

Dated: May 25, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

## Appendix

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

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- II. Background
- III. Scope of the *Order*
- IV. History of the *Order*
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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–533–867]

### Welded Stainless Pressure Pipe From India: Final Results of Antidumping Duty Administrative Review; 2020–2021

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that welded stainless pressure pipe (WSPP) from India was sold in the United States at less than normal value during the period of review (POR), November 1, 2020, through October 31, 2021.

**DATES:** Applicable June 9, 2023.

**FOR FURTHER INFORMATION CONTACT:** John Conniff, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1009.

#### SUPPLEMENTARY INFORMATION:

#### Background

On December 6, 2022, Commerce published the *Preliminary Results* for this review in the **Federal Register** and invited interested parties to comment on those results.<sup>1</sup> On January 19, 2023, Commerce received case briefs from Ratnamani Metals & Tubes Ltd.

<sup>1</sup> See *Welded Stainless Pressure Pipe from India: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2020–2021*, 87 FR 74602 (December 6, 2022) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

(Ratnamani) and Apex Tubes Private Ltd. (Apex).<sup>2</sup> On January 31, 2023, Felker Brothers Corporation (the petitioner) submitted a rebuttal brief.<sup>3</sup> For a summary of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.<sup>4</sup> Commerce conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

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

The products covered by the scope of the *Order* are WSPP from India. For a complete description of the scope, see the Issues and Decision Memorandum.<sup>6</sup>

#### Rates for Companies Not Selected for Individual Examination

For the rate for non-selected respondents in an administrative review, generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation. Under section 735(c)(5)(A) of the Act, the all-others rate is normally “an amount equal to the weighted-average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.” In this segment of the proceeding, we have calculated a weighted-average dumping margin that is not zero, *de minimis*, or determined entirely on the basis of facts available for Ratnamani. Accordingly, Commerce is assigning Ratnamani’s rate to the companies not selected for individual examination, which are listed below.

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of the issues discussed in the Issues and Decision Memorandum is attached at Appendix I to this notice. The Issues and Decision Memorandum is a public document and is on file electronically

<sup>2</sup> See Ratnamani’s Letter, “Ratnamani’s Case Brief,” dated January 19, 2023; see also Apex’s Letter, “Case Brief,” dated January 19, 2023.

<sup>3</sup> See Petitioner’s Letter, “Petitioner’s Rebuttal Brief,” dated January 31, 2023.

<sup>4</sup> See Memorandum, “Decision Memorandum for the Final Results of Antidumping Duty Administrative Review: Welded Stainless Pressure Pipe from India; 2020–2021,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>5</sup> See *Welded Stainless Pressure Pipe from India: Antidumping and Countervailing Duty Orders*, 81 FR 81062 (November 17, 2016) (*Order*).

<sup>6</sup> See Issues and Decision Memorandum.

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 Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

#### Changes Since the Preliminary Results

Based on our review of the record and comments received from interested parties regarding the *Preliminary Results*, we made certain changes to the margin calculation for Ratnamani, as well as the rate applied to the non-selected companies. For a discussion of these changes, see the Issues and Decision Memorandum.

#### Final Results of Review

Commerce determines that the following weighted-average dumping margins exist for the period November 1, 2020, through October 31, 2021:

| Producer/exporter                         | Weighted-average dumping margin (percent) |
|---|---|
| Ratnamani Metals & Tubes Ltd ..           | 7.57                                      |
| Non-Selected Companies <sup>7</sup> ..... | 7.57                                      |

#### Disclosure

Commerce intends to disclose the calculations performed for these final results to interested parties in this review under administrative protective order (APO) within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

#### Assessment Rate

Pursuant to section 751(a)(2)(A) of the Act, and 19 CFR 351.212(b)(1), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. Pursuant to 19 CFR 351.212(b)(1), for Ratnamani, we calculated importer-specific antidumping duty assessment rates by aggregating the total amount of dumping calculated for the examined sales of each importer and dividing each of these amounts by the total entered value associated with those sales. Where either the respondent’s weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer specific

<sup>7</sup> See Appendix II for a full list of the companies not individually examined in this review.

assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce will “automatically assess” entries of subject merchandise during the POR for which the examined companies did not know that the merchandise they sold to an intermediary (*e.g.*, a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

For the companies which were not selected for individual examination, we will instruct CBP to assess antidumping duties at an *ad valorem* assessment rate equal to the company-specific weighted-average dumping margin determined in these final results.

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 for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rates for the companies identified above in the “Final Results of Review” will be equal to the company-specific weighted-average dumping margin established in the final results of this administrative review; (2) for merchandise exported by a company not covered in this administrative review but covered in a completed 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; (3) if the exporter is not a firm covered in this review or completed prior segment of this proceeding but the producer is, the cash deposit rate will be the company-specific rate established for the most recently-completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or

exporters will continue to be 8.35 percent, the rate established in the investigation of this proceeding.<sup>8</sup> 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 and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce’s presumption that reimbursement of antidumping and/or countervailing duties has occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

#### Administrative Protective Order

This notice also serves as a final reminder to parties subject to APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. 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 the term of an APO is a sanctionable violation.

#### Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5) and 19 CFR 351.213(h)(1).

Dated: June 2, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

#### Appendix I

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

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes Since the *Preliminary Results*
- V. Discussion of the Issues
  - Comment 1: Whether Commerce Should Select a Different Date of Sale
  - Comment 2: Whether Commerce Should Adjust for Value Added Taxes (VAT)
  - Comment 3: Whether Commerce Failed to Adjust for Export Subsidies
  - Comment 4: Whether Commerce Should Modify the Non-Selected Rate

<sup>8</sup> See *Order*, 81 FR at 81063.

VI. Recommendation

#### Appendix II

##### List of Companies Not Selected for Individual Examination

1. Apex Tubes Private Ltd.
2. Apurvi Industries
3. Arihant Tubes
4. Divine Tubes Pvt. Ltd.
5. Heavy Metal & Tubes
6. J.S.S. Steelitalia Ltd.
7. Linkwell Seamless Tubes Private Limited
8. Maxim Tubes Company Pvt. Ltd.
9. MBM Tubes Pvt. Ltd.
10. Mukat Tanks & Vessel Ltd.
11. Neotiss Ltd.
12. Prakash Steelage Ltd.
13. Quality Stainless Pvt. Ltd.
14. Raajratna Metal Industries Ltd.
15. Ratnadeep Metal & Tubes Ltd.
16. Remi Edlestahl Tubulars
17. Shubhlaxmi Metals & Tubes Private Limited
18. SLS Tubes Pvt. Ltd.
19. Steamline Industries Ltd.

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[RTID 0648–XD058]

##### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico

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

**ACTION:** Notice of issuance of Letter of Authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS’ MMPA Regulations for Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico, notification is hereby given that a Letter of Authorization (LOA) has been issued to Shell Offshore Inc. (Shell) for the take of marine mammals incidental to geophysical survey activity in the Gulf of Mexico.

**DATES:** The LOA is effective from September 1, 2023, through April 19, 2024.

**ADDRESSES:** The LOA, LOA request, and supporting documentation are available online at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry->