

comments from HYSCO on the petitioners' ministerial error allegation.⁷

Based on our analysis of the allegations submitted by HYSCO and the petitioners, we determined that, with respect to the conversion cost adjustment and the toll processing cost adjustment, we did not make ministerial errors, as defined by section 735(e) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.224(f).⁸ However, we determined that we did make ministerial errors within the meaning of section 735(e) of the Act and 19 CFR 351.224(f) with respect to the revisions to date of sale and the application of the G&A and financial expense ratios.⁹ We revised the margin calculation for HYSCO accordingly, and assigned a new All Others rate, as discussed below.¹⁰

Scope of the Investigation

The scope of the investigation appears in Appendix I of the *Final Determination*.

Ministerial Error

Section 735(e) of the Act, and 19 CFR 351.224(f) define a "ministerial error" as an error "in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any similar type of unintentional error which the Secretary considers ministerial."

We analyzed the ministerial error allegations and determined, in accordance with section 735(e) of the Act and 19 CFR 351.224(e), that we made ministerial errors with respect to the revisions to date of sale and the application of the G&A and financial expense ratios. In implementing the date of sale methodology to use the earlier of invoice date or shipment date, we inadvertently failed to update HYSCO's reported date of sale variable to account for invoice and shipment date revisions. Therefore, we corrected this error. In addition, we revised HYSCO's calculation of the G&A and financial expense ratios cost of goods sold denominator to reflect the major input rule and transactions disregarded rule adjustments, in order to keep the calculation of the ratios on the same basis as the cost of manufacturing to

which they are applied.¹¹ Therefore, we are amending the final determination with respect to HYSCO, in accordance with section 735(e) of the Act and 19 CFR 351.224(e).¹²

Amended Final Determination

As a result of correcting these ministerial errors, we determine that the following weighted-average margins exist for the period October 1, 2013, through September 30, 2014:

| Manufacturer/exporter | Weighted-average dumping margin (percent) |
|------------------------------|---|
| Hyundai HYSCO | 6.23 |
| SeAH Steel Corporation | 2.53 |
| All Others | 4.38 |

Continuation of Suspension of Liquidation

The following cash deposit requirements will be effective upon publication of this notice for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of this amended final determination, as provided by section 735(c)(1)(B) of the Act: (1) The cash deposit rate for HYSCO will be the rate we determined in this amended final determination (*i.e.*, 6.23 percent); (2) the cash deposit rate for SeAH will continue to be that identified in the *Final Determination* (*i.e.*, 2.53 percent); (3) if the exporter is not a firm identified in this investigation but the producer is, the rate will be the rate established for the producer of the subject merchandise; and (4) the rate for all other producers or exporters will be 4.38 percent, as indicated above. These suspension of liquidation instructions will remain in effect until further notice.

U.S. International Trade Commission

In accordance with section 735(d) of the Act, we notified the U.S. International Trade Commission (ITC) of the *Final Determination* and our amended final determination. As the *Final Determination* was affirmative, in accordance with section 735(b)(3) of the Act, the ITC will determine within 45 days of the *Final Determination* whether the domestic industry in the United States is materially injured, or threatened with material injury, by

reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. If the ITC determines that such injury exists, the Department will issue an antidumping duty order directing CBP to assess, upon further instruction by the Department, antidumping duties on all imports of the subject merchandise entered or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

This amended final determination notice is published in accordance with section 735(e) of the Act and 19 CFR 351.224(e).

Dated: November 4, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-984]

Drawn Stainless Steel Sinks From the People's Republic of China: Final Results of Countervailing Duty Administrative Review and Rescission in Part; 2012-2013

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

SUMMARY: The Department of Commerce (the Department) has conducted an administrative review of the countervailing duty (CVD) order on drawn stainless steel sinks (sinks) from the People's Republic of China (PRC). The period of review (POR) is August 6, 2012, through December 31, 2013. On May 7, 2015, we published the preliminary results of this administrative review.¹ We invited interested parties to comment on the *Preliminary Results*. After reviewing the comments received, we have made no changes to the *Preliminary Results*. As such, we continue to find that Guangdong Dongyuan Kitchenware Industrial Co., Ltd. (Dongyuan) received countervailable subsidies during the POR. We also find that Shunde Native Produce Import and Export Co., Ltd. of Guangdong (Native Produce) did not

⁷ See Letter from HYSCO, "Welded Line Pipe from Korea: Response to Petitioners' Ministerial Error Allegation," dated October 19, 2015.

⁸ See Memorandum entitled "Allegations of Ministerial Errors in the Final Determination," dated concurrently with this determination and hereby adopted by this notice.

⁹ *Id.*

¹⁰ *Id.*

¹¹ We note that the correction of this error did not change HYSCO's G&A and financial expense ratios from those in the *Final Determination*.

¹² The weighted-average dumping margin for SeAH Steel Corporation (SeAH) in the *Final Determination* has not changed. It remains at 2.53 percent.

¹ See *Drawn Stainless Steel Sinks From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review, Rescission in Part, and Intent to Rescind the Review in Part; 2012-2013*, 80 FR 26226 (May 7, 2015) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum.

have any reviewable entries during the POR.

DATES: Effective date: November 10, 2015.

FOR FURTHER INFORMATION CONTACT:

Jennifer Meek, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-2778.

Scope of the Order

Drawn stainless steel sinks are sinks with single or multiple drawn bowls, with or without drain boards, whether finished or unfinished, regardless of type of finish, gauge, or grade of sinks. The products covered by this order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under statistical reporting number 7324.10.0000. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, "Decision Memorandum for the Final Results of Countervailing Duty Administrative Review: Drawn Stainless Steel Sinks from the People's Republic of China" dated concurrently with this notice (Issues and Decision Memorandum), which is hereby adopted by this notice. A list of topics discussed in the Issues and Decision Memorandum is provided as Appendix I 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 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 on the internet at <http://enforcement.trade.gov/frn/index.html>. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Analysis of Comments Received

All issues raised in the case briefs submitted by parties are addressed in

the Issues and Decision Memorandum. A list of the issues which parties raised and to which we respond in the Issues and Decisions Memorandum is attached to this notice as Appendix I. The Department conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each program found countervailable, we determine that there is a subsidy, *i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.²

In making these findings, we relied, in part, on facts available and, because we determine that the Government of the PRC did not act to the best of its ability to respond to the Department's requests for information, we applied an adverse inference in selecting from among the facts otherwise available.³ For a full description of the methodology underlying our conclusions, *see* the Issues and Decision Memorandum.

Final Determination of No Shipments and Rescission of the Review in Part

Based on our analysis of U.S. Customs and Border Protection (CBP) information and information provided by Native Produce, we determine that Native Produce did not have any reviewable entries during the POR. No evidence of shipments was placed on the record, therefore, pursuant to 19 CFR 351.213(d)(3), we are rescinding the administrative review of this company. For additional information regarding this determination, *see* the Issues and Decision Memorandum.

Final Results of the Review

In accordance with 19 CFR 351.221(b)(5), we calculated an individual subsidy rate for 2012 and 2013, respectively, as set forth below.

| Company | Subsidy rate (percent) 2013 | Subsidy rate (percent) 2012 |
|--|-----------------------------|-----------------------------|
| Guangdong Dongyuan Kitchenware Industrial Co., Ltd | 9.83 | 3.91 |

Assessment Rates

Consistent with 19 CFR 351.212(b)(2), we intend to issue assessment instructions to CBP fifteen days after the

² See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

³ See sections 776(a) and (b) of the Act. For further information, *see* "Use of Facts Otherwise Available and Adverse Inferences" in the Issues and Decision Memorandum.

date of publication of these final results. The Department will instruct CBP to liquidate shipments of subject merchandise produced and/or exported by Guangdong Dongyuan Kitchenware Industrial Co., Ltd. entered, or withdrawn from warehouse, for consumption for the periods on or after August 6, 2012 through December 3, 2012, and on or after April 10, 2013, through December 31, 2013. For entries made during the gap period ⁴ (*i.e.*, on or after December 4, 2012 through April 9, 2013), we will instruct CBP to liquidate the entries without regard to countervailing duties pursuant to section 703(d) of the Tariff Act of 1930, as amended (the Act).

For the rescinded company, countervailing duties shall be assessed at rates equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period on or after August 6, 2012, through December 3, 2012, and on or after April 10, 2013, through December 31, 2013, in accordance with 19 CFR 351.212(c)(1)(i).

Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act, the Department intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount shown above for Dongyuan, as determined for 2013, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most-recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Administrative Protective Order

This notice serves as a final reminder to parties subject to administrative protective order (APO) of their responsibilities concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply

⁴ The gap period represents the period of time after the expiration of the 120-day provisional measures period during the investigation, to the day prior to the publication in the **Federal Register** of the U.S. International Trade Commission's Final Determination. In this administrative review, the gap period is December 4, 2012, to April 9, 2013.

with the regulations and the 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.

Dated: November 3, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Topics Discussed in the Issues and Decision Memorandum

Summary

- A. Background
- B. Scope of the Order
- C. Partial Rescission of the Administrative Review
- D. Use of Facts Otherwise Available and Adverse Inferences
- E. Subsidy Valuation Information
- F. Analysis of Programs
- G. Analysis of Comments

Comment 1: Whether Dongyuan's Stainless Steel Supplier is an Authority

Comment 2: The Department's Refusal to Meet With Counsel for Dongyuan

Comment 3: The Department's Refusal to Permit the GOC to Submit Factual Information After the Preliminary Results

Comment 4: Whether the Stainless Steel Coil Industry in China is Distorted by Government Presence in the Market

Comment 5: Whether Working Capital Loans are a Part of the Policy Lending Program

H. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-968]

Aluminum Extrusions From the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination Pursuant to Court Decision

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

SUMMARY: On October 23, 2015, the United States Court of International Trade (CIT) sustained the Department of Commerce's (the Department's) results of redetermination pursuant to court remand, which recalculated the all-others subsidy rate in the countervailing duty (CVD) investigation of aluminum extrusions from the People's Republic of China (the PRC),¹ pursuant to the CIT's

*MacLean-Fogg Remand Order.*²

Consistent with the clarification in the United States Court of Appeals for the Federal Circuit (CAFC) decision in *Diamond Sawblades*,³ we are amending the *Final Determination*.

DATES: *Effective date:* November 2, 2015.

FOR FURTHER INFORMATION CONTACT:

Kristen Johnson, AD/CVD Operations, Office III, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202-482-4793.

SUPPLEMENTARY INFORMATION: In the *Final Determination*, the Department assigned a total adverse facts available (AFA) rate of 374.14 percent to the three non-cooperating mandatory respondents and calculated company-specific net subsidy rates for two participating voluntary respondents. The Department averaged the rates calculated for the mandatory respondents and applied that rate as the all-others rate, calculated pursuant to section 705(c)(5)(A) of the Tariff Act of 1930 (the Act).⁴

In *MacLean-Fogg I*, the CIT held that the statute was ambiguous concerning whether the Department is required to base the all-others rate on rates calculated for mandatory respondents and therefore the Department was permitted to use the mandatory respondents' rates in calculating the all-others rate provided it did so in a reasonable manner.⁵ Nonetheless, the CIT remanded the all-others rate to the Department for reconsideration because the Department failed to articulate a connection between the mandatory respondent rates, based on AFA, and the all-others companies.⁶

In *MacLean-Fogg II*, the CIT held that the Department's preliminary all-others rate in the *Preliminary Determination*⁷ was also subject to review under the same reasonableness standard because it had legal effect on the entries made

Duty Determination and Notice of Amended Final Affirmative Countervailing Duty Determination, 77 FR 74466 (December 14, 2012) (collectively, *Final Determination*).

² See *MacLean-Fogg Co. v. United States*, Consol. Court No. 11-00209, Slip Op. 15-85 (CIT August 2015) (*MacLean-Fogg Remand Order*).

³ See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

⁴ See *Final Determination*, 76 FR at 18523, and accompanying Issues and Decision at Comment 9.

⁵ See *MacLean-Fogg Co. v. United States*, 836 F. Supp. 2d 1367, 1373-1374 (CIT 2012) (*MacLean-Fogg I*).

⁶ *Id.*, at 1376.

⁷ See *Aluminum Extrusions from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination*, 75 FR 54302 (September 7, 2010) (*Preliminary Determination*).

during the interim time period between the issuance of the preliminary and final CVD rates, both as a cash deposit rate and, if an annual review was sought, as a cap on the final rate for those particular entries.⁸ Thus, in *MacLean-Fogg II*, the Court held that it would consider the reasonableness of the preliminary rate when it reviewed the Department's remand determination.⁹

In *MacLean-Fogg III*, the CIT considered the Department's remand results.¹⁰ On remand, the Department did not recalculate the all-others rate, but rather, provided data indicating that the rate calculated for the mandatory respondents was logically connected to the all-others companies because the mandatory respondents comprised a significant portion of the PRC extruded aluminum producers and exporters, and thus were representative of the PRC extruded aluminum industry as a whole.¹¹ The CIT held that "nothing in the statute requires that the mandatory respondents' rates, even when based on AFA, may only be used to develop rates for uncooperative respondents."¹² However, in *MacLean-Fogg III*, the CIT also concluded that the Department failed to explain how the calculated all-others rate was remedial and not punitive when it assumed use of all subsidy programs identified in the investigation.¹³ Therefore, the CIT remanded again to the Department for re-consideration of the issue.¹⁴

In the second results of redetermination pursuant to remand issued in this litigation, the Department designated the all-others rate as equal to the preliminary rate it calculated for the mandatory respondents, *i.e.*, 137.65 percent.¹⁵ In *MacLean-Fogg IV*, the CIT affirmed the Department's remand results, holding that the Department's selection of this all-others rate was reasonable.¹⁶

The CIT's holdings were appealed to the CAFC. On June 3, 2014, the CAFC held that section 351.204(d)(3) of the Department's regulations, which directs the Department to exclude voluntary respondents' rates from its calculation of the all-others rate, was inconsistent

⁸ See *MacLean-Fogg Co. v. United States*, 853 F. Supp. 2d 1253, 1256 (CIT 2012) (*MacLean-Fogg II*).

⁹ *Id.*

¹⁰ See *MacLean-Fogg Co. v. United States*, 853 F. Supp. 2d 1336, 1338 (2012) (*MacLean-Fogg III*).

¹¹ *Id.*

¹² *Id.*, at 1341.

¹³ *Id.*, at 1342-1343.

¹⁴ *Id.*, at 1343.

¹⁵ See *Final Results of Redetermination Pursuant to Court Remand*, dated September 13, 2012, available at <http://enforcement.trade.gov/remands>.

¹⁶ See *MacLean Fogg Co., et al. v. United States*, 885 F. Supp. 2d 1337 (CIT 2012) (*MacLean Fogg IV*) at 11-12.

¹ See *Aluminum Extrusions from the People's Republic of China: Final Affirmative Countervailing Duty Determination*, 76 FR 18521 (April 4, 2011) and *Aluminum Extrusions from the People's Republic of China: Notice of Court Decision Not in Harmony With Final Affirmative Countervailing*