DEPARTMENT OF COMMERCE
Foreign-Trade Zones Board
[B–45–2019]

Foreign-Trade Zone (FTZ) 38—Spartanburg County, South Carolina; Notification of Proposed Production Activity; ZF Chassis Systems Duncan, LLC, (Automotive Suspension Systems), Duncan, South Carolina

ZF Chassis Systems Duncan, LLC (ZF Chassis) submitted a notification of proposed production activity to the FTZ Board for its facility in Duncan, South Carolina. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on July 23, 2019.

ZF Chassis already has authority to produce automotive suspension systems within FTZ 38. The current request would add foreign status materials/components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt ZF Chassis from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for materials/components used in export production, ZF Chassis would be able to choose the duty rates during customs entry procedures that apply to automotive suspension systems (2.5%). ZF Chassis would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials/components sourced from abroad include: Plastic fittings for tubes, pipes, and hoses; plastic mounting clips; paper and paperboard labels; iron or steel self-tapping screws; steel threaded nuts; steel non-threaded clips; copper non-threaded screws and bolts; copper threaded nuts and plugs; vacuum pipes; steel check valves; wheel speed sensors/ABS sensors; insulated wiring sets; plastic cable trays; steel front axle carriers; drive axles with differentials; steering boxes; steering columns; steering gears; steering wheels; angle joint assemblies for front axles; and, level sensors (duty rate ranges from duty-free to 8.6%). The request indicates that certain materials/components are subject to special duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board’s Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is September 9, 2019.

A copy of the notification will be available for public inspection in the “Reading Room” section of the Board’s website, which is accessible via www.trade.gov/ftz.

For further information, contact Juanita Chen at juanita.chen@trade.gov or 202–482–1378.

Dated: July 24, 2019.

Elizabeth Whiteman,
Acting Executive Secretary.

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Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in this review are addressed in the Issues and Decision Memorandum. A list of the issues that parties raised, and to which we responded in the Issues and Decision Memorandum, follows 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 https://access.trade.gov and to all parties in the Central Records Unit, room B8024 of the main 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/. The paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

Affiliation and Single Entity Determination

We preliminarily found that Chint Energy (Haining) Co., Ltd.; Chint Solar (Jiuquan) Co., Ltd.; and Chint Solar (Hong Kong) Company Limited are affiliated with Chint Solar (Zhejiang) Co., Ltd. (CSZ) (collectively, Chint Solar), pursuant to section 771(33)(E) of the Tariff Act of 1930, as amended (the Act), and that all of these companies should be treated as a single entity, pursuant to 19 CFR 351.401(f)(1){2}. We also found that Risen (Wuhai) New Energy Co., Ltd.; Zhejiang Tinsel Electronic Technology Co., Ltd.; Risen (Luoyang) New Energy Co., Ltd.; Jiawei Solarchina Technology Co., Ltd.; Jiawei Solar Energy (Haining) Co., Ltd.; Ningbo ETDZ Holdings, Ltd.; Sunpreme Solar Technology (Jiaxing) Co., Ltd.; Toenergy Technology Hangzhou Co., Ltd.; Wuxi Suntech Power Co., Ltd./Luoyang Suntech Power Co., Ltd.; and Zhejiang ERA Solar Technology Co., Ltd. Other than a comment regarding no shipments submitted by LONGi Solar Technology Co., Ltd., we did not receive any comments from interested parties regarding our preliminary finding of no shipments from the above companies. Based on LONGi’s comment, and in the absence of record evidence demonstrating otherwise, we are now determining that LONGi also had no shipments during the POR.

Separate Rates

In the Preliminary Results, we found that evidence provided by Chint Solar, Risen, and 20 other companies/company groups supported finding an absence of both de jure and de facto government control, and, therefore, we preliminarily granted a separate rate to each of these companies/company groups. We received no comments since the issuance of the Preliminary Results regarding our determination that these 22 companies/company groups are eligible for a separate rate. As explained above, in addition to these 22 companies, we have also granted a separate rate to Lightway. Therefore, for the final results, we find that 23 entities are eligible for separate rates. Commerce assigned a dumping margin to the separate rate companies that it did not individually examine, but which demonstrated their eligibility for a separate rate, based on the mandatory respondents’ dumping margins.\(^9\)

Final Results of Review

We determine that the following weighted-average dumping margins exist for the period December 1, 2016 through November 30, 2017:

\(^{10}\) See Memorandum “Calculation of the Final Dumping Margin for Separate Rate Recipients,” dated concurrently with this notice.

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\(^8\) See Lightway’s March 26, 2018 Separate Rate Certification.

\(^7\) See Final Determination of Sales at Less Than Fair Value: Sparklers from the People’s Republic of China, 56 FR 20588 (May 6, 1991) (Sparklers).


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Commerce’s policy regarding conditional review of the China-wide entity applies to this administrative review.11 Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity, and we did not self-initiate a review of the entity, the entity is not under review, and the entity’s dumping margin (i.e., 238.95 percent) is not subject to change as a result of this review.12

Assessment

We will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. We intend to issue assessment instructions to CBP 15 days after the publication date of these final results of review. In accordance with 19 CFR 351.212(b)(1), we are calculating importer- or customer-specific assessment rates for the merchandise subject to this review. For any individually examined respondent whose weighted-average dumping margin is above de minimis (i.e., 0.50 percent), we will calculate importer- or customer-specific assessment rates for merchandise subject to this review. Where the respondent reported reliable entered values, we calculated importer- or customer-specific ad valorem rates by aggregating the dumping margins calculated for all U.S. sales to the importer or customer and dividing this amount by the total entered value of the sales to the importer or customer.13 Where we calculated an importer- or customer-specific weighted-average dumping margin by dividing the total amount of dumping for reviewed sales to the importer or customer by the total sales quantity associated with those transactions, we will direct CBP to assess importer- or customer-specific assessment rates based on the resulting per-unit rates.14 Where an importer- or customer-specific ad valorem or per-unit rate is greater than de minimis, we will instruct CBP to liquidate the appropriate duties at the time of liquidation. Where either the respondent’s weighted average dumping margin is zero or de minimis, or an importer or customer-specific ad valorem or per-unit rate is zero or de minimis, we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.15

For merchandise whose sale/entry was not reported in the U.S. sales database submitted by an exporter individually examined during this review, but that entered under the case number of that exporter (i.e., at the individually-examined exporter’s cash deposit rate), we will instruct CBP to liquidate such entries at the China-wide rate. Additionally, if we determine that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter’s case number will be liquidated at the China-wide rate.16


13 See 19 CFR 351.212(b)(1).
14 Id.
15 See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification, 77 FR 8101, 8103 (February 14, 2012).
Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the Federal Register, as provided by section 751(a)(2)(C) of the Act: (1) For the exporters listed in the table in the “Final Results of Review” section above, the cash deposit rate will be the rate listed for each exporter in the table, except if the rate is zero or de minimis (i.e., less than 0.5 percent), then the cash deposit rate will be zero; (2) for previously investigated Chinese and non-Chinese exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a specific rate; (4) for all non-China-wide entity (i.e., except if the rate is zero or de minimis) exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied the non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

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

Notification to Importers

This notice also serves as a 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 Commerce’s presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return 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 violation which is subject to sanction.

Notification to Interested Parties

This determination is issued and published in accordance with sections 751(a)(1) and 777(f)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: July 24, 2019.

Jeffrey I. Kessler
Assistant Secretary for Enforcement and Compliance.

Appendix

Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Issues

Comment 1. Unreported Factors of Production for Purchased Solar Cells and Modules
Comment 2. Export Buyer’s Credit Program
Comment 3. Weights of Chint Solar Inputs
Comment 4. Ministerial Error—Chint Solar
Comment 5. Treatment of Warranties Provided by Chint Solar
Comment 6. Treatment of Reported Data by Risen’s Cooperative Unaffiliated Suppliers
Comment 7. Treatment of LERRI/LONGi
Comment 8. Treatment of Reported Data by Rise
Comment 9. Surrogate Value for Aluminum—Backsheet
Comment 10. Surrogate Value for Silver Paste
Comment 11. Surrogate Value for Welding Wire
Comment 12. Surrogate Value for Nitrogen
Comment 13. Surrogate Value for Oxygen
Comment 14. Selection of Surrogate Financial Statements
Comment 15. Selection of Surrogate Labor Data Source
Comment 16. Surrogate Value for Ocean Freight

V. Recommendation

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DEPARTMENT OF COMMERCER

National Institute of Standards and Technology

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Institute of Standards and Technology (NIST).

Title: NIST Associates Information System (NAIS).

OMB Control Number: 0693–0067.

Form Number(s): None.

Type of Request: Revision and extension of a current information collection.

Number of Respondents: 4,000.

Average Hours per Response: 30 minutes.

Burden Hours: 2,000.

Needs and Uses: NIST Associates (NA) will include guest researchers, research associates, contractors, and other non-NIST employees that require access to the NIST campuses or resources. The NIST Associates Information System (NAIS) information collection instrument(s) are completed by incoming NAs. They are asked to provide personal identifying data including home address, date and place of birth, employer name and address, and basic security information. The data provided by the collection instruments is input into NAIS which automatically populates the appropriate forms and is routed through the approval process. NIST’s Office of Security receives security forms through the NAIS process and allows preliminary access to NIST for NAs. The data collected is the basis for further security investigations as necessary.

Affected Public: Individuals or households.

Frequency: Once.

Respondent’s Obligation: Required to obtain or retain benefits.

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this