

outstop, the drawer is extended until the drawer back is 3 1/2 inches from the closed position of inside face of the drawer front. The “weight density” is calculated by dividing the cabinet’s actual weight by its volume in cubic feet (the multiple of the product’s actual width, depth, and height). A “central locking system” locks all drawers in a unit.

Also excluded from the scope are fire proof or fire-resistant file cabinets that meet Underwriters Laboratories (UL) fire protection standard 72, class 350, which covers the test procedures applicable to fire-resistant equipment intended to protect paper records.

The merchandise subject to the investigation is classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 9403.10.0020. The subject merchandise may also enter under HTSUS subheadings 9403.10.0040, 9403.20.0080, and 9403.20.0090. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the investigation is dispositive.

[FR Doc. 2019–10936 Filed 5–23–19; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–110]

#### Vertical Metal File Cabinets From the People’s Republic of China: Initiation of Less-Than-Fair-Value Investigation

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

**DATES:** Applicable May 20, 2019.

**FOR FURTHER INFORMATION CONTACT:** Kathryn Wallace at (202) 482–6251, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### The Petition

On April 30, 2019, the U.S. Department of Commerce (Commerce) received an antidumping duty (AD) petition (Petition) concerning imports of vertical metal file cabinets (file cabinets) from the People’s Republic of China (China), filed in proper form on behalf of Hirsh Industries LLC (the petitioner).<sup>1</sup> The AD Petition was accompanied by a countervailing duty (CVD) Petition

<sup>1</sup> See Petitioner’s Letter, “Vertical Metal File Cabinets from the People’s Republic of China—Petition for the Imposition of Antidumping and Countervailing Duties,” dated April 30, 2019 (the Petition).

concerning imports of file cabinets from China.

Between May 2 and 15, 2019, Commerce requested supplemental information pertaining to certain aspects of the Petition.<sup>2</sup> The petitioner filed responses to these requests between May 6 and 16, 2019.<sup>3</sup>

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of file cabinets from China are being, or are likely to be, sold in the United States at less-than-fair value (LTFV) within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing file cabinets and in the United States. Consistent with section 732(b)(1) of the Act, the Petition is accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed this Petition on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the requested AD investigation.<sup>4</sup>

##### Period of Investigation

Because the Petition was filed on April 30, 2019, the period of investigation (POI) is October 1, 2018, through March 31, 2019.

<sup>2</sup> See Commerce’s Letters, “Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Vertical Metal File Cabinets from the People’s Republic of China: Supplemental Questions,” dated May 2, 2019 (General Issues Supplemental Questionnaire); and, “Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Vertical Metal File Cabinets from the People’s Republic of China: Supplemental Questions,” dated May 2, 2019 (AD Supplemental Questionnaire); see also Memoranda, “Phone Call with Counsel to the Petitioner,” dated May 8, 2019 (May 8, 2019 Memorandum); and, “Phone Calls with Counsel to the Petitioner,” dated May 15, 2019 (May 15, 2019 Memorandum).

<sup>3</sup> See Petitioner’s Letters, “Vertical Metal File Cabinets from the People’s Republic of China—Petitioner’s Supplement to Volume I Relating to General Issues,” dated May 6, 2019 (General Issues Supplement); “Vertical Metal Cabinets from the People’s Republic of China—Petitioner’s Supplement to Volume II Relating to China Antidumping Duties,” dated May 6, 2019 (AD Supplement); “Vertical Metal File Cabinets from the People’s Republic of China—Petitioner’s 2nd Supplement to Volume I Relating to General Issues,” dated May 9, 2019 (Second General Issues Supplement); and, “Vertical Metal File Cabinets from the People’s Republic of China—Petitioner’s 3rd Supplement to Volume I Relating to General Issues,” dated May 16, 2019 (Third General Issues Supplement).

<sup>4</sup> See “Determination of Industry Support for the Petition” section, *infra*.

##### Scope of the Investigation

The merchandise covered by this investigation is file cabinets from China. For a full description of the scope of this investigation, see the Appendix to this notice.

##### Comments on Scope of the Investigation

During our review of the Petition, we contacted the petitioner regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.<sup>5</sup> As a result, the scope of the Petition was modified to clarify the description of the merchandise covered by the Petition. The description of the merchandise covered by this investigation, as described in the Appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce’s regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope).<sup>6</sup> Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information,<sup>7</sup> all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit scope comments by 5:00 p.m. Eastern Time (ET) on June 10, 2019, which is 20 calendar days from the signature date of this notice.<sup>8</sup> Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on June 20, 2019, which is 10 calendar days from the initial comment deadline.<sup>9</sup>

Commerce requests that any factual information the parties consider relevant to the scope of the investigation be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact Commerce and request permission to submit the additional information. All such comments must

<sup>5</sup> See General Issues Supplement; see also May 8, 2019 Memorandum; Second General Issues Supplement; May 15, 2019 Memorandum; Third General Issues Supplement.

<sup>6</sup> See *Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

<sup>7</sup> See 19 CFR 351.102(b)(21) (defining “factual information”).

<sup>8</sup> Because the deadline falls on a Sunday (*i.e.*, June 9, 2019), the deadline becomes the next business day (*i.e.*, June 10, 2019).

<sup>9</sup> See 19 CFR 351.303(b).

also be filed on the record of the concurrent CVD investigation.

### Filing Requirements

All submissions to Commerce must be filed electronically using Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).<sup>10</sup> An electronically filed document must be received successfully in its entirety by the time and date it is due. Documents exempted from the electronic submission requirements must be filed manually (*i.e.*, in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

### Comments on Product Characteristics for AD Questionnaires

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of file cabinets to be reported in response to Commerce's AD questionnaire. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors of production (FOPs) accurately, as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. In order to consider the suggestions of interested parties in developing and issuing the AD questionnaire, all comments must be filed by 5:00 p.m. ET on June 10, 2019, which is 20 calendar days from the signature date of this notice.<sup>11</sup> Any rebuttal comments must be filed by 5:00 p.m. ET on June 20, 2019. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of this AD investigation.

<sup>10</sup> See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); see also *Enforcement and Compliance: Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on help using ACCESS can be found at <https://access.trade.gov/help.aspx> and a handbook can be found at <https://access.trade.gov/help/Handbook%20on%20Electronic%20Filing%20Procedures.pdf>.

<sup>11</sup> See 19 CFR 351.303(b). Because the deadline falls on a Sunday (*i.e.*, June 9, 2019), the deadline becomes the next business day (*i.e.*, June 10, 2019).

### Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the "industry."

Section 771(4)(A) of the Act defines the "industry" as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether "the domestic industry" has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,<sup>12</sup> they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.<sup>13</sup>

Section 771(10) of the Act defines the domestic like product as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Thus, the reference point from which the domestic like product analysis begins is "the article subject to an investigation" (*i.e.*, the class or kind of merchandise to

<sup>12</sup> See section 771(10) of the Act.

<sup>13</sup> See *USEC, Inc. v. United States*, 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the Petition.<sup>14</sup> Based on our analysis of the information submitted on the record, we have determined that file cabinets, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.<sup>15</sup>

In determining whether the petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the "Scope of the Investigation," in the Appendix to this notice. To establish industry support, the petitioner provided its own 2018 production of the domestic like product, as well as the 2018 production of companies that support the Petition.<sup>16</sup> The petitioner compared the total production of the supporters of the Petition to the estimated total production of the domestic like product for the entire domestic industry.<sup>17</sup> We relied on data provided by the petitioner for purposes of measuring industry support.<sup>18</sup>

Our review of the data provided in the Petition, the General Issues Supplement, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petition.<sup>19</sup> First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.*,

<sup>14</sup> See Volume I of the Petition at 11–13; see also General Issues Supplement at 11–13 and Exhibits GEN-Supp-1 through GEN-Supp-4.

<sup>15</sup> For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, see Antidumping Duty Initiation Checklist: Vertical Metal File Cabinets from the People's Republic of China (AD Initiation Checklist) at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Vertical Metal File Cabinets from the People's Republic of China (Attachment II). This checklist is dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

<sup>16</sup> See Volume I of the Petition at 2–3 and Exhibit GEN-3.

<sup>17</sup> See *id.*; see also General Issues Supplement, 14–15 and Exhibit GEN-Supp-5.

<sup>18</sup> See Volume I of the Petition at 2–3 and Exhibit GEN-3; see also General Issues Supplement at 14–15 and Exhibit GEN-Supp-5. For further discussion, see AD Initiation Checklist at Attachment II.

<sup>19</sup> See AD Initiation Checklist at Attachment II.

polling).<sup>20</sup> Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.<sup>21</sup> Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.<sup>22</sup> Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

### **Allegations and Evidence of Material Injury and Causation**

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.<sup>23</sup>

The petitioner contends that the industry's injured condition is illustrated by a significant and increasing volume of subject imports; reduced market share; underselling and price depression or suppression; lost sales and revenues; and a decline in the domestic industry's production, capacity utilization, domestic shipments, employment variables, and financial performance.<sup>24</sup> We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.<sup>25</sup>

<sup>20</sup> See section 732(c)(4)(D) of the Act; see also AD Initiation Checklist at Attachment II.

<sup>21</sup> See AD Initiation Checklist at Attachment II.

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

<sup>23</sup> See Volume I of the Petition at 13–14 and Exhibits GEN–7 and GEN–10.

<sup>24</sup> See *id.* at 10, 13–23 and Exhibits GEN–1, GEN–7, and GEN–10 through GEN–14; see also General Issues Supplement at 15–16 and Exhibit GEN–Supp–5.

<sup>25</sup> See AD Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Vertical

### **Allegations of Sales at Less Than Fair Value**

The following is a description of the allegation of sales at LTFV upon which Commerce based its decision to initiate an AD investigation of imports of file cabinets from China. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the AD Initiation Checklist.

#### **Export Price**

The petitioner based export price (EP) on the retail price of a vertical metal file cabinet produced in China and sold at a major office supply retailer in the U.S. market during the POI.<sup>26</sup> The petitioner made deductions from U.S. price for movement and other expenses, consistent with the terms of sale.<sup>27</sup>

#### **Normal Value**

Commerce considers China to be a non-market economy (NME) country.<sup>28</sup> In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by Commerce. Therefore, we continue to treat China as an NME country for purposes of the initiation of this investigation. Accordingly, NV in China is appropriately based on FOPs valued in a surrogate market economy country, in accordance with section 773(c) of the Act.<sup>29</sup>

The petitioner claims that Mexico is an appropriate surrogate country for China, because it is a market economy that is at a level of economic development comparable to that of China and it is a significant producer of comparable merchandise.<sup>30</sup> The petitioner provided publicly available information from Mexico to value all FOPs. Based on the information provided by the petitioner, we determine that it is appropriate to use

Metal File Cabinets from the People's Republic of China (Attachment III).

<sup>26</sup> See Volume II of the Petition at Exhibit AD–1 attachments 1–2.

<sup>27</sup> See *id.* at 3, Exhibit AD–1 attachment 1; see also AD Supplement at 2–3.

<sup>28</sup> See *Antidumping Duty Investigation of Certain Aluminum Foil from the People's Republic of China: Affirmative Preliminary Determination of Sales at Less-Than-Fair Value and Postponement of Final Determination*, 82 FR 50858, 50861 (November 2, 2017), and accompanying decision memorandum, *China's Status as a Non-Market Economy*, unchanged in *Certain Aluminum Foil from the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 83 FR 9282 (March 5, 2018).

<sup>29</sup> See AD Initiation Checklist.

<sup>30</sup> See Volume II of the Petition at 5 and Exhibits AD–3–1 and AD–3–2.

Mexico as a surrogate country for initiation purposes.

Interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.

#### **Factors of Production**

Because information regarding the volume of inputs consumed by the Chinese producer/exporter was not reasonably available, the petitioner used the product-specific consumption rates of a U.S. file cabinet producer as a surrogate to estimate the Chinese manufacturer's FOPs.<sup>31</sup> The petitioner valued the estimated FOPs using surrogate values from Mexico, as noted above.<sup>32</sup> The petitioner calculated factory overhead, selling, general and administrative expenses, and profit based on the experience of a Mexican producer of comparable merchandise.<sup>33</sup>

#### **Fair Value Comparisons**

Based on the data provided in the Petition, there is reason to believe that imports of file cabinets from China are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP to NV, in accordance with sections 772 and 773 of the Act, the estimated dumping margins for file cabinets from China range from 121.75 to 198.50 percent.<sup>34</sup>

#### **Initiation of LTFV Investigation**

Based upon the examination of the Petition on file cabinets from China, we find that the Petition meets the requirements of section 732 of the Act. Therefore, we are initiating an AD investigation to determine whether imports of file cabinets from China are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 140 days after the date of this initiation.

#### **Respondent Selection**

The petitioner named 62 companies in China as producers/exporters of file

<sup>31</sup> *Id.* at 5 and Exhibits AD–2, AD–3 and AD–4.

<sup>32</sup> See *id.* at Exhibit AD–3; see also AD Supplement at Exhibit AD–S3.

<sup>33</sup> See Volume II of the Petition at 15–17 and Exhibit AD–2 attachment 10; see also AD Supplement at 5–8.

<sup>34</sup> See AD Supplement at Exhibit AD–S5.

cabinets.<sup>35</sup> After considering our resources, Commerce has determined that we do not have sufficient administrative resources to issue quantity and value (Q&V) questionnaires to all 62 identified producers and exporters. Therefore, Commerce has determined to limit the number of Q&V questionnaires we will send out to exporters and producers identified in U.S. Customs and Border Protection (CBP) data for U.S. imports of file cabinets during the POI under the appropriate Harmonized Tariff Schedule of the United States numbers listed in the “Scope of the Investigation,” in the Appendix. Accordingly, Commerce will send Q&V questionnaires to the largest producers and exporters that are identified in the CBP data for which there is address information on the record.

On May 15, 2019, Commerce released CBP data on imports of file cabinets from China under (administrative protective order) APO to all parties with access to information protected by APO and indicated that interested parties wishing to comment on the CBP data must do so within three business days of the publication date of the notice of initiation of this investigation.<sup>36</sup> We further stated that we will not accept rebuttal comments.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Commerce website at <http://enforcement.trade.gov/apo>.

Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the date noted above. We intend to finalize our decisions regarding respondent selection within 20 days of publication of this notice.

In addition, Commerce will post the Q&V questionnaire along with filing instructions on the Enforcement and Compliance website at <http://www.trade.gov/enforcement/news.asp>. In accordance with our standard practice for respondent selection in AD cases involving NME countries, we intend to base respondent selection on the responses to the Q&V questionnaire that we receive.

Producers/exporters of file cabinets from China that do not receive Q&V questionnaires by mail may still submit

a response to the Q&V questionnaire and can obtain a copy from the Enforcement & Compliance website. The Q&V response must be submitted by the relevant China exporters/producers no later than June 10, 2019.<sup>37</sup> All Q&V responses must be filed electronically via ACCESS.

#### Separate Rates

In order to obtain separate-rate status in an NME investigation, exporters and producers must submit a separate-rate application.<sup>38</sup> The specific requirements for submitting a separate-rate application in the China investigation are outlined in detail in the application itself, which is available on Commerce’s website at <http://enforcement.trade.gov/nme/nme-sep-rate.html>. The separate-rate application will be due 30 days after publication of this initiation notice.<sup>39</sup> Exporters and producers who submit a separate-rate application and have been selected as mandatory respondents will be eligible for consideration for separate-rate status only if they respond to all parts of Commerce’s AD questionnaire as mandatory respondents. Commerce requires that companies from China submit a response to both the Q&V questionnaire and the separate-rate application by the respective deadlines in order to receive consideration for separate-rate status. Companies not filing a timely Q&V response will not receive separate rate consideration.

#### Use of Combination Rates

Commerce will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

{w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME Investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well

<sup>37</sup> Because the deadline falls on a Sunday (*i.e.*, June 9, 2019), the deadline becomes the next business day (*i.e.*, June 10, 2019).

<sup>38</sup> See Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation Involving Non-Market Economy Countries (April 5, 2005), available at <http://enforcement.trade.gov/policy/bull05-1.pdf> (Policy Bulletin 05.1).

<sup>39</sup> Although in past investigations this deadline was 60 days, consistent with 19 CFR 351.301(a), which states that “the Secretary may request any person to submit factual information at any time during a proceeding,” this deadline is now 30 days.

as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of “combination rates” because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.<sup>40</sup>

#### Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the government of China via ACCESS.

Furthermore, to the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

#### ITC Notification

We will notify the ITC of our initiation, as required by section 732(d) of the Act.

#### Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of file cabinets from China are materially injuring or threatening material injury to a U.S. industry.<sup>41</sup> A negative ITC determination will result in the investigation being terminated.<sup>42</sup> Otherwise, this investigation will proceed according to statutory and regulatory time limits.

#### Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Any party, when submitting factual information, must specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted<sup>43</sup> and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual

<sup>35</sup> See Volume I of the Petition at Exhibit GEN–8.

<sup>36</sup> See Memorandum, “Less-Than-Fair-Value Investigation of File Cabinets from China: Release of U.S. Customs and Border Protection Data,” dated May 15, 2019.

<sup>40</sup> See Policy Bulletin 05.1 at 6 (emphasis added).

<sup>41</sup> See section 733(a) of the Act.

<sup>42</sup> *Id.*

<sup>43</sup> See 19 CFR 351.301(b).

information seeks to rebut, clarify, or correct.<sup>44</sup> Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Please review the regulations prior to submitting factual information in this investigation.

### Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013), available at <http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>, prior to submitting factual information in this investigation.

### Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.<sup>45</sup> Parties must use the certification formats provided in 19 CFR 351.303(g).<sup>46</sup> Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

### Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, Commerce published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures*, 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (e.g., the filing of letters of appearance as discussed in 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: May 20, 2019.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix

#### Scope of the Investigation

The scope of this investigation covers freestanding vertical metal file cabinets containing two or more extendable file storage elements and having an actual width of 25 inches or less. The subject vertical metal file cabinets have bodies made of carbon and/or alloy steel and or other metals, regardless of whether painted, powder coated, or galvanized or otherwise coated for corrosion protection or aesthetic appearance. The subject vertical metal file cabinets must have two or more extendable elements for file storage (e.g., file drawers) of a height that permits hanging files of either letter (8.5" x 11") or legal (8.5" x 14") sized documents.

An "extendable element" is defined as a movable load-bearing storage component including, but not limited to, drawers and filing frames. Extendable elements typically have suspension systems, consisting of glide blocks or ball bearing glides, to facilitate opening and closing.

The subject vertical metal file cabinets typically come in models with two, three, four, or five-file drawers. The inclusion of one or more additional non-file-sized extendable storage elements, not sized for storage files (e.g., box or pencil drawers), does not remove an otherwise in-scope product from the scope as long as the combined height of the non-file-sized extendable storage elements does not exceed six inches. The inclusion of an integrated storage area that is not extendable (e.g., a cubby) and has an actual height of six inches or less, also does not remove a subject vertical metal file cabinet from the scope. Accessories packaged with a subject vertical file cabinet, such as separate printer stands or shelf kits that sit on top of the in-scope vertical file cabinet are not considered integrated storage.

"Freestanding" means the unit has a solid top and does not have an open top or a top with holes punched in it that would permit the unit to be attached to, hung from, or otherwise used to support a desktop or other work surface. The ability to anchor a vertical

file cabinet to a wall for stability or to prevent it from tipping over does not exclude the unit from the scope.

The addition of mobility elements such as casters, wheels, or a dolly does not remove the product from the scope. Packaging a subject vertical metal file cabinet with other accessories, including, but not limited to, locks, leveling glides, caster kits, drawer accessories (e.g., including but not limited to follower wires, follower blocks, file compressors, hanger rails, pencil trays, and hanging file folders), printer stand, shelf kit and magnetic hooks, also does not remove the product from the scope. Vertical metal file cabinets are also in scope whether they are imported assembled or unassembled with all essential parts and components included.

Excluded from the scope are lateral metal file cabinets. Lateral metal file cabinets have a width that is greater than the body depth, and have a body with an actual width that is more than 25 inches wide.

Also excluded from the scope are pedestal file cabinets. Pedestal file cabinets are metal file cabinets with body depths that are greater than or equal to their width, are under 31 inches in actual height, and have the following characteristics: (1) An open top or other the means for the cabinet to be attached to or hung from a desktop or other work surface such as holes punched in the top (i.e., not freestanding); or (2) freestanding file cabinets that have all of the following: (a) At least a 90 percent drawer extension for all extendable file storage elements; (b) a central locking system; (c) a minimum weight density of 9.5 lbs./cubic foot; and (d) casters or leveling glides.

"Percentage drawer extension" is defined as the drawer travel distance divided by the inside depth dimension of the drawer. Inside depth of drawer is measured from the inside of the drawer face to the inside face of the drawer back. Drawer extension is the distance the drawer travels from the closed position to the maximum travel position which is limited by the out stops. In situations where drawers do not include an outstop, the drawer is extended until the drawer back is 3-1/2 inches from the closed position of inside face of the drawer front. The "weight density" is calculated by dividing the cabinet's actual weight by its volume in cubic feet (the multiple of the product's actual width, depth, and height). A "central locking system" locks all drawers in a unit.

Also excluded from the scope are fire proof or fire-resistant file cabinets that meet Underwriters Laboratories (UL) fire protection standard 72, class 350, which covers the test procedures applicable to fire-resistant equipment intended to protect paper records.

The merchandise subject to the investigation is classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 9403.10.0020. The subject merchandise may also enter under HTSUS subheadings 9403.10.0040, 9403.20.0080, and 9403.20.0090. While HTSUS subheadings are provided for convenience and customs purposes, the written

<sup>44</sup> See 19 CFR 351.301(b)(2).

<sup>45</sup> See section 782(b) of the Act.

<sup>46</sup> See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*). Answers to frequently asked questions regarding the *Final Rule* are available at [http://enforcement.trade.gov/tlei/notices/factual\\_info\\_final\\_rule\\_FAQ\\_07172013.pdf](http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf).

description of the scope of the investigation is dispositive.

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-570-082, C-570-083]

**Certain Steel Wheels From the People's Republic of China: Antidumping 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 the antidumping duty (AD) and countervailing duty (CVD) orders on certain steel wheels (steel wheels) from the People's Republic of China (China).

**DATES:** Applicable May 24, 2019.

**FOR FURTHER INFORMATION CONTACT:** Lingjun Wang at (202) 482-2316 (AD), Chien-Min Yang at 202-482-5484 (CVD), and Myrna Lobo at 202-482-2371 (CVD), AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, 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 March 28, 2019, Commerce published its affirmative final determination of sales at less-than-fair-value (LTFV)<sup>1</sup> and its affirmative final determination that countervailable subsidies are being provided to producers and exporters of steel wheels from China.<sup>2</sup>

On May 13, 2019, the ITC notified Commerce of its final affirmative determination that an industry in the United States is materially injured by reason of LTFV imports and subsidized imports of steel wheels from China, within the meaning of section 705(b)(1)(A)(i) and 735(b)(1)(A)(i) of the Act.<sup>3</sup> On May 17, 2019, ITC published its final determination in the **Federal Register**.<sup>4</sup> Further, the ITC determined that critical circumstances do not exist with respect to LTFV imports and subsidized imports of steel wheels from China.<sup>5</sup>

**Scope of the Orders**

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

**AD Order**

On May 13, 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 steel wheels from China that are sold in the United States at LTFV.<sup>6</sup> Therefore, in accordance with section 735(c)(2) of the Act, we are issuing this AD order. Because the ITC determined that imports of steel wheels 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, as described below.

As a result of the ITC's final determination, 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 subject merchandise,

for all relevant entries of steel wheels from China. Antidumping duties will be assessed on unliquidated entries of steel wheels from China entered, or withdrawn from warehouse, for consumption on or after October 30, 2018, the date of publication of the *LTFV Preliminary Determination*,<sup>7</sup> but will not be assessed on entries occurring after the expiration of the provisional measures period and before publication of the ITC's final affirmative injury determination as further described below.

**Suspension of Liquidation—AD**

In accordance with section 736 of the Act, we will instruct CBP to reinstitute suspension of liquidation on all relevant entries of steel wheels from China, effective on the date of publication of the *ITC Final Determination* in the **Federal Register**, and to assess, upon further instruction by Commerce pursuant to section 736(a)(1) of the Act, antidumping duties for each entry of the subject merchandise equal to the amount that normal value exceeds export price or constructed export price for the subject merchandise. These instructions suspending liquidation will remain in effect until further notice. For each producer and exporter combination, Commerce will also instruct CBP to require cash deposits for estimated antidumping duties equal to the cash deposit rates listed below.

Accordingly, effective on the date of publication of the *ITC Final Determination*, CBP will require, at the same time as an importer of record would normally deposit estimated duties on the subject merchandise, a cash deposit based on the rates listed below.<sup>8</sup> As stated in the *LTFV Final Determination*, Commerce made certain adjustments for export subsidies from the *CVD Final Determination* to the estimated weighted-average dumping margin to determine each of the cash deposit rates.

Producer	Exporter	Estimated Weighted-Average Dumping Margin (percent)	Cash Deposit Rate (percent)
China-Wide Entity .....	China-Wide Entity .....	231.70	231.08

<sup>1</sup> See *Certain Steel Wheels from the People's Republic of China: Final Determination of Sales at Less-Than-Fair Value*, 84 FR 11746 (March 28, 2019) (*LTFV Final Determination*).

<sup>2</sup> See *Certain Steel Wheels from the People's Republic of China: Final Affirmative Countervailing Duty Determination*, 84 FR 11744 (March 28, 2019) (*CVD Final Determination*).

<sup>3</sup> See ITC May 13, 2019 letter regarding notification of final determination (ITC Notification).

<sup>4</sup> See *Steel Wheels from China*, 84 FR 22518 (May 17, 2019) (*ITC Final Determination*).

<sup>5</sup> See *ITC Final Determination* at footnote 2 and USITC Publication 4892 (May 2019) at 3.

<sup>6</sup> See ITC Notification.

<sup>7</sup> See *Certain Steel Wheels from the People's Republic of China: Preliminary Determination of Sales at Less-Than-Fair-Value*, 83 FR 54568 (October 30, 2018) (*LTFV Preliminary Determination*).

<sup>8</sup> See section 736(a)(3) of the Act.