DEPARTMENT OF COMMERCE
International Trade Administration
Utility Scale Wind Towers From India and Malaysia: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.
FOR FURTHER INFORMATION CONTACT: Terre Keaton Stefanova at (202) 482–1280 (India) and Jerry Huang at (202) 482–4047 (Malaysia), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.
SUPPLEMENTARY INFORMATION:
Background
On November 9, 2020, the Department of Commerce (Commerce) initiated less-than-fair-value (LTFV) investigations of imports of utility scale wind towers from India and Malaysia. Currently, the preliminary determinations are due no later than March 29, 2021.
Postponement of Preliminary Determinations
Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in an LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) the petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On February 26, 2021, the Wind Tower Trade Coalition (the petitioner) submitted a timely request that Commerce postpone the preliminary determinations in these LTFV investigations. The petitioner stated that it requested postponement to allow Commerce to fully analyze comments recently filed by the petitioner and to continue to collect and analyze necessary information so that the preliminary determinations will reflect the most accurate results possible.

For the reasons stated above and because there are no compelling reasons to deny the requests, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determinations for India and Malaysia by 50 days (i.e., 190 days after the date on which these investigations were initiated). As a result, Commerce will issue its preliminary determinations no later than May 18, 2021. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).
Dated: March 5, 2021.
Christian Marsh,
Acting Assistant Secretary for Enforcement and Compliance.

DEPARTMENT OF COMMERCE
International Trade Administration
[C–570–125]
Certain Vertical Shaft Engines Between 99cc and Up To 225cc, and Parts Thereof From the People’s Republic of China: Final Affirmative Countervailing Duty Determination
AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.
SUMMARY: The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and/or exporters of certain vertical shaft engines between


3 Id.
99cc and up to 225cc, and parts thereof (small vertical engines) from China. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

In accordance with the preamble to Commerce’s regulations, the Initiation Notice set aside a period of time for parties to raise issues regarding product coverage (i.e., scope). Certain interested parties commented on the scope of the investigation as it appeared in the Initiation Notice and we addressed these comments in the Preliminary Determination, preliminarily modifying the scope of this and the companion antidumping duty (AD) investigation to exclude commercial engines. We established a period of time for parties to address scope issues in scope case and rebuttal briefs, and we received such comments, which we addressed in the Final Scope Decision Memorandum.

On November 6, 2020, we issued a memorandum providing parties an opportunity to comment on the overlap in the scopes of this and the concurrent AD investigation on small vertical engines and that of the AD and countervailing duty (CVD) investigation on certain walk-behind lawn mowers and parts thereof (lawn mowers). After analyzing interested parties’ comments, we modified the scope of the lawn mowers investigations to address the overlap. We have not made any changes to the scope of this and the concurrent AD investigation from that published in the Preliminary Determination. See Appendix I to this notice.

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum. A list of the issues that parties raise is attached to this notice as Appendix II.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, Commerce 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. For a full description of the methodology underlying our final determination, see the Issues and Decision Memorandum.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Act.

Changes Since the Preliminary Determination

Based on our review and analysis of the comments received from parties, we made certain changes to the subsidy rate calculations for Chongqing Kohler and Chongqing Zongshe. As a result of these changes, Commerce also revised the all-others rate. For a discussion of these changes, Commerce also revised the Issues and Decision Memorandum.
Final Determination

In accordance with section 705(c)(1)(B)(i) of the Act, we calculated individual estimated subsidy rates for Chongqing Kohler and Chongqing Zongshen. Section 705(c)(5)(A)(i) of the Act states that, for companies not individually investigated, Commerce will determine an all-others rate equal to the weighted-average countervailable subsidy rates established for exporters and/or producers individually investigated, excluding any zero and de minimis countervailable subsidy rates, and any rates determined entirely under section 776 of the Act. Therefore, Commerce calculated the all-others rate using a simple average of the individual estimated subsidy rates calculated for the examined respondents.12 Commerce determines the total estimated net countervailable subsidy rates to be the following:

<table>
<thead>
<tr>
<th>Producer/exporter</th>
<th>Subsidy rate (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chongqing Kohler Engines Ltd</td>
<td>2.84</td>
</tr>
<tr>
<td>Chongqing Zongshen General Power Machine Co ...</td>
<td>18.13</td>
</tr>
<tr>
<td>All Others</td>
<td>10.46</td>
</tr>
</tbody>
</table>

Disclosure

Commerce intends to disclose the calculations performed in connection with this final determination within five days of the date of public announcement or, if there is no public announcement, within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

As a result of our Preliminary Determination and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, Commerce instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in the scope of the investigation section, entered, or withdrawn from warehouse, for consumption on or after August 24, 2020, the date of publication of the Preliminary Determination in the Federal Register.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we intend to issue a CVD order, reinstate the suspension of liquidation under section 706(a) of the Act, and require a cash deposit of estimated countervailing duties for such entries of subject merchandise in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. Because the final determination in this proceeding is affirmative, in accordance with section 705(b) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of small vertical engines from China no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue a CVD order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the “Continuation of Suspension of Liquidation” section.

Notification Regarding Administrative Protective Order (APO)

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to the APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/ 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

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act, and 19 CFR 351.210(c).
APPENDIX II

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Final Affirmative Determination of Critical Circumstances
IV. Subsidies Valuation Information
V. Use of Facts Otherwise Available and Adverse Inferences
VI. Analysis of Programs
VII. Analysis of Comments

Comment 1: Income Tax Deduction for Research and Development (R&D) Expenses Under the Enterprise Income Tax Law

Comment 2: Export Buyer’s Credit Program

Comment 3: Whether the Electricity for Less-Than-Adequate-Renumeration (LTAR) Program is Specific

Comment 4: Whether Commerce Should Revise Its Critical Circumstances Analysis

Comment 5: Whether Commerce Should Find Critical Circumstances for Chongqing Kohler and Companies Covered by the All-Other-Rate

Comment 6: Whether Commerce Should Countervail Certain of Chongqing Kohler’s Bank Acceptance Notes

Comment 7: Whether Chongqing Zongshen’s Input Suppliers are Government Authorities

Comment 8: Whether Commerce Should Rely on Consolidated Sales Data in Attributing Subsidies Received by Zongshen Group or Zongshen Power

Comment 9: Whether Commerce Should Adjust Chongqing Zongshen’s Policy Loans Calculations

Comment 10: Whether Commerce Should Adjust Chongqing Zongshen’s Land-Use Rights for LTAR Calculation

Comment 11: Whether Commerce Should Reverse Its Uncreditworthiness Determination for Chongqing Zongshen

VII. Analysis of Comments

Comment 12: Whether Commerce Should Find Critical Circumstances for Chongqing Kohler and Companies Covered by the All-Other-Rate

Comment 13: Whether Commerce Should Countervail Certain of Chongqing Zongshen’s Bank Acceptance Notes

Comment 14: Whether Commerce Should Rely on Consolidated Sales Data in Attributing Subsidies Received by Zongshen Group or Zongshen Power

Comment 15: Whether Commerce Should Adjust Chongqing Zongshen’s Policy Loans Calculations

Comment 16: Whether Commerce Should Adjust Chongqing Zongshen’s Land-Use Rights for LTAR Calculation

Comment 17: Whether Commerce Should Reverse Its Uncreditworthiness Determination for Chongqing Zongshen

VIII. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–421–813]

Certain Hot-Rolled Steel Flat Products From the Netherlands: Rescission of Antidumping Duty Administrative Review; 2019–2020

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

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty order on certain hot-rolled steel flat products (HR Steel) from the Netherlands covering the period of review (POR) October 1, 2019, through September 30, 2020, based on the timely withdrawal of the request for review.


SUPPLEMENTARY INFORMATION:

Background

On October 1, 2020, Commerce published a notice of opportunity to request an administrative review of the antidumping duty order on HR Steel from the Netherlands for the period October 1, 2019, through September 30, 2020. On November 2, 2020, AK Steel from the Netherlands with respect to Tata Steel Ijmuiden BV. On February 19, 2021, the petitioners timely withdrew their administrative review request for Tata Steel Ijmuiden BV.

Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. The petitioners withdrew their request for review within 90 days of the publication date of the Initiation Notice. No other parties requested an administrative review of the antidumping duty order. Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding the administrative review of the antidumping order on HR Steel from the Netherlands for the period October 1, 2019, through September 30, 2020, in its entirety.

Assessment

Commerce will instruct CBP to assess antidumping duties on all appropriate entries of HR Steel from the Netherlands during the POR at rates equal to the cash deposit rate of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP no earlier than 35 days after the date of publication of this notice in the Federal Register.

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 doubled antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their

1 See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation: Opportunity to Request Administrative Review, 85 FR 61926 (October 1, 2020).

