

a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.<sup>12</sup>

Commerce intends to issue the final results of this administrative review, including the results of its analysis raised in any written briefs, not later than 120 days after the publication date of this notice, pursuant to section 751(a)(3)(A) of the Act, unless otherwise extended.<sup>13</sup>

#### Assessment Rates

Upon completion of the administrative review, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries.

Pursuant to 19 CFR 351.212(b)(1), where DOSCO and HiSteel reported the entered value of their U.S. sales, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where the respondents did not report entered value, we calculated the entered value in order to calculate the assessment rate. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. We intend to instruct CBP to take into account the "provisional measures deposit cap," in accordance with 19 CFR 351.212(d).

For the companies which were not selected for individual review, we will assign an assessment rate based on the average<sup>14</sup> of the cash deposit rates calculated for DOSCO and HiSteel, excluding any which are *de minimis* or determined entirely based on adverse facts available. 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 duties, where applicable.

Commerce's "automatic assessment" practice will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which the reviewed companies did not know that the

merchandise they sold to the intermediary (*e.g.*, a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.<sup>15</sup>

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

#### Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the exporters listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated companies not participating in this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment; (3) if the exporter is not a firm covered in this review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 3.24 percent, the all-others rate made effective by the LTFV investigation.<sup>16</sup> 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) 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

<sup>15</sup> For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

<sup>16</sup> See *Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Korea, Mexico, and the Republic of Turkey: Antidumping Duty Orders*, 81 FR 62865, 62866 (September 13, 2016).

requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

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

Dated: October 3, 2018.

**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.*

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

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#### DEPARTMENT OF COMMERCE

#### International Trade Administration

[A–565–801]

#### Stainless Steel Butt-Weld Pipe Fittings From the Philippines: Final Results of Changed Circumstances Review

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

**SUMMARY:** The Department of Commerce (Commerce) finds that Enlin Steel Corporation (Enlin), Vinoc Corporation (aka Vinoc Corporation) (Vinoc) and E N Corporation should be treated as a

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

<sup>13</sup> See Section 751(a)(3)(A) of the Act.

<sup>14</sup> This rate was calculated as discussed in footnote 4, above.

single entity for purposes of cash deposit and liquidation rates.

**DATES:** Applicable October 10, 2018.

**FOR FURTHER INFORMATION CONTACT:** Julie Geiger or Fred Baker, 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) 482-2057 or (202) 482-2924, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On February 23, 2001, Commerce published the antidumping duty (AD) order on stainless steel butt-weld pipe fittings (pipe fittings) from the Philippines.<sup>1</sup> On May 24, 2018, Core Pipe Products, Inc., Shaw Alloy Piping Products, Inc., and Taylor Forge Stainless, Inc. (collectively, the petitioners) requested that Commerce conduct a CCR pursuant to 751(b) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.216(b).<sup>2</sup>

The petitioners alleged in their request that Enlin had been shipping subject merchandise to the United States at the “all-others” antidumping duty cash deposit rate in effect for Enlin’s affiliates Vinox and E N Corporation, rather than at the company-specific rate of 33.81 percent established for Enlin in the less-than-fair-value (LTFV) investigation. The petitioners also alleged that Vinox and E N Corporation were, and are currently, the same business entity as Enlin. The petitioners, therefore, requested that Commerce conduct a CCR to determine that Enlin, Vinox, and E N Corporation are affiliated companies that should be treated as a single entity. They also requested that Commerce notify U.S. Customs and Border Protection (CBP) that it should impose and collect antidumping duty deposits on all unliquidated entries made by Vinox and E N Corporation at Enlin’s 33.81 percent rate. The petitioners submitted a supplement to their request on May 31, 2018.<sup>3</sup> Enlin filed a letter objecting to the petitioners’ request for a CCR on

June 26, 2018.<sup>4</sup> The petitioners filed a response to Enlin’s letter on June 26, 2018.<sup>5</sup> On July 5, 2018, we extended the deadline for initiating the CCR,<sup>6</sup> and published the initiation of this CCR on August 14, 2018.<sup>7</sup>

On August 20, 2018, we issued a questionnaire to Enlin, requesting further information about its relationship with Vinox and E N Corporation.<sup>8</sup> On September 3, 2018, Enlin filed a response,<sup>9</sup> stating that it agreed with the petitioners’ requests that: (1) Enlin, Vinox, and E N Corporation should be treated as the same entity pursuant to 19 CFR 351.401(f); and (2) Commerce should instruct CBP to “impose and collect antidumping duty deposits on all unliquidated entries made by Vinox and E N Corp{oration}” of pipe fittings at the 33.81 percent cash deposit rate “previously established for Enlin on their shipments of subject merchandise from the Philippines.”<sup>10</sup> Due to the complexities of this proceeding, we extended the deadline for issuing the final results of this changed circumstances review by an additional eleven days, until October 1, 2018, and later by an additional eight days, until October 9, 2018.<sup>11</sup> On September 24, 2018, the petitioners filed a response to Enlin’s questionnaire response, urging Commerce to apply the 33.81 percent cash deposit rate retroactively to all unliquidated entries made by Vinox and E N Corporation.<sup>12</sup>

<sup>4</sup> See Enlin’s Letter, dated June 26, 2018.

<sup>5</sup> See Petitioners’ Letter, “Antidumping Duty Order on Stainless Steel Butt-Weld Pipe Fittings from the Philippines—Petitioners’ Rebuttal to Respondents’ Opposition to Changed Circumstances Review Request,” dated June 26, 2018.

<sup>6</sup> See Commerce’s Letter, “Stainless Steel Butt-Weld Pipe Fittings from the Philippines: Extension of Time for Changed Circumstances Review Initiation Decision,” dated July 5, 2018.

<sup>7</sup> See *Stainless Steel Butt-Weld Pipe Fittings from the Philippines: Initiation of Antidumping Duty Changed Circumstances Review*, 83 FR 40227 (August 14, 2018) (*Initiation Notice*).

<sup>8</sup> See Commerce’s Letter, “Stainless Steel Butt-Weld Pipe Fittings from the Philippines: Antidumping Duty Changed Circumstances Review Questionnaire,” dated August 20, 2018.

<sup>9</sup> See Enlin’s Letter, “Stainless Steel Butt-Weld Pipe Fittings from the Philippines: Questionnaire Response,” dated September 3, 2018 (Questionnaire Response).

<sup>10</sup> See Review Request at 2 and 5; see also Request Supplement at 1, 2, and 4.

<sup>11</sup> See Memorandum, “Stainless Steel Butt-Weld Pipe Fittings from the Philippines: Extension of Deadline for Final Results of Antidumping Duty Changed Circumstances Review,” dated September 20, 2018, and Memorandum “Stainless Steel Butt-Weld Pipe Fittings from the Philippines: Extension of Deadline for Final Results of Antidumping Duty Changed Circumstances Review,” dated October 1, 2018.

<sup>12</sup> See Petitioners’ Letter, “Stainless Steel Butt-Weld Pine Fittings from the Philippines:

**Scope of the Order**

The products covered by the *Order* are certain stainless steel butt-weld pipe fittings. Certain stainless steel butt-weld pipe fittings are under 14 inches in outside diameter (based on nominal pipe size), whether finished or unfinished. The products encompass all grades of stainless steel and “commodity” and “specialty” fittings. Specifically excluded from the definition are threaded, grooved, and bolted fittings, and fittings made from any material other than stainless steel.

The fittings subject to the *Order* are generally designated under specification ASTM A403/A403M, the standard specification for Wrought Austenitic Stainless Steel Piping Fittings, or its foreign equivalents (e.g., DIN or JIS specifications). This specification covers two general classes of fittings, WP and CR, of wrought austenitic stainless steel fittings of seamless and welded construction covered by the latest revision of ANSI B16.9, ANSI B16.11, and ANSI B16.28. Pipe fittings manufactured to specification ASTM A774, or its foreign equivalents, are also covered by the *Order*.

The *Order* does not apply to cast fittings. Cast austenitic stainless steel pipe fittings are covered by specifications A351/A351M, A743/743M, and A744/A744M.

The stainless steel butt-weld pipe fittings subject to the *Order* are currently classifiable under subheading 7307.23.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this *Order* is dispositive.

**Final Results of the Changed Circumstances Review**

Based on evidence on the record,<sup>13</sup> and Enlin’s assertion that it should be considered a single entity with Vinox and E N Corporation,<sup>14</sup> we find that Enlin, Vinox, and E N Corporation are affiliated parties which should be treated as a single entity. While, historically, Commerce has not applied 19 CFR 351.401(f) in the context of CCRs, we find that for purposes of this particular segment of the proceeding, the criteria in the regulation are relevant to ensure that the administration and effect of the underlying *Order* are not undermined.

Petitioners’ Response to Enlin’s Questionnaire Response,” dated September 24, 2018.

<sup>13</sup> See Review Request at Attachments 1–7; see also Request Supplement at Attachments 1–4.

<sup>14</sup> See Questionnaire Response.

<sup>1</sup> See *Antidumping Duty Orders: Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines*, 66 FR 11257 (February 23, 2001) (the *Order*).

<sup>2</sup> See Petitioners’ Letter, “Stainless Steel Butt-Weld Pipe Fittings from the Philippines—Petitioners’ Request for Initiation of Changed Circumstances Review,” dated May 24, 2018 (Review Request).

<sup>3</sup> See Petitioners’ Letter, “Stainless Steel Butt-Weld Pipe Fittings from the Philippines—Petitioners’ Supplement to Changed Circumstances Review Request,” dated May 31, 2018 (Request Supplement).

The petitioners claim that Enlin, Vinox, and E N Corporation are affiliated, pursuant to section 771(33) of the Act and 19 CFR 351.102(b), based on Enlin's direct statement of affiliation with Vinox in its Section A questionnaire response of the initial investigation, evidence of control over Vinox and E N Corporation by the same individuals or family members, similar or identical company addresses, and a common Canadian trademark.<sup>15</sup>

Pursuant to 19 CFR 351.401(f), Commerce will collapse affiliated entities when there is: (1) Evidence that the entities have production facilities for similar or identical products that would not require substantial retooling of either facility in order to restructure manufacturing priorities; and (2) a significant potential for the manipulation of price or production, such as through common ownership, overlap of directors and managers, and intertwined operations. There is evidence on the record to support that these criteria have been met.<sup>16</sup> Specifically, record evidence demonstrates that: (1) Enlin, Vinox, and E N Corporation are affiliated parties that each produce or have produced the subject merchandise and have shipped it to the same or similar importers in the United States, and (2) there is a "significant potential for the manipulation of price or production," if we do not collapse the companies due to the level of common direction or control.<sup>17</sup>

Accordingly, given the evidence provided by the petitioners,<sup>18</sup> along with Enlin's acknowledgement that the three companies should be treated as a single entity and that CBP should collect antidumping duty cash deposits on all unliquidated entries made by Vinox and E N Corporation at the rate assigned to Enlin,<sup>19</sup> we find that: (1) There were sufficient changed circumstances in the trading patterns and activities of Enlin, Vinox, and E N Corporation that the petitioners allege resulted in a possible evasion of the *Order*; (2) Enlin, Vinox, and E N Corporation should be collapsed as a single entity; (3) the collapsed entity is subject to the cash deposit rate assigned to Enlin in the LTFV investigation;<sup>20</sup> and (4) the results of this CCR are

applied retroactively from the publication date of the *Order*.<sup>21</sup>

#### Instructions to U.S. Customs and Border Protection

As a result of this determination, we find that both Vinox and E N Corporation are subject to the cash deposit rate currently assigned to Enlin (*i.e.*, 33.81 percent).<sup>22</sup> Therefore, Commerce will instruct CBP to continue suspension of liquidation and to collect estimated antidumping duties for all unliquidated entries and shipments of subject merchandise produced and exported by Enlin, Vinox, and/or E N Corporation at the cash deposit rate of 33.81 percent currently assigned to Enlin, from the date of the publication of the *Order*.<sup>23</sup> This cash deposit requirement shall remain in effect until further notice. We will also instruct CBP to liquidate any unliquidated entries and shipments of subject merchandise produced and exported by Vinox and/or E N Corporation made during periods for which Commerce has completed an administrative review or for which no administrative review was requested (*i.e.*, through and including January 31, 2018) at the 33.81 percent rate currently assigned to Enlin.

#### Notification to Parties

This notice is the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Commerce is issuing and publishing these results in accordance with sections 751(b)(1) and (4) and 777(i) of the Act, and 19 CFR 351.216 and 19 CFR 351.221(c)(3)(i).

Dated: October 3, 2018.

**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.*

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<sup>21</sup> See, e.g., *Large Power Transformers from the Republic of Korea: Notice of Final Results of Antidumping Duty Changed Circumstances Review*, 83 FR 45094 (September 5, 2018), and accompanying Issues and Decision Memorandum at 5-6.

<sup>22</sup> See the *Order*, 66 FR 11257.

<sup>23</sup> *Id.*

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-844]

#### Certain Lined Paper Products From India: Preliminary Results of Countervailing Duty Administrative Review; Calendar Year 2016

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that Goldenpalm Manufacturers PVT Ltd. (Goldenpalm), a producer/exporter of lined paper products (lined paper) from India, received countervailable subsidies during the period of review (POR) January 1, 2016, through December 31, 2016. We invite interested parties to comment on these preliminary results.

**DATES:** Applicable October 10, 2018.

**FOR FURTHER INFORMATION CONTACT:** John Conniff, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482-1009.

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 28, 2006, Commerce issued the countervailing duty (CVD) order on lined paper from India.<sup>1</sup> Goldenpalm requested that Commerce conduct an administrative review of the *Lined Paper Order* with respect to the company, and on November 13, 2017, Commerce published in the **Federal Register** a notice of initiation of an administrative review of the CVD order for Goldenpalm for the POR.<sup>2</sup> On January 23, 2018, Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through 22, 2018.<sup>3</sup> On May 31, 2018, Commerce extended the time period for issuing these preliminary results by 120 days, until October 3, 2018, in accordance

<sup>1</sup> See *Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Lined Paper Products from the People's Republic of China; Notice of Antidumping Duty Orders: Certain Lined Paper Products from India, Indonesia and the People's Republic of China; and Notice of Countervailing Duty Orders: Certain Lined Paper Products from India and Indonesia*, 71 FR 56949 (September 28, 2006) (*Lined Paper Order*).

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 82 FR 52268 (November 13, 2017) (*Initiation Notice*).

<sup>3</sup> See memorandum, "Deadlines Affected by the Shutdown of the Federal Government," dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by three days.

<sup>15</sup> See Review Request; see also Request Supplement.

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

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

<sup>18</sup> *Id.*

<sup>19</sup> See Questionnaire Response, where Enlin stated that it agreed with the petitioners' request (in the Review Request at 2 and 5, and Request Supplement at 1, 2, and 4).

<sup>20</sup> See the *Order*, 66 FR 11257.