DEPARTMENT OF COMMERCE
International Trade Administration
[2000–2002]

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells) from the People’s Republic of China (China). The period of review (POR) is January 1, 2015, through December 31, 2015.


SUPPLEMENTARY INFORMATION:

Background

On December 7, 2012, Commerce issued a countervailing duty (CVD) order on solar cells from China.1 Several interested parties requested that Commerce conduct an administrative review of the CVD order, and on February 13, 2017, Commerce published in the Federal Register a notice of initiation of an administrative review of the Order for 54 producers/exporters for the POR.2

Scope of the Order

The merchandise subject to the Order is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels, and building integrated materials. For a complete description of the scope of this

administrative review, see the Preliminary Decision Memorandum.3 Recision of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation of the requested review. This review was initiated on February 13, 2017. Between January 30, 2017, and May 15, 2017, we received timely withdrawals of the requests for review, for which no other parties requested a review, for the following companies: Yingli Green Energy Holding Company Limited;4 BYD (Shangluo) Industrial Co., Ltd., and Shanghai BYD Co., Ltd.5 Therefore, because there are no remaining requests to review these three companies, in accordance with 19 CFR 351.213(d)(1), and consistent with our practice, we are rescinding this review with respect to the three aforementioned companies. Methodology

Commerce is conducting this administrative review in accordance with section 751(i)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily find that there is a subsidy, (i.e., a financial contribution from an authority that gives rise to a benefit to the recipient) and that the subsidy is specific.6 In making this preliminary determination, Commerce relied, in part, on facts otherwise available, with the

Continued

3 See Memorandum, “Decision Memorandum for Preliminary Results of the Countervailing Duty Administrative Review of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People’s Republic of China; 2015,” (Preliminary Decision Memorandum), dated concurrently with, and hereby adopted by, this notice.


5 Therefore, because there are no remaining requests to review these three companies, in accordance with 19 CFR 351.213(d)(1), and consistent with our practice, we are rescinding this review with respect to the three aforementioned companies.

6 See sections 771(i)(1) of the Act.


establishment of rates to be applied to
companies not selected for individual
examination where Commerce limits its
examination in an administrative review
pursuant to section 777A(e)(2) of the
Act. However, Commerce normally
determines the rates for non-selected
companies in reviews in a manner that
is consistent with section 705(c)(5) of
the Act, which provides instructions for
calculating the all-others rate in an
investigation. Section 705(c)(5)(A)(i) of
the Act instructs Commerce, as a general
rule, to calculate an all others rate using
the weighted average of the subsidy
weights established for the producers/
exporters individually examined,
excluding any zero, de minimis, or rates
based entirely on facts available. For the
companies for which a review was
requested that were not selected as
mandatory company respondents, and
for which we did not receive a timely
request for withdrawal of review, and
for which we are not finding to be cross-
owned with the mandatory company
respondents, we based the subsidy rate
on a weighted-average of the subsidy
rates calculated for the two mandatory
respondents, Canadian Solar Inc. and
Changzhou Trina Solar Energy Co., Ltd.,
using their publicly-ranged sales data
for exports of subject merchandise to
the United States during the POR. A list
of these non-selected companies can be
found in Appendix II of notice.

Disclosure and Public Comment

Commerce will disclose to parties to
this proceeding the calculations
performed in reaching the preliminary
results within five days of the date of
publication of these preliminary
results.11 Interested parties may submit
written comments (case briefs) at a date
to be determined by Commerce and
rebuttal comments (rebuttal briefs)
within five days after the time limit
for filing case briefs.12 Rebuttal briefs
must be limited to issues raised in the
case briefs.13 Commerce will notify
interested parties when it has
determined a deadline for case briefs.
Parties who submit case or rebuttal
briefs are requested to submit with the
argument: (1) A statement of the issue;
(2) a brief summary of the argument;
and (3) a table of authorities.14

Interested parties who wish to request
a hearing must do so within 30 days of
publication of these preliminary results
by submitting a written request to the
Assistant Secretary for Enforcement and
Compliance, U.S. Department of
Commerce, using Enforcement and
Compliance’s ACCESS system.15
Hearing requests should contain the
party’s name, address, and telephone
number, the number of participants, and
a list of the issues to be discussed. If a
request for a hearing is made, we will
inform parties of the scheduled date for
the hearing, which will be held at the
U.S. Department of Commerce, 14th
Street and Constitution Avenue NW,
Washington, DC 20230, at a time and
location to be determined.16 Parties
should confirm by telephone the date,
time, and location of the hearing. Issues
addressed at the hearing will be limited
to those raised in the briefs.17 All briefs
and hearing requests must be filed
electronically and received successfully
in their entirety through ACCESS by
5:00 p.m. Eastern Time by their
respective deadlines.

Unless the deadline is extended
depends on section 751(a)(3)(A) of
the Act, Commerce intends to issue the final
results of this administrative review,
including the results of our analysis of
the issues raised by the parties in their
comments, within 120 days after
publication of these preliminary results.

Assessment Rates and Cash Deposit
Requirement

In accordance with 19 CFR
351.221(b)(4)(i), we assigned a subsidy
rate for each producer/exporter subject
to this administrative review. Upon
issuance of the final results, Commerce
shall determine, and U.S. Customs and
Border Protection (CBP) shall assess,
countervailing duties on all appropriate
entries covered by this review. We
intend to issue instructions to CBP 15
days after publication of the final results
of review. For companies for which this
review is rescinded, Commerce will
instruct CBP to assess countervailing
duties on all appropriate entries at a rate
equal to the cash deposit of estimated
countervailing duties required at the
time of entry, or withdrawal from
warehouse, for consumption, during the
period January 1, 2015, through
December 31, 2015, in accordance
with 19 CFR 351.212(c)(1)(i). Commerce
intends to issue appropriate assessment
instructions directly to CBP 15 days
after publication of this notice.

Pursuant to section 751(a)(2)(C) of the
Act, Commerce also intends to instruct
CBP to collect cash deposits of
estimated countervailing duties, in the
amounts shown above for each of the
respective companies shown above, on
shipments of subject merchandise
entered, or withdrawn from warehouse,
for consumption on or after the date of
publication of the final results of this
review. For all non-reviewed firms, we
will instruct CBP to continue to collect
cash deposits at the most-recent
company-specific or all-others rate
applicable to the company, as
appropriate. These cash deposit
requirements, when imposed, shall
remain in effect until further notice.

These preliminary results of review
are issued and published in accordance
with sections 751(a)(l) and 777(i)(l) of
the Act and 19 CFR 351.213 and
351.221(b)(4).


P. Lee Smith,
Deputy Assistant Secretary for Policy and
Negotiations.

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

I. Summary
II. Background
III. Partial Rescission of Administrative
Review
IV. Non-Selected Companies Under Review
V. Scope of the Order
VI. Application of the Countervailing Duty
Law to Imports From China
VII. Diversification of China’s Economy
VIII. Subsidies Valuation
IX. Interest Rate Benchmarks, Discount Rates,
Inputs, Electricity, and Land
Benchmarks
X. Use of Facts Otherwise Available and
Application of Adverse Inferences
XI. Analysis of Programs
XII. Verification
XIII. Disclosure and Public Comment
XIV. Conclusion

Appendix II—Non-Selected Companies
Under Review

1. Baoding Jiasheng Photovoltaic Technology
Co., Ltd.
2. Baoding Tianwei Yingli New Energy
Resources Co., Ltd.
3. Beijing Tianmeng Yingli New Energy
Resources Co., Ltd.
5. Chint Solar (Zhejiang) Co., Ltd.
7. ERA Solar Co., Ltd.
8. ET Solar Energy Limited
9. ET Solar Industry Limited
11. Hangzhou Sunny Energy Science and
Technology Co., Ltd.
12. Hangzhou Zhejiang University Sunny
Energy Science and Technology Co., Ltd.
13. Hengdian Group DMEGC Magnetics Co., Ltd.
SUPPLEMENTARY INFORMATION:

Background

On February 13, 2017, Commerce published a notice of initiation of an administrative review of the countervailing duty order on pipe and tube from Turkey.1 On August 22, 2017, Commerce extended the deadline for the preliminary results to January 2, 2018.2 For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.3 A list of topics discussed in the Preliminary Decision Memorandum is included 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 http://access.trade.gov, and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at https://enforcement.trade.gov/frn/. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Order

The merchandise covered by the order is welded line pipe, which is carbon and alloy steel pipe of a kind used for oil or gas pipelines, not more than 24 inches in nominal outside diameter. For a complete description of the scope of the order, see the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, i.e., a government financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.4 For a full description of the methodology underlying our conclusions, see the accompanying Preliminary Decision Memorandum.

Preliminary Results of Review

Commerce determines that the following preliminary net subsidy rates exist for the period March 20, 2015, through December 31, 2015:

<table>
<thead>
<tr>
<th>Company</th>
<th>Net subsidy rate (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Borusan Istikbal Ticaret and Borusan Mannesmann</td>
<td>0.78 ad valorem</td>
</tr>
</tbody>
</table>

Assessment Rates

In accordance with 19 CFR 351.221(b)(4)(i), we assigned a subsidy rate for each producer/exporter subject to this administrative review. Upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Rates

Pursuant to section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts indicated for the company listed above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

Commerce will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of this notice.

1 See Initiation of Antidumping and Countervailing Duty Administrative Reviews, 82 FR 10457 (February 13, 2017).


3 See Memorandum, “Decision Memorandum for Preliminary Results of Countervailing Duty Administrative Review: Welded Line Pipe from Turkey: 2015,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

4 See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and, section 771(5A) of the Act regarding specificity.

5 For the Borusan Companies, we initiated on the following:
- Borusan Istikbal Ticaret (Istikbal) and Borusan Mannesmann
- Boru Sanayi ve Ticaret A.S.

For the Borusan Companies, we initiated on the following: Borusan Istikbal Ticaret (Istikbal) and Borusan Mannesmann. As explained in the Preliminary Decision Memorandum, we found Istikbal and BMB to be cross-owned. Since these preliminary results, we find all three companies to be cross-owned, though only BMB received countervailable subsidies in this review period.