

**Register.** Further, pursuant to 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit equal to the rates indicated above.

#### Disclosure

The Department 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).

#### Verification

As provided in section 782(i)(1) of the Act, the Department 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.<sup>11</sup> 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, and a list of the issues to be discussed. If a request for a hearing is made, the Department 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, the Department 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(i) of the Act and 19 CFR 351.205(c).

Dated: August 7, 2017.

**Carole Showers,**

*Executive Director, Office of Policy, performing the duties of Deputy Assistant Secretary for Enforcement and Compliance.*

#### Appendix I

##### Scope of the Investigation

The merchandise covered by this investigation is aluminum foil having a thickness of 0.2 mm or less, in reels exceeding 25 pounds, regardless of width. Aluminum foil is made from an aluminum alloy that contains more than 92 percent aluminum. Aluminum foil may be made to ASTM specification ASTM B479, but can also be made to other specifications. Regardless of specification, however, all aluminum foil meeting the scope description is included in the scope.

Excluded from the scope of this investigation is aluminum foil that is backed with paper, paperboard, plastics, or similar backing materials on only one side of the aluminum foil, as well as etched capacitor foil and aluminum foil that is cut to shape.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above. The products under investigation are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7607.11.3000, 7607.11.6000, 7607.11.9030, 7607.11.9060, 7607.11.9090, and 7607.19.6000. Further, merchandise that falls within the scope of this proceeding may also be entered into the United States under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3045, 7606.12.3055, 7606.12.3090, 7606.12.6000, 7606.91.3090, 7606.91.6080, 7606.92.3090, and 7606.92.6080. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding 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 the PRC
- VII. Subsidies Valuation

- VIII. Benchmarks and Interest Rates
- IX. Use of Facts Otherwise Available and Adverse Inferences
- X. Analysis of Programs
- XI. ITC Notification
- XII. Disclosure and Public Comment
- XIII. Verification
- XIV. Conclusion

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

#### FOR FURTHER INFORMATION CONTACT:

Marcia E. Short, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482-1560.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 1, 2017, the Department of Commerce (the Department) published the June *Initiation Notice*<sup>1</sup> in which the Department inadvertently initiated an antidumping duty administrative review of Polyester Staple Fiber from Taiwan (A-583-833) covering the period May 1, 2016, through April 30, 2017. The Department did not intend to initiate a review with respect to this order. Instead, the Department intended to correct the May *Initiation Notice*<sup>2</sup> in which the Department inadvertently included TFM North America, Inc. in the initiation notice with respect to the antidumping duty administrative review of Certain Stillbenic Optical Brightening Agents (A-583-848) covering the period May 1, 2016 through April 30, 2017. The Department only intended to initiate a review with respect to Teh Fong Min International Co. Ltd. In addition, in the June *Initiation Notice* the Department misspelt Teh Fong Min International Co. Ltd. as The Fong Min International Co. Ltd.<sup>3</sup> This notice serves as a correction to the June *Initiation Notice*.

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*; 82 FR 35749 (August 2, 2017) (June *Initiation Notice*).

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*; 82 FR 31292 (June 6, 2016) (May *Initiation Notice*).

<sup>3</sup> See June *Initiation Notice*, 82 FR at 35749.

<sup>11</sup> See 19 CFR 351.309; see also 19 CFR 351.303 (for general filing requirements).

Dated: August 9, 2017.

**James Maeder,**

*Senior Director, performing the Duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-834-808]

#### **Silicon Metal From the Republic of Kazakhstan: 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 (the Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of silicon metal from the Republic of Kazakhstan (Kazakhstan). The period of investigation is January 1, 2016, through December 31, 2016.

**DATES:** Effective August 14, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Terre Keaton Stefanova or Rebecca Janz, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-1280 or (202) 482-2972, respectively.

**SUPPLEMENTARY INFORMATION:**

#### **Background**

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). The Department published the notice of initiation of this investigation on April 4, 2017.<sup>1</sup> On May 16, 2017, the Department postponed the preliminary determination of this investigation and the revised deadline is now August 7, 2017.<sup>2</sup> For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.<sup>3</sup> Tau-Ken

Temir LLP (Tau-Ken Temir), a producer and exporter of silicon metal from Kazakhstan, is the sole mandatory respondent for which we have determined there were exports during the period of investigation to the United States. 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 product covered by this investigation is silicon metal from Kazakhstan. For a complete description of the scope of this investigation, see Appendix I.

#### **Scope Comments**

In accordance with the preamble to the Department's regulations,<sup>4</sup> the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).<sup>5</sup> Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice*. For a summary of the product coverage comments and rebuttal responses submitted to the record for this preliminary determination, and accompanying discussion and analysis of all comments timely received, see the Preliminary Scope Decision Memorandum.<sup>6</sup> The Department preliminarily is not modifying the scope language as it appeared in the *Initiation Notice*. See Appendix I.

#### **Methodology**

The Department is conducting this investigation in accordance with section

701 of the Act. For each of the subsidy programs found countervailable, the Department 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.<sup>7</sup>

In its questionnaire responses, Tau-Ken Temir refused to provide the Department with requested information or analyze whether its cross-owned companies received countervailable subsidies.<sup>8</sup> Furthermore, the Government of Kazakhstan's (GOK)'s initial questionnaire response was wholly deficient with respect to an allegation that electricity was sold to Tau-Ken Temir for less than adequate remuneration, and its supplemental response regarding this allegation was untimely filed.<sup>9</sup> Thus, the Department has relied on facts available as part of its analysis. Additionally, because we find that Tau-Ken Temir and the GOK did not act to the best of their abilities to respond to the Department's requests for information and, therefore, impeded this investigation, we drew an adverse inference where appropriate in selecting from among the facts otherwise available.<sup>10</sup> For further information, see "Use of Facts Otherwise Available and Adverse Inferences" in the Preliminary Decision Memorandum.

#### **Alignment**

On March 28, 2017, the Department initiated this countervailing duty (CVD) investigation of silicon metal from Kazakhstan.<sup>11</sup> On the same day, the Department also initiated antidumping duty (AD) investigations of silicon metal from Australia, Brazil, and Norway.<sup>12</sup> This CVD investigation and the AD investigations of Australia, Brazil, and Norway cover the same class or kind of merchandise.

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), the Department is aligning the final CVD determination in this investigation with the final determinations in the companion AD investigations of silicon metal from Australia, Brazil, and Norway based on

<sup>7</sup> 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.

<sup>8</sup> See Tau-Ken Temir's Supplemental Affiliation Response, dated May 15, 2017 (Tau-Ken Temir May 15, 2017 SAFFR).

<sup>9</sup> See GOK's June 1, 2017 Initial Questionnaire Response (GOK June 1, 2017 IQR).

<sup>10</sup> See sections 776(a) and (b) of the Act.

<sup>11</sup> See *Initiation Notice*, 82 FR 16356.

<sup>12</sup> See *Silicon Metal from Australia, Brazil, and Norway: Initiation of Less-Than-Fair-Value Investigations*, 82 FR 16352 (April 4, 2017).

<sup>1</sup> See *Silicon Metal from Australia, Brazil, and Kazakhstan: Initiation of Countervailing Duty Investigations*, 82 FR 16356 (April 4, 2017) (*Initiation Notice*).

<sup>2</sup> See *Silicon Metal From Australia, Brazil, and Kazakhstan: Postponement of Preliminary Determinations of Countervailing Duty Investigations*, 82 FR 22490 (May 16, 2017).

<sup>3</sup> See Memorandum, "Decision Memorandum for the Preliminary Determination of the Countervailing Duty Investigation of Silicon Metal

from the Republic of Kazakhstan," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

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

<sup>5</sup> See *Initiation Notice*.

<sup>6</sup> See Memorandum, "Silicon Metal from Australia, Brazil, Kazakhstan, and Norway: Scope Comments Decision Memorandum for the Preliminary Determinations," dated June 27, 2017 (Preliminary Scope Decision Memorandum).