

All meetings are open to the public. A brief period will be set aside during the virtual meeting for public comments on May 27, 2021. However, individuals with extensive questions or statements must submit them in writing to [shana.j.banks@census.gov](mailto:shana.j.banks@census.gov), (subject line “NAC Differential Privacy Virtual Meeting Public Comment”).

Ron S. Jarmin, Acting Director, Bureau of the Census, approved the publication of this Notice in the **Federal Register**.

Dated: May 11, 2021.

**Sheleen Dumas**,

*Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–357–823, A–351–857, A–533–903, A–823–820, A–552–833]

### Raw Honey From Argentina, Brazil, India, Ukraine, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations

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

**DATES:** Applicable May 11, 2021.

**FOR FURTHER INFORMATION CONTACT:** Thomas Martin at (202) 482–3936 (Argentina); Justin Neuman at (202) 482–0486 (Brazil); Brittany Bauer at (202) 482–3860 (India); Jasun Moy at (202) 482–8194 (Ukraine); and Jonathan Hill at (202) 482–3518 (the Socialist Republic of Vietnam (Vietnam)); AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

#### The Petitions

On April 21, 2021, the Department of Commerce (Commerce) received antidumping duty (AD) petitions concerning imports of raw honey from Argentina, Brazil, India, Ukraine, and Vietnam filed in proper form on behalf of the American Honey Producers Association (AHPA) and the Sioux Honey Association (SHA) (collectively, the petitioners), which are trade associations representing domestic producers of raw honey.<sup>1</sup>

<sup>1</sup> See Petitioners’ Letter, “Raw Honey from Argentina, Brazil, India, Ukraine and the Socialist

Between April 22 and May 4, 2021, Commerce requested supplemental information pertaining to certain aspects of the Petitions in separate supplemental questionnaires.<sup>2</sup> The petitioners filed responses to the supplemental questionnaires between April 26 and May 6, 2021.<sup>3</sup>

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that imports of raw honey from Argentina, Brazil, India, Ukraine, and Vietnam are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the raw honey industry in the United States. Consistent with section 732(b)(1) of the Act, the Petitions are accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed the Petitions on behalf of the domestic industry, because the petitioners are interested parties, as defined in sections 771(9)(E) of the Act.

Commerce also finds that the petitioners demonstrated sufficient industry support for the initiation of the requested AD investigations.<sup>4</sup>

Republic of Vietnam—Petition for the Imposition of Antidumping Duties,” dated April 21, 2021 (the Petitions), Volume I at 2 and Exhibit GEN–1.

<sup>2</sup> See Commerce’s Letters, “Petitions for the Imposition of Antidumping Duties on Imports of Raw Honey from Argentina, Brazil, India, Ukraine and the Socialist Republic of Vietnam: Supplemental Questions,” dated April 22, 2021 (General Issues Supplemental); Country-Specific Supplemental Questionnaires: Argentina Supplemental, Brazil Supplemental, India Supplemental, Ukraine Supplemental, and Vietnam Supplemental, dated April 26, 2021 and May 4, 2021; and Memoranda, “Petitions for the Imposition of Antidumping Duties on Imports of Raw Honey from Argentina, Brazil, India, Ukraine, and the Socialist Republic of Vietnam: Phone Call with Counsel to the Petitioners,” dated April 27, 2021 (April 27, 2021 Scope Phone Call and April 27, 2021 Industry Support Phone Call, respectively), and May 4, 2021 (May 4, 2021 General Issues Phone Call and May 4, 2021 AD Phone Call, respectively).

<sup>3</sup> See Petitioners’ Letter, “Raw Honey from Argentina, Brazil, India, Ukraine and the Socialist Republic of Vietnam—Petitioners’ Response to the General Issues Supplemental Questionnaire of the U.S. Department of Commerce,” dated April 26, 2021 (First General Issues Supplement); *see also* Petitioners’ Country-Specific Supplemental Responses, dated April 29, 2021 and May 6, 2021; and Petitioners’ Letter, “Raw Honey from Argentina, Brazil, India, Ukraine and the Socialist Republic of Vietnam—Petitioners’ Response to the Second General Issues Supplemental Questionnaire of the U.S. Department of Commerce,” dated May 3, 2021 (Second General Issues Supplement); and Petitioners’ Letter, “Raw Honey from Argentina, Brazil, India, Ukraine and the Socialist Republic of Vietnam—Petitioners’ Response to the Third General Issues Supplemental Questionnaire of the U.S. Department of Commerce,” dated May 6, 2021 (Third General Issues Supplement).

<sup>4</sup> See *infra*, section on “Determination of Industry Support for the Petitions.”

#### Periods of Investigation

Because the Petitions were filed on April 21, 2021, pursuant to 19 CFR 351.204(b)(1), the period of investigation (POI) for the Argentina, Brazil, India, and Ukraine AD investigations is April 1, 2020, through March 31, 2021. Because Vietnam is a non-market economy (NME) country, pursuant to 351.204(b)(1), the POI for the Vietnam investigation is October 1, 2020, through March 31, 2021.

#### Scope of the Investigations

The product covered by these investigations is raw honey from Argentina, Brazil, India, Ukraine, and Vietnam. For a full description of the scope of these investigations, *see* the appendix to this notice.

#### Comments on the Scope of the Investigations

On April 22, April 27, and May 4, 2021, Commerce requested information and clarification from the petitioners regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.<sup>5</sup> On April 23, April 26, and May 6, 2021, the petitioners responded to these requests and provided additional clarification and revisions to the scope.<sup>6</sup> The description of merchandise covered by these investigations, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce’s regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.*, scope).<sup>7</sup> Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information,<sup>8</sup> all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit such comments by 5:00

<sup>5</sup> See General Issues Supplemental at 3; *see also* April 27, 2021 Scope Phone Call at 1; and May 4, 2021 General Issues Phone Call at 1–2.

<sup>6</sup> See Petitioners’ Letter, “Scope Clarification to Antidumping Duty Petition on Raw Honey from Argentina, Brazil, India, Ukraine and the Socialist Republic of Vietnam,” dated April 23, 2021 (Scope Clarification) at 3–4; First General Issues Supplement at 2–6; and Third General Issues Supplement at 2–4.

<sup>7</sup> See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

<sup>8</sup> See 19 CFR 351.102(b)(21) (defining “factual information”).

p.m. Eastern Time (ET) on June 1, 2021, which is the next business day after 20 calendar days from the signature date of this notice.<sup>9</sup> Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on June 11, 2021, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of the investigations be submitted during this period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact Commerce and request permission to submit the additional information. All such submissions must be filed on the records of the concurrent AD investigations.

### Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.<sup>10</sup> An electronically filed document must be received successfully in its entirety by the time and date it is due.

### Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of raw honey to be reported in response to Commerce's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant costs of production accurately, as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide

<sup>9</sup> The 20-day deadline falls on May 31, 2021, which is a federal holiday. Therefore, in accordance with the *Next Business Day Rule*, the deadline moves to the next business day, June 1, 2021. See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, as Amended*, 70 FR 24533 (May 10, 2008) (*Next Business Day Rule*).

<sup>10</sup> See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); see also *Enforcement and Compliance: Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on help using ACCESS can be found at <https://access.trade.gov/help.aspx> and a handbook can be found at [https://access.trade.gov/help/Handbook\\_on\\_Electronic\\_Filing\\_Procedures.pdf](https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf).

comments as to which characteristics are appropriate to use as: (1) General product characteristics; and (2) product comparison criteria. We note that it is not always appropriate to use all product characteristics as product comparison criteria. We base product comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe raw honey, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, Commerce attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on June 1, 2021, which is the next business day after 20 calendar days from the signature date of this notice.<sup>11</sup> Any rebuttal comments must be filed by 5:00 p.m. ET on June 11, 2021. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of each of the AD investigations.

### Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph

<sup>11</sup> The 20-day deadline falls on May 31, 2021, which is a federal holiday. Therefore, in accordance with the *Next Business Day Rule*, the deadline moves to the next business day, June 1, 2021.

(A); or (ii) determine industry support using a statistically valid sampling method to poll the "industry."

Section 771(4)(A) of the Act defines the "industry" as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether "the domestic industry" has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,<sup>12</sup> they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.<sup>13</sup>

Section 771(10) of the Act defines the domestic like product as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Thus, the reference point from which the domestic like product analysis begins is "the article subject to an investigation" (*i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations.<sup>14</sup> Based on our analysis of the information submitted on the record, we have determined that raw honey, as defined in the scope, constitutes a single domestic like product, and we have analyzed industry support in terms of that domestic like product.<sup>15</sup>

<sup>12</sup> See section 771(10) of the Act.

<sup>13</sup> See *USEC, Inc. v. United States*, 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

<sup>14</sup> See Petitioners at Volume I at 15–19 and Exhibit GEN–7.

<sup>15</sup> For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, see Checklists, "Antidumping Duty Investigation Initiation Checklists: Raw Honey from Argentina, Brazil, India, Ukraine, and the Socialist Republic of Vietnam," dated concurrently with this notice and on file electronically via ACCESS (Country-Specific AD Initiation Checklists) at Attachment II, Analysis of Industry Support for the Antidumping Duty Petitions Covering Raw Honey from Argentina,

In determining whether the petitioners have standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the "Scope of the Investigations," in the appendix to this notice. To establish industry support, the petitioners provided their own 2020 production of the domestic like product.<sup>16</sup> On April 26, 2021, the American Beekeeping Federation (ABF) submitted a letter stating its support for the Petitions and establishing the estimated 2020 production for its members.<sup>17</sup> The petitioners compared the estimated production by the supporters of the Petitions, adjusted to account for known overlap between membership of the petitioning associations and membership of the ABF, to the total 2020 U.S. production of raw honey reported in the U.S. Department of Agriculture's National Agricultural Statistics Service's *National Honey Report*.<sup>18</sup> We relied on data provided by the petitioners and ABF for purposes of measuring industry support.<sup>19</sup>

Our review of the data provided in the Petitions, the First General Issues Supplement, the ABF Letter, the Second General Issues Supplement, the Third General Issues Supplement, and other information readily available to Commerce indicates that the petitioners have established industry support for the Petitions.<sup>20</sup> First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product

Brazil, India, Ukraine, and the Socialist Republic of Vietnam (Attachment II).

<sup>16</sup> See Petitions at Volume I at 2–5 and Exhibits GEN–1 and GEN–2; see also General Issues Supplement at 6–7 and Attachment 5; Second General Issues Supplement at 3–4 and Attachment 1; and Third General Issues Supplement at Attachment 1.

<sup>17</sup> See ABF's Letter, "Raw Honey from Argentina, Brazil, India, Ukraine, and the Socialist Republic of Vietnam—Letter of Support on Behalf of American Beekeeping Federation," dated April 26, 2021 (ABF Letter); see also Second General Issues Supplement at Attachment 1. The ABF is a trade association that represents over 1,300 U.S. producers of raw honey. See ABF Letter at 1. The ABF updated its members' 2020 production in a declaration it provided to the petitioners. See Third General Issues Supplement at 4–6 and Attachment 1.

<sup>18</sup> See Petitions at Volume I at GEN–2; see also Second General Issues Supplement at 3–4 and Attachment 1; and Third General Issues Supplement at 4–6 and Attachment 1.

<sup>19</sup> See Petitions at Volume I at Exhibit GEN–2; see also General Issues Supplement at 6–7 and Attachment 5; ABF Letter; and Second General Issues Supplement at 3–4 and Attachment 1; and Third General Issues Supplement at 4–6 and Attachment 1.

<sup>20</sup> See Country-Specific AD Initiation Checklists at Attachment II.

and, as such, Commerce is not required to take further action in order to evaluate industry support (e.g., polling).<sup>21</sup> Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.<sup>22</sup> Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.<sup>23</sup> Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.<sup>24</sup>

#### Allegations and Evidence of Material Injury and Causation

The petitioners allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.<sup>25</sup>

The petitioners contend that the industry's injured condition is illustrated by significant and increasing volume and market share of subject imports; lost sales and revenues; underselling and price depression and/or suppression; decrease in production and increase in honey stocks; and decline in financial performance.<sup>26</sup> We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.<sup>27</sup>

<sup>21</sup> *Id.*; see also section 732(c)(4)(D) of the Act.

<sup>22</sup> See Country-Specific AD Initiation Checklists at Attachment II.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> See Petitions at Volume I at 20–21 and Exhibit GEN–8.

<sup>26</sup> *Id.* at 20–34 and Exhibits GEN–2, GEN–5, GEN–7 and GEN–9 through GEN–12.

<sup>27</sup> See Country-Specific AD Initiation Checklists at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping Duty Petitions Covering Raw Honey

#### Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which Commerce based its decision to initiate AD investigations of imports of raw honey from Argentina, Brazil, India, Ukraine, and Vietnam. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the Country-Specific AD Initiation Checklists.

#### U.S. Price

For Brazil, India, Ukraine, and Vietnam, the petitioners based export price (EP) on the average unit values (AUVs) of publicly available import data for raw honey produced in and exported from each country during the POI. For Argentina, the petitioners submitted information indicating that Argentina experienced high inflation during the proposed POI.<sup>28</sup> Due to this alleged high inflation, the petitioners based EP on AUVs of publicly available import data for raw honey produced in and exported from Argentina for only certain months of the POI corresponding to the months for which a home market price was available. Additionally, the petitioners made certain adjustments to these U.S. prices to calculate a net ex-factory U.S. price.<sup>29</sup>

#### Normal Value<sup>30</sup>

For Argentina, Brazil, India, and Ukraine, the petitioners based NV on home market price quotes obtained through market research for raw honey produced in and sold, or offered for sale, in each country within the applicable time period.<sup>31</sup>

Commerce considers Vietnam to be an NME country.<sup>32</sup> In accordance with

from Argentina, Brazil, India, Ukraine, and the Socialist Republic of Vietnam (Attachment III).

<sup>28</sup> See Second Argentina AD Supplement at Exhibit AD–AR–SUPP2–1 (citing, e.g., *Circular Welded Carbon Steel Standard Pipe and Tube Products from Turkey: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019*, 86 FR 15190 (March 22, 2021), and accompanying Issues and decision Memorandum at 10 (Comment 1)).

<sup>29</sup> See Country-Specific AD Initiation Checklists.

<sup>30</sup> In accordance with section 773(b)(2) of the Act, for the Argentina, Brazil, India, and Ukraine investigations, Commerce will request information necessary to calculate the constructed value and cost of production (COP) to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product.

<sup>31</sup> See Country-Specific AD Initiation Checklists.

<sup>32</sup> See *Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results, and Final Results of No Shipments of the Antidumping Duty Administrative Review; 2016–2017*, 84 FR 18007 (April 29, 2019).

section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by Commerce. Therefore, we continue to treat Vietnam as an NME country for purposes of the initiation of this investigation. Accordingly, NV in Vietnam is appropriately based on factors of production (FOPs) valued in a surrogate market economy country, in accordance with section 773(c) of the Act.

The petitioners claim that India is an appropriate surrogate country for Vietnam because India is a market economy country that is at a level of economic development comparable to that of Vietnam and is a significant producer of identical merchandise. The petitioners provided publicly available information from India to value all FOPs. Based on the information provided by the petitioners, we determine that it is appropriate to use India as a surrogate country for initiation purposes.

Interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.

#### Factors of Production

Because information regarding the volume of inputs consumed by Vietnamese producers/exporters was not reasonably available, the petitioners used their own product-specific consumption rates as a surrogate to value Vietnamese manufacturers' FOPs.<sup>33</sup> Additionally, the petitioners calculated factory overhead; selling, general and administrative expenses; and profit based on the experience of two Indian producers of identical merchandise.<sup>34</sup>

#### Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of raw honey from Argentina, Brazil, India, Ukraine, and Vietnam are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP, as applicable, to NV in accordance with sections 772 and 773 of the Act, the estimated dumping

margins for raw honey for each of the countries covered by this initiation are as follows: (1) Argentina: 9.75–49.44 percent; (2) Brazil: 83.72 percent; (3) India: 27.02–88.48 percent; (4) Ukraine: 9.49–92.94 percent; and (5) Vietnam: 47.56–138.23 percent.<sup>35</sup>

#### Initiation of LTFV Investigations

Based upon the examination of the Petitions and supplemental responses, we find that they meet the requirements of section 732 of the Act. Therefore, we are initiating AD investigations to determine whether imports of raw honey from Argentina, Brazil, India, Ukraine, and Vietnam are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

#### Respondent Selection

##### *Argentina, Brazil, India, and Ukraine*

In the Petitions, the petitioners named 18 companies in Argentina, 18 companies in Brazil, 19 companies in India, and 9 companies in Ukraine as producers/exporters of raw honey.<sup>36</sup> Following standard practice in AD investigations involving market economy countries, in the event Commerce determines that the number of exporters or producers in any individual case is large such that Commerce cannot individually examine each company based upon its resources, where appropriate, Commerce intends to select mandatory respondents in that case based on U.S. Customs and Border Protection (CBP) data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States numbers listed in the "Scope of the Investigations," in the appendix.

On May 5, 2021, Commerce released CBP data on imports of raw honey from Argentina, Brazil, India, and Ukraine under Administrative Protective Order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment on the CBP data must do so within three business days of the publication date of the notice of initiation of these investigations.<sup>37</sup> Comments must be filed electronically using ACCESS. An electronically filed

document must be received successfully in its entirety via ACCESS by 5:00 p.m. ET on the specified deadline. Commerce will not accept rebuttal comments regarding the CBP data or respondent selection.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce's website at <http://enforcement.trade.gov/apo>.

#### Vietnam

In the Petition, the petitioners named 12 companies as producers/exporters of raw honey in Vietnam.<sup>38</sup> In accordance with our standard practice for respondent selection in AD investigations involving NME countries, Commerce selects respondents based on quantity and value (Q&V) questionnaires in cases where it has determined that the number of companies is large and it cannot individually examine each company based upon its resources. Therefore, considering the number of Vietnamese producers and exporters identified in the Petitions, Commerce will solicit Q&V information that can serve as a basis for selecting exporters for individual examination in the event that Commerce decides to limit the number of respondents individually examined pursuant to section 777A(c)(2) of the Act. Given that there are 12 producers and exporters identified in the Petition, Commerce has determined that it will issue Q&V questionnaires to each potential respondent for which the petitioners have provided a complete address.

In addition, Commerce will post the Q&V questionnaire along with filing instructions on Enforcement and Compliance's website at <https://www.trade.gov/ec-adcvd-case-announcements>. Producers/exporters of raw honey from Vietnam that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Enforcement and Compliance's website. In accordance with the standard practice for respondent selection in AD cases involving NME countries, in the event Commerce decides to limit the number of respondents individually investigated, Commerce intends to base respondent selection on the responses to the Q&V questionnaire that it receives.

Responses to the Q&V questionnaire must be submitted by the relevant Vietnamese producers/exporters no later than 5:00 p.m. ET on May 27, 2021. All

<sup>33</sup> See Petitions at Volume VI at 6–8 and Exhibit AD–VN–2.

<sup>34</sup> See Petitioners' Letter, "Raw Honey from Vietnam—Petitioners' Supplement to Volume VI Relating to a Request for the Imposition of Antidumping Duties on Imports from Vietnam," dated April 29, 2021 at 10 and Exhibit AD–Supp–VN–1, Attachment 6.

<sup>35</sup> See Country-Specific Initiation Checklists for details of calculations.

<sup>36</sup> See Petitions at Volume I at Exhibit GEN–4.

<sup>37</sup> See Country-Specific Memoranda, "Antidumping Duty Investigation of Raw Honey: Release of Customs Data from U.S. Customs and Border Protection," dated May 5, 2021.

<sup>38</sup> See Petitions at Volume I at Exhibit GEN–4.

Q&V questionnaire responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above. Commerce intends to finalize its decisions regarding respondent selection within 20 days of publication of this notice.

### Separate Rates

In order to obtain separate-rate status in an NME investigation, exporters and producers must submit a separate-rate application.<sup>39</sup> The specific requirements for submitting a separate-rate application in an Vietnam investigation are outlined in detail in the application itself, which is available on Commerce's website at <http://enforcement.trade.gov/nme/nme-sep-rate.html>. The separate-rate application will be due 30 days after publication of this initiation notice.<sup>40</sup> Exporters and producers who submit a separate-rate application and have been selected as mandatory respondents will be eligible for consideration for separate-rate status only if they respond to all parts of Commerce's AD questionnaire as mandatory respondents. Commerce requires that companies from Vietnam submit a response both to the Q&V questionnaire and to the separate-rate application by the respective deadlines in order to receive consideration for separate-rate status. Companies not filing a timely Q&V questionnaire response will not receive separate rate consideration.

### Use of Combination Rates

Commerce will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

{w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME Investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms

<sup>39</sup> See Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation Involving NME Countries (April 5, 2005), available at <http://enforcement.trade.gov/policy/bull05-1.pdf> (Policy Bulletin 05.1).

<sup>40</sup> Although in past investigations this deadline was 60 days, consistent with 19 CFR 351.301(a), which states that "the Secretary may request any person to submit factual information at any time during a proceeding," this deadline is now 30 days.

receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of "combination rates" because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question and produced by a firm that supplied the exporter during the period of investigation.<sup>41</sup>

### Distribution of Copies of the AD Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public versions of the AD Petitions have been provided to the governments of Argentina, Brazil, India, Ukraine, and Vietnam via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the AD Petitions to each exporter named in the AD Petitions, as provided under 19 CFR 351.203(c)(2).

### ITC Notification

Commerce will notify the ITC of our initiation, as required by section 732(d) of the Act.

### Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the AD Petitions were filed, whether there is a reasonable indication that imports of raw honey from Argentina, Brazil, India, Ukraine, and/or Vietnam are materially injuring, or threatening material injury to, a U.S. industry.<sup>42</sup> A negative ITC determination for any country will result in the investigation being terminated with respect to that country.<sup>43</sup> Otherwise, these AD investigations will proceed according to statutory and regulatory time limits.

### Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted<sup>44</sup> and, if the information is submitted to rebut,

clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.<sup>45</sup> Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

### Particular Market Situation Allegation

Section 773(e) of the Act addresses the concept of particular market situation (PMS) for purposes of CV, stating that "if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the COP in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology." When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act, nor 19 CFR 351.301(c)(2)(v), set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of a respondent's initial section D questionnaire response.

### Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET

<sup>41</sup> See Policy Bulletin 05.1 at 6 (emphasis added).

<sup>42</sup> See section 733(a) of the Act.

<sup>43</sup> *Id.*

<sup>44</sup> See 19 CFR 351.301(b).

<sup>45</sup> See 19 CFR 351.301(b)(2).

on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review Commerce's regulations pertaining to the extension of time limits prior to submitting factual information in these investigations.<sup>46</sup>

### Certification Requirements

Any party submitting factual information in an AD or countervailing duty proceeding must certify to the accuracy and completeness of that information.<sup>47</sup> Parties must use the certification formats provided in 19 CFR 351.303(g).<sup>48</sup> Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

### Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in these investigations should ensure that they meet the requirements of 19 CFR 351.103(d) (e.g., by filing the required letter of appearance). Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>49</sup>

<sup>46</sup> See *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013), available at <http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>.

<sup>47</sup> See section 782(b) of the Act.

<sup>48</sup> See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*). Answers to frequently asked questions regarding the *Final Rule* are available at [http://enforcement.trade.gov/tlei/notices/factual\\_info\\_final\\_rule\\_FAQ\\_07172013.pdf](http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf).

<sup>49</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: May 11, 2021.

**Christian Marsh,**

*Acting Assistant Secretary for Enforcement and Compliance.*

### Appendix

#### Scope of the Investigations

The merchandise covered by these investigations is raw honey. Raw honey is honey as it exists in the beehive or as obtained by extraction, settling and skimming, or coarse straining. Raw honey has not been filtered to a level that results in the removal of most or all of the pollen, e.g., a level that removes pollen to below 25 microns. The subject products include all grades, floral sources and colors of raw honey and also include organic raw honey.

Excluded from the scope is any honey that is packaged for retail sale (e.g., in bottles or other retail containers of five (5) lbs. or less).

The merchandise subject to these investigations is currently classifiable under statistical subheading 0409.00.0005, 0409.00.0035, 0409.00.0045, 0409.00.0056, and 0409.00.0065 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these investigations is dispositive.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-979]

#### **Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Antidumping Duty Administrative Review; Notice of Amended Final Results**

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

**SUMMARY:** On May 5, 2021, the United States Court of International Trade (the Court) issued its final judgment in *Risen Energy Co., Ltd. et al. v. United States*, Consol. Court No. 19-00153, sustaining the Department of Commerce (Commerce)'s first remand redetermination pertaining to the 2016-

2017 antidumping duty (AD) administrative review of crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic of China (China). Commerce is notifying the public that the Court's final judgment in this litigation is not in harmony with Commerce's final results in the 2016-2017 AD administrative review of solar cells from China, and that Commerce is amending the final results with respect to the mandatory respondent Risen Energy Co., Ltd. (Risen) and three non-individually examined companies.

**DATES:** Applicable May 15, 2021.

**FOR FURTHER INFORMATION CONTACT:** Jeff Pedersen, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2769.

### SUPPLEMENTARY INFORMATION:

#### Background

On July 30, 2019, Commerce published its *Final Results* of the 2016-2017 AD administrative review of solar cells from China.<sup>1</sup> Risen appealed Commerce's *Final Results*. On October 30, 2020, the Court remanded Commerce's *Final Results* for Commerce to reconsider or further explain its application of partial adverse facts available (AFA) in valuing unreported factors of production (FOPs) for merchandise sourced from Risen's unaffiliated suppliers, which were necessary for calculating Risen's<sup>2</sup> dumping margin.<sup>3</sup>

<sup>1</sup> See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2016-2017*, 84 FR 36886 (July 30, 2019) (*AR5 Final Results*), and accompanying Issues and Decision Memorandum.

<sup>2</sup> Commerce has treated the following seven companies as a single entity: Risen Energy Co., Ltd.; Risen (Wuhai) New Energy Co., Ltd.; Zhejiang Twinsel Electronic Technology Co., Ltd.; Risen (Luoyang) New Energy Co., Ltd.; Jiujiang Shengchao Xinye Technology Co., Ltd.; Jiujiang Shengzhao Xinye Trade Co., Ltd. Ruichang Branch; and Risen Energy (Hong Kong) Co., Ltd. (collectively, Risen). See *AR5 Final Results*.

<sup>3</sup> See *Risen Energy Co., Ltd., et al. v. United States*, 477 F. Supp. 3d 1331 (CIT 2020) (*Risen I*).