

Dated: October 7, 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 description of the scope of the investigation is dispositive.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-588-851]

#### **Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe (Under 4½ Inches) From Japan: Rescission of Antidumping Duty Administrative Review: 2018-2019**

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

**SUMMARY:** The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty (AD) order on certain small diameter carbon and alloy seamless standard, line, and pressure pipe (under 4½ inches) from Japan for the period of review (POR) June 1, 2018 through May 31, 2019, based on the timely withdrawal of the request for review.

**DATES:** Applicable October 25, 2019.

**FOR FURTHER INFORMATION CONTACT:** Dusten Hom, AD/CVD Operations, Office 1, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5075.

### SUPPLEMENTARY INFORMATION:

#### Background

On June 3, 2019, Commerce published a notice of opportunity to request an administrative review of the antidumping duty order on certain small diameter carbon and alloy seamless standard, line, and pressure pipe (under 4½ inches) from Japan for the POR of June 1, 2018 through May 31, 2019.<sup>1</sup> United States Steel Corporation (U.S. Steel) timely filed requests for an administrative review of Denka Company Limited (Denka), Ebara Corporation (Ebara), JFE Steel Corporation (JFE Steel), Kaneka Corporation (Kaneka), Kawasaki Steel Corporation (Kawasaki Steel), Maruichi Kohan Limited (Maruichi), Metal One Tubular Products Incorporated (Metal One), Nippon Steel & Sumitomo Metal Corporation (N&S), Nippon Steel Corporation (Nippon Steel), NKK Tubes (NKK), Okaya & Company Limited (Okaya), Sumitomo Corporation (Sumitomo Corp.), Sumitomo Metal Industries Limited (Sumitomo Metal), Taiheiyo Cement Corporation (Taiheiyo), Vallourec & Sumitomo Tubos do Brasil Limitada (V&C), Vallourec Solucoes Tubulares do Brasil (Vallourec Solucoes), and Yamashin Industry Company (Yamashin), in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b).<sup>2</sup>

On July 29, 2019, pursuant to these requests, and in accordance with 19 CFR 351.221(c)(1)(i), Commerce published a notice initiating an

<sup>1</sup> See *Antidumping or Countervailing Duty Order. Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 84 FR 25521 (June 3, 2019).

<sup>2</sup> See letter from U.S. Steel, "Carbon and Alloy Seamless Standard line, and Pressure Pipe (Under 4½ Inches) from Japan: Request for Administrative Review of Antidumping Duty Order," dated June 28, 2019.

administrative review of the antidumping duty order on small diameter carbon and alloy seamless standard, line, and pressure pipe (under 4½ inches) from Japan with respect to Denka, Ebara, JFE Steel, Kaneka, Kawasaki Steel, Maruichi, Metal One, N&S, Nippon Steel, NKK, Okaya, Sumitomo Corp., Sumitomo Metal, Taiheiyo, V&C, Vallourec Solucoes, and Yamashin.<sup>3</sup> On September 4, 2019, U.S. Steel withdrew its request for an administrative review with respect to all of the companies for which it had requested a review.<sup>4</sup>

#### Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party or parties that requested a review withdraws the request within 90 days of the publication date of the notice of initiation of the requested review. U.S. Steel withdrew its request for review of Denka, Ebara, JFE Steel, Kaneka, Kawasaki Steel, Maruichi, Metal One, N&S, Nippon Steel, NKK, Okaya, Sumitomo Corp., Sumitomo Metal, Taiheiyo, V&C, Vallourec Solucoes, and Yamashin. U.S. Steel withdrew its request within 90 days of the publication date of the notice of initiation. No other parties requested an administrative review of the order. Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding this review in its entirety.

#### Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of small diameter carbon and alloy seamless standard, line, and pressure pipe (under 4½ inches) from Japan. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice in the **Federal Register**.

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 84 FR 36572 (July 29, 2019).

<sup>4</sup> See letter from U.S. Steel, “Carbon and Alloy Seamless Standard, Line, and Pressure Pipe (Under 4.5 Inches) from Japan: Withdrawal of Request for Administrative Review of Antidumping Duty Order,” dated September 24, 2019.

#### Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.42(f)(2) to file a certificate regarding the reimbursement of AD duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce’s presumption that reimbursement of AD duties occurred and the subsequent assessment of doubled AD duties.

#### Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to all parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/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.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: October 21, 2019.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–201–820]

#### Fresh Tomatoes From Mexico: Final Determination of Sales at Less Than Fair Value

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

**SUMMARY:** The Department of Commerce (Commerce) determines that fresh tomatoes from Mexico are being, or are likely to be, sold in the United States at less than fair value (LTFV). The final estimated weighted-average dumping margins are listed below in the “Final Determination” section of this notice.

**DATES:** Applicable October 25, 2019.

**FOR FURTHER INFORMATION CONTACT:** Yang Jin Chun or Hermes Pinilla, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone:

(202) 482–5760 and (202) 482–3477, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 7, 2019, Commerce terminated the *2013 Suspension Agreement*<sup>1</sup> on fresh tomatoes from Mexico and continued the LTFV investigation of fresh tomatoes from Mexico.<sup>2</sup> The original period of investigation was March 1, 1995 through February 29, 1996. Due to the unusual procedural posture of this proceeding, in which we terminated a suspension agreement and continued an investigation that covers a period of investigation that dates back more than 23 years, Commerce determined to request information corresponding to the most recent four full quarters, *i.e.*, April 1, 2018 through March 31, 2019.<sup>3</sup> Based on the unusual procedural posture, we also found it appropriate to reconsider respondent selection.<sup>4</sup> On May 24, 2019, we selected Bioparques de Occidente, S.A. de C.V. (Bioparques), Ceuta Produce, S.A. de C.V. (Ceuta), and Negocio Agricola San Enrique, S.A. de C.V. (San Enrique) for individual examination in this continued investigation.<sup>5</sup> On July 23, 2019, Commerce issued the post-preliminary decision based on the information requested from, and provided by, Bioparques, Ceuta, and San Enrique.<sup>6</sup> Commerce received case and rebuttal briefs on August 30, 2019, and September 4, 2019, respectively.<sup>7</sup>

<sup>1</sup> See *Fresh Tomatoes From Mexico: Suspension of Antidumping Investigation*, 78 FR 14967 (March 8, 2013) (*2013 Suspension Agreement*).

<sup>2</sup> See *Fresh Tomatoes From Mexico: Termination of Suspension Agreement, Rescission of Administrative Review, and Continuation of the Antidumping Duty Investigation*, 84 FR 20858 (May 13, 2019) (*Continuation Notice*).

<sup>3</sup> *Id.*, 84 FR at 20860–61.

<sup>4</sup> *Id.*, 84 FR at 20861.

<sup>5</sup> See Memorandum, “Less-Than-Fair-Value Investigation of Fresh Tomatoes from Mexico: Respondent Selection,” dated May 24, 2019.

<sup>6</sup> See Memorandum, “Post-Preliminary Decision Memorandum in the Less-Than-Fair-Value Investigation of Fresh Tomatoes from Mexico,” dated July 23, 2019 (Post-Preliminary Decision).

<sup>7</sup> See Florida Tomato Exchange’s Case Brief dated August 30, 2019, the Mexican Respondents’ Case Brief dated August 30, 2019, Red Sun Farms’ Redacted Case Brief dated September 11, 2019, Florida Tomato Exchange’s Rebuttal Brief dated September 4, 2019, and the Mexican Respondents’ Rebuttal Brief dated September 4, 2019. Red Sun Farms submitted its original case brief on August 30, 2019, which we rejected on September 9, 2019, for containing untimely filed new factual information. See Commerce’s Letter to Red Sun Farms dated September 9, 2019. Red Sun Farms submitted its partially redacted case brief on September 11, 2019.