

## Assessment

Commerce will instruct CBP to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of this rescission notice in the **Federal Register**.

## Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

## Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: August 31, 2023.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–560–833]

#### Utility Scale Wind Towers From Indonesia: Preliminary Results of Antidumping Duty Administrative Review; 2021–2022

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily finds that utility scale wind towers (wind towers) from Indonesia were sold at less than normal value during the period of review (POR) August 1, 2021, through July 31, 2022. We invite interested parties to comment on these preliminary results of review.

**DATES:** Applicable September 7, 2023.

## FOR FURTHER INFORMATION CONTACT:

Amaris Wade, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6334; email: [amaris.wade@trade.gov](mailto:amaris.wade@trade.gov).

## SUPPLEMENTARY INFORMATION:

### Background

On August 26, 2020, Commerce published in the **Federal Register** the antidumping duty (AD) order on wind towers from Indonesia.<sup>1</sup> On August 2, 2022, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order*.<sup>2</sup> On October 11, 2022, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an AD administrative review of P.T. Kenertec Power System (Kenertec), GE Indonesia, GE Renewable Energy, General Electric Indonesia, Korindo Wind, Nordex SE, PT. Siemens Gamesa Renewable Energy, and Siemens Gamesa Renewable Energy.<sup>3</sup> On October 25, 2022, Commerce issued the AD questionnaire to Kenertec.<sup>4</sup>

On April 21, 2023, Commerce extended the preliminary results of this review until August 31, 2023.<sup>5</sup> For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.<sup>6</sup>

### Scope of the Order

The products covered by the *Order* are utility scale wind towers from Indonesia.<sup>7</sup>

<sup>1</sup> See *Utility Scale Wind Towers from Canada, Indonesia, the Republic of Korea, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 85 FR 52546 (August 26, 2020) (*Order*), as corrected in *Utility Scale Wind Towers from Canada, Indonesia, the Republic of Korea, and the Socialist Republic of Vietnam: Notice of Correction to the Antidumping Duty Orders*, 85 FR 56213 (September 11, 2020).

<sup>2</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review and Join Annual Inquiry Service List*, 87 FR 47187 (August 2, 2022).

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 87 FR 61278 (October 11, 2022).

<sup>4</sup> See Commerce's Letter, "Request for Information," dated October 25, 2022.

<sup>5</sup> See Memorandum, "Extension of Deadline for Preliminary Results of 2021–2022 Antidumping Duty Administrative Review," dated April 21, 2023.

<sup>6</sup> See Memorandum, "Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review; 2021–2022: Utility Scale Wind Towers from Indonesia," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>7</sup> For a complete description of the scope of the *Order*, see Preliminary Decision Memorandum.

## Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Constructed export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying these preliminary results, see the Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

## Rate for Non-Examined Companies

The statute and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies that were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely on the basis of facts available.

In this review, the following seven companies were not selected for individual examination: GE Indonesia; GE Renewable Energy; General Electric Indonesia; Korindo Wind; Nordex SE; PT. Siemens Gamesa Renewable Energy; and Siemens Gamesa Renewable Energy. Because we have preliminarily calculated a weighted-average dumping margin for a single respondent, Kenertec, which is not zero, *de minimis*, or determined entirely based on facts available, in accordance with section

735(c)(5)(A) of the Act, we assigned the weighted-average dumping margin we calculated for Kenertec in this administrative review to the companies not selected for individual examination.

### Preliminary Results of Review

We preliminarily determine that the following estimated weighted-average dumping margins exist for the period August 1, 2021, through July 31, 2022:

Producer/exporter	Weighted-average dumping margin (percent)
P.T. Kenertec Power System	3.06
GE Indonesia .....	3.06
GE Renewable Energy .....	3.06
General Electric Indonesia ...	3.06
Korindo Wind .....	3.06
Nordex SE .....	3.06
PT. Siemens Gamesa Renewable Energy .....	3.06
Siemens Gamesa Renewable Energy .....	3.06

### Disclosure and Public Comment

Commerce intends to disclose the calculations performed to interested parties within five days after public announcement, or if there is no public announcement, within five days of the publication date, of the preliminary results.<sup>8</sup> Interested parties may submit case briefs no later than 30 days after the date of publication of this notice.<sup>9</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the deadline for filing case briefs.<sup>10</sup> Interested parties who submit case briefs or rebuttal briefs in this proceeding 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>11</sup> Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>12</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS.<sup>13</sup> Hearing requests should contain: (1) the party's name, address, and telephone number; (2) the number

of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.

### Assessment Rates

Upon completion of the final results of this administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries.<sup>14</sup> If the weighted average dumping margin for Kenertec is not zero or *de minimis* (*i.e.*, less than 0.5 percent) in the final results of this review, we intend to calculate importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).<sup>15</sup> If the weighted-average dumping margin or an importer-specific assessment rate is zero or *de minimis* in the final results of review, we intend to instruct CBP to liquidate entries without regard to antidumping duties.<sup>16</sup> The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.<sup>17</sup>

For entries of subject merchandise during the POR produced by Kenertec for which it did not know that the merchandise it sold was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.<sup>18</sup>

For the companies that were not selected for individual examination, we will instruct CBP to liquidate entries at the rate established after the completion of the final results of review.

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 in the **Federal Register** of the notice of final results of administrative review for all shipments of wind towers from Indonesia entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the respondents listed above will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is less than 0.50 percent and therefore *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for merchandise exported by a company not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific cash deposit rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review, or a previous segment, but the producer is, then the cash deposit rate will be the rate established in the completed segment for the most recent period for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 8.50 percent, the all-others rate established in the less-than-fair-value investigation.<sup>19</sup> These deposit requirements, when imposed, shall remain in effect until further notice.

### Final Results of Review

Unless the deadline is otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised by interested parties in the written comments, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

<sup>8</sup> See 19 CFR 351.224(b).

<sup>9</sup> See 19 CFR 351.309(c).

<sup>10</sup> Commerce is exercising its discretion, under 19 CFR 351.309(d)(1), to alter the time limit for filing of rebuttal briefs.

<sup>11</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>12</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

<sup>13</sup> See 19 CFR 351.310(c).

<sup>14</sup> See 19 CFR 351.212(b).

<sup>15</sup> See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012).

<sup>16</sup> *Id.* 77 FR at 8102; see also 19 CFR 351.106(c)(2).

<sup>17</sup> See section 751(a)(2)(C) of the Act.

<sup>18</sup> For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

<sup>19</sup> See *Order*.

**Notification to Importers**

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

**Notification to Interested Parties**

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: August 31, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

**Appendix I—List of Topics Discussed in the Preliminary Decision Memorandum**

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Discussion of the Methodology
- V. Currency Conversion
- VI. Recommendation

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**DEPARTMENT OF COMMERCE****International Trade Administration**

[A–552–801]

**Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Preliminary Results of Antidumping Duty Administrative Review, Preliminary Determination of No Shipments, and Notice of Intent To Rescind, in Part; 2021–2022**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty order on certain frozen fish fillets (fish fillets) from the Socialist Republic of Vietnam (Vietnam). The period of review (POR) is August 1, 2021, through July 31, 2022. Commerce preliminarily determines that certain exporters made sales of subject merchandise at prices below NV during the POR, and that 10 exporters did not have shipments during the POR. We invite interested parties to comment on these preliminary results.

**DATES:** Applicable September 7, 2023.

**FOR FURTHER INFORMATION CONTACT:**

Javier Barrientos or Christopher Maciuba, 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) 482–2243 or (202) 482–0413, respectively.

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

On October 11, 2022, Commerce initiated an administrative review of the antidumping duty order on fish fillets from Vietnam in accordance with 19 CFR 351.221(c)(1)(i) and section 751(a) of the Tariff Act of 1930, as amended (the Act).<sup>1</sup> This review covers 25 exporters, including the Vietnam-wide entity.<sup>2</sup> We selected two exporters, Vinh Hoan Corporation (Vinh Hoan) and Can Tho Import Export Seafood Joint Stock Company (CASEAMEX), for individual examination as mandatory respondents.<sup>3</sup> On April 19, 2023, Commerce extended the deadline for these preliminary results to August 31, 2023.<sup>4</sup>

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.<sup>5</sup> A list of the topics discussed in the Preliminary Decision Memorandum is included in Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed

<sup>1</sup> *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 87 FR 61278 (October 11, 2022) (*Initiation Notice*).

<sup>2</sup> *See* Memorandum, "Respondent Selection," dated January 8, 2021 (Respondent Selection Memorandum). The *Initiation Notice* listed 134 company/entity names. *See Initiation Notice*, 87 FR at 61281–84. We treated all companies (*i.e.*, 109 companies) without a preliminary separate rate (or an existing separate rate and a no shipment claim) as part of the Vietnam-wide entity.

<sup>3</sup> *See* Respondent Selection Memorandum. *See also* Memorandum, "Selection of Replacement Respondent for Individual Review," dated February 3, 2023.

<sup>4</sup> *See* Memorandum, "Extension of Deadline for Preliminary Results of the 2021–2022 Antidumping Duty Administrative Review," dated April 19, 2023.

<sup>5</sup> *See* Memorandum, "Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam; 2021–2022," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Scope of the Order**

The products covered by this order are fish fillets from Vietnam. For a full description of the scope of the order, *see* the Preliminary Decision Memorandum.

**Preliminary Determination of No Shipments**

Based on an analysis of information from U.S. Customs and Border Protection (CBP) and letters filed by 10 companies certifying no shipments, Commerce preliminarily determines that the companies listed in Appendix III had no shipments during the POR.<sup>6</sup> For additional information regarding this finding, *see* the Preliminary Decision Memorandum.

Consistent with our assessment practice in non-market economy (NME) administrative reviews, Commerce is not rescinding this review for these 10 companies but, instead, intends to complete the review and issue appropriate instructions to CBP based on the final results of the review.<sup>7</sup>

**Separate Rates**

Commerce preliminarily determines that information placed on the record by mandatory respondents CASEAMEX, Vinh Hoan, and four separate rate applicants (Cafatex Corporation, International Development and Investment Corporation, Loc Kim Chi Seafood Joint Stock Company, and the Hung Vuong Corporation) demonstrates that these companies are entitled to separate rate status. For additional information, *see* the Preliminary Decision Memorandum.

**Vietnam-Wide Entity**

The Vietnam-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. In this administrative review, the petitioners<sup>8</sup>

<sup>6</sup> Three additional exporters also certified that they had no shipments during the POR. However, because these exporters have not established their eligibility for a separate rate, we consider them to be part of the Vietnam-wide entity. Thus, we preliminarily find that it would be inappropriate to make an individual no-shipment determination with respect to these exporters. Additionally, certain other companies that filed no shipment statements are among the companies for which we have announced our intent to rescind this review. *See* Appendix II.

<sup>7</sup> *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694, 65694–95 (October 24, 2011), and the "Assessment Rates" section, below.

<sup>8</sup> The petitioners are the Catfish Farmers of America and individual U.S. catfish processors America's Catch, Inc., Alabama Catfish, LLC d/b/a Harvest Select Catfish, Inc., Consolidated Catfish

Continued