

Analysis of the Comments Received

All issues raised in the case and rebuttal briefs submitted in this review are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached as an appendix to this notice. The Issues and 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 to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/index.html>. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Bona Fides Analysis

We preliminarily found that Fuyang's sale of subject merchandise to the United States during the POR is not a *bona fide* sale.³ After analyzing parties' comments, we continue to find that Fuyang's sale is not a *bona fide* sale. We reached this conclusion based on multiple issues, including: (a) The atypical nature of both the price and quantity of the sale; (b) factors calling into question whether the sale was made at arm's-length; and (c) other relevant factors.

Because we have determined that Fuyang had no *bona fide* sales during the POR, we are rescinding this administrative review.

Assessment

Because Commerce is rescinding this administrative review, we have not calculated a company-specific dumping margin for Fuyang. Fuyang remains part of the China-wide entity and entries of its subject merchandise during the POR will be assessed antidumping duties at the China-wide entity rate. The China-wide entity rate is 139.49 percent.

Cash Deposit Requirements

As noted above, Commerce is rescinding this administrative review. Thus, we have not calculated a company-specific dumping margin for Fuyang. Therefore, entries of Fuyang's

subject merchandise continue to be subject to the China-wide entity cash deposit rate of 139.49 percent. This cash deposit requirement shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a reminder to parties subject to Administrative Protective Order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in these segments of the proceeding. 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 terms of an APO is a sanctionable violation.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(h) and 351.221(b)(5).

Dated: December 11, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Issues
 - Comment: Whether Fuyang's Sole U.S. Sale During the Period of Review is *Bona Fide*
 - i. Whether Sale Price Weighs in Favor of Finding Fuyang's Sale Was Not *Bona Fide*
 - ii. Whether Sale Quantity Weighs in Favor of Finding Fuyang's Sale Was Not *Bona Fide*
 - iii. Whether Sale Timing Weighs in Favor of Finding Fuyang's Sale Was Not *Bona Fide*
 - iv. Whether the Goods were Resold at a Profit

- v. Whether the Sale was Made on an Arm's-Length Basis
 - vi. Other Relevant Factors
- V. Recommendation

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS-2019-0063]

Information Collection Requirement; Covered Defense Telecommunications Equipment or Services; Request for OMB Emergency Clearance; Comment Request

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice.

SUMMARY: DoD is requesting the Office of Management and Budget provide emergency clearance of collections of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by January 17, 2020.

SUPPLEMENTARY INFORMATION: DoD is requesting the Office of Management and Budget (OMB) provide emergency clearance of collections of information associated with an interim rule to be published in the **Federal Register** under the title "Covered Defense Telecommunications Equipment or Services (DFARS Case 2018-D022)."

Consistent with 5 CFR 1320.13, DoD has determined the following conditions have been met:

a. The collection of information is needed prior to the expiration of time periods normally associated with a routine submission for review under the provisions of the Paperwork Reduction Act in view of the restrictions imposed by section 1656 of the National Defense Authorization Act (NDAA) for Fiscal year (FY) 2018 (Pub. L. 115-91), which was signed into law on December 12, 2017. Subsequently, section 889(a)(1)(A) of the NDAA for FY 2019 (Pub. L. 115-232), was signed into law on August 13, 2018, and established a similar Governmentwide prohibition. The interim DFARS rule implements the section 1656 and DoD-specific procedures associated with the section 889(a)(1)(A) prohibitions for DoD, and is structured to align with and supplement the higher-level Federal Acquisition Regulation (FAR) implementation of the section 889(a)(1)(A) Governmentwide prohibition. Immediate action is

Order on Silicon Metal from the People's Republic of China; 2017-2018," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

³ See Memorandum, "2017-2018 Antidumping Duty Administrative Review of Silicon Metal from the People's Republic of China: Preliminary *Bona Fide* Sales Analysis for Yunnan Fuyang Trade Co., Ltd.," dated August 6, 2019.

required to implement the requirements of the statutes for DoD.

b. This collection of information is essential to DoD's mission by ensuring that DoD does not procure prohibited articles. Section 1656 provides that DoD may not procure or obtain, or extend or renew a contract to procure or obtain, any equipment, system, or service to carry out the DoD nuclear deterrence or homeland defense missions that uses covered defense telecommunications equipment or services as a substantial or essential component of any system or as a critical technology as a part of any system.

c. DoD must be able to rely on the integrity and security of equipment that is critical to the DoD nuclear deterrence and homeland defense missions. The use of normal clearance procedures would prevent the collection of information from contractors in an expeditious manner with respect to national security functions of the United States.

d. DoD cannot comply with normal clearance procedures, because public harm is reasonably likely if current clearance procedures are followed. Not

only would DoD components be likely to purchase and install prohibited items, agencies could incur substantial additional costs replacing such items, as well as additional administrative costs for replacement.

DoD is requesting OMB provide emergency clearance for collection of the required information for a period of six months. Public comments on the information collection will be requested in the interim rule, which will be published in the **Federal Register**.

Jennifer Lee Hawes,

Regulatory Control Officer, Defense Acquisition Regulations System.

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DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 19-0K]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Karma Job at karma.d.job.civ@mail.mil or (703) 697-8976.

SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 19-0K with attached Policy Justification and Sensitivity of Technology.

Dated: December 12, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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