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DEPARTMENT OF COMMERCE

International Trade Administration

[A-489-501]

Welded Carbon Steel Standard Pipe and Tube Products from Turkey: Final Results of Antidumping Duty Administrative Review; 2016-2017

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

SUMMARY: The Department of Commerce (Commerce) determines that welded carbon steel standard pipe and tube products (pipe and tube) from Turkey were sold at less than normal value during the period of review (POR), May 1, 2016, through April 30, 2017.

DATES: Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Fred Baker, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-2924.

SUPPLEMENTARY INFORMATION:

Background

On June 11, 2018, Commerce published the preliminary results of the administrative review of the antidumping duty order on pipe and tube from Turkey.¹ The review covers the following producers/exporters of the subject merchandise: Borusan Istikbal Ticaret T.A.S.

(Borusan Istikbal) and Borusan Mannesmann Boru Sanayi ve Ticaret A.S. (Borusan

¹ See *Welded Carbon Steel Standard Pipe and Tube Products from Turkey: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2016-2017*, 83 FR 26951 (June 11, 2018) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum.

Mannesmann) (collectively, Borusan);² Toscelik Profil ve Sac Endustrisi A.S., Tosalı Dis Ticaret A.S., and Toscelik Metal Ticaret A.S. (Toscelik Metal) (collectively, Toscelik);³ Borusan Birlesik Boru Fabrikalari San ve Tic (Borusan Birlesik); Borusan Gemlik Boru Tesisleri A.S. (Borusan Gemlik); Borusan Ihracat Ithalat ve Dagitim A.S. (Borusan Ihracat); Borusan Ithicat ve Dagitim A.S. (Borusan Ithicat); Tubeco Pipe and Steel Corporation (Tubeco); Erbosan Erciyas Boru Sanayi ve Ticaret A.S. (Erbosan); and Yücel Boru ve Profil Endustrisi A.S. (Yücel Boru), Yücel boru Ihracat Ithalat ve Pazarlama A.S. (Yücel boru), and Cayirova Boru Sanayi ve Ticaret A.S. (Cayirova) (collectively, “Yücel Group”).

On June 21, 2018, we placed on the record certain entry documents obtained from U.S. Customs and Border Protection (CBP)⁴ and invited interested parties to comment on them. We received comments from the Yücel Group.⁵ On June 26, 2018, we issued a supplemental questionnaire to Borusan, to which it responded on July 27, 2018.⁶ We also invited parties to comment on the *Preliminary Results*. On August 22, 2018, we received case briefs from petitioner Wheatland Tube Company (Wheatland Tube), Borusan, and Toscelik.⁷ On August 29, 2018, we received a rebuttal brief from the Yücel Group.⁸

² As explained in the *Preliminary Results*, Commerce treated Borusan Mannesmann Boru Sanayi ve Ticaret A.S. and Borusan Istikbal Ticaret T.A.S. as a single entity in this administrative review. See Preliminary Decision Memorandum at 1, n.1.

³ In prior segments of this proceeding, we treated Toscelik Profil ve Sac Endustrisi A.S., Tosalı Dis Ticaret A.S., and Toscelik Metal as a single entity. See, e.g., *Welded Carbon Steel Standard Pipe and Tube Products from Turkey: Final Results of Antidumping Duty Administrative Review; 2012–2013*, 79 FR 71087, 71088 n.8 (December 1, 2014). However, in a prior review, we found that Toscelik Metal has ceased to exist. *Id.* There is no record evidence that warrants altering this treatment. Therefore, for these final results, we are treating Toscelik and Tosalı as a single entity, and continue to find that Toscelik Metal no longer exists.

⁴ See Memorandum, “Customs Entry Documents,” dated June 21, 2018.

⁵ See Yücel Group’s Letter, “Circular Welded Carbon Steel Pipe and Tube from Turkey; Yücel comments on entry documents,” dated June 29, 2018.

⁶ See Commerce Letter re: “Administrative Review of the Antidumping Duty Order on Welded Carbon Steel Standard Pipe and Tube Products from Turkey: Supplemental Questionnaire,” dated June 26, 2018; Borusan’s July 27, 2018 Supplemental Questionnaire Response (Borusan July 27, 2018 SQR).

⁷ See Petitioner’s Case Brief, “Welded Carbon Steel Pipe from Turkey: Case Brief,” dated August 23, 2018 (Petitioner’s Case Brief); Borusan’s Case Brief, “Circular Welded Carbon Steel Pipes and Tubes from Turkey, Case No. A-489-501: Case Brief,” August 22, 2018 (Borusan Case Brief); Toscelik’s Case Brief, “Circular Welded Carbon Steel Standard Pipe and Tube from Turkey; Toscelik case brief,” dated August 22, 2018 (Toscelik Case

Based on our analysis of the comments received, we have made certain changes in the margin calculations. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled, “Final Results of the Review.” Further, we continue to find that Erbosan, Borusan Birlesik, Borusan Gemlik, Borusan Ihracat, Borusan Ithicat, and Tubeco had no reviewable shipments of subject merchandise during the POR.

Scope of the Order

The merchandise subject to the order is welded pipe and tube. The welded pipe and tube subject to the order is currently classifiable under subheading 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, and 7306.30.5090 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes only. The written description is dispositive.⁹

Final Determination of No Shipments

In the *Preliminary Results*, we preliminarily determined that Cayirova, Yücel Boru, Yücel boru, Erbosan, Borusan Birlesik, Borusan Gemlik, Borusan Ihracat, Borusan Ithicat, and Tubeco had no shipments during the POR.¹⁰ As we received no comments from interested parties and because the record contains no evidence to the contrary, we continue to find that these companies made no shipments during the POR. Accordingly, consistent with Commerce’s practice, we intend to instruct CBP to liquidate any existing entries of merchandise produced by Erbosan, Borusan Birlesik, Borusan Gemlik, Borusan Ihracat, Borusan Ithicat, and Tubeco, but

Brief).

⁸ See Yücel Group’s Rebuttal Brief, “Circular Welded Carbon Steel Pipe and Tube from Turkey; Yücel rebuttal brief,” dated August 29, 2018 (Yücel Group’s Rebuttal Brief).

⁹ A full written description of the scope of the order is contained in the memorandum to Gary Taverman, “Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review: Welded Carbon Steel Standard Pipe and Tube Products from Turkey; 2016-2017,” (IDM), dated concurrently with this notice and incorporated herein by reference.

¹⁰ See *Preliminary Results*, 83 FR at 26952, and accompanying Preliminary Decision Memorandum, at 4-5.

exported by other parties without their own rate, at the all-others rate.¹¹ Further, while Borusan Istikbal submitted a no-shipment certification, we continue to treat it as a single entity with Borusan Mannesmann. As such, we continue to find that the Borusan entity had shipments during this POR and are not making a final determination of no shipments with respect to Borusan Istikbal.¹²

As noted above, we also made a preliminary determination of no shipments with respect to the constituent members of the Yücel Group (*i.e.*, Cayirova, Yücel Boru and Yücel boru). However, since publication of the *Preliminary Results*, record evidence now indicates that the Yücel Group had shipments that were declared and entered as subject merchandise during the POR. Therefore, we are not making a final determination of no shipments with respect to the Yücel Group.

Analysis of the Comments Received

All issues raised in the case and rebuttal briefs submitted in this review are addressed in the Issues and Decision Memorandum, which is hereby adopted with this notice. A list of the issues raised is attached as an appendix to this notice. The Issues and 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 it is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at

¹¹ See, e.g., *Magnesium Metal from the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review*, 75 FR 26922, 26923 (May 13, 2010), unchanged in *Magnesium Metal from the Russian Federation: Final Results of Antidumping Duty Administrative Review*, 75 FR 56989 (September 17, 2010).

¹² See Preliminary Decision Memorandum at 5.

<http://enforcement.trade.gov/frn/index.html>. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we made certain changes to the *Preliminary Results*. For a full discussion of these changes, see Issues and Decision Memorandum.

Final Rates for Non-Examined Companies

The statute and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. 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, for guidance when calculating the rate for companies which were not selected for individual review in an administrative review. 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 review, we have calculated a weighted-average dumping margin for Borusan that is not zero, *de minimis*, or determined entirely on the basis of facts available. Accordingly, Commerce assigns to the companies not individually examined the 2.55 percent weighted-average dumping margin calculated for Borusan.

Final Results of the Review

As a result of this review, we determine that the following weighted-average dumping margins exist for the period May 1, 2016 through April 30, 2017:

Producer or Exporter	Weighted-Average Dumping Margin (percent)
Borusan Mannesmann Boru Sanayi ve Ticaret A.S./Borusan Istikbal Ticaret T.A.S.	2.55
Toscelik Profil ve Sac Endustrisi A.S./Tosyali Dis Ticaret A.S./Toscelik Metal Ticaret A.S.	0.00
Cayirova Boru Sanayi ve Ticaret A.S.	2.55
Yücel Boru ve Profil Endustrisi A.S.	2.55
Yücel boru Ihracat Ithalat ve Pazarlama A.S.	2.55

Disclosure

We intend to disclose the calculations performed for these final results of review within five days of the date of publication of this notice in the *Federal Register*, in accordance with 19 CFR 351.224(b).

Duty Assessment

Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1).

For Borusan, because its weighted-average dumping margin is not zero or *de minimis* (i.e., less than 0.5 percent), Commerce has calculated importer-specific antidumping duty assessment rates. We calculated importer-specific *ad valorem* 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. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review where an importer-specific assessment rate is not zero or *de minimis*. Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the importer-specific assessment rate is zero or *de minimis*.

For Toscelik, we will instruct CBP to liquidate its entries during the POR imported by the importers identified in its questionnaire responses without regard to antidumping duties because its weighted-average dumping margin in these final results is zero.¹³

For companies that were not selected for individual examination, we will instruct CBP to liquidate unreviewed entries based on the methodology described in the “Final Rates for Non-Examined Companies” section, above.

Consistent with Commerce’s assessment practice, for entries of subject merchandise during the POR produced by any company upon which we initiated an administrative review, for which they did not know that the merchandise was destined for the United States, 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.¹⁴

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

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication

¹³ See *Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8103 (February 14, 2012).

¹⁴ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

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 will be equal to the weighted-average dumping margins established in the final results of this review; (2) for previously reviewed or investigated companies not participating in this review, 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 previous review, or the original 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 14.74 percent, the all-others rate established in the LTFV investigation.¹⁵ These 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 duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.¹⁶

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return

¹⁵ See *Antidumping Duty Order; Welded Carbon Steel Standard Pipe and Tube Products from Turkey*, 51 FR 17784 (May 15, 1986).

¹⁶ See 19 CFR 351.402(f)(3).

or destruction of APO materials or conversion to judicial protective order is hereby requested.
Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h) and 351.221(b)(5) of Commerce's regulations.

Dated: November 30, 2018.

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.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Discussion of the Issues
 - Comment 1: Yucel Group's No-Shipments Claim
 - Comment 2: Calculation of Toscelik's Total Cost of Manufacture
 - Comment 3: Calculation of Toscelik's Average Cost of Production
 - Comment 4: Calculation of Borusan's Gross Unit Price
5. Recommendation

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