



## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-983]

#### **Drawn Stainless Steel Sinks from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review; 2019 - 2020**

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that certain companies made sales of subject merchandise at less than normal value. The period of review (POR) is April 1, 2019, through March 31, 2020. Interested parties are invited to comment on these preliminary results.

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

**FOR FURTHER INFORMATION CONTACT:** Adam Simons, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-6172.

#### **SUPPLEMENTARY INFORMATION:**

##### Background

On June 8, 2020, Commerce published a notice of initiation of an administrative review of the antidumping duty order drawn stainless steel sinks from the People's Republic of China (China) covering the period April 1, 2019, through March 31, 2020, with respect to 29 companies.<sup>1</sup> In August 2020, following a timely withdrawal request, we rescinded the review

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<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Reviews*, 85 FR 35068, 35071 (June 8, 2020).

with respect to 23 of these companies.<sup>2</sup> Therefore, the results of this review cover the six remaining companies.

### Scope of the Order

The products covered by the order include drawn stainless steel sinks from the People's Republic of China (China). Imports of subject merchandise are currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7324.10.0000 and 7324.10.0010. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.<sup>3</sup>

### Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. 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). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://enforcement.trade.gov/frn/index.html>. The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content. A list of topics included in the Preliminary Decision Memorandum is provided as an appendix to this notice.

### China-Wide Entity

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<sup>2</sup> *See Drawn Stainless Steel Sinks from the People's Republic of China: Partial Rescission of Antidumping Duty Administrative Review; 2019–2020*, 85 FR 48152 (August 10, 2020).

<sup>3</sup> For a complete description of the scope of the order, *see* Memorandum, "Decision Memorandum for Preliminary Results of the 2019-2020 Antidumping Duty Administrative Review: Drawn Stainless Steel Sinks from the People's Republic of China," issued concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

In accordance with Commerce's policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity.<sup>4</sup> Because no party requested a review of the China-wide entity in this review, the entity is not under review, and the entity's rate is not subject to change (*i.e.*, 76.45 percent).<sup>5</sup>

### Preliminary Results of Review

Commerce finds that the two mandatory respondents, Jiangmen New Star Hi-Tech Enterprise Ltd. (New Star) and Zhuhai Kohler Kitchen & Bathroom Products Co., Ltd. (Kohler), have not established their eligibility for a separate rate and are considered to be part of the China-wide entity for these preliminary results. Additionally, because the following companies did not submit separate rate applications or certifications, we preliminarily determine they are ineligible for a separate rate and are part of the China-wide entity: Guangdong G-Top Import & Export Co., Ltd. (G-Top); Jiangmen Pioneer Import & Export Co., Ltd. (Pioneer); and Zhongshan Superte Kitchenware Co., Ltd. (Superte).

The statute and Commerce's regulations do not address what rate to apply to respondents who are not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for non-selected respondents that are not examined individually in an administrative review. Section 735(c)(5)(A) of the Act states that the all-others rate should be calculated by averaging the weighted-average dumping margins for individually-examined respondents, excluding rates that are zero, *de minimis*, or based entirely

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<sup>4</sup> 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).

<sup>5</sup> The China-wide rate determined in the investigation was 76.53 percent. See *Drawn Stainless Steel Sinks from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 78 FR 21592 (April 11, 2013). This rate was adjusted for export subsidies and estimated domestic subsidy pass through to determine the cash deposit rate (76.45 percent) collected for companies in China-wide entity. See explanation in *Drawn Stainless Steel Sinks from the People's Republic of China: Investigation, Final Determination*, 78 FR 13019 (February 26, 2013).

on facts available. Section 735(c)(5)(B) of the Act provides that where all rates are zero, *de minimis*, or based entirely on facts available, Commerce may use “any reasonable method” for assigning a rate to non-examined respondents.

However, for these preliminary results, we have not calculated any individual rates or assigned a company-specific rate based on facts available. Therefore, consistent with our recent practice,<sup>6</sup> we preliminary assigned to the non-individually examined company that demonstrated its eligibility for a separate rate the most recently assigned separate rate in this proceeding (*i.e.*, 1.78 percent).<sup>7</sup>

Commerce preliminarily determines that the following weighted-average dumping margins exist for the period April 1, 2019, through March 31, 2020:

<b>Exporter</b>	<b>Weighted-Average Dumping Margin (percent)</b>
KaiPing Dawn Plumbing Products Inc.	1.78

#### Disclosure and Public Comment

Interested parties may submit case briefs no later than 30 days after the date of publication of this notice.<sup>8</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the time limit for filing case briefs.<sup>9</sup> Parties who submit case brief or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a

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<sup>6</sup> See, e.g., *Shenzhen Xinboda Industrial Co., Ltd., v. United States*, Court No. 15-00179, Slip Op. (CIT 2016); see also *Certain Steel Threaded Rod From the People’s Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Rescission of Antidumping Duty Administrative Review, in Part; 2015–2016*, 82 FR 21189, 21192 (May 5, 2017), unchanged in *Certain Steel Threaded Rod From the People’s Republic of China: Final Results of Antidumping Duty Administrative Review; 2015–2016*, 82 FR 51611 (November 7, 2017); and *Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Preliminary Results and Partial Rescission of the Antidumping Duty Administrative Review; 2014–2015*, 81 FR 64131, 64133 (September 19, 2016), unchanged in *Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Final Results and Partial Rescission of Antidumping Duty Administrative Review; 2014–2015*, 82 FR 15181 (March 27, 2017).

<sup>7</sup> See *Drawn Stainless Steel Sinks from the People’s Republic of China: Final Results of Antidumping Duty Administrative Review; 2017–2018*, 85 FR 11341 (February 27, 2020).

<sup>8</sup> See 19 CFR 351.309(c).

<sup>9</sup> See 19 CFR 351.309(d); see also *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 17006 (March 26, 2020), and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020) (collectively, *Temporary Rule*).

statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>10</sup> Case and rebuttal briefs should be filed using ACCESS.<sup>11</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically via ACCESS within 30 days after the date of publication of this notice.<sup>12</sup> Hearing requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held.<sup>13</sup>

An electronically-filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the established deadline. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>14</sup>

Commerce intends to issue the final results of this administrative review, which will include the results of its analysis of all issues raised in the case briefs, not later than 120 days after the date of publication of this notice, unless otherwise extended.<sup>15</sup>

### Assessment Rates

Upon issuance completion of the administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.<sup>16</sup> For the final results, if we continue to treat the following companies as part of China-wide entity, we will instruct CBP to apply an *ad valorem* assessment rate of 76.45 percent to all entries of subject merchandise during the POR that were produced

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<sup>10</sup> See 19 CFR 351.309(c)(2).

<sup>11</sup> See 19 CFR 351.303.

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

<sup>13</sup> See 19 CFR 351.310(d).

<sup>14</sup> See 19 CFR 351.309; see also 19 CFR 351.303 (for general filing requirements); and *Temporary Rule*.

<sup>15</sup> See section 751(a)(3)(A) of the Act.

<sup>16</sup> See 19 CFR 351.212(b)(1).

and/or exported by those companies: G-Top; Kohler; New Star; Pioneer; and Superte. For the company receiving a separate rate, we intend to assign an assessment rate of 1.78 percent, consistent with the methodology described above.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the *Federal Register*. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

#### Cash Deposit Requirements

The following 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 for by section 751(a)(2)(C) of the Act: (1) for the company listed above that has a separate rate, the cash deposit rate will be that rate established in the final results of this review (except, if the rate is zero or *de minimis*, then a cash deposit rate of zero will be established for that company); (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that have separate rates, the cash deposit rate will continue to be equal to the exporter-specific weighted-average dumping margin published of the most recently-completed segment of this proceeding; (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 the rate for China-wide entity, 76.45 percent; and (4) for all exporters of subject merchandise which are not located in China and which are not eligible for a separate rate, the cash deposit rate will be the rate applicable to Chinese exporter(s) that supplied that non-Chinese 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) 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 Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

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

**Dated:** January 22, 2021.

**Christian Marsh,**  
*Acting Assistant Secretary  
for Enforcement and Compliance.*

## **Appendix**

### **List of Topics Discussed in the Preliminary Decision Memorandum**

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Methodology
- V. Recommendation

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