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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-849]

Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China: Final Results and Final No Shipments Determination of Antidumping Duty Administrative Review; 2011-2012

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

SUMMARY: On July 24, 2013, the Department of Commerce (the "Department") published the *Preliminary Results* of the 2011-2012 administrative review of the antidumping duty order on certain cut-to-length carbon steel plate ("CTL plate") from the People's Republic of China ("PRC").<sup>1</sup> The period of review ("POR") is November 1, 2011, through October 31, 2012. This review covers three PRC companies: Hunan Valin Xiangtan Iron & Steel Co., Ltd. ("Hunan Valin"), Shanghai Pudong Iron and Steel Co. ("Shanghai Pudong"), and the company grouping Bao/Baoshan Iron and Steel Corp., Baoshan International Trade Corp. and Bao Steel Metals Trading Corp. ("Baosteel"). The Department gave interested parties an opportunity to comment on the *Preliminary Results*, but no comments were received. In these final results of review, we continue to find that Hunan Valin did not have any reviewable transactions during the POR, and that Baosteel and Shanghai Pudong did not establish their eligibility for separate rate status and, thus, are part of the PRC-wide entity.

DATES: EFFECTIVE DATE: [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

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<sup>1</sup> See *Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China: Preliminary Results of Antidumping Administrative Review; 2011-2012*, 78 FR 44525 (July 24, 2013) ("*Preliminary Results*").

FOR FURTHER INFORMATION CONTACT: Erin Kearney, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0167.

SUPPLEMENTARY INFORMATION:

Background

On July 24, 2013, the Department published the *Preliminary Results*. We invited interested parties to submit comments on the *Preliminary Results*, but no comments were received.

As explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013.<sup>2</sup> Therefore, all deadlines in this segment of the proceeding have been extended by 16 days. If the new deadline falls on a non-business day, in accordance with the Department's practice, the deadline will become the next business day. The revised deadline for the final results of this review is now December 9, 2013.

The Department has conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the "Act").

Scope of the Order

The product covered by the order is certain cut-to-length carbon steel plate from the PRC. Included in this description is hot-rolled iron and non-alloy steel universal mill plates (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 millimeters

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<sup>2</sup> See Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, "Deadlines Affected by the Shutdown of the Federal Government" (October 18, 2013).

(“mm”) but not exceeding 1250 mm and of a thickness of not less than 4 mm, not in coils and without patterns of relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain iron and non-alloy steel flat-rolled products not in coils, of rectangular shape, hot-rolled, neither clad, plated nor coated with metal, whether or not painted, varnished, or covered with plastics or other nonmetallic substances, 4.75 mm or more in thickness and of a width which exceeds 150mm and measures at least twice the thickness. Included as subject merchandise in this order are flat-rolled products of nonrectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been “worked after rolling”) – for example, products which have been beveled or rounded at the edges. This merchandise is currently classified in the Harmonized Tariff Schedule of the United States (“HTSUS”) under item numbers 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7212.40.5000, 7212.50.0000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive. Specifically excluded from subject merchandise within the scope of the order is grade X-70 steel plate.

#### Final Determination of No Shipments

In the *Preliminary Results*, we determined that Hunan Valin did not have any reviewable transactions during the POR because Hunan Valin submitted a timely-filed certification that it had no shipments of subject merchandise during the POR and U.S. import data did not show any POR entries of Hunan Valin’s subject merchandise.<sup>3</sup> We did not receive information from U.S. Customs and Border Protection (“CBP”) indicating that there were reviewable transactions for Hunan Valin during the POR. Consistent with the Department’s assessment practice in non-

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<sup>3</sup> See *Preliminary Results* and accompanying Decision Memorandum, at 3-4.

market economy (“NME”) cases, we stated in the *Preliminary Results* that the Department would not rescind the review in these circumstances but, rather, would complete the review with respect to Hunan Valin and issue appropriate instructions to CBP based on the final results of the review.<sup>4</sup> As stated above, we did not receive any comments on our *Preliminary Results*. In these final results, we continue to determine that Hunan Valin had no reviewable transactions of subject merchandise during the POR.

#### Treatment of Baosteel and Shanghai Pudong

In the *Preliminary Results*, because we did not have adequate no shipment claims for Baosteel or Shanghai Pudong, we determined that record evidence did not demonstrate that these companies had no exports, sales or entries of subject merchandise during the POR. We also determined in the *Preliminary Results* that because neither Baosteel nor Shanghai Pudong filed separate rate applications or certifications with the Department, neither entity established its eligibility for separate rate status; therefore, we treated both Baosteel and Shanghai Pudong as part of the PRC-wide entity. As stated above, we did not receive any comments on our *Preliminary Results*. In these final results, we continue to determine that Baosteel and Shanghai Pudong did not establish their eligibility for separate rate status and, thus, are part of the PRC-wide entity.

#### Assessment

The Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.<sup>5</sup> The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review. The Department intends to instruct CBP to liquidate entries of subject merchandise from Baosteel

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<sup>4</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011) (“*Assessment Practice Refinement*”); see also the “Assessment” section of this notice, below.

<sup>5</sup> See 19 CFR 351.212(b)(1).

and Shanghai Pudong at the PRC-wide rate of 128.59 percent. Additionally, consistent with the Department's assessment practice refinement in NME cases, because the Department determined that Hunan Valin had no reviewable transactions of subject merchandise during the POR, any suspended entries that entered under Hunan Valin's antidumping duty case number (*i.e.*, at that exporter's rate) will be liquidated at the PRC-wide rate.<sup>6</sup>

#### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For Hunan Valin, which claimed no shipments, the cash deposit rate will remain unchanged from the rate assigned to this company in the most recently completed review of the company; (2) for previously investigated or reviewed PRC and non-PRC exporters which are not under review in this segment of the proceeding but which have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, including Baosteel and Shanghai Pudong, the cash deposit rate will be the PRC-wide rate of 128.59 percent; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter(s) that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers Regarding the Reimbursement of Duties

This notice serves as a final reminder to importers of their responsibility under 19

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<sup>6</sup> See *Assessment Practice Refinement*.

CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to the 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 notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results and this notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: December 6, 2013.

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Paul Piquado,  
Assistant Secretary  
for Enforcement and Compliance.

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