



A-583-863  
Administrative Review  
POR: 05/17/2018 – 08/31/2019  
**Public Document**  
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July 21, 2020

**MEMORANDUM TO:** Jeffrey I. Kessler  
Assistant Secretary  
for Enforcement and Compliance

**FROM:** James Maeder  
Deputy Assistant Secretary  
for Antidumping and Countervailing Duty Operations

**SUBJECT:** Decision Memorandum for the Preliminary Intent to Rescind the  
Antidumping Duty Administrative Review of Forged Steel Fittings  
from Taiwan; 2018-2019

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## I. SUMMARY

The Department of Commerce (Commerce) preliminarily determines that Both-Well Steel Fittings, Co., Ltd. (Bothwell), the sole company under review, did not have any reviewable entries during the period of review (POR) May 17, 2018 through August 31, 2019. As such, Commerce is preliminarily rescinding the administrative review of Bothwell.

Interested parties are invited to comment on the preliminary rescission of this review. We intend to issue the final results of this administrative review no later than 120 days from the date the preliminary results are published, pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), unless this deadline is extended.

## II. BACKGROUND

On September 24, 2018, Commerce published the antidumping duty (AD) order on forged steel fittings from Taiwan.<sup>1</sup> On September 3, 2019, Commerce published a notice of opportunity to request an administrative review of the *Order*.<sup>2</sup> On September 30, 2019, Bothwell requested a

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<sup>1</sup> See *Forged Steel Fittings from Taiwan: Antidumping Duty Order*, 83 FR 48280 (September 24, 2018) (*Order*).

<sup>2</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 84 FR 45949 (September 3, 2019).



review of its sales during the POR.<sup>3</sup> On November 12, 2019, Commerce initiated a review of Bothwell.<sup>4</sup>

On November 19, 2019, Commerce released and requested comments on data obtained from U.S. Customs and Border Protection (CBP) regarding Bothwell's entries of the subject merchandise from Taiwan during the POR.<sup>5</sup> On November 26, 2019, Bothwell submitted comments on the CBP data.<sup>6</sup> On December 5, 2019, we issued the initial AD questionnaire to Bothwell.<sup>7</sup> In January 2020, Bothwell timely submitted its responses to our questionnaire.<sup>8</sup> From February 2020 through March 2020, we issued supplemental questionnaires to Bothwell, to which it timely responded from February 2020 through June 2020.<sup>9</sup>

On March 31, 2020, Commerce released the CBP data related to the entry numbers provided by Bothwell regarding its U.S. sales, and requested comment from interested parties.<sup>10</sup> On April 14, 2020, Bothwell and the petitioner<sup>11</sup> submitted comments on the CBP Liquidation Data Release Memo.<sup>12</sup> On April 21, 2020, Bothwell and the petitioner submitted rebuttal comments.<sup>13</sup>

On June 8, 2020, Commerce released a memo from the Customs Liaison Unit (CLU) providing new factual information (NFI) on Bothwell's U.S. sales.<sup>14</sup> On June 12, 2020, Commerce requested comment from interested parties regarding the NFI.<sup>15</sup> On June 25, 2020, Bothwell submitted comments on the CLU Memo.<sup>16</sup> On June 30, 2020, the petitioners submitted rebuttal comments.<sup>17</sup>

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<sup>3</sup> See Bothwell's Letter, "Forged Steel Fittings from Taiwan: Antidumping," dated September 30, 2019.

<sup>4</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 84 FR 61011 (November 12, 2019).

<sup>5</sup> See Memorandum, "Release of Customs Entry Data from U.S. Customs and Border Protection (CBP)," dated November 19, 2019 (CBP Data Release Memo).

<sup>6</sup> See Bothwell's Letter, "Forged Steel Fittings from Taiwan: Antidumping," dated November 26, 2019 (Bothwell CBP Data Comments).

<sup>7</sup> See Commerce's Letter, "Request for Information, Antidumping Duty Administrative Review," dated December 5, 2019.

<sup>8</sup> See Bothwell's Letters, "Forged Steel Fittings from Taiwan: Antidumping," dated January 9, 2020 (Section A Questionnaire Response); and "Forged Steel Fittings from Taiwan: Antidumping," dated January 27, 2020.

<sup>9</sup> See Bothwell's Letters, "Forged Steel Fittings from Taiwan: Antidumping," dated February 21, 2020 (Supplemental Section A Questionnaire Response); and "Forged Steel Fittings from Taiwan: Antidumping," dated June 16, 2020.

<sup>10</sup> See Memorandum, "Release of Customs Entry Data from U.S. Customs and Border Protection (CBP) with respect to Both-Well Steel Fittings Co., Ltd.," dated March 31, 2020 (CBP Liquidation Data Release Memo).

<sup>11</sup> The petitioner is the Bonney Forge Corporation.

<sup>12</sup> See Bothwell's Letter, "Forged Steel Fittings from Taiwan: Antidumping," dated April 14, 2020 (Bothwell CBP Liquidation Memo Comments); see also Petitioner's Letter, "Forged Steel Fittings from Taiwan: Comments on Customs Entry Data," dated April 14, 2020.

<sup>13</sup> See Bothwell's Letter, "Forged Steel Fittings from Taiwan: Antidumping," dated April 21, 2020; see also Petitioner's Letter, "Forged Steel Fittings from Taiwan: Rebuttal Comments on Customs Entry Data," dated April 21, 2020 (Petitioner CBP Liquidation Memo Rebuttal Comments).

<sup>14</sup> See Memorandum, "Forged Steel Fittings from Taiwan," dated June 8, 2020 (CLU Memo).

<sup>15</sup> See Memorandum, "Comment Period for New Factual Information provided by Commerce," dated June 12, 2020.

<sup>16</sup> See Bothwell's Letter, "Forged Steel Fittings from Taiwan: Antidumping," dated June 25, 2020 (Bothwell CLU Memo Comments).

<sup>17</sup> See Petitioner's Letter, "Forged Steel Fittings from Taiwan: Rebuttal Comments on Customs New Factual

On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days, thereby extending the deadline for these preliminary results until July 21, 2020.<sup>18</sup>

### III. SCOPE OF THE ORDER

The products covered by the scope of this order are carbon and alloy forged steel fittings, whether unfinished (commonly known as blanks or rough forgings) or finished. Such fittings are made in a variety of shapes including, but not limited to, elbows, tees, crosses, laterals, couplings, reducers, caps, plugs, bushings, unions, and outlets. Forged steel fittings are covered regardless of end finish, whether threaded, socket-weld or other end connections.

While these fittings are generally manufactured to specifications ASME B16.11, MSS SP-79, MSS SP-83, MSS SP-97, ASTM A105, ASTM A350, and ASTM A182, the scope is not limited to fittings made to these specifications.

The term forged is an industry term used to describe a class of products included in applicable standards, and does not reference an exclusive manufacturing process. Forged steel fittings are not manufactured from casting. Pursuant to the applicable specifications, subject fittings may also be machined from bar stock or machined from seamless pipe and tube.

All types of fittings are included in the scope regardless of nominal pipe size (which may or may not be expressed in inches of nominal pipe size), pressure rating (usually, but not necessarily expressed in pounds of pressure/PSI, *e.g.*, 2,000 or 2M; 3,000 or 3M; 6,000 or 6M; 9,000 or 9M), wall thickness, and whether or not heat treated.

Excluded from this scope are all fittings entirely made of stainless steel. Also excluded are flanges, butt weld fittings, butt weld outlets, nipples, and all fittings that have a maximum pressure rating of 300 pounds of pressure/PSI or less.

Also excluded are fittings certified or made to the following standards, so long as the fittings are not also manufactured to the specifications of ASME B16.11, MSS SP-79, MSS SP-83, MSS SP-97, ASTM A105, ASTM A350, and ASTM A182:

- American Petroleum Institute (API) API 5CT, API 5L, or API 11B
- Society of Automotive Engineering (SAE) SAE J476, SAE J514, SAE J516, SAE J517, SAE J518, SAE J1026, SAE J1231, SAE J1453, SAE J1926, J2044 or SAE AS 35411
- Underwriter's Laboratories (UL) certified electrical conduit fittings
- ASTM A153, A536, A576, or A865
- Casing Conductor Connectors 16-42 inches in diameter made to proprietary specifications
- Military Specification (MIL) MIL-C-4109F and MIL-F-3541
- International Organization for Standardization (ISO) ISO6150-B

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Information," dated June 30, 2020 (Petitioner Rebuttal Comments on CLU Memo).

<sup>18</sup> See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID-19," dated April 24, 2020.

To be excluded from the scope, products must have the appropriate standard or pressure markings and/or accompanied by documentation showing product compliance to the applicable standard or pressure, *e.g.*, “API 5CT” mark and/or a mill certification report.

Subject carbon and alloy forged steel fittings are normally entered under Harmonized Tariff Schedule of the United States (HTSUS) 7307.99.1000, 7307.99.3000, 7307.99.5045, and 7307.99.5060. They also may be entered under HTSUS 7307.92.3010, 7307.92.3030, 7307.92.9000, and 7326.19.0010. The HTSUS subheadings and specifications are provided for convenience and customs purposes; the written description of the scope is dispositive.

#### **IV. STATUS OF BOTHWELL’S SALES**

It is Commerce’s practice to rescind an administrative review pursuant to 19 CFR 351.213(d)(3) when there are no reviewable entries of subject merchandise during the POR subject to the antidumping duty order and for which liquidation is suspended.<sup>19</sup> At the end of the administrative review, the suspended entries are liquidated at the assessment rate computed for the review period.<sup>20</sup> Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry to be liquidated at the newly calculated assessment rate.

The sole issue addressed in these preliminary results is whether there are reviewable entries of subject merchandise produced by Bothwell during the POR. On November 26, 2019, Bothwell submitted comments in response to Commerce’s placement on the record of this review the CBP data regarding Bothwell’s entries of the subject merchandise from Taiwan during the POR.<sup>21</sup> In its comments, Bothwell stated that it sold subject merchandise to a Taiwanese trading company with the knowledge that the final customer was in the United States.<sup>22</sup> Bothwell also stated that the unaffiliated U.S. importer and customer misidentified the manufacturer of subject merchandise as the Taiwanese reseller rather than Bothwell.<sup>23</sup> As such, the U.S. importer used the 000 “all-others” case number rather than Bothwell’s company-specific 001 case number.<sup>24</sup> Bothwell stated that it had informed the U.S. importer of its mistake and that it would report the misidentified entries in its U.S. sales database.<sup>25</sup>

In its Section A Questionnaire Response, Bothwell confirmed that during the POR, it sold all the subject merchandise directly to an unaffiliated Taiwanese reseller.<sup>26</sup> In its Supplemental Section A Questionnaire Response, Bothwell stated that the nature of its relationship with the unaffiliated

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<sup>19</sup> See *e.g.*, *Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation: Notice of Rescission of Antidumping Duty Administrative Review*, 77 FR 65532 (October 29, 2012) (*Ammonium Nitrate from Russia*).

<sup>20</sup> See 19 CFR 351.212(b)(1).

<sup>21</sup> See Bothwell CBP Data Comments.

<sup>22</sup> *Id.* at 1.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* at 2.

<sup>25</sup> *Id.*

<sup>26</sup> See Section A Questionnaire Response at A-1.

Taiwanese reseller was that of “an ordinary purchase and sell relationship.”<sup>27</sup> Bothwell also stated that it knew at the time of sale to the Taiwanese reseller that its merchandise was destined for a customer in the United States.<sup>28</sup> Bothwell also reported that the U.S. customer and importer had filed amended entries with CBP to correctly identify the manufacturer as Bothwell.<sup>29</sup> Bothwell also provided a chart with the misidentified entry numbers, which the U.S. importer had submitted to CBP.<sup>30</sup> On March 31, 2020, Commerce released the CBP data related to the entry numbers provided by Bothwell, which included the liquidation status and liquidation/closure date of each of the entries identified by Bothwell.<sup>31</sup> On April 14, 2020, Bothwell submitted comments on the CBP data by stating that the U.S. importer had filed protests with CBP regarding the misidentified entry numbers over the incorrect liquidation of these entries during the POR.<sup>32</sup> Bothwell stated that the protests would keep the entries in question open pending Commerce’s administrative review.<sup>33</sup> On April 21, 2020, the petitioner submitted rebuttal comments stating that Commerce should consult CBP on the matter and ask Bothwell to resubmit its U.S. sales database to reflect only unliquidated entries.<sup>34</sup> On June 8, 2020, Commerce released a memo from the CLU with NFI stating the status of the protests with CBP regarding the liquidated entries.<sup>35</sup> On June 25, 2020, Bothwell submitted comments on the NFI by stating that on June 19, 2020, the U.S. importer provided CBP with the information that addressed CBP’s reasons to deny the protests and filed a request to void the denial.<sup>36</sup> Bothwell noted that the deadline to file further protests with CBP is 180 days after liquidation and that CBP regulations state that CBP has up to two years to decide the matter.<sup>37</sup> In addition, Bothwell stated that the U.S. importer can appeal the initial denial of the protests with the U.S. Court of International Trade.<sup>38</sup>

Given the above-mentioned circumstances, Commerce preliminary finds that Bothwell has no reviewable entries of subject merchandise during the POI because CBP liquidated all of them. The initial CBP data released in this review indicated that Bothwell had no entries of subject merchandise.<sup>39</sup> Then, Commerce released the CBP data related to the misidentified entry numbers provided by Bothwell, which indicated the liquidated status and liquidation/closure date of these entries.<sup>40</sup> In determining whether there are reviewable entries of the subject merchandise, it is Commerce’s general practice to rely on CBP information.<sup>41</sup> Commerce

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<sup>27</sup> See Supplemental Section A Questionnaire Response at 3.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.* at 4.

<sup>30</sup> *Id.* at Exhibit SA-8B.

<sup>31</sup> See CBP Liquidation Data Release Memo.

<sup>32</sup> See Bothwell CBP Liquidation Memo Comments

<sup>33</sup> *Id.*

<sup>34</sup> See Petitioner CBP Liquidation Memo Rebuttal Comments at 2-3.

<sup>35</sup> See CLU Memo.

<sup>36</sup> See Bothwell CLU Memo Comments at 2.

<sup>37</sup> *Id.* at 3.

<sup>38</sup> *Id.*

<sup>39</sup> See CBP Data Release Memo.

<sup>40</sup> See CBP Liquidation Data Release Memo.

<sup>41</sup> See e.g., *Certain Circular Welded-Non Alloy Pipe from Mexico: Final Results of Antidumping Duty Administrative Review*, 76 FR 77770 (December 14, 2011), and accompanying Issues and Decision Memorandum (IDM) at Comment 1.

considers CBP data reliable because they are derived from actual entries of subject merchandise, based on information required by and provided to the U.S. government authority responsible for permitting goods to enter into the United States (*i.e.*, CBP).<sup>42</sup> Therefore, we find that, according to the CBP data, Bothwell has no reviewable entries left during the POR.

In addition, section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary results of an administrative review within 245 days after the last day of the anniversary month of the order for which the administrative review is requested, which in this segment is July 21, 2020. Even if Commerce were to extend the preliminary results of the administrative review by 120 days, the maximum extent possible under section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), to await a final decision on the status of the protests by CBP, it would still be dependent on a decision by CBP to actually accept the protests of the liquidated entries, which may or may not occur until an unspecified future date. Therefore, we find it is impracticable for Commerce to continue to extend the deadlines of this segment in order to await possible further actions taken by CBP, which may take longer than the deadline for these preliminary results.<sup>43</sup> As the petitioner stated, CBP properly liquidated the entries in question given the information provided by the U.S. importer.<sup>44</sup> Moreover, Bothwell has made no indication in its comments or questionnaire responses that it has additional U.S. sales for review associated with entries that were not liquidated by CBP. Because Bothwell has been unable to provide any evidence of unliquidated POR entries that could be subject to review, and because there is no indication that the liquidated entries will be “unliquidated” by CBP in time for consideration in this review or at all, it is appropriate to conclude that Bothwell has no suspended, reviewable entries during the POR upon which Commerce could conduct an administrative review.

Accordingly, based on the totality of the circumstances surrounding the reported U.S. sales by Bothwell in this administrative review, the status of the U.S. importer’s protests with CBP, and the continued liquidated status of all of Bothwell’s reported POR entries, we preliminarily determine that there are no reviewable U.S. entries for purposes of calculating a review-specific cash deposit or assessment rate for Bothwell in this administrative review. Therefore, we are preliminarily rescinding this administrative review.

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<sup>42</sup> See *Ammonium Nitrate from Russia*, and accompanying IDM at Comment 1.

<sup>43</sup> See Bothwell CLU Memo Comments at 3.

<sup>44</sup> See Petitioner Rebuttal Comments on CLU Memo at 2.

**V. RECOMMENDATION**

We recommend applying the above methodology for the preliminary results of this review.

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Agree

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\_\_\_\_\_  
Disagree

**X**

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Jeffrey I. Kessler  
Assistant Secretary  
for Enforcement and Compliance