Requirements for Written Comments

The https://www.regulations.gov website allows users to provide comments by filling in a “Type Comment” field, or by attaching a document using an “Upload File” field. The Department prefers that comments be provided in an attached document. The Department prefers supplemental submissions in Microsoft Word (.doc files) or Adobe Acrobat (.pdf files). If the submission is in an application format other than Microsoft Word, Microsoft Excel, or Adobe Acrobat, please indicate the name of the application in the “Type Comment” field. Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter within the comments. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file, so that the submission consists of one supplemental file instead of multiple additional files. Comments (both public comments and non-confidential versions of comments containing business confidential information) will be placed in the docket and open to public inspection. Comments may be viewed on https://www.regulations.gov by entering docket number BIS–2021–0046 in the search field on the homepage.

All filers should name their files using the name of the person or entity submitting the comments. Anonymous comments are also accepted. Communications from agencies of the United States Government will not be made available for public inspection. Anyone submitting business confidential information should clearly identify the business confidential portion at the time of submission, file a statement justifying nondisclosure and refer to the specific legal authority claimed, and provide a non-confidential version of the submission. The non-confidential version of the submission will be placed in the public file on https://www.regulations.gov. For comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters “BC.” Any page containing business confidential information must be clearly marked “BUSINESS CONFIDENTIAL” on the top of that page. The non-confidential version must be clearly marked “PUBLIC.” The file name of the non-confidential version should begin with the characters “P.” The “BC” and “P” should be followed by the name of the person or entity submitting the comments or rebuttal comments. If a public hearing is held in support of this assessment, a separate Federal Register notice will be published providing the date and information about the hearing. BIS does not maintain a separate public inspection facility. Requesters should first view the BIS’s web page, which can be found at https://efoia.bis.doc.gov/ (see “Electronic FOIA” heading). If requesters cannot access the website, they may call 202–482–0795 for assistance. The records related to this assessment are made accessible in accordance with the regulations published in part 4 of title 15 of the Code of Federal Regulations (15 CFR 4.1 through 4.11).

Thea D. Rozman Kendler, Assistant Secretary for Export Administration.

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DEPARTMENT OF COMMERCE
International Trade Administration

[A–823–820]

Raw Honey From Ukraine: Termination of Less-Than-Fair-Value Investigation

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

SUMMARY: Based on a withdrawal of the antidumping duty (AD) petition on raw honey from Ukraine by the American Honey Producers Association and the Sioux Honey Association (collectively, the petitioners), we are terminating this less-than-fair-value (LTFV) investigation.

DATES: Applicable April 6, 2022.


SUPPLEMENTARY INFORMATION:

Background

On April 21, 2021, Commerce received an AD petition concerning imports of raw honey from Ukraine, filed in proper form by the petitioners.1 On May 11, 2021, Commerce initiated the AD investigation on raw honey from Ukraine.2 On November 23, 2021, Commerce published its preliminary determination in the LTFV investigation of raw honey from Ukraine, in which we also postponed the final determination.3 On March 2, 2022, Commerce tolled all activities and deadlines by 90 days in this investigation in light of events occurring in Ukraine, thereby extending the deadline for the final determination until July 6, 2022.4 On March 24, 2022, the petitioners submitted a letter withdrawing the AD petition with respect to Ukraine.5

Section 351.207(b)(1) of Commerce’s regulations stipulates that the Secretary may terminate an investigation, provided it has concluded that termination of the investigation is in the public interest. Commerce has concluded that termination is in the public interest. Accordingly, pursuant to section 734(a)(1)(A) of the Tariff Act of 1930, as amended (the Act), 19 CFR 351.207(b)(1), and based on the petitioners’ letter withdrawing the AD petition, we are terminating this LTFV investigation.

Termination of the Investigation

In accordance with section 734(a)(1)(A) of the Act and 19 CFR 351.207(b)(1), upon the petitioners’ withdrawal of the petition, we are terminating the LTFV investigation of raw honey from Ukraine.

Suspension of Liquidation

In the Preliminary Determination, Commerce determined weighted-average dumping margins for exporters of raw honey from Ukraine that were above de minimis. Therefore, we instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of raw honey from Ukraine as of November 23, 2021, the date of the publication of the Preliminary Determination.6 Because Commerce is terminating this LTFV investigation, we will instruct CBP to terminate suspension of liquidation and refund any cash deposits of estimated antidumping duties for entries of raw honey from Ukraine.

3 See Preliminary Determination.
Dated: March 31, 2022.
Lisa W. Wang, 
Assistant Secretary for Enforcement and Compliance.

For a more complete description of the events between the initiation of this review and these preliminary results, see the Preliminary Decision Memorandum.\(^3\) A list of topics discussed in the Preliminary Decision Memorandum is attached 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, the signed Preliminary Decision Memorandum can be accessed directly at https://access.trade.gov/public/FRNoticesListingLayout.aspx.

Scope of the Order \(^4\)

The products covered by the Order are pipes and tubes from Thailand. For a full description of the scope of this Order, see the Preliminary Decision Memorandum.\(^5\)

Methodology

Commerce conducted this review in accordance with section 751(a)(2) of the Act. 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.

Preliminary Determination of No Shipments

On May 31, 2021, K-Line submitted a letter certifying that it had no exports or sales of subject merchandise at less than normal value during the period of review (POR) March 1, 2020, through February 28, 2021. We further preliminarily determine that K Line Logistics (Thailand) Ltd. (K-Line) had no shipments during the POR. We invite interested parties to comment on these preliminary results.

DATES: Applicable April 6, 2022.

FOR FURTHER INFORMATION CONTACT: Michael Romani or Richard Roberts, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

SUPPLEMENTARY INFORMATION:

Background

These preliminary results are made in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this administrative review on May 5, 2021.\(^1\) On November 24, 2021, Commerce extended the time for issuing the preliminary results of this review to March 31, 2022.\(^2\)


\(^4\) See Antidumping Duty Order; Circular Welded Carbon Steel Pipes and Tubes from Thailand, 51 FR 8341 (March 11, 1986) (Order).

\(^5\) See Preliminary Decision Memorandum at “Scope of the Order.”


\(^7\) See Memorandum, “Antidumping Duty Administrative Review; Circular Welded Carbon Steel Pipes and Tubes from Thailand, 2020–2021: U.S. Customs and Border Protection (CBP) Data Release,” dated May 27, 2021 at Attachment. See also Instruction to Customs and Border Protection, preliminarily determine that K-Line did not have any shipments of subject merchandise during the POR. Consistent with Commerce’s practice, we will not rescind the review with respect to K-Line but will complete the review and issue instructions to CBP based on the final results.\(^8\)

Rate for Non-Examined Companies

The statute and Commerce’s regulations do not address the establishment of a weighted-average dumping margin 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 less-than-fair-value investigation, for guidance when calculating the weighted-average dumping margin for companies which 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 (i.e., less than 0.5 percent) margins, and any margins determined entirely on the basis of facts available.

In this review, we have preliminarily calculated a weighted-average dumping margin for mandatory respondent, Saha Thai, that is zero percent. Where the rates for the individually examined companies are all zero, de minimis, or determined entirely using facts available, section 735(c)(5)(B) of the Act instructs that Commerce “may use any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted average dumping margins determined for the exporters and producers individually investigated.” One such reasonable method is to weight average the zero and de minimis rates, and the rates determined entirely pursuant to facts available. In fact, the SAA states that “No shipments inquiry for Circular Welded Pipes and Tubes from Thailand by K Line Logistics (A–549–502),” dated March 7, 2022, and Memorandum, “Antidumping Duty Administrative Review; Circular Welded Carbon Steel Pipes and Tubes from Thailand, 2020–2021: U.S. Customs and Border Protection (CBP) Data Release,” dated May 27, 2021.