

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

[A-580-855]

**Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act and Revocation of the Antidumping Duty Order on Diamond Sawblades and Parts Thereof From the Republic of Korea**

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

**SUMMARY:** On May 13, 2011, the U.S. Trade Representative (“USTR”) instructed the Department of Commerce (“Department”) to issue a determination not inconsistent with the World Trade Organization’s decision in *United States—Use of Zeroing in Anti-Dumping Measures Involving Products from Korea* regarding the investigation of diamond sawblades and parts thereof (“Diamond Sawblades”) from the Republic of Korea (“Korea”). The Department issued its determination on October 4, 2011. The Department is now implementing this determination.

**DATES:** *Effective Date:* October 24, 2011.

**FOR FURTHER INFORMATION CONTACT:** David Layton or Yasmin Nair, 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) 482-0371, or (202) 482-3813, respectively.

**SUPPLEMENTARY INFORMATION:****Background**

On July 20, 2011, the Department informed interested parties that it was initiating a proceeding under section 129 of the Uruguay Round Agreements Act (“URAA”) to implement the findings of the World Trade Organization (“WTO”) dispute settlement panel in *United States—Use of Zeroing in Anti-Dumping Measures Involving Products from Korea* (WT/DS402/R) (January 18, 2011). On July 20, 2011, the Department issued the memorandum entitled “Preliminary Results Under Section 129 of the Uruguay Round Agreements Act: Antidumping Measures on Diamond Sawblades and Parts Thereof from the Republic of Korea” (“Preliminary Results”) in which it recalculated the weighted-average dumping margins from the antidumping investigation of

Diamond Sawblades from Korea<sup>1</sup> by applying the calculation methodology described in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin During an Antidumping Investigation; Final Modification*, 71 FR 77722 (December 27, 2006).

The Department invited interested parties to comment on the Preliminary Results. After receiving comments and rebuttal comments from the interested parties, the Department issued its final results for the section 129 determination on October 4, 2011. See the October 4, 2011 memorandum entitled, “Issues and Decision Memorandum for the Final Results of the Proceeding Under Section 129 of the Uruguay Round Agreements Act: Antidumping Measures on Diamond Sawblades and Parts Thereof from the Republic of Korea” (“Issues and Decision Memorandum”).

In its October 24, 2011 letter, USTR notified the Department that, consistent with section 129(b)(3) of the URAA, consultations with the Department and the appropriate congressional committees with respect to the October 4, 2011 determination have been completed. Thus, USTR directed the Department to implement this determination, in accordance with section 129(b)(4) of the URAA.

**Nature of the Proceeding**

Section 129 of the URAA governs the nature and effect of determinations issued by the Department to implement findings by WTO dispute settlement panels and the Appellate Body. Specifically, section 129(b)(2) of the URAA provides that, “notwithstanding any provision of the Tariff Act of 1930,” within 180 days of a written request from the USTR, the Department shall issue a determination that would render its actions not inconsistent with an adverse finding of a WTO panel or the Appellate Body report. See 19 USC 3538(b)(2). The Statement of Administrative Action, URAA, H. Doc. 316, Vol. 1, 103d Cong. (1994) (“SAA”), variously refers to such a determination by the Department as a “new,” “second,” and “different” determination. See SAA at 1025, 1027. After consulting with the Department and the appropriate congressional committees, USTR may direct the

<sup>1</sup> See *Notice of Final Determination of Sales at Less Than Fair Value and Final Determination of Critical Circumstances: Diamond Sawblades and Parts Thereof from the Republic of Korea*, 71 FR 29310 (May 22, 2006), as amended by *Amended Final Determination of Sales at Less Than Fair Value: Diamond Sawblades and Parts Thereof From the Republic of Korea*, 75 FR 14126 (March 24, 2010).

Department to implement, in whole or in part, the new determination made under section 129 of the URAA. See 19 USC 3538(b)(4). Pursuant to section 129(c) of the URAA, the new determination shall apply with respect to unliquidated entries of subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the date on which USTR directs the Department to implement the new determination. See 19 USC 3538(c). The new determination is subject to judicial review separate and apart from judicial review of the Department’s original determination. See 19 USC 1516a(a)(2)(B)(vii).

**Analysis of Comments Received**

The issues raised in the case and rebuttal briefs submitted by interested parties to this proceeding are addressed in the Issues and Decision Memorandum dated October 4, 2011, which is hereby adopted by this notice. A list of the issues raised is attached to this notice as Appendix I. The Issues and Decision Memorandum is a public document and is on file electronically via Import Administration’s Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). Access to IA ACCESS is available in the Central Records Unit (CRU), room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at <http://www.trade.gov/ia/>. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

**Final Antidumping Duty Margins**

The recalculated margins, unchanged from the Preliminary Results, are as follows:

- The margin for Ehwa Diamond Industrial Co., Ltd. decreases from 8.80 percent to zero.
- The margin for Shinhan Diamond Industrial Co. decreases from 16.88 percent to zero.
- The margin for Hyosung Diamond Industrial Co. decreases from 6.43 percent to zero.
- Because the changes to the margin calculations result in no margins for the three mandatory respondents, the All Others rate decreases from 11.10 percent to zero.

**Revocation of the Antidumping Duty Order**

As a result of the recalculations, all of the dumping margins are now zero. Accordingly, the Department is now

revoking this order effective October 24, 2011, the date upon which USTR directed the Department to implement its final results.

We will instruct U.S. Customs and Border Protection to liquidate, without regard to antidumping duties, all entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after October 24, 2011 (the effective date), and to discontinue collection of cash deposits of antidumping duties.<sup>2</sup>

This determination is issued and published in accordance with section 129(c)(2)(A) of the URAA.

Dated: October 24, 2011.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

## Appendix I

Issues raised in the Issues and Decision Memorandum.

Comment 1: Whether the Department of Commerce has the authority to revoke the antidumping duty order.

Comment 2: Whether the Department should reset the cash deposit rates to zero in lieu of revocation.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-502, A-549-502, and A-489-501]

### Certain Circular Welded Carbon Steel Pipes and Tubes From India, Thailand, and Turkey; Final Results of Expedited Five-Year ("Sunset") Reviews of Antidumping Duty Orders

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

**SUMMARY:** On July 1, 2011, the Department of Commerce ("the Department") initiated the third sunset reviews of the antidumping duty orders on certain circular welded carbon steel pipes and tubes from India, Thailand, and Turkey, pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). On the basis of a notice of intent to participate and adequate

substantive responses filed on behalf of the domestic interested parties and inadequate response from respondent interested parties, the Department has conducted expedited sunset reviews of these antidumping duty orders. As a result of these sunset reviews, the Department finds that revocation of the antidumping duty orders would likely lead to continuation or recurrence of dumping at the level indicated in the "Final Results of Reviews" section of this notice.

**DATES:** *Effective Date:* October 28, 2011.

#### FOR FURTHER INFORMATION CONTACT:

Dennis McClure, Antidumping/Countervailing Duty Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* (202) 482-5973.

#### SUPPLEMENTARY INFORMATION:

#### Background

Pursuant to section 736 of the Act, the Department published in the **Federal Register** the antidumping duty orders on certain circular welded carbon steel pipes and tubes from India, Thailand, and Turkey. *See Antidumping Duty Order; Certain Welded Carbon Steel Standard Pipes and Tubes from India*, 51 FR 17384 (May 12, 1986); *Antidumping Duty Order; Circular Welded Carbon Steel Pipes and Tubes From Thailand*, 51 FR 8341 (March 11, 1986); and *Antidumping Duty Order; Welded Carbon Steel Standard Pipe and Tube Products From Turkey*, 51 FR 17784 (May 15, 1986).

On July 1, 2011, the Department published a notice of initiation of the third sunset reviews of the antidumping duty orders on certain circular welded carbon steel pipes and tubes from India, Thailand, and Turkey, pursuant to section 751(c) of the Act. *See Initiation of Five-Year ("Sunset") Review*, 76 FR 38613 (July 1, 2011).

For each of these sunset reviews, the Department received notice of intent to participate from Allied Tube and Conduit, JMC Steel Group, Leavitt Tube, Northwest Pipe Company, TMK IPSCO Tubulars, U.S. Steel Corporation, and Western Tube and Conduit, (collectively, "the domestic interested parties") within the deadline specified in 19 CFR 351.218(d)(1)(i). In addition, Wheatland Tube Company ("Wheatland") filed an entry of appearance and also requested recognition as a domestic interested party. The domestic interested parties claim interested party status under section 771(9)(C) of the Act as U.S. producers of the subject merchandise.

On July 4, 2011, the Government of Turkey filed an entry of appearance as an interested party for the Turkish proceeding. On July 5, 2011, the Government of Turkey requested the Department to extend the 30-day deadline for filing its substantive response as specified in 19 CFR 351.218(d)(3)(i). On July 7, 2011, Saha Thai Steel Pipe (Public) Company, Ltd. ("Saha Thai"), a Thai producer and exporter, entered an appearance as a respondent interested party. On August 10, 2011, the Department extended the deadline to file a substantive response until August 10, 2011.

On July 29, August 1, and 10, 2011, we received complete substantive responses from the domestic interested parties within the extended deadline established by the Department. Wheatland Tube Company did not file a substantive response. Saha Thai did not file a substantive response. On August 9, 2011, the Government of Turkey submitted a substantive response within the extended deadline.<sup>1</sup> On August 17, 2011, we received rebuttal comments to the Government of Turkey's substantive response from U.S. Steel Corporation. We received no other substantive responses from respondent interested parties on the three antidumping duty orders currently under review and, therefore, did not have adequate respondent interested party participation pursuant to 19 CFR 351.218(e)(1)(ii)(A).

Based on these circumstances, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department has conducted expedited sunset reviews of these antidumping duty orders.

#### Scope of the Antidumping Duty Orders

*See Appendix 1.*

#### Analysis of Comments Received

All issues raised in these cases are addressed in the Issues and Decision Memorandum for the Final Results of Expedited Five-Year (Sunset) Reviews of the Antidumping Duty Orders on Certain Circular Welded Carbon Steel Pipes and Tubes from India, Thailand, and Turkey from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Deputy Assistant Secretary for Import Administration ("Decision Memo"), dated concurrent with this final notice, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of

<sup>1</sup> The Government of Turkey did not claim to have exported subject merchandise.

<sup>2</sup> Pursuant to a Temporary Restraining Order issued by the U.S. Court of International Trade on October 13, 2011, the Department of Commerce and U.S. Customs and Border Protection are restrained from lifting the suspension of liquidation on unliquidated entries of diamond sawblades and parts thereof from the Republic of Korea. Pursuant to this **Federal Register** notice, future entries of such merchandise are subject to suspension of liquidation at the cash deposit rate of zero. Changes to the suspension of liquidation will be consistent with the Court's final ruling.