

**DEPARTMENT OF COMMERCE****International Trade Administration****Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review**

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

**FOR FURTHER INFORMATION CONTACT:** Brenda E. Brown, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-4735.

**Background**

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (Commerce) conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting date.

**Respondent Selection**

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (APO) to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible.

Commerce invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, Commerce finds that determinations concerning whether particular companies should be “collapsed” (*i.e.*, treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of a review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.*, investigation, administrative review, new shipper review or changed circumstances review). For any company subject to a review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes.

Otherwise, Commerce will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete a Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of a proceeding where Commerce considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

**Deadline for Withdrawal of Request for Administrative Review**

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may

withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

**Deadline for Particular Market Situation Allegation**

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.<sup>1</sup> Section 773(e) of the Act states that “if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.” When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial Section D responses.

*Opportunity to Request a Review:* Not later than the last day of April 2020,<sup>2</sup> interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in April for the following periods:

<sup>1</sup> See Trade Preferences Extension Act of 2015, Public Law 114-27, 129 Stat. 362 (2015).

<sup>2</sup> Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when Commerce is closed.

| <b>Antidumping Duty Proceedings</b>   |                  |
|---|------------------|
| Argentina: Biodiesel A-357-820 .....  | 4/1/19-3/31/20   |
| Indonesia: Biodiesel A-560-830 .....  | 4/1/19-3/31/20   |
| Republic of Korea: Phosphor Copper A-580-885 .....                                    | 4/1/19-3/31/20   |
| Thailand: Rubber Bands A-549-835 .....  | 9/6/2018-3/31/20 |
| The People's Republic of China:   |                  |
| 1,1,1,2- Tetrafluoroethane (R-134A) A-570-044 .....                                   | 4/1/19-3/31/20   |
| The People's Republic of China: Activated Carbon A-570-904 .....                      | 4/1/19-3/31/20   |
| The People's Republic of China: Aluminum Foil A-570-053 .....                         | 4/1/19-3/31/20   |
| The People's Republic of China: Drawn Stainless Steel Sinks A-570-983 .....           | 4/1/19-3/31/20   |
| The People's Republic of China: Magnesium Metal A-570-896 .....                       | 4/1/19-3/31/20   |
| The People's Republic of China: Non-Malleable Cast Iron Pipe Fittings A-570-875 ..... | 4/1/19-3/31/20   |
| The People's Republic of China: Stainless Steel Sheet and Strip A-570-042 .....       | 4/1/19-3/31/20   |
| The People's Republic of China: Certain Steel Threaded Rod A-570-932 .....            | 4/1/19-3/31/20   |
| <b>Countervailing Duty Proceedings</b>  |                  |
| The People's Republic of China:   |                  |
| Aluminum Foil C-570-054 .....   | 1/1/19-12/31/19  |
| The People's Republic of China: Drawn Stainless Steel Sinks C-570-984 .....           | 1/1/19-12/31/19  |
| The People's Republic of China: Stainless Steel Sheet and Strip C-570-043 .....       | 1/1/19-12/31/19  |
| <b>Suspension Agreements</b>  |                  |
| None.   |                  |

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party Commerce was unable to locate in prior segments, Commerce will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested

party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011), Commerce clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.<sup>3</sup>

Commerce no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an antidumping duty administrative reviews.<sup>4</sup> Accordingly, the NME entity will not be under review unless Commerce specifically receives a request for, or self-initiates, a review of the NME entity.<sup>5</sup> In administrative reviews of antidumping duty orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate

<sup>3</sup> See the Enforcement and Compliance website at <https://legacy.trade.gov/enforcement/>.

<sup>4</sup> See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

<sup>5</sup> In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

rate, Commerce will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity). Following initiation of an antidumping administrative review when there is no review requested of the NME entity, Commerce will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) on Enforcement and Compliance's ACCESS website at <https://access.trade.gov>.<sup>6</sup> Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until May 19, 2020, unless extended.<sup>7</sup>

Commerce will publish in the **Federal Register** a notice of "Initiation of

<sup>6</sup> See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

<sup>7</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 17006 (March 26, 2020).

Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation” for requests received by the last day of April 2020. If Commerce does not receive, by the last day of April 2020, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, Commerce will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures “gap” period of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: March 26, 2020.

**James Maeder,**

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

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-872]

#### Finished Carbon Steel Flanges From India: Final Results of Countervailing Duty Administrative Review, 2016–2017

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

**SUMMARY:** The Department of Commerce (Commerce) determines that Norma (India) Ltd. (Norma) and R.N. Gupta & Co. Ltd (RNG), producers and/or exporters of finished carbon steel flanges (steel flanges) from India, received countervailable subsidies during the period of review (POR), November 29, 2016 through December 31, 2017.

**DATES:** Applicable April 1, 2020.

**FOR FURTHER INFORMATION CONTACT:** Yasmin Bordas or John McGowan, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of

Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3813 and (202) 482–3019, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

Commerce published the preliminary results of this administrative review of steel flanges from India on October 15, 2019.<sup>1</sup> For a history of events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.<sup>2</sup>

Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018 through the resumption of operations on January 29, 2019.<sup>3</sup> On February 3, 2020, Commerce extended the deadline for the final results of this administrative review.

The revised deadline for the final results of this administrative review is now March 27, 2020.<sup>4</sup>

Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

##### Scope of the Order

The merchandise covered by the order is steel flanges. For a complete description of the scope of the order, see the Issues and Decision Memorandum.

##### Analysis of Comments Received

All issues raised in interested parties’ case and rebuttal briefs are addressed in the Issues and Decision Memorandum. The issues are identified in the Appendix to this notice. The Issues and 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

<sup>1</sup> See *Finished Carbon Steel Flanges from India: Preliminary Results of Countervailing Duty Administrative Review, 2016–2017*, 84 FR 55141 (October 15, 2019) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See Memorandum, “Decision Memorandum for the Final Results of the 2016–2017 Countervailing Duty Administrative Review of Finished Carbon Steel Flanges from India,” dated concurrently with this determination and hereby adopted by this notice (Issues and Decision Memorandum).

<sup>3</sup> See Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, “Deadlines Affected by the Partial Shutdown of the Federal Government,” dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

<sup>4</sup> See Memorandum, “Finished Carbon Steel Flanges from India: Extension of Deadline for Final Results of Countervailing Duty Administrative Review; 11/29/2016–12/31/2017,” dated February 3, 2020.

registered users at <https://access.trade.gov> and is available to all parties in the Central Records Unit, room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at <http://enforcement.trade.gov/frn/index.html>. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

##### Changes Since the Preliminary Results

Based on the comments received from the interested parties after the *Preliminary Results*, we made changes to the net subsidy rates calculated for the mandatory respondents. For a discussion of these issues, see the Issues and Decision Memorandum.

##### Companies Not Selected for Individual Review

For the companies not selected for individual review, because the rates calculated for Norma and RNG were above *de minimis* and not based entirely on facts available, we applied a subsidy rate based on a weighted-average of the subsidy rates calculated for Norma and RNG using publicly ranged sales data submitted by the respondents. This is consistent with the methodology that we would use in an investigation to establish the all-others rate, pursuant to section 705(c)(5)(A) of the Act.

##### Final Results of Administrative Review

We determine that, for the period of November 29, 2016 through December 31, 2017, the following total estimated net countervailable subsidy rates exist:

| Company   | Subsidy rate (percent <i>ad valorem</i> ) |
|---|---|
| Norma (India) Ltd <sup>5</sup> .....            | 5.39                                      |
| R.N. Gupta & Co. Ltd .....                      | 4.69                                      |
| Adinath International .....                     | 5.03                                      |
| Allena Group .....                              | 5.03                                      |
| Alloyed Steel .....                             | 5.03                                      |
| Bebitz Flanges Works Private Limited .....      | 5.03                                      |
| C.D. Industries .....                           | 5.03                                      |
| CHW Forge .....                                 | 5.03                                      |
| CHW Forge Pvt. Ltd. ....                        | 5.03                                      |
| Citizen Metal Depot .....                       | 5.03                                      |
| Corum Flange .....                              | 5.03                                      |
| DN Forge Industries .....                       | 5.03                                      |
| Echjay Forgings Limited .....                   | 5.03                                      |
| Falcon Valves and Flanges Private Limited ..... | 5.03                                      |
| Heubach International .....                     | 5.03                                      |
| Hindon Forge Pvt. Ltd. ....                     | 5.03                                      |

<sup>5</sup> We note that cross-ownership exists between Norma (India) Ltd., USK Export Private Limited (USK), Uma Shanker Khandelwal and Co., (UMA) and Bansidhar Chiranjilal (BCL). See Issues and Decision Memorandum at 4.