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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-904]

Certain Activated Carbon from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2017-2018

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

SUMMARY: The Department of Commerce (Commerce) determines that Datong Juqiang Activated Carbon Co., Ltd. (Datong Juqiang) and Carbon Activated Tianjin Co., Ltd. (Carbon Activated) sold certain activated carbon from the People's Republic of China (China) at less than normal value during the period of review (POR) April 1, 2017 through March 31, 2018.

DATES: Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Bob Palmer or Jinny Ahn, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0968 or (202) 482-0339, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results*¹ on June 14, 2019. For events subsequent to the *Preliminary Results*, see the Issues and Decision Memorandum.² On September 20, 2019,³

¹ See *Certain Activated Carbon from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2017-2018*, 84 FR 27758 (June 14, 2019) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

² See Memorandum, "Certain Activated Carbon from the People's Republic of China: Issues and Decision Memorandum for the Final Results of the Eleventh Antidumping Duty Administrative Review," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), Commerce extended the deadline for issuing the final results until December 11, 2019.

Scope of the Order

The merchandise subject to the *Order*⁴ is certain activated carbon. The products are currently classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) subheading 3802.1000. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of the *Order* remains dispositive.⁵

Analysis of Comments Received

In the Issues and Decision Memorandum, we addressed all issues raised in the interested parties' case and rebuttal briefs. In Appendix I to this notice, we provided a list of the issues raised by the parties. The Issues and Decision Memorandum is a public document and is on file in the Central Records Unit (CRU), Room B8024 of the main Commerce building, as well as electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov> and to all parties in the CRU. In addition, parties can directly access a complete version of the Issues and Decision Memorandum on the internet at <http://enforcement.trade.gov/frn/index.html>. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Verification

³ See Memorandum, "Activated Carbon from the People's Republic of China: Extension of Deadline for Final Results of 2017-2018 Antidumping Duty Administrative Review," dated September 20, 2019.

⁴ See *Notice of Antidumping Duty Order: Certain Activated Carbon from the People's Republic of China*, 72 FR 20988 (April 27, 2007) (*Order*).

⁵ See Issues and Decision Memorandum for a complete description of the scope of the *Order*.

Pursuant to section 782(i) of the Act, and 19 CFR 351.307(b)(iv), we conducted verification of the questionnaire responses of Carbon Activated.⁶

Changes Since the Preliminary Results

Based on our review of the record and comments received from interested parties regarding our *Preliminary Results*, we made certain revisions to the margin calculations for Carbon Activated and Datong Juqiang,⁷ and consequently, to the rate assigned to the non-examined, separate rate respondents. The Issues and Decision Memorandum contains additional details of these revisions.⁸

Final Determination of No Shipments

In the *Preliminary Results*, we preliminarily determined that Charter Link Logistics Limited, Datong Municipal Yunguang Activated Carbon Co., Ltd., Jilin Bright Future Chemicals Co., Ltd., Shanxi Dapu International Trade Co., Ltd., Shanxi Industry Technology Trading Co., Ltd., Shanxi Tianxi Purification Filter Co., Ltd., and Tianjin Channel Filters Co., Ltd. had no shipments of subject merchandise to the United States during the POR.⁹ We received no information to contradict this determination. Therefore, we continue to find that these companies had no shipments of subject merchandise during the POR and will issue appropriate

⁶ See Memoranda, “Verification of the Questionnaire Responses of Carbon Activated Tianjin Co., Ltd.’s Supplier in the Antidumping Administrative Review of Certain Activated Carbon from the People’s Republic of China,” and “Verification of the Questionnaire Responses of Carbon Activated Tianjin Co., Ltd.’s Supplier in the Antidumping Administrative Review of Certain Activated Carbon from the People’s Republic of China,” both dated September 27, 2019.

⁷ See Memoranda, “Antidumping Duty Administrative Review of Certain Activated Carbon from the People’s Republic of China: Final Results Calculation Memorandum for Carbon Activated” (Carbon Activated’s Final Calculation Memorandum), and “Antidumping Duty Administrative Review of Certain Activated Carbon the People’s Republic of China: Final Results Calculation Memorandum for Datong Juqiang Activated Carbon Co., Ltd.” (Datong Juqiang’s Final Calculation Memorandum), both dated concurrently with this memorandum; *see also* Memorandum, “Eleventh Administrative Review of Certain Activated Carbon from the People’s Republic of China: Surrogate Values for the Final Results,” dated concurrently with this memorandum.

⁸ See Issues and Decisions Memorandum at 3-4 for a summary of these revisions.

⁹ See *Preliminary Results*, 84 FR at 27758.

liquidation instructions that are consistent with our “automatic assessment” clarification for these final results.¹⁰

Separate Rate Respondents

In our *Preliminary Results*, we determined that Carbon Activated, Datong Juqiang, and six other companies demonstrated their eligibility for separate rates.¹¹ We received no comments or argument since the issuance of the *Preliminary Results* that provide a basis for reconsideration of these determinations. Therefore, for these final results, we continue to find that the eight companies listed in the table in the “Final Results” section of this notice are eligible for a separate rate.

Rate for Non-Examined Separate Rate Respondents

In the *Preliminary Results*,¹² and consistent with Commerce’s practice,¹³ we assigned the non-examined, separate rate companies a rate equal to the weighted average of the calculated weighted-average dumping margins for the mandatory respondents that are not zero, *de minimis* (*i.e.*, less than 0.5 percent), or based entirely on facts available, weighted by the total U.S. sales quantities from the public version of the submissions from the mandatory respondents.¹⁴ No parties commented on the methodology for calculating this separate rate. For the final results, we continue to apply this approach, as it is consistent with the intent of, and our use of, section 735(c)(5)(A) of the Act.¹⁵

¹⁰ See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011) (*Assessment Practice Refinement*).

¹¹ See *Preliminary Results* PDM at 4-8.

¹² *Id.* at 10-11.

¹³ See, e.g., *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review*, 76 FR 56158, 56160 (September 12, 2011) (*Vietnam Shrimp*).

¹⁴ See Memorandum, “Certain Activated Carbon from the People’s Republic of China: Calculation of Margin for Respondents Not Selected for Individual Examination,” dated concurrently with this notice.

¹⁵ See *Vietnam Shrimp*, 76 FR at 56160.

Final Results of the Review

For companies subject to this review, which established their eligibility for a separate rate, Commerce determines that the following weighted-average dumping margins exist for the POR from April 1, 2017 through March 31, 2018:

Exporter	Weighted-Average Dumping Margin (USD/kg)¹⁶
Beijing Pacific Activated Carbon Products Co., Ltd.	0.89
Carbon Activated Tianjin Co., Ltd.	1.02
Datong Juqiang Activated Carbon Co., Ltd.	0.86
Jacobi Carbons AB ¹⁷	0.89
Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd.	0.89
Ningxia Huahui Activated Carbon Co., Ltd.	0.89
Ningxia Mineral & Chemical Limited	0.89
Shanxi Sincere Industrial Co., Ltd.	0.89

In the *Preliminary Results*, Commerce found that 239 companies for which a review was requested did not establish eligibility for a separate rate because they did not file a separate rate application or a separate rate certification, as appropriate.¹⁸ No interested party commented on Commerce's preliminary determination with respect to these 239 companies. Therefore, for

¹⁶ In the second administrative review of the *Order*, Commerce determined that it would calculate per-unit weighted-average dumping margins and assessment rates for all future reviews. *See Certain Activated Carbon from the People's Republic of China: Final Results and Partial Rescission of Second Antidumping Duty Administrative Review*, 75 FR 70208, 70211 (November 17, 2010) (*AR2 Carbon*), and accompanying Issues and Decision Memorandum (IDM) at Comment 3.

¹⁷ In the third administrative review of the *Order*, Commerce found that Jacobi Carbons AB, Tianjin Jacobi International Trading Co. Ltd., and Jacobi Carbons Industry (Tianjin) should be treated as a single entity, and because there were no facts presented on the record of this review which would call into question our prior finding, we continue to treat these companies as part of a single entity for this administrative review, pursuant to sections 771(33)(E), (F), and (G) of the Act, and 19 CFR 351.401(f). *See Certain Activated Carbon from the People's Republic of China: Final Results and Partial Rescission of Third Antidumping Duty Administrative Review*, 76 FR 67142, 67145, n.25 (October 31, 2011); *see also Preliminary Results PDM*.

¹⁸ *See Preliminary Results PDM* at 8.

these final results we determine these companies to be part of the China-wide entity. Because no party requested a review of the China-wide entity, and Commerce no longer considers the China-wide entity as an exporter conditionally subject to administrative reviews,¹⁹ we did not conduct a review of the China-wide entity. Thus, the weighted-average dumping margin for the China-wide entity (*i.e.*, 2.42 USD/kg)²⁰ is not subject to change as a result of this review.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce has determined, and U.S Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. We intend to issue assessment instructions to CBP 15 days after the publication date of these final results of review.

For each individually-examined respondent in this review which has a final weighted-average dumping margin that is not zero or *de minimis* (*i.e.*, less than 0.5 percent), we will calculate importer- (or customer-) specific per-unit duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's (or customer's) examined sales to the total sales quantity associated with those sales, in accordance with 19 CFR 351.212(b)(1).²¹ We will also calculate (estimated) *ad valorem* importer-specific assessment rates with which to determine whether the per-unit assessment rates are *de minimis*.²² Where either the respondent's weighted-average dumping margin is zero or *de minimis*, or an importer- (or customer-) specific

¹⁹ 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, 65969-70 (November 4, 2013).

²⁰ See, *e.g.*, *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).

²¹ See *AR2 Carbon IDM* at Comment 3.

²² For calculated (estimated) *ad valorem* importer-specific assessment rates used in determining whether the per-unit assessment rate is *de minimis*, see Carbon Activated's Final Calculation Memorandum and Datong Juqiang's Final Calculation Memorandum and attached Margin Calculation Program Logs and Outputs.

assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.²³

For the respondents which were not selected for individual examination in this administrative review and which qualified for a separate rate, the assessment rate will be equal to the rate assigned to them for the final results (*i.e.*, 0.89 USD/kg).

For the companies identified as part of the China-wide entity, we will instruct CBP to apply a per-unit assessment rate of 2.42 USD/kg to all entries of subject merchandise during the POR which were produced or exported by those companies.

Pursuant to a refinement in our non-market economy practice, for sales that were not reported in the U.S. sales data submitted by companies individually examined during this review, we will instruct CBP to liquidate entries associated with those sales at the rate for the China-wide entity. Furthermore, where we found that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.*, at that exporter's cash deposit rate) will be liquidated at the rate for the China-wide entity.²⁴

Cash Deposit Requirements

The following per-unit cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) for Carbon Activated, Datong Juqiang, and the non-examined separate rate respondents the cash deposit rate will be equal to their weighted-average dumping margins established in the final results of this review; (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that have separate

²³ See 19 CFR 351.106(c)(2).

²⁴ For a full discussion of this practice, see *Assessment Practice Refinement*, 76 FR at 65694.

rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding in which they were reviewed; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be equal to the weighted-average dumping margin for the China-wide entity (*i.e.*, 2.42 USD/kg); and (4) for all non-Chinese exporters of subject merchandise which have not received their own separate rate, the cash deposit rate will be the rate applicable to the Chinese exporter(s) that supplied that non-Chinese exporter. These per-unit cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

We intend to disclose the calculations performed to parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final 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 POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. 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 violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: December 11, 2019.

Jeffrey I. Kessler,
Assistant Secretary
for Enforcement and Compliance.

Appendix

Issues and Decision Memorandum

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- VI. Recommendation

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