

- IV. Changes Since the *Preliminary Determination*
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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-791-826]

#### Prestressed Concrete Steel Wire Strand From South Africa: Final Affirmative 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 prestressed concrete steel wire strand (PC strand) from South Africa is being, or is likely to be, sold in the United States at less than fair value (LTFV). The final weighted-average dumping margins are listed below in the section entitled “Final Determination.”

**DATES:** Applicable April 9, 2021.

**FOR FURTHER INFORMATION CONTACT:** Jerry Huang, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4047.

**SUPPLEMENTARY INFORMATION:**

#### Background

On November 19, 2020, Commerce published the *Preliminary Determination in the Federal Register* and invited interested parties to comment on our findings.<sup>1</sup> The petitioners in this investigation are Insteel Wire Products, Sumiden Wire Products Corporation, and Wire Mesh Corp. The sole mandatory respondent subject to this investigation is Scaw Metals Group (Scaw). A summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a full

<sup>1</sup> See *Prestressed Concrete Steel Wire Strand from South Africa: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 85 FR 73674 (November 19, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.<sup>2</sup>

The Issues and Decision Memorandum is a public document and is available 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 Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/index.html>.

#### Period of Investigation

The period of investigation is April 1, 2019, through March 31, 2020.

#### Scope of the Investigation

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

#### Analysis of Comments Received

All issues raised in the case briefs and rebuttal briefs submitted by interested parties in this proceeding are discussed in the Issues and Decision Memorandum. A list of the issues raised by parties and responded to by Commerce in the Issues and Decision Memorandum is in Appendix II of this notice.

#### Verification

Commerce was unable to conduct an on-site verification of the information relied upon in making its final determination in this investigation as provided for in section 782(i) of the Tariff Act of 1930, as amended (the Act). Accordingly, we took additional steps in lieu of an on-site verification and requested additional documentation and information,<sup>3</sup> which Scaw failed to submit in a timely manner. As a result, Commerce rejected the entirety of Scaw’s ILOV response from the record.<sup>4</sup> Therefore, Commerce was unable to verify Scaw’s information as provided for in section 782(i) of the Act. For

<sup>2</sup> See Memorandum, “Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Prestressed Concrete Steel Wire Strand from South Africa,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>3</sup> See Commerce’s Letter, In Lieu of Verification Questionnaire, dated January 6, 2021 (ILOV Questionnaire).

<sup>4</sup> See Commerce’s Letter, “Prestressed Concrete Steel Wire Strand from South Africa: Rejection and Removal from ACCESS,” dated January 26, 2021.

further information, see the Issues and Decision Memorandum.

#### Changes Since the Preliminary Determination

Based on our analysis of the comments received, we have not calculated an estimated dumping margin for Scaw and, instead, applied total AFA. For a discussion of this issue, see the Issues and Decision Memorandum.

#### Use of Facts Available and Adverse Facts Available

As noted above, Scaw did not comply with the ILOV Questionnaire procedures and failed to provide its complete ILOV response in a timely manner. Therefore, we have based Scaw’s dumping margin on total adverse facts available (AFA), pursuant to sections 776(a) and 776(b) of the Act. For further information, see the Issues and Decision Memorandum.

#### All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for individually investigated exporters and producers, excluding any margins that are zero, *de minimis*, or any margins determined entirely under section 776 of the Act. Commerce assigned Scaw a dumping margin that is entirely based on section 776 of the Act. In cases where no weighted-average dumping margins other than zero, *de minimis*, or determined entirely under section 776 of the Act have been established for individually-examined entities, in accordance with section 735(c)(5)(B) of the Act, Commerce typically averages the margins alleged in the petition and applies the results to all other entities not individually examined.<sup>5</sup>

In the Petition, the petitioners calculated a single estimated dumping margin, 155.10 percent.<sup>6</sup> Therefore,

<sup>5</sup> See, e.g., *Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Czech Republic: Preliminary Affirmative Determination of Sales at Less Than Fair Value*, 85 FR 83059, 83060 (December 21, 2020), unchanged in *Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Czech Republic: Final Affirmative Determination of Sales at Less Than Fair Value*, 86 FR 12909 (March 5, 2021).

<sup>6</sup> See Petitioners’ Letter, “Prestressed Concrete Steel Wire Strand from South Africa: Petition for the Imposition of Antidumping Duties,” dated April 16, 2020 (Petition) at Volume X; see also Checklist, “AD Investigation Initiation Checklist: Prestressed

consistent with our practice, for the all-others rate in this investigation, we assigned the dumping margin alleged in the Petition, which is 155.10 percent.

**Final Determination**

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Scaw Metals Group .....	** 155.10
All Others .....	155.10

\*\* (Based on total AFA).

**Disclosure**

Normally, Commerce discloses to interested parties the calculations performed in connection with a final determination, in accordance with 19 CFR 351.224(b). However, because Commerce applied AFA to the sole mandatory respondent in this investigation, there are no calculations to disclose.

**Continuation of Suspension of Liquidation**

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of subject merchandise, as described in Appendix I of this notice, entered, or withdrawn from warehouse, for consumption on or after November 19, 2020, the date of publication of the *Preliminary Determination* in the **Federal Register**.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), upon publication of this notice, Commerce will instruct CBP to require a cash deposit for entries of subject merchandise 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 in the table above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified in the table above but the producer is, then the cash deposit rate will be equal to the 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.

**International Trade Commission Notification**

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation of PC strand no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated, and all cash deposits will be refunded. If the ITC determines that material injury or threat of material injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

**Notification Regarding Administrative Protective Order**

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

**Notification to Interested Parties**

We are issuing and publishing this determination and notice in accordance with sections 735(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: April 5, 2021.

**Christian Marsh,**  
*Acting 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./ft<sup>2</sup> 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.

**Appendix II**

**List of Topics Discussed in the Issues and Decision Memorandum**

- I. Summary
- II. Background
- III. Scope of the Investigation
- IV. Changes Since the *Preliminary Determination*
- V. Use of Adverse Facts Available
- VI. Discussion of the Issues
  - Comment 1: Whether Scaw’s Untimely ILOV Questionnaire Response Should be Accepted
  - Comment 2: Application of Total AFA for Scaw
  - Comment 3: Moot Arguments
- VII. Recommendation

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-823-817]

**Prestressed Concrete Steel Wire Strand From Ukraine: Final Affirmative Determination of Sales at Less Than Fair Value, and Final Negative Determination of Critical Circumstances**

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

**SUMMARY:** The Department of Commerce (Commerce) 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 final weighted-average dumping margins are listed below in the section entitled “Final Determination.”

**DATES:** Applicable April 9, 2021.

**FOR FURTHER INFORMATION CONTACT:** Laura Griffith, AD/CVD Operations, Office III, Enforcement and Compliance,

Concrete Steel Wire Strand from South Africa,” dated May 6, 2020.