

## 232 PROCESS STATISTICS—OBJECTION RATE BY STEEL HTSUS, AS OF 3/23/20—Continued

HTSUS code	HTS description	Requests	Requests with objections	Objection Rate (%)	Volume requested (mt)	Volume with objections (mt)	Volume objection rate (%)	Percent granted despite objection *
7306195110 .....	LINE PIPE (OIL/GAS PIPELINES) ALLOY STL, WELDED/RIVETED/SIM CLOSED, OUTSIDE DIAM.	3	3	100	60	60	100	0
7306298110 .....	OTHER TUBING (OIL/GAS DRILLING) OTH ALLOY STL, WELDED/RIVETED/SIMILARLY CLOSED, IMPORTED WITH COUPLING.	2	2	100	573	573	100	0

\* Percent of requests granted despite receiving one or more objections, out of the total number of requests with objections and rendered decisions.

#### Annex 4: Aluminum HTS Codes With 100% Objection Rates

## 232 PROCESS STATISTICS—OBJECTION RATE BY ALUMINUM HTSUS, AS OF 3/23/20

HTSUS code	HTS description	Requests	Requests with objections	Objection rate (%)	Volume requested (mt)	Volume with objections (mt)	Volume objection rate (%)	Percent granted despite objection *
7606123055 .....	ALUMINUM ALLOY CAN STOCK, NOT CLAD, LID STOCK.	3	3	100	45,000	45,000	100	33

\* Percent of requests granted despite receiving one or more objections, out of the total number of requests with objections and rendered decisions.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–967; C–570–968]

#### Aluminum Extrusions From the People's Republic of China: Notice of Second Amended Final Scope Ruling Pursuant to Court Decision

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

**SUMMARY:** On May 22, 2018, the Court of Appeals for the Federal Circuit (the CAFC) reversed and remanded the Court of International Trade's (CIT) earlier decision regarding the Department of Commerce's (Commerce) scope ruling under the antidumping duty (AD) and countervailing duty (CVD) orders on aluminum extrusions from the People's Republic of China (China) involving Meridian Products, LLC's (Meridian's) Type B door handles. The CAFC instructed the CIT to vacate Commerce's initial remand redetermination that the CIT had previously sustained, reinstate Commerce's original scope ruling, and remand for further proceedings consistent with its opinion. In the original scope ruling, Commerce found that Meridian's Type B door handles were covered by the scope of the AD and CVD orders. In Commerce's redetermination upon remand from the CAFC, Commerce found that the

extruded aluminum component of each Type B handle is within the scope of the AD and CVD orders while the other components (plastic end caps and screws) are not. On April 6, 2020, the CIT sustained Commerce's remand redetermination. Accordingly, Commerce is issuing a second amended final scope ruling.

**DATES:** Applicable May 26, 2020.

**FOR FURTHER INFORMATION CONTACT:** Eric Greynolds, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6071.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 21, 2013, Commerce issued a final scope ruling in which it determined that three types of kitchen appliance door handles (Types A, B, and C) imported by Meridian are within the scope of the *Orders*<sup>1</sup> and do not meet the scope exclusions for “finished merchandise” and “finished goods kits.”<sup>2</sup> Meridian challenged

<sup>1</sup> See *Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order*, 76 FR 30650 (May 26, 2011); *Aluminum Extrusions from the People's Republic of China: Countervailing Duty Order*, 76 FR 30653 (May 26, 2011) (collectively, *Orders*).

<sup>2</sup> See Memorandum, “Final Scope Ruling on Meridian Kitchen Appliance Door Handles,” dated June 21, 2013 (Kitchen Appliance Door Handles Scope Ruling) at 12–15.

Commerce's final scope ruling at the CIT.

On December 7, 2015, the CIT affirmed, in part, Commerce's Kitchen Appliance Door Handles Scope Ruling finding that Meridian's Type A handles (consisting of a single piece of aluminum extrusion) and Type C handles (consisting of a single piece of aluminum extrusion packed as a “kit” with a tool and an instruction manual) are within the scope of the *Orders* based on a plain reading of the scope language.<sup>3</sup> The CIT, however, remanded Commerce's determination that Meridian's Type B handles are also within the scope of the *Orders*. The CIT also instructed Commerce to provide clarification on its scope ruling in view of the CIT's decision that Type B handles are “assemblies” not within the scope of orders, because the extruded aluminum handles are packaged with two plastic injection molded end caps and two screws.<sup>4</sup> The CIT further found that, assuming *arguendo* that Meridian's Type B handles were covered by the scope language, Commerce erred in finding that the products did not satisfy the scope's “finished merchandise” exclusion.<sup>5</sup>

On March 23, 2016, Commerce issued its Final Results of Redetermination, in which it found, under respectful protest, that Meridian's Type B handles are not covered by the scope of the *Orders*,

<sup>3</sup> See *Meridian Products LLC v. United States*, Court No. 13–00246, Slip Op. 15–135 at 6–9.

<sup>4</sup> *Id.* at 10–13.

<sup>5</sup> *Id.* at 13–16.

because the general scope language did not cover such products. As a result, Commerce did not consider whether Meridian's Type B handles were subject to the exclusion for "finished merchandise."<sup>6</sup> On July 18, 2016, the CIT sustained Commerce's findings in the Final Results of Redetermination that Meridian's Type B handles are not covered by the scope of the *Orders*.<sup>7</sup> Commerce subsequently published notice of the CIT's decision not in harmony with Commerce's final scope ruling and notice of amended final scope ruling pursuant to the CIT's decision.<sup>8</sup>

The Aluminum Extrusion Fair Trade Committee (AEFTC), the petitioner in the underlying investigations, appealed. On May 22, 2018, the CAFC reversed and remanded the CIT's final judgement, instructed the CIT to vacate Commerce's remand redetermination, and ordered the CIT to reinstate Commerce's original scope ruling and remand for further proceedings consistent with the opinion.<sup>9</sup> The CAFC held that Commerce's original scope ruling determination (*i.e.*, that Type B handles are included within the general scope of the *Orders*) was reasonable and supported by substantial evidence.<sup>10</sup> The CAFC remanded for Commerce to clarify whether Type B handles are fully and permanently assembled at the time of entry.<sup>11</sup> The CAFC reasoned if Commerce determined that the Type B handles are imported unassembled, the original scope ruling controls, but if Commerce determined that the Type B handles were imported fully and permanently assembled, then Commerce must address whether the Type B handles are excluded from the scope as "finished merchandise."<sup>12</sup>

On May 15, 2019, Commerce issued its Second Remand Redetermination in response to the CAFC's remand order.<sup>13</sup> In the Second Remand Redetermination,

<sup>6</sup> See Final Results of Redetermination Pursuant to Court Remand, *Meridian Products, LLC v. United States*, Court No. 13–00246, Slip Op. 15–135 (CIT December 7, 2015) (Final Results of Redetermination).

<sup>7</sup> See *Meridian Products, LLC v. United States*, Court No. 13–00246, Slip Op. 16–71 at 11.

<sup>8</sup> See *Aluminum Extrusions from the People's Republic of China: Notice of Court Decision Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision*, 81 FR 52402 (August 8, 2016).

<sup>9</sup> See *Meridian Products, LLC v. United States*, 890 F.3d 1272, 1282 (CAFC 2018).

<sup>10</sup> *Id.*, 890 F.3d at 1281.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> See Final Results of Second Remand Redetermination Pursuant to Court Remand, *Meridian Products, LLC v. United States*, 890 F. 3d 1272 (CAFC 2018) (Second Remand Redetermination).

Commerce determined that the finished merchandise exclusion does not apply to the Type B handles and that the extruded aluminum component of each Type B handle is within the scope of the *Orders*, while the other components (plastic end caps and screws) are not.<sup>14</sup> On April 6, 2020, the CIT sustained Commerce's ruling in the Second Remand Redetermination.<sup>15</sup> No party contested Commerce's Second Remand Redetermination.<sup>16</sup>

#### Amended Final Scope Ruling

There is now a final court decision with respect to Commerce's Kitchen Appliance Door Handles Scope Ruling. Therefore, Commerce issues this second amended final scope ruling and finds that the extruded aluminum component of each Type B handle is within the scope of the *Orders*, while the other components (plastic end caps and screws) are not.

Accordingly, Commerce will instruct U.S. Customs and Border Protection to continue to suspend liquidation of Meridian's Type B handles until appropriate liquidation instructions are sent. As of the date of publication of this notice in the **Federal Register**, the cash deposit rate for entries of the extruded aluminum component of Meridian's Type B handles will be the applicable cash deposit rate of the exporters of the merchandise from China to the United States.

#### Notification to Interested Parties

This notice is issued and published in accordance with section 516A(c)(1) and (e)(1) of the Tariff Act of 1930, as amended.

Dated: May 18, 2020.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

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<sup>14</sup> *Id.*

<sup>15</sup> See *Meridian Products, LLC v. United States*, Court No. 13–00246, Slip Op. 20–43 (CIT April 6, 2020).

<sup>16</sup> *Id.*

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C–533–894]

#### Forged Steel Fluid End Blocks From India: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination With Final Antidumping Duty Determination

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of forged steel fluid end blocks (fluid end blocks) from India. The period of investigation (POI) is April 1, 2018 through March 31, 2019. Interested parties are invited to comment on this preliminary determination.

**DATES:** Applicable May 26, 2020.

#### FOR FURTHER INFORMATION CONTACT:

William Langley or Nicholas Czajkowski, 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) 482–3861 or (202) 482–1395, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on January 15, 2020.<sup>1</sup> On February 27, 2020, Commerce postponed the preliminary determination of this investigation to May 18, 2020.<sup>2</sup> For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.<sup>3</sup> A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix

<sup>1</sup> See *Forged Steel Fluid End Blocks from the Federal Republic of Germany, India, Italy and the People's Republic of China: Initiation of Countervailing Duty Investigations*, 85 FR 2385 (January 15, 2020) (Initiation Notice).

<sup>2</sup> See *Forged Steel Fluid End Blocks from the Federal Republic of Germany, India, Italy and the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigations*, 85 FR 11336 (February 27, 2020).

<sup>3</sup> See Memorandum, "Decision Memorandum for the Preliminary Determination in the Countervailing Duty Investigation of Forged Steel Fluid End Blocks from India," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).