

## DEPARTMENT OF COMMERCE

## Foreign-Trade Zones Board

[Order No. 2148]

**Approval of Subzone Expansion;  
Acushnet Company; Lakeville,  
Massachusetts**

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas*, the Foreign-Trade Zones (FTZ) Act provides for “. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,” and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

*Whereas*, the Board’s regulations (15 CFR part 400) provide for the establishment of subzones for specific uses;

*Whereas*, the City of New Bedford, grantee of Foreign-Trade Zone 28, has made application to the Board to expand Subzone 28F on behalf of Acushnet Company in Lakeville, Massachusetts (FTZ Docket B–21–2023, docketed March 9, 2023);

*Whereas*, notice inviting public comment has been given in the **Federal Register** (88 FR 15954, March 15, 2023) and the application has been processed pursuant to the FTZ Act and the Board’s regulations; and,

*Whereas*, the Board adopts the findings and recommendations of the examiners’ memorandum, and finds that the requirements of the FTZ Act and the Board’s regulations are satisfied;

*Now, therefore*, the Board hereby approves the application to expand Subzone 28F on behalf of Acushnet Company in Lakeville, Massachusetts, as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board’s regulations, including section 400.13.

Dated: July 17, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.*

[FR Doc. 2023–15390 Filed 7–19–23; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

## International Trade Administration

[C–570–151]

**Countervailing Duty Investigation of  
Tin Mill Products From the People’s  
Republic of China: Preliminary  
Determination of Critical  
Circumstances, in Part**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that critical circumstances exist, in part, with respect to imports of tin mill products from one exporter/producer of tin mill products in the countervailing duty (CVD) investigation of tin mill products from the People’s Republic of China (China).

**DATES:** Applicable July 20, 2023.

**FOR FURTHER INFORMATION CONTACT:**

Genevieve Coen at (202) 482–3251 or Melissa Porpotage at (202) 482–1413; AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:****Background**

In response to a petition filed on January 18, 2023, Commerce initiated a CVD investigation concerning tin mill products from China.<sup>1</sup> On June 16, 2023, Cleveland-Cliffs Inc. and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (collectively, the petitioners) filed a timely allegation, pursuant to section 703(e)(1) of the Tariff Act of 1930, as amended, (the Act) and 19 CFR 351.206, that critical circumstances exist with respect to tin mill products from China.<sup>2</sup> Commerce published its preliminary CVD determination on June 26, 2023.<sup>3</sup> In the *Preliminary Determination*, we examined two mandatory respondents and assigned the all-others rate based

<sup>1</sup> See *Tin Mill Products from the People’s Republic of China: Initiation of Countervailing Duty Investigation*, 88 FR 9476 (February 14, 2023) (*Initiation Notice*).

<sup>2</sup> See Petitioners’ Letter, “Petitioners’ Allegation of Critical Circumstances,” dated June 16, 2023 (*Critical Circumstances Allegation*).

<sup>3</sup> See *Tin Mill Products from the People’s Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination*, 88 FR 41373 (June 26, 2023) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum (PDM).

upon the rate assigned to the single participating mandatory respondent, Shougang Jingtang United Iron & Steel Co., Ltd. (Jingtang Iron). We applied adverse facts available (AFA) to the second mandatory respondent, Baoshan Iron & Steel Co., Ltd. (Baoshan Iron).<sup>4</sup>

In accordance with section 703(e)(1) of the Act and 19 CFR 351.206(c)(1) and (2)(ii), because the petitioners submitted the critical circumstances allegation more than 30 days before the scheduled date of the final determination, Commerce will make a preliminary finding as to whether there is a reasonable basis to believe or suspect that critical circumstances exist and will issue a preliminary critical circumstances determination within 30 days after the allegation is filed.

**Critical Circumstances Allegation**

The petitioners allege that there was a massive increase of imports of tin mill products from China and provided monthly import data comparing a base period of November 2022 through January 2023 to a comparison period of February through April 2023.<sup>5</sup> This comparison shows an increase of 23.6 percent in imports from China, which is “massive” under 19 CFR 351.206(h)(2). The petitioners also allege that there is a reasonable basis to believe that there are subsidies in this investigation which are inconsistent with the World Trade Organization Agreement on Subsidies and Countervailing Measures (SCM Agreement).<sup>6</sup>

**Critical Circumstances Analysis**

Section 703(e)(1) of the Act provides that Commerce will determine that critical circumstances exist in CVD investigations if there is a reasonable basis to believe or suspect that: (A) the alleged countervailable subsidy is inconsistent with the SCM Agreement; and (B) there have been massive imports of the subject merchandise over a relatively short period.<sup>7</sup> Pursuant to 19 CFR 351.206(h)(2), imports must increase by at least 15 percent during the “relatively short period” to be considered “massive,” and 19 CFR 351.206(i) defines a “relatively short period” as normally being the period beginning on the date the proceeding

<sup>4</sup> See *Preliminary Determination PDM* at 9–10.

<sup>5</sup> See *Critical Circumstances Allegation* at 4–6.

<sup>6</sup> See section 771(8)(A) of the Act.

<sup>7</sup> Commerce limits its critical circumstances findings to those subsidies contingent upon export performance or use of domestic over imported goods (*i.e.*, those prohibited under Article 3 of the SCM Agreement). See, *e.g.*, *Final Affirmative Countervailing Duty Determination and Final Negative Critical Circumstances Determination: Carbon and Certain Alloy Steel Wire from Germany*, 67 FR 55808, 55809–10 (August 30, 2002).

begins (*i.e.*, the date the petition is filed) and ending at least three months later.<sup>8</sup> The regulations also provide, however, that if Commerce finds that importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, Commerce may consider a period of not less than three months from that earlier time.<sup>9</sup>

### Alleged Countervailable Subsidies Are Inconsistent With the SCM Agreement

To determine whether an alleged countervailable subsidy is inconsistent with the SCM Agreement, in accordance with section 703(e)(1)(A) of the Act, Commerce considered the evidence currently on the record of this investigation. As determined in the *Preliminary Determination*, we found the Export Buyer's Credit Program to be export-contingent, and we applied AFA to find that the non-cooperating mandatory respondent Baoshan Iron used the following programs which the record indicates are export-contingent, rendering them inconsistent with the SCM Agreement: Export Seller's Credit; Export Buyer's Credit; Foreign Trade Development Fund Grants; Export Assistance Grants; and Subsidies for the Development of Famous Brands and China World Top Brands.<sup>10</sup>

Therefore, Commerce preliminarily determines, for purposes of this critical circumstances determination, that there are subsidies in this investigation that are inconsistent with the SCM Agreement.

### Massive Imports

In determining whether there have been "massive imports" over a "relatively short period," pursuant to section 703(e)(1)(B) of the Act, Commerce normally compares the import volumes of the subject merchandise for at least three months immediately preceding the filing of the petition (*i.e.*, the "base period") to a comparable period of at least three months following the filing of the petition (*i.e.*, the "comparison period"). In this case, Commerce compared the import volumes of subject merchandise, as provided by the cooperating mandatory respondent, Jingtang Iron,<sup>11</sup>

for the four months immediately preceding and four months following the filing of the petition, ending with the month prior to the *Preliminary Determination*. Imports normally will be considered massive when imports during the comparison period have increased by 15 percent or more compared to imports during the base period.<sup>12</sup>

Because the petition was filed on January 18, 2023, to determine whether there was a massive surge in imports for the cooperating mandatory respondent, Commerce compared the total volume of shipments during the period October 2022 through January 2023 with the volume of shipments during the following four-month period of February 2023 through May 2023. Based on this analysis, we preliminarily determine that there was no massive surge in imports for the cooperating mandatory respondent, Jingtang Iron.

For "all others," we applied our normal practice and analyzed monthly shipment data for the same time period, using import data from Global Trade Atlas (GTA),<sup>13</sup> adjusted to remove the cooperating mandatory respondent's shipment data. Although the quantity of shipments reported by Jingtang Iron for one month each in the base and comparison periods was greater than the quantity of imports recorded in the GTA statistics for the U.S. Harmonized Tariff Schedule categories included in the petition for those months, we considered the data generally probative and analyzed the overall shipment data by comparing the base and comparison periods, respectively. Based on this analysis, we find that there were no massive imports for "all other" producers from China.

As explained in the *Preliminary Determination*, we preliminarily applied total AFA to Baoshan Iron because it failed to cooperate in this proceeding.<sup>14</sup> For Baoshan Iron, we preliminarily determine, in accordance with section 776(b) of the Act, that there was a massive surge in imports between the base and comparison periods.

### Conclusion

Based on the criteria and findings discussed above, we preliminarily determine that critical circumstances exist with respect to imports of tin mill products from China produced or exported by Baoshan Iron. We

preliminarily determine that critical circumstances do not exist with respect to imports of tin mill products from China with respect to Jingtang Iron or all other producers.

### Final Critical Circumstances Determinations

We will make a final critical circumstances determination concerning critical circumstances in the final CVD determination, which is currently scheduled for October 30, 2023.

### Public Comment

A schedule for case briefs or other written comments will be established at a later date. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline date for case briefs.<sup>15</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.<sup>16</sup>

Electronically filed documents must be received successfully in their entirety by 5:00 p.m. Eastern Time on the due dates established.<sup>17</sup>

### Suspension of Liquidation

In accordance with section 703(e)(2)(A) of the Act, for Baoshan Iron, we intend to direct U.S. Customs and Border Protection (CBP) to suspend liquidation of any unliquidated entries of subject merchandise from China entered, or withdrawn from warehouse for consumption, on or after March 28, 2023, which is 90 days prior to the date of publication of the *Preliminary Determination* in the **Federal Register**. For such entries, CBP shall require a cash deposit equal to the estimated preliminary subsidy rates established in the *Preliminary Determination*. This suspension of liquidation will remain in effect until further notice.

### U.S. International Trade Commission (ITC) Notification

In accordance with section 703(f) of the Act, we will notify the ITC of this preliminary determination of critical circumstances.

This determination is issued and published pursuant to section 703(f) and 777(i) of the Act and 19 CFR 351.206.

<sup>8</sup> See 19 CFR 351.102 and 19 CFR 351.206.

<sup>9</sup> See 19 CFR 351.206(i).

<sup>10</sup> See *Preliminary Determination* PDM at 19 and Appendix I; see also Petitioners' Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Tin Mill Products from Canada, China, Germany, Netherlands, South Korea, Taiwan, Turkey, and the United Kingdom," dated January 18, 2023, at Volume X.

<sup>11</sup> See Jingtang Iron's Letter, "Shipment Data for Critical Circumstances," dated July 7, 2023.

<sup>12</sup> See 19 CFR 351.206(h)(2).

<sup>13</sup> Commerce gathered GTA data under the following harmonized tariff schedule numbers: 7210.11.0000, 7210.12.0000, 7210.50.0020, 7210.50.0090, 7212.10.0000, 7212.50.0000, 7225.99.0090, 7226.99.0180.

<sup>14</sup> See *Preliminary Determination* PDM at 9–16.

<sup>15</sup> See 19 CFR 351.309(d)(1).

<sup>16</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>17</sup> See 19 CFR 351.303(b)(1).

Dated: July 14, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-051, C-570-052]

#### **Certain Hardwood Plywood Products From the People's Republic of China: Final Scope Determination and Affirmative Final Determination of Circumvention of the Antidumping and Countervailing Duty Orders**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that imports of certain hardwood plywood products (hardwood plywood), completed in the Socialist Republic of Vietnam (Vietnam) using plywood inputs and components (face veneer, back veneer, and/or either an assembled core or individual core veneers) manufactured in the People's Republic of China (China), are circumventing the antidumping duty (AD) and countervailing duty (CVD) orders on hardwood plywood from China.

**DATES:** Applicable July 20, 2023.

**FOR FURTHER INFORMATION CONTACT:** Rachel Jennings, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1110.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On July 29, 2022, Commerce published the preliminary determination<sup>1</sup> for the circumvention and scope inquiries of the AD and CVD orders on hardwood plywood from China which were assembled in Vietnam using hardwood plywood inputs sourced from China.<sup>2</sup> We invited

<sup>1</sup> See *Certain Hardwood Plywood Products from the People's Republic of China: Preliminary Scope Determination and Affirmative Preliminary Determination of the Antidumping and Countervailing Duty Orders*, 87 FR 45753 (July 29, 2022) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See *Certain Hardwood Plywood Products from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order*, 83 FR 504 (January 4, 2018); and *Certain Hardwood Plywood Products from the People's Republic of China: Countervailing*

parties to comment on the *Preliminary Determination*. A summary of events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.<sup>3</sup> Commerce conducted this scope inquiry in accordance with 19 CFR 351.225(c) and (h), and this circumvention inquiry in accordance with section 781(b) of the Tariff Act of 1930, as amended (the Act).

##### **Scope of the Orders**

The merchandise covered by the scope of these *Orders* is hardwood plywood and decorative plywood from China. A complete description of the scope of the *Orders* is contained in the Issues and Decision Memorandum.<sup>4</sup>

##### **Merchandise Subject To Scope and Circumvention Inquiries**

These scope and circumvention inquiries cover hardwood plywood exported to the United States that was completed in Vietnam using: (1) face/back veneers and assembled core components (e.g., veneer core platforms) manufactured in China; (2) fully assembled veneer core platforms manufactured in China and face/back veneer produced in Vietnam or third countries; (3) multi-ply panels of glued core veneers manufactured in China and combined in Vietnam to produce veneer core platforms and combined with either face and/or back veneer produced in China, Vietnam, or a third country; (4) face/back veneers and individual core veneers produced in China; and (5) individual core veneers manufactured in China and processed into a veneer core platform<sup>5</sup> in Vietnam and combined with face/back veneer produced in Vietnam or a third country.

##### **Methodology**

Commerce made these final circumvention findings in accordance with section 781(b) of the Act and 19

*Duty Order*, 83 FR 513 (January 4, 2018) (collectively, *Orders*).

<sup>3</sup> See Memorandum, "Issues and Decision Memorandum for Circumvention and Scope Inquiries of the Antidumping Duty and Countervailing Duty Orders on Certain Hardwood Plywood Products from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>4</sup> *Id.*

<sup>5</sup> A veneer core platform is defined as two or more wood veneers that form the core of an otherwise completed hardwood plywood product (i.e., a hardwood plywood product to which the outer (face and back) veneers have not yet been affixed).

CFR 351.225(g).<sup>6</sup> In the *Preliminary Determination*, we relied on information placed on the record by the Coalition for Fair Trade in Hardwood Plywood and the Government of Vietnam, and information we placed on the record. We also relied on the facts available under section 776(a) of the Act, including facts available with adverse inferences under section 776(b) of the Act, where appropriate. In particular, we requested information from numerous companies in Vietnam in conducting these inquiries. While we received responses from the majority of these companies, several companies failed to respond to our initial quantity and value (Q&V) questionnaire and/or a supplemental Q&V questionnaire and additional companies provided information that either contained significant discrepancies and inconsistencies or was misleading.<sup>7</sup> Therefore, we preliminarily found that these companies withheld information, failed to provide information by the deadline or in the form and manner requested, and significantly impeded these inquiries. Thus, we found that they failed to cooperate to the best of their abilities; thereby, we have used adverse inferences when selecting from among the facts otherwise available on the record for certain aspects of the *Preliminary Determination*, pursuant to sections 776(a) and (b) of the Act. After considering comments from interested parties, for this final determination, we have determined, based on adverse inferences, that 37 companies produce hardwood plywood under all five of the production scenarios subject to these inquiries. Additionally, we determine that these 37 companies<sup>8</sup> are precluded from participating in the certification program we established for applicable exports of hardwood plywood from Vietnam. For a full description of the methodology underlying the final

<sup>6</sup> Commerce significantly revised its scope regulations on September 20, 2021, with an effective date of November 4, 2021. See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (September 20, 2021). The amendments to 19 CFR 351.225 apply to scope inquiries for which a scope ruling application is filed, as well as any scope inquiry self-initiated by Commerce, on or after November 4, 2021. The newly promulgated 19 CFR 351.226 applies to circumvention inquiries for which a circumvention request is filed, as well as any circumvention inquiry self-initiated by Commerce, on or after November 4, 2021. We note that these scope and circumvention inquiries were initiated prior to the effective date of the new regulations, and, thus, any reference to the regulations is to the prior version of the regulations.

<sup>7</sup> See *Preliminary Determination*, 87 FR at Appendix V for a list of companies that either failed to respond to our requests for information or provided unreliable information.

<sup>8</sup> *Id.*