

protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

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

Dated: March 1, 2017.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary For Enforcement & Compliance.*

[FR Doc. 2017-04421 Filed 3-6-17; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-583-859]

#### Steel Concrete Reinforcing Bar From Taiwan: 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 (the Department) preliminarily determines that steel concrete reinforcing bar (rebar) from Taiwan 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, 2015, through June 30, 2016.

**DATES:** Effective March 7, 2017.

**FOR FURTHER INFORMATION CONTACT:** Jun Jack Zhao or Kathryn Wallace, 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) 482-1396 or (202) 482-6251, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). The Department published the notice of initiation of this investigation on October 18, 2016.<sup>1</sup> For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision

<sup>1</sup> See *Steel Concrete Reinforcing Bar From Japan, Taiwan, and the Republic of Turkey: Initiation of Less-Than Fair Value Investigations*, 81 FR 71697 (October 18, 2016) (*Initiation Notice*).

Memorandum.<sup>2</sup> 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>, and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

##### Scope of the Investigation

The product covered by this investigation is rebar from Taiwan. For a complete description of the scope of this investigation, see Appendix I.

##### Scope Comments

In accordance with the preamble to the Department's regulations,<sup>3</sup> the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).<sup>4</sup> No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice*. However, because the investigation pertains to rebar from Taiwan, the Department preliminarily modified the scope language as it appeared in the *Initiation Notice* to remove the language pertaining to the scope of the countervailing duty investigation of rebar from Turkey. See the scope in Appendix I to this notice.

##### Methodology

The Department is conducting this investigation in accordance with section 731 of the Act. The Department 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. For a full description of the methodology underlying the preliminary determination, see the Preliminary Decision Memorandum.

<sup>2</sup> See Memorandum, "Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Steel Concrete Reinforcing Bar From Taiwan" dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>3</sup> See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

<sup>4</sup> See *Initiation Notice*.

##### All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination the Department shall determine an estimated all-others rate for all exporters and producers not individually examined. 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 any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

In this investigation, the Department calculated estimated weighted-average dumping margins for Power Steel Co., Ltd. (Power Steel) and Lo-Toun Steel and Iron Works Co., Ltd. (Lo-Toun) that are not zero, *de minimis*, or based entirely on facts otherwise available. The Department calculated the all-others' rate using a weighted average of the estimated weighted-average dumping margins calculated for the examined respondents using each company's publicly-ranged values for the merchandise under consideration.<sup>5</sup> For further discussion of this calculation, see the memorandum entitled "Steel Concrete Reinforcing Bar From Taiwan: Calculation of the Preliminary Margin for All Other Companies," dated concurrently with this notice.

##### Preliminary Determination

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

<sup>5</sup> With two respondents under examination, the Department normally calculates (A) a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents; (B) a simple average of the estimated weighted-average dumping margins calculated for the examined respondents; and (C) a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents using each company's publicly-ranged U.S. sale quantities for the merchandise under consideration. The Department then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. See *Ball Bearings and Parts Thereof From France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part*, 75 FR 53661, 53663 (September 1, 2010). As complete publicly ranged sales data was available, the Department based the all-others rate on the publicly ranged sales data of the mandatory respondents. For a complete analysis of the data, please see the All-Others' Rate Calculation Memorandum.

Exporter/manufactur er	Estimated weighted-average dumping margin (percent)
Power Steel Co., Ltd .....	3.48
Lo-Toun Steel and Iron Works Co., Ltd .....	29.47
All Others .....	5.49

### Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, the Department 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), the Department will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, 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.

### Disclosure

The Department 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(i)(1) of the Act, the Department intends to verify the information relied upon in making its final determination.

### Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be

submitted no later than five days after the deadline date for case briefs.<sup>6</sup> Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

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, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, 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 no later than 135 days after the date of the 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 the Department'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 February 16, 2017, and February 21, 2017, pursuant to 19 CFR 351.210(e), Power Steel and Lo-Toun requested that the Department postpone the final determination and that provisional measures be extended to a period not to exceed six months.<sup>7</sup> In accordance with

<sup>6</sup> See 19 CFR 351.309; see also 19 CFR 351.303 (for general filing requirements).

<sup>7</sup> See Letter from Power Steel, "Re: Steel Concrete Reinforcing Bar from Taiwan: DOC Preliminary Determination Extension," dated February 16, 2017; see also Letter from Lo-Toun, "Steel Concrete

section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), 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, the Department is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, the Department will make its final determination no later than 135 days after the date of publication of this preliminary determination.

### International Trade Commission Notification

In accordance with section 733(f) of the Act, the Department will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, 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 these imports 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).

Dated: February 28, 2017.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Enforcement and Compliance.*

### Appendix I

#### Scope of the Investigation

The merchandise subject to this investigation is steel concrete reinforcing bar imported in either straight length or coil form (rebar) regardless of metallurgy, length, diameter, or grade or lack thereof. Subject merchandise includes deformed steel wire with bar markings (e.g., mill mark, size, or grade) and which has been subjected to an elongation test.

The subject merchandise includes rebar that has been further processed in the subject country or a third country, including but not limited to cutting, grinding, galvanizing, painting, coating, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the rebar.

Specifically excluded are plain rounds (i.e., nondeformed or smooth rebar). Also excluded from the scope is deformed steel wire meeting ASTM A1064/A1064M with no bar markings (e.g., mill mark, size, or grade)

Reinforcing Bar From Taiwan: Lo-Toun's Request to Postpone the Final Determination" (February 21, 2017).

and without being subject to an elongation test.

The subject merchandise is classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) primarily under item numbers 7213.10.0000, 7214.20.0000, and 7228.30.8010. The subject merchandise may also enter under other HTSUS numbers including 7215.90.1000, 7215.90.5000, 7221.00.0017, 7221.00.0018, 7221.00.0030, 7221.00.0045, 7222.11.0001, 7222.11.0057, 7222.11.0059, 7222.30.0001, 7227.20.0080, 7227.90.6030, 7227.90.6035, 7227.90.6040, 7228.20.1000, and 7228.60.6000.

HTSUS numbers are provided for convenience and customs purposes; however, the written description of the scope remains dispositive.

## Appendix II

### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Postponement of Final Determination and Extension of Provisional Measures
- V. Scope of the Investigation
- VI. Discussion of the Methodology
  - A. Determination of the Comparison Method
  - B. Results of the Differential Pricing Analysis
- VII. Date of Sale
- VIII. Product Comparisons
- IX. Export Price
- X. Normal Value
  - A. Home Market Viability
  - B. Level of Trade
  - C. Cost of Production (COP) Analysis
    1. Calculation of COP
    2. Test of Comparison Market Sales Prices
    3. Results of the COP Test
  - D. Calculation of NV Based on Comparison Market Prices
- XI. Currency Conversion
- XII. Conclusion

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-583-853]

#### Certain Crystalline Silicon Photovoltaic Products From Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review; 2014–2016

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

**SUMMARY:** The Department of Commerce (“the Department”) is conducting an administrative review of the antidumping duty order on certain crystalline silicon photovoltaic products (solar products) from Taiwan. The period of review (“POR”) is July 31,

2014, through January 31, 2016. This administrative review covers 14 exporters of the subject merchandise, including two mandatory respondents, Motech Industries, Inc. (“Motech”) and Sino-American Silicon Products Inc. (“SAS”). The Department preliminarily determines SAS and Motech made sales of subject merchandise at less than normal value during the POR. Additionally, we are rescinding this administrative review with respect to 18 companies that timely withdrew their request for administrative review. Interested parties are invited to comment on these preliminary results.

**DATES:** Effective March 7, 2017.

**FOR FURTHER INFORMATION CONTACT:** Magd Zalok or Thomas Martin, 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) 482-4162 or (202) 482-3936, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 3, 2016, the Department notified interested parties of the opportunity to request an administrative review of orders, findings, or suspended investigations with anniversaries in February 2016, including the antidumping duty (“AD”) order on solar products from Taiwan.<sup>1</sup> On February 29, 2016, SolarWorld Americas Inc. (“Petitioner”), as well as various exporters and importers requested that the Department conduct an administrative review of certain exporters covering the POR. On April 7, 2016, the Department published a notice initiating an AD administrative review of solar products from the Taiwan covering 32 companies/company groupings for the POR.<sup>2</sup>

In the *Initiation Notice*, the Department stated that if it limited the number of respondents for individual examination, then it intended to select respondents based on volume data contained in responses to its quantity and value (“Q&V”) questionnaire.<sup>3</sup> On April 12, 2016, the Department issued Q&V questionnaires to all 32 companies.<sup>4</sup> We received Q&V

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 81 FR 5712 (February 3, 2016).

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 81 FR 20324 (April 7, 2016) (*Initiation Notice*).

<sup>3</sup> *Id.* at 20324.

<sup>4</sup> The Department explained in the *Initiation Notice* that the units used to measure the imported quantities of solar cells and solar modules in the

questionnaire responses from 14 companies<sup>5</sup> named in the *Initiation Notice*. The remaining 18 companies<sup>6</sup> withdrew their requests for administrative review, pursuant to 19 CFR 351.213(d)(1). Because these 18 companies timely withdrew their requests for administrative review pursuant to 19 CFR 351.213(d)(1), and no other party requested a review of these companies, we are rescinding the administrative review with respect to these companies.

On May 18, 2016, the Department selected Motech and SAS as mandatory respondents.<sup>7</sup>

From May 20, 2016, through February 23, 2017, the Department issued questionnaires to, and received timely responses from the two mandatory respondents.<sup>8</sup> Petitioner commented on these responses between July 8, 2016, and December 5, 2016.

On October 12, 2016, the Department extended the deadline for issuing the

CBP data are reported in “piece” units and it would not be meaningful to sum the number of imported solar cells and the number of imported solar modules in attempting to determine the largest Taiwan exporters of subject merchandise by volume. *Id.* Therefore, the Department stated that it would issue Q&V questionnaires to determine the volume of subject merchandise shipped to the United States by Taiwanese exporters/producers. *Id.*

<sup>5</sup> AU Optronics Corporation, EEPV CORP., E-TON Solar Tech. Co., Ltd., Gintech Energy Corporation, Inventec Energy Corporation, Inventec Solar Energy Corporation, Kyocera Mexicana S.A. de C.V., Motech Industries, Inc., Sino-American Silicon Products Inc., Solartech Energy Corporation, Sunengine Corporation Ltd., Sunrise Global Solar Energy, TSEC Corporation, and Win Win Precision Technology Co., Ltd.

<sup>6</sup> Baoding Jiasheng Photovoltaic Technology Co. Ltd., Baoding Tianwei Yingli New Energy Resources Co., Ltd., Beijing Tianneng Yingli New Energy Resources Co. Ltd., Bovie Solar Technology Co., Ltd., Canadian Solar Inc., Canadian Solar International, Ltd., Canadian Solar Manufacturing (Changshu), Inc., Canadian Solar Manufacturing (Luoyang), Inc., Canadian Solar Solution Inc., Hainan Yingli New Energy Resources Co., Ltd., Hengshui Yingli New Energy Resources Co., Ltd., Lixian Yingli New Energy Resources Co., Ltd., Shenzhen Yingli New Energy Resources Co., Ltd., Tianjin Yingli New Energy Resources Co., Ltd., Vina Solar Technology Co., Ltd., Yingli Energy (China) Co., Ltd., Yingli Green Energy Holding Company Limited, and Yingli Green Energy International Trading Company Limited.

<sup>7</sup> See memorandum from Thomas Martin, Senior International Trade Compliance Analyst, Office IV, AD/CVD Operations, Enforcement and Compliance to Abdelali Elouaradia, Director, Office IV, AD/CVD Operations, Enforcement and Compliance regarding “2014–2016 Antidumping Duty Administrative Review of Certain Crystalline Silicon Photovoltaic Products from Taiwan: Respondent Selection,” dated May 18, 2016 at 4–5.

<sup>8</sup> See Letters from Motech to the Department dated June 21, July 11, July 15, August 12, September 19, September 23, October 24, November 15, 2016; January 18, 2017, February 14, 2017 and February 23, 2017; Letters from SAS and Solartech to the Department dated June 20, July 12, July 18, October 25, and November 8, 2016; January 9, January 12, January 24, and February 10, 2017.