

seamless and welded construction covered by the latest revision of ANSI B16.9, ANSI B16.11, and ANSI B16.28. Butt-weld fittings manufactured to specification ASTM A774, or its foreign equivalents, are also covered by the order.

The order does not apply to cast fittings. Cast austenitic stainless steel pipe fittings are covered by specifications A351/A351M, A743/743M, and A744/A744M.

The butt-weld fittings subject to the order are currently classifiable under subheading 7307.23.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

#### Final Results of the Administrative Review

We determine that a weighted-average dumping margin of 60.10 percent exists for Superinox for the period of February 1, 2017, through January 31, 2018.

#### Assessment Rates

In accordance with section 751(a)(2)(C) of the Act, 19 CFR 351.212(b)(1) and the *Final Modification*,<sup>2</sup> Commerce will instruct U.S. Customs and Border Protection (CBP) to liquidate all appropriate entries for Superinox without regard to antidumping duties.

For entries of subject merchandise during the POR produced by Superinox for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.<sup>3</sup> We intend to issue instructions to CBP 15 days after publication of the final results of this review.

#### Cash Deposit Requirement

The following cash deposit requirements will be effective upon publication of the notice of the final results of administrative review for all shipments of pipe fittings from Malaysia entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided by

section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Superinox will be 60.10 percent, the weighted-average dumping margin established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 7.51 percent *ad valorem*, the all-others rate established in the less-than-fair value investigation.

These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice 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 review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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 subject to sanction.

#### Notification to Interested Parties

These final results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(5).

Dated: December 21, 2018.

**P. Lee Smith,**

*Deputy Assistant Secretary for Policy and Negotiations.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-979]

#### Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Antidumping Duty Administrative Review

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

**SUMMARY:** On December 13, 2018, the United States Court of International Trade (the Court) sustained the second remand redetermination pertaining to the 2013–2014 antidumping duty (AD) administrative review of crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells) from the People's Republic of China (China). The Department of Commerce (Commerce) is notifying the public that the final judgment in this case is not in harmony with Commerce's final results in the AD administrative review of solar cells from China and that Commerce is amending the final results with respect to AD margins assigned, as detailed below.

**DATES:** Applicable December 23, 2018.

**FOR FURTHER INFORMATION CONTACT:** Jeff Pedersen, AD/CVD Operations, Office IV, Enforcement and Compliance—International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482-2769.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 13, 2016, Commerce published its Final Results of the 2013–2014 AD administrative review of solar cells from China.<sup>1</sup> On October 18, 2017, the Court remanded the Final Results to Commerce to further explain or reconsider its determination to value

<sup>2</sup> See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101, 8102 (February 14, 2012) (*Final Modification*).

<sup>3</sup> See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

<sup>1</sup> See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments*; 2013–2014, 81 FR 39905 (June 20, 2016) and accompanying Issues & Decision Memorandum (IDM) (collectively Final Results).

Yingli Green Energy Holding Co., Ltd.’s<sup>2</sup> tempered glass inputs with import data from Thailand, in light of evidence that Hong Kong import data has a disproportionate impact on the Thai surrogate value.<sup>3</sup> In addition, the Court remanded for further explanation or consideration Commerce’s determination to value Changzhou Trina Solar Energy Co. Ltd.’s<sup>4</sup> broken and scrapped polysilicon cells and modules using Thai import data under Harmonized Tariff Schedule (HTS) subheading 8548.10.<sup>5</sup> The Court requested Commerce explain why its selection is reasonable given that Thai HTS subheading 8549.10 is not specific to solar cells or modules and results in a value for the scrapped cell and module byproduct that is higher than the value of the input itself.<sup>6</sup>

In its First Remand Redetermination, Commerce continued to value Yingli’s tempered glass inputs using Thai import data, again determining that the import data, in the aggregate, are not aberrational.<sup>7</sup> Commerce also continued to value scrapped solar cells and modules using Thai HTS subheading 8528.10 (which covers scrap primary cells and batteries), finding that the subheading represents the best available information on the record with which to value scrapped solar cells and modules,

given the similarity in manufacturing processes and raw materials.<sup>8</sup>

On May 18, 2018, the Court remanded both issues to Commerce a second time.<sup>9</sup> The Court found that Commerce failed to explain why it is reasonable to value tempered glass using Thai import data when imports of tempered glass from Hong Kong have a disproportionate impact on the overall average unit value (AUV) of tempered glass.<sup>10</sup> With regard to Commerce’s valuation of Trina’s scrapped solar cells and modules, the Court held that Commerce’s determination remained unsupported by substantial evidence, finding that Commerce had not provided an adequate explanation as to why the selection of a category covering scrapped electrical batteries accurately values the respondent’s scrapped solar cells and modules byproduct.<sup>11</sup>

In its Second Remand Redetermination, pursuant to the Court’s holding in *SolarWorld II*, Commerce determined, under protest, to value Yingli’s tempered glass inputs using import data from Bulgaria, avoiding the data-quality concerns regarding the Thai import data.<sup>12</sup> With regard to valuing scrapped solar cells and modules, under protest, Commerce reconsidered its selection and decided to use Thai HTS subheading 2804,

which covers silicon of less than 99.9 percent purity.<sup>13</sup> On December 13, 2018, the Court sustained the Second Remand Redetermination.<sup>14</sup>

**Timken Notice**

In its decision in *Timken*,<sup>15</sup> as clarified by *Diamond Sawblades*,<sup>16</sup> the United States Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision that is not “in harmony” with a Commerce determination and must suspend liquidation of entries pending a “conclusive” court decision. The Court’s December 13, 2018 final judgment sustaining Commerce’s Second Remand Redetermination constitutes a final decision of the Court that is not in harmony with Commerce’s Final Results. This notice is published in fulfillment of the publication requirements of *Timken*.

**Amended Final Results**

Because there is now a final court decision, Commerce is amending its Final Results. Commerce finds that the revised AD dumping margin for the respondents are as follows:

Exporter	Weighted-average dumping margin (percent)
Yingli Energy (China) Company Limited/Baoding Tianwei Yingli New Energy Resources Co., Ltd./Tianjin Yingli New Energy Resources Co., Ltd./Hengshui Yingli New Energy Resources Co., Ltd./Lixian Yingli New Energy Resources Co., Ltd./Baoding Jiasheng Photovoltaic Technology Co., Ltd./Beijing Tianneng Yingli New Energy Resources Co., Ltd./Hainan Yingli New Energy Resources Co., Ltd./Shenzhen Yingli New Energy Resources Co., Ltd. ....	0.00
Changzhou Trina Solar Energy Co., Ltd./Trina Solar (Changzhou) Science and Technology Co., Ltd./Yancheng Trina Solar Energy Technology Co., Ltd./Changzhou Trina Solar Yabang Energy Co., Ltd./Turpan Trina Solar Energy Co., Ltd./Hubei Trina Solar Energy Co., Ltd. ....	6.55
BYD (Shangluo) Industrial Co., Ltd. ....	3.96
Canadian Solar International Limited ....	3.96
Canadian Solar Manufacturing (Changshu) Inc. ....	3.96
Canadian Solar Manufacturing (Luoyang) Inc. ....	3.96
Dongguan Sunworth Solar Energy Co., Ltd. ....	3.96
ERA Solar Co., Ltd. ....	3.96
ET Solar Energy Limited ....	3.96
JA Solar Technology Yangzhou Co., Ltd. ....	3.96

<sup>2</sup> In the *Final Results* Commerce determined to treat the mandatory respondent Yingli Energy (China) Company Limited and the following eight companies as a single entity: (1) Baoding Tianwei Yingli New Energy Resources Co., Ltd.; (2) Tianjin Yingli New Energy Resources Co., Ltd.; (3) Hengshui Yingli New Energy Resources Co., Ltd.; (4) Lixian Yingli New Energy Resources Co., Ltd.; (5) Baoding Jiasheng Photovoltaic Technology Co., Ltd.; (6) Beijing Tianneng Yingli New Energy Resources Co., Ltd.; (7) Hainan Yingli New Energy Resources Co., Ltd.; (8) Shenzhen Yingli New Energy Resources Co., Ltd. (collectively Yingli).

<sup>3</sup> *SolarWorld Americas, Inc., et al. v. United States*, 273 F. Supp. 3d 1254, 1261–65 (CIT 2017) (*SolarWorld I*).

<sup>4</sup> In the *Final Results* Commerce determined to treat the mandatory respondent Changzhou Trina

Solar Energy Co., Ltd. and Trina Solar (Changzhou) Science & Technology Co., Ltd. and the following four companies as a single entity: (1) Yancheng Trina Solar Energy Technology Co., Ltd.; (2) Changzhou Trina Solar Yabang Energy Co., Ltd.; (3) Turpan Trina Solar Energy Co., Ltd.; (4) Hubei Trina Solar Energy Co., Ltd. (collectively Trina).

<sup>5</sup> *Id.* at 1267–1268.

<sup>6</sup> *Id.* at 1268.

<sup>7</sup> See *Final Results of Redetermination: SolarWorld Americas, Inc. v. United States*, Court No. 16–00134, Slip. Op. 17–143 (Court of International Trade October 18, 2017), dated January 18, 2018 (First Remand Redetermination).

<sup>8</sup> See *First Remand Redetermination* at 53–64.

<sup>9</sup> *SolarWorld Americas, Inc. v. United States*, 320 F. Supp. 3d 1341 (CIT 2018) (*SolarWorld II*).

<sup>10</sup> *Id.* at 1350–55.

<sup>11</sup> *Id.* at 1355–58.

<sup>12</sup> See *Results of Second Remand Redetermination Pursuant to Court Order: SolarWorld Americas, Inc. v. United States*, Court No. 16–00134, Slip. Op. 18–53 (Court of International Trade June 18, 2017), dated July 31, 2018 (Second Remand Redetermination).

<sup>13</sup> *Id.*

<sup>14</sup> See *SolarWorld Americas, Inc. et al. v. United States*, 2018 WL 6584942, (CIT December 13, 2018) (*SolarWorld III*).

<sup>15</sup> See *Timken Co. v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990).

<sup>16</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010).

Exporter	Weighted-average dumping margin (percent)
Jiangsu High Hope Int'l Group <sup>17</sup> .....	3.96
JingAo Solar Co., Ltd .....	3.96
Ningbo Qixin Solar Electrical Appliance Co., Ltd .....	3.96
Shanghai BYD Co., Ltd .....	3.96
Shenzhen Glory Industries Co., Ltd .....	3.96
Shenzhen Topray Solar Co., Ltd .....	3.96
Wuxi Suntech Power Co., Ltd./Luoyang Suntech Power Co., Ltd .....	3.96

Accordingly, Commerce 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, Commerce will instruct U.S. Customs and Border Protection to assess antidumping duties on unliquidated entries of subject merchandise exported by the respondents using the assessment rates calculated by Commerce listed above.

#### Cash Deposit Requirements

Because cash deposit rate for all of the respondents listed above, with the exception of BYD (Shangluo) Industrial Co., Ltd., Dongguan Sunworth Solar Energy Co., Ltd., and Shenzhen Glory Industries Co., Ltd., have been superseded by cash deposit rates calculated in intervening administrative reviews of the AD order on solar cells from China, we will not alter the cash deposit rate currently in effect for these respondents based on these amended final results. Effective December 23, 2018, the cash deposit rate applicable to entries of subject merchandise exported by BYD (Shangluo) Industrial Co., Ltd., Dongguan Sunworth Solar Energy Co., Ltd., and Shenzhen Glory Industries Co., Ltd. is 3.96 percent.

#### 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.

<sup>17</sup> In the fourth administrative review, Commerce determined that Jiangsu High Hope Int'l Group failed to demonstrate its entitlement to a separate rate. See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2015–2016*, 83 FR 1018 (January 9, 2018), unchanged at final, *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2015–2016*, 83 FR 35616 (July 27, 2019). The cash deposit rate applicable to this firm was revised accordingly. See cash deposit instruction message number 8214308.

Dated: December 21, 2018.

**P. Lee Smith,**

*Deputy Assistant Secretary for Policy and Negotiations.*

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**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–075]

#### Certain Plastic Decorative Ribbon From the People's Republic of China: Final Determination of Sales at Less Than Fair Value

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

**SUMMARY:** The Department of Commerce (Commerce) determines that producers and/or exporters subject to this investigation made sales of subject merchandise at less than normal value.

**DATES:** Applicable February 1, 2019.

**FOR FURTHER INFORMATION CONTACT:**

Nancy Decker, Lauren Caserta, or Caitlin Monks, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0196, (202) 482–4737, or (202) 482–2670, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

Commerce published the *Preliminary Determination* of this investigation in the **Federal Register** on August 8, 2018.<sup>1</sup> Subsequently, Commerce postponed the deadline for the final determination to December 21, 2018.<sup>2</sup> A summary of the events that occurred since Commerce

<sup>1</sup> See *Certain Plastic Decorative Ribbon from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value*, 83 FR 39058 (August 8, 2018) (*Preliminary Determination*).

<sup>2</sup> See *Certain Plastic Decorative Ribbon from the People's Republic of China: Postponement of Final Determination of Sales at Less Than Fair Value*, 83 FR 40226 (August 14, 2018).

published the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.<sup>3</sup> A list of topics included in the Issues and Decision Memorandum is included at Appendix II 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). ACCESS is available to registered users at <http://access.trade.gov> and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed Issues and Decision Memorandum and the electronic version are identical in content.

#### Period of Investigation

The period of investigation is April 1, 2017, through September 30, 2017.

#### Scope of the Investigation

The merchandise covered by this investigation is certain plastic decorative ribbon from China. For a complete description of the scope of this investigation, see Appendix I.

#### Scope Comments

We invited parties to comment on Commerce's Preliminary Scope Decision Memorandum.<sup>4</sup> Commerce has reviewed the scope briefs submitted by interested parties, considered the arguments therein, and has made

<sup>3</sup> See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Plastic Decorative Ribbon from China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>4</sup> See Memorandum, "Certain Plastic Decorative Ribbon from the People's Republic of China: Scope Comments Preliminary Decision Memorandum" (Preliminary Scope Decision Memorandum), dated July 30, 2018.