

**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-570-935, C-570-936]

**Circular Welded Carbon Quality Steel Line Pipe From the People's Republic of China: Continuation of Antidumping and Countervailing Duty Orders**

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

**SUMMARY:** The Department of Commerce (the "Department") has determined that revocation of the antidumping duty ("AD") order on circular welded carbon quality steel line pipe from the People's Republic of China ("PRC") would likely lead to continuation or recurrence of dumping, and that revocation of the countervailing duty ("CVD") order on circular welded carbon quality steel line pipe from the PRC would likely lead to continuation or recurrence of a countervailable subsidy. The U.S. International Trade Commission (the "USITC") has also determined that revocation of these AD and CVD orders would likely lead to a continuation or recurrence of material injury to an industry in the United States. The Department is publishing this notice of the continuation of these AD and CVD orders.

**DATES:** *Effective Date:* May 20, 2014.

**FOR FURTHER INFORMATION CONTACT:** Lori Apodaca (AD order) or Kristen Johnson (CVD order), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4551 and (202) 482-4793, respectively.

**SUPPLEMENTARY INFORMATION:****Background**

On December 2, 2013, the Department initiated the first five-year ("sunset") reviews of the AD and CVD order on circular welded carbon quality steel line pipe from the PRC pursuant to sections 751(c) and 752 of the Tariff Act of 1930, as amended (the "Act").<sup>1</sup> As a result of its reviews, the Department found that revocation of the AD order would likely lead to continuation or recurrence of dumping and that revocation of the CVD order would likely lead to continuation or recurrence of subsidization, and notified the USITC of the margins of

dumping and the subsidy rates likely to prevail were the orders to be revoked.<sup>2</sup>

On May 8, 2014, the USITC published its determination, pursuant to section 751(c)(1) and section 752(a) of the Act, that revocation of the AD and CVD orders on circular welded carbon quality steel line pipe from the PRC would likely lead to continuation or recurrence of material injury within a reasonably foreseeable time.<sup>3</sup>

**Scope of the Orders**

The products covered by these AD and CVD orders are circular welded carbon quality steel pipe of a kind used for oil and gas pipelines (welded line pipe) not more than 406.4 mm (16 inches) in outside diameter, regardless of wall thickness, length, surface finish, end finish or stenciling.

The term "carbon quality steel" includes both carbon steel and carbon steel mixed with small amounts of alloying elements that may exceed the individual weight limits for non alloy steels imposed in the Harmonized Tariff Schedule of the United States ("HTSUS"). Specifically, the term "carbon quality" includes products in which (1) iron predominates by weight over each of the other contained elements, (2) the carbon content is 2 percent or less by weight and (3) none of the elements listed below exceeds the quantity by weight respectively indicated:

- (i) 2.00 percent of manganese,
- (ii) 2.25 percent of silicon,
- (iii) 1.00 percent of copper,
- (iv) 0.50 percent of aluminum,
- (v) 1.25 percent of chromium,
- (vi) 0.30 percent of cobalt,
- (vii) 0.40 percent of lead,
- (viii) 1.25 percent of nickel,
- (ix) 0.30 percent of tungsten,
- (x) 0.012 percent of boron,
- (xi) 0.50 percent of molybdenum,
- (xii) 0.15 percent of niobium,
- (xiii) 0.41 percent of titanium,
- (xiv) 0.15 percent of vanadium, or
- (xv) 0.15 percent of zirconium.

Welded line pipe is normally produced to specifications published by the American Petroleum Institute ("API") (or comparable foreign

specifications) including API A-25, 5LA, 5LB, and X grades from 42 and above, and/or any other proprietary grades or non-graded material. Nevertheless, all pipe meeting the physical description set forth above that is of a kind used in oil and gas pipelines, including all multiple-stenciled pipe with an API welded line pipe stencil is covered by the scope of the orders.

Excluded from the scope are pipes of a kind used for oil and gas pipelines that are multiple-stenciled to a standard and/or structural specification and have one or more of the following characteristics: Is 32 feet in length or less; is less than 2.0 inches (50 mm) in outside diameter; has a galvanized and/or painted surface finish; or has a threaded and/or coupled end finish. (The term "painted" does not include coatings to inhibit rust in transit, such as varnish, but includes coatings such as polyester.)

The welded line pipe products that are the subject of the orders are currently classifiable in the HTSUS under subheadings 7306.19.10.10, 7306.19.10.50, 7306.19.51.10, and 7306.19.51.50. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the orders is dispositive.

**Continuation of the Orders**

As a result of the determinations by the Department and the USITC that revocation of these AD and CVD orders would likely lead to continuation or recurrence of dumping or a countervailable subsidy, and material injury to an industry in the United States, pursuant to sections 751(c) and 751(d)(2) of the Act, the Department hereby orders the continuation of the AD and CVD orders on circular welded carbon quality steel line pipe from the PRC.

U.S. Customs and Border Protection will continue to collect cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of these orders is the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of these orders not later than 30 days prior to the fifth anniversary of the effective date of the continuation.

These five-year (sunset) reviews and notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

<sup>1</sup> See *Initiation of Five-Year ("Sunset") Review*, 78 FR 72061 (December 2, 2013).

<sup>2</sup> See *Circular Welded Carbon-Quality Steel Line Pipe From the People's Republic of China: Final Results of the Expedited First Sunset Review of the Antidumping Duty Order*, 79 FR 19052 (April 7, 2014) and *Circular Welded Carbon Quality Steel Line Pipe From the People's Republic of China: Final Results of Expedited Sunset Review of the Countervailing Duty Order*, 79 FR 15313 (March 19, 2014).

<sup>3</sup> See *Circular Welded Carbon-Quality Steel Line Pipe From China*, 79 FR 26454 (May 8, 2014); see also USITC Publication 4464 (May 2014) entitled *Circular Welded Carbon-Quality Steel Line Pipe From China* (Inv. Nos. 701-TA-455 and 731-TA-1149 (Review)).

Dated: May 13, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-831]

#### **Fresh Garlic From the People's Republic of China: Preliminary Results of the New Shipper Review of Jinxiang Merry Vegetable Co., Ltd. and Cangshan Qingshui Vegetable Foods Co., Ltd.**

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

**SUMMARY:** The Department of Commerce ("the Department") is conducting a new shipper review of Jinxiang Merry Vegetable Co., Ltd. ("Merry") and Cangshan Qingshui Vegetable Foods Co., Ltd. ("Qingshui") regarding the antidumping duty order on fresh garlic from the People's Republic of China ("the PRC"). The period of review ("POR") is November 1, 2012, through April 30, 2013. We preliminarily find that Merry and Qingshui made sales of subject merchandise at less than normal value. Interested parties are invited to comment on these preliminary results.

**DATES:** *Effective Date:* May 20, 2014.

**FOR FURTHER INFORMATION CONTACT:** Sean Carey or Hilary E. Sadler, Esq., AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3964 or (202) 482-4340, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Scope of the Order**

The merchandise covered by this order is all grades of garlic, whether whole or separated into constituent cloves.<sup>1</sup> The subject merchandise is currently classifiable under the Harmonized Tariff Schedule of the United States ("HTSUS") subheadings: 0703.20.0000, 0703.20.0010,

0703.20.0020, 0703.20.0090, 0710.80.7060, 0710.80.9750, 0711.90.6000, 0711.90.6500, 2005.90.9500, 2005.90.9700, 0703.20.0005, 2005.99.9700 and 0703.20.0015. A full description of the scope of the order is contained in the Preliminary Decision Memorandum. Although the HTSUS subheadings are provided for convenience and customs purposes, the written product description is dispositive.

##### **Methodology**

The Department is conducting this review in accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended ("the Act"), and 19 CFR 351.214. Export prices have been calculated in accordance with section 772 of the Act. Because the PRC is a nonmarket economy within the meaning of section 771(18) of the Act, normal value has been calculated in accordance with section 773(c) of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's centralized electronic service system ("IA ACCESS"). IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and in the Department's Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at <http://enforcement.trade.gov/frn/index.html>. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

##### **Preliminary Results of New Shipper Reviews**

The Department preliminarily determines that the following weighted-average dumping margins exist:

Exporter	Weighted-average dumping margin (\$ per kg)
Cangshan Qingshui Vegetable Foods Co., Ltd. ....	\$3.06 per kg
Jinxiang Merry Vegetable Co., Ltd. ....	3.33 per kg

##### **Disclosure and Public Comment**

The Department will disclose calculations performed for these preliminary results to the parties within five days of the date of publication of this notice in accordance with 19 CFR

351.224(b). Interested parties may submit written comments by no later than 30 days after the date of publication of these preliminary results of review.<sup>2</sup> Rebuttals to written comments may be filed by no later than five days after the written comments are filed.<sup>3</sup>

Any interested party may request a hearing within 30 days of publication of this notice.<sup>4</sup> Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.<sup>5</sup>

The Department will issue the final results of this new shipper review, which will include the results of its analysis of issues raised in any such comments, within 90 days of publication of these preliminary results, pursuant to section 751(a)(2)(B)(iv) of the Act.

##### **Assessment Rates**

Upon issuing the final results of this new shipper review, the Department shall determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries covered by this review.<sup>6</sup> The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of this new shipper review.

In this new shipper review, we calculated a per-unit rate for each importer by dividing the total dumping margins for reviewed sales to that party by the total sales quantity associated with those transactions. For duty-assessment rates calculated on this basis, we will direct CBP to assess the resulting per-unit rate against the entered quantity of the subject merchandise. If the respondent's weighted-average dumping margin is above *de minimis*, we will calculate an importer-specific *ad valorem* duty assessment rate based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). Then, we will instruct

<sup>2</sup> See 19 CFR 351.309(c).

<sup>3</sup> See 19 CFR 351.309(d).

<sup>4</sup> See 19 CFR 351.310(c).

<sup>5</sup> See 19 CFR 351.310(d).

<sup>6</sup> See 19 CFR 351.212(b)(1).

<sup>1</sup> See the Department Memorandum, "Decision Memorandum for the Preliminary Results of the Antidumping Duty New Shipper Reviews of Fresh Garlic From the People's Republic of China: Jinxiang Merry Vegetable Co., Ltd. and Cangshan Qingshui Vegetable Foods Co., Ltd.," dated concurrently with and hereby adopted by this notice (Preliminary Decision Memorandum), for a complete description of the Scope of the Order.