

Dated: April 26, 2013.

Andrew McGilvray,
Executive Secretary.

[FR Doc. 2013–10407 Filed 5–1–13; 8:45 am]

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–39–2013]

Foreign-Trade Zone (FTZ) 265— Conroe, Texas; Notification of Proposed Production Activity; Bauer Manufacturing Inc.; (Foundation Casings and Tools/Accessories for Pile Drivers and Boring Machinery); Conroe, Texas

The City of Conroe, Texas, grantee of FTZ 265, submitted a notification of proposed production activity to the FTZ Board on behalf of Bauer Manufacturing Inc. (Bauer), located in Conroe, Texas. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on April 18, 2013.

The Bauer facility is located within Site 1 of FTZ 265. The facility is used for the production of foundation casings and tools and accessories for pile drivers and boring machinery. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Bauer from customs duty payments on the foreign status components used in export production. On its domestic sales, Bauer would be able to choose the duty rates during customs entry procedures that apply to foundation casings and tools and accessories for pile drivers and boring machinery (free, 2.9%, 5.0%) for the foreign status inputs noted below. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

Components and materials sourced from abroad include: plastic tubes/pipes/hoses, articles of rubber (joining bands, plates, sheets, strips, bands), paper sheets/dials/rolls, articles of steel (shapes; U, H and I beams; sections; sheets; fittings), and air compressors/pumps (duty rates range from free to 5.0%). The request indicates that all foreign steel products subject to an antidumping/countervailing duty (AD/CVD) order will be admitted to the zone in domestic (duty-paid) status (19 CFR § 146.43).

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is June 11, 2013.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the "Reading Room" section of the FTZ Board's Web site, which is accessible via www.trade.gov/ftz.

For further information, contact Pierre Duy at Pierre.Duy@trade.gov or (202) 482–1378.

Dated: April 25, 2013.

Andrew McGilvray,
Executive Secretary.

[FR Doc. 2013–10410 Filed 5–1–13; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–847]

1-Hydroxyethylidene-1, 1- Diphosphonic Acid From India: Preliminary Results of Antidumping Duty Administrative Review; 2011— 2012; and Intent to Revoke Order (in Part)

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on 1-hydroxyethylidene-1, 1-diphosphonic acid (HEDP) from India. The period of review (POR) is April 1, 2011, through March 31, 2012. The review covers one producer and exporter of the subject merchandise, Aquapharm Chemicals Pvt., Ltd. (Aquapharm). We have preliminarily determined that sales of subject merchandise have not been made at prices below normal value by Aquapharm. In addition, we determine that Aquapharm qualifies for revocation and, thus, we preliminarily intend to revoke the antidumping duty order, in part, with respect to HEDP produced and exported by Aquapharm.

DATES: Effective May 2, 2013.

FOR FURTHER INFORMATION CONTACT: Brandon Custard or David Goldberger, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution

Avenue NW., Washington, DC, 20230; telephone (202) 482–1823 or (202) 482–4136, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise covered by this order includes all grades of aqueous, acidic (non-neutralized) concentrations of 1-hydroxyethylidene-1, 1-diphosphonic acid.¹ The product is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at item numbers 2931.90.9043 and 2811.19.6090.² Although the HTS numbers are provided for convenience and customs purposes, the full written scope description, as published in the antidumping order³ and described in the memorandum entitled "Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: 1-Hydroxyethylidene-1, 1-Diphosphonic Acid (HEDP) from India" (Preliminary Decision Memorandum), remains dispositive.

Methodology

The Department has conducted this review in accordance with Section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. To determine the appropriate comparison method, the Department applied a "differential pricing" analysis and has preliminarily determined to use the average-to-average method in making comparisons of export price or constructed export price and normal value for Aquapharm. We have also determined that Aquapharm qualifies for revocation from the order and, thus, we preliminarily intend to revoke the antidumping duty order, in part, with respect to HEDP produced and exported by Aquapharm.⁴ For a full description of the methodology underlying our conclusions, see Preliminary Decision Memorandum, which is hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized

¹ C₂H₅O₇P₂ or C(CH₃)(OH)(PO₃H₂)₂.

² We have revised the HTSUS item numbers for the merchandise subject to this order to reflect the current HTSUS schedule available on the International Trade Commission's Web site at <http://www.usitc.gov/tata/hts/bychapter/index.htm>.

³ 1-Hydroxyethylidene-1, 1-Diphosphonic Acid from India and the People's Republic of China: Antidumping Duty Orders, 74 FR 19197 (April 28, 2009).

⁴ See 19 CFR 351.222(b)(2).

Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and in the Central Records Unit (CRU), room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at <http://www.trade.gov/ia/>. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that a weighted-average dumping margin of 0.00 percent exists for Aquapharm for the period April 1, 2011, through March 31, 2012.

Disclosure and Public Comment

The Department will disclose to parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice.⁵ Interested parties may submit case briefs not later than 30 days after the date of publication of this notice.⁶ Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.⁷ Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.⁸ Case and rebuttal briefs should be filed using IA ACCESS.⁹

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, filed electronically via IA ACCESS.¹⁰ An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5 p.m. Eastern Standard Time within 30 days after the date of publication of this notice.¹¹ Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. The Department will issue the

final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon completion of the administrative review, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries, in accordance with 19 CFR 351.212(b)(1).¹² We intend to issue instructions to CBP 15 days after the date of publication of the final results of this review.

Where Aquapharm reported entered value for its U.S. sales, we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales for that importer. Where Aquapharm did not report entered value for its U.S. sales, we will calculate importer-specific per-unit duty assessment rates by aggregating the total amount of antidumping duties calculated for the examined sales and dividing this amount by the total quantity of those sales. To determine whether the duty assessment rates are *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we will calculate importer-specific *ad valorem* ratios based on the estimated entered value.

We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer-specific assessment rate calculated in the final results of this review is above *de minimis*. Where either the respondent's weighted-average dumping margin is zero or *de minimis*, or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.¹³

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.¹⁴

Therefore, if we continue to calculate a zero margin for Aquapharm in the final results of this review, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. Conversely, if we calculate an antidumping duty margin for Aquapharm in the final results which is above *de minimis*, we will instruct CBP to assess antidumping duties on all appropriate entries covered by this review as discussed below.

The Department clarified its "automatic assessment" regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the POR produced by Aquapharm for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Aquapharm will be the rate established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case no cash deposit will apply to Aquapharm, consistent with our intention to rescind the order with respect to Aquapharm as discussed above; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 3.10 percent, the all-others rate established in *1-Hydroxyethylidene-1, 1-Diphosphonic Acid from India: Notice of Final Determination of Sales at Less Than Fair Value*, 74 FR 10543, 10544 (March 11, 2009). These requirements,

⁵ See 19 CFR 351.224(b).

⁶ See 19 CFR 351.309(c).

⁷ See 19 CFR 351.309(d).

⁸ See 19 CFR 351.309(c)(2) and (d)(2).

⁹ See 19 CFR 351.303.

¹⁰ See 19 CFR 351.310(c).

¹¹ See *id.*

¹² In these preliminary results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

¹³ See *id.* at 8103.

¹⁴ See section 751(a)(2)(C) of the Act.

when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

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

Dated: April 25, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Notice of Intent To Revoke Order In Part
5. Fair Value Comparisons
 - A. Determination of Comparison Method
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6. Product Comparisons
7. Export Price and Constructed Export Price
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 - A. Home Market Viability and Selection of Comparison Market
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9. Currency Conversion
10. Verification

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-533-821]

Certain Hot-Rolled Carbon Steel Flat Products From India: Notice of Second Amended Final Results of Administrative Review Pursuant to Court Decision

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

SUMMARY: On April 9, 2013, the United States Court of International Trade (CIT) sustained the Department of Commerce's (the Department) January

2013 remand results.¹ The January 2013 remand results explained how the Department corroborated, to the extent practicable, the adverse facts available (AFA) rate assigned to Essar Steel Limited (Essar) in connection with the State Government of Chhattisgarh Industrial Policy (CIP) in the countervailing duty (CVD) administrative review of certain hot-rolled carbon steel flat products from India for the 2007 review period (the fifth review period or fifth administrative review).² Consistent with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken*,³ as clarified by *Diamond Sawblades*,⁴ the Department is notifying the public that the final CIT judgment in this case is not in harmony with the Department's *Amended Final Results*⁵ and is, therefore, amending the *Amended Final Results*.

DATES: *Effective Date:* April 19, 2013.

FOR FURTHER INFORMATION CONTACT:

Robert Copyak, AD/CVD Operations, Office 8, Import Administration, U.S. Department of Commerce, C129, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202-482-2209.

SUPPLEMENTARY INFORMATION: On May 6, 2009, the Department published its *Final Results*.⁶ In the *Final Results*, pursuant to sections 776(a) and (b) of the Tariff Act of 1930, as amended (the Act), the Department applied AFA to find that the subprograms under the CIP

constituted financial contributions that were specific and that Essar used and benefited from the subprograms under the CIP.⁷ The Department attempted to calculate an individual rate for Essar based on the benefit received from the CIP programs but, because it was unable to obtain the necessary information from Essar, it relied on secondary information to determine a rate.⁸ Specifically, the Department used the highest above *de minimis* subsidy rate calculated for similar programs (from prior segments of this proceeding) involving grants, the provision of goods for less than adequate remuneration (LTAR), and indirect taxes.⁹

In *Essar I*, the CIT remanded Commerce's AFA determination that Essar benefited from the CIP.¹⁰ The CIT explained that the Department's conclusions in its July 2010 remand redetermination regarding the fourth administrative review in this proceeding, in which the Department found that Essar did not benefit from the CIP based on documents on the fourth administrative review remand record, cast "grave doubt" upon the Department's findings that Essar benefited from the CIP during the fifth review period.¹¹ Thus, the CIT ordered the Department to reopen and place on the administrative record of the fifth administrative review certain documents from the fourth administrative review remand proceeding, and to consider those documents in its reassessment of whether Essar benefited from the CIP.¹²

On October 28, 2010, the Department issued its final results of redetermination pursuant to *Essar I*. The remand redetermination explained that, in accordance with the CIT's order, and under respectful protest, the Department placed certain documents from the fourth administrative review remand proceeding on the record of the fifth administrative review. In light of certain statements by the CIT in *Essar I* and those documents that the CIT ordered the Department to place on the administrative record, the Department reassessed whether Essar benefited from the CIP during the fifth review period

¹ See *Essar Steel Limited v. United States*, Slip Op. 13-48, Court No. 09-197 (Ct. Int'l Trade April 9, 2013) (*Essar V*); Results of Redetermination Pursuant to Court Remand, *Essar Steel Limited v. United States*, Court Number 09-00197, Slip Op. 12-132 (CIT October 15, 2012) filed with the CIT on January 11, 2013 (January 2013 remand results).

² See *Certain Hot-Rolled Carbon Steel Flat Products from India: Final Results and Partial Rescission of Countervailing Duty Administrative Review*, 74 FR 20,923 (May 6, 2009) (*Final Results*), and the accompanying Issues and Decision Memorandum (I&D Memorandum). The administrative review covering the 2007 period is the fifth administrative review of the countervailing duty order on HRCS from India. The administrative review covering the 2006 period is the "fourth" administrative review. See *Final Results*, and the accompanying I&D Memorandum at "Sale of High-Grade Iron Ore for LTAR" section (referring to the 2006 administrative review as the fourth administrative review).

³ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

⁴ See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

⁵ See *Certain Hot-Rolled Carbon Steel Flat Products From India: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Administrative Review Pursuant to Court Decision*, 76 FR 7810 (February 11, 2011) (*Amended Final Results*).

⁶ See *Final Results*.

⁷ See *Final Results*, and the accompanying I&D Memorandum at 3-7 and Comment 2.

⁸ *Id.* at 22-26.

⁹ *Id.*

¹⁰ *Essar Steel Limited v. United States*, 721 F. Supp. 2d 1285, 1301 (CIT 2010) (*Essar I*).

¹¹ *Id.* at 1300; see also *Final Results of Redetermination Pursuant to Court Remand, United States Steel Corp. v. United States*, CIT No., 08-239 (Department of Commerce July 15, 2010) (*Fourth Administrative Review Redetermination*) at 5-6, 22-23.

¹² *Essar I* at 1301.