

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

[C-570-199]

**Temporary Steel Fencing From the People's Republic of China: Postponement of Preliminary Determination of Countervailing Duty Investigation**

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

**DATES:** Applicable May 5, 2025.

**FOR FURTHER INFORMATION CONTACT:** Dana Mermelstein, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 481-1391.

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

On February 4, 2025, the U.S. Department of Commerce (Commerce) initiated a countervailing duty (CVD) investigation on imports of temporary steel fencing from the People's Republic of China (China).<sup>1</sup> The preliminary determination is due no later than April 10, 2025.

**Postponement of the 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 CVD 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 cooperation, 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.

<sup>1</sup> See *Temporary Steel Fencing from the People's Republic of China: Initiation of Countervailing Duty Investigation*, 90 FR 9311 (February 11, 2025).

On March 4, 2025, the petitioner<sup>2</sup> submitted a timely request that Commerce postpone the preliminary determination in this investigation.<sup>3</sup> The petitioner stated that it requested postponement to extend the deadline for the preliminary determination because of the complexity of the issues and number of subsidy programs under investigation.<sup>4</sup>

In accordance with 19 CFR 351.205(e), the petitioner submitted its request for postponement of the preliminary determination in this investigation 25 days or more before the scheduled date of the preliminary determination and stated the reasons for its request. For the reasons stated above, and because there are no compelling reasons to deny the request, 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.*, June 16, 2025.<sup>5</sup> 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.

**Notification to Interested Parties**

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

Dated: March 14, 2025.

**Christopher Abbott,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

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<sup>2</sup> The petitioner is ZND US Inc.

<sup>3</sup> See Petitioner's Letter, "Temporary Steel Fencing from the People's Republic of China: Request to Extend the Preliminary Determination," dated March 4, 2025.

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

<sup>5</sup> Postponing the deadline to 130 days after the date of initiation would place the deadline on Saturday, June 14, 2025. Commerce practice dictates that where a deadline falls on a weekend or Federal holiday, the appropriate deadline is the next business day. See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

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

[C-122-858]

**Certain Softwood Lumber Products From Canada: Notice of Amended Final Results of Countervailing Duty Expedited Review; Notice of Exclusion From Countervailing Duty Order**

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

**SUMMARY:** On January 21, 2025, the U.S. Court of International Trade (CIT) issued an order in *Committee Overseeing Action for Lumber International Trade Investigations or Negotiations, et al., v. United States, et al.*, Consol. Ct. No. 19-00122 (Slip Op. 25-8) (CIT 2025) (*COALITION V*), partially sustaining the U.S. Department of Commerce's (Commerce) final results of remand redetermination (remand redetermination), concerning the countervailing duty (CVD) order on certain softwood lumber products (softwood lumber) from Canada. In particular, the CIT sustained Commerce's remand redetermination calculating a 0.88 percent *de minimis* subsidy rate for Fontaine, Inc. and its cross-owned affiliates Gestion Natanis Inc., Les Placements Jean-Paul Fontaine Ltee, and Placements Nicolas Fontaine Inc. (collectively, Fontaine) and determination to exclude subject merchandise produced and exported by Fontaine from the CVD order on softwood lumber from Canada. On March 13, 2025, the CIT issued an order severing *Fontaine, Inc., et al., v. United States, et al.*, Ct. No. 19-00154, (*Fontaine v. US*) from *COALITION*. The CIT further issued its judgment and ordered that Fontaine's enjoined entries be liquidated in accordance with the final court decision. On April 18, 2025, pursuant to CIT Rule 60(b)(6), the Court further ordered that Commerce: (1) publish an amended final results of the CVD expedited review with respect to Fontaine that reflects the calculated 0.00 percent cash deposit rate for Fontaine, and (2) ensure that subject entries enjoined in the action are liquidated in accordance with the final court decision, including all appeals, consistent with the requirements of section 516A(e) of the Tariff Act of 1930, as amended. Accordingly, Commerce is issuing these amended final results of CVD expedited review reflecting the zero percent cash deposit rate determined in Commerce's remand redetermination. Moreover, we are confirming that Commerce will also direct CBP to liquidate entries enjoined

in this action of softwood lumber produced and exported by Fontaine, entered, or withdrawn from warehouse, for consumption, on or after April 28, 2017, in accordance with the final court decision in this case, including all appeals.

**DATES:** Applicable April 28, 2025.

**FOR FURTHER INFORMATION CONTACT:** Kristen Johnson, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4793.

**SUPPLEMENTARY INFORMATION:**

**Background**

On January 3, 2018, Commerce published the CVD *Order* on softwood lumber from Canada.<sup>1</sup> On July 5, 2019, Commerce published its *Final Results of Expedited Review* for the *Order*.<sup>2</sup> In the *Final Results of Expedited Review*, Commerce calculated an individual subsidy rate of 1.26 percent (*i.e.*, above *de minimis*) for Fontaine.<sup>3</sup>

The Committee Overseeing Action for Lumber International Trade Investigations or Negotiations appealed Commerce's *Final Results of Expedited Review*. On November 19, 2020, the CIT remanded the *Final Results of Expedited Review* to Commerce for reconsideration of the statutory basis upon which Commerce promulgated its CVD expedited review regulations at 19 CFR 351.214(k)<sup>4</sup> to determine individual subsidy rates for companies not individually examined in an investigation.<sup>5</sup>

In its *Final Remand*, issued in February 2021, Commerce determined that section 103(a) of the Uruguay Round of Agreements Act, as well as the other legal authorities presented to the CIT, cannot be the basis for the promulgation of the CVD expedited

review regulations under 19 CFR 351.214(k) and, thus, Commerce lacked the statutory authority to conduct CVD expedited reviews.<sup>6</sup> The CIT sustained Commerce's *Final Remand* in *COALITION II*.<sup>7</sup> Consequently, effective August 28, 2021, Commerce removed Fontaine's individual subsidy rate of 1.26 percent *ad valorem* and instead imposed a 14.19 percent *ad valorem* cash deposit requirement based on the all-others rate from the investigation.<sup>8</sup> The Canadian parties appealed the CIT's decision.<sup>9</sup>

On April 25, 2023, the U.S. Court of Appeals for the Federal Circuit (Federal Circuit) reversed the CIT's August 18, 2021 decision and held that Commerce has the statutory authority to adopt the CVD expedited review process, and remanded for further proceedings necessitated by its holding that such statutory authority exists.<sup>10</sup>

On April 22, 2024, the CIT sustained, in part, and remanded, in part, certain claims concerning Commerce's *Final Results of Expedited Review* not addressed in *COALITION I*.<sup>11</sup> Relevant here, the CIT addressed Commerce's decision to rely on Fontaine's tax returns that preceded the period of review (POR) to calculate the benefit received for certain subsidy programs received during the POR.<sup>12</sup> The CIT remanded the issue to Commerce for reconsideration or further explanation.<sup>13</sup>

On September 10, 2024, Commerce issued its final results of redetermination pursuant to court

remand in *COALITION IV*.<sup>14</sup> Pursuant to the Court's order, Commerce reconsidered the information on its record with respect to Fontaine's tax returns.<sup>15</sup> On remand, Commerce reconsidered its determination in the *Final Results of Expedited Review* and instead relied on Fontaine's tax returns filed during the POR.<sup>16</sup> Thus, in its remand redetermination, Commerce recalculated Fontaine's benefit for the subsidy programs at issue and overall subsidy rate.<sup>17</sup> As a result of the recalculations on remand, Commerce determined that Fontaine's overall subsidy rate was *de minimis* and, thus, Fontaine should be excluded from the *Order* should the CIT sustain the remand redetermination in a final and conclusive decision.<sup>18</sup> In the event of a final and conclusive determination, Commerce stated that it would instruct CBP to discontinue the suspension of liquidation and the collection of cash deposits of estimated countervailing duties on all shipments of softwood lumber produced and exported by Fontaine, entered, or withdrawn from warehouse, for consumption on or after April 28, 2017. Commerce further stated that upon a final and conclusive CIT decision it would instruct CBP to liquidate, without regard to countervailing duties, all suspended entries of shipments of softwood lumber produced and exported by Fontaine, and to refund all cash deposits of estimated countervailing duties collected on all such shipments.

On January 21, 2025, in *COALITION V*, the CIT sustained Commerce's remand redetermination with respect to Commerce's recalculation of Fontaine's overall subsidy rate to 0.88 percent *ad valorem*, or *de minimis*.<sup>19</sup>

On March 10, 2025, Fontaine filed a motion requesting that the CIT sever the consolidated case in Court No. 19-122 and enter judgment on behalf Fontaine in severed Court No. 19-00154.<sup>20</sup>

On March 13, 2025, the CIT granted the motion, ordering that subject entries enjoined under Court No. 19-00154 must be liquidated in accordance with the final court decision, including all appeals, consistent with the

<sup>1</sup> See *Certain Softwood Lumber Products from Canada: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order*, 83 FR 347 (January 3, 2018) (*Order*).

<sup>2</sup> See *Certain Softwood Lumber Products from Canada: Final Results of Countervailing Duty Expedited Review*, 84 FR 32121 (July 5, 2019) (*Final Results of Expedited Review*), and accompanying Issues and Decision Memorandum.

<sup>3</sup> *Id.*, 84 FR at 32122.

<sup>4</sup> The CVD expedited review regulation was initially promulgated as 19 CFR 351.214(k). See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27321-22, 27396 (May 19, 1997). Section 351.214(k) of Commerce's regulations was later renumbered to § 351.214(l). *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300, 52373 (Sept. 20, 2021).

<sup>5</sup> See *Committee Overseeing Action for Lumber International Trade Investigations or Negotiations, et al. v. United States, et al.*, 483 F. Supp. 3d 1253 (CIT 2020) (*COALITION I*).

<sup>6</sup> See *Final Results of Redetermination Pursuant to Court Remand, Committee Overseeing Action for Lumber International Trade Investigations or Negotiations, et al. v. United States, et al.*, Court No. 19-00122, Slip Op. 20-167 (CIT 2020), dated February 17, 2021 (*Final Remand*), available at <https://access.trade.gov/resources/remands/20-167.pdf>.

<sup>7</sup> See *Committee Overseeing Action for Lumber International Trade Investigations or Negotiations, et al. v. United States, et al.*, 535 F. Supp. 3d 1336 (CIT 2021) (*COALITION II*).

<sup>8</sup> See *Certain Softwood Lumber Products from Canada: Notice of Court Decision Not in Harmony with the Results of Countervailing Duty Expedited Review; Notice of Amended Final Results*, 86 FR 48396 (August 30, 2021) (*Amended Final Results of Expedited Review*).

<sup>9</sup> The Canadian parties are Les Produits Forestiers D&G Ltée, Marcel Lauzon Inc., North American Forest Products Ltd., Scierie Alexandre Lemay & Fils Inc., Fontaine, Mobilier Rustique (Beauce) Inc., Government of Canada, Government of New Brunswick, and Government of Québec.

<sup>10</sup> See *Committee Overseeing Action for Lumber International Trade Investigations or Negotiations v. United States*, 66 F.4th 968 (Fed. Cir. 2023).

<sup>11</sup> See *Committee Overseeing Action for Lumber International Trade Investigations or Negotiations, et al. v. United States, et al.*, 701 F. Supp. 3d 1334 (CIT 2024) (*COALITION IV*).

<sup>12</sup> *Id.* at 1360.

<sup>13</sup> *Id.* at 1362-63.

<sup>14</sup> See *Final Results of Redetermination Pursuant to Court Remand, Committee Overseeing Action for Lumber International Trade Investigations or Negotiations, et al. v. United States, et al.*, Court No. 19-00122, Slip Op. 24-50 (CIT 2024), dated September 10, 2024 (*Remand Redetermination*).

<sup>15</sup> *Id.* at 19-21.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 21.

<sup>18</sup> *Id.* at 22.

<sup>19</sup> See *COALITION V* at 18-21.

<sup>20</sup> On November 12, 2019, the CIT consolidated Court No. 19-00154 with Court No. 19-00122.

requirements in section 516A(e) of the Tariff Act of 1930.

On April 8, 2025, Fontaine filed a motion seeking that Commerce give effect to the CIT's order issued on March 13, 2025, ahead of the conclusion of the appeals period. Specifically, Fontaine requested that the CIT direct Commerce to publish a notice of amended final results, set Fontaine's cash deposit rate to 0.00 percent, exclude Fontaine from the CVD *Order*, and direct CBP to refund Fontaine's cash deposits without regard to CVD duties.

On April 18, 2025, the CIT granted Fontaine's request for relief, in part. The CIT ordered Commerce to publish amended final results of CVD expedited review with respect to Fontaine that reflect the 0.00 percent cash deposit rate determined for Fontaine in Commerce's remand redetermination. The CIT also held that subject entries enjoined in this litigation should be liquidated in accordance with the CIT's final court decision, including all appeals, consistent with the requirements in section 516A(e) of the Tariff Act of 1930, as amended.

#### Amended Final Results and Exclusion From the Order

On March 13, 2025, the CIT entered final judgment sustaining Commerce's remand redetermination calculating a 0.88 percent, *de minimis*, subsidy rate for Fontaine and determining to exclude Fontaine from the CVD *Order*, effective April 28, 2017. Commerce's practice with respect to the exclusion of companies from a CVD order is to exclude the subject merchandise both produced and exported by those companies.<sup>21</sup> As a result, Commerce is excluding subject merchandise produced and exported by Fontaine<sup>22</sup> from the CVD *Order*, effective April 28, 2017, and will instruct to CBP to apply the zero percent cash deposit rate determined on remand.

#### Liquidation of Suspended Entries

In accordance with the CIT's April 18, 2025 order, in the event that the CIT's final judgment is not appealed or is upheld on appeal, Commerce will instruct CBP to liquidate entries enjoined in this action of softwood lumber produced and exported by Fontaine, entered, or withdrawn from warehouse, for consumption, on or after April 28, 2017, without respect to countervailing duties.

<sup>21</sup> See, e.g., *Certain Corrosion-Resistant Steel Products from India, Italy, Republic of Korea and the People's Republic of China: Countervailing Duty Order*, 81 FR 48387 (July 25, 2016).

<sup>22</sup> See *Remand Redetermination* at 23; see also CVD *Order*.

At this time, Commerce remains enjoined by the CIT from liquidating certain entries. These entries will remain enjoined pursuant to the terms of the injunction during any appeals process. Lastly, subject merchandise that Fontaine exports but does not produce, as well as merchandise Fontaine produces but is exported by another company, remain subject to the *Order*.

Dated: April 28, 2025.

**Abdelali Elouaradia,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-915]

#### Light-Walled Rectangular Pipe and Tube From the People's Republic of China: Final Results of Countervailing Duty Administrative Review and Final Determination of No Shipments; 2022

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that Hoa Phat Steel Pipe Company Limited (Hoa Phat) had no shipments of light-walled rectangular pipe and tube (LWRPT) from the People's Republic of China (China) during the period of review (POR) January 1, 2022, through December 31, 2022. Further, going forward, Hoa Phat will be eligible to participate in the certification program previously established with respect to the countervailing duty (CVD) order on LWRPT from China.

**DATES:** Applicable May 5, 2025.

#### FOR FURTHER INFORMATION CONTACT:

Rebecca M. Janz, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2972.

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 13, 2024, Commerce published the *Preliminary Results*, in which we adopted the preliminary finding in the concurrent antidumping duty (AD) administrative review and explained that, if our preliminary finding in the concurrent AD administrative review is unchanged in the final results, we would determine in the final results of this CVD

administrative review that Hoa Phat is eligible to participate in the certification program previously established with respect to the *Order* as of the publication date of the final results.<sup>1</sup> We invited interested parties to comment on the *Preliminary Results*.<sup>2</sup>

From November 18, through November 20, 2024, Commerce conducted an on-site verification of the information submitted on the record of this review by Hoa Phat in the Socialist Republic of Vietnam (Vietnam).<sup>3</sup> On December 9, 2024, Commerce tolled certain deadlines in this administrative proceeding by 90 days.<sup>4</sup> On January 30, 2025, Commerce released the verification report for Hoa Phat and established deadlines for submitting comments on the *Preliminary Results*.<sup>5</sup> On March 14, 2025, Commerce issued a memorandum clarifying that the findings in these final results of review with respect to Hoa Phat, specifically that Hoa Phat's ability to certify as to the origin of the hot-rolled steel (HRS) used to produce LWRPT in Vietnam, applies to the *Korea AD Order* and the *Taiwan AD Order*, and we invited parties to comment.<sup>6</sup> No parties commented on the *Preliminary Results*, the verification report, or Commerce's Eligibility to Certify Memorandum. On April 11,

<sup>1</sup> See *Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Preliminary Results and Preliminary Determination of No Shipments; 2022*, 89 FR 74904 (September 13, 2024) (*Preliminary Results*); see also *Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Countervailing Duty Order*, 73 FR 45405 (August 5, 2008) (*Order*).

<sup>2</sup> See *Preliminary Results*.

<sup>3</sup> See Memorandum, "Placing on the Record the Verification Report of the Antidumping Duty Administrative Review of Light-Walled Rectangular Pipe and Tube from the People's Republic of China; 2022-2023," dated January 31, 2025 (Hoa Phat Verification Report).

<sup>4</sup> See Memorandum, "Tolling of Deadline for Antidumping and Countervailing Duty Proceedings," dated December 9, 2024.

<sup>5</sup> See Hoa Phat Verification Report; see also Memorandum, "Notification of Briefing Schedule in the Antidumping Duty Administrative Review of Light-Walled Rectangular Pipe and Tube from the People's Republic of China; 2022-2023," dated January 31, 2025.

<sup>6</sup> See Memorandum, "Intent to Apply Hoa Phat's Eligibility to Certify Under the Countervailing Duty Order on Light-Walled Rectangular Pipe and Tube from the People's Republic of China, and the Antidumping Duty Orders on Light-Walled Rectangular Carbon Steel Tubing from Taiwan and Light-Walled Rectangular Pipe and Tube from the Republic of Korea," dated March 14, 2025 (Eligibility to Certify Memorandum); see also *Light-Walled Rectangular Pipe and Tube from Mexico, the People's Republic of China, and the Republic of Korea: Antidumping Duty Orders; Light-Walled Rectangular Pipe and Tube from the Republic of Korea: Notice of Amended Final Determination of Sales at Less Than Fair Value*, 73 FR 45403 (August 5, 2008) (*Korea AD Order*); and *Antidumping Duty Order; Light-Walled Welded Rectangular Carbon Steel Tubing from Taiwan*, 54 FR 12467 (March 27, 1989) (*Taiwan AD Order*).