

DEPARTMENT OF COMMERCE

International Trade Administration

[A-823-817]

Prestressed Concrete Steel Wire Strand From Ukraine: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Preliminary Negative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that prestressed concrete steel wire strand (PC strand) from Ukraine is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is April 1, 2019 through March 31, 2020. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable November 19, 2020.

FOR FURTHER INFORMATION CONTACT: Cindy Robinson or 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) 482-3797 or (202) 482-6071, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on May 13, 2020.¹ On September 8, 2020, Commerce postponed the preliminary determination of this investigation and the revised deadline is now November 12, 2020.² For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.³ A list of topics

¹ See *Prestressed Concrete Steel Wire Strand from Argentina, Colombia, Egypt, Indonesia, Italy, Malaysia, the Netherlands, Saudi Arabia, South Africa, Spain, Taiwan, Tunisia, the Republic of Turkey, Ukraine, and the United Arab Emirates: Initiation of Less-Than-Fair-Value Investigations*, 85 FR 28605 (May 13, 2020) (signed and applicable, May 6, 2020). (*Initiation Notice*).

² See *Prestressed Concrete Steel Wire Strand from Indonesia, Italy, Malaysia, South Africa, Spain, Tunisia, and Ukraine: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations*, 84 FR 66151 (September 8, 2020).

³ See Memorandum, "Decision Memorandum for the Preliminary Determination in the Less-Than-

included 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 <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://enforcement.trade.gov/frn/>. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is PC strand from Ukraine. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,⁴ the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).⁵ However, Commerce received no comments on the scope of this investigation from interested parties. Therefore, Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice*. See the scope in Appendix I to this notice.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export price in accordance with section 772(a) of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying the preliminary determination, see the Preliminary Decision Memorandum.

Preliminary Negative Determination of Critical Circumstances

In accordance with section 733(e) of the Act and 19 CFR 351.206, Commerce preliminarily finds that critical circumstances do not exist for PJSC PA Stalkanat-Silur (Stalkanat) and all other producers/exporters of PC strand from Ukraine. For a full description of the methodology and results of Commerce's

Fair-Value Investigation of Prestressed Concrete Steel Wire Strand from Ukraine," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁴ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

⁵ See *Initiation Notice*, 85 FR at 28606.

critical circumstances analysis, see the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination, Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

Commerce calculated an individual estimated weighted-average dumping margin for Stalkanat, the only individually examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis*, or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for Stalkanat is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)
PJSC PA Stalkanat-Silur	19.32
All Others	19.32

Suspension of Liquidation

In accordance with section 733(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 Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondent listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this preliminary determination; (2) if the exporter is not the respondent identified

above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any 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).

Verification

Commerce is currently unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. Accordingly, we intend to take additional steps in lieu of on-site verification. Commerce will notify interested parties of any additional documentation or information required.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Interested parties will be notified of the timeline for the submission of case briefs and written comments at a later date. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline date for case briefs.⁶ 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 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.

Parties are reminded that briefs and hearing requests are to be filed electronically using ACCESS and that electronically filed documents must be received successfully in their entirety by 5 p.m. Eastern Time on the due date. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.⁷

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On November 2, 2020, the petitioners requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months in duration.⁸

On November 3, 2020, pursuant to 19 CFR 351.210(e), Stalkanat requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.⁹ In accordance with section 735(a)(2)(A) of the Act and 19

⁷ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

⁸ The petitioners are Insteel Wire Products Company, Sumiden Wire Products Corporation, and Wire Mesh Corp. See Petitioners' Letter, "Prestressed Concrete Steel Wire Strand from Indonesia, Italy, Malaysia, South Africa, Spain, Tunisia, and Ukraine—Petitioners' Request for Postponement of Final Antidumping Determinations," dated November 2, 2020.

⁹ See Stalkanat's Letter, "Pre-Stressed Concrete Steel Wire Strand from the Ukraine: Request to Extend Final Determination," dated November 3, 2020.

CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; and (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination by no later than 135 days after the date of publication of this preliminary determination, pursuant to section 735(a)(2) of the Act.

International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary 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 whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

Dated: November 12, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The merchandise covered by this investigation is prestressed concrete steel wire strand (PC strand), produced from wire of non-stainless, non-galvanized steel, which is suitable for use in prestressed concrete (both pretensioned and post-tensioned) applications. The product definition encompasses covered and uncovered strand and all types, grades, and diameters of PC strand. PC strand is normally sold in the United States in sizes ranging from 0.25 inches to 0.70 inches in diameter. PC strand made from galvanized wire is only excluded from the scope if the zinc and/or zinc oxide coating meets or exceeds the 0.40 oz./ft² standard set forth in ASTM-A-475.

The PC strand subject to this investigation is currently classifiable under subheadings 7312.10.3010 and 7312.10.3012 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

⁶ See 19 CFR 351.309; see also 19 CFR 351.303 (for general filing requirements).

Appendix II—List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Scope Comments
- V. Scope of the Investigation
- VI. Preliminary Critical Circumstances Finding
- VII. Discussion of the Methodology
- VIII. Currency Conversion
- IX. Recommendation

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA651]

Caribbean Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Caribbean Fishery Management Council (CFMC) will hold the 172nd public meeting (virtual) to address the items contained in the tentative agenda included in **SUPPLEMENTARY INFORMATION.**

DATES: The 172nd CFMC public meeting (virtual) will be held on December 8, 2020, from 1 p.m. to 4:45 p.m., and on December 9, 2020, from 9 a.m. to 12:30 p.m. The meeting will be at AST (U.S. Caribbean time.)

ADDRESSES: You may join the 172nd CFMC public meeting (virtual) via Zoom, from a computer, tablet or smartphone by entering the following address:

Join Zoom Meeting: <https://us02web.zoom.us/j/83060685915?pwd=VmVsc1orSUtKck8xYk1XOXNDY1ErZz09>.

Meeting ID: 830 6068 5915.

Passcode: 995658.

One tap mobile:

+17879451488, ,83060685915#,,,,,0#,
995658# Puerto Rico
+17879667727, ,83060685915#,,,,,0#,
995658# Puerto Rico

Dial by your location:

+1 787 945 1488 Puerto Rico
+1 787 966 7727 Puerto Rico
+1 939 945 0244 Puerto Rico

Meeting ID: 830 6068 5915.

Passcode: 995658.

In case there are problems and we cannot reconnect via Zoom, the meeting will continue using GoToMeeting.

You can join the meeting from your computer, tablet or smartphone. <https://global.gotomeeting.com/join/971749317>. You can also dial in using your phone. United States: +1 (408) 650–3123. Access Code: 971–749–317.

FOR FURTHER INFORMATION CONTACT:

Miguel Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903, telephone: (787) 398–3717.

SUPPLEMENTARY INFORMATION: The following items included in the tentative agenda will be discussed:

December 8, 2020, 1 p.m.–1:30 p.m.

—Call to Order

—Roll Call

—Adoption of Agenda

—Consideration of 171st Council Meeting Verbatim Transcriptions

—Executive Director's Report

December 8, 2020, 1:30 p.m.–1:45 p.m.

—Five-Year Strategic Plan Update—Michelle Duval

December 8, 2020, 1:45 p.m.–2 p.m.

—Scientific and Statistical Committee (SSC) Report on July 27–28, 2020, Meeting—Richard Appeldoorn

—Ecosystem Conceptual Model (ECM) update

—Constant Catch recommendation

December 8, 2020, 2 p.m.–3:30 p.m.

—Spiny Lobster Framework Amendment—Sarah Stephenson

—Gear Amendment to the Island-Based FMPs, Deep-water Snapper Gear Options Paper—Maria Lopez

—Ecosystem-Based Fishery Management Technical Advisory Panel Report—Sennai Habtes

December 8, 2020, 3:30 p.m.–3:45 p.m.

—St. Croix Territory/Federal

Compatible Fishing Regulations—Carlos Farchette

December 8, 2020, 3:45 p.m.–4 p.m.

—Squid Fishing Project—Raimundo Espinoza

December 8, 2020, 4 p.m.–4:20 p.m.

—Assessment of COVID–19 Impact on Commercial Fishing Associations in Puerto Rico—Marcos Hanke

December 8, 2020, 4:20 p.m.–4:30 p.m.

—Queen Conch Rebuilding Plan—

Next Steps—NMFS

December 8, 2020, 4:30 p.m.–4:45 p.m.

—Public Comment Period (5-minute presentations)

December 8, 2020, 4:45 p.m.

—Adjourn

December 9, 2020, 9 a.m.–9:15 a.m.

—Deepwater Snappers and Reef Fishes in the U.S. Caribbean: Aging Validation Using Bomb

Radiocarbon and Preliminary

Longevity Estimates—Virginia Shervette

December 9, 2020, 9:15 a.m.–9:30 a.m.

—Research on Queen Snapper in Puerto Rico—Kate Overly

December 9, 2020, 9:30 a.m.–9:45 a.m.

—Queen triggerfish reproductive biology in the U.S. Caribbean—Jesús Rivera Hernández

December 9, 2020, 9:45 a.m.–10:15 a.m.

—Outreach and Education Advisory Panel Report—Alida Ortíz

December 9, 2020, 10:15 a.m.–11:15 a.m.

—Enforcement (15 minutes each)

—Puerto Rico—Department of Natural and Environmental Resources (DNER)

—U.S.V. I.—Department of Planning and Natural Resources (DPNR)

—U.S. Coast Guard

—NOAA Fisheries Office of Law Enforcement

December 9, 2020, 11:15 a.m.–11:30 a.m.

—Other Business

—Julian Magras Presentation

December 9, 2020, 11:30 a.m.–12:30 p.m.

—Public Comment Period (5-minute presentations)

December 9, 2020, 12:30 p.m.

—Adjourn

The order of business may be adjusted as necessary to accommodate the completion of agenda items. The meeting will begin on December 8, 2020, at 1 p.m. AST, and will end on December 9, 2020, at 12:30 p.m. AST. Other than the start time on the first day of the meeting, interested parties should be aware that discussions may start earlier or later than indicated in the agenda, at the discretion of the Chair.

Special Accommodations

Simultaneous interpretation will be provided.

Se proveerá interpretación en español.

Para interpretación en español puede marcar el siguiente número para entrar a la reunión:

US/Canada: llame al +1–888–947–3988, cuando el sistema conteste, entrar el número 1*999996#.

For English interpretation you may dial the following number to enter the meeting:

US/Canada: call +1–888–947–3988, when the system answers enter the number 2*999996#.

For any additional information on this public virtual meeting, please contact Diana Martino, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918–1903, telephone: (787) 226–8849.

Authority: 16 U.S.C. 1801 *et seq.*