

classifiable under other HTSUS subheadings, including 3917.39.0050, 3921.90.1100, 3921.90.1500, and 5903.90.2500. If the polypropylene strips and/or polyethylene strips making up the fabric measure more than 5 millimeters in width, laminated woven sacks may be classifiable under other HTSUS subheadings including 4601.99.0500, 4601.99.9000, and 4602.90.0000. Although HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. List of Issues
- III. Background
- IV. Scope Comments
- V. Scope of the Investigation
- VI. Subsidies Valuation Information
- VII. Benchmarks and Interest Rates
- VIII. Use of Facts Otherwise Available and Adverse Inferences
- IX. Analysis of Programs
- X. Analysis of Comments
- XI. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-911]

Circular Welded Carbon Quality Steel Pipe From the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2017

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

SUMMARY: The Department of Commerce (Commerce) is rescinding its administrative review of the countervailing duty order on circular welded carbon quality steel pipe (CWP) from the People's Republic of China (China) for the period of review (POR) January 1, 2017, through December 31, 2017.

DATES: Applicable April 11, 2019.

FOR FURTHER INFORMATION CONTACT:

Darla Brown, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1791.

SUPPLEMENTARY INFORMATION:

Background

On July 3, 2018, Commerce published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" of the countervailing duty

(CVD) order¹ on circular welded carbon quality steel pipe from China for the POR.²

On July 31, 2018, Commerce received timely requests from the petitioners³ and from Zekelman Industries (Zekelman), a domestic interested party, to conduct an administrative review of the *CVD Order*.⁴

On September 10, 2018, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), Commerce published in the **Federal Register** a notice of initiation of an administrative review of the *CVD Order*.⁵ The administrative review was initiated with respect to 128 companies, covering the POR January 1, 2017, through December 31, 2017.

On September 25, 2018, Commerce placed on the record information obtained from U.S. Customs and Border Protection (CBP) indicating that there were no reviewable entries of subject merchandise exported by the companies subject to this administrative review during the POR.⁶ On October 17, 2018, Zekelman withdrew its request for review in its entirety.⁷

On November 15, 2018, the petitioners submitted comments regarding alleged discrepancies in the import data on the record.⁸ Specifically, the petitioners claim that, although the results of the CBP data query do not provide evidence of reviewable entries of subject merchandise during the POR, data from a third-party subscription service that the petitioners placed on the record purportedly show that there

¹ See *Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Notice of Amended Final Affirmative Countervailing Duty Determination and Notice of Countervailing Duty Order*, 73 FR 42545 (July 22, 2008) (CVD Order).

² See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 83 FR 31121 (July 3, 2018).

³ The petitioners in this proceeding are Independence Tube Corporation and Southland Tube, Incorporated.

⁴ See Letter from Petitioners, "Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Request for Administrative Review," dated July 31, 2018. See also Letter from Zekelman, "Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Request for Administrative Review," dated July 31, 2018.

⁵ See *Initiation of Countervailing and Countervailing Duty Administrative Reviews*, 83 FR 45596 (September 10, 2018).

⁶ See Memorandum to the File, "Release of Customs Entry Data from U.S. Customs and Border Protection (CBP)," dated September 25, 2018.

⁷ See Letter from Zekelman, "Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Withdrawal of Request for Administrative Review," dated October 17, 2018.

⁸ See Letter from Petitioners, "Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Comments on Import Data," dated November 15, 2018 (Petitioners' November 15 Letter).

were substantial imports of CWP from China during the POR. The petitioners argue that this record information suggests that companies under review could be evading the order by misreporting entry types, and the petitioners urge Commerce to obtain CBP entry documents with respect to the entries of CWP for a subset of 27 companies under review, to determine whether these companies misclassified subject merchandise entries as non-subject merchandise entries.⁹ In their submission, the petitioners identified 27 of the 128 companies for which Commerce initiated this review which they believe produced and/or exported CWP during the POR.

On February 27, 2019, Commerce placed on the record POR entry data from Datamyne, a public data source, for the 27 companies identified by the petitioners in their November 15, 2018, submission.¹⁰ We invited parties to comment on these data and received timely comments from the petitioners.¹¹ In their comments, the petitioners reiterate their concerns that Chinese producers and/or exporters of CWP may be attempting to evade the order by misrepresenting entries.¹²

Rescission of Review

It is Commerce's practice to rescind an administrative review of a countervailing duty order, pursuant to 19 CFR 351.213(d)(3), when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.¹³ Normally, upon completion of an administrative review, the suspended entries are liquidated at the countervailing duty assessment rate calculated for the review period. See 19 CFR 351.212(b)(2). 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 countervailing duty assessment rate calculated for the review period.¹⁴ Accordingly, in the absence of reviewable, suspended entries of subject merchandise during the POR for any of the 128 companies named in our initiation notice, we are now rescinding

⁹ *Id.* at 8-10.

¹⁰ See Memorandum to the file, "Release of Datamyne Data," dated February 27, 2019.

¹¹ See Letter from Petitioners, "Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Comments on Release of Datamyne Data," dated March 6, 2019.

¹² *Id.* at 6-7.

¹³ See, e.g., *Lightweight Thermal Paper from the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review*; 2015, 82 FR 14349 (March 20, 2017).

¹⁴ See 19 CFR 351.213(d)(3).

this administrative review in accordance with 19 CFR 351.213(d)(3).

Furthermore, in response to the petitioners' claim that companies under review could be evading the *CVD Order* by misreporting entry types, this is a matter within the jurisdiction of CBP, and, hence, any determination as to whether entries have been misclassified must be made by that agency. In light of that, Commerce intends to provide CBP with the petitioners' allegations and relevant documentation from this record.

Notification Regarding 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(a)(3). Timely written notification of return/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.

This notice is published in accordance with section 751 of the Act and 19 CFR 351.213(d)(4).

Dated: April 5, 2019.

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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DEPARTMENT OF COMMERCE

International Trade Administration

[A-552-823]

Laminated Woven Sacks From the Socialist Republic of Vietnam: 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 imports of laminated woven sacks (LWS) from the Socialist Republic of Vietnam (Vietnam) are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is July 1, 2017, through December 31, 2017.

DATES: Applicable April 11, 2019.

FOR FURTHER INFORMATION CONTACT:

Drew Jackson or Celeste Chen, 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) 482-4406 or (202) 482-0890, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 11, 2018, Commerce published in the **Federal Register** the *Preliminary Determination* and invited interested parties to comment.¹ On October 23, 2018, Commerce postponed the final determination of this investigation until February 25, 2019.² Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018, through the resumption of operations on January 29, 2019.³ If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. Accordingly, the revised deadline for the final determination is now April 4, 2019. A summary of the events that occurred since Commerce published the *Preliminary Determination* may be found in the Issues and Decision Memorandum that is dated concurrently with this determination and hereby adopted by this notice.⁴

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

¹ See *Laminated Woven Sacks from the Socialist Republic of Vietnam: Preliminary Determination of Sales at Less Than Fair Value*, 83 FR 51436 (October 11, 2018) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum (PDM).

² See *Laminated Woven Sacks from the Socialist Republic of Vietnam: Postponement of Final Determination of Sales at Less Than Fair Value Investigation*, 83 FR 53452 (October 23, 2018).

³ See memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, "Deadlines Affected by the Partial Shutdown of the Federal Government," dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

⁴ See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination in the Laminated Woven Sacks from the Socialist Republic of Vietnam," (Issues and Decision Memorandum).

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 July 1, 2017, through December 31, 2017.

Scope of the Investigation

The products covered by this investigation are laminated woven sacks from Vietnam. For a full description of the scope of this investigation, see the "Scope of the Investigation," at Appendix I.

Scope Comments

During the course of this investigation and the concurrent countervailing duty (CVD) investigation of LWS from Vietnam, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.⁵ In response to Commerce's invitation to comment on its preliminary scope determination, Commerce received scope comments from Halsted Corporation (Halsted),⁶ and rebuttal comments from the petitioners.⁷ However, Commerce rejected Halsted's scope comments because they contained untimely filed new factual information.⁸ Because Halsted's scope comments have been removed from the record of these investigations and Halsted did not file a redacted version of its scope comments within the deadline allotted by Commerce, Halsted's comments have not been considered in these investigations.⁹ Furthermore, because

⁵ See Memorandum, "Antidumping and Countervailing Duty Investigations of Laminated Woven Sacks from the Socialist Republic of Vietnam: Preliminary Scope Determination," dated October 3, 2018 (Preliminary Scope Decision Memorandum).

⁶ See Letter, "Antidumping and Countervailing Duty Investigations of Laminated Woven Sacks from the Socialist Republic of Vietnam: Rejection of Untimely Filed Factual Information," dated December 12, 2018 (rejecting Halsted Corporation's November 13, 2018 scope brief).

⁷ See Petitioners' Letter, "Investigation of Laminated Woven Sacks from the Socialist Republic of Vietnam: Petitioners' Rebuttal Scope Brief," dated November 19, 2018.

⁸ See Letter, "Antidumping and Countervailing Duty Investigations of Laminated Woven Sacks from the Socialist Republic of Vietnam: Rejection of Untimely Filed Factual Information," dated December 12, 2018. See also Letter, "Antidumping and Countervailing Duty Investigations of Laminated Woven Sacks from the Socialist Republic of Vietnam: Request for Withdrawal of Scope Comments," dated February 8, 2019.

⁹ *Id.*