

Dated: April 19, 2023.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-489-502]

Circular Welded Carbon Steel Pipes and Tubes From Turkey: Final Results of the Expedited Sunset Review of the Countervailing Duty Order

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

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on circular welded carbon steel pipes and tubes (pipe and tube) from Turkey would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the “Final Results of the Sunset Review” section of this notice.

DATES: Applicable April 24, 2023.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson, 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) 482-4793.

SUPPLEMENTARY INFORMATION:

Background

On March 7, 1986, Commerce published the order on pipe and tube from Turkey.¹ On January 3, 2023, Commerce published the notice of initiation of the fifth sunset review of the *Order*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).² On January 17 and 18, 2023, Commerce received timely-filed notices of intent to participate in this review from Nucor Tubular Products Inc. and from Bull Moose Tube Company, Maruichi American Corporation, and Zekelman Industries, respectively, (collectively, the domestic interested parties), within the deadline specified in 19 CFR 351.218(d)(1)(i).³ The

¹ See *Countervailing Duty Order: Certain Welded Carbon Steel Pipe and Tube Products from Turkey*, 51 FR 7984 (March 7, 1986) (*Order*).

² See *Initiation of Five-Year (Sunset) Reviews*, 88 FR 63 (January 3, 2023).

³ See Nucor Tubular Products Inc.’s Letter, “Notice of Intent to Participate in Sunset Review,” dated January 17, 2023 (Nucor Tubular’s Notice of Intent); see also Bull Moose, *et al.*’s Letter, “Notice

of Intent to Participate,” dated January 18, 2023 (Bull Moose, *et al.*’s Notice of Intent).

domestic interested parties claim that they have interested party status within the meaning of section 771(9)(C) of the Act and 19 CFR 351.102(b)(29)(v) as a producers of the domestic like product.⁴ On February 2, 2023, Commerce received an adequate substantive response from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).⁵ Commerce did not receive a substantive response from the Government of Turkey or any respondent interested party to this proceeding, nor was a hearing requested. On February 24, 2023, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties.⁶ As a result, Commerce conducted an expedited (120-day) sunset review of the *Order*, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(B)(2) and (C)(2).

Scope of the Order

The merchandise covered by this *Order* is certain circular welded carbon steel pipes and tubes. For a complete description of the scope of the *Order*, see the Issues and Decision Memorandum.⁷

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of subsidization in the event of revocation of the *Order* and the countervailable subsidy rates likely to prevail if the *Order* were to be revoked, is provided in the accompanying Issues and Decision Memorandum. A list of the topics discussed in the Issues and Decision Memorandum is attached as an 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), which is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision

of Intent to Participate,” dated January 18, 2023 (Bull Moose, *et al.*’s Notice of Intent).

⁴ See Nucor Tubular’s Notice of Intent at 2; see also Bull Moose, *et al.*’s Notice of Intent at 2.

⁵ See Domestic Interested Parties’ Letter, “Domestic Interested Parties’ Substantive Response to the Notice of Initiation,” dated February 2, 2023 (Domestic Interested Parties’ Substantive Response).

⁶ See Commerce’s Letter, “Sunset Reviews for January 2023,” dated February 24, 2023.

⁷ See Memorandum, “Issues and Decision Memorandum for the Final Results of the Expedited Sunset Review of the Countervailing Duty Order on Circular Welded Carbon Steel Pipes and Tubes from Turkey,” dated concurrently with and adopted by this notice (Issues and Decision Memorandum).

Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Final Results of Sunset Review

Pursuant to sections 751(c) and 752(b) of the Act, we determine that revocation of the *Order* would be likely to lead to continuation or recurrence of a countervailable subsidies at the following net countervailable subsidy rates:

| Producers/exporters | Net countervailable subsidy rate <i>ad valorem</i> (percent) |
|---------------------------------------|--|
| Bant Boru Sanayi ve Ticaret A.S. | 4.10 |
| Borusan Group ⁸ | 1.80 |
| Erbosan ⁹ | 4.10 |
| Yucel Boru Group ¹⁰ | 2.04 |
| All Others | 4.10 |

Administrative Protective Order

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely 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 the terms of an APO is a sanctionable violation.

Notification to Interested Parties

Commerce is issuing and publishing these final results and this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: April 18, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary

⁸ The Borusan Group includes the following entities: Borusan Group, Borusan Holding, A.S., Borusan Mannesmann Boru Sanayi ve Ticaret A.S., Borusan Istikbal Ticaret, A.S., and Borusan Lojistik Dagitim Pepolama Tasimacilik ve Tic. A.S.

⁹ Erbosan includes Erbosan Erciyas Boru Sanayi ve Ticaret A.S. (Erbosan AS) and Erbosan Erciyas Pipe Industry and Trade Co. Kayseri Free Zone Branch (Erbosan FZB).

¹⁰ The Yucel Boru Group includes Yucel Boru ye Profil Endustrisi A.S, Yucelboru Ihracat Ithalat ye Pazarlama A.S, and Cayirova Born Sanayi ye Ticaret A.S.

- II. Background
- III. Scope of the *Order*
- IV. History of the *Order*
- V. Legal Framework
- VI. Discussion of the Issues
 - 1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
 - 2. Net Countervailable Subsidy Rates Likely to Prevail
 - 3. Nature of the Subsidies
- VII. Final Results of Sunset Review
- VIII. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–889]

Diethyl Terephthalate From the Republic of Korea: Rescission of Antidumping Administrative Review; 2021–2022

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

SUMMARY: The U.S. Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty order on diethyl terephthalate (DOTP) from the Republic of Korea (Korea), covering the period of review (POR) August 1, 2021, through July 31, 2022.

DATES: Applicable April 24, 2023.

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita, 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) 482–4243.

SUPPLEMENTARY INFORMATION:

Background

On August 2, 2022, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on DOTP from Korea, covering the POR.¹ On August 31, 2022, Eastman Chemical Company (Eastman, a domestic producer) timely requested that Commerce conduct an administrative review.²

On October 11, 2022, Commerce published in the **Federal Register** a notice of initiation of an administrative review with respect to Aekyung

Petrochemical (AKP), Hanwha Chemical Corporation (Hanwha Chemical), and LG Chem, Ltd. (LG Chem) in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).³ On November 10, 2022, Aekyung Chemical Co., Ltd. (AKC) filed a letter explaining that AKP, one of the three companies subject to this review, changed its business name to AKC, effective November 1, 2021.⁴ As a result, AKC explained that the operations related to DOTP during the review period by the legal entity formerly known as AKP were conducted under the name of AKP until November 1, 2021, and then under the name of AKC after that date.⁵ In addition, AKC certified that neither AKP nor AKC had exports, sales, or entries of DOTP into the United States during the POR.⁶

On November 8, 2022, we requested from U.S. Customs and Border Protection (CBP) a data file of entries of subject merchandise imported into the United States during the POR for those companies for which a review was initiated. On November 16, 2022, we received the CBP entry data⁷ that demonstrated that there were no entries during the POR from companies covered by the review (*i.e.*, AKP, Hanwha Chemical, and LG Chem).⁸ Consequently, we stated that we intended to rescind the review and solicited comments regarding the CBP data, respondent selection, and our intent to rescind the review.⁹ None of the parties to the proceeding provided comments regarding the CBP data, respondent selection, or the rescission of the review.

On March 7, 2023, we issued a memorandum to clarify our intent to rescind the review in full.¹⁰ We

reiterated that the record of this review demonstrates that none of the companies upon which we initiated the review (*i.e.*, AKP, Hanwha Chemical, and LG Chem) had entries of the subject merchandise during the instant POR.¹¹ In addition, we noted that AKP had stated for the record that it made no entries during the POR.¹² We explained further that because the CBP data demonstrates that there were no suspended entries for the companies under review during the POR, and, none of the parties to the proceeding have provided information or argument to the contrary, we confirmed that it was our intention to rescind this review.¹³ We provided all interested parties an additional opportunity to comment on Commerce's intent to rescind the review.¹⁴ No party to the proceeding provided comments on Commerce's intent to rescind the review.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an antidumping duty order where it concludes that there were no suspended entries of subject merchandise during the POR.¹⁵ Normally, upon completion of an administrative review, the suspended entries are liquidated at the antidumping duty assessment rate for the review period.¹⁶ Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry that Commerce can instruct CBP to liquidate at the calculated antidumping duty assessment rate for the review period.¹⁷ As noted above,

¹¹ *Id.* (citing Customs Data Memorandum).

¹² *Id.* (citing AKP's No Shipments Letter).

¹³ *Id.* at 2.

¹⁴ *Id.*

¹⁵ *See, e.g., Certain Carbon and Alloy Steel Cut-to Length Plate from the Federal Republic of Germany: Rescission of Antidumping Administrative Review; 2020–2021*, 88 FR 4157 (January 24, 2023).

¹⁶ *See* 19 CFR 351.212(b)(1).

¹⁷ *See, e.g., Shanghai Sunbeauty Trading Co. v. United States*, 380 F. Supp. 3d 1328, 1335–36 (CIT 2019), at 12 (referring to section 751(a) of the Act, the CIT held: “While the statute does not explicitly require that an entry be suspended as a prerequisite for establishing entitlement to a review, it does explicitly state the determined rate will be used as the liquidation rate for the reviewed entries. This result can only obtain if the liquidation of entries has been suspended. . . .”; *see also Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019*, 86 FR 36102, and accompanying Issues and Decision Memorandum at Comment 4; and *Solid Fertilizer Grade Ammonium Nitrate From the Russian Federation: Notice of Rescission of Antidumping Duty Administrative Review*, 77 FR 65532 (October 29, 2012) (noting that “for an administrative review to be conducted, there must be a reviewable, suspended entry to be liquidated at the newly calculated assessment rate”).

¹ *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review and Join Annual Inquiry Service List*, 87 FR 47187 (August 2, 2022).

² *See* Eastman's Letter, “Diethyl Terephthalate (DOTP) from Korea: Administrative Review Request,” dated August 31, 2022.

³ *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 87 FR 61278 (October 11, 2022).

⁴ *See* AKP's Letter, “Administrative Review of the Antidumping Order on Diethyl Terephthalate from Korea for the 2021–22 Review Period—No Shipments Letter,” dated November 10, 2022 (AKP's No Shipments Letter).

⁵ *Id.*

⁶ *Id.* at 2. We clarify that this review was initiated on and covers AKP. AKC has not requested that we conduct a successor-in-interest analysis in this review and Commerce has not considered whether AKC is the successor-in-interest to AKP.

⁷ *See* Memorandum, “Antidumping Duty Administrative Review of Diethyl Terephthalate from the Republic of Korea: Release of Customs Data from U.S. Customs and Border Protection,” dated November 16, 2022 (Customs Data Memorandum).

⁸ *Id.*

⁹ *Id.*

¹⁰ *See* Memorandum, “Antidumping Duty Administrative Review of Diethyl Terephthalate from the Republic of Korea: Statement of Intent to Rescind this Administrative Review,” dated March 7, 2023.