

included in this exclusion should be read or understood to have applicability to any other aspect of this scope or to have applicability to or to exclude any product, part, or component other than those specifically identified in the exclusion.

9. Also excluded from the scope of the investigation are Shuttering, Formworks, Propping and Shoring and parts and accessories thereof that comply with ANSI/ASSE A10.9—Safety Requirements for Concrete and Masonry Work and ACI-347—Recommended Practice for Concrete Formwork. For Shoring and propping made from tube, the outside diameter of the tubing covered by this exclusion ranges from 48mm to 250mm. For Shuttering and Formworks, the panel sizes covered by this exclusion range from 25mm X 600mm to 3000mm X 3000mm.

10. Also excluded from the scope of the investigation are consumer items for do-it-yourself assembly that are prepackaged for retail sale. For the purposes of this exclusion, prepackaged for retail sale means that, at the time of importation, all components necessary to assemble the merchandise, including all steel components, all accessory parts (e.g., screws, bolts, washers, nails), and instructions providing guidance on the assembly of the finished merchandise or directions on where to find such instructions, are enclosed in retail packaging, such that an end-use, retail consumer could assemble the completed product with no additional components. The items may enter the United States in one or in multiple retail packages as long as all of the components are imported together.

The products subject to the investigation are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings: 7308.90.3000, 7308.90.6000, and 7308.90.9590.

The products subject to the investigation may also enter under the following HTSUS subheadings: 7216.91.0010, 7216.91.0090, 7216.99.0010, 7216.99.0090, 7222.40.6000, 7228.70.6000, 7301.10.0000, 7301.20.1000, 7301.20.5000, 7308.40.0000, 7308.90.9530, and 9406.90.0030.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

## Appendix II

### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of Investigation
- IV. Scope Comments
- V. Changes Since the Preliminary Determination
- VI. Discussion of the Issues
  - General*
  - Comment 1: Reporting Requirements for U.S. Sales
  - Comment 2: Remove Home-Market Projects Outside the Reporting Requirements for U.S. Sales in the Constructed Value Profit Calculation
  - BSM*
  - Comment 3: Whether BSM Failed To Report Accurate and Reliable U.S. Prices,

and Whether To Apply Adverse Facts Available to BSM

Comment 4: Whether BSM Should Report the Value of Subject Merchandise Through a Section E Questionnaire Response

Comment 5: Valuation of an Order Associated With Two Different Sales

Comment 6: Whether BSM Double Counted Revenue for an Order

Comment 7: Alternate Differential Pricing Analysis

Comment 8: Grant CEP Offset

Comment 9: CEP Profit Rate Calculation

Comment 10: Whether Commerce Should Use BSM's Reported Date of Sale

Comment 11: Whether Commerce Should Use the Revised Indirect Selling Expense Ratio for Components Segment Sales

Comment 12: BSM's Affiliated Party Input Purchases

Comment 13: CV Profit Rate Used for BSM

Comment 14: BSM's Financial Expense Ratio

Comment 15: Adjustments Required by Mexican Financial Reporting Standards (MFRS)

Comment 16: Application of Partial Facts Available With Adverse Inferences

*Corey*  
Comment 17: Whether Corey's Hudson Yards Tower A Project Sale Fell Within the POI

Comment 18: Whether To Rescind Voluntary Respondent Treatment of Corey

Comment 19: Adjust Corey's Report Costs To Account for All Affiliated Purchases

Comment 20: Subtract Scrap Revenue From Total Cost of Manufacturing

## VII. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-838]

#### Carbazole Violet Pigment 23 From India: Preliminary Results of Antidumping Duty Administrative Review; 2017-2018

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that Pidilite Industries Limited (Pidilite), a producer/exporter of carbazole violet pigment 23 (CVP 23) from India, did not sell subject merchandise at prices below normal value (NV) during the period of review (POR) December 1, 2017 through November 30, 2018.

**DATES:** Applicable January 30, 2020.

**FOR FURTHER INFORMATION CONTACT:** George Ayache, 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) 482-2623.

#### SUPPLEMENTARY INFORMATION:

#### Background

On March 14, 2019, in accordance with 19 CFR 351.221(c)(1)(i), we published a notice of initiation of an administrative review of the antidumping duty order on CVP 23 from India.<sup>1</sup> 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.<sup>2</sup> The revised deadline for the preliminary results in this administrative review was October 3, 2019.<sup>3</sup> Subsequently, on August 15, 2019, Commerce postponed the deadline for the preliminary results of this administrative review until January 31, 2020, in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2).<sup>4</sup>

#### Scope of the Order<sup>5</sup>

The merchandise covered by the Order is CVP-23 identified as Color Index No. 51319 and Chemical Abstract No. 6358-30-1, with the chemical name of *diindolo [3,2-b:3',2'-m]*<sup>6</sup> *triphenodioxazine, 8,18-dichloro-5, 15-diethy-5, 15-dihydro-*, and molecular

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 84 FR 9297 (March 14, 2019).

<sup>2</sup> See Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations 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.

<sup>3</sup> See Memorandum to the Record from Irene Darzenta Tzafolias, Director, Office VIII, Antidumping and Countervailing Duty Operations, "December Order Deadlines Affected by the Partial Shutdown of the Federal Government," dated August 7, 2019.

<sup>4</sup> See Memorandum to James Maeder, Deputy Assistance Secretary for Antidumping and Countervailing Duty Operations, "Carbazole Violet Pigment 23 from India: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated August 15, 2019.

<sup>5</sup> See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Carbazole Violet Pigment 23 From India*, 69 FR 77988 (December 29, 2004) (Order).

<sup>6</sup> The bracketed section of the product description, [3,2-b:3',2'-m], is not business proprietary information. In this case, the brackets are simply part of the chemical nomenclature. See "Amendment to Petition for Antidumping Investigations of China and India and a Countervailing Duty Investigation of India on Imports of Carbazole Violet Pigment 23 in the forms of Crude Pigment, Presscake and Dry Color Pigment," dated December 3, 2003, at 8.

formula of C34 H22 Cl2 N4 O2. The subject merchandise includes the crude pigment in any form (e.g., dry powder, paste, wet cake) and finished pigment in the form of presscake and dry color. Pigment dispersions in any form (e.g., pigments dispersed in oleoresins, flammable solvents, water) are not included within the scope of the *Order*.

The merchandise subject to the *Order* is classifiable under subheading 3204.17.9040 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of the *Order* is dispositive.

### Methodology

We are conducting this review in accordance with section 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Constructed export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.<sup>7</sup> 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 <http://access.trade.gov>, and to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed at <http://enforcement.trade.gov/frn/index.html>. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

### Preliminary Results of the Review

As a result of this review, we preliminarily determine that a weighted-average dumping margin of 0.00 percent exists for Pidilite for the period December 1, 2017 through November 30, 2018.

### Disclosure and Public Comment

We intend to disclose the calculations performed in connection with these

<sup>7</sup> See Memorandum, "Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Carbazole Violet Pigment 23 from India; 2017–2018," dated concurrently with, and hereby adopted by, this notice.

preliminary results to interested parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

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 five days after the date for filing case briefs.<sup>9</sup> Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Case and rebuttal briefs should be filed using ACCESS.<sup>10</sup>

All submissions to Commerce must be filed electronically using ACCESS and must also be served on interested parties.<sup>11</sup> An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time on the date that the document is due.

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, using Enforcement and Compliance's ACCESS system within 30 days of publication of this notice.<sup>12</sup> 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 those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice.<sup>13</sup>

<sup>8</sup> See 19 CFR 351.309(c)(1)(ii).

<sup>9</sup> See 19 CFR 351.309(d).

<sup>10</sup> See 19 CFR 351.303.

<sup>11</sup> See 19 CFR 351.303(f).

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

<sup>13</sup> See section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

### Assessment Rates

Upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess upon issuance of the final results, antidumping duties on all appropriate entries covered by this review.<sup>14</sup>

If Pidilite's calculated weighted-average dumping margin is above *de minimis* in the final results of this review, we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales to that importer, and we will instruct CBP to assess antidumping duties on all appropriate entries covered by this review. If Pidilite's weighted-average dumping margin continues to be zero or *de minimis*, or the importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.<sup>15</sup>

In accordance with our "automatic assessment" practice, for entries of subject merchandise during the POR produced by Pidilite for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate.<sup>16</sup>

We intend to issue instructions to CBP 15 days after the date of publication of the final results of this review.

### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of the subject merchandise 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) The cash deposit rate for Pidilite will be the rate established in the final results of this review, except if the rate is *de minimis* within the meaning of 19 CFR 351.106(c)(1) (i.e., less than 0.50 percent), in which case the cash deposit rate will be zero; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently-

<sup>14</sup> See 19 CFR 351.212(b)(1).

<sup>15</sup> See 19 CFR 351.106(c)(2).

<sup>16</sup> For a full discussion of this clarification, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

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, then 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 27.48 percent, the all-others rate established in the less-than-fair-value investigation.<sup>17</sup> These cash 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)(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 the Secretary's 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: January 24, 2020.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

#### Appendix

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

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XR086]

#### Endangered and Threatened Species; Recovery Plans

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** This notice announces the availability of the Black Abalone (*Haliotis cracherodii*) Draft Recovery Plan (Plan) for public review. NMFS is soliciting review and comment from the public and all interested parties on the Plan, and will consider all substantive comments received during the review period before submitting the Plan for final approval.

**DATES:** Comments and information on the draft Plan must be received by close of business on March 30, 2020.

**ADDRESSES:** You may submit comments on this document by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal at [www.regulations.gov/](http://www.regulations.gov/). The Docket Number is: NOAA-NMFS-2020-0016. Click the 'Comment Now!' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to the National Marine Fisheries Service, Attn: Black Abalone Recovery Team, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

*Instructions:* You must submit comments by one of the above methods to ensure that we receive, document, and consider them. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible.

The draft recovery plan is available online at: <https://www.fisheries.noaa.gov/resource/document/recovery-plan-outline-black-abalone>.

#### FOR FURTHER INFORMATION CONTACT:

NMFS West Coast Region Protected Resources Division: Susan Wang at (562) 980-4199 or [Susan.Wang@noaa.gov](mailto:Susan.Wang@noaa.gov); or Melissa Neuman at (562) 980-4115 or [Melissa.Neuman@noaa.gov](mailto:Melissa.Neuman@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

On January 14, 2009, we, NMFS, listed the black abalone as an endangered species under the Endangered Species Act (74 FR 1937). This determination was based on the

high risk of extinction faced by black abalone due to low abundance, low growth and productivity, compromised spatial structure and population connectivity, loss of genetic diversity, and the continued threat of the disease called withering syndrome. This disease was identified as the primary threat contributing to the decline of black abalone. This determination was based on a suite of risks that black abalone face, including: (1) A disease called withering syndrome that caused mass mortalities of populations throughout a large portion of the species' range; (2) low adult densities below the critical threshold needed for successful spawning and recruitment; (3) elevated water temperatures that accelerate the spread of withering syndrome; (4) loss of genetic diversity making populations less able to adapt to environmental changes; and (5) illegal harvest. On October 27, 2011, we designated critical habitat for black abalone throughout the coast of California (76 FR 66806). In 2013, we convened a recovery team to assist the NMFS West Coast Region with developing the draft recovery plan. We completed a recovery outline in 2016. In 2016, we announced initiation of a five-year review for black abalone (81 FR 93902). We completed the five-year review in 2018 and determined that black abalone should remain listed as endangered under the ESA. The five-year review is available at: <https://www.fisheries.noaa.gov/resource/document/endangered-species-act-5-year-status-review-black-abalone-haliotis-cracherodii>.

#### Draft Recovery Plan

Recovery plans describe actions beneficial to the conservation and recovery of species listed under the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*). Section 4(f)(1) of the ESA requires that recovery plans incorporate, to the maximum extent practicable: (1) A description of such site-specific management actions as may be necessary to achieve the plan's goals for the conservation and survival of the species; (2) objective, measurable criteria which, when met, would result in a determination that the species be removed from the list; and (3) estimates of the time required and the cost necessary to carry out those measures needed to achieve the plan's goal and to achieve intermediate steps toward that goal. The ESA requires the development of recovery plans for each listed species unless such a plan would not promote the conservation of the species.

The NMFS West Coast Region developed the Plan for black abalone in cooperation with a recovery team made

<sup>17</sup> See *Order*.