

received after this date will be accepted, but it may not be possible to accommodate them.

Written comments concerning ETTAC affairs are welcome any time before or after the meeting. To be considered during the meeting, written comments must be received by Monday, March 5, 2019, at 5:00 p.m. EDT to ensure transmission to the members before the meeting. Minutes will be available within 30 days of this meeting.

*Topic to be considered:* During the March 19 & 20, 2019, meeting, the newly re-chartered ETTAC will discuss its priorities and objectives for recommendations and deliberate on subcommittee leadership as well as subcommittee topics. The agenda also includes providing committee members with introductions to agencies participating in the U.S. interagency Environmental Trade Working Group (ETWG). OEEI will make the final agenda available to the public one week prior to the meeting. Please email [amy.kreps@trade.gov](mailto:amy.kreps@trade.gov) or contact 202-482-3835 for a copy.

*Background:* The ETTAC is mandated by Section 2313(c) of the Export Enhancement Act of 1988, as amended, 15 U.S.C. 4728(c), to advise the Environmental Trade Working Group of the Trade Promotion Coordinating Committee, through the Secretary of Commerce, on the development and administration of programs to expand U.S. exports of environmental technologies, goods, services, and products. The ETTAC was most recently re-chartered until August 2020.

Dated: February 13, 2019.

**Man Cho,**

*Deputy Director, Office of Energy and Environmental Industries.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-069, C-570-070]

#### Rubber Bands From the People's Republic of China: Antidumping Duty and Countervailing Duty Orders

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

**SUMMARY:** Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing antidumping duty (AD) and countervailing duty (CVD)

orders on rubber bands from the People's Republic of China (China).

**DATES:** Applicable February 19, 2019.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Berger at (202) 482-2483 (AD) and Kristen Johnson at 202-482-4793 (CVD), AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### Background

In accordance with sections 705(d) and 735(d) of the Tariff Act of 1930, as amended (the Act), on November 20, 2018, Commerce published its affirmative final determination of sales at less than fair value (LTFV) and its affirmative final determination that countervailable subsidies are being provided to producers and exporters of rubber bands from China.<sup>1</sup> On February 11, 2019, the ITC notified Commerce of its final affirmative determinations that an industry in the United States is materially injured by reason of LTFV imports and subsidized imports of rubber bands from China, within the meaning of sections 705(b)(1)(A)(i) and 735(b)(1)(A)(i) of the Act.<sup>2</sup> The ITC also notified Commerce of its negative findings concerning critical circumstances with regard to imports of this product from China.<sup>3</sup>

##### Scope of the Orders

The products covered by these orders are rubber bands from China. For a complete description of the scope of the orders, see the Appendix to this notice.

##### AD Order

On February 11, 2019, in accordance with section 735(d) of the Act, the ITC notified Commerce of its final determination that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of imports of rubber bands from China that are sold in the United States at LTFV.

<sup>1</sup> See *Rubber Bands from the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 83 FR 58547 (November 20, 2018) (*AD China Rubber Bands Final*); and *Rubber Bands from the People's Republic of China: Final Affirmative Countervailing Duty Determination*, 83 FR 58538 (November 20, 2018) (*CVD China Rubber Bands Final*).

<sup>2</sup> See Letter to the Honorable Gary Taverman, Acting Assistant Secretary of Commerce for Enforcement and Compliance, from David S. Johanson, Chairman of the ITC, regarding "Notification of ITC Final Determinations," dated January 7, 2019 (Filed in ACCESS on February 11, 2019) (ITC Notification); see also *Rubber Bands from China*, Investigation Nos. 701-TA-598 and 731-TA-1408 (Final), (USITC Publication 4863).

<sup>3</sup> *Id.*

Therefore, in accordance with section 735(c)(2) of the Act, we are issuing this AD order. Because the ITC determined that imports of rubber bands from China are materially injuring a U.S. industry, unliquidated entries of such merchandise from China entered, or withdrawn from warehouse, for consumption are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of rubber bands from China. Antidumping duties will be assessed on unliquidated entries of rubber bands from China entered, or withdrawn from warehouse, for consumption on or after September 6, 2018, the date of publication of the AD preliminary determination<sup>4</sup> and before January 4, 2019. Section 733(d) of the Act states that the suspension of liquidation pursuant to a preliminary determination may not remain in effect for more than four months. Therefore, entries of subject merchandise from China made on or after January 4, 2019, and prior to the date of publication of the ITC's final determination in the **Federal Register** are not liable for the assessment of antidumping duties due to Commerce's discontinuation of the suspension of liquidation.

##### Continuation of Suspension of Liquidation—AD

In accordance with section 736 of the Act, we will instruct CBP to reinstitute the suspension of liquidation on entries of rubber bands from China, effective on the date of publication in the **Federal Register** of the ITC's final affirmative injury determination. These instructions suspending liquidation will remain in effect until further notice.

We will also instruct CBP to require cash deposits equal to the amount as indicated below. Accordingly, effective on the date of publication in the **Federal Register** of the ITC's final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated duties on the subject merchandise, a cash deposit

<sup>4</sup> See *Less-Than-Fair-Value Investigation of Rubber Bands from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Preliminary Affirmative Determination of Critical Circumstances*, 83 FR 45213 (September 6, 2018) (*AD China Rubber Bands Prelim*).

equal to the estimated weighted-average dumping margin listed below.

The estimated weighted-average dumping margin is as follows:

Producer	Exporter	Estimated weighted-average dumping margin (percent)	Cash deposit rate (percent)
China-Wide Entity .....	China-Wide Entity .....	27.27	26.65

### Critical Circumstances

With regard to the ITC's negative critical circumstances determination on imports of rubber bands from China, we will instruct CBP to lift suspension and to refund any cash deposits made to secure the payment of estimated antidumping duties with respect to entries of rubber bands from China, entered, or withdrawn from warehouse, for consumption on or after June 8, 2018 (*i.e.*, 90 days prior to the date of publication of the *AD China Rubber Bands Prelim*), but before September 6, 2018 (*i.e.*, the date of publication of the *AD China Rubber Bands Prelim*).

### CVD Order

On February 11, 2019, in accordance with section 705(d) of the Act, the ITC notified Commerce of its final determination that the industry in the United States producing rubber bands is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act by reason of subsidized imports of rubber bands from China.<sup>5</sup> Therefore, in accordance with section 705(c)(2) of the Act, we are issuing this CVD order.

As a result of the ITC's final determination, in accordance with section 706(a) of the Act, Commerce will direct CBP to assess, upon further instruction by Commerce, countervailing duties on unliquidated entries of subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after July 9, 2018, the date on which Commerce published the *CVD China Rubber Bands Prelim* in the **Federal Register**,<sup>6</sup> and before November 6, 2018, the effective date on which Commerce instructed CBP to discontinue the suspension of liquidation in accordance with section 703(d) of the Act. Section 703(d) of the Act states that the suspension of liquidation pursuant to a preliminary determination may not remain in effect for more than 120 days.

Therefore, entries of subject merchandise from China made on or after November 6, 2018, and prior to the date of publication of the ITC's final determination in the **Federal Register** are not subject to the assessment of countervailing duties due to Commerce's discontinuation of the suspension of liquidation.

### Suspension of Liquidation—CVD

In accordance with section 706 of the Act, Commerce will direct CBP to reinstitute the suspension of liquidation of subject merchandise from China, effective on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**, and to assess, upon further instruction by Commerce pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of rubber bands in an amount based on the net countervailable subsidy rates for the subject merchandise. On or after the date of publication of the ITC's final injury determination in the **Federal Register**, Commerce will instruct CBP to require, at the same time as importers would normally deposit estimated duties on the subject merchandise, a cash deposit for each entry of subject merchandise equal to the subsidy rates listed below. The all-others rate applies to all producers or exporters not specifically listed below, as appropriate.

Company	Subsidy rate (percent)
Graceful Imp. & Exp. Co., Ltd .....	125.77
Moyoung Trading Co., Ltd ....	125.77
Ningbo Syloon Imp & Exp Co., Ltd .....	125.77
All-Others .....	125.77

### Critical Circumstances

With regard to the ITC's negative critical circumstances determination on imports of rubber bands from China, we will instruct CBP to lift suspension and to refund any cash deposits made to secure the payment of estimated countervailing duties with respect to entries of rubber bands from China, entered, or withdrawn from warehouse,

for consumption on or after April 10, 2018 (*i.e.*, 90 days prior to the date of publication of the *CVD China Rubber Bands Prelim*), but before July 9, 2018 (*i.e.*, the date of publication of the *CVD China Rubber Bands Prelim*).<sup>7</sup>

### Notification to Interested Parties

This notice constitutes the AD and CVD orders with respect to rubber bands from China pursuant to sections 706(a) and 736(a) of the Act. Interested parties can find a list of orders currently in effect at <http://enforcement.trade.gov/stats/iastats1.html>.

These orders are published in accordance with sections 706(a) and 736(a) of the Act and 19 CFR 351.211(b).

Dated: February 13, 2019.

**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

#### Scope of the Orders

The scope of the orders covers bands made of vulcanized rubber, with a flat length, as actually measured end-to-end by the band lying flat, no less than 1/2 inch and no greater than 10 inches; with a width, which measures the dimension perpendicular to the length, actually of at least 3/64 inch and no greater than 2 inches; and a wall thickness actually from 0.020 inch to 0.125 inch. Vulcanized rubber has been chemically processed into a more durable material by the addition of sulfur or other equivalent curatives or accelerators. Subject products are included regardless of color or inclusion of printed material on the rubber band's surface, including but not limited to, rubber bands with printing on them, such as a product name, advertising, or slogan, and printed material (*e.g.*, a tag) fastened to the rubber band by an adhesive or another temporary type of connection. The scope includes vulcanized rubber bands which are contained or otherwise exist in various forms and packages, such as, without limitation,

<sup>7</sup> See *Rubber Bands from the People's Republic of China: Preliminary Affirmative Determination of Critical Circumstances, in Part, in the Countervailing Duty Investigation, and Amendment to the Scope of the Preliminary Determination in the Countervailing Duty Investigation*, 83 FR 45217 (September 6, 2018).

<sup>5</sup> See ITC Notification.

<sup>6</sup> See *Rubber Bands from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Determination*, 83 FR 31729 (July 9, 2018) (*CVD China Rubber Bands Prelim*).

vulcanized rubber bands included within a desk accessory set or other type of set or package, and vulcanized rubber band balls. The scope excludes products that consist of an elastomer loop and durable tag all-in-one, and bands that are being used at the time of import to fasten an imported product.

Excluded from the scope of the orders are vulcanized rubber bands of various sizes with arrow shaped rubber protrusions from the outer diameter that exceeds at the anchor point a wall thickness of 0.125 inches and where the protrusion is used to loop around, secure and lock in place.

Excluded from the scope of the orders are yarn/fabric-covered vulcanized rubber hair bands, regardless of size.

Merchandise covered by the orders is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 4016.99.3510. Merchandise covered by the scope may also enter under HTSUS subheading 4016.99.6050. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the orders is dispositive.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-821-809]

#### **Certain Hot-Rolled Flat-Rolled Carbon-Quality Steel Products From the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review; 2016–2017**

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that Novolipetsk Steel (NLMK) did not make a *bona fide* sale during the period of review (POR) December 1, 2016, through November 30, 2017; therefore, we are preliminarily rescinding this administrative review. Interested parties are invited to comment on the preliminary results of this review.

**DATES:** Applicable February 19, 2019.

**FOR FURTHER INFORMATION CONTACT:** John McGowan or Joshua DeMoss, 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) 482-3019 or (202) 482-3362, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Commerce published the notice of initiation of this review on February 9,

2016.<sup>1</sup> Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), Commerce extended these preliminary results by 90 days until December 4, 2018.<sup>2</sup> Commerce then extended the preliminary results by an additional 30 days until January 3, 2019.<sup>3</sup>

Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018, through the resumption of operations on January 29, 2019.<sup>4</sup> If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the preliminary results is now February 12, 2019.

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

The product covered by this administrative review is hot-rolled steel from Russia. The full text of the scope of the order is contained in the Preliminary Decision Memorandum.

##### **Methodology**

Commerce is conducting this review in accordance with section 751(a)(1)(B) and (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, which is hereby adopted by 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 is available in the Central Records Unit,

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 81 FR 6832 (February 9, 2016) (*Initiation Notice*).

<sup>2</sup> See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, entitled "Certain Hot-Rolled Carbon Steel Flat Products from the Russian Federation: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review; 2014/2015," dated August 17, 2016.

<sup>3</sup> See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, entitled "Certain Hot-Rolled Carbon Steel Flat Products from the Russian Federation: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review; 2014/2015," dated December 16, 2016.

<sup>4</sup> See memorandum to the Record from Gary Taveran, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, "Deadlines Affected by the Partial Shutdown of the Federal Government," dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

##### **Preliminary Rescission of the Antidumping Administrative Review of NLMK**

As discussed in the *Bona Fide* Sales Analysis Memorandum,<sup>5</sup> Commerce preliminarily finds that the sale made by (Novolipetsk Steel) NLMK serving as the basis for this review is not a *bona fide* sale. Commerce reached this conclusion based on the totality of the record information surrounding NLMK's reported sale, including the sales price and quantity, the limited number of sales (*i.e.*, one sale) that NLMK reported during the POR, and customer correspondence.

Because the non-*bona fide* sale was the only reported sale of subject merchandise during the POR, we find that NLMK had no reviewable transactions during this POR. Accordingly, we are preliminarily rescinding this administrative review.<sup>6</sup> Given that the factual information used in our *bona fides* analysis of NLMK's sale involves business proprietary information, see the *Bona Fide* Sales Analysis Memorandum for a full discussion of the basis for our preliminary determination.

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

Interested parties may submit case briefs no later than 30 days after the date of publication of the preliminary results of review.<sup>7</sup> Rebuttals to case briefs may be filed no later than five days after the briefs are filed.<sup>8</sup> All rebuttal comments must be limited to comments raised in the case briefs.<sup>9</sup>

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement & Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this

<sup>5</sup> See Memorandum to Abdelali Elouaradia, Acting Director of Office VI, from John C. McGowan and Joshua A. DeMoss, International Trade Compliance Analysts entitled: "2016–2017 Antidumping Duty Administrative Review of Certain Hot-Rolled Flat-Rolled Carbon-Quality Steel Products from the Russian Federation: Preliminary *Bona Fide* Sales Analysis for Novolipetsk Steel," dated February 12, 2019.

<sup>6</sup> See 19 CFR 351.213(d)(3).

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

<sup>8</sup> See 19 CFR 351.309(d)(1).

<sup>9</sup> See 19 CFR 351.309(d)(2).