

results of this administrative review, including the results of its analysis of arguments made in any case or rebuttal briefs.

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: March 26, 2012.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-825]

#### **Polyethylene Terephthalate Film, Sheet and Strip From India: Rescission of Countervailing Duty Administrative Review**

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

**DATES:** *Effective Date:* April 2, 2012.

**FOR FURTHER INFORMATION CONTACT:** Toni Page, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-1398.

#### **SUPPLEMENTARY INFORMATION**

##### **Background**

On July 1, 2011, the Department of Commerce (Department) published a notice of opportunity to request an administrative review of the countervailing duty (CVD) order on polyethylene terephthalate film, sheet and strip from India covering 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, 38610 (July 1, 2011). The Department received a timely request from Petitioners<sup>1</sup> for a CVD administrative review of five companies: Ester Industries Limited (Ester), Garware Polyester Ltd. (Garware), Jindal Poly Films Limited of India (Jindal), Polyplex Corporation Ltd. (Polyplex), and SRF Limited (SRF). The Department also received timely requests for a CVD review from Vacmet

India Ltd. (Vacmet) and Polypacks Industries of India (Polypacks).

On August 26, 2011, the Department published a notice of initiation of administrative review with respect to Ester, Garware, Jindal, Polyplex, SRF, Vacmet, and Polypacks. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 76 FR 53404 (August 26, 2011) (*Initiation Notice*). Prior to the publication of the *Initiation Notice*, Vacmet and Polypacks timely withdrew their requests for an administrative review. On September 20, 2011, the Department published a rescission, in part, of the CVD administrative review with respect to Vacmet and Polypacks. *See Polyethylene Terephthalate Film, Sheet and Strip From India: Rescission, In Part, of Countervailing Duty Administrative Review*, 76 FR 58248 (September 20, 2011).

On September 12, 2011, SRF filed a certification of no shipments and requested that the Department rescind the CVD administrative review of the company. On November 25, 2011, Petitioners timely withdrew their request for CVD administrative reviews of Ester, Garware, Polyplex, and Jindal. The Department published a rescission, in part, of the CVD administrative review with respect to Ester, Garware, Polyplex, and Jindal on January 11, 2012. *See Polyethylene Terephthalate Film, Sheet and Strip From India: Rescission, in Part, of Countervailing Duty Administrative Review*, 77 FR 1668 (January 11, 2012). The administrative review of SRF continued.

##### **Rescission of Review**

On February 21, 2012, we published a notice of intent to rescind this CVD administrative review with respect to SRF, and invited interested parties to comment. *See Polyethylene Terephthalate Film, Sheet and Strip from India: Preliminary Intent to Rescind Countervailing Duty Administrative Review*, 77 FR 9892 (February 21, 2012) (*Intent to Rescind*).

Pursuant to 19 CFR 351.213(d)(3), the Department may rescind an administrative review with respect to a particular exporter or producer, if the Secretary concludes that, during the period covered by the review, there were no entries, exports, or sales of the subject merchandise to the United States by that exporter or producer. SRF submitted a letter on September 12, 2011, certifying that it did not have any shipments of subject merchandise to the United States during the period of review (POR). The Department received

no comments from any other party on SRF's no-shipment claim.

We issued a "no shipments inquiry" message to U.S. Customs and Border Protection (CBP), which posted the message on October 12, 2011.<sup>2</sup> We also conducted a CBP data query for this case on October 21, 2011, which we placed on the record.<sup>3</sup> We did not receive any information from CBP to contradict SRF's claim of no sales, shipments, or entries of subject merchandise to the United States during the POR. *See Memorandum to the File* through Barbara E. Tillman, Director, AD/CVD Operations, Office 6, titled "Claim of No Shipments from SRF Limited in the 2010 Administrative Review of the Countervailing Duty Order on Polyethylene Terephthalate Film, Sheet and Strip from India," dated February 14, 2012. Furthermore, the Department received no comments from parties on the *Intent to Rescind*.

As such, we determine that there were no entries during the POR of subject merchandise produced or exported by SRF. Therefore, in accordance with 19 CFR 351.213(d)(3), and consistent with our practice,<sup>4</sup> we are rescinding the review for SRF. Because SRF is the sole remaining company in this administrative review, the rescission with respect to SRF results in a rescission of this administrative review in its entirety.

##### **Assessment**

The Department will instruct CBP to assess countervailing duties on all appropriate entries. Subject merchandise exported by SRF will be assessed CVDs at rates equal to the cash deposit of estimated CVDs 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 directly to CBP within 15 days of publication of this notice.

##### **Notification Regarding Administrative Protective Orders**

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their

<sup>2</sup> See Message number 1285302, available at <http://addcvsd.cbp.gov>.

<sup>3</sup> See Memorandum to Barbara E. Tillman, Director, AD/CVD Operations, Office 6, from Elfi Blum, International Trade Analyst titled "Administrative Review of the Countervailing Duty Order on Polyethylene Terephthalate Film, Sheet and Strip from India: Respondent Selection Memorandum," dated October 21, 2011.

<sup>4</sup> See, e.g., *Welded Carbon Steel Standard Pipe and Tube from Turkey: Notice of Rescission of Countervailing Duty Administrative Review, In Part*, 74 FR 47921 (September 18, 2009).

<sup>1</sup> Petitioners are DuPont Teijin Films, Mitsubishi Polyester Film, Inc., SKC, Inc. and Toray Plastics (America), Inc.

responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published 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).

Dated: March 27, 2012.

**Christian Marsh,**

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

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-523-802]

#### **Circular Welded Carbon-Quality Steel Pipe From the Sultanate of Oman: Preliminary Negative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination**

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

**SUMMARY:** The Department of Commerce preliminarily determines that countervailable subsidies are not being provided to producers and exporters of circular welded carbon-quality steel pipe ("circular welded pipe") from the Sultanate of Oman ("Oman").

**DATES:** *Effective Date:* April 2, 2012.

**FOR FURTHER INFORMATION CONTACT:** Sergio Balbontin or Susan Kuhbach, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-6478 and (202) 482-0112, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Case History**

The following events have occurred since the publication of the Department of Commerce's ("Department") notice of initiation in the **Federal Register**. See *Circular Welded Carbon-Quality Steel Pipe from India, the Sultanate of Oman, the United Arab Emirates, and the*

*Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations*, 76 FR 72173 (November 22, 2011) ("Initiation Notice"), and the accompanying Initiation Checklist.

On November 22, 2011, the Department released the U.S. Customs and Border Protection ("CBP") data on imports of subject merchandise during the period of investigation ("POI"), under administrative protective order ("APO") to all parties with APO access. See Memorandum to the File from Joshua Morris, "Release of Customs and Border Protection ("CBP") Data," dated November 22, 2011. We received no comments. The CBP data showed two exporters of subject merchandise: Al Jazeera Tube Mills Company SAOG ("Al Jazeera") and a second company with inconsequential exports because the quantity of exports was extremely small.

On December 16, 2011, the U.S. International Trade Commission ("ITC") published its affirmative preliminary determination that there is a reasonable indication that an industry in the United States is materially injured by reason of allegedly subsidized imports of circular welded pipe from India, Oman, the United Arab Emirates, and the Socialist Republic of Vietnam. See *Circular Welded Carbon-Quality Steel Pipe from India, Oman, the United Arab Emirates, and Vietnam*, 76 FR 78313 (December 16, 2011).

On December 19, 2011, the Department postponed the deadline for the preliminary determination in this investigation until March 26, 2012. See *Circular Welded Carbon-Quality Steel Pipe from India, the Sultanate of Oman, the United Arab Emirates, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Countervailing Duty Investigations*, 76 FR 78615 (December 19, 2011). In conjunction with this postponement, the Department also postponed the deadline for the submission of new subsidy allegations until February 15, 2012. See Memorandum to the File from Joshua S. Morris, "New Subsidy Allegation Deadline: *Circular Welded Carbon-Quality Steel Pipe from India, the Sultanate of Oman, the United Arab Emirates, and the Socialist Republic of Vietnam*," dated December 15, 2011. This memorandum and others referenced in this determination are on file electronically in Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System ("IA ACCESS"), with access to IA ACCESS available in the Department's Central Records Unit ("CRU"), room 7046 of the main Department building.

On December 22, 2011, we issued a countervailing duty questionnaire to the Government of the Sultanate of Oman ("GSO") and to Al Jazeera. We received responses from the GSO and Al Jazeera on February 17, 2012. See February 17, 2012 Questionnaire Response of Al Jazeera Steel Products Co. SAOG ("AJ QR") and February 17, 2012 Questionnaire Response of the Government of the Sultanate of Oman ("GSO QR"). Supplemental questionnaires were sent to the GSO on February 27 and March 1, 2012, and to Al Jazeera on February 27, 2012, and we received responses from Al Jazeera on March 7, 2012, and from the GSO on March 16, 2012. See March 7, 2012 Supplemental Questionnaire Response of Al Jazeera Steel Products Co. SAOG ("AJ SQR") and March 16, 2012 Response of the Government of the Sultanate of Oman to Supplemental Questionnaire and New Subsidies Allegation Questionnaire ("GSO SQR").

One of the petitioning parties, Wheatland Tube, requested two extensions of the deadline for filing new subsidy allegations. As a result, this deadline was extended from February 15 to February 24, and then to February 28, 2012. See Memorandum to the File from Susan Kuhbach, "New Subsidy Allegation Deadline: *Circular Welded Carbon-Quality Steel Pipe from India, the Sultanate of Oman, the United Arab Emirates, and the Socialist Republic of Vietnam*," dated February 6, 2012 and Letter to Interested Parties, dated February 24, 2012.

A new subsidy allegation was received from Wheatland Tube on February 28, 2012. See Letter from Petitioner Wheatland Tube re New Subsidies Allegation and Additional Factual Information, dated February 28, 2012. On March 5, 2012, the Department included the newly alleged subsidy in the investigation. See Memorandum: "New Subsidy Allegations," dated March 5, 2012. On March 6, 2012, the Department sent new subsidy allegation questionnaires to Al Jazeera and the GSO and their responses were received on March 13, and 16, respectively. See "Circular Welded Carbon-Quality Steel Pipe from the Sultanate of Oman: Al Jazeera New Subsidies Questionnaire Response," dated March 15, 2012 ("AJ NSQR"), and GSO SQR.

We received pre-preliminary comments from Wheatland Tube on March 14, 2012.

##### **Period of Investigation**

The period for which we are measuring subsidies, *i.e.*, the POI, is January 1, 2010, through December 31, 2010.