certain small vertical shaft engines, whether or not mounted on non-hand-held outdoor power equipment, including but not limited to walk-behind lawn mowers and pressure washers, are included in the scope. However, if a subject engine is imported mounted on such equipment, only the engine is covered by the scope. Subject merchandise includes certain small vertical shaft engines produced in the subject country whether mounted on outdoor power equipment in the subject country or in a third country. Subject engines are covered whether or not they are accompanied by other parts.

For purposes of these orders, an unfinished engine covers a minimum sub-assembly comprised of, but not limited to, the following components: Crankcase, crankshaft, camshaft, piston(s), and connecting rod(s). Importation of these components together, whether assembled or unassembled, and whether or not accompanied by additional components such as a sump, carburetor spacer, cylinder head(s), valve train, or valve cover(s), constitutes an unfinished engine for purposes of these orders. The inclusion of other products such as spark plugs fitted into the cylinder head or electrical devices (e.g., ignition coils) for synchronizing with the engine supplied pressure current does not remove the product from the scope. The inclusion of any other components not identified as comprising the unfinished engine subassembly in a third country does not remove the engine from the scope. Specifically excluded from the scope of these orders are “Commercial” or “Heavy Commercial” engines under 40 CFR 1054.107 and 40 CFR 1054.135 that have (1) a displacement of 160cc or greater, (2) a cast iron cylinder liner, (3) an automatic compression release, and (4) a muffler with at least three chambers and volume greater than 400cc.

The engines subject to these orders are predominantly classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 8407.90.1010. The engine subassemblies that are subject to these orders enter under HTSUS 8409.91.9990. The mounted engines that are subject to these orders enter under HTSUS 8433.11.0050, 8433.11.0060, and 8424.30.9000. Engines subject to these orders may also enter under HTSUS 8407.90.1020, 8407.90.9040, and 8407.90.9060. The HTSUS subheadings are provided for convenience and customs purposes only, and the written description of the orders is dispositive.

Appendix II—Separate Rate Companies

<table>
<thead>
<tr>
<th>Exporter</th>
<th>Producer</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHANGZHOU KAWASAKI &amp; KWANG YANG ENGINE CO., LTD</td>
<td>CHANGZHOU KAWASAKI &amp; KWANG YANG ENGINE CO., LTD</td>
</tr>
<tr>
<td>CHONGQING CHEN HUI ELECTRIC Machinery Co., Ltd</td>
<td>CHONGQING AM PRIDE POWER &amp; MACHINERY CO., LTD</td>
</tr>
<tr>
<td>CHONGQING CHEN HUI ELECTRIC Machinery Co., Ltd</td>
<td>CHONGQING KOLHER Motors Co., Ltd</td>
</tr>
<tr>
<td>CHONGQING WHASPAN Power Technology Co., Ltd</td>
<td>CHONGQING WHASPAN Power Technology Co., Ltd</td>
</tr>
<tr>
<td>CHONGQING TATE TECHNOLOGY Co., Ltd</td>
<td>CHONGQING TATE TECHNOLOGY Co., Ltd</td>
</tr>
<tr>
<td>CHONGQING SENCHI IMPORT &amp; EXPORT TRADE CO., LTD</td>
<td>CHONGQING AM PRIDE POWER &amp; MACHINERY CO., LTD</td>
</tr>
<tr>
<td>JIALING-HONDA Motors Co., Ltd</td>
<td>JIALING-HONDA Motors Co., Ltd</td>
</tr>
<tr>
<td>LONCIN Motor Co., Ltd</td>
<td>LONCIN Motor Co., Ltd</td>
</tr>
<tr>
<td>WENLING QIANJIANG Imp. &amp; Exp. Co., Ltd</td>
<td>QIANJIANG GROUP WENLING JENNFENG INDUSTRY INC</td>
</tr>
<tr>
<td>WENLING QIANJIANG Imp. &amp; Exp. Co., Ltd</td>
<td>CHONGQING DINKING POWER MACHINERY CO., LTD</td>
</tr>
<tr>
<td>ZHEJIANG AMERISUN Technology Co., Ltd</td>
<td>CHONGQING RATO TECHNOLOGY Co., Ltd</td>
</tr>
<tr>
<td>ZHEJIANG AMERISUN Technology Co., Ltd</td>
<td>LONCIN MOTOR CO., LTD</td>
</tr>
<tr>
<td>ZHEJIANG AMERISUN Technology Co., Ltd</td>
<td>ZHEJIANG DOSTEBS Power Tools Co., Ltd</td>
</tr>
</tbody>
</table>

DEPARTMENT OF COMMERCE

International Trade Administration

A–351–856

Certain Aluminum Foil From Brazil: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that certain aluminum foil (aluminum foil) from Brazil is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2019, through June 30, 2020. Interested parties are invited to comment on this preliminary determination.


SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). On September 29, 2020, the Aluminum Association Trade Enforcement Working Group and its individual members 1 (collectively, the petitioners) requested the imposition of antidumping and countervailing duties on aluminum foil from five countries.2 On October 19, 2020, Commerce initiated the antidumping duty investigation on aluminum foil from Brazil.3 On February 17, 2021, Commerce postponed the preliminary determination of this investigation, and the revised deadline is now April 27, 2021.4 For a complete description of the events that followed the initiation of this investigation, see the Preliminary

1 The individual members of the Aluminum Association Trade Enforcement Group include Georgia Americas Inc., JW Aluminum Company and Novelis Corporation. The petitioners indicated that Novelis Corporation acquired Aleris Corporation (including all of Aleris’ aluminum foil-related operations), effective April 14, 2020.


4 See Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations, 86 FR 9909 (February 17, 2021).
Decision Memorandum. A list of topics included 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 https://access.trade.gov. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at http://enforcement.trade.gov/frn/.

Scope of the Investigation

The product covered by this investigation is aluminum foil from Brazil. 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 Initiator 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 Initiator Notice. For a summary of the product coverage comments and rebuttal responses submitted to the record for this investigation, and accompanying discussion and analysis of all comments timely received, see the Preliminary Scope Decision Memorandum. As discussed in the Preliminary Scope Decision Memorandum, Commerce is preliminarily not modifying the scope language as it appeared in the Initiator Notice.

The Preliminary Scope Decision Memorandum establishes the deadline to submit scope case briefs. There will be no further opportunity for comments on scope-related issues.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices in accordance with section 772(a) of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act. Furthermore, pursuant to section 776(a) and (b) of the Act, Commerce has preliminarily relied upon facts otherwise available with an adverse inference for Arconic Ind. E Com de Metias LTDA (Arconic). For a full description of the methodology underlying the preliminary determination, see the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination Commerce shall determine an all-others rate for all exporters and producers not individually examined. Pursuant to section 735(c)(5)(A) of the Act, this rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding rates that are zero, de minimis, or determined entirely under section 776 of the Act.

In this investigation, Commerce preliminarily calculated an individual estimated weighted-average dumping margin for Companhia Brasileira de Alumínio (CBA Alumínio) and CBA Itapissuma (collectively, CBA) and assigned a rate based entirely on facts available to Arconic, the two respondents selected for individual examination in this investigation. Because the only individually calculated dumping margin not zero, de minimis, or based entirely on facts otherwise available, is the estimated weighted-average dumping margin calculated for CBA, we have assigned the margin calculated for CBA to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

<table>
<thead>
<tr>
<th>Exporter or producer</th>
<th>Estimated weighted-average dumping margin (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arconic Ind. E Com de Metias LTDA</td>
<td>* 63.05</td>
</tr>
<tr>
<td>Companhia Brasileira de Aluminio/CBA Itapissuma</td>
<td>13.87</td>
</tr>
<tr>
<td>All Others</td>
<td>13.87</td>
</tr>
</tbody>
</table>

* Adverse Facts Available (AFA).

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register.

Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit for estimated antidumping duties as follows: (1) The cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(ii)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination. Normally, Commerce verifies information using standard procedures, including an on-site examination of original accounting, financial, and sales documentation. However, due to current travel restrictions in response to the global COVID–19 pandemic, Commerce is
unable to conduct on-site verification in this investigation. Accordingly, we intend to verify the information relied upon in making the final determination through alternative means in lieu of an on-site verification.

Public Comment

Case briefs or other written comments on non-scope issues may be submitted to the Assistant Secretary for Enforcement and Compliance. A timeline for the submission of case briefs and written comments will be provided to interested parties at a later date. Rebuttal briefs, limited to issues raised in these case briefs, may be submitted no later than seven days after the deadline date for case briefs. 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. Commerce has modified certain of its requirements for serving documents containing business proprietary information until further notice. 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, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing 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.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce’s regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On March 23, 2021, pursuant to 19 CFR 351.210(e), CBA requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months. In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(i), because: (1) The preliminary determination is affirmative; (2) the requesting exporters account for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 35 days after the date of publication of this preliminary determination, pursuant to section 735(a)(2) of the Act.

International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, then the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of aluminum foil from Brazil are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).


Christian Marsh,
Acting 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 99 percent aluminum. Aluminum foil may be made to ASTM specification 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, including aluminum foil to which lubricant has been applied to one or both sides of the foil.

Excluded from the scope of this investigation is aluminum foil that is backed with paper, cardboard, plastics, or similar backing materials on one side or both sides. Certain 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 7606.12.3045, 7606.12.3055, 7606.12.3091, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Scope of Investigation
V. Scope Comments
VI. Application of Facts Available and Use of Adverse Inferences
VII. Affiliation, Collapsing, and Preliminary Successor-In-Interest Determination
VIII. Discussion of the Methodology
IX. Currency Conversion
X. Recommendation

[FR Doc. 2021–09319 Filed 5–3–21; 8:45 am]

BILLING CODE 3510–DS–P