

**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. Waters, 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 (“the Department”) 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 the Department discussed below refer to the number of calendar days from the applicable starting date.

**Respondent Selection**

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department 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. The Department 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 the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department 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, the Department 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 the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department 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 the Department 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 the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that, with regard to reviews requested on the basis of anniversary months on or after March 2017, the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

The Department is providing this notice on its Web site, as well as in its “Opportunity to Request Administrative Review” notices, so that interested parties will be aware of the manner in which the Department intends to exercise its discretion in the future.

*Opportunity To Request a Review:* Not later than the last day of March 2017,<sup>1</sup> interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in March for the following periods:

	Period of review
<b>Antidumping Duty Proceedings</b>	
Australia: Uncoated Paper, A-602-807 .....	8/26/15-2/28/17
Brazil: Uncoated Paper, A-351-842 .....	8/27/15-2/28/17
Canada: Iron Construction Castings, A-122-503 .....	3/1/16-2/28/17
France: Brass Sheet & Strip, A-427-602 .....	3/1/16-2/28/17
Germany: Brass Sheet & Strip, A-428-602 .....	3/1/16-2/28/17
India: Sulfanilic Acid, A-533-806 .....	3/1/16-2/28/17

<sup>1</sup> Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.

	Period of review
Indonesia: Uncoated Paper, A-560-828 .....	8/26/15-2/28/17
Italy: Brass Sheet & Strip, A-475-601 .....	3/1/16-2/28/17
Portugal: Uncoated Paper, A-471-807 .....	8/26/15-2/28/17
Russia: Silicon Metal, A-821-817 .....	3/1/16-2/28/17
Spain: Stainless Steel Bar, A-469-805 .....	3/1/16-2/28/17
Taiwan: Light-Walled Rectangular Welded Carbon Steel Pipe and Tube, A-583-803 .....	3/1/16-2/28/17
Thailand: Circular Welded Carbon Steel Pipes and Tubes, A-549-502 .....	3/1/16-2/28/17
The People's Republic of China: Chloropicrin, A-570-002 .....	3/1/16-2/28/17
The People's Republic of China: Circular Welded Austenitic Stainless Pressure Pipe, A-570-930 .....	3/1/16-2/28/17
The People's Republic of China: Glycine, A-570-836 .....	3/1/16-2/28/17
The People's Republic of China: Sodium Hexametaphosphate, A-570-908 .....	3/1/16-2/28/17
The People's Republic of China: Tissue Paper Products, A-570-894 .....	3/1/16-2/28/17
The People's Republic of China: Uncoated Paper, A-570-022 .....	8/26/15-2/28/17
<b>Countervailing Duty Proceedings</b>	
India: Sulfanilic Acid, C-533-807 .....	1/1/16-12/31/16
Indonesia: Uncoated Paper, C-560-829 .....	6/29/15-12/31/16
Iran: In-Shell Pistachios Nuts, C-507-501 .....	1/1/16-12/31/16
The People's Republic of China: Circular Welded Austenitic Stainless Pressure Pipe, C-570-931 .....	1/1/16-12/31/16
The People's Republic of China: Uncoated Paper, C-570-023 .....	6/29/15-12/31/16
Turkey: Circular Welded Carbon Steel Pipe and Tubes, C-489-502 .....	1/1/16-12/31/16
<b>Suspension Agreements</b>	
Mexico: Fresh Tomatoes, <sup>2</sup> A-201-820 .....	3/1/16-2/28/17

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 the Department was unable to locate in prior segments, the Department 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), the Department 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>

The Department 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 the Department 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 rate, the Department 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, the Department 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 Web site at <http://access.trade.gov>.<sup>6</sup> Further, in

<sup>3</sup> See also the Enforcement and Compliance Web site at <http://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.

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

<sup>2</sup> In the notice of opportunity to request administrative reviews that published on January 10, 2017 (82 FR 2951) the Department inadvertently listed Fresh Tomatoes from Mexico in the month of January. March is the correct month of review for this case.

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.

The Department will publish in the **Federal Register** a notice of "Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation" for requests received by the last day of March 2017. If the Department does not receive, by the last day of March 2017, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) 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: February 27, 2017.

**James Maeder,**

*Senior Director, Office I for Antidumping and Countervailing Duty Operations.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-869]

#### Certain New Pneumatic Off-the-Road Tires From India: Antidumping Duty Order

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

**SUMMARY:** Based on an affirmative amended final determination by the Department of Commerce (the Department) and an affirmative final determination by the International Trade Commission (the ITC), the Department is issuing an antidumping duty order on certain new pneumatic off-the-road tires (off road tires) from India.

**DATES:** Effective March 6, 2017.

**FOR FURTHER INFORMATION CONTACT:** Lilit Astvatsatrian or Trisha Tran, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-6412 or (202) 482-4852, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

In accordance with sections 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), on January 17, 2017, the Department published its final negative determination of sales at less-than-fair-value (LTFV) with respect to off-the-road tires from India.<sup>1</sup> Pursuant to section 735(e) of the Act and 19 CFR 351.224(e), which provide for the correction of ministerial errors, on February 2, 2017, the Department published its affirmative amended final determination of sales at LTFV.<sup>2</sup> On February 23, 2017, the ITC notified the Department of its final determination that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act, by reason of the LTFV imports of off road tires from India.<sup>3</sup>

##### Scope of the Order

The products covered by this order are off road tires, which are tires with an off road tire size designation. For a complete description of the scope of the order, see Appendix I.

##### Antidumping Duty Order

In accordance with sections 735(b)(1)(A)(i) and 735(d) of the Act, the ITC notified the Department of its final determination that the industry in the United States producing off road tires is materially injured by reason of the LTFV imports of off road tires from

<sup>1</sup> See *Certain New Pneumatic Off-the-Road Tires from India: Final Negative Determination of Sales at Less Than Fair Value and Final Determination of Critical Circumstances*, 82 FR 4848 (January 17, 2017).

<sup>2</sup> See *Certain New Pneumatic Off-the-Road Tires from India: Affirmative Amended Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances*, 82 FR 9056 (February 2, 2017) (*Amended Final Determination*).

<sup>3</sup> See Letter to Ronald Lorentzen, Acting Assistant Secretary of Commerce for Enforcement and Compliance, from Rhonda K. Schmittlein, Chairman of the U.S. International Trade Commission, regarding off the road tires from the India and Sri Lanka (February 23, 2017). See also *Certain New Pneumatic Off-the-Road Tires from India and Sri Lanka*, Investigation Nos. 701-TA-552-553 and 731-TA-1308 (Final), USITC Publication 4669 (February 2017).

India.<sup>4</sup> Therefore, in accordance with section 735(c)(2) of the Act, we are publishing this antidumping duty order.

As a result of the ITC's final determination, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of off-road tires from India. Antidumping duties will be assessed on unliquidated entries of off road tires from India entered, or withdrawn from warehouse, for consumption on or after February 2, 2017, the date of publication of the *Amended Final Determination*.<sup>5</sup>

##### Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, the Department will instruct CBP to continue to suspend liquidation on all relevant entries of off road tires from India. These instructions suspending liquidation will remain in effect until further notice.

We will also instruct CBP to require cash deposits equal to the estimated weighted-average dumping margins indicated below. Accordingly, effective on the date of publication of the ITC's final affirmative injury determinations, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins listed below.<sup>6</sup> The all-others rate applies to all producers or exporters not specifically listed. For the purposes of determining cash deposit rates, the estimated weighted-average dumping margins for imports of subject merchandise from India have been adjusted for export subsidies found in the amended final determination of the companion countervailing duty investigation of this merchandise (*i.e.*, 4.72 percent).<sup>7</sup>

##### Estimated Weighted-Average Dumping Margins

The estimated weighted-average antidumping duty margin percentages are as follows:

<sup>4</sup> *Id.*

<sup>5</sup> *Amended Final Determination*.

<sup>6</sup> See Section 736(a)(3) of the Act.

<sup>7</sup> See *Certain New Pneumatic Off-the-Road Tires from India and Sri Lanka: Amended Final Affirmative Countervailing Duty Determination for India and Countervailing Duty Orders*, dated concurrently with this notice.