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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. Brown, Office of AD/CVD

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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 (Commerce) 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 Commerce discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

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

In general, Commerce 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, Commerce 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 Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce 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 Commerce 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 Commerce may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when Commerce 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 May 2018, Commerce 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 Commerce to extend the 90-day deadline will be made on a case-by-case basis.

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

Correction

In the Opportunity to Request Administrative Review Notice that published on December 4, 2017 (82 FR 57219) Commerce listed the incorrect case number for Circular Welded Carbon-Quality Steel Pipe from Pakistan. The correct case number is A-535-903.

OPPORTUNITY TO REQUEST A REVIEW: Not later than the last day of May 2018,¹ interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in May for the following periods:

<u>Antidumping Duty Proceedings</u>	<u>Period of Review</u>
AUSTRIA: Carbon and Alloy Steel Cut-To-Length Plate A-433-812	11/14/16 - 4/30/18
BELGIUM: Carbon and Alloy Steel Cut-To-Length Plate A-423-812	11/14/16 - 4/30/18
BELGIUM: Stainless Steel Plate in Coil A-423-808	5/1/17 - 4/30/18
BRAZIL: Iron Construction Castings A-351-503	5/1/17 - 4/30/18
CANADA: Citric Acid and Citrate Salt A-122-853	5/1/17 - 4/30/18
CANADA: Polyethylene Terephthalate Resin A-122-855	5/1/17 - 4/30/18
FRANCE: Carbon and Alloy Steel Cut-To-Length Plate A-427-828	11/14/16 - 4/30/18
GERMANY: Carbon and Alloy Steel Cut-To-Length Plate A-429-844	11/14/16 - 4/30/18
INDIA: Polyethylene Terephthalate Resin A-533-861	5/1/17 - 4/30/18
INDIA: Silicomanganese A-533-823	5/1/17 - 4/30/18
INDIA: Certain Welded Carbon Steel Standard Pipes and Tubes A-533-502	5/1/17 - 4/30/18

¹Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Commerce is closed.

INDONESIA: Polyethylene Retail Carrier Bags A-560-822	5/1/17 - 4/30/18
ITALY: Carbon and Alloy Steel Cut-To-Length Plate A-475-834	11/14/16 - 4/30/18
JAPAN: Carbon and Alloy Steel Cut-To-Length Plate A-588-875	11/14/16 - 4/30/18
JAPAN: Diffusion-Annealed Nickel-Plated Flat-Rolled Steel Products A-588-869	5/1/17 - 4/30/18
JAPAN: Gray Portland Cement and Cement Clinker A-588-815	5/1/17 - 4/30/18
KAZAKHSTAN: Silicomanganese A-834-807	5/1/17 - 4/30/18
OMAN: Polyethylene Terephthalate Resin A-523-810	5/1/17 - 4/30/18
REPUBLIC OF KOREA: Carbon and Alloy Steel Cut-To-Length Plate A-580-887	11/14/16 - 4/30/18
REPUBLIC OF KOREA: Ferrovandium A-580-886	11/1/16 - 4/30/18
REPUBLIC OF KOREA: Polyester Staple Fiber A-580-839	5/1/17 - 4/30/18
SOCIALIST REPUBLIC OF VIETNAM: Polyethylene Retail Carrier Bags A-552-806	5/1/17 - 4/30/18
SOUTH AFRICA: Stainless Steel Plate in Coils A-791-805	5/1/17 - 4/30/18
TAIWAN: Carbon and Alloy Steel Cut-To-Length Plate A-583-858	11/14/16 - 4/30/18
TAIWAN: Certain Circular Welded Carbon Steel Pipes and Tubes A-583-008	5/1/17 - 4/30/18
TAIWAN: Polyester Staple Fiber A-583-833	5/1/17 - 4/30/18

TAIWAN: Polyethylene Retail Carrier Bags A-583-843	5/1/17 - 4/30/18
TAIWAN: Stainless Steel Plate in Coil A-583-830	5/1/17 - 4/30/18
TAIWAN: Stilbenic Optical Brightening Agents A-583-848	5/1/17 - 4/30/18
THE PEOPLE'S REPUBLIC OF CHINA: 1-Hydroxyethylidene-1, 1-Diphosphonic Acid (Hedp) A-570-045	11/4/16 - 4/30/18
THE PEOPLE'S REPUBLIC OF CHINA: Aluminum Extrusions A-570-967	5/1/17 - 4/30/18
THE PEOPLE'S REPUBLIC OF CHINA: Circular Welded Carbon Quality Steel Line Pipe A-570-935	5/1/17 - 4/30/18
THE PEOPLE'S REPUBLIC OF CHINA: Citric Acid and Citrate Salt A-570-937	5/1/17 - 4/30/18
THE PEOPLE'S REPUBLIC OF CHINA: Iron Construction Castings A-570-502	5/1/17 - 4/30/18
THE PEOPLE'S REPUBLIC OF CHINA: Oil Country Tubular Goods A-570-943	5/1/17 - 4/30/18
THE PEOPLE'S REPUBLIC OF CHINA: Polyethylene Terephthalate Resin A-570-024	5/1/17 - 4/30/18
THE PEOPLE'S REPUBLIC OF CHINA: Pure Magnesium A-570-832	5/1/17 - 4/30/18
THE PEOPLE'S REPUBLIC OF CHINA: Stilbenic Optical Brightening Agents A-570-972	5/1/17 - 4/30/18
TURKEY: Circular Welded Carbon Steel Pipes and Tubes A-489-501	5/1/17 - 4/30/18
TURKEY: Light-Walled Rectangular Pipe and Tube A-489-815	5/1/17 - 4/30/18
UNITED ARAB EMIRATES: Steel Nails A-520-804	5/1/17 - 4/30/18

VENEZUELA: Silicomanganese
A-307-820 5/1/17 - 4/30/18

Countervailing Duty Proceedings

BRAZIL: Iron Construction Castings
C-351-504 1/1/17 - 12/31/17

INDIA: Polyethylene Terephthalate Resin
C-533-862 1/1/17 - 12/31/17

REPUBLIC OF KOREA: Carbon and Alloy Steel Cut-To-Length Plate
C-580-888 9/14/16 - 12/31/17

SOCIALIST REPUBLIC OF VIETNAM: Polyethylene Retail Carrier Bags
C-552-805 1/1/17 - 12/31/17

SOUTH AFRICA: Stainless Steel Plate in Coils
C-791-806 1/1/17 - 12/31/17

THE PEOPLE'S REPUBLIC OF CHINA: 1-Hydroxyethylidene-1, 1-Diphosphonic Acid (Hedp)
C-570-046 9/8/16 - 12/31/17

THE PEOPLE'S REPUBLIC OF CHINA: Aluminum Extrusions
C-570-968 1/1/17 - 12/31/17

THE PEOPLE'S REPUBLIC OF CHINA: Citric Acid and Citrate Salt
C-570-938 1/1/17 - 12/31/17

THE PEOPLE'S REPUBLIC OF CHINA: Polyethylene Terephthalate Resin
C-570-025 1/1/17 - 12/31/17

Suspension Agreements

None

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 Commerce was unable to locate in prior segments, Commerce 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), Commerce 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.²

² See also the Enforcement and Compliance web site at <http://trade.gov/enforcement/>.

Commerce no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an antidumping duty administrative reviews.³ Accordingly, the NME entity will not be under review unless Commerce specifically receives a request for, or self-initiates, a review of the NME entity.⁴ 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, Commerce 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, Commerce 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 website at <http://access.trade.gov>.⁵ Further, in 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.

³ 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).

⁴ 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.

⁵ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

Commerce 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 May 2018. If Commerce does not receive, by the last day of May 2018, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, Commerce will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of 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.

James Maeder
Associate Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations
performing the duties of Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

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