

this circumvention inquiry on a country-wide basis. Commerce has taken this approach in prior circumvention inquiries, where the facts warranted initiation on a country-wide basis.¹⁵

Consistent with the approach in the prior circumvention inquiries that were initiated on a country-wide basis, Commerce intends to issue questionnaires to solicit information from producers and exporters in Oman and the UAE concerning their shipments of pipe and tube made from India-origin HRS to the United States. A company's failure to respond completely to Commerce's requests for information may result in the application of partial or total facts available, pursuant to section 776(a) of the Act, which may include adverse inferences, pursuant to section 776(b) of the Act.

Suspension of Liquidation

Pursuant to 19 CFR 351.226(l)(1), Commerce will notify U.S. Customs and Border Protection (CBP) of the initiation and direct CBP to continue the suspension of liquidation of entries of products subject to the circumvention inquiry that were already subject to the suspension of liquidation under the *Order*. Should Commerce issue preliminary or final circumvention determinations, Commerce will follow the suspension of liquidation rules under 19 CFR 351.226(l)(2)–(4).

Notification to Interested Parties

In accordance with 19 CFR 351.226(d) and section 781(b) of the Act, Commerce determines that the domestic interested parties' request for this circumvention inquiry satisfies the requirements of 19 CFR 351.226(c). Accordingly, Commerce is notifying all interested parties of the initiation of this circumvention inquiry to determine whether certain imports of pipe and tube, completed in and exported from Oman and the UAE using HRS inputs manufactured in India, are circumventing the *Order*. In addition,

¹⁵ See, e.g., *Certain Corrosion-Resistant Steel Products from the Republic of Korea and Taiwan: Initiation of Anti-Circumvention Inquiries on the Antidumping Duty and Countervailing Duty Orders*, 83 FR 37785 (August 2, 2018); *Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China: Initiation of Anti-Circumvention Inquiry on the Antidumping Duty Order*, 82 FR 40556, 40560 (August 25, 2017) (stating at initiation that Commerce would evaluate the extent to which a country-wide finding applicable to all exports might be warranted); and *Certain Corrosion-Resistant Steel Products from the People's Republic of China: Initiation of Anti-Circumvention Inquiries on the Antidumping Duty and Countervailing Duty Orders*, 81 FR 79454, 79458 (November 14, 2016) (stating at initiation that Commerce would evaluate the extent to which a country-wide finding applicable to all exports might be warranted).

we have included a description of the products that are the subject of this inquiry, and an explanation of the reasons for Commerce's decision to initiate this inquiry as provided above and in the accompanying Circumvention Initiation Memo.¹⁶ In accordance with 19 CFR 351.226(e)(2), Commerce intends to issue its final circumvention determination within 300 days from the date of publication of the notice of initiation of a circumvention inquiry in the **Federal Register**.

This notice is published in accordance with section 781(b) of the Act and 19 CFR 351.226(d)(1)(ii).

Dated: February 14, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Circumvention Initiation Memo

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Merchandise Subject to the Circumvention Inquiry
- V. Statutory and Regulatory Framework for Circumvention Inquiries
- VI. Statutory Analysis for the Circumvention Inquiry
- VII. Comments Opposing the Initiation of a Circumvention Inquiry
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- IX. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–119]

Initiation of Antidumping Duty Changed Circumstances Review: Certain Vertical Shaft Engines Between 225cc and 999cc, and Parts Thereof From the People's Republic of China

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

SUMMARY: Based on a request from Honda Power Products (China) Co., Ltd. (Honda), the Department of Commerce (Commerce) is initiating a changed circumstances review (CCR) of the antidumping duty (AD) order on certain vertical shaft engines between 225cc and 999cc, and parts thereof (vertical shaft engines) from the People's Republic of China (China).

DATES: Applicable February 22, 2022.

¹⁶ See Circumvention Initiation Memo.

FOR FURTHER INFORMATION CONTACT: Leo Ayala, 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) 482–3945.

SUPPLEMENTARY INFORMATION:

Background

On March 4, 2021, Commerce published in the **Federal Register** an amended *final* AD determination and order on vertical shaft engines from China.¹ In the *Amended Final Determination*, Commerce determined an AD cash deposit rate for Jialing-Honda Motors Co., Ltd. (Jialing) of 261.93 percent.²

On September 20, 2021, Honda informed Commerce that, as of July 1, 2020, Jialing changed its name to Honda Power Products (China) Co., Ltd.³ Honda stated the change was in name only and that its business operations remain substantially unchanged.⁴ Honda requested that Commerce conduct a CCR and find that Honda is the successor-in-interest to Jialing and assign Jialing's AD cash deposit rate for vertical shaft engines from China to Honda, pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216(b).⁵ Honda made arguments as to why good cause exists for initiating a CCR pursuant to 19 CFR 351.216(c)⁶ and also requested that Commerce combine the notice of initiation with a preliminary results of the CCR pursuant to 19 CFR 351.221(c)(3)(ii).

On November 21, 2021, Commerce deemed Honda's request deficient and issued a supplemental questionnaire to Honda requesting additional information.⁷ On December 31, 2021,

¹ See *Certain Vertical Shaft Engines Between 225cc and 999cc, and Parts Thereof from the People's Republic of China: Amended Final Antidumping Duty Determination and Antidumping Duty Order*, 86 FR 12623 (March 4, 2021) (*Amended Final Determination and Order*); see also *Certain Large Vertical Shaft Engines Between 225cc and 999cc, and Parts Thereof, from the People's Republic of China: Notice of Correction to the Amended Final Antidumping Duty Determination and Antidumping Duty Order*, 86 FR 13694 (March 10, 2021).

² *Id.*, 86 FR at 12624.

³ See Honda's Letter, "Certain Vertical Shaft Engines Between 225cc and 999cc, and Parts Thereof from the People's Republic of China: Request for Changed Circumstances Review," dated September 20, 2021 (Honda's CCR Request).

⁴ *Id.* at 2.

⁵ *Id.*

⁶ *Id.* at 6.

⁷ See Commerce's Letter, "Certain Vertical Shaft Engines Between 225cc and 999cc, and Parts Thereof from the People's Republic of China: Changed Circumstances Review; Supplemental Questionnaire," dated November 1, 2021.

Honda submitted its response to the supplemental questionnaire.⁸ We received no comments from interested parties regarding Honda's CCR Request.

Scope of the Order

The merchandise covered by the Order is vertical shaft engines. For a complete description of the scope, see the appendix.

Initiation of Changed Circumstances Review

Pursuant to section 751(b)(1)(A) of the Act and 19 CFR 351.216(d), Commerce will conduct a CCR upon receipt of a request from an interested party for a review of an AD order which shows changed circumstances sufficient to warrant a review of the order. In the past, Commerce has used CCRs to address the applicability of cash deposit rates after there have been changes in the name or structure of a respondent, such as a merger or spinoff (*i.e.*, a successor-in-interest determination).⁹ The information submitted by Honda supporting its claim that it is the successor-in-interest to Jialing demonstrates changed circumstances sufficient to warrant the initiation of such a review.¹⁰

Section 751(b)(4)(B) of the Act and 19 CFR 351.216(c) state that, "in the absence of good cause shown," the Secretary of Commerce may not review a final determination less than 24 months after the date of publication of the notice of final determination or notice of suspension of an investigation. The final determination in the less-than-fair-value investigation of vertical shaft engines from China published on January 11, 2021.¹¹ Therefore, Commerce must also determine whether good cause exists to conduct this review.

Honda asserts that good cause exists because, aside from the name change, it made no changes with respect to "production, management, customer

⁸ See Honda's Letter, "Certain Vertical Shaft Engines Between 225cc and 999cc, and Parts Thereof from the People's Republic of China: Changed Circumstances Review; Supplemental Questionnaire," dated December 31, 2021.

⁹ See, e.g., *Diamond Sawblades and Parts Thereof from the People's Republic of China: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review*, 82 FR 51605, 51606 (November 7, 2017), unchanged in *Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review*, 82 FR 60177 (December 19, 2017).

¹⁰ See 19 CFR 351.216(d).

¹¹ See *Certain Vertical Shaft Engines Between 225cc and 999cc, and Parts Thereof from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Critical Circumstances Determination*, 86 FR 1936 (January 11, 2021).

and supplier relationships or any other aspect of operations."¹² Honda argues that a CCR is needed to ensure the appropriate cash deposit rate applies to Honda's entries and that Commerce has previously found in similar situations that a name change, with no further changes in the company's operations, constitutes good cause pursuant to 19 CFR 351.216(c) to initiate a CCR.¹³ Based on this explanation, we find that good cause has been shown pursuant to 19 CFR 351.216(c) to initiate a CCR, and conducting this review ensures that the appropriate cash deposit rate applies to Honda.

Therefore, in accordance with section 751(b)(1)(A) of the Act and 19 CFR 351.216(d), we are initiating a CCR based on the information contained in Honda's submission.

Preliminary Results

Section 351.221(c)(3)(ii) of Commerce's regulations permits Commerce to combine the notice of initiation and preliminary results of a CCR if Commerce concludes that expedited action is warranted. However, we are not combining this notice of initiation with the preliminary results because Commerce has determined that it is necessary to issue an additional supplemental questionnaire to Honda regarding Honda's customer base and supplier relationships and to provide interested parties with an opportunity to comment. Commerce intends to publish in the **Federal Register** a notice of the preliminary results of this CCR in accordance with 19 CFR 351.221(b)(4). Consistent with 19 CFR 351.221(c)(3)(i), Commerce will set forth its preliminary factual and legal conclusions in that notice.

Final Results

Unless extended, Commerce intends to issue the final results of this CCR within 270 days of the day of initiation of this CCR, in accordance with 19 CFR 351.216(e).

Notification to Interested Parties

This notice is published in accordance with section 751(b)(1) of the Act, and 19 CFR 351.216(b) and 19 CFR 351.221(b)(1).

¹² See Honda's CCR Request at 4.

¹³ *Id.* at 5–6 (citing *Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China*, 81 FR 44588 (July 8, 2016); and *Cast Iron Soil Pipe Fittings from the People's Republic of China: Initiation and Preliminary Results of Changed Circumstances Reviews*, 84 FR 64263 (November 21, 2019)).

Dated: February 14, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix—Scope of the Order

The merchandise covered by this order consists of spark-ignited, non-road, vertical shaft engines, whether finished or unfinished, whether assembled or unassembled, primarily for riding lawn mowers and zero-turn radius lawn mowers. Engines meeting this physical description may also be for other non-hand-held outdoor power equipment such as, including but not limited to, tow-behind brush mowers, grinders, and vertical shaft generators. The subject engines are spark ignition, single or multiple cylinder, air cooled, internal combustion engines with vertical power take off shafts with a minimum displacement of 225 cubic centimeters (cc) and a maximum displacement of 999cc. Typically, engines with displacements of this size generate gross power of between 6.7 kilowatts (kw) to 42 kw.

Engines covered by this scope normally must comply with and be certified under Environmental Protection Agency (EPA) air pollution controls title 40, chapter I, subchapter U, part 1054 of the Code of Federal Regulations standards for small non-road spark-ignition engines and equipment. Engines that otherwise meet the physical description of the scope but are not certified under 40 CFR part 1054 and are not certified under other parts of subchapter U of the EPA air pollution controls are not excluded from the scope of this proceeding. Engines that may be certified under both 40 CFR part 1054 as well as other parts of subchapter U remain subject to the scope of this proceeding.

For purposes of this order, an unfinished engine covers at a minimum a 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 an oil pan, manifold, cylinder head(s), valve train, or valve cover(s), constitutes an unfinished engine for purposes of this order. The inclusion of other products such as spark plugs fitted into the cylinder head or electrical devices (*e.g.*, ignition modules, ignition coils) for synchronizing with the motor to supply tension 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.

The engines subject to this order are typically classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 8407.90.1020, 8407.90.1060, and 8407.90.1080. The engine subassemblies that are subject to this order enter under HTSUS subheading 8409.91.9990. Engines subject to this order may also enter under HTSUS subheading 8407.90.9060 and 8407.90.9080. The HTSUS subheadings are provided for convenience and customs purposes only, and the written description of

the merchandise subject to this order is dispositive.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-832]

Pure Magnesium From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2020-2021

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

SUMMARY: The Department of Commerce (Commerce) continues to find that Tianjin Magnesium International Co., Ltd. (TMI) and Tianjin Magnesium Metal Co., Ltd. (TMM) (collectively, TMI/TMM) had no shipments of subject merchandise covered by the antidumping duty order on pure magnesium from the People's Republic of China (China) for the period of review (POR) May 1, 2020, through April 30, 2021.

DATES: Applicable February 22, 2022.

FOR FURTHER INFORMATION CONTACT: Deborah Cohen, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4521.

SUPPLEMENTAL INFORMATION:

Background

On November 15, 2021, Commerce published the *Preliminary Results* of this administrative review in the **Federal Register**.¹ No interested party submitted comments concerning the *Preliminary Results* or requested a hearing in this administrative review. Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order²

The product covered by the *Order* is pure magnesium from China, regardless of chemistry, form or size, unless

¹ See *Pure Magnesium from the People's Republic of China: Preliminary Results of Antidumping Administrative Review; 2020-2021*, 86 FR 62990 (November 15, 2021) (*Preliminary Results*).

² See *Notice of Antidumping Duty Orders: Pure Magnesium from the People's Republic of China, the Russian Federation and Ukraine; Notice of Amended Final Determination of Sales at Less Than Fair Value: Antidumping Duty Investigation of Pure Magnesium from the Russian Federation*, 60 FR 25691 (May 12, 1995) (*Order*).

expressly excluded from the scope of the *Order*. Pure magnesium is a metal or alloy containing by weight primarily the element magnesium and produced by decomposing raw materials into magnesium metal. Pure primary magnesium is used primarily as a chemical in the aluminum alloying, desulfurization, and chemical reduction industries. In addition, pure magnesium is used as an input in producing magnesium alloy. Pure magnesium encompasses products (including, but not limited to, butt ends, stubs, crowns and crystals) with the following primary magnesium contents:

(1) Products that contain at least 99.95% primary magnesium, by weight (generally referred to as "ultra pure" magnesium) Magnesium Alloy"³ and are thus outside the scope of the existing antidumping orders on magnesium from China (generally referred to as "alloy" magnesium).

(2) Products that contain less than 99.95%, but not less than 99.8%, primary magnesium, by weight (generally referred to as "pure" magnesium); and

(3) Products that contain 50% or greater, but less than 99.8% primary magnesium, by weight, and that do not conform to ASTM specifications for alloy magnesium (generally referred to as "off-specification pure" magnesium).

"Off-specification pure" magnesium is pure primary magnesium containing magnesium scrap, secondary magnesium, oxidized magnesium or impurities (whether or not intentionally added) that cause the primary magnesium content to fall below 99.8% by weight. It generally does not contain, individually or in combination, 1.5% or more, by weight, of the following alloying elements: Aluminum, manganese, zinc, silicon, thorium, zirconium and rare earths.

Excluded from the scope of the *Order* are alloy primary magnesium (that meets specifications for alloy magnesium), primary magnesium anodes, granular primary magnesium (including turnings, chips and powder) having a maximum physical dimension (*i.e.*, length or diameter) of one inch or less, secondary magnesium (which has pure primary magnesium content of less than 50% by weight), and remelted magnesium whose pure primary magnesium content is less than 50% by weight.

Pure magnesium products covered by the *Order* are currently classifiable

³ The meaning of this term is the same as that used by the American Society for Testing and Materials (ASTM) in its Annual Book for ASTM Standards: Volume 01.02 Aluminum and Magnesium Alloys.

under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 8104.11.00, 8104.19.00, 8104.20.00, 8104.30.00, 8104.90.00, 3824.90.11, 3824.90.19 and 9817.00.90. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope is dispositive.

Final Determination of No Shipments

In the *Preliminary Results*, Commerce determined TMI/TMM had no shipments of subject merchandise to the United States during the POR.⁴ As noted in the *Preliminary Results*, we received no-shipment statements from TMI/TMM,⁵ and the statements were consistent with the information we received from U.S. Customs and Border Protection (CBP).⁶ Because Commerce did not receive any comments on its preliminary finding, Commerce continues to find that TMI/TMM did not have any shipments of subject merchandise during the POR.

Assessment Rates

Based on record evidence, we have determined that TMI/TMM had no shipments of subject merchandise during the POR, and, therefore, pursuant to Commerce's assessment practice, any suspended entries entered under their case number will be liquidated at the China-wide entity rate.⁷

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or

⁴ See *Preliminary Results*, 86 FR 62990.

⁵ See *Preliminary Results*, 86 FR 62990.

⁶ See Memorandum, "Antidumping Duty Administrative Review of Pure Magnesium from the People's Republic of China; 05/01/2020-04/30/2021: Entry Data and No Shipment Inquiry," dated August 31, 2021. On August 3, 2021, Commerce issued a no shipment inquiry to U.S. Customs and Border Protection (CBP) with respect to TMI/TMM. On August 4, 2021, CBP responded that it had no evidence of shipments of magnesium metal from China exported by TMI/TMM during the POR.

⁷ See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).