

Background

On October 31, 2011, the Department issued *AR3 Final Results*.⁶ Cherishmet and Shanxi DMD, exporters of subject merchandise, timely filed complaints with the Court. Albemarle Corporation (“Albemarle”), a U.S. importer of subject merchandise, and Ningxia Huahui Activated Carbon Co., Ltd. (“Huahui”), an exporter of subject merchandise, also timely filed a complaint with the Court. Together, these parties challenged four aspects of the Department’s final results: (1) The surrogate value for Calgon Tianjin’s carbonized material; (2) the surrogate values for Calgon Tianjin’s coal and fine by-products; (3) the dumping margins assigned to Huahui, Shanxi DMD, Ningxia Guanghua, and Beijing Pacific, which were not selected for individual examination in the review; and (4) the use of a per-unit assessment rate for Shanxi DMD’s entries. On August 15, 2013, the Court remanded the Department’s *AR3 Final Results* and instructed the Department to reconsider each of these issues.⁷

On January 9, 2014, the Department filed the Remand with the Court. First, the Department continued to calculate Calgon Tianjin’s surrogate value for carbonized material with the same data that it used in *AR3 Final Results*.⁸ Second, the Department recalculated Calgon Tianjin’s surrogate values for coal and fine by-products by capping those values at the value assigned to their main input, carbonized material.⁹ The Department’s recalculation of the by-products surrogate values continued to yield a *de minimis* weighted-average dumping margin for Calgon Tianjin.¹⁰ Third, and under protest, the Department averaged the zero and *de minimis* rates calculated for the two mandatory respondents in this administrative review (*i.e.*, Jacobi Carbons AB and Calgon Tianjin) and assigned the resulting zero dumping margin to Ningxia Guanghua, Beijing Pacific, and Shanxi DMD.¹¹ Finally, the Department determined that the issue concerning the use of a per-unit assessment rate for Shanxi DMD’s

entries was moot, given that the Department assigned Shanxi DMD a dumping margin of zero.¹² On November 24, 2014, the Court entered judgment sustaining the Remand.¹³

Timken Notice

In its decision in *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (“the Act”), the Department must publish a notice of a court decision that is not “in harmony” with a Department determination and must suspend liquidation of entries pending a “conclusive” court decision. The Court’s November 24, 2014, judgment sustaining the Remand constitutes a final decision of the Court that is not in harmony with the Department’s *AR3 Final Results*. This notice is published in fulfillment of the publication requirement of *Timken*.

Amended Final Results

Because there is now a final court decision, the Department amends *AR3 Final Results* with respect to Cherishmet and Shanxi DMD. The revised weighted-average dumping margins for these exporters during the period April 1, 2009, through March 31, 2010, follow:

Exporter name	Weighted average dumping margin (dollars per kilogram)
Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd ¹⁴	0.00
Shanxi DMD Corpora- tion	0.00

Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the Court’s ruling is not appealed or, if appealed, upheld by the CAFC, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on unliquidated entries of subject merchandise exported by Cherishmet and Shanxi DMD using the assessment rate calculated by the Department in the Remand and listed above.

¹² *Id.* at 13–15.

¹³ See *Albemarle Corp. et al. v. United States*, Consol. Court No. 11–00451 (CIT November 24, 2014).

¹⁴ This dumping margin also applies to Beijing Pacific. See *supra* note 3.

Cash Deposit Requirements

The cash deposit rate for Cherishmet will remain the respondent-specific rate established for the subsequent and most-recent period during which the respondent was reviewed, which is \$0.04 per kilogram.¹⁵ The cash deposit rate for the PRC-wide rate, which now includes Shanxi DMD, will remain the PRC-wide entity rate established for the subsequent and most-recent period during which the PRC-wide entity was reviewed, which is 2.42 U.S. dollars per kilogram.¹⁶

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e), 751(a)(1), and 777(i)(1) of the Act.

Dated: December 1, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–924]

Polyethylene Terephthalate Film, Sheet, and Strip From the People’s Republic of China: Preliminary Results of Antidumping Duty Administrative Review, Preliminary Determination of No Shipments and Partial Rescission of Review; 2012–2013

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

SUMMARY: The Department of Commerce (“the Department”) is conducting an administrative review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip (“PET film”) from the People’s Republic of China (“PRC”). The period of review (“POR”) is November 1, 2012, through October 31, 2013. The Department initiated the review with respect to five companies. We preliminarily find that two of the mandatory respondents, Shaoxing Xiangyu Green Packing Co., Ltd. and Tianjin Wanhua Co., Ltd. made sales of subject merchandise at less than normal value (“NV”). We are rescinding the review with respect to Huangshi Yucheng Trade Co. Ltd. (“Yucheng”). Further, we preliminarily find that

¹⁵ See *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).

¹⁶ *Id.*

⁶ *Id.*

⁷ See *Albemarle Corp. v. United States*, 931 F. Supp. 2d 1280 (CIT 2013). The Court reserved judgment on the dumping margin assigned to Huahui, which was different from the margin that the Department assigned to Shanxi DMD, Ningxia Guanghua, and Beijing Pacific. *Id.* It explained that the Department could, but was not required to, reconsider Huahui’s margin on remand. *Id.*

⁸ See Remand at 3–8.

⁹ *Id.* at 10.

¹⁰ *Id.*

¹¹ *Id.* at 10–13. The Department did not change the dumping margin assigned to Huahui. *Id.* at 22.

Fuwei Films (Shandong) Co., Ltd. (“Fuwei Films”) and Sichuan Dongfang Insulating Material Co., Ltd., (“Dongfang”), did not have any reviewable transactions during the POR. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* December 5, 2014.

FOR FURTHER INFORMATION CONTACT: Jonathan Hill or Thomas Martin, AD/CVD Operations, Office IV, Enforcement & Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3518 or (202) 482–3936, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The products covered by the order are all gauges of raw, pre-treated, or primed PET film, whether extruded or co-extruded.¹ PET film is classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States (“HTSUS”). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Preliminary Determination of No Shipments

Based on our analysis of U.S. Customs and Border Protection (“CBP”) information and information provided by Fuwei Films and Dongfang, we preliminarily determine that Fuwei Films and Dongfang did not have any reviewable transactions during the POR. For additional information regarding this determination, see the Preliminary Decision Memorandum.

Partial Rescission

On December 2, 2013, Now Plastics Inc. (“Now Plastics”) requested an administrative review of subject merchandise exported by Yucheng. Subsequently, on February 12, 2014, Now Plastics timely withdrew its request for an administrative review of Yucheng’s exports. No other parties requested a review of Yucheng. The Department, pursuant to 19 CFR 351.213 (d)(1), is therefore rescinding this administrative review with respect to Yucheng.

¹ For a complete description of the scope of the order, see “Decision Memorandum for the Preliminary Results of 2012–2013 Antidumping Duty Administrative Review of Polyethylene Terephthalate Film, Sheet, and Strip From the People’s Republic of China” from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with this notice (“Preliminary Decision Memorandum”).

Methodology

The Department conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (“the Act”). We calculated 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, we calculated NV in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum, which is hereby adopted by 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”).² ACCESS is available to registered users at <http://access.trade.gov>. The Preliminary Decision Memorandum is also available in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/fn/index.html>. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margins exist for the POR:

Exporter	Weighted-average dumping margin (percent)
Shaoxing Xiangyu Green Packing Co., Ltd	35.10
Tianjin Wanhua Co., Ltd	67.69

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). Interested parties may submit case briefs no later than 30 days

² On November 24, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance’s AD and CVD Centralized Electronic Service System (“IA Access”) to AD and CVD Centralized Electronic Service System (“Access”). The Web site location was changed from <http://iaaccess.trade.gov> to <http://access.trade.gov>. The Final Rule changing the references to the Regulations can be found at 79 FR 69046 (November 20, 2014).”

after the date of publication of these preliminary results of review.³ Rebuttal briefs may be filed no later than five days after case briefs are filed and may respond only to arguments raised in the case briefs.⁴ A table of contents, list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. This summary should be limited to five pages total, including footnotes.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement & Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice.⁵ Requests should contain the party’s name, address, and telephone number, the number of participants, and a list of the issues to be discussed. Oral argument presentations will be limited to issues raised in the briefs. 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.⁶ 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.⁷ An electronically filed document must be received successfully in its entirety by the Department’s electronic records system, ACCESS, 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 1870 and stamped with the date and time of receipt by 5 p.m. ET on the due date.⁸

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 of this review, the Department will determine, and CBP shall assess, antidumping duties on all appropriate

³ See 19 CFR 351.309(c).

⁴ See 19 CFR 351.309(d).

⁵ See 19 CFR 351.310(c).

⁶ See 19 CFR 351.310(d).

⁷ See, generally, 19 CFR 351.303.

⁸ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

entries covered by this review.⁹ The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. Where either a respondent's weighted-average dumping margin is zero or *de minimis*, or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. For any individually examined respondent and its importer(s) where neither of those situations is the case, in the final results of this review we will calculate an importer-specific per-unit assessment rate by dividing the total dumping margins for reviewed sales to the importer by the total sales quantity associated with those sales.

On October 24, 2011, the Department announced a refinement to its assessment practice in NME antidumping duty cases.¹⁰ Pursuant to this refinement in practice, for merchandise that was not reported in the U.S. sales databases submitted by an exporter individually examined during this review, but that entered under the case number of that exporter (*i.e.*, at the individually-examined exporter's cash deposit rate), the Department will instruct CBP to liquidate such entries at the PRC-wide rate. Additionally, pursuant to this refinement, 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 will be liquidated at the PRC-wide rate.

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 sections 751(a)(2)(C) of the Act: (1) For the exporters listed above, 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 zero or *de minimis*, then the cash deposit rate will be zero for that exporter); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the

most recently completed segment of this proceeding; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the PRC-wide entity, 76.72 percent; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. 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)(2) 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 requirement could result in the Department'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 351.213.

Dated: November 28, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
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4. Preliminary Determination of No Shipments
5. Selection of Respondents
6. Non-Market Economy Country
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DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-809]

Circular Welded Non-Alloy Steel Pipe From the Republic of Korea: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2012-2013

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on circular welded non-alloy steel pipe (CWP) from the Republic of Korea (Korea).¹ The period of review (POR) is November 1, 2012, through October 31, 2013. This review covers eight producers or exporters of the subject merchandise, Husteel Co., Ltd. (Husteel), Hyundai HYSCO (HYSCO), Dongbu Steel Co., Ltd., SeAH Steel Corporation, A-JU Besteel Co., Ltd., Kumkang Industrial Co., Ltd., Nexteel Co., Ltd., and Union Steel Co., Ltd. We preliminarily find that Husteel and HYSCO have made sales of the subject merchandise at prices below normal value. We are rescinding this review for the remaining six producers or exporters. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* December 5, 2014.

FOR FURTHER INFORMATION CONTACT: Jennifer Meek or Joseph Shuler, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington DC 20230; telephone (202) 482-2778 or (202) 482-1293, respectively.

Scope of the Order

The merchandise subject to the order is circular welded non-alloy steel pipe and tube. The product is currently classifiable under the following Harmonized Tariff Schedule of the United States (HTSUS) numbers: 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, and 7306.30.5090. Although the HTSUS numbers are provided for convenience and customs purposes, the written

⁹ See 19 CFR 351.212(b)(1).

¹⁰ See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011), for a full discussion of this practice.

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 78 FR 79392 (December 30, 2013).