

they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the conference call number and conference ID number.

Written comments may be mailed to the Regional Program Unit Office, U.S. Commission on Civil Rights, 230 S Dearborn St., Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353-8324 or may be emailed to Carolyn Allen at [callen@usccr.gov](mailto:callen@usccr.gov). Records of the meeting will be available via [www.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights, Florida Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Program Unit at the above email or street address.

#### Agenda

Welcome and Roll Call  
Discussion: Voting Rights in Florida  
Public Comment  
Adjournment

*Exceptional Circumstance:* Pursuant to 41 CFR 102-3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstances of committee availability and preparations for upcoming hearing.

Dated: February 5, 2020.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-122-868, C-560-834, C-552-826]

#### Utility Scale Wind Towers From Canada, Indonesia, and the Socialist Republic of Vietnam; Countervailing Duty Investigations: Preliminary Determinations of Critical Circumstances

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that in the countervailing duty

investigations on utility scale wind towers (wind towers), critical circumstances exist with respect to imports of wind towers from Indonesia and do not exist with respect to imports of wind towers from Canada or the Socialist Republic of Vietnam (Vietnam).

**DATES:** Applicable February 11, 2020.

#### FOR FURTHER INFORMATION CONTACT:

Tyler Weinhold at (202) 482-1121 (Canada), Alex Wood at (202) 482-1955 (Indonesia), or Julie Geiger at (202) 482-2057 (Vietnam); AD/CVD Operations, Offices II and VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

#### Background

In response to petitions filed on July 9, 2019, the Commerce initiated countervailing duty (CVD) investigations concerning wind towers from Canada, Indonesia, and Vietnam.<sup>1</sup> On December 13, 2019, Commerce announced its preliminary CVD determinations<sup>2</sup> and, on the same day, received timely allegations, pursuant to section 703(e)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.206, that critical circumstances exist with respect to imports of wind towers from Canada, Indonesia, and Vietnam.<sup>3</sup> In accordance with section 703(e)(1) of the Act and 19 CFR 351.206(c)(1), because the Wind Tower Trade Coalition (the petitioner) submitted its critical circumstances allegations more than 30 days before the scheduled date of the final determinations, Commerce will make

<sup>1</sup> See *Utility Scale Wind Towers from Canada, Indonesia, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations*, 84 FR 38216 (August 6, 2019).

<sup>2</sup> See *Utility Scale Wind Towers from Canada: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Final Antidumping Duty Determination*, 84 FR 68126 (December 13, 2019) (*Canada CVD Preliminary Determination*); see also *Utility Scale Wind Towers from Indonesia: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination*, 84 FR 68109 (December 13, 2019) (*Indonesia CVD Preliminary Determination*); *Utility Scale Wind Towers from the Socialist Republic of Vietnam: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination*, 84 FR 68104 (December 13, 2019) (*Vietnam CVD Preliminary Determination*).

<sup>3</sup> See Petitioner's Letter, "Utility Scale Wind Towers from Canada, Indonesia, the Republic of Korea, and the Socialist Republic of Vietnam: Critical Circumstances Allegations," dated December 13, 2019 (Critical Circumstances Allegations).

preliminary findings as to whether there is a reasonable basis to believe or suspect that critical circumstances exist and will issue preliminary critical circumstances determinations.<sup>4</sup>

#### Critical Circumstances Analysis

Section 703(e)(1) of the Act provides that Commerce will determine that critical circumstances exist in CVD investigations if there is a reasonable basis to believe or suspect that: (A) The alleged countervailable subsidy is inconsistent with the Agreement on Subsidies and Countervailing Measures (SCM Agreement) of the World Trade Organization; and (B) there have been massive imports of the subject merchandise over a relatively short period.<sup>5</sup> Pursuant to 19 CFR 351.206(h)(2), imports must increase by at least 15 percent during the "relatively short period" to be considered "massive," and 19 CFR 351.206(i) defines a "relatively short period" as normally being the period beginning on the date the proceeding begins (*i.e.*, the date the petition is filed) and ending at least three months later.<sup>6</sup> The regulations also provide, however, that if Commerce finds that importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, Commerce may consider a period of not less than three months from that earlier time.<sup>7</sup>

#### Alleged Countervailable Subsidies Are Inconsistent With the SCM Agreement

To determine whether an alleged countervailable subsidy is inconsistent with the SCM Agreement, in accordance with section 703(e)(1)(A) of the Act, Commerce considered the evidence currently on the record of the Canada, Indonesia, and Vietnam CVD investigations. In each of the three preliminary determinations, we examined a single mandatory respondent and assigned the all-others

<sup>4</sup> Pursuant to section 703(e) of the Act and 19 CFR 351.206, the petitioner requested that we make our determinations at the earliest practicable time, but not later than the preliminary determinations in the antidumping duty investigations. We acknowledge that we have not made our preliminary critical circumstances determinations within the timeframe specified in 19 CFR 351.206(c)(2)(ii), but we have made it by the date requested by the petitioner. See *Critical Circumstances Allegations* at 4.

<sup>5</sup> Commerce limits its critical circumstances findings to those subsidies contingent upon export performance or use of domestic over imported goods (*i.e.*, those prohibited under Article 3 of the SCM Agreement). See, *e.g.*, *Final Affirmative Countervailing Duty Determination and Final Negative Critical Circumstances Determination: Carbon and Certain Alloy Steel Wire from Germany*, 67 FR 55808, 55809-10 (August 30, 2002).

<sup>6</sup> See 19 CFR 351.102 and 19 CFR 351.206.

<sup>7</sup> See 19 CFR 351.206(i).

rate based upon the rate assigned to the mandatory respondent. Specifically, as determined in our preliminary determinations, we found the following subsidy programs to be export contingent, which would render them inconsistent with the SCM Agreement: Indonesia’s exemption from import tax withholding for companies in bonded zones, and Vietnam’s income tax preferences, import duty exemptions on imports of spare parts and accessories in industrial zones, and import duty exemptions on imports of raw materials for exporting goods.<sup>8</sup> With respect to Canada, we preliminarily did not find any subsidies that are inconsistent with the SCM Agreement.<sup>9</sup>

Therefore, Commerce preliminarily determines, for purposes of these critical circumstances determinations, that there are no subsidies in the Canada investigation that are inconsistent with the SCM Agreement, and that there are subsidies in the Indonesia and Vietnam investigations that are inconsistent with the SCM Agreement.

**Massive Imports**

In determining whether there have been “massive imports” over a “relatively short period,” pursuant to section 703(e)(1)(B) of the Act, Commerce normally compares the import volumes of the subject merchandise for at least three months

immediately preceding the filing of the petition (*i.e.*, the “base period”) to a comparable period of at least three months following the filing of the petition (*i.e.*, the “comparison period”). In this case, Commerce compared the import volumes of subject merchandise, as provided by each of the mandatory respondents,<sup>10</sup> for five months immediately preceding and following the filing of the petition. Imports normally will be considered massive when imports during the comparison period have increased by 15 percent or more compared to imports during the base period.<sup>11</sup>

Because the petitions were filed on July 9, 2019, in order to determine whether there was a massive surge in imports for each cooperating mandatory respondent, Commerce compared the total volume of shipments during the period July 2019 through November 2019 with the volume of shipments during the preceding five-month period of February 2019 through June 2019. With respect to Canada and Vietnam, we preliminarily determine that there were no massive surges in imports for the respective mandatory respondents. With respect to Indonesia, we preliminarily determine there was a massive surge in imports for Kenertec.<sup>12</sup>

For “all others,” in each of the three countries, we also attempted to analyze monthly shipment data for the same

time periods, using import data from Global Trade Atlas (GTA),<sup>13</sup> adjusted to remove the mandatory respondents’ shipment data. However, this analysis was not possible in this case, because the quantity of shipments reported by the mandatory respondents was greater than the quantity of imports recorded in the GTA statistics for the U.S. Harmonized Tariff Schedule categories included in the Petition. Therefore, we find that necessary information is not available on the records for each of the three investigations, pursuant to section 776(a)(1) of the Act, as to whether imports were massive for “all other” producers. Thus, as facts available, we based our analysis for “all other” producers and exporters on the results of the massive determination for the mandatory respondents in the respective countries. Consequently, as facts available, we find that there were no massive imports for “all other” producers from Canada and Vietnam, but that there were massive imports for “all other” producers from Indonesia.

**Conclusion**

Based on the criteria and findings discussed above, we preliminarily determine that critical circumstances exist with respect to imports of wind towers by certain producers/exporters. Our findings are summarized as follows.

Country	Case No.	Affirmative preliminary critical circumstances determinations	Negative preliminary critical circumstances determinations
Canada .....	C–122–868	.....	Marmen Inc., Marmen Énergie Inc., Gestion Marmen Inc.; all other producers/exporters.
Indonesia .....	C–560–834	PT Kenertec Power System; all other producers/exporters..	
Vietnam .....	C–552–826	.....	

**Final Critical Circumstances Determinations**

We will issue critical circumstances determinations when we issue our final countervailing duty determinations.

**Public Comment**

Case briefs or other written comments may be submitted no later than seven

days after the date on which the last verification report is issued in each respective 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>14</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.<sup>15</sup>

Electronically filed documents must be received successfully in their entirety

<sup>8</sup> See *Indonesia CVD Preliminary Determination* and accompanying Preliminary Decision Memorandum (PDM) at 21–23; see also *Vietnam CVD Preliminary Determination* and accompanying PDM at 6–8.

<sup>9</sup> See *Canada CVD Preliminary Determination* and accompanying PDM.

<sup>10</sup> In December 2019, the mandatory respondents to each of the three investigations timely provided quantity and value shipment data, pursuant to requests by Commerce.

<sup>11</sup> See 19 CFR 351.206(h)(2). On December 31, 2019, the mandatory respondent from Indonesia, PT

Kenertec Power System, filed comments objecting to the petitioner’s critical circumstances allegation. We considered these comments and find them to be unavailing, as they do not pertain to the criteria listed in the statute, or regulations, with respect to determining the existence of critical circumstances. This is consistent with our findings in other cases where parties have made similar arguments with respect to criteria not explicitly listed in the statute or regulations with respect to the determination of massive imports. See, *e.g.*, *Certain Quartz Surface Products from the People’s Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value*, and *Final Affirmative Determination of*

*Critical Circumstances*, 84 FR 23767 (May 23, 2019), and accompanying Issues and Decision Memorandum at Comment 2.

<sup>12</sup> See respective preliminary critical circumstances memoranda for each proceeding for a description of the methodology and results of Commerce’s critical circumstances analysis, dated concurrently with this notice.

<sup>13</sup> Commerce gathered GTA data under the following harmonized tariff schedule numbers: 7308.20.0020 and 8502.31.0000.

<sup>14</sup> See 19 CFR 351.309(d)(1).

<sup>15</sup> See 19 CFR 351.309(c)(2) and (d)(2).

by 5:00 p.m. Eastern Time on the due dates established above.<sup>16</sup>

### ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determinations.

### Suspension of Liquidation

In accordance with section 703(e)(2)(A) of the Act, for PT Kenertec Power System and all other exporters/producers in Indonesia, we will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of any unliquidated entries of subject merchandise from Indonesia entered, or withdrawn from warehouse for consumption, on or after September 14, 2019, which is 90 days prior to the date of publication of the *Indonesia CVD Preliminary Determination* in the **Federal Register**. For such entries, CBP shall require a cash deposit equal to the estimated preliminary countervailable subsidy rates established in the *Indonesia CVD Preliminary Determination*. This suspension of liquidation will remain in effect until further notice.

This determination is issued and published pursuant to section 777(i) of the Act and 19 CFR 351.206.

Dated: February 4, 2020.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2020-02696 Filed 2-10-20; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Notice of a Roundtable on Capturing the Value of Digital Services in Industrial Machinery

**AGENCY:** Industry and Analysis, International Trade Administration, U.S. Department of Commerce.

**ACTION:** Notice of a roundtable discussion on capturing the value of digital services in industrial machinery.

**SUMMARY:** The Industry and Analysis (I&A) unit of the International Trade Administration (ITA) of the Department of Commerce is leading an effort to develop a methodology to calculate the value of machinery-based digital services in international trade. Better understanding of the true value of digital services in the machinery sector will allow the United States Government to more effectively

advocate for U.S. industry in trade negotiations and international dialogues. Through this notice, I&A announces a roundtable to facilitate a discussion with industry stakeholders and experts as an important step in improving the Department's understanding of the value of digital services in industrial machinery.

#### **DATES:**

*Event:* The roundtable will be held on March 11, 2020, from 9:30 a.m. to 11:30 a.m., Eastern Standard Time.

*Event Registration:* I&A will evaluate registrations based on the submitted information and selection criteria (see below). Selection decisions will be made on a rolling basis until 10 participants have been selected for the roundtable, or until February 28, 2020, whichever occurs first.

**ADDRESSES:** *Event:* The roundtable will be held at the Department of Commerce, 1401 Constitution Ave. NW, Washington, DC 20230.

#### **FOR FURTHER INFORMATION CONTACT:**

*DigitalServicesRoundtable@trade.gov;* Jaron Bass, International Trade Specialist, ITA, at (202) 482-2625; or Jessica Huang, Economist, ITA, at (202) 482-6387.

**SUPPLEMENTARY INFORMATION:** I&A recognizes that data and knowledge gaps exist in assessing the value of digital services as it relates to industrial machinery, a \$430 billion segment of the economy, and international trade in this sector. As emerging technologies increasingly become integrated into industrial machinery and manufacturing, the machinery itself becomes a platform for a host of digital services. In many cases, a U.S. machinery manufacturer's competitive advantage lies in its ability to deliver these services, which has begun to alter global supply chains. Currently, there are no reliable sources of data to track the value and trade of digital services associated with industrial machinery. Therefore, I&A is working to develop a methodology to both categorize and value trade of these services.

As an important step in developing a data-collection methodology, I&A is hosting an exploratory roundtable designed for industry stakeholder input. The goal of this roundtable is to receive guidance from stakeholders on what categories compose the most impactful digital services for automation equipment, as well as effective survey methodology that can be used to collect information from U.S. companies regarding digital services in the future.

The roundtable is intended for individuals involved in their companies' digital services business

development and/or production and performance metrics, including technical experts, services product managers, or individuals serving in a similar capacity. Representatives from U.S. companies or companies with a substantial manufacturing presence in the United States are encouraged to apply to participate. As a result, we are not encouraging attendance by trade associations, consulting organizations, or academic institutions. The roundtable is designed to gather information to improve data collection and will not be utilized to seek consensus on any policy items. The sharing of confidential business information will not be permitted during the roundtable.

I&A is seeking applications from companies that meet the selection criteria outlined below to participate in the March 11 roundtable, which will be led by I&A.

*Event:* The March 11, 2020 roundtable, which will be hosted by I&A in Washington, DC will consist of three discussions: (1) Identifying the most important digital services related to specific sub-sectors of industrial machinery industry, (2) categorizing the types of digital services associated with industrial machinery to winnow duplicative terminology, and (3) discussing how the U.S. government can collect data on these services. Agenda topics and format are subject to change. Due to limited space, the event is not open to the public. Industry participation is limited to 10 qualifying industry representatives.

#### **Selection Process**

##### *Participation*

Persons seeking to participate in the roundtable will be evaluated based on their ability to meet certain conditions and best satisfy the selection criteria outlined below. A maximum of 10 participants will be selected. Interested parties must submit their applications for participation in the roundtable by email to *DigitalServicesMachinery@trade.gov*. Interested parties will be reviewed on a rolling basis in the order that they are received. Views of any interested person and other information regarding this topic are welcome, and can be submitted by email to *DigitalServicesMachinery@trade.gov*.

##### *Timeline for Recruitment*

Applications for the March 11 roundtable must be received by February 28, 2020. I&A will evaluate registrations based on the submitted information and selection criteria (see

<sup>16</sup> See 19 CFR 351.303(b)(1).