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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; 2015-2016

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on carbazole violet pigment 23 (CVP 23) from India. The period of review (POR) is December 1, 2015, through November 30, 2016. The review covers one producer/exporter of the subject merchandise, Pidilite Industries Limited (Pidilite). The Department preliminarily finds that subject merchandise has been sold in the United States at prices below normal value (NV) during the POR.

DATES: Applicable (Insert date of publication in the *Federal Register*.)

FOR FURTHER INFORMATION CONTACT: Irene Gorelik or 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) 482-6905 or (202) 482-2623, respectively.

## SUPPLEMENTARY INFORMATION:

### Scope of the Order

The merchandise subject to the Order<sup>1</sup> 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>2</sup> *triphenodioxazine, 8,18-dichloro-5, 15-diethy-5, 15-dihydro-*, and molecular formula of C<sub>34</sub> H<sub>22</sub> Cl<sub>2</sub> N<sub>4</sub> O<sub>2</sub>. 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

The Department is conducting this review in accordance with section 751(a)(1)(B) and (a)(2) of the Tariff Act of 1930, as amended (the Act). For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.<sup>3</sup> A list of the topics

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<sup>1</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) (the *Order*).

<sup>2</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.

<sup>3</sup> *See* Memorandum from James Maeder, Senior Director performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to 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, "Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Carbazole Violet Pigment 23 from India; 2015-2016" (Preliminary Decision Memorandum) dated concurrently with, and hereby adopted by, this notice.

included in the Preliminary Decision Memorandum is included as an appendix to this notice. 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 Department of 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.

#### Adverse Facts Available

Because mandatory respondent Pidilite has failed to provide requested information, and has failed to cooperate by not acting to the best of its ability to comply with a request for information from the Department in this review, we preliminarily determine to apply facts otherwise available with an adverse inference (AFA) to this respondent, in accordance with sections 776(a) and (b) of the Act and 19 CFR 351.308. For further discussion, *see* the Preliminary Decision Memorandum.

#### Adjustment for Export Subsidies

For Pidilite, in the original investigation, we subtracted the portion of the countervailing duty rate attributable to export subsidies (17.02 percent) from the final dumping margin of 66.59 percent in order to calculate the cash-deposit rate of 49.57 percent.<sup>4</sup> Since the publication of the *Antidumping Duty Order* we have not conducted an administrative review of the countervailing

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<sup>4</sup> *See Antidumping Duty Order.*

duty order on CVP 23 from India.<sup>5</sup> Therefore, the portion of the countervailing duty rate attributable to export subsidies currently in effect for Pidilite is 17.02 percent. Further, imports from Pidilite during the review period were subject to countervailing duties to offset export subsidies of 17.02 percent or more. Because the AFA rate we selected for this review is the margin we calculated for Pidilite in the investigation, we have adjusted the dumping margin to ensure that, in accordance with section 772(c)(1)(C) of the Act, we do not collect duties attributable to export subsidies twice.

Preliminary Results of the Review

We preliminarily determine that, for the period of December 1, 2015, through November 30, 2016, the following weighted-average dumping margin exists:

Exporter/Producer	Weighted-Average Dumping Margin	Rate Adjusted for Export Subsidies
Pidilite Industries Limited	66.59 percent	49.57 percent

Disclosure and Public Comment

Normally, the Department discloses to interested parties the calculations performed in connection with the preliminary results within five days of the date of publication of the notice of preliminary results in the *Federal Register*, in accordance with 19 CFR 351.224(b). However, there are no calculations to disclose in connection with these preliminary results because, in accordance with section 776 of the Act, the Department preliminarily applied AFA to Pidilite, the only company that is subject to this review, and the Department has preliminarily determined as the AFA rate a dumping margin applied in a prior segment of this proceeding.

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<sup>5</sup> See *Carbazole Violet Pigment 23 from India: Rescission of Countervailing Duty Administrative Review; 2015*, 82 FR 42648 (September 11, 2017).

Interested parties may submit case briefs to the Department no later than 30 days after the date of publication of this notice.<sup>6</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.<sup>7</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>8</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Standard Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; (3) whether any participant is a foreign national; and (4) a list of issues parties intend to discuss. 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, the Department 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.<sup>9</sup> Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

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<sup>6</sup> See 19 CFR 351.309(c)(1)(ii).

<sup>7</sup> See 19 CFR 351.309(d).

<sup>8</sup> See 19 CFR 351.303.

<sup>9</sup> See 19 CFR 351.310(c).

The Department 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, unless the deadline is extended.<sup>10</sup>

#### Assessment Rates

Upon issuance of the final results, 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>11</sup> The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.<sup>12</sup> We will instruct CBP to assess antidumping duties at the adjusted rate of 49.57 percent if CBP has collected the appropriate countervailing duties on the same entry. We will instruct CBP to assess antidumping duties at the unadjusted rate of 66.59 percent if the appropriate countervailing duties are not collected by CBP.

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 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 rate for Pidilite will be the rate established in the final results of this review; (2) for previously reviewed or investigated companies not participating in this review,

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<sup>10</sup> See section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

<sup>11</sup> See 19 CFR 351.212(b).

<sup>12</sup> See section 751(a)(2)(C) of the Act.

the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding in which the company was reviewed; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently-completed segment of this proceeding for the manufacturer of subject 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 LTFV investigation.<sup>13</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 POR. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

The preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Carole Showers  
Executive Director, Office of Policy  
performing the duties of the Deputy Assistant Secretary  
for Enforcement and Compliance

Dated: November 27, 2017

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<sup>13</sup> See *Antidumping Duty Order*.

## **Appendix**

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

- I. Summary
- II. Background
- III. Affiliation
- IV. Use of Facts Otherwise Available and Adverse Inferences
- V. Conclusion

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