



A-570-110
Investigation
POI: 10/01/2018-03/31/2019
Public Document
E&C/Office VII: LA

July 24, 2019

MEMORANDUM TO: Jeffrey I. Kessler
Assistant Secretary
for Enforcement and Compliance

FROM: James Maeder
Associate Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: Decision Memorandum for the Preliminary Determination in the
Less-Than-Fair-Value Investigation of Vertical Metal File
Cabinets from the People's Republic of China

I. SUMMARY

The Department of Commerce (Commerce) preliminarily determines that vertical metal file cabinets (file cabinets) from the People's Republic of China (China) are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated weighted-average dumping margins are shown in the "Preliminary Determination" section of the accompanying *Federal Register* notice.

II. BACKGROUND

A. Initiation and Case History

On April 30, 2019, Commerce received the initial petition from Hirsh Industries, LLC (the petitioner) seeking the imposition of antidumping duties (AD) and countervailing duties (CVD) on file cabinets from China.¹ Supplements to the Petition are described in the *Initiation Notice* and accompanying Initiation Checklist.² On May 24, 2019, Commerce initiated this LTFV investigation of file cabinets from China, pursuant to section 732(b) of the Act.³

¹ See Petitioner's Letter, "Petition for the Imposition of Antidumping and Countervailing Duties Against the People's Republic of China on Vertical Metal File Cabinets," dated April 30, 2019 (Petition).

² See *Vertical Metal File Cabinets from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation*, 84 FR 24093 (May 24, 2019) (*Initiation Notice*); see also Memorandum, "Antidumping Duty Investigation Initiation Checklist: Vertical Metal File Cabinets from the People's Republic of China (China)," dated May 20, 2019 (Initiation Checklist).

³ See *Initiation Notice* and Initiation Checklist.



In the *Initiation Notice*, Commerce notified parties of the application process by which exporters and producers may obtain separate rate status in a non-market economy (NME) proceeding.⁴ The process requires exporters to submit a separate rate application (SRA).⁵ In the *Initiation Notice*, we stated that SRAs would be due 30 days after publication of the notice, which fell on June 23, 2019.⁶ No interested party filed an SRA.

We stated in the *Initiation Notice* that we would send quantity and value (Q&V) questionnaires to the largest producers and exporters that were identified in the CBP data for which there was address information on the record.⁷ On May 23, 2019, Commerce mailed Q&V questionnaires to 62 companies identified in the Petition as potential producers or exporters of file cabinets from China.⁸ In addition, we posted the Q&V questionnaire on Commerce's website and, in the *Initiation Notice*, invited parties that did not receive a Q&V questionnaire directly from us to file a response to the Q&V questionnaire by the applicable deadline. On July 5, 2019, we issued a memorandum identifying the producers or exporters to which the Q&V questionnaires were successfully delivered.⁹ We did not receive any Q&V questionnaire responses.

On June 10, 2019, the petitioner submitted comments regarding the physical characteristics of the merchandise under consideration to be used for reporting purposes.¹⁰

On June 19, 2019, the petitioner submitted comments regarding non-responsive companies.¹¹

On June 20, 2019, the U.S. International Trade Commission (ITC) determined that there was a reasonable indication that an industry in the United States is materially injured by reason of imports of file cabinets from China.¹²

Commerce is conducting this investigation in accordance with section 733(b) of the Act.

⁴ See *Initiation Notice*, 84 FR at 24096.

⁵ See Policy Bulletin 05.1: Separate Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non-Market Economy Countries (April 5, 2005) (Policy Bulletin 05.1), available on Commerce's website at <http://enforcement.trade.gov/policy/bull05-1.pdf>.

⁶ See *Initiation Notice*, 84 FR at 24096.

⁷ *Id.*

⁸ See Memorandum, "Antidumping Duty Investigation of File Cabinets from the People's Republic of China: Delivery of Quantity and Value Questionnaire to Exporters/Producers," dated June 12, 2019 (Q&V Delivery Memorandum).

⁹ See Q&V Delivery Memorandum.

¹⁰ See Petitioner's Letter, "Antidumping Duty Investigation of Vertical Metal File Cabinets from the People's – Petitioner's Product Characteristics Comments," dated June 10, 2019.

¹¹ See Petitioner's Letter, "Vertical Metal File Cabinets from the People's Republic of China – Petitioner's Comments Regarding Non-Responsive Companies," dated June 19, 2019.

¹² See International Trade Commission's Letter, dated June 21, 2019.

B. Period of Investigation

The period of investigation (POI) is October 1, 2018 through March 31, 2019. This period corresponds to the two most recent fiscal quarters prior to the month of the filing of the Petition, which was filed in April 2019.¹³

III. SCOPE OF THE INVESTIGATION

For a full description of the scope of this investigation, *see* this memorandum's accompanying *Federal Register* notice at Appendix I.

IV. SCOPE COMMENTS

In accordance with the *Preamble* to Commerce's regulations,¹⁴ the *Initiation Notice* set aside a period for parties to raise issues regarding product coverage, *i.e.*, the scope, of vertical metal file cabinets.¹⁵ No parties commented on the scope of this investigation.

V. DISCUSSION OF THE METHODOLOGY

A. Non-Market Economy Country

Commerce considers China to be an NME country.¹⁶ 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 the administering authority. Further, as part of this investigation, Commerce has received no request to reconsider its determination that China is an NME. Therefore, we continue to treat China as an NME country for purposes of this preliminary determination.

B. Separate Rates and the China-Wide Entity

In a proceeding involving an NME country, Commerce maintains a rebuttable presumption that all companies within the country are subject to government control, and, therefore, should be assessed a single weighted-average dumping margin.¹⁷ In the *Initiation Notice*, Commerce notified parties of the application process by which exporters or exporter/producer combinations may obtain separate rate status in an NME proceeding.¹⁸ Commerce's policy is to assign all exporters of subject merchandise that are in an NME country this single rate unless an exporter

¹³ *See* 19 CFR 351.204(b)(1).

¹⁴ *See Antidumping Duties: Countervailing Duties; Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

¹⁵ *See Initiation Notice*, 84 FR at 24093.

¹⁶ *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) (*Aluminum Foil Preliminary Determination*) and accompanying Preliminary Decision Memorandum (PDM) (citing Memorandum, "China's Status as a Non-Market Economy," dated October 26, 2017), 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).

¹⁷ *See, e.g., Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 73 FR 55039, 55040 (September 24, 2008).

¹⁸ *See Initiation Notice*, 84 FR at 24096.

can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.¹⁹ Commerce analyzes whether each entity exporting the merchandise under consideration is sufficiently independent under a test established in *Sparklers*²⁰ and further developed in *Silicon Carbide*.²¹ According to this separate rate test, Commerce will assign a separate rate in NME proceedings if a respondent can demonstrate the absence of both *de jure* and *de facto* government control over its export activities. If Commerce determines that a company is wholly foreign-owned, the separate rate analysis is not necessary to determine whether that company is independent from government control and, therefore, eligible for a separate rate.

Commerce continues to evaluate its practice with regard to the separate rates analysis in light of the *Diamond Sawblades* proceeding, and its determinations therein.²² In particular, in litigation involving the *Diamond Sawblades* from China proceeding, the Court of International Trade (CIT) found Commerce's existing separate rates analysis deficient in the circumstances of that case, in which a government-owned and controlled entity had significant ownership in the respondent exporter.²³ Following the CIT's reasoning, in recent proceedings, we have concluded that where a government holds a majority ownership share, directly or indirectly, in the respondent exporter, the majority holding *per se* means that the government exercises, or has the potential to exercise, control over the company's operations generally.²⁴ This may include control over, for example, the selection of management, a key factor in determining whether a

¹⁹ See *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588, 20589 (May 6, 1991) (*Sparklers*).

²⁰ *Id.*

²¹ See *Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994) (*Silicon Carbide*).

²² See *Final Results of Redetermination Pursuant to Remand Order for Diamond Sawblades and Parts Thereof from the People's Republic of China* (May 6, 2013) (*Diamond Sawblades*), in *Advanced Technology & Materials Co., Ltd., et al. v. United States*, 885 F. Supp. 2d 1343 (CIT 2012) (*Advanced Technology I*), affirmed in *Advanced Technology & Materials Co., Ltd., et al. v. United States*, 938 F. Supp. 2d 1342 (CIT 2013), *aff'd* Case No. 2014-1154 (Fed. Cir. 2014). This remand redetermination is on the Enforcement and Compliance website at <http://enforcement.trade.gov/remands/12-147.pdf>; see also *Diamond Sawblades and Parts Thereof from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2011-2012*, 78 FR 77098 (December 20, 2013) and accompanying PDM at 7, unchanged in *Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2011-2012*, 79 FR 35723 (June 24, 2014) and accompanying Issues and Decision Memorandum (IDM) at Comment 1.

²³ See, e.g., *Advanced Technology I*, 885 F. Supp. 2d at 1349 ("The CIT remains concerned that Commerce has failed to consider important aspects of the problem and offered explanations that run counter to the evidence before it."), at 1351 ("Further substantial evidence of record does not support the inference that SASAC's {state-owned assets supervision and administration commission} 'management' of its 'state-owned assets' is restricted to the kind of passive-investor *de jure* 'separation' that Commerce concludes.") (footnotes omitted), at 1355 ("The point here is that 'governmental control' in the context of the separate rate test appears to be a fuzzy concept, at least to this court, since a 'degree' of it can obviously be traced from the controlling shareholder, to the board, to the general manager, and so on along the chain to 'day-to-day decisions of export operations,' including terms, financing, and inputs into finished product for export."), and at 1357 ("AT&M itself identifies its 'controlling shareholder' as CISRI {owned by SASAC} in its financial statements and the power to veto nomination does not equilibrate the power of control over nomination.") (footnotes omitted).

²⁴ See *Carbon and Certain Alloy Steel Wire Rod from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Preliminary Affirmative Determination of Critical Circumstances, in Part*, 79 FR 53169 (September 8, 2014) and accompanying PDM at 5-9, unchanged in *Carbon and Certain Alloy Steel Wire Rod from the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part*, 79 FR 68860 (November 19, 2014).

company has sufficient independence in its export activities to merit a separate rate. Consistent with normal business practices, we would expect any majority shareholder, including a government, to have the ability to control, and an interest in controlling, the operations of the company, including the selection of management and the profitability of the company.

The record of this investigation shows that no interested party timely filed an SRA to be considered eligible for separate rate status. Accordingly, we preliminarily find that none of the companies subject to this investigation have rebutted the presumption of Chinese government control, and are thus, part of the China-wide entity. Further, as discussed below, we have preliminarily determined to apply total AFA to the China-wide entity, where the estimated weighted-average dumping margin based on total AFA is 198.5 percent, the highest dumping margin alleged in the Petition.²⁵

C. Application of Facts Available and Adverse Inferences

Section 776(a) of the Act provides that, if necessary information is missing from the record, or if an interested party (A) withholds information that has been requested by Commerce, (B) fails to provide such information in a timely manner or in the form or manner requested, subject to Sections 782(c)(1) and (e) of the Act, (C) significantly impedes a proceeding under the AD statute, or (D) provides such information but the information cannot be verified, Commerce shall, subject to Section 782(d) of the Act, use facts otherwise available in reaching the applicable determination.

Where Commerce determines that a response to a request for information does not comply with the request, section 782(d) of the Act provides that Commerce shall promptly inform the party submitting the response of the nature of the deficiency, and shall, to the extent practicable, provide that party with an opportunity to remedy or explain the deficiency. If the party fails to remedy or satisfactorily explain the deficiency within the applicable time limits, Commerce may, subject to section 782(e) of the Act, disregard all or part of the original and subsequent responses, as appropriate.

Section 776(b) of the Act provides that Commerce may use an adverse inference in applying the facts otherwise available when a party fails to cooperate by not acting to the best of its ability to comply with a request for information. In so doing, Commerce is not required to determine, or make any adjustments to, a weighted-average dumping margin based on any assumptions about information an interested party would have provided if the interested party had complied with the request for information. Section 776(b)(2) states that an adverse inference may include reliance on information derived from the petition, the final determination from the LTFV investigation, a previous administrative review, or other information placed on the record.²⁶

When using facts otherwise available, section 776(c) of the Act provides that, where Commerce relies on secondary information (such as the Petition) rather than information obtained in the course of an investigation, it must corroborate, to the extent practicable, information from

²⁵ See Petition Supplement at 7; see also Initiation Checklist at 10.

²⁶ See also 19 CFR 351.308(c).

independent sources that are reasonably at its disposal. Secondary information is defined as information derived from the petition that gave rise to the investigation or review, the final determination concerning the subject merchandise, or any previous review under section 751 of the Act concerning the subject merchandise.²⁷ The SAA clarifies that “corroborate” means that Commerce will satisfy itself that the secondary information to be used has probative value,²⁸ although, Commerce is not required to corroborate any dumping margin applied in a separate segment of the same proceeding.²⁹ To corroborate secondary information, Commerce shall, to the extent practicable, examine the reliability and relevance of the information to be used, although Commerce is not required to estimate what the dumping margin would have been if the interested party failing to cooperate had cooperated, or to demonstrate that the dumping margin reflects an “alleged commercial reality” of the interested party.³⁰

Under section 776(d) of the Act, Commerce may use any dumping margin from any segment of a proceeding under an AD order when applying an adverse inference, including the highest of such margins. When selecting an AFA margin, Commerce is not required to estimate what the dumping margin would have been if the interested party failing to cooperate had cooperated or to demonstrate that the dumping margin reflects an “alleged commercial reality” of the interested party.

I. Use of Facts Available

Commerce preliminarily finds that the China-wide entity failed to provide necessary information, withheld information requested by Commerce, failed to provide information in a timely manner, and significantly impeded this proceeding by not submitting the requested information. The China-wide entity includes the Chinese exporters and producers that did not respond to Commerce’s requests for information. Because the China-wide entity failed to provide all requested information, section 782(d) of the Act is inapplicable. Accordingly, we preliminarily determine that the use of facts available is warranted in determining the estimated weighted dumping margin for the China-wide entity, pursuant to sections 776(a)(1) and (a)(2)(A)-(C) of the Act.³¹

²⁷ See Statement of Administrative Action, H.R. Rep. No. 103-316, Vol. 1 (1994) (SAA) at 870.

²⁸ *Id.*; see also 19 CFR 351.308(d).

²⁹ See section 776(c)(2) of the Act.

³⁰ See, e.g., *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, from Japan; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews*, 61 FR 57391, 57392 (November 6, 1996), unchanged in *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, from Japan; Final Results of Antidumping Duty Administrative Reviews and Termination in Part*, 62 FR 11825 (March 13, 1997).

³¹ See, e.g., *Notice of Preliminary Determination of Sales at Less Than Fair Value, Affirmative Preliminary Determination of Critical Circumstances and Postponement of Final Determination: Certain Frozen Fish Fillets From the Socialist Republic of Vietnam*, 68 FR 4986, 4991 (January 31, 2003), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value and Affirmative Critical Circumstances: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam*, 68 FR 37116 (June 23, 2003).

2. *Application of Facts Available with an Adverse Inference*

Section 776(b) of the Act provides that Commerce, in selecting from among the facts otherwise available, may use an inference that is adverse to the interests of a party if that party has failed to cooperate by not acting to the best of its ability to comply with a request for information.

As noted above, Commerce preliminarily finds that the China-wide entity includes the companies which failed to submit their Q&V information. Commerce finds that the China-wide entity's failure to provide the requested information constitutes circumstances under which it is reasonable to conclude that the China-wide entity was not fully cooperative.³² The China-wide entity neither filed documents indicating that it was having difficulty providing the information, nor did it request to submit the information in an alternate form. Therefore, we preliminarily find that an adverse inference is warranted in selecting from the facts otherwise available with respect to the China-wide entity in accordance with section 776(b) of the Act and 19 CFR 351.308(a).³³

3. *Selection and Corroboration of the Adverse Facts Available (AFA) Rate*

In applying AFA, Commerce may rely on information derived from the Petition, the final determination in the investigation, any previous review, or any other information placed on the record. To determine an estimated weighted-average dumping margin based on AFA, Commerce selects a rate that is sufficiently adverse to ensure that the uncooperative party does not obtain a more favorable result by failing to cooperate than if it had fully cooperated. In an investigation, Commerce's practice with respect to the assignment of an AFA rate is to select the higher of: (1) the highest dumping margin alleged in the Petition; or (2) the highest calculated dumping margin of any respondent in the investigation.

There are no calculated estimated weighted-average dumping margins for any respondents in this investigation. Therefore, Commerce selected the highest margin in the Petition as the appropriate AFA rate for the China-wide, which is 198.5 percent.³⁴ Thus, for the preliminary determination, we have assigned to the China-wide entity a dumping margin of 198.5 percent.

When using facts otherwise available, section 776(c) of the Act provides that, when Commerce relies on secondary information rather than on information obtained in the course of an investigation or review, it shall, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal.³⁵ Secondary information is defined as information derived from the Petition that gave rise to the investigation or review, the final

³² See *Nippon Steel Corporation v. United States*, 337 F. 3d 1373, 1383 (Fed. Cir. 2003) (noting that Commerce need not show intentional conduct existed on the part of the respondent, but merely that a "failure to cooperate to the best of a respondent's ability" existed (*i.e.*, information was not provided "under circumstances in which it is reasonable to conclude that less than full cooperation has been shown.")).

³³ See *Nippon Steel Corp. v. United States*, 337 F. 3d 1373, 1382-83 (Fed. Cir. 2003).

³⁴ See Petition at Exhibit AD-S5; *see also* Initiation Checklist at 11.

³⁵ *See also* 19 CFR 351.308(d).

determination concerning the subject merchandise, or any previous review under section 751 of the Act concerning the subject merchandise.³⁶

Because the AFA rate that Commerce used is from the Petition, as included in the Initiation Checklist, it is secondary information subject to the requirement to corroborate the information, to the extent practicable. We determined that the Petition dumping margin of 198.5 percent is reliable where, to the extent appropriate information was available, we reviewed the adequacy and accuracy of the information in the Petition during our pre-initiation analysis.³⁷ To corroborate, to the extent practicable, the 198.5 percent Petition rate for purposes of this preliminary determination, Commerce first revisited its pre-initiation analysis of the reliability of the information in the Petition. The petitioner's methodology for calculating the export price (EP) and normal value (NV) in the Petition is discussed in the *Initiation Notice* and the Initiation Checklist. During our pre-initiation analysis, we examined: (1) the information used as the basis for EP and NV in the Petition; (2) the calculations used to derive the alleged margin; and (3) information from various independent sources provided either in the Petition or in supplements to the Petition.³⁸ Based on our examination of the information, as discussed in detail in the Initiation Checklist, we consider the petitioner's EP and NV calculations to be reliable.³⁹ In addition, we obtained no other information that would make us question the reliability of the sources of information or the validity of information supporting the U.S. price or NV calculations provided in the Petition.

Further, Commerce finds that the information presented in the Petition is relevant to this LTFV investigation and the use of the highest dumping margin alleged in the Petition as the basis for AFA. The EP and NV are based on prices of the merchandise under consideration in the U.S. and factor usage rates are based on the home market and surrogate values, respectively. In addition, the price and cost data are from contemporaneous time periods, and conversion factors are provided for comparisons of differing units of measure.⁴⁰ As such, the information on the highest dumping margin alleged in the Petition is relevant to estimate the weighted-average dumping margin for this preliminary determination.

Because we confirmed the accuracy and validity of the information underlying the derivation of the highest dumping margin in the Petition by examining source documents, as well as publicly available information, and there is no record evidence to the contrary, we preliminarily determine that this Petition rate is both relevant and reliable, and thus has probative value for the purposes of an AFA rate in this investigation. Accordingly, we find that the rate of 198.5 percent is corroborated within the meaning of section 776(c) of the Act.

VI. ADJUSTMENT UNDER SECTION 777A(F) OF THE ACT

In an LTFV investigation, where there is a concurrent CVD investigation, pursuant to section 777A(f) of the Act, Commerce examines: (1) whether a countervailable subsidy (other than an

³⁶ See SAA at 870.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ See Initiation Checklist at 7-8.

export subsidy) has been provided with respect to a class or kind of merchandise; (2) whether such countervailable subsidy has been demonstrated to have reduced the average price of imports of the class or kind of merchandise during the relevant period; and (3) whether Commerce can reasonably estimate the extent to which that countervailable subsidy, in combination with the use of NV determined pursuant to section 773(c) of the Act, has increased the weighted-average dumping margin for the class or kind of merchandise.⁴¹ For a subsidy meeting these criteria, the statute requires Commerce to reduce the antidumping duty by the estimated amount of the increase in the weighted-average dumping margin subject to a specified cap.⁴²

Since Commerce has started conducting analyses under section 777A(f) of the Act, Commerce is continuing to refine its practice in applying this section of the law. We normally examine whether the respondents demonstrate: (1) a subsidies-to-cost link, *e.g.*, subsidy impact on cost of manufacture (COM); and (2) a cost-to-price link, *e.g.*, the respondents' prices changed as a result of changes in the COM. A finding that there is an overlap in remedies, and any resulting adjustment, is based on a case-by-case analysis of the totality of facts on the administrative record for that segment of the proceeding as required by the statute.

As noted above, the China-wide entity is not participating in this investigation and has not submitted the information necessary to analyze whether an adjustment under 777A(f) of the Act is warranted. Thus, the application of facts available is warranted under section 776(a) of the Act. Moreover, as an extension of the preliminary determination to apply total AFA to the China-wide entity, we are preliminarily not making a domestic pass-through subsidies adjustment to the calculation of the cash deposit rates for AD duties for the China-wide entity.

VII. ADJUSTMENTS TO CASH DEPOSIT RATES FOR EXPORT SUBSIDIES

In an LTFV investigation, where there is a concurrent CVD investigation, it is Commerce's normal practice to calculate the cash deposit rate for each respondent by adjusting the respondent's estimated weighted-average dumping margin to account for export subsidies found for each respective respondent in the concurrent CVD investigation. Doing so is in accordance with section 772(c)(1)(C) of the Act, which states that U.S. price "shall be increased by the amount of any countervailing duty imposed on the subject merchandise... to offset an export subsidy."⁴³ In the preliminary determination of the concurrent CVD investigation, we are finding that companies received export subsidies based on AFA.⁴⁴ Thus, all companies in the companion CVD investigation have export subsidies included in their preliminary subsidy rates.⁴⁵ As such, we find that it is appropriate to make an offset to the cash deposit rates in this LTFV investigation pursuant to section 772(c)(1)(C) of the Act for the China-wide entity.⁴⁶

⁴¹ See sections 777A(f)(1)(A)-(C) of the Act.

⁴² See sections 777A(f)(1)-(2) of the Act.

⁴³ See *Carbazole Violet Pigment 23 from India: Final Results of Antidumping Duty Administrative Review*, 75 FR 38076, 38077 (July 1, 2010) and accompanying IDM at Comment 1.

⁴⁴ See unpublished *Federal Register* notice, "Vertical Metal File Cabinets from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination," signed July 24, 2019, and accompanying IDM.

⁴⁵ *Id.*

⁴⁶ See, *e.g.*, *See Less-Than-Fair-Value Investigation of Rubber Bands from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Preliminary Affirmative Determination of Critical Circumstances*, 83 FR 45213 (September 6, 2018), and accompanying PDM at 11, unchanged in *Rubber*

Accordingly, we will apply an export subsidy offset to the estimated weighted-average LTFV margin assigned to the China wide entity.

VIII. ITC NOTIFICATION

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Enforcement and Compliance. The ITC will make its final determination before the later of 120 days after the date of this preliminary determination or 45 days after Commerce makes its final affirmative determination.

IX. DISCLOSURE AND PUBLIC COMMENT

Normally, Commerce discloses to interested parties the calculations performed in connection with the preliminary determination within five days of its public announcement, or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). However, because Commerce preliminarily applied total AFA TO THE China-wide entity in this investigation in accordance with section 776 of the Act, and the applied AFA rate is based solely on the petition, there are no calculations to disclose.

Case briefs or other written comments for all issues may be submitted to Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) no later than 50 days after the date of publication of the preliminary determination in the *Federal Register*. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.⁴⁷ For any briefs filed on scope issues, parties must file separate and identical documents on each of the records for the concurrent antidumping duty investigation.

Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.⁴⁸ This summary should be limited to five pages total, including footnotes. Interested parties who wish to request a hearing, or to participate if one is requested, must do so in writing within 30 days after the publication of this preliminary determination in the *Federal Register*.⁴⁹ Requests should contain the party's name, address, and telephone number; the number of participants; and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230, at a date, time and location to be determined. Parties will be notified of the date, time and location of any hearing.

Bands from the People's Republic of China: Final Determination of Sales at Less Than Fair Value, 83 FR 58547 (November 20, 2018).

⁴⁷ See 19 CFR 351.309(c)-(d); see also 19 CFR 351.303 (for general filing requirements).

⁴⁸ See 19 CFR 351.309(c)(2) and (d)(2).

⁴⁹ See 19 CFR 351.310(c).

Parties must file their case and rebuttal briefs, and any requests for a hearing, electronically using Commerce's electronic records system, ACCESS.⁵⁰ Electronically filed documents must be received successfully in their entirety by 5:00 p.m. Eastern Time,⁵¹ on the due dates established by Commerce.

X. VERIFICATION

Because we received no submissions of information from Chinese exporters or producers of file cabinets, Commerce does not intend to conduct verification.

XI. CONCLUSION

We recommend applying the above methodology for this preliminary determination.

Agree

Disagree

7/24/2019

X 

Signed by: JEFFREY KESSLER

Jeffrey I. Kessler
Assistant Secretary
for Enforcement and Compliance

⁵⁰ See 19 CFR 351.303(b)(2)(i).

⁵¹ See 19 CFR 351.303(b)(1).