

during the POR without regard to antidumping duties in accordance with 19 CFR 351.106(c)(2). For customers or importers of Weihai for which we do not have entered value, we have calculated customer/importer-specific antidumping duty assessment amounts based on the ratio of the total amount of antidumping duties calculated for the examined sales of subject merchandise to the total quantity of subject merchandise sold in those transactions. For customers or importers of Weihai for which we received entered-value information, we have calculated customer/importer-specific antidumping duty assessment rates based on customer/importer-specific *ad valorem* rates in accordance with 19 CFR 351.212(b)(1). For all non-selected respondents that received a separate rate, we will instruct CBP to apply an antidumping duty assessment rate of 9.55 percent to all entries of subject merchandise that entered the United States during the POR. For all other companies, we will instruct CBP to apply an antidumping duty assessment rate of 164.09 percent to all entries of subject merchandise exported by these companies.

We intend to issue assessment instructions to CBP 15 days after the date of publication of the final results of review.

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of these final results of review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date as provided by section 751(a)(2)(C) of the Act: (1) For subject merchandise exported by the companies listed above that have separate rates, the cash deposit rate will be the rate established in this final results of review for each exporter as listed above, except if the rate is zero or *de minimis*, then no cash deposit will be required for that exporter; (2) for previously investigated companies not listed above that have separate rates, the cash deposit rate will continue to be the company-specific rate published for the investigation; (3) for all other PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 164.09 percent; (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC entity that supplied that non-PRC exporter. These deposit requirements shall remain in effect until further notice.

### Notifications

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 the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as the only 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(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 terms of an APO is a sanctionable violation.

These final results of review are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: February 8, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

### Appendix

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### DEPARTMENT OF COMMERCE

#### International Trade Administration

[A-570-981]

#### Utility Scale Wind Towers From the People's Republic of China: Antidumping Duty Order

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** Based on affirmative final determinations by the Department of Commerce (the "Department") and the International Trade Commission ("ITC"), the Department is issuing an antidumping duty order on utility scale wind towers ("wind towers") from the People's Republic of China ("PRC").

**DATES:** *Effective Date:* February 15, 2013.

**FOR FURTHER INFORMATION CONTACT:** Lilit Astvatsatrian, Shawn Higgins, Thomas Martin, or Trisha Tran, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-6412, (202) 482-0679, (202) 482-3936, or (202) 482-4852, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

In accordance with sections 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended ("Act"), on December 26, 2012, the Department published the final determination of sales at less than fair value in the antidumping duty investigation of wind towers from the PRC.<sup>1</sup> On February 8, 2013, the ITC notified the Department of its affirmative determination that an industry in the United States is materially injured or threatened with material injury by reason of imports of wind towers from the PRC.<sup>2</sup>

##### Scope of the Order

The merchandise covered by this order are certain wind towers, whether or not tapered, and sections thereof. Certain wind towers are designed to support the nacelle and rotor blades in a wind turbine with a minimum rated electrical power generation capacity in excess of 100 kilowatts and with a

<sup>1</sup> See *Utility Scale Wind Towers From the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 77 FR 75992 (December 26, 2012).

<sup>2</sup> See *Utility Scale Wind Towers from China and Vietnam*, USITC Investigation Nos. 701-TA-486 and 731-TA-1195-1196 (Final), USITC Publication 4372 (February 2013) ("ITC Report").

minimum height of 50 meters measured from the base of the tower to the bottom of the nacelle (*i.e.*, where the top of the tower and nacelle are joined) when fully assembled.

A wind tower section consists of, at a minimum, multiple steel plates rolled into cylindrical or conical shapes and welded together (or otherwise attached) to form a steel shell, regardless of coating, end-finish, painting, treatment, or method of manufacture, and with or without flanges, doors, or internal or external components (*e.g.*, flooring/decking, ladders, lifts, electrical buss boxes, electrical cabling, conduit, cable harness for nacelle generator, interior lighting, tool and storage lockers) attached to the wind tower section. Several wind tower sections are normally required to form a completed wind tower.

Wind towers and sections thereof are included within the scope whether or not they are joined with nonsubject merchandise, such as nacelles or rotor blades, and whether or not they have internal or external components attached to the subject merchandise.

Specifically excluded from the scope are nacelles and rotor blades, regardless of whether they are attached to the wind tower. Also excluded are any internal or external components which are not attached to the wind towers or sections thereof.

Merchandise covered by the order is currently classified in the Harmonized Tariff System of the United States (“HTSUS”) under subheadings 7308.20.0020<sup>3</sup> or 8502.31.0000.<sup>4</sup> Prior to 2011, merchandise covered by the order was classified in the HTSUS under subheading 7308.20.0000 and may continue to be to some degree. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

#### Antidumping Duty Order

As noted above, on February 8, 2013, in accordance with section 735(d) of the Act, the ITC notified the Department of its determination that an industry in the United States is materially injured or threatened with material injury by reason of imports of wind towers from the PRC. Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection (“CBP”) to assess,

upon further instruction by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of wind towers from the PRC.

Section 736(b)(1) of the Act establishes a “general rule” that, if the ITC, in its final determination, finds “material injury or threat of material injury which, but for the suspension of liquidation under section 733(d)(2) {of the Act} would have led to a finding of material injury,” then entries of the subject merchandise, the liquidation of which has been suspended pursuant to the Department’s preliminary determination under section 733(d)(2) of the Act, shall be subject to the imposition of antidumping duties. Section 736(b)(2) of the Act establishes a “special rule” that, if the ITC’s final injury determination is based on the threat of material injury (other than threat of material injury described in the “general rule”) antidumping duties shall be assessed on subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the ITC’s notice of final determination. Under this “special rule,” the Department orders CBP to terminate suspension and refund any cash deposit of estimated antidumping duties for entries made since the Department’s preliminary antidumping duty determination<sup>5</sup> and before publication of the ITC’s final injury determination.<sup>6</sup>

After reviewing the ITC’s final determination, the Department determines that the “special rule” pursuant to section 736(b)(2) of the Act is applicable to the imposition of antidumping duties under this order. Of the votes in the ITC’s final determination, two commissioners determined that an industry in the United States is materially injured by reason of imports of utility scale wind

towers from the PRC and the Socialist Republic of Vietnam, one commissioner determined that an industry in the United States is threatened with material injury by reason of such imports and further determined that he would not have found material injury but for the suspension of liquidation, and three commissioners determined that an industry in the United States is not materially injured or threatened with material injury by reason of such imports.<sup>7</sup> Because the ITC’s determination that an industry in the United States is materially injured or threatened with material injury is not accompanied by a finding that material injury would have resulted but for the suspension of liquidation of entries since the *Preliminary Determination*, the Department determines that the “general rule” of section 736(b)(1) of the Act does not apply.<sup>8</sup> Therefore, in accordance with the “special rule” of section 736(b)(2) of the Act, the Department will instruct CBP to terminate the suspension of liquidation for entries of wind towers from the PRC entered, or withdrawn from warehouse, for consumption prior to the publication of the ITC’s final determination and refund any cash deposit of estimated antidumping duties for these entries.

#### Suspension of Liquidation and Collection of Cash Deposit

In accordance with sections 735(c)(1)(B) and 736(b)(2) of the Act, the Department will instruct CBP to suspend liquidation on all entries of subject merchandise from the PRC made on or after the date of the publication of the ITC’s final affirmative injury determination. The Department will also instruct CBP to require cash deposits equal to the estimated amount by which the normal value exceeds the U.S. price as indicated in the chart below. These cash deposit rates will be adjusted, where appropriate, for export subsidies. These instructions suspending liquidation will remain in effect until further notice.

Accordingly, effective on the date of publication of the ITC’s final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit for estimated antidumping duties based on the weighted-average dumping margins, adjusted, where appropriate,

<sup>7</sup> See *ITC Report*.

<sup>8</sup> See *MBL (USA) Corp. v. United States*, 16 C.I.T. 108, 111–114 (1992) (finding that the Act requires the Department, when confronted with the same ITC voting pattern as present here, to refund duties collected prior to the ITC’s publication of its final injury determination).

<sup>5</sup> See *Utility Scale Wind Towers From the People’s Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 77 FR 46034 (August 2, 2012) (“*Preliminary Determination*”).

<sup>6</sup> Section 736(b)(2) of the Act (“the Department shall release any bonds or other security made, and refund any cash deposit made\* \* \*with respect to entries of the merchandise entered, or withdrawn from warehouse, for consumption before {the date of the publication of the ITC’s affirmative final injury determination}”); see, *e.g.*, *Narrow Woven Ribbons With Woven Selvage From Taiwan and the People’s Republic of China: Antidumping Duty Orders*, 75 FR 53632, 53633 (September 1, 2010) (where the Department ordered the termination of suspension and refund of duties for entries occurring prior to the publication of the ITC’s affirmative threat determination).

<sup>3</sup> Wind towers are classified under HTSUS 7308.20.0020 when imported as a tower or tower section(s) alone.

<sup>4</sup> Wind towers may also be classified under HTSUS 8502.31.0000 when imported as part of a wind turbine (*i.e.*, accompanying nacelles and/or rotor blades).

for export subsidies.<sup>9</sup> The rate for the PRC-wide entity applies to all combinations of producers and exporters of subject merchandise not

specifically listed under the “Final Determination of Antidumping Investigation” section below.

**Final Determination of Antidumping Investigation**

The weighted-average dumping margins are as follows:

Exporter	Producer	Weighted-average dumping margin (percent)
Chengxi Shipyard Co., Ltd. ....	Chengxi Shipyard Co., Ltd. ....	47.59
Titan Wind Energy (Suzhou) Co., Ltd. ....	Titan (Lianyungang) Metal Product Co., Ltd. ....	44.99
Titan Wind Energy (Suzhou) Co., Ltd. ....	Titan Wind Energy (Suzhou) Co., Ltd. ....	44.99
CS Wind Corporation ....	CS Wind China Co., Ltd. ....	46.38
Guodian United Power Technology Baoding Co., Ltd. ....	Guodian United Power Technology Baoding Co., Ltd. ....	46.38
Sinovel Wind Group Co., Ltd. ....	Qiangsheng Wind Equipment Co., Ltd. ....	46.38
PRC-Wide Entity .....	.....	70.63

PRC-Wide Entity includes AVIC International Renewable Energy Co., Ltd.

This notice constitutes the antidumping duty order with respect to wind towers from the PRC pursuant to section 736(a) of the Act.

This order is published in accordance with section 736(a) of the Act and 19 CFR 351.211.

Dated: February 12, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-201-842, A-580-868]

**Large Residential Washers From Mexico and the Republic of Korea: Antidumping Duty Orders**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** Based on affirmative final determinations by the Department of Commerce (the Department) and the International Trade Commission (the ITC), the Department is issuing antidumping duty orders on large residential washers (washers) from Mexico and the Republic of Korea (Korea).

**DATES:** *Effective Date:* February 15, 2013.

**FOR FURTHER INFORMATION CONTACT:**

Brian Smith (Mexico) or David Goldberger (Korea), AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1766 or (202) 482-4136, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

In accordance with sections 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended (the Act), the Department published its affirmative final determinations of sales at less-than-fair-value in the antidumping duty investigations of washers from Korea and Mexico on December 26 and 27, 2012, respectively.<sup>1</sup> On February 8, 2013, the ITC notified the Department of its affirmative determinations that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of less-than-fair-value imports of washers from Mexico and Korea.<sup>2</sup>

**Scope of the Orders**

The products covered by these orders are all large residential washers and certain subassemblies thereof from Mexico and Korea.

For purposes of these orders, the term “large residential washers” denotes all automatic clothes washing machines, regardless of the orientation of the rotational axis, except as noted below,

with a cabinet width (measured from its widest point) of at least 24.5 inches (62.23 cm) and no more than 32.0 inches (81.28 cm).

Also covered are certain subassemblies used in large residential washers, namely: (1) All assembled cabinets designed for use in large residential washers which incorporate, at a minimum: (a) at least three of the six cabinet surfaces; and (b) a bracket; (2) all assembled tubs<sup>3</sup> designed for use in large residential washers which incorporate, at a minimum: (a) a tub; and (b) a seal; (3) all assembled baskets<sup>4</sup> designed for use in large residential washers which incorporate, at a minimum: (a) A side wrapper;<sup>5</sup> (b) a base; and (c) a drive hub;<sup>6</sup> and (4) any combination of the foregoing subassemblies.

Excluded from the scope are stacked washer-dryers and commercial washers. The term “stacked washer-dryers” denotes distinct washing and drying machines that are built on a unitary frame and share a common console that controls both the washer and the dryer. The term “commercial washer” denotes an automatic clothes washing machine designed for the “pay per use” market meeting either of the following two definitions:

(1) (a) it contains payment system electronics;<sup>7</sup> (b) it is configured with an externally mounted steel frame at least six inches high that is designed to house a coin/token operated payment system (whether or not the actual coin/token operated payment system is installed at

<sup>9</sup> See section 736(a)(3) of the Act.

<sup>1</sup> See *Notice of Final Determination of Sales at Less Than Fair Value: Large Residential Washers From the Republic of Korea*, 77 FR 75988 (December 26, 2012); and *Notice of Final Determination of Sales at Less Than Fair Value: Large Residential Washers from Mexico*, 77 FR 76288 (December 27, 2012).

<sup>2</sup> See *Certain Large Residential Washers from Korea and Mexico*, Investigation Nos. 701-TA-488

and 731-TA-1199-1200 (Final), U.S. ITC Publication 4378 (February 2013).

<sup>3</sup> A “tub” is the part of the washer designed to hold water.

<sup>4</sup> A “basket” (sometimes referred to as a “drum”) is the part of the washer designed to hold clothing or other fabrics.

<sup>5</sup> A “side wrapper” is the cylindrical part of the basket that actually holds the clothing or other fabrics.

<sup>6</sup> A “drive hub” is the hub at the center of the base that bears the load from the motor.

<sup>7</sup> “Payment system electronics” denotes a circuit board designed to receive signals from a payment acceptance device and to display payment amount, selected settings, and cycle status. Such electronics also capture cycles and payment history and provide for transmission to a reader.