



BILLING CODE: 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-134]

Certain Metal Lockers and Parts Thereof from the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigation

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

DATES: Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Charles Doss at (202) 482-4474, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On July 29, 2020, the Department of Commerce (Commerce) initiated a countervailing duty (CVD) investigation of imports of certain metal lockers and parts thereof from the People's Republic of China.<sup>1</sup> Currently, the preliminary determination is due no later than October 2, 2020.

Postponement of Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a countervailing duty investigation within 65 days after the date on which Commerce initiated the investigation. However, section 703(c)(1) of the Act

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<sup>1</sup> See *Certain Metal Lockers and Parts Thereof from the People's Republic of China: Initiation of Countervailing Duty Investigation*, 85 FR 47353 (August 5, 2020).

permits Commerce to postpone the preliminary determination until no later than 130 days after the date on which Commerce initiated the investigation if: (A) the petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On September 4, 2020, the petitioners<sup>2</sup> submitted a timely request that Commerce postpone the preliminary CVD determination.<sup>3</sup> The petitioners stated that they request postponement to permit parties time to review data submitted by the Government of China and Zhejiang Xingyi Metal Products Co., Ltd., identify deficiencies, and provide comment in advance of the preliminary determination.<sup>4</sup> In accordance with 19 CFR 351.205(e), the petitioners have stated the reasons for requesting a postponement of the preliminary determination, and Commerce finds no compelling reason to deny the request. Therefore, in accordance with section 703(c)(1)(A) of the Act, Commerce is postponing the deadline for the preliminary determination to no later than 130 days after the date on which this investigation was initiated, *i.e.*, December 7, 2020.<sup>5</sup> Pursuant to section 705(a)(1) of the Act and 19 CFR

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<sup>2</sup> The petitioners are: List Industries, Inc.; Lyon LLC, Penco Products, Inc.; and Tennsco LLC.

<sup>3</sup> See Petitioners' Letter, "Certain Metal Lockers and Parts Thereof from the People's Republic of China – Petitioners' Request to Postpone Preliminary Determination," dated September 4, 2020.

<sup>4</sup> *Id.*

<sup>5</sup> Postponing the preliminary determination to 130 days after initiation would place the deadline on Sunday, December 6, 2020. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination.

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: September 15, 2020.

Jeffrey I. Kessler,  
Assistant Secretary  
for Enforcement and Compliance.

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