

significant ministerial error with respect to our preliminary critical circumstances determination. The period of investigation is July 1, 2019 through December 31, 2019.

**DATES:** Applicable October 7, 2020.

**FOR FURTHER INFORMATION CONTACT:** Leo Ayala or Alex Cipolla, 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 or (202) 482-4956, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 19, 2020, Commerce published its *Preliminary Determination*.<sup>1</sup> On August 19, 2020, we received ministerial error comments from Chongqing Zongshen General Power Machine Co., Ltd (Zongshen) alleging that Commerce made certain significant ministerial errors in the *Preliminary Determination*. No other party made an allegation of ministerial errors. On August 24, 2020, Briggs & Stratton Corporation provided reply comments to Zongshen's allegations. After reviewing the allegation, we determine that the *Preliminary Determination* included a significant ministerial error with respect to our preliminary critical circumstances determination. Therefore, we are amending the *Preliminary Determination* to find that critical circumstances do not exist for Zongshen.

##### Scope of the Investigation

The products covered by this investigation are vertical shaft engines from China. For a complete description of the scope of this investigation, see the *Preliminary Determination*.<sup>2</sup>

##### Analysis of Significant Ministerial Error Allegation

Pursuant to 19 CFR 351.224, and as explained further in the Ministerial Error Memorandum<sup>3</sup> issued

concurrently with this Notice, we determine that the *Preliminary Determination* contained an error with respect to our preliminary critical circumstances calculation. In particular, we found an unintentional error in our calculation under the statutory criteria involving massive imports over a relatively short period.<sup>4</sup> In our corrected calculation of Zongshen's massive import analysis, we found that imports based on Zongshen's reported shipments of merchandise under consideration did not increase during the comparison period by more than 15 percent over its respective imports in the base period.<sup>5</sup> Correction of this error results in a determination that Zongshen's imports were not massive during the comparison period and changes the preliminary critical circumstances determination from affirmative to negative for Zongshen.<sup>6</sup> Commerce considers this ministerial error to be significant warranting an amendment to our preliminary critical circumstances determination with respect to Zongshen. Commerce does not consider any of the other alleged ministerial errors to be ministerial in nature.<sup>7</sup>

Therefore, we amend our preliminary determination and find there were not massive imports for Zongshen, pursuant to section 733(e)(1)(B) of the Act and 19 CFR 351.206(c)(2)(i). Accordingly, we find that critical circumstances do not exist with respect to Zongshen.

##### Suspension of Liquidation

The collection of cash deposits and suspension of liquidation will be revised, in accordance with section 733(e) of the Act. We will instruct 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 August 19, 2020, the date of publication of the *Preliminary Determination*.

We will also instruct CBP to require a cash deposit equal to the estimated preliminary antidumping duty rate reflected in the *Preliminary Determination*. This suspension of liquidation will remain in effect until further notice.

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

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are

making available to the ITC all non-privileged and non-proprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Enforcement and Compliance.

##### Notification to Interested Parties

This determination is issued and published pursuant to sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.224(e).

Dated: September 30, 2020.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2020-22179 Filed 10-6-20; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-602-809]

#### Certain Hot-Rolled Steel Flat Products From Australia: Final Results of Antidumping Duty Administrative Review; 2017-2018

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

**SUMMARY:** The Department of Commerce (Commerce) determines that the producer/exporter subject to this administrative review made sales in the United States of certain hot-rolled steel flat products from Australia at less than normal value during the period of review (POR) October 1, 2017 through September 30, 2018.

**DATES:** Applicable October 7, 2020.

**FOR FURTHER INFORMATION CONTACT:** Rachel Greenberg, 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) 482-0652.

#### SUPPLEMENTARY INFORMATION:

##### Background

This review covers one producer/exporter of the subject merchandise: BlueScope Steel (AIS) Pty Ltd./BlueScope Steel Ltd./BlueScope Steel Distribution (collectively, BlueScope).

<sup>1</sup> See *Certain Vertical Shaft Engines Between 225cc and 999cc, and Parts Thereof, from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures*, 85 FR 51015 (August 19, 2020) (*Preliminary Determination*).

<sup>2</sup> *Id.*, 85 FR at 51017.

<sup>3</sup> See Memorandum, "Antidumping Duty Investigation of Certain Vertical Shaft Engines Between 225cc and 999cc, and Parts Thereof, from China: Allegation of Ministerial Errors in the Preliminary Determination," dated concurrently with this notice (Ministerial Error Memorandum).

<sup>4</sup> See section 733(e)(1)(B) of the Act.

<sup>5</sup> See Ministerial Error Memorandum.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

On December 10, 2019, Commerce published the *Preliminary Results*.<sup>1</sup> On March 13, 2020, Commerce fully extended the deadline for the final results of this review to June 12, 2020.<sup>2</sup> On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days.<sup>3</sup>

On May 11 and 12, 2020, we received case briefs from BlueScope and the petitioners,<sup>4</sup> respectively.<sup>5</sup> On May 18, 2020, we received rebuttal briefs from both BlueScope and the petitioners.<sup>6</sup>

On July 21, 2020, Commerce tolled all deadlines in administrative reviews by an additional 60 days.<sup>7</sup> The deadline for the final results of this review is now September 30, 2020. Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

### Scope of the Order

The merchandise subject to the order is certain hot-rolled steel flat products from Australia. For a full description of the scope of this order, see the Issues and Decision Memorandum.

### Analysis of Comments Received

All issues raised by the parties in their case and rebuttal briefs are listed in the appendix to this notice and are addressed in the Issues and Decision Memorandum. The Issues and 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 Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

### Changes Since the Preliminary Results

In the *Preliminary Results*, we found that application of partial adverse facts available (AFA) was appropriate because we found that BlueScope had not acted to the best of its ability to supply Commerce with necessary information. For these final results, we are no longer applying partial AFA to BlueScope's home market sales with incomplete product characteristics. We have also excluded from BlueScope's U.S. sales database products that were re-exported because the first sale to an unaffiliated customer for these sales was to a customer in a third country. Finally, we made a minor change to the arm's-length test conducted for home market sales, using the consolidated customer code rather than the unconsolidated customer code. For a discussion of the above-referenced changes, see the "Changes Since the Preliminary Results" section of the Issues and Decision Memorandum.

### Final Results of the Review

We are assigning the following dumping margin to the exporter/producer listed below for the POR, October 1, 2017 through September 30, 2018:

Exporter/producer	Weight-average dumping margin (percent)
BlueScope Steel Ltd./BlueScope Steel (AIS) Pty Ltd./BlueScope Steel Distribution Pty Ltd. ....	2.72

### Disclosure

We will disclose to interested parties the calculations performed in connection with these final results within five days of the publication of this notice, consistent with 19 CFR 351.224(b).

### Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act, and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

For BlueScope, because its weighted-average dumping margin is not zero or

*de minimis* (i.e., less than 0.5 percent), Commerce has calculated importer-specific antidumping duty assessment rates. Because BlueScope reported the entered value for all its U.S. sales, we calculated importer-specific antidumping duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of those sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review where an importer-specific assessment rate is not zero or *de minimis*. Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the importer-specific assessment rate is zero or *de minimis*.

Consistent with Commerce's assessment practice, for entries of subject merchandise during the POR produced by BlueScope, for which BlueScope did not know that the merchandise 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>8</sup>

Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rates for the reviewed company will be the rate shown above; (2) for merchandise exported by producers or exported not covered in this administrative review but covered in a prior segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a previous review, or the original less-than-fair-value (LTFV) investigation, but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash

<sup>1</sup> See *Certain Hot-Rolled Steel Flat Products from Australia: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018*, 84 FR 68876 (December 10, 2019) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See Memorandum, "Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2017–2018," dated March 13, 2020.

<sup>3</sup> See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID–19," dated April 24, 2020.

<sup>4</sup> The petitioners are the United States Steel Corporation, AK Steel Corporation, ArcelorMittal USA LLC, Nucor Corporation, and Steel Dynamics, Inc.

<sup>5</sup> See BlueScope's Case Brief, "Case Brief of BlueScope Steel Ltd: Certain Hot-Rolled Steel Products from Australia," dated March 11, 2020; and Petitioners' Case Brief, "Hot-Rolled Steel Flat Products from Australia: Petitioners' Case Brief," dated March 11, 2020.

<sup>6</sup> See BlueScope's Rebuttal Brief, "Rebuttal Brief of BlueScope Steel Ltd: Certain Hot-Rolled Steel Products from Australia," dated March 18, 2020; and Petitioners' Rebuttal Brief, "Hot-Rolled Steel Flat Products from Australia: Petitioners' Rebuttal Brief," dated March 18, 2020.

<sup>7</sup> See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews," dated July 21, 2020.

<sup>8</sup> For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

deposit rate for all other producers or exporters will continue to be 29.58 percent, the all-others rate established in the LTFV investigation.<sup>9</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice serves as the only 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.

### Administrative Protective Order

In accordance with 19 CFR 351.305(a)(3), this notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the APO, which continues to govern business proprietary information in this segment of the proceeding. 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 violation subject to sanction.

### Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213(h). Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>10</sup>

Dated: September 30, 2020.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix

#### List of Topics Discussed in the Issues and Decision Memorandum

##### I. Summary

<sup>9</sup> See *Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, the Republic of Korea, the Netherlands, the Republic of Turkey, and the United Kingdom: Amended Final Affirmative Antidumping Determinations for Australia, the Republic of Korea, and the Republic of Turkey and Antidumping Duty Orders*, 81 FR 67962 (October 3, 2016).

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

##### II. Background

##### III. Scope of the Order

##### IV. Changes to the Preliminary Results

##### V. Discussion of the Issues

Comment 1: Reimbursement of Antidumping Duties

Comment 2: Partial AFA for Home Market Sales with Incomplete Control Numbers

Comment 3: U.S. Sales of Products That Were Re-Exported

Comment 4: Programming Error

##### VI. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-136]

#### Certain Chassis and Subassemblies Thereof From the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigation

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

**DATES:** Applicable October 7, 2020.

**FOR FURTHER INFORMATION CONTACT:** William Langley at (202) 482-3861, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 19, 2020, the Department of Commerce (Commerce) initiated a countervailing duty (CVD) investigation of imports of certain chassis and subassemblies thereof (chassis) from the People's Republic of China (China).<sup>1</sup> Currently, the preliminary determination is due no later than October 23, 2020.

##### Postponement of Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a countervailing duty investigation within 65 days after the date on which Commerce initiated the investigation. However, section 703(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 130 days after the date on which Commerce initiated the investigation if: (A) The

petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On September 17, 2020, the petitioner<sup>2</sup> submitted a timely request that Commerce postpone the preliminary CVD determination.<sup>3</sup> The petitioner stated that it requests postponement to permit parties time to review information submitted by the Government of China and the mandatory respondents, which is currently due no later than October 13, 2020, ten days before the unextended preliminary determination.<sup>4</sup> In accordance with 19 CFR 351.205(e), the petitioner has stated the reasons for requesting a postponement of the preliminary determination, and Commerce finds no compelling reason to deny the request. Therefore, in accordance with section 703(c)(1)(A) of the Act, Commerce is postponing the deadline for the preliminary determination to no later than 130 days after the date on which this investigation was initiated, *i.e.*, December 28, 2020. Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination.

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: October 1, 2020.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

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<sup>2</sup> The petitioner is the Coalition of American Chassis Manufacturers.

<sup>3</sup> See Petitioner's Letter, "Certain Chassis and Subassemblies Thereof from the People's Republic of China: Request for Postponement of Preliminary Determination," dated September 17, 2020.

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

<sup>1</sup> See *Certain Chassis and Subassemblies Thereof from the People's Republic of China: Initiation of Countervailing Duty Investigation*, 85 FR 52549 (August 19, 2020) (*Initiation Notice*).