



DEPARTMENT OF COMMERCE

International Trade Administration

[C-533-907]

Sodium Nitrite from India: Preliminary Results and Intent to Rescind, in Part, of Countervailing Duty Administrative Review; 2022-23

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of sodium nitrite from India. The period of review (POR) is June 21, 2022, through December 31, 2023. In addition, Commerce, intends to rescind this review with respect to three companies. Interested parties are invited to comment on these preliminary results.

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

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SUPPLEMENTARY INFORMATION:

Background

On February 27, 2023, Commerce published the countervailing duty (CVD) order on sodium nitrite from India.¹ On April 9, 2024, Commerce published in the *Federal Register* a notice of initiation of an administrative review of the *Order*.² On July 22, 2024,

¹ See *Sodium Nitrite From India: Antidumping Duty and Countervailing Duty Orders*, 88 FR 12313 (February 27, 2023) (*Order*).

² See *Initiation of Antidumping Duty and Countervailing Duty Administrative Reviews*, 89 FR 24780 (April 9, 2024).

Commerce tolled certain deadlines in this administrative proceeding by seven days.³ On October 28, 2024, Commerce extended the deadline for the preliminary results until March 7, 2025.⁴ On December 9, 2024, Commerce tolled certain deadlines in this administrative proceeding by 90 days.⁵ The current deadline for the preliminary results in this administrative review is June 5, 2025.

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.⁶ A list of topics included in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the *Order*

The merchandise covered by this *Order* is sodium nitrite from India. For a complete description of the scope of the *Order*, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this CVD administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an “authority” that gives rise to a benefit to the recipient, and

³ *See* Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” dated July 22, 2024.

⁴ *See* Memorandum, “Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review,” dated October 28, 2024.

⁵ *See* Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” dated December 9, 2024.

⁶ *See* Memorandum, “Decision Memorandum for Preliminary Results of the Administrative Review of the Countervailing Duty Order on Sodium Nitrite from India; 2022-23,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

that the subsidy is specific.⁷ For a full description of the methodology underlying our preliminary conclusions, including our reliance, in part on adverse facts available pursuant to sections 776(a) and (b) of the Act, *see* the Preliminary Decision Memorandum.

Intent To Rescind Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of a CVD order where it determines that there were no suspended entries of subject merchandise during the POR.⁸ Normally, upon completion of an administrative review, the suspended entries are liquidated at the CVD assessment rate for the review period. Therefore, for an administrative review to be conducted, there must be a suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the calculated countervailing duty assessment rate for the review period.

As discussed in greater detail in the Preliminary Decision Memorandum, the POR entry totals reflected in the CBP data reflected no POR entries of subject merchandise from: (1) Kutch Chemical Industries; (2) Palvi Industries Limited; and (3) Lotus Global Pvt. Ltd.⁹ In the absence of any suspended entries of subject merchandise from these companies during the POR, Commerce hereby notifies all interested parties of its intent to rescind this administrative review with respect to these companies. Commerce is providing interested parties with an opportunity to submit comments in their case briefs on this intent to rescind.

Companies Not Selected for Individual Examination

There were five companies for which a review was requested, of which four companies were not selected as mandatory respondents. Three of these four companies did not have entries during the POR. *See* “Intent to Rescind Administrative Review, in Part,” above. The Act and Commerce's regulations do not address the establishment of a rate to apply companies not

⁷ *See* sections 771(5)(B) and (D) of the Act (regarding financial contribution); section 771(5)(E) of the Act (regarding benefit); and section 771(5A) of the Act (regarding specificity).

⁸ *See, e.g., Certain Hardwood Plywood Products from the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review and Rescission of Review, in Part; 2017-2018, 84 FR 54844, 54845 and n.8 (October 11, 2019) (citing Lightweight Thermal Paper from the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review; 2015, 82 FR 14349 (March 20, 2017)).*

⁹ *See* Memorandum, “Release of Customs and Border Protection Data,” dated April 24, 2024.

selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, Commerce normally determines the rates for non-selected companies in reviews in a manner that is consistent with section 705(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation. Section 777A(e)(2) of the Act provides that “the individual countervailable subsidy rates determined under subparagraph (A) shall be used to determine the all-others rate under section 705(c)(5) {of the Act}.” Section 705(c)(5)(A) states that for companies not investigated, in general, we will determine an all-others rate by weight averaging the countervailable subsidy rates established for each of the companies individually investigated, excluding zero and *de minimis* rates or any rates based solely on the facts available.

Commerce calculated an individual estimated countervailable subsidy rate for Deepak Nitrite Limited (DNL), the only individually examined exporter/producer in this administrative review. Because the only individually calculated rate is not zero, *de minimis*, or based entirely on facts otherwise available, the estimated weighted-average rate calculated for DNL is the rate assigned to all other producers and exporters, pursuant to section 735(c)(5)(A)(i) of the Act.

Preliminary Results of Review

As a result of this review, we preliminarily determine that, for 2022 and 2023, the following estimated countervailable subsidy rates exist:

Company	Subsidy Rate for 2022 (percent <i>ad valorem</i>)	Subsidy Rate for 2023 (percent <i>ad valorem</i>)
Deepak Nitrite Limited ¹⁰	12.08	5.26
Review-Specific Rate Applicable to the Following Non-Examined Company:		
Kronox Lab Sciences Pvt Ltd.	12.08	5.26

Disclosure and Public Comment

¹⁰ Deepak Nitrite Limited includes Deepak Nitrite Limited Nandesari Division.

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the *Federal Register*, in accordance with 19 CFR 351.224(b).

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance.¹¹ Additionally, pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date of filing case briefs.¹² Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹³ All briefs must be filed electronically using ACCESS.¹⁴ An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this review, we instead request that parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹⁵ Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this

¹¹ See 19 CFR 351.309(c)(1)(ii); see also 19 CFR 351.303 (for general filing requirements).

¹² See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

¹³ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁴ See 19 CFR 351.303 (for general filing requirements).

¹⁵ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

investigation. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁶

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain 1) the party's name, address, and telephone number; 2) the number of participants and whether any participant is a foreign national; and 3) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date of the hearing.

Final Results

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised by parties in their comments, within 120 days after the date of publication of these preliminary results.

Assessment Rates

Consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), upon issuance of the final results, Commerce will determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review at the applicable *ad valorem* assessment rates listed for the corresponding time period (*i.e.*, June 21, 2022, through December 31, 2022, and January 1, 2023, through December 31, 2023). We intend to issue instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the *Federal Register*. If a timely summons is filed at the U.S. Court of International Trade, the

¹⁶ See APO and Service Final Rule.

assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends, upon publication of the final results, to instruct CBP to collect cash deposits of estimated countervailing duties in the amount for the year 2023 shown for the company listed above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: June 5, 2025.

Christopher Abbott,

Deputy Assistant Secretary

for Policy and Negotiations,

performing the non-exclusive functions and duties

of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

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- III. Period of Review
- IV. Scope of the *Order*
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- VI. Diversification of India's Economy
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[FR Doc. 2025-10637 Filed: 6/10/2025 8:45 am; Publication Date: 6/11/2025]