

under HTSUS 8502.31.0000 when imported as combination goods with a wind turbine (*i.e.*, accompanying nacelles and/or rotor blades). While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

## Appendix II

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-898]

### Utility Scale Wind Towers From India: Final Affirmative Countervailing Duty Determination

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

**SUMMARY:** The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of utility scale wind towers (wind towers) from India. The period of investigation is April 1, 2019, through March 31, 2020.

**DATES:** Applicable October 13, 2021.

**FOR FURTHER INFORMATION CONTACT:** David Crespo or Melissa Kinter, 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) 482-3693 or (202) 482-1413, respectively.

### SUPPLEMENTARY INFORMATION:

## Background

On March 25, 2021, Commerce published the *Preliminary Determination* of the countervailing duty (CVD) investigation, which aligned the final determination in this CVD investigation with the final determination in the companion antidumping duty investigation of wind towers from India.<sup>1</sup> Commerce invited interested parties to comment on the *Preliminary Determination*. On July 20, 2021, we received case briefs from the Government of India, Vestas Wind Technology India Private Limited (Vestas); Anand Engineering Products Private Limited, Windar Renewable Energy Private Limited, and GRI Towers India Private Limited (collectively, the tollers); and the Wind Tower Trade Coalition (the petitioner).<sup>2</sup> On July 27, 2021, we received rebuttal briefs from Vestas, the tollers, and the petitioner.<sup>3</sup> On September 1, 2021, we held a public hearing at the request of Vestas, the tollers, and the petitioner.<sup>4</sup>

A summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for this final determination, are discussed in the Issues and Decision Memorandum.<sup>5</sup>

## Scope of the Investigation

The products covered by this investigation are wind towers from India. For a complete description of the scope of the investigation, *see* Appendix I.

<sup>1</sup> *See Utility Scale Wind Towers from India: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination*, 86 FR 15897 (March 25, 2021) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> *See* Petitioner's Letter, "Utility Scale Wind Towers from India: Petitioner's Case Brief," dated July 20, 2021; GOI's Letter, "CVD Investigation—Utility Scale Wind Towers from India: Case Brief on Behalf of Government of India," dated July 20, 2021; Vestas's Letter, "Utility Scale Wind Towers from India: Case Brief," dated July 20, 2021; and Tollers' Letter, "Certain Utility Scale Wind Towers from India (C-533-898): Case Brief on Behalf of Tolling Service Providers," dated July 20, 2021.

<sup>3</sup> *See* Petitioner's Letter, "Utility Scale Wind Towers from India: Petitioner's Rebuttal Brief," dated July 27, 2021; Vestas's Letter, "Utility Scale Wind Towers from India: Rebuttal Brief," dated July 27, 2021; and Tollers' Letter, "Certain Utility Scale Wind Towers from India (C-533-898): Rebuttal Brief on Behalf of Respondents/Tolling Service Providers," dated July 27, 2021.

<sup>4</sup> *See* Hearing Transcript, "Countervailing Duty Investigation on Utility-Scale Wind Towers from India," dated September 1, 2021.

<sup>5</sup> *See* Memorandum, "Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Utility Scale Wind Towers from India," dated concurrently with, and hereby adopted by this notice (Issues and Decision Memorandum).

## Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum. A list of the issues that parties raised is attached to this notice as Appendix II. 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 <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

## Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).<sup>6</sup>

## Methodology

Commerce conducted this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce determines that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>7</sup> For a full description of the methodology underlying our final determination, *see* the Issues and Decision Memorandum.

As discussed in the Issues and Decision Memorandum, because several respondents did not act to the best of their ability in responding to our requests for information, we drew adverse inferences, where appropriate, in selecting from among the facts otherwise available, pursuant to

<sup>6</sup> *See* GRI Towers' Letter, "Certain Utility Scale Wind Towers from India (C-533-898): Submission of In-Lieu-Of-Verification (ILOV) Questionnaire Response—GRI India," dated July 13, 2021; Vestas's Letter, "Utility Scale Wind Towers from India: Response to the In Lieu of On-site Verification (ILOV) Questionnaire," dated July 13, 2021; and Windar's Letter, "Certain Utility Scale Wind Towers from India (C-533-898): Submission of In-Lieu-Of-Verification (ILOV) Questionnaire Response—Windar India," dated August 31, 2021.

<sup>7</sup> *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.

sections 776(a) and 776(b) of the Act. The respondents Naiks Brass & Iron Works, Nordex India Pvt., Prommada Hindustan, Suzlon Energy, Vinayaka Energy Tek, Wish Energy Solutions Pvt Ltd, and Zeeco India Pvt. Ltd. did not respond to Commerce’s quantity and value questionnaire, and we have continued to use an adverse inference in our selection of facts available for determining the subsidy rates for these companies, pursuant to section 776(d) of the Act. For further information, see the section “Use of Facts Otherwise Available and Adverse Inferences” in the accompanying Issues and Decision Memorandum.

**Changes Since the Preliminary Determination**

Based on our review and analysis of the comments received from parties and our verification findings, we made certain changes to the subsidy rate calculations for Vestas. For a discussion of these changes, see the Issues and Decision Memorandum.

**All-Others Rate**

In accordance with section 705(c)(5)(A) of the Act, we continue to assign the countervailable subsidy rate calculated for Vestas as the all-others rate applicable to all exporters and/or producers not individually examined.<sup>8</sup>

**Final Determination**

In accordance with section 705(c)(1)(B)(i)(I) of the Act, we calculated an individual estimated subsidy rate for Vestas. We determine that the following total estimated net countervailable subsidy rates exist:

Producer/exporter	Percent ad valorem
Vestas Wind Technology India Private Limited .....	2.25
Naiks Brass & Iron Works * .....	397.70
Nordex India Pvt * .....	397.70
Prommada Hindustan * .....	397.70
Suzlon Energy * .....	397.70
Vinayaka Energy Tek * .....	397.70
Wish Energy Solutions Pvt Ltd * .....	397.70
Zeeco India Pvt. Ltd * .....	397.70
All Others .....	2.25

\* Rate based on adverse facts available.

**Disclosure**

We intend to disclose to interested parties the calculations and analysis performed in this final determination within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

<sup>8</sup> See Preliminary Determination.

**Continuation of Suspension of Liquidation**

As a result of our Preliminary Determination, and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, Commerce instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section, that were entered, or withdrawn from warehouse, for consumption on or after the date of publication of the Preliminary Determination in the Federal Register. In accordance with section 703(d) of the Act, we instructed CBP to discontinue the suspension of liquidation for CVD purposes for subject merchandise entered, or withdrawn from warehouse, on or after July 23, 2021, but to continue the suspension of liquidation of all entries from March 25, 2021 through July 22, 2021.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a CVD order, reinstate the suspension of liquidation under section 706(a) of the Act, and require a cash deposit of estimated countervailing duties for such entries of subject merchandise in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

**ITC Notification**

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. Because the final determination in this proceeding is affirmative, in accordance with section 705(b) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of wind towers from Indonesia no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated, and all cash deposits will be refunded. If the ITC determines that material injury or threat of material injury does exist, Commerce will issue a CVD order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as

discussed above in the “Continuation of Suspension of Liquidation” section.

**Notification Regarding Administrative Protective Orders**

In the event the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the destruction 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 violation subject to sanction.

**Notification to Interested Parties**

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act and 19 CFR 351.210(c).

Dated: October 6, 2021.

**Christian Marsh,**  
Acting Assistant Secretary for Enforcement and Compliance.

**Appendix I**

**Scope of the Investigation**

The merchandise covered by this investigation consists of certain wind towers, whether or not tapered, and sections thereof. Certain wind towers support the nacelle and rotor blades in a wind turbine with a minimum rated electrical power generation capacity in excess of 100 kilowatts and with a minimum height of 50 meters measured from the base of the tower to the bottom of the nacelle (i.e., where the top of the tower and nacelle are joined) when fully assembled.

A wind tower section consists of, at a minimum, multiple steel plates rolled into cylindrical or conical shapes and welded together (or otherwise attached) to form a steel shell, regardless of coating, end-finish, painting, treatment, or method of manufacture, and with or without flanges, doors, or internal or external components (e.g., flooring/decking, ladders, lifts, electrical buss boxes, electrical cabling, conduit, cable harness for nacelle generator, interior lighting, tool and storage lockers) attached to the wind tower section. Several wind tower sections are normally required to form a completed wind tower.

Wind towers and sections thereof are included within the scope whether or not they are joined with non-subject merchandise, such as nacelles or rotor blades, and whether or not they have internal or external components attached to the subject merchandise.

Specifically excluded from the scope are nacelles and rotor blades, regardless of whether they are attached to the wind tower. Also excluded are any internal or external components which are not attached to the

wind towers or sections thereof, unless those components are shipped with the tower sections.

Merchandise covered by this investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 7308.20.0020 or 8502.31.0000. Wind towers of iron or steel are classified under HTSUS 7308.20.0020 when imported separately as a tower or tower section(s). Wind towers may be classified under HTSUS 8502.31.0000 when imported as combination goods with a wind turbine (*i.e.*, accompanying nacelles and/or rotor blades). While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the investigation is dispositive.

## Appendix II

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

- I. Summary
- II. Background
- III. Use of Facts Otherwise Available and Adverse Inferences
- IV. Subsidies Valuation Information
- V. Analysis of Programs
- VI. Analysis of Comments
  - Comment 1: Whether Commerce Should Apply Adverse Facts Available (AFA) to Vestas Wind Technology India Private Limited (Vestas)
  - Comment 2: Whether the Advance Authorization Program (AAP) is Tied to Non-Subject Merchandise
  - Comment 3: Whether Commerce Should Revise its Benefit Methodology for the Duty Drawback (DDB) Program
  - Comment 4: Whether Commerce Unlawfully Cumulated Vestas's Benefits With the Benefits of its Tollers
  - Comment 5: Whether the Merchandise Export Incentive Scheme (MEIS) Program is Tied to Non-Subject Merchandise
  - Comment 6: Whether the Provision of Land for Less Than Adequate Remuneration (LTAR) by the Gujarat Industrial Development Corporation (GIDC) is Specific and Confers Countervailable Benefits
  - Comment 7: Whether the Provision of Water for LTAR Conferred a Benefit
  - Comment 8: Whether Commerce Correctly Attributed Benefits for the Export Promotion of Capital Goods (EPCG) Program
  - Comment 9: Whether the AAP and DDB Programs are Countervailable Under the Agreement on Subsidies and Countervailing Measures (SCM Agreement)
  - Comment 10: Whether Commerce Correctly Applied AFA to the Government of India (GOI)
  - Comment 11: Whether Commerce Correctly Initiated New Subsidy Allegations (NSAs)
- VII. Recommendation

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## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

[Docket No.: 210915-0186]

### National Cybersecurity Center of Excellence (NCCoE) Migration to Post-Quantum Cryptography

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** The National Institute of Standards and Technology (NIST) invites organizations to provide letters of interest describing products and technical expertise to support and demonstrate security platforms for the *Migration to Post-Quantum Cryptography* project. This notice is the initial step for the National Cybersecurity Center of Excellence (NCCoE) in collaborating with technology companies to address cybersecurity challenges identified under the *Migration to Post-Quantum Cryptography* project. Participation in the project is open to all interested organizations.

**DATES:** Collaborative activities will commence as soon as enough completed and signed letters of interest have been returned to address all the necessary components and capabilities, but no earlier than November 12, 2021.

**ADDRESSES:** The NCCoE is located at 9700 Great Seneca Highway, Rockville, MD 20850. Letters of interest must be submitted to [applied-crypto-pqc@nist.gov](mailto:applied-crypto-pqc@nist.gov) or via hardcopy to National Institute of Standards and Technology, NCCoE; 9700 Great Seneca Highway, Rockville, MD 20850. Interested parties can access the letter of interest template by visiting the website and completing the letter of interest webform. NIST will announce the completion of the selection of participants and inform the public that it is no longer accepting letters of interest for this project at <https://www.nccoe.nist.gov/projects/building-blocks/post-quantum-cryptography>. Organizations whose letters of interest are accepted will be asked to sign a consortium Cooperative Research and Development Agreement (CRADA) with NIST; a template CRADA can be found at: <https://nccoe.nist.gov/library/nccoe-consortium-crada-example>.

**FOR FURTHER INFORMATION CONTACT:** William Newhouse via telephone 301-975-0232; by email [applied-crypto-pqc@nist.gov](mailto:applied-crypto-pqc@nist.gov); or by mail to National Institute of Standards and Technology,

NCCoE; 9700 Great Seneca Highway, Rockville, MD 20850. Additional details about the *Migration to Post-Quantum Cryptography* project are available at <https://www.nccoe.nist.gov/projects/building-blocks/post-quantum-cryptography>.

### SUPPLEMENTARY INFORMATION:

**Background:** The NCCoE, part of NIST, is a public-private collaboration for accelerating the widespread adoption of integrated cybersecurity tools and technologies. The NCCoE brings together experts from industry, government, and academia under one roof to develop practical, interoperable cybersecurity approaches that address the real-world needs of complex Information Technology (IT) systems. By accelerating dissemination and use of these integrated tools and technologies for protecting IT assets, the NCCoE will enhance trust in U.S. IT communications, data, and storage systems; reduce risk for companies and individuals using IT systems; and encourage development of innovative, job-creating cybersecurity products and services.

**Process:** NIST is soliciting responses from all sources of relevant security capabilities (see below) to enter into a Cooperative Research and Development Agreement (CRADA) to provide products and technical expertise to support and demonstrate security platforms for the *Migration to Post-Quantum Cryptography* project. The full project can be viewed at: <https://www.nccoe.nist.gov/projects/building-blocks/post-quantum-cryptography>.

Interested parties can access the template for a letter of interest by visiting the project website at <https://www.nccoe.nist.gov/projects/building-blocks/post-quantum-cryptography> and completing the letter of interest webform. On completion of the webform, interested parties will receive access to the letter of interest template, which the party must complete, certify as accurate, and submit to NIST by email or hardcopy. NIST will contact interested parties if there are questions regarding the responsiveness of the letters of interest to the project objective or requirements identified below. NIST will select participants who have submitted complete letters of interest on a first come, first served basis within each category of product components or capabilities listed below, up to the number of participants in each category necessary to carry out this project. When the project has been completed, NIST will post a notice on the *Migration to Post-Quantum Cryptography* project website at <https://www.nccoe.nist.gov/>