

after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

#### Assessment Rates

Upon issuance of the final results, 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 publication date of the final results of this review.

For any individually examined respondent whose weighted-average dumping margin is not zero or *de minimis* (i.e., less than 0.50 percent), we will calculate importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).<sup>6</sup> We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is not zero or *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.

For the PRC-wide entity, we will instruct CBP to assess antidumping duties at an *ad valorem* rate as appropriate.

#### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results, as provided by sections 751(a)(2)(C) of the Act: (1) For Takayasu, which at the outset of this review was not eligible for a separate rate, the cash deposit rate will be that established in the final results of this review (except, if the rate is *de minimis*, where the cash deposit rate will be zero); (2) For previously investigated or reviewed PRC and non-PRC exporters not listed above that

received a separate rate in a prior completed segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific cash deposit rate published for the most recently completed period; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the PRC-wide entity, 44.30 percent;<sup>7</sup> 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 that supplied that non-PRC exporter. These deposit requirements, 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)(2) 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 Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Notification to Interested Parties

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

Dated: July 16, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

#### Appendix

List of Topics Discussed in the Preliminary Decision Memorandum:

1. Summary
  - a. Case History
  - b. Scope of the Order
2. Discussion of the Methodology
  - a. Non-Market Economy Status
  - b. Separate Rates
  - c. Surrogate Country
  - d. Date of Sale
  - e. Fair Value Comparisons
    - i. Determination of Comparison Method
    - ii. Results of the Differential Pricing Analysis
  - f. U.S. Price
    - i. Export Price
    - ii. Value Added Tax
  - g. Normal Value
  - h. Factor Valuations
  - i. Currency Conversion

<sup>7</sup> See *Final Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances: Certain Polyester Staple Fiber from the People's Republic of China*, 72 FR 19690, 19693 (April 19, 2007).

3. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-947]

#### Steel Grating From the People's Republic of China: Notice of Court Decision Not in Harmony With the Final Determination in the Less-Than-Fair-Value Investigation and Notice of Amended Final Determination Pursuant to Court Decision

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

**SUMMARY:** On April 9, 2014, the United States Court of International Trade ("CIT") sustained the Department of Commerce's (the "Department") results of redetermination, pursuant to the CIT's remand order, in *Yantai Xinke Steel Structure Co., Ltd. v. United States*, Slip Op. 2014-38 (CIT April 9, 2014), concerning the final determination of the less-than-fair-value investigation of certain steel grating from the People's Republic of China ("PRC").<sup>1</sup>

Consistent with the decision of the United States Court of Appeals for the Federal Circuit ("CAFC") in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("*Timken*"), as clarified by *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) ("*Diamond Sawblades*"), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's *Final Determination*, and it is amending the *Final Determination* with respect to Yantai Xinke Steel Structure Co., Ltd. ("Yantai Xinke"), Ningbo Haitian International Co., Ltd. ("Haitian"), and Ningbo Jiulong Machinery Co., Ltd. ("Jiulong").

**DATES:** *Effective Date:* April 19, 2014.

**FOR FURTHER INFORMATION CONTACT:** Brandon Farlander and Thomas Martin, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-0182 and (202) 482-3936.

<sup>1</sup> See *Final Results of Redetermination Pursuant to Court Remand*, Court No. 10-00240, dated January 18, 2013, available at: <http://enforcement.trade.gov/remands/index.html> ("*Steel Grating Final Remand*"); *Certain Steel Grating From the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 75 FR 32366 (June 8, 2010) ("*Final Determination*").

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

<sup>6</sup> In these final 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).

**SUPPLEMENTARY INFORMATION:**

**Background**

On June 8, 2010, the Department published the *Final Determination*. Chinese exporters of steel grating from China, Yantai Xinke, Jiulong, and Haitian appealed the Department's *Final Determination* to the CIT, and on July 18, 2012, the Court remanded certain issues to the Department for reconsideration.<sup>2</sup> Consistent with the CIT's holding, in the *Steel Grating Final Remand*, the Department recalculated Yantai Xinke's and Haitian's weighted-average dumping margins using more contemporaneous surrogate value data, and assigned Jiulong a weighted-average dumping margin separate from that of

the PRC-wide entity. The CIT subsequently affirmed the Department's *Steel Grating Final Remand* on April 9, 2014.

**Timken Notice**

In its decision in *Timken*, as clarified by *Diamond Sawblades*, the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended ("the Act"), the Department must publish a notice of a court decision that is not "in harmony" with a Department determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's April 9, 2014, judgment sustaining the *Steel Grating Final Remand* constitutes a final decision of that court that is not

in harmony with the *Final Determination*. This notice is published in fulfillment of the publication requirements of *Timken*.

**Amended Final Determination**

Because there is now a final court decision with respect to this litigation, the Department is amending its *Final Determination* with respect to Yantai Xinke's and Haitian's weighted-average dumping margins, and is assigning Jiulong a weighted-average dumping margin that is separate from that of the PRC-wide entity. The revised weighted-average dumping margins for the period October 1, 2008, through March 31, 2009, are as follows:

Producer	Exporter	Weighted-average dumping margin (percent)
Ningbo Haitian International Co., Ltd .....	Ningbo Lihong Steel Grating Co., Ltd .....	38.16
Yantai Xinke Steel Structure Co., Ltd .....	Yantai Xinke Steel Structure Co., Ltd .....	38.16
Ningbo Jiulong Machinery Manufacturing Co., Ltd .....	Ningbo Jiulong Machinery Manufacturing Co., Ltd .....	145.18

**Cash Deposit Requirements**

Since the expiration of the period of appeal has concluded, the Department will instruct United States Customs and Border Protection ("CBP") to liquidate all entries of subject merchandise which were suspended pending a final and conclusive court decision in accordance with 19 CFR 351.212(b)(1). Since the *Final Determination*, the Department has not established a new cash deposit rate for Yantai Xinke, Haitian or Jiulong. Therefore, consistent with section 751(a)(1) of the Act, the Department will instruct CBP to collect cash deposits for entries of subject merchandise for Yantai Xinke, Haitian and Jiulong (as a party separate from the PRC-wide entity) equal to the weighted-average dumping margin listed above under "Amended Final Determination."

**Notification to Interested Parties**

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: July 15, 2014.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty**

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

**DATES:** *Effective Date:* July 25, 2014.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Moore, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave. NW., Washington, DC 20230, telephone: (202) 482-3692.

**SUPPLEMENTARY INFORMATION:** Section 702 of the Trade Agreements Act of 1979 (as amended) (the Act) requires the Department of Commerce (the Department) to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of cheese subject to an in-quota rate of duty, as defined in section 702(h) of the Act, and to publish quarterly updates to the type and amount of those subsidies. We hereby provide the Department's quarterly update of subsidies on articles of cheese that were imported during the periods January 1, 2014, through March 31, 2014.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies, as defined in section 702(h) of the Act, being provided either directly or indirectly by foreign governments on articles of cheese subject to an in-quota rate of duty. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available. The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such information in writing to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Ave. NW., Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the Act.

Dated: July 16, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

**APPENDIX—SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY**

<sup>2</sup> *Yantai Xinke Steel Structure Co. v. United States*, Slip Op. 2012-95 (CIT July 18, 2012).