Notification Regarding Administrative Protective Orders

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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 the terms of an APO is a violation subject to sanction.

Notification to Importers

This notice also serves as an initial reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation. Failure to comply with this requirement could result in Commerce’s presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification to Interested Parties

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: October 18, 2019.

Carole Showers, Executive Director, Office of Policy, Policy & Negotiations, Enforcement and Compliance.

Appendix I

Scope of the Investigation

The scope of the investigation covers aluminum wire and cable, which is defined as an assembly of one or more electrical conductors made from 8000 Series Aluminum Alloys (defined in accordance with ASTM B800), Aluminum Alloy 1350 (defined in accordance with ASTM B230/B230M or B609/B609M), and/or Aluminum Alloy 6201 (defined in accordance with ASTM B390/B398M), provided that: (1) At least one of the electrical conductors is insulated; (2) each insulated electrical conductor has a voltage rating greater than 80 volts and not exceeding 1,000 volts; and (3) at least one electrical conductor is stranded and has a size not less than 16.5 thousand circular mil (kcmil) and not greater than 1,000 kcmil. The assembly may: (1) Include a grounding or neutral conductor; (2) be clad with aluminum, steel, or other base metal; or (3) include a steel support center wire, one or more conductors, a tape shield, a jacket or other covering, and/or filler materials.

Most aluminum wire and cable products conform to National Electrical Code (NEC) types THHN, THWN, THWN–2, XHHW–2, USE, USE–2, RHH, RHW, or RW–2, and also conform to Underwriters Laboratories (UL) standards UL–44, UL–83, UL–758, UL–854, UL–1063, UL–1277, UL–1569, UL–1581, or UL–4703, but such conformity is not required for the merchandise to be included within the scope.

The scope of the investigation specifically excludes aluminum wire and cable products in lengths less than six feet, whether or not included in equipment already assembled at the time of importation.

The merchandise covered by the investigation is currently classifiable under subheading 8544.40.9000 of the Harmonized Tariff Schedule of the United States (HTSUS). Products subject to the scope of the investigation are also classifiable under: (1) Underwriters Laboratories (UL) standards UL–44, UL–83, UL–758, UL–854, UL–1063, UL–1277, UL–1569, UL–1581, or UL–4703, but such conformity is not required for the merchandise to be included within the scope.

The scope of the investigation specifically excludes aluminum wire and cable products in lengths less than six feet, whether or not included in equipment already assembled at the time of importation.

The merchandise covered by the investigation is currently classifiable under subheading 8544.40.9000 of the Harmonized Tariff Schedule of the United States (HTSUS). Products subject to the scope of the investigation are also classifiable under: (1) Underwriters Laboratories (UL) standards UL–44, UL–83, UL–758, UL–854, UL–1063, UL–1277, UL–1569, UL–1581, or UL–4703, but such conformity is not required for the merchandise to be included within the scope.

The scope of the investigation specifically excludes aluminum wire and cable products in lengths less than six feet, whether or not included in equipment already assembled at the time of importation.

The merchandise covered by the investigation is currently classifiable under subheading 8544.40.9000 of the Harmonized Tariff Schedule of the United States (HTSUS). Products subject to the scope of the investigation are also classifiable under: (1) Underwriters Laboratories (UL) standards UL–44, UL–83, UL–758, UL–854, UL–1063, UL–1277, UL–1569, UL–1581, or UL–4703, but such conformity is not required for the merchandise to be included within the scope.

Depository:

3. See CISC Sugar II at 4.
4. Id.
5. Id. (citing CISC Sugar LLC v. United States, 317 F. Supp. 3d 1322, 1326 (CIT 2018)).
failure, during the consultations period, to maintain contemporaneous ex parte communication memoranda, in accordance with section 777(a)(3) of the Act, could not be adequately remedied by Commerce’s delayed and incomplete supplementation of the record.6

The CIT found that Commerce’s failure to follow the recordkeeping requirements of Section 777 of the Act cannot be described as “harmless.”7 On that basis, the CIT stated that the CVD Amendment must be vacated.8

The CVD Amendment remains in force until Commerce takes action to implement the CIT’s ruling. The CIT’s rules establish an automatic 30-day stay of proceedings to enforce a judgment.9 Accordingly, Commerce intends to implement the CIT’s ruling by November 18, 2019.10

Dated: October 25, 2019.
Jeffrey I. Kessler,
Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019–23770 Filed 10–29–19; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE
International Trade Administration
[C–570–096]

Aluminum Wire and Cable From the People’s Republic of China: Final Affirmative Countervailing Duty Determination

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

SUMMARY: The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of aluminum wire and cable from the People’s Republic of China (China).


SUPPLEMENTARY INFORMATION:

Background

The petitioners in this investigation are Encore Wire Corporation (Encore) and Southwire Company, LLC (Southwire) (the petitioners). In addition to the Government of China (GOIC), the mandatory respondents in this investigation are Shanghai Silin Special Equipment Co., Ltd. (Silin), Changfeng Wire & Cable Co., Ltd. (Changfeng), and Shanghai Yang Pu Qu Gong (Qu Gong). Qu Gong did not respond to our requests for information.

On April 8, 2019, Commerce published in the Federal Register the Preliminary Determination of this investigation.1 On September 11, 2019, Commerce issued its Post-Preliminary Analysis.2 A summary of events that occurred since Commerce published the Preliminary Determination, as well as a full discussion of comments from interested parties for this final determination, is provided in the Issues and Decision Memorandum.3 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 is available 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 at http://enforcement.trade.gov. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Scope of the Investigation

The products covered by this investigation are aluminum wire and cable. For a complete description of the scope of this investigation, see Appendix I.

Period of Investigation

The period of investigation is January 1, 2017 through December 31, 2017.

Use of Adverse Facts Available

In making this final determination, Commerce is relying on facts otherwise available, including adverse facts available (AFA), pursuant to section 776(a) of the Tariff Act of 1930, as amended (the Act). For a full discussion of our application of AFA, see the Preliminary Determination and the Issues and Decision Memorandum.4

Analysis of Comments Received

In the Issues and Decision Memorandum, we address all issues raised in parties’ case and rebuttal briefs. A list of the issues that parties raised, and to which we responded, is attached to this notice as Appendix II.

Changes Since the Preliminary Determination

Based on our review and analysis of the comments received from parties, minor corrections presented at verification, and our verification findings, we made changes to Changfeng’s subsidy rate calculation, and we have now assigned Silin a rate based entirely on AFA. For a discussion of these changes, see the Issues and Decision Memorandum.

Final Determination

In accordance with section 705(c)(1)(B)(i)(I) of the Tariff Act of 1930, as amended (the Act), we calculated an individual estimated subsidy rate for Changfeng and assigned to QU Gong and Silin rates based entirely on AFA pursuant to section 776 of the Act.

Section 705(c)(5)(A) of the Act provides that in the final determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and de minimis rates and any rates based entirely under section 776 of the Act. Changfeng is the only respondent for which we calculated an estimated weighted-average subsidy rate that is not zero, de minimis, or based entirely on facts otherwise available. Therefore,

6 See CSC Sugar II at 4.
7 Id. at 11–12.
8 Id. at 12.
9 Id.
10 See CIT Rule 62(a) (“Except as stated in this rule or as otherwise ordered by the court, no execution may issue on a judgment, nor may proceedings be taken to enforce it, until 30 days have passed after its entry.”).
11 See CIT Rule 6(a)(1). In this case, the 30th day after October 18 is Sunday, November 17.

See Aluminum Wire and Cable from the People’s Republic of China: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Final Antidumping Duty Determination, 84 FR 13886 (April 8, 2019) (Preliminary Determination), and accompanying Preliminary Decision Memorandum (PDM).
4 See Preliminary Determination PDM at “Use of Facts Otherwise Available and Adverse Inferences;” see also Issues and Decision Memorandum at “Use of Facts Otherwise Available and Adverse Inferences.”