

## Background

On December 1, 2010, the Department initiated and the ITC instituted sunset reviews of the antidumping duty orders on solid urea from Russia and Ukraine,<sup>1</sup> pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). *See Initiation of Five-Year ("Sunset") Review*, 75 FR 74685 (December 1, 2010); *see also Solid Urea From Russia and Ukraine*, 75 FR 74746 (December 1, 2010).

As a result of these sunset reviews, the Department determined that revocation of the antidumping duty orders on solid urea from Russia and Ukraine would be likely to lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the margins likely to prevail should the orders be revoked. *See Solid Urea From the Russian Federation and Ukraine: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders*, 76 FR 19747 (April 8, 2011).

On November 15, 2011, pursuant to section 752(a) of the Act, the ITC determined that revocation of the antidumping duty orders on solid urea from Russia and Ukraine would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See Solid Urea From Russia and Ukraine*, 76 FR 77015 (December 9, 2011), and ITC Publication 4279 (December 2011) entitled *Solid Urea from Russia and Ukraine: Investigation Nos. 731-TA-340-E and 340-H (Third Review)*.

## Scopes of the Orders

The merchandise subject to the orders is solid urea, a high-nitrogen content fertilizer which is produced by reacting ammonia with carbon dioxide. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) item number 3102.10.00.00. Previously such merchandise was classified under item number 480.3000 of the Tariff Schedules of the United States. Although the HTSUS subheading is

provided for convenience and customs purposes, the written description of the merchandise subject to the orders is dispositive.

## Continuation of the Orders

As a result of the determinations by the Department and the ITC that revocation of these antidumping duty orders would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty orders on solid urea from Russia and Ukraine.

U.S. Customs and Border Protection will continue to collect antidumping duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of continuation of these orders will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of these orders not later than 30 days prior to the fifth anniversary of the effective date of continuation.

These five-year sunset reviews and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act.

Dated: December 13, 2011.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-489-502]

### Certain Welded Carbon Steel Standard Pipe and Tube From Turkey: Intent To Rescind Countervailing Duty Administrative Review, in Part

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

**DATES:** *Effective Date:* December 20, 2011.

**FOR FURTHER INFORMATION CONTACT:** Kristen Johnson, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 4014, 14th Street and Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-4793

### SUPPLEMENTARY INFORMATION:

## Background

On March 1, 2011, the Department of Commerce (the Department) published a notice of opportunity to request an administrative review of the countervailing duty (CVD) order on certain welded carbon steel pipe and tube from Turkey. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 76 FR 11197 (March 1, 2011). On March 30, 2011, we received a letter from Erbosan Erciyas Boru Sanayi ve Ticaret A.S. (ERBOSAN) requesting that the company's entries for the period of review be reviewed by the Department. On April 27, 2011, the Department published the notice of initiation of the administrative review of this CVD order for the period of review (POR) of January 1, 2010, through December 31, 2010, which included ERBOSAN.<sup>1</sup> *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 76 FR 23545 (April 27, 2011).

On October 27, 2011, the Department requested U.S. Customs and Border Protection (CBP) data on Type 3 entries of subject merchandise to the United States produced by ERBOSAN during the POR. *See Memorandum to the File from Kristen Johnson, Trade Analyst, AD/CVD Operations, Office 3, regarding "Request for Customs Data in the Countervailing Duty Administrative Review of Certain Welded Carbon Steel Standard Pipe from Turkey,"* (October 27, 2011). A Type 3 entry is an entry of merchandise imported into the United States which is subject to antidumping or countervailing duties, as the case may be, and for which liquidation is suspended until after the completion of an administrative review in which the assessment rate is calculated. We reviewed the customs data provided by CBP and found that there were no suspended entries of subject merchandise produced by ERBOSAN for the POR.

On November 3, 2011, we issued a letter to ERBOSAN explaining that the Department's practice requires there to be a suspended entry during the POR upon which to assess duties in order to conduct an administrative review.<sup>2</sup> As

<sup>1</sup> A review of the following companies was also initiated: Borusan Group, Borusan Mannesmann Boru Sanayi ve Ticaret A.S., Borusan Istikbal Ticaret T.A.S., Tosyali dis Ticaret A.S., and Toscelik Profil ve Sac Endustrisi A.S.

<sup>2</sup> *See, e.g., Certain Hot-Rolled Carbon Steel Flat Products from India: Final Results of Antidumping Duty Administrative Review*, 76 FR 42679 (July 19, 2011), and accompanying Issues and Decision Memorandum at Comment 1; *see also Certain Cut-to-Length Carbon-Quality Steel Plate Products from Italy: Final Results and Partial Rescission of*

<sup>1</sup> On July 14, 1987, the Department published the following antidumping duty order: *Antidumping Duty Order; Urea From the Union of Soviet Socialist Republics*, 52 FR 26367 (July 14, 1987). In December 1991, the Soviet Union divided into fifteen independent states. On June 29, 1992, the Department transferred the antidumping duty order on solid urea from the Soviet Union to the Commonwealth of Independent States and the Baltic States. *See Solid Urea From the Union of Soviet Socialist Republics; Transfer of the Antidumping Duty Order on Solid Urea From the Union of Soviet Socialist Republics to the Commonwealth of Independent States and the Baltic States and Opportunity to Comment*, 57 FR 28828 (June 29, 1992).

such, we requested that EROBSAN submit evidence demonstrating that the company had a Type 3 entry of subject merchandise to the United States during the CVD POR. We also explained that if EROBSAN is unable to provide such documentation, the Department will find that there are no suspended entries of subject merchandise produced by EROBSAN against which to assess duties and will rescind the 2010 CVD administrative review with respect to the company. *See* Letter from the Department to EROBSAN regarding "Entry Documentation," (November 3, 2011). On November 17, 2011, EROBSAN reported that because the exports of subject merchandise to the United States during the POR were to an unrelated importer, the company does not have any entry documentation. *See* EROBSAN's "Response to Entry Documentation Request," (November 17, 2011) at 2.

On December 2, 2011, officials of Import Administration met with EROBSAN's counsel to discuss the company's entries of subject merchandise during the POR. *See* Memorandum to the File from Kristen Johnson, Trade Analyst, AD/CVD Operations, Office 3, regarding "Meeting with Counsel for EROBSAN," (December 5, 2011).

#### Scope of the Order

The products covered by this order are certain welded carbon steel pipe and tube with an outside diameter of 0.375 inch or more, but not over 16 inches, of any wall thickness (pipe and tube) from Turkey. These products are currently provided for under the Harmonized Tariff Schedule of the United States (HTSUS) as item numbers 7306.30.10, 7306.30.50, and 7306.90.10. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

#### Intent To Rescind the 2010 Administrative Review, in Part

Because EROBSAN is unable to provide evidence that the company had a Type 3 entry of subject merchandise to the United States during the POR, we preliminarily determine that we will rescind the review for EROBSAN.<sup>3</sup> In *Allegheny Ludlum Corp. v. United States*, 346 F.3d 1368 (Fed. Cir. 2003),

*Antidumping Duty Administrative Review*, 71 FR 39299, 39302 (July 12, 2006), and *Portable Electric Typewriters from Japan; Final Results of Antidumping Duty Administrative Review*, 56 FR 14072, 14073 (April 5, 1991).

<sup>3</sup> We also intend to notify CBP about the status of entries of subject merchandise produced/exported by EROBSAN.

the Court of Appeals for the Federal Circuit upheld the Department's practice of rescinding annual reviews when there are no entries of subject merchandise during the POR. Accordingly, we will continue this administrative review with respect to the Borusan Group, Borusan Mannesmann Boru Sanayi ve Ticaret A.S., Borusan Istikbal Ticaret T.A.S., Tosyali dis Ticaret A.S., and Toscelik Profil ve Sac Endustrisi A.S.

#### Public Comment

The Department is setting aside a period for interested parties to raise issues regarding the preliminary determination to rescind the administrative review for EROBSAN. Interested parties may submit such comments within 20 calendar days of the publication of this notice. Comments must be filed electronically using Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS).

We are issuing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4) of the Department's regulations.

Dated: December 13, 2011.

**Christian Marsh,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-911]

#### Circular Welded Carbon Quality Steel Pipe From the People's Republic of China: Rescission of Countervailing Duty Administrative Review

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

**DATES:** *Effective Date:* December 20, 2011.

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

#### Background

On July 1, 2011, the Department of Commerce ("the Department") published a notice announcing the opportunity to request an administrative

review of the countervailing duty order on circular welded carbon quality steel pipe ("CWP") from the People's Republic of China ("PRC") for the period January 1, 2010, through December 31, 2010. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 76 FR 38609 (July 1, 2011). On August 1, 2011, the Wheatland Tube Company ("Wheatland"), a domestic producer of CWP, timely requested that the Department conduct a review of nineteen producers and/or exporters of the subject merchandise. In accordance with 19 CFR 351.221(c)(1)(i), the Department published a notice initiating this administrative review. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 76 FR 53404 (August 26, 2011).

#### Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the party that requested a review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. On November 22, 2011, Wheatland withdrew its request for review of all nineteen exporters and producers within the 90-day period. Therefore, in response to Wheatland's timely withdrawal, and as no other party requested a review, the Department is rescinding this administrative review.

#### Assessment

The Department will instruct U.S. Customs and Border Protection ("CBP") to assess countervailing duties on all appropriate entries. For the companies for which this review is rescinded, countervailing duties shall be assessed at rates equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice.

#### Notification Regarding Administrative Protective Order

This notice serves as a final reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or