

VII. Final Results of Sunset Review
 VIII. Recommendation
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DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-011]

Certain Crystalline Silicon Photovoltaic Products From the People's Republic of China: Final Results of the Expedited Sunset Review of the Countervailing Duty Order

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

SUMMARY: As a result of this expedited sunset review, the Department of Commerce (Commerce) finds that revocation of the countervailing duty order on Certain Crystalline Silicon Photovoltaic Products (certain solar products) from the People's Republic of China (China) would be likely to lead to continuation or recurrence of countervailable subsidies as indicated in the "Final Results of Sunset Review" section of this notice.

DATES: Applicable May 6, 2020.

FOR FURTHER INFORMATION CONTACT: Kathryn Turlo, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3870.

SUPPLEMENTARY INFORMATION:

Background

On February 18, 2015, Commerce published its CVD order on certain solar products from China in the **Federal Register**.¹ On January 2, 2020, Commerce initiated the first sunset review of the countervailing duty order covering certain solar products from China, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).² Commerce received notices of intent to participate in this sunset review from SunPower Manufacturing Oregon, LLC (SunPower) and Hanwha Q CELLS USA, Inc. (Q Cells) (collectively, the domestic interested parties), within the 15-day period specified in 19 CFR

351.218(d)(1)(i).³ The domestic interested parties claimed interested party status under section 771(9)(C) of the Act, as producers of certain solar products.

Commerce received adequate substantive responses to the *Notice of Initiation* from the domestic interested parties within the 30-day period specified in 19 CFR 351.218(d)(3)(i).⁴ On February 25, 2020, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive a substantive response from respondent interested parties.⁵ In accordance with section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the *Order* on certain solar products from China.

Scope of the Order

The products covered by the *Order* is certain solar products, which are currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 8501.61.0000, 8507.20.8030, 8507.20.8040, 8507.20.8060, 8507.20.8090, 8541.40.6020, 8541.40.6030 and 8501.31.8000. A full description of the scope of the *Order* is contained in the accompanying Issues and Decision Memorandum.⁶

Analysis of Comments Received

All issues raised in this review are addressed in the Issues and Decision Memorandum, including the likelihood of continuation or recurrence of countervailable subsidies and the net countervailable subsidy likely to prevail if the *Order* were revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this

³ See SunPower's Letter, "Crystalline Silicon Photovoltaic Products from China and Taiwan: Intent to Participate in Sunset Reviews," dated January 13, 2020; see also Q Cells' Letter, "Crystalline Silicon Photovoltaic Products from People Republic of China and Taiwan: Hanwha Q CELLS USA, Inc.'s Notice of Intent to Participate in Sunset Reviews," dated January 17, 2020.

⁴ See SunPower's Letter, "Crystalline Silicon Photovoltaic Products from China and Taiwan Sunset Reviews: Substantive Response of SPMOR," dated February 3, 2020; see also Q Cells' Letter, "Certain Crystalline Silicon Photovoltaic Products from China and Taiwan, Inv. Nos. 701-TA-511 and 731-TA-1246 and 1247 (1st Sunset Review); Hanwha Q CELLS USA, Inc.'s Substantive," dated February 3, 2020.

⁵ See Commerce's Letter, "Sunset Review Initiated on January 2, 2020," dated February 25, 2020.

⁶ See Memorandum, "Issues and Decision Memorandum for the Final Results of the First Expedited Sunset Review of the Antidumping Duty Orders on Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China," dated concurrently with this notice (Issues and Decision Memorandum).

public memorandum, which is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Services System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://enforcement.trade.gov/frn/index.html>. A list of the issues discussed in the decision memorandum is attached at the Appendix to this notice. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(b) of the Act, Commerce determines that revocation of the countervailing duty *Order* on certain solar products from China would be likely to lead to continuation or recurrence of countervailable subsidies at the following rates: 27.65 percent for Wuxi Suntech Power Co., Ltd. (Wuxi Suntech); 33.50 percent for Changzhou Trina Solar Energy Co., Ltd. (Trina Solar); and 33.58 percent for all others.

Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the 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 violation which is subject to sanction.

Notification to Interested Parties

Commerce is issuing and publishing the final results and notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: May 1, 2020.

Joseph A. Laroski Jr.,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix

List of Topics Discussed in the Final Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. History of the *Order*
- V. Legal Framework
- VI. Discussion of the Issues
- VII. Final Results of Sunset Review

¹ See *Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China: Antidumping Duty Order; and Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order*, 80 FR 8592 (February 18, 2015) (*Order*).

² See *Initiation of Five-Year (Sunset) Reviews*, 85 FR 67 (January 2, 2020) (*Notice of Initiation*).

VIII. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-881; C-533-882]

Large Diameter Welded Pipe From India: Final Results of Antidumping Duty and Countervailing Duty Changed Circumstances Reviews

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

SUMMARY: On December 18, 2019, the Department of Commerce (Commerce) published a notice of initiation and expedited preliminary results of the changed circumstances reviews (CCR) of the antidumping duty (AD) and countervailing duty (CVD) orders on large diameter welded pipe from India which revoked, in part, these orders as they relate to certain specific large diameter welded pipe products. Commerce has adopted the scope exclusion language in these final results.

DATES: Applicable May 6, 2020.

FOR FURTHER INFORMATION CONTACT: Katherine Johnson or Jaron Moore, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4929 or (202) 482-3640, respectively.

SUPPLEMENTARY INFORMATION:**Background**

On March 6, 2019, Commerce published the AD and CVD orders on large diameter welded pipe from India.¹ On December 18, 2019, in response to a request submitted by members of the domestic industry, including the petitioners from the underlying investigations,² Commerce published the *Initiation and Preliminary Results*,³

¹ See *Large Diameter Welded Pipe from India: Antidumping Duty Order*, 84 FR 8079 (March 6, 2019) and *Large Diameter Welded Pipe from India: Countervailing Duty Order*, 84 FR 8085 (March 6, 2019) (*Orders*).

² The companies composing the “domestic industry” are: American Cast Iron Pipe Company; Berg Steel Pipe Corp./Berg Spiral Pipe Corp.; Dura-Bond Industries; Stupp Corporation; (individually and as members of the American Line Pipe Producers Association); Greens Bayou Pipe Mill, LP; JSW Steel (USA) Inc.; Skyline Steel; and Trinity Products LLC (collectively the petitioners in the less-than-fair-value investigation) and Welspun Global Trade LLC.

³ See *Large Diameter Welded Pipe from India: Initiation and Expedited Preliminary Results of*

in which Commerce preliminarily revoked, in part, the *Orders* with respect to certain large diameter welded pipe products with specific combinations of grades, diameters and wall thicknesses. These products have been incorporated into the exclusion language of the scope, below in bold.

The petitioners, representing “substantially all” of the domestic industry,⁴ demonstrated “good cause” to conduct the CCRs less than 24 months after the date of publication of notices of the final determinations in the investigations.⁵ Specifically, the domestic industry does not currently produce the particular large diameter welded pipe products subject to this partial revocation request, and the investment needed to do so far exceeds the potential benefit of such investment. In addition, the domestic producers provided an explanation indicating that the commercial reality has changed since the *Orders* were put in place.

In the *Initiation and Preliminary Results*, we provided all interested parties an opportunity to comment and to request a public hearing regarding our preliminary findings.⁶ On January 2, 2020, SeAH Steel Corporation (SeAH) commented on the *Initiation and Preliminary Results*.⁷ The domestic industry submitted rebuttal comments on January 9, 2020.⁸

Scope of the Orders

The merchandise covered by these *Orders* is welded carbon and alloy steel line pipe (other than stainless steel pipe), more than 406.4 mm (16 inches) in nominal outside diameter (large diameter welded line pipe), regardless of wall thickness, length, surface finish, grade, end finish, or stenciling. Large diameter welded pipe may be used to

Antidumping Duty and Countervailing Duty Changed Circumstances Reviews, 84 FR 69356 (December 18, 2019) (*Initiation and Preliminary Results*).

⁴ *Id.*, 84 FR at 65357. Commerce has interpreted “substantially all” to mean at least 85 percent of the total production of the domestic like product covered by the order. See, e.g., *Supercalendered Paper From Canada: Final Results of Changed Circumstances Review and Revocation of Countervailing Duty Order*, 83 FR 32268 (July 12, 2018).

⁵ See 19 CFR 351.216(c).

⁶ See *Initiation and Preliminary Results*, 84 FR at 65357.

⁷ See SeAH’s Letter, “Changed Circumstances Review of Antidumping and Countervailing Duty Orders on Large Diameter Welded Pipe from India—Comments on Preliminary Results of Review,” dated January 2, 2020 (SeAH Comments).

⁸ See the Domestic Industry’s Letter, “Large Diameter Welded Pipe from India: Response to SeAH’s Comments on Preliminary Results of Review,” dated January 9, 2020 (Petitioners’ Rebuttal Comments).

transport oil, gas, slurry, steam, or other fluids, liquids, or gases.

Large diameter welded line pipe is used to transport oil, gas, or natural gas liquids and is normally produced to the American Petroleum Institute (API) specification 5L. Large diameter welded line pipe can be produced to comparable foreign specifications, grades and/or standards or to proprietary specifications, grades and/or standards, or can be non-graded material. All line pipe meeting the physical description set forth above, including any dual- or multiple-certified/stenciled pipe with an API (or comparable) welded line pipe certification/stencil, is covered by the scope of the *Orders*.

Subject merchandise also includes large diameter welded line pipe that has been further processed in a third country, including but not limited to coating, painting, notching, beveling, cutting, punching, welding, or any other processing that would not otherwise remove the merchandise from the scope of the *Orders* if performed in the country of manufacture of the in-scope large diameter welded line pipe.

Excluded from the scope of the *Orders* is structural pipe, which is produced only to American Society for Testing and Materials (ASTM) standards A500, A252, or A53, or other relevant domestic specifications, or comparable foreign specifications, grades and/or standards or to proprietary specifications, grades and/or standards. Also excluded is large diameter welded pipe produced only to specifications of the American Water Works Association (AWWA) for water and sewage pipe. Also excluded is large diameter welded pipe in the following combinations of grades, outside diameters, and wall thicknesses:

- Grade X60, X65, or X70, 18 inches outside diameter, 0.688 inches or greater wall thickness;
- Grade X60, X65, or X70, 20 inches outside diameter, 0.688 inches or greater wall thickness;
- Grade X60, X65, X70, or X80, 22 inches outside diameter, 0.750 inches or greater wall thickness; and
- Grade X60, X65, or X70, 24 inches outside diameter, 0.750 inches or greater wall thickness.

The large diameter welded line pipe that is subject to these *Orders* is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 7305.11.1030, 7305.11.1060, 7305.11.5000, 7305.12.1030, 7305.12.1060, 7305.12.5000, 7305.19.1030, 7305.19.1060, and 7305.19.5000. Merchandise currently