

cash deposit rates for Founder Land, Shun Yang, Tension Steel, Yieh Hsing, and Yieh Phui will remain unchanged from the rate assigned to them in the most recently completed review of those companies; (2) for merchandise exported by manufacturers or exporters not covered in this 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; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 23.56 percent, the all-others rate established in the less-than-fair-value investigation.<sup>18</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice serves as a preliminary 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 may result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: December 10, 2019.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

#### Appendix

##### Scope of the Order

The products covered by this order are (1) circular welded non-alloy steel pipes and tubes, of circular cross section over 114.3 millimeters (4.5 inches), but not over 406.4 millimeters (16 inches) in outside diameter, with a wall thickness of 1.65 millimeters (0.065 inches) or more, regardless of surface finish (black, galvanized, or painted), or end-finish (plain end, beveled end, threaded, or threaded and coupled); and (2) circular welded non-alloy steel pipes and tubes, of circular cross-section less than 406.4

millimeters (16 inches), with a wall thickness of less than 1.65 millimeters (0.065 inches), regardless of surface finish (black, galvanized, or painted) or end-finish (plain end, beveled end, threaded, or threaded and coupled). These pipes and tubes are generally known as standard pipes and tubes and are intended for the low pressure conveyance of water, steam, natural gas, air, and other liquids and gases in plumbing and heating systems, air conditioning units, automatic sprinkling systems, and other related uses, and generally meet ASTM A-53 specifications. Standard pipe may also be used for light load-bearing applications, such as for fence-tubing and as structural pipe tubing used for framing and support members for construction, or load-bearing purposes in the construction, shipbuilding, trucking, farm-equipment, and related industries. Unfinished conduit pipe is also included in this order.

All carbon steel pipes and tubes within the physical description outlined above are included within the scope of this order, except line pipe, oil country tubular goods, boiler tubing, mechanical tubing, pipe and tube hollows for redraws, finished scaffolding, and finished conduit. Standard pipe that is dual or triple certified/stenciled that enters the U.S. as line pipe of a kind or used for oil and gas pipelines is also not included in this investigation.

Imports of the products covered by this order are currently classifiable under the following Harmonized Tariff Schedule (HTS) subheadings, 7306.30.10.00, 7306.30.50.25, 7306.30.50.32, 7306.30.50.40, 7306.30.50.55, 7306.30.50.85, 7306.30.50.90. Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-904]

#### Certain Activated Carbon From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results

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

**SUMMARY:** On December 17, 2019, the Court of International Trade (the Court) issued a final judgment in *Jacobi Carbons AB v. United States*, Consol. Court No. 15-00286; Slip Op. 19-159 (CIT December 17, 2019) (*Jacobi AR7 IV*), sustaining the Department of Commerce's (Commerce's) third remand results pertaining to the seventh administrative review of the antidumping duty order on certain activated carbon from the People's

Republic of China (China) covering the period of April 1, 2013 through March 31, 2014. Commerce is notifying the public that the final judgment in this case is not in harmony with the final results of the administrative review, and that Commerce is amending the final results with respect to certain producers and/or exporters identified herein.

**DATES:** Applicable December 27, 2019.

**FOR FURTHER INFORMATION CONTACT:** Robert Palmer, AD/CVD Operations Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-9068.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 9, 2015, Commerce issued the *AR7 Final Results*.<sup>1</sup> Jacobi Carbons AB (Jacobi), a mandatory respondent, and Jacobi Carbons, Inc., its affiliated U.S. importer of subject merchandise,<sup>2</sup> challenged certain aspects of the *AR7 Final Results*. Jacobi challenged Commerce's final results regarding: (1) The selection of Thailand as the primary surrogate country for the mandatory respondents,<sup>3</sup> (2) the selection of Thai surrogate values (SV) used to value financial ratios and carbonized material, and (3) the reduction of Jacobi's constructed export price (CEP) by an amount for irrecoverable value added tax (VAT). On April 7, 2017, the Court in *Jacobi AR7 I* remanded Commerce's *AR7 Final Results* with respect to

<sup>1</sup> See *Certain Activated Carbon from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013-2014*, 80 FR 61172 (October 9, 2015) (*AR7 Final Results*) and accompanying Issues and Decisions Memorandum (IDM).

<sup>2</sup> In the third administrative review of the *Order*, Commerce found that Jacobi, Tianjin Jacobi International Trading Co. Ltd., and Jacobi Carbons Industry (Tianjin) are a single entity and, because there were no changes to the facts which supported that decision since that determination was made, we continued to find these companies part of a single entity for this administrative review. 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 (October 31, 2011) (*AR3 Final Results*); *Certain Activated Carbon from the People's Republic of China; 2010-2011; Final Results of Antidumping Duty Administrative Review*, 77 FR 67337 (November 9, 2012) (*AR4 Final Results*); *Certain Activated Carbon from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2011-2012*, 78 FR 70533 (November 26, 2013) (*AR5 Final Results*); and *Certain Activated Carbon from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012-2013*, 79 FR 70163 (November 25, 2014) (*AR6 Final Results*).

<sup>3</sup> The mandatory respondents are Jacobi and Datong Juqiang Activated Carbon Co., Ltd. (Juqiang).

<sup>18</sup> See *Notice of Antidumping Duty Order: Circular Welded Non-Alloy Steel Pipe from Taiwan*, 57 FR 49454 (November 2, 1992).

Commerce's surrogate country selection (specifically, its determinations regarding economic comparability generally and significant production of comparable merchandise by Thailand in particular). The Court also sustained Commerce's authority to deduct irrecoverable VAT from CEP, while ruling that Commerce's calculation methodology lacked substantial evidence and remanding to Commerce on that issue. The Court deferred resolving Jacobi's arguments regarding Thai SVs pending the results of Commerce's remand redetermination.<sup>4</sup>

*Jacobi AR7 I* ordered Commerce: (1) To provide a reasoned explanation as to why the range of gross national income (GNI) reflected on the Surrogate Country Memorandum<sup>5</sup> demonstrates economic comparability to China, including why the Philippines's GNI did not, (2) reconsider and further explain Commerce's determination that Thailand is a significant producer of activated carbon, including the significance of Thailand's ranking as the sixth largest exporter in terms of its effect on global trade, and (3) further explain and reconsider Commerce's VAT calculation with respect to Jacobi in the *AR6 Final Results*.

On August 10, 2017, Commerce filed Remand I with the Court.<sup>6</sup> Commerce addressed and clarified these issues without making any changes to the margin calculations for Jacobi.<sup>7</sup>

On April 19, 2018, the Court in *Jacobi AR7 II* sustained Commerce's economic comparability determination but again remanded Commerce's determination that Thailand is a significant producer of comparable merchandise and its determination on the irrecoverable VAT adjustment, as well as its SV selections for financial ratios and carbonized material.<sup>8</sup> Although the Court in *Jacobi AR7 II* held that Commerce "provided a reasoned explanation of how it generated the surrogate country list, including why it considers those countries on the list to be at the same level of economic development" as China, which is supported by substantial evidence,<sup>9</sup> the Court

ultimately found that the current record did not support Commerce's significant producer determination on the basis of net exports. As a result, the Court remanded the matter and ordered Commerce to further explain or reconsider its significant producer determination.<sup>10</sup> The Court also remanded the irrecoverable VAT adjustment for Commerce to address whether it is using gross or net prices to calculate the adjustment, and requested Commerce address and clarify the issues arising from the selection of the Carbokarn 2011 financial statements for the calculation of financial ratios and address the carbonized material SV.<sup>11</sup>

On October 24, 2018, Commerce filed Remand II with the Court.<sup>12</sup> Commerce affirmed its determination that Thailand is a significant producer of comparable merchandise and its selection of Thai import data as the SV for carbonized material.<sup>13</sup> Commerce selected a different Thai source to value financial ratios and reconsidered the basis for its VAT adjustment while continuing to adjust Jacobi's CEP for VAT.<sup>14</sup> As a result, Commerce revised its surrogate financial ratios and revised the VAT calculation formula using only entered value. Consequently, Jacobi's final margin was revised to \$1.76/kg. The separate rate was revised to \$1.76/kg for: (1) Beijing Pacific Activated Carbon Products Co., Ltd. (Beijing Pacific); (2) Carbon Activated Tianjin Co., Ltd. (CA Tianjin); (3) Datong Municipal Yunguang Activated Carbon Co., Ltd. (Yunguang); (4) Jilin Bright Future Chemicals Co., Ltd. (Jilin Bright); (5) Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd. (Cherishmet); (6) Ningxia Huahui Activated Carbon Co., Ltd. (Huahui); (7) Ningxia Mineral and Chemical Ltd. (Ningxia Mineral); (8) Shanxi DMD Corp. (Shanxi DMD); (9) Shanxi Industry Technology Trading Co., Ltd. (Shanxi Technology); (10) Shanxi Sincere Industrial Co., Ltd. (Sincere); (11) Tancarb Activated Carbon Co., Ltd. (Tancarb); and (12) Tianjin Maijin Industries Co., Ltd. (Maijin). Commerce used the same methodology for calculating the separate rate that was used in the *AR7 Final Results*.<sup>15</sup>

On March 4, 2019, the Court in *Jacobi AR7 III* sustained Commerce's VAT adjustment but again remanded

Commerce's determination that Thailand is a significant producer of comparable merchandise and directed Commerce to reconsider its selection of a primary surrogate country, and remanded Commerce's SV selection for carbonized material and financial ratios on the basis that they were from Thailand.<sup>16</sup> The Court in *Jacobi AR7 III* held that Commerce's determination that Thailand is a significant producer of activated carbon was not sufficiently supported by substantial evidence, and further held that the record does not support the selection of Thailand as a surrogate country.<sup>17</sup>

On October 24, 2018, Commerce filed Remand III with the Court.<sup>18</sup> Commerce selected, under protest, Indonesia as the primary surrogate country and revisited the selected SV for carbonized materials, while calculating the financial ratios using the viable Philippine financial statements on the record, in addition to selecting new SVs for other relevant factors of production.<sup>19</sup> As a result, Commerce revised its SV for financial ratios and carbonized materials.<sup>20</sup> Consequently, Jacobi's final margin was revised to \$0.12/kg.<sup>21</sup> The separate rate was revised to \$0.12/kg for: (1) Beijing Pacific; (2) CA Tianjin; (3) Yunguang; (4) Jilin Bright; (5) Cherishmet; (6) Huahui; (7) Ningxia Mineral; (8) Shanxi DMD; (9) Shanxi Technology; (10) Sincere; (11) Tancarb; and (12) Maijin.<sup>22</sup> Commerce used the same methodology for calculating the separate rate that was used in *AR7 Final Results* and Remand II, discussed above. On December 17, 2019, the Court sustained Remand III in *Jacobi AR7 IV*.<sup>23</sup>

#### Timken Notice

In its decision in *Timken*,<sup>24</sup> as clarified by *Diamond Sawblades*,<sup>25</sup> the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision that is not "in

<sup>4</sup> See *Jacobi Carbons AB v. United States*, 222 F. Supp. 3d 1159 (CIT 2017) (*Jacobi AR7 I*).

<sup>5</sup> See Memorandum, "Certain Activated Carbon from the People's Republic of China: Request for Surrogate Country and Surrogate Value Comments and Information," dated July 25, 2014 (Surrogate Country Memorandum).

<sup>6</sup> See *Jacobi Carbons AB et al. v. United States*, Consol. Court No. 15-00286, Slip Op. 17-39, Final Results of Redetermination Pursuant to Court Remand, dated August 7, 2017 (Remand I).

<sup>7</sup> See Remand I at 1-2, 42.

<sup>8</sup> See *Jacobi Carbons AB v. United States*, 313 F. Supp. 3d 1308 (CIT 2018) (*Jacobi AR7 II*).

<sup>9</sup> *Id.* at 11.

<sup>10</sup> *Id.* at 14.

<sup>11</sup> *Id.* at 14-23.

<sup>12</sup> See *Jacobi Carbons AB et al. v. United States*, Consol. Court No. 15-00286, Slip Op. 18-46, Final Results of Redetermination Pursuant to Court Remand, dated October 23, 2018 (Remand II).

<sup>13</sup> *Id.* at 3-8, 15-20.

<sup>14</sup> *Id.* at 9-15, 20-32.

<sup>15</sup> See Remand II at 54.

<sup>16</sup> See *Jacobi Carbons AB v. United States*, 365 F. Supp. 3d 1323 (CIT 2019) (*Jacobi AR7 III*).

<sup>17</sup> *Id.* at 12-17.

<sup>18</sup> See *Jacobi Carbons AB et al. v. United States*, Consol. Court No. 15-00286, Slip Op. 19-27, Final Results of Redetermination Pursuant to Court Remand, dated June 17, 2019 (Remand III).

<sup>19</sup> *Id.* at 5-12.

<sup>20</sup> *Id.*

<sup>21</sup> See Remand III at 25.

<sup>22</sup> *Id.* at 26.

<sup>23</sup> See *Jacobi AR7 IV*, Consol. Court No. 15-00286, Slip Op. 19-159 (CIT 2019).

<sup>24</sup> See *Timken Co. v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

<sup>25</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

harmony” with a Commerce determination and must suspend liquidation of entries pending a “conclusive” court decision. The Court’s December 17, 2019, judgment sustaining Remand III in *Jacobi AR7 IV* constitutes a final decision of the Court that is not in harmony with Commerce’s *AR7 Final Results*. This notice is published in fulfillment of the

publication requirement of *Timken*. Accordingly, Commerce will continue the suspension of liquidation of the subject merchandise at issue pending expiration of the period to appeal or, if appealed, a final and conclusive court decision.

**Amended Final Results**

Because there is now a final court decision, Commerce amends the *AR7*

*Final Results* with respect to the companies identified below. Based on Remand III, as sustained by the Court in *Jacobi AR7 IV*, the revised weighted-average dumping margins for the companies listed below during the period April 1, 2013 through March 31, 2014, are as follows:

Exporter	Margin (dollars per kilogram) <sup>26</sup>
Jacobi Carbons AB .....	0.12
Beijing Pacific Activated Carbon Products Co., Ltd .....	0.12
Carbon Activated Tianjin Co., Ltd .....	0.12
Datong Municipal Yunguang Activated Carbon Co., Ltd .....	0.12
Jilin Bright Future Chemicals Company, Ltd .....	0.12
Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd .....	0.12
Ningxia Huahui Activated Carbon Co., Ltd .....	0.12
Ningxia Mineral and Chemical Limited .....	0.12
Shanxi DMD Corporation .....	0.12
Shanxi Industry Technology Trading Co., Ltd .....	0.12
Shanxi Sincere Industrial Co., Ltd .....	0.12
Tancarb Activated Carbon Co., Ltd .....	0.12
Tianjin Majin Industries Co., Ltd .....	0.12

In the event that the CIT’s ruling is not appealed or, if appealed, is upheld by a final and conclusive court decision, Commerce will instruct U.S. Customs and Border Protection to assess antidumping duties on unliquidated entries of subject merchandise produced and/or exported by the companies identified above using the assessment rates calculated by Commerce in the remand redeterminations, as listed above.

**Cash Deposit Requirements**

Because there have been subsequent administrative reviews for the companies identified above, the cash deposit rates will remain the rates established in the most recently-completed *AR11 Final Results*, which is \$0.89/kg for Jacobi, \$1.02/kg for CA Tianjin, and \$0.89/kg for Beijing Pacific, Yunguang, Jilin Bright, Cherishmet, Huahui, Ningxia Mineral, Shanxi DMD, Shanxi Technology, Sincere, Tancarb, and Majin.<sup>27</sup>

<sup>26</sup> In the second administrative review, Commerce determined that it would calculate per-unit assessment and cash deposit 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); see also *AR7 Final Results*, 80 FR at 61174 n.21.

<sup>27</sup> See *Certain Activated Carbon from the People’s Republic of China: Final Results of Antidumping Duty Administrative Review; 2017–2018*, 84 FR 68881 (December 17, 2019) (*AR11 Final Results*).

**Notification to Interested Parties**

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: December 20, 2019.

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

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[C–475–819]

**Certain Pasta from Italy; Rescission of Countervailing Duty Administrative Review; 2018**

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

**SUMMARY:** The Department of Commerce (Commerce) is rescinding the administrative review of the countervailing duty (CVD) order on certain pasta from Italy for the period of review (POR) January 1, 2018 through December 31, 2018, based on the timely withdrawal of the requests for review.

**DATES:** Applicable December 27, 2019.

**FOR FURTHER INFORMATION CONTACT:** Theodore Pearson, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401

Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2631.

**SUPPLEMENTARY INFORMATION:**

**Background**

On July 1, 2019, Commerce published a notice of opportunity to request an administrative review of the CVD order on certain pasta from Italy for the POR January 1, 2018 through December 31, 2018.<sup>1</sup> On July 30 and 31, 2019, Commerce received timely-filed requests from Pastificio Fratelli DeLuca S.r.l. (DeLuca),<sup>2</sup> Tesa S.r.l. (Tesa),<sup>3</sup> and Industria Alimentare Colavita, S.p.A. (Indalco),<sup>4</sup> for administrative reviews of themselves, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b). Commerce received no other requests for administrative review.

On September 9, 2019, pursuant to these requests and in accordance with 19 CFR 351.221(c)(1)(i), Commerce published a notice initiating an administrative review of the CVD order

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 84 FR 31295 (July 1, 2019).

<sup>2</sup> See DeLuca’s Letter, “Certain Dry Pasta from Italy; C–475–819; Request for Administrative Review (Revised),” dated July 30, 2019.

<sup>3</sup> See Tesa’s Letter, “Pasta from Italy; Request for Administrative Review,” dated July 31, 2019.

<sup>4</sup> See Indalco’s Letter, “Certain Pasta from Italy; Request for Administrative Review on Behalf of Industria Alimentare Colavita, S.p.A.,” dated July 31, 2019.