DEPARTMENT OF COMMERCE
International Trade Administration
[C–570–089]
Certain Steel Racks From the People’s Republic of China: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination With Final Antidumping Duty Determination
AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.
SUMMARY: The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain steel racks (steel racks) from the People’s Republic of China (China) for the period of investigation (POI) January 1, 2017 through December 31, 2017. Interested parties are invited to comment on this preliminary determination.
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 July 10, 2018.1 On August 28, 2018, pursuant to a request from the Coalition for Fair Racks Imports (the petitioner),2 Commerce postponed the preliminary determination of this investigation to November 19, 2018.3 For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.4 A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at http://access.trade.gov, and is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at http://enforcement.trade.gov/frn/. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.
Scope of the Investigation
The products covered by this investigation are steel racks from China. For a complete description of the scope of this investigation, see Appendix I.
Scope Comments
In accordance with the preamble to Commerce’s regulations,5 the Initiation Notice set aside a period of time for parties to raise issues regarding product coverage, (i.e., scope).6 Certain interested parties commented on the scope of the investigation as it appeared in the Initiation Notice. Commerce intends to issue its preliminary decision regarding comments concerning the scope of the antidumping duty and countervailing duty investigations in the preliminary determination of the companion antidumping duty (AD) investigation.
Methodology
Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, i.e., a financial contribution by an “authority” that gives rise to a benefit to the recipient, and that the subsidy is specific.7 In making these findings, Commerce relied, in part, on facts available and, because it finds that certain respondents did not act to the best of their ability to respond to Commerce’s requests for information, it drew an adverse

footnotes:
4 See Memorandum, “Decision Memorandum for the Preliminary Determination of the Countervailing Duty Investigation of Certain Steel


7 See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.
inference where appropriate in selecting from among the facts otherwise
available.8 For further information, see “Use of Facts Otherwise Available and
Adverse Inferences” in the Preliminary Decision Memorandum.

Alignment

As noted in the Preliminary Decision Memorandum, in accordance with
section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning
the final countervailing duty determination in this investigation with the final
determination in the companion antidumping duty investigation of steel
racks from China based on a request made by the petitioner.9 Consequently,
the final countervailing duty determination will be issued on the
same date as the final antidumping determination, which is currently
scheduled to be issued no later than April 1, 2019, unless postponed.

All- Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary
determination, Commerce shall determine an estimated all-others rate for
companies not individually examined. This rate shall be an amount
equal to the weighted average of the estimated subsidy rates established for
those companies individually examined, excluding any zero and de
minimis rates and any rates based entirely under section 776 of the Act.

In this investigation, Commerce preliminarily assigned rates based
entirely on facts available for Jiangsu
Kingmore Storage Equipment
Manufacturing Co., Ltd., Nanjing Huade
Storage Equipment Manufacture Co.,
Ltd., Tangshan Apollo Energy
Equipment Company, Ltd., and 13
companies that failed to respond to our
quantity and value (Q&V)
questionnaire.10 Commerce calculated
individual estimated countervailable subsidy rates for Nanjing Dongsheng
Shelf Manufacturing Co., Ltd. (Nanjing
Dongsheng) and Xiamen Aifei Metal
Manufacturing Co., Ltd. (Aifeimetal).
Therefore, Commerce calculated the all-others rate using a weighted average of the individual estimated subsidy rates calculated for Aifeimetal and Nanjing
Dongsheng using each company’s
publicly-ranged values for the
merchandise under consideration.11

Preliminary Determination

Commerce preliminarily determines that the following estimated
countervailable subsidy rates exist:

<table>
<thead>
<tr>
<th>Company</th>
<th>Subsidy rate (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Designa Inc</td>
<td>150.49</td>
</tr>
<tr>
<td>Dongguan Baik Electronics Co., Ltd</td>
<td>150.49</td>
</tr>
<tr>
<td>Ezidone Display Corp. Ltd</td>
<td>150.49</td>
</tr>
<tr>
<td>Fenghua Huige Metal Products Co., Ltd</td>
<td>150.49</td>
</tr>
<tr>
<td>Formost Plastic Metal Works (Jiaxing) Co., Ltd</td>
<td>150.49</td>
</tr>
<tr>
<td>Jiangsu Kinmore Storage Equipment Manufacturing Co., Ltd</td>
<td>150.49</td>
</tr>
<tr>
<td>Nanjing Dongsheng Shelf Manufacturing Co., Ltd</td>
<td>150.49</td>
</tr>
<tr>
<td>Nanjing Huade Storage Equipment Manufacture Co., Ltd</td>
<td>150.49</td>
</tr>
<tr>
<td>Ningbo Bocheng Home Products Co., Ltd</td>
<td>150.49</td>
</tr>
<tr>
<td>Ningbo Joys Imp. &amp; Exp. Co., Ltd</td>
<td>150.49</td>
</tr>
<tr>
<td>Ningbo Li Zhan Import &amp; Export Co</td>
<td>150.49</td>
</tr>
<tr>
<td>Qindao Haineng Hardware Products Co., Ltd</td>
<td>150.49</td>
</tr>
<tr>
<td>Qindao Huatian Hand Truck Co., Ltd</td>
<td>150.49</td>
</tr>
<tr>
<td>Qindao Zeal-Line Stainless Steel Products Co., Ltd</td>
<td>150.49</td>
</tr>
<tr>
<td>Seven Seas Furniture Industrial (Xiamen) Co., Ltd</td>
<td>150.49</td>
</tr>
<tr>
<td>Shijiazhuang Wells Trading &amp; Mfg. Co., Ltd</td>
<td>150.49</td>
</tr>
<tr>
<td>Tangshan Apollo Energy Equipment Company</td>
<td>150.49</td>
</tr>
<tr>
<td>Xiamen Aifei Metal Manufacturing Co., Ltd</td>
<td>10.45</td>
</tr>
<tr>
<td>All- Others</td>
<td>8.81</td>
</tr>
</tbody>
</table>

Suspension of Liquidation

In accordance with section
703(d)(1)(B) and (d)(2) of the Act,
Commerce will direct U.S. Customs and
Border Protection (CBP) to suspend
liquidation of entries of subject
merchandise as described in the scope
of the investigation section entered, or
withdrawn from warehouse, for

8 See sections 776(a) and (b) of the Act.
9 See Letter, “Certain Steel Racks from the
People’s Republic of China: Request to Align Final
Countervailing Duty and Antidumping
10 The companies that did not respond to our
Q&V questionnaire are: Designa Inc.; Dongguan
Baik Electronics Co., Ltd.; Ezidone Display Corp.
Ltd.; Fenghua Huige Metal Products Co., Ltd.;
Formost Plastic Metal Works (Jiaxing) Co., Ltd.;
Ningbo Bocheng Home Products Co., Ltd.; Ningbo
Joys Imp. & Exp. Co., Ltd.; Ningbo Li Zhan Import
& Export Co.; Qindao Haineng Hardware Products
Co., Ltd.; Qindao Huatian Hand Truck Co., Ltd.;
Qindao Zeal-Line Stainless Steel Products Co., Ltd.;
Seven Seas Furniture Industrial (Xiamen) Co.,
Ltd.; and Shijiazhuang Wells Trading & Mfg. Co., Ltd.
11 With two respondents under examination,
Commerce normally calculates (A) a weighted-
average of the estimated subsidy rates calculated for
the examined respondents; (B) a simple average of the
estimated subsidy rates calculated for the
examined respondents; and (C) a weighted-average
of the estimated subsidy rates calculated for the
examined respondents using each company’s
publicly-ranged values for the
merchandise under consideration. Commerce then
compares (B) and (C) to (A) and selects the rate
closest to (A) as the most appropriate rate for all
other producers and exporters. See, e.g., Bull
Bearings and Parts Thereof from France, Germany,

Disclosure

Commerce intends to disclose its
calculations and analysis performed to
interested parties in this preliminary
determination within five days of its
public announcement, or if there is no
public announcement, within five days
of the date of this notice in accordance
with 19 CFR 351.224(b).

Italy, Japan, and the United Kingdom: Final Results of
Antidumping Duty Administrative Reviews, Final
Results of Changed-Circumstances Review, and
Revocation of an Order in Part. 75 FR 53661, 53663
(September 1, 2010). As complete publicly
ranged sales data was available, Commerce based the all-others rate on the publicly
ranged sales data of the
mandatory respondents. For a complete analysis of the
data, please see the All-Others’ Rate
Calculation Memorandum.

12 As discussed in the Preliminary Decision
Memorandum, Commerce has found Xiamen
Massive Joy Industry Co., Ltd. and Xiamen Aifei
Health-Tech Co., Ltd. to be cross-owned with
Xiamen Aifei Metal Manufacturing Co., Ltd.
Verification

As provided in section 782(l) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs. Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation 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.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party’s name, address, and telephone number, the number of participants, whether any participant is a foreign national, 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 time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

International Trade Commission Notification

In accordance with section 703(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(l) of the Act and 19 CFR 351.205(c).

Dated: November 19, 2018.

Gary Tavenner,
Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigation

The merchandise covered by this investigation consists of steel racks and parts thereof, assembled, to any extent, or unassembled, including but not limited to, vertical components (e.g., uprights, posts, or columns), horizontal or diagonal components (e.g., arms or beams), braces, frames, locking devices (i.e., end plates and beam connectors), and accessories (including, but not limited to, rails, skid channels, skid rails, drum/coil beds, fork clearance bars, pallet supports, columns and post protectors, end row and end aisle protectors, corner guards, row spacers, and wall ties). Subject steel racks and parts thereof are made of steel, including, but not limited to, cold and/or hot-formed steel, regardless of the type of steel used to produce the components and may, or may not include, locking tabs, slots, or bolted, clamped, or welded connections.

Steel rack components can be assembled into structures of various dimensions and configurations by welding, bolting, clipping, or with the use of devices such as clips, end plates, and beam connectors, including, but not limited to the following configurations: (1) Racks with upright frames perpendicular to the aisles that are independently adjustable, with positive locking beams parallel to the aisle spanning the upright frames with braces; and (2) cantilever racks with vertical components parallel to the aisle and cantilever beams or arms connected to the vertical components perpendicular to the aisle. Steel racks may be referred to as pallet racks, storage racks, structural steel racks, retail racks, pick modules, selective racks, or cantilever racks and may incorporate moving components and be referred to as pallet-flow racks, carton-flow racks, push-back racks, movable-shelf racks, drive-in racks, and drive-through racks. While steel racks may be made to ANSI MH16.1 or ANSI MH16.3 standards, all steel racks and parts thereof meeting the description set out herein are covered by the scope of this investigation, whether or not produced according to a particular standard.

The scope includes all steel racks and parts thereof meeting the description above, regardless of (1) Dimensions, weight, strength, gauge, or load rating; (2) vertical components or frame type (including structural, roll-form, or other); (3) horizontal support or beam/brace type (including but not limited to structural, roll-form, slotted, unslotted, Z-beam, C-beam, L-beam, angle, and cantilever beam); (4) number of supports; (5) number of levels; (6) surface coating, if any (including but not limited to paint, epoxy, powder coating, zinc, or other metallic coatings); (7) shape (including but not limited to rectangular, square, corner, and cantilever);

(8) the method by which the vertical and horizontal supports connect (including but not limited to locking tabs or slots,bolting, clamping, and welding); and

(9) whether or not the steel rack has moving components (including but not limited to rails, wheels, rollers, tracks, channels, carts, and conveyors).

Subject merchandise includes merchandise matching the above description that has been finished or packaged in a third country. Finishing includes, but is not limited to, coating, painting, or assembling. Also, including attaching the merchandise to another product, or any other finishing or assembly operation that would not remove the merchandise from the scope of the investigation if performed in the country of manufacture of the steel racks and parts thereof. Packaging includes packaging the merchandise with or without another product or any other packaging operation that would not remove the merchandise from the scope of the investigation if performed in the country of manufacture of the steel racks and parts thereof.

Steel racks and parts thereof are included in the scope of this investigation whether or not imported attached to, or included with, other parts or accessories such as wire decking, nuts, and bolts. If steel racks and parts thereof are imported attached to, or included with, such non-subject merchandise, only the steel racks and parts thereof are included in the scope.

The scope of this investigation does not cover: (1) Decks, i.e., shelving that sits on or fits into the horizontal supports to provide the horizontal storage surface of the steel racks; (2) wire shelving units, i.e., shelves made from wire that incorporate both a wire deck and wire horizontal supports (taking the place of the horizontal beams and braces) into a single piece with tubular collars that slide over the posts and onto plastic sleeves snapped on the posts to create a finished unit; (3) pins, nuts, bolts, washers, and clips used as connecting devices; and (4) non-steel components.

Specifically excluded from the scope of this investigation are any products covered by Commerce’s existing antidumping and countervailing duty orders on boltless steel shelving units prepackaged for sale from the People’s Republic of China. See Boltless Steel Shelving Units Prepackaged for Sale from the People’s Republic of China: Antidumping Duty Order, 80 Fed. Reg. 63,741 (October 21, 2017); Boltless Steel Shelving Units Prepackaged for Sale from the People’s Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order, 80 Fed. Reg. 63,745 (October 21, 2017). Also excluded from the scope of this investigation are bulk-packed parts or components of boltless steel shelving units that were specifically excluded from the scope of the Boltless Steel Shelves Orders because such bulk-packed parts or components do not contain the steel vertical supports (i.e., uprights and posts) and steel horizontal supports (i.e., beams, braces) packaged together for assembly into a completed boltless steel shelving unit.

Merchandise covered by this investigation is currently classified in the Harmonized...
Tariff Schedule of the United States (HTSUS) under the following subheadings:
7326.90.8688, 9403.20.0080, and 9403.90.8041. Subject merchandise may also enter under subheadings 7308.90.3000, 7308.90.6000, 7308.90.9590, and 9403.20.0000. The HTSUS subheadings are provided for convenience and U.S. Customs purposes only. The written description of the scope is dispositive.

Appendix II
List of Topics Discussed in the Preliminary Decision Memorandum
I. Summary
II. Background
III. Scope Comments
IV. Scope of the Investigation
V. Injury Test
VI. Application of the CVD Law to Imports From China
VII. Diversification of China’s Economy
VIII. Use of Facts Otherwise Available and Adverse Inferences
IX. Subsidies Valuation
X. Benchmarks and Interest Rates
XI. Analysis of Programs
XII. Conclusion

[FR Doc. 2018–26172 Filed 11–30–18; 8:45 am]
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DEPARTMENT OF COMMERCE
National Institute of Standards and Technology
Board of Overseers of the Malcolm Baldrige National Quality Award
AGENCY: National Institute of Standards and Technology, Department of Commerce.
ACTION: Notice of open meeting.
SUMMARY: The Board of Overseers of the Malcolm Baldrige National Quality Award (Board) will meet in open session on Tuesday, December 11, 2018. The purpose of this meeting is to review and discuss the work of the private sector contractor, which assists the Director of the National Institute of Standards and Technology (NIST) in administering the Malcolm Baldrige National Quality Award (Award), and information received from NIST and from the Chair of the Judges Panel of the Malcolm Baldrige National Quality Award in order to make such suggestions for the improvement of the Award process as the Board deems necessary. Details on the agenda are noted in the SUPPLEMENTARY INFORMATION section of this notice.
DATES: The meeting will be held on Tuesday, December 11, 2018, from 8:30 a.m. Eastern time until 4:00 p.m. Eastern time. The meeting will be open to the public.
ADRESSES: The meeting will be held at the National Institute of Standards and Technology, 100 Bureau Drive, Building 101, Lecture Room A, Gaithersburg, Maryland 20899. Please note admittance instructions under the SUPPLEMENTARY INFORMATION section of this notice.
FOR FURTHER INFORMATION CONTACT: Robert Faengmeyer, Director, Baldrige Performance Excellence Program, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 1020, Gaithersburg, Maryland 20899–1020, telephone number (301) 975–2361, or by email at robert.faengmeyer@nist.gov.
SUPPLEMENTARY INFORMATION:
Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the Board will meet in open session on Tuesday, December 11, 2018, from 8:30 a.m. Eastern time until 4:00 p.m. Eastern time. The Board is currently composed of eleven members selected for their preeminence in the field of organizational performance management and appointed by the Secretary of Commerce. The Board consists of a balanced representation from U.S. service, manufacturing, small business, nonprofit, education, and health care industries. The Board includes members familiar with the quality, performance improvement operations, and competitiveness issues of manufacturing companies, service companies, small businesses, nonprofits, health care providers, and educational institutions. The purpose of this meeting is to review and discuss the work of the private sector contractor, which assists the NIST Director in administering the Award, and information received from NIST and from the Chair of the Judges Panel of the Malcolm Baldrige National Quality Award in order to make such suggestions for the improvement of the Award process as the Board deems necessary. The Board shall make an annual report on the results of Award activities to the Director of NIST, along with its recommendations for the improvement of the Award process. The agenda will include: Report from the Judges Panel of the Malcolm Baldrige National Quality Award, Baldrige Program Business Plan Status Report, Baldrige Foundation Fundraising Update, Products and Services Update, and Recommendations for the NIST Director. The agenda may change to accommodate Board business. The final agenda will be posted on the NIST Baldrige Performance Excellence website at http://www.nist.gov/baldrige/community/overseers.cfm. The meeting will be open to the public.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Board’s affairs are invited to request a place on the agenda. On December 11, 2018 approximately one-half hour will be reserved in the afternoon for public comments, and speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about 3 minutes each. The exact time for public comments will be included in the final agenda that will be posted on the Baldrige website at http://www.nist.gov/baldrige/community/overseers.cfm. Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak, but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to the Baldrige Performance Excellence Program, NIST, 100 Bureau Drive, Mail Stop 1020, Gaithersburg, Maryland 20899–1020, via fax at 301–975–4967 or electronically by email to robyn.verner@nist.gov.

All visitors to the National Institute of Standards and Technology site must pre-register to be admitted. Please submit your name, time of arrival, email address and phone number to Robyn Verner no later than 8:00 a.m. Eastern Time, Tuesday, December 11, 2018 and she will provide you with instructions for admittance. Non-U.S. citizens must submit additional information and should contact Ms. Verner for instructions. Ms. Verner’s email address is robyn.verner@nist.gov and her phone number is (301) 975–2361. Please note that federal agencies, including NIST, can only accept a state-issued driver’s license or identification card for access to federal facilities if such license or identification card is issued by a state that is compliant with the REAL ID Act of 2005 (Pub. L. 109–13), or by a state that has an extension for REAL ID compliance. NIST currently accepts other forms of federal-issued identification in lieu of a state-issued driver’s license. For detailed information please contact Ms. Verner or visit: http://www.nist.gov/public_affairs/visitor/.

Kevin A. Kimball,
Chief of Staff.
[FR Doc. 2018–26135 Filed 11–30–18; 8:45 am]
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