

## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-570-904]

**Certain Activated Carbon From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2013-2014**

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

**SUMMARY:** In response to requests from interested parties, the Department of Commerce ("Department") is conducting the administrative review of the antidumping duty order on certain activated carbon from the People's Republic of China ("PRC") for the period of review ("POR") April 1, 2013, through March 31, 2014. The Department preliminarily finds that subject merchandise has been sold in the United States at prices below normal value ("NV") during the POR. The Department invites interested parties to comment on these preliminary results.

**DATES:** *Effective Date:* May 5, 2015.

**FOR FURTHER INFORMATION CONTACT:** Bob Palmer or Frances Veith, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-9068, or (202) 482-4295, respectively.

**SUPPLEMENTARY INFORMATION:****Scope of the Order**

The merchandise subject to the order is certain activated carbon. The products are currently classifiable under the Harmonized Tariff Schedule of the United States ("HTSUS") subheading 3802.10.00.<sup>1</sup> Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of the order remains dispositive.

**Preliminary Determination of No Shipments**

Based on an analysis of U.S. Customs and Border Protection ("CBP") information, and no shipment

<sup>1</sup> For a complete description of the Scope of the Order, see "Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Certain Activated Carbon from the People's Republic of China; 2013-14" ("Preliminary Decision Memorandum") from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado Assistant Secretary for Enforcement and Compliance, issued concurrently with, and hereby adopted by, this notice.

certifications submitted by Sinoacarbon International Trading Co., Ltd. ("Sinoacarbon"), the Department preliminarily determines that Sinoacarbon had no shipments during the POR. For additional information regarding this determination, see the Preliminary Decision Memorandum.

Consistent with our practice in non-market economy ("NME") cases, the Department is not rescinding this review, in part, but intends to complete the review with respect to Sinoacarbon, for which it has preliminarily found no shipments, and issue appropriate instructions to CBP based on the final results of the review.<sup>2</sup>

**Methodology**

The Department conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended ("the Act"). We calculated constructed export prices and export prices in accordance with section 772 of the Act. Because the PRC is a non-market economy ("NME") within the meaning of section 771(18) of the Act, NV has been calculated in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. A list of the 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/login.aspx> and it is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum is available at <http://enforcement.trade.gov/frn/>. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

**Preliminary Results of the Review**

The Department preliminarily finds that four companies subject to this review did not establish eligibility for a separate rate. As such, we preliminarily determine they are part of the PRC-wide entity.<sup>3</sup> Because no party requested a

<sup>2</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694, 65694-95 (October 24, 2011).

<sup>3</sup> Those four companies are Ningxia Guanghua A/C Co., Ltd., Shanghai Astronautical Science

review of the PRC-wide entity and the Department no longer considers the PRC-wide entity as an exporter conditionally subject to administrative reviews,<sup>4</sup> we did not conduct a review of the PRC-wide entity. Thus, the rate for the-NME entity is not subject to change as a result of this review.

For companies subject to this review which established their eligibility for a separate rate, the Department preliminarily determines that the following weighted-average dumping margins exist for the POR from April 1, 2013, through March 31, 2014:

Exporter	Weighted-average dumping margin (U.S. dollars per kilogram) <sup>5</sup>
Jacobi Carbons AB <sup>6</sup> .....	0.53
Datong Juqiang Activated Carbon Co., Ltd .....	0.00
Carbon Activated Tianjin Co., Ltd .....	0.53
Calgon Carbon (Tianjin) Co., Ltd .....	0.53
Datong Municipal Yunguang Activated Carbon Co., Ltd .....	0.53
Jilin Bright Future Chemicals Company, Ltd .....	0.53
Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd <sup>7</sup> .....	0.53
Ningxia Huahui Activated Carbon Co., Ltd .....	0.53
Ningxia Mineral and Chemical Limited .....	0.53
Shanxi DMD Corporation .....	0.53
Shanxi Industry Technology Trading Co., Ltd .....	0.53
Shanxi Sincere Industrial Co., Ltd .....	0.53
Tancarb Activated Carbon Co., Ltd .....	0.53
Tianjin Channel Filters Co., Ltd .....	0.53
Tianjin Majin Industries Co., Ltd .....	0.53

**Disclosure and Public Comment**

The Department intends to disclose calculations performed for these preliminary results to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Technology Development Corporation, Tangshan Solid Carbon Co., Ltd., and Zhejiang Xingda Activated Carbon Co., Ltd.

<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, 65969-70 (November 4, 2013).

<sup>5</sup> In the second administrative review of the Order, the Department determined that it would calculate per-unit weighted-average dumping margins and assessment rates for all future reviews.

Continued

Interested parties may submit written comments in the form of case briefs within 30 days of publication of the preliminary results and rebuttal comments in the form of rebuttal briefs within five days after the time limit for filing case briefs.<sup>8</sup> Rebuttal briefs must be limited to issues raised in the case briefs.<sup>9</sup> Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>10</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written

*See Certain Activated Carbon From the People's Republic of China: Final Results and Partial Rescission of Second Antidumping Duty Administrative Review*, 75 FR 70208, 70211 (November 17, 2010). *See also Notice of Antidumping Duty Order: Certain Activated Carbon From the People's Republic of China*, 72 FR 20988 (April 27, 2007) ("Order").

<sup>6</sup>In the third administrative review, the Department found that Jacobi Carbons AB, Tianjin Jacobi International Trading Co. Ltd., and Jacobi Carbons Industry (Tianjin) are a single entity and, because there were no changes to the facts which supported that decision since that determination was made, we continue to find that these companies are part of a single entity for this administrative review. *See Certain Activated Carbon From the People's Republic of China: Final Results and Partial Rescission of Third Antidumping Duty Administrative Review*, 76 FR 67142 (October 31, 2011); *Certain Activated Carbon From the People's Republic of China; 2010–2011; Final Results of Antidumping Duty Administrative Review*, 77 FR 67337, 67338 (November 9, 2012); *Certain Activated Carbon From the People's Republic of China; 2011–2012; Final Results of Antidumping Duty Administrative Review*, 78 FR 70533, 70535 (November 26, 2013); *Certain Activated Carbon From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013*, 79 FR 70163, 70165 (November 25, 2014).

<sup>7</sup>In the first administrative review, the Department found that Beijing Pacific Activated Carbon Products Co., Ltd., Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd., and Ningxia Guanghua Activated Carbon Co., Ltd. are a single entity and, because there were no changes to the facts which supported that decision since that determination, we continue to find that these companies are part of a single entity for this administrative review. *See Certain Activated Carbon From the People's Republic of China: Notice of Preliminary Results of the Antidumping Duty Administrative Review and Extension of Time Limits for the Final Results*, 74 FR 21317 (May 7, 2009), unchanged in *First Administrative Review of Certain Activated Carbon From the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 74 FR 57995 (November 10, 2009); and *Certain Activated Carbon From the People's Republic of China: Final Results of Antidumping Duty Administrative Review, 2011–2012*, 78 FR 70533 (November 26, 2013) at footnote 33; *Certain Activated Carbon From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013*, 79 FR 70163, 70165 (November 25, 2014).

<sup>8</sup> See 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1); *see also* 19 CFR 351.303 (for general filing requirements).

<sup>9</sup> See 19 CFR 351.309(d)(2).

<sup>10</sup> See 19 CFR 351.309(c)(2) and (d)(2).

request to the Assistant Secretary for Enforcement and Compliance within 30 days of 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 (3) A list of issues parties intend to discuss. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs.<sup>11</sup> If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a date and time to be determined.<sup>12</sup> Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

All submissions, with limited exceptions, must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by 5 p.m. Eastern Time ("ET") on the due date. Documents excepted from the electronic submission requirements must be filed manually (*i.e.*, in paper form) with the APO/Dockets Unit in Room 18022 and stamped with the date and time of receipt by 5 p.m. ET on the due date.

Unless otherwise extended, the Department intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in any briefs, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act.

#### Assessment Rates

Upon issuance of the final results, the Department will determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries covered by this review.<sup>13</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 (estimated) *ad valorem* weighted-average dumping margin is not zero or *de minimis* (*i.e.*, less than 0.50 percent) in the final results of this review, the Department will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total quantity of those sales, in accordance with 19 CFR 351.212(b)(1).<sup>14</sup> The Department will

<sup>11</sup> See 19 CFR 351.310(c).

<sup>12</sup> See 19 CFR 351.310(d).

<sup>13</sup> See 19 CFR 351.212(b)(1).

<sup>14</sup> In these preliminary results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and*

also calculate (estimated) *ad valorem* importer-specific assessment rates with which to assess whether the per-unit assessment rate is *de minimis*. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate calculated in the final results of this review is not zero or *de minimis*. Where either the respondent's *ad valorem* weighted-average dumping margin is zero or *de minimis*, or an importer-specific *ad valorem* assessment rate is zero or *de minimis*,<sup>15</sup> we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For entries that were not reported in the U.S. sales data submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the rate for the PRC-wide entity.<sup>16</sup> Additionally, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.*, at that exporter's rate) will be liquidated at the rate for the PRC-wide entity.<sup>17</sup>

In accordance with section 751(a)(2)(C) of the Act, 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 antidumping duties, where applicable.

#### 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, as provided by section 751(a)(2)(C) of the Act: (1) For each specific company listed in the final results of review, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review (except, if the rate is *de minimis*, then 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 the completed segment of this proceeding for the most recent period, the cash deposit rate will continue to be the

*Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

<sup>15</sup> See 19 CFR 351.106(c)(2).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

existing exporter-specific cash deposit rate; (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; and (4) for all non-PRC exporters of subject merchandise which have not received their own separate rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These cash 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 POR. 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

This administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: April 29, 2015.

#### Paul Piquado,

*Assistant Secretary for Enforcement and Compliance.*

#### Appendix

##### List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
  - a. Initiation
  - b. Respondent Selection
  - c. Questionnaires
  - d. Scope of the Order
3. Discussion of the Methodology
  - a. Preliminary Determination of No Shipments
  - b. Non-Market Economy Country
  - c. Separate Rates
  - d. Affiliation and Collapsing
  - e. Weighted-Average Dumping Margin for Non-Examined Separate Rate Companies
  - f. Surrogate Country and Surrogate Value Data
  - g. Facts Available for Normal Value
  - h. Date of Sale
  - i. Comparisons to Normal Value
  - j. U.S. Price
  - k. Normal Value
  - l. Currency Conversion
4. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[Docket No. 150416372-5372-01]

## DEPARTMENT OF STATE

## DEPARTMENT OF TRANSPORTATION

### Information on Claims Raised About State-Owned Airlines in Qatar and the UAE

**AGENCY:** International Trade Administration, U.S. Department of Commerce; Transportation Affairs, Bureau for Economic and Business Affairs, U.S. Department of State; Office of Aviation and International Affairs, U.S. Department of Transportation.

**ACTION:** Notice and request for comments.

**SUMMARY:** This notice announces that the Departments of Commerce, State, and Transportation are interested in obtaining from interested stakeholders information regarding their views on claims that three foreign airlines—Emirates Airline, Etihad Airways, and Qatar Airways—have received and are benefitting from subsidies from their homeland governments that are distorting the global aviation market. **DATES:** The comment period for this notice is now open and will remain open for the foreseeable future. As explained below, however, anyone interested in providing input to the Departments before they determine what actions should be taken, if any, should submit information as soon as practicable.

**ADDRESSES:** You may submit comments on this document via the Federal e-Rulemaking Portal at <http://www.regulations.gov>. You may submit comments in any (or all) of the three docket numbers open for comment:

- DOT-OST-2015-0082
- DOS-2015-0016
- DOC-2015-0001

#### FOR FURTHER INFORMATION CONTACT:

Eugene Alford, Office of Supply Chain, Professional & Business Services, International Trade Administration, U.S. Department of Commerce (Phone: (202) 482-5071 or Email: [Airservices@trade.gov](mailto:Airservices@trade.gov)). Robert Newsome, Transportation Affairs, Bureau for Economic and Business Affairs, U.S. Department of State (Phone: (202) 647-7540 or Email: [newsomerc@state.gov](mailto:newsomerc@state.gov)). Reese Davidson, Office of International Aviation, Office of Aviation and International Affairs, U.S. Department of Transportation (Phone: (202) 366-8161 or Email: [Reese.Davidson@dot.gov](mailto:Reese.Davidson@dot.gov)).

Claire McKenna, Office of Operations, Office of the General Counsel, U.S. Department of Transportation (Phone: (202) 366-0365 or Email: [Claire.McKenna@dot.gov](mailto:Claire.McKenna@dot.gov)).

#### SUPPLEMENTARY INFORMATION:

*Background:* The U.S. Departments of Commerce, State, and Transportation are reviewing claims that three foreign airlines—Emirates Airline, Etihad Airways, and Qatar Airways—have received and are benefitting from subsidies from their respective governments of the United Arab Emirates (UAE) and Qatar that are distorting the global aviation market. The claims, which are asserted in a publicly available report, are of significant interest to stakeholders and all three Federal agencies. The U.S. government takes seriously the concerns raised in the report and is interested in receiving insights and feedback from stakeholders before any decisions are made regarding what action, if any, should be taken. Accordingly, consistent with the Obama Administration's Open Government Initiative and commitment to transparency, public participation, and collaboration, the three Departments are announcing the establishment of an open forum by which any interested stakeholder may submit information regarding their views on this subject and have access to such information submitted by other interested stakeholders.

Any interested person or group may submit information, responses to existing materials, or any other analysis that they might wish to provide the U.S. government on this subject on the [www.regulations.gov](http://www.regulations.gov) Web site. Each Department will have a corresponding number—listed below—on [www.regulations.gov](http://www.regulations.gov), and all submissions will be reviewed jointly by the interagency team.

No provision has been made for submission of confidential material to these dockets. The materials in the docket will not be edited to remove identifying or contact information. The Departments caution against including any information in an electronic submission that one does not want publicly disclosed.

All correspondence on this subject received by the Departments after the issuance of this notice will be considered part of this submission process and will be posted in [www.regulations.gov](http://www.regulations.gov) for the benefit of the public, unless the submitter has requested and been granted confidential treatment of commercial information by the Departments. To the extent allowed