES as "cold-rolled, flat-rolled, alloy steel products, whether or not in coils, regardless of width, having an actual thickness of 0.20 mm or more, in which the core loss is substantially equal in any direction of magnetization in the plane of the material. The term 'substantially equal' means that the cross grain direction of core loss is no more than 1.5 times the straight grain direction (*i.e.*, the rolling direction) of core loss. NOES has a magnetic permeability that does not exceed 1.65 Tesla when tested at a field of 800 A/m (equivalent to 10 Oersteds) along (*i.e.*, parallel to) the rolling direction of the sheet (*i.e.*, B800 value). NOES contains by weight more than 1.00 percent of silicon but less than 3.5 percent of silicon, not more than 0.08 percent of carbon, and not more than 1.5 percent of aluminum. NOES has a surface oxide coating, to which an insulation coating may be applied."

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XE069**

**Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Kodiak Ferry Terminal and Dock Improvements Project**

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

**ACTION:** Notice; proposed incidental harassment authorization; request for comments.

**SUMMARY:** NMFS has received a request from the Alaska Department of Transportation and Public Facilities (DOT&PF) for authorization to take marine mammals incidental to reconstructing the existing ferry terminal at Pier 1 in Kodiak, Alaska, referred to as the Kodiak Ferry Terminal and Dock Improvements project (State Project Number 68938). The DOT&PF requests that the incidental harassment authorization (IHA) be valid for 1 year, from September 30, 2015 through September 29, 2016. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an authorization to the DOT&PF incidentally take, by harassment, small numbers of marine mammals for its reconstruction of the ferry terminal at Pier 1 in Kodiak, AK.

**DATES:** Comments and information must be received no later than September 23, 2015.

**ADDRESSES:** Comments on the application should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to [ITP.Pauline@noaa.gov](mailto:ITP.Pauline@noaa.gov).

**Instructions:** NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted to the Internet at <http://www.nmfs.noaa.gov/>