

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2148]

**Approval of Subzone Expansion;
Acushnet Company; Lakeville,
Massachusetts**

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones (FTZ) Act provides for “. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,” and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board’s regulations (15 CFR part 400) provide for the establishment of subzones for specific uses;

Whereas, the City of New Bedford, grantee of Foreign-Trade Zone 28, has made application to the Board to expand Subzone 28F on behalf of Acushnet Company in Lakeville, Massachusetts (FTZ Docket B–21–2023, docketed March 9, 2023);

Whereas, notice inviting public comment has been given in the **Federal Register** (88 FR 15954, March 15, 2023) and the application has been processed pursuant to the FTZ Act and the Board’s regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiners’ memorandum, and finds that the requirements of the FTZ Act and the Board’s regulations are satisfied;

Now, therefore, the Board hereby approves the application to expand Subzone 28F on behalf of Acushnet Company in Lakeville, Massachusetts, as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board’s regulations, including section 400.13.

Dated: July 17, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–151]

**Countervailing Duty Investigation of
Tin Mill Products From the People’s
Republic of China: Preliminary
Determination of Critical
Circumstances, in Part**

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that critical circumstances exist, in part, with respect to imports of tin mill products from one exporter/producer of tin mill products in the countervailing duty (CVD) investigation of tin mill products from the People’s Republic of China (China).

DATES: Applicable July 20, 2023.

FOR FURTHER INFORMATION CONTACT:

Genevieve Coen at (202) 482–3251 or Melissa Porpotage at (202) 482–1413; AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:**Background**

In response to a petition filed on January 18, 2023, Commerce initiated a CVD investigation concerning tin mill products from China.¹ On June 16, 2023, Cleveland-Cliffs Inc. and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (collectively, the petitioners) filed a timely allegation, pursuant to section 703(e)(1) of the Tariff Act of 1930, as amended, (the Act) and 19 CFR 351.206, that critical circumstances exist with respect to tin mill products from China.² Commerce published its preliminary CVD determination on June 26, 2023.³ In the *Preliminary Determination*, we examined two mandatory respondents and assigned the all-others rate based

¹ See *Tin Mill Products from the People’s Republic of China: Initiation of Countervailing Duty Investigation*, 88 FR 9476 (February 14, 2023) (*Initiation Notice*).

² See Petitioners’ Letter, “Petitioners’ Allegation of Critical Circumstances,” dated June 16, 2023 (*Critical Circumstances Allegation*).

³ See *Tin Mill Products from the People’s Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination*, 88 FR 41373 (June 26, 2023) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum (PDM).

upon the rate assigned to the single participating mandatory respondent, Shougang Jingtang United Iron & Steel Co., Ltd. (Jingtang Iron). We applied adverse facts available (AFA) to the second mandatory respondent, Baoshan Iron & Steel Co., Ltd. (Baoshan Iron).⁴

In accordance with section 703(e)(1) of the Act and 19 CFR 351.206(c)(1) and (2)(ii), because the petitioners submitted the critical circumstances allegation more than 30 days before the scheduled date of the final determination, Commerce will make a preliminary finding as to whether there is a reasonable basis to believe or suspect that critical circumstances exist and will issue a preliminary critical circumstances determination within 30 days after the allegation is filed.

Critical Circumstances Allegation

The petitioners allege that there was a massive increase of imports of tin mill products from China and provided monthly import data comparing a base period of November 2022 through January 2023 to a comparison period of February through April 2023.⁵ This comparison shows an increase of 23.6 percent in imports from China, which is “massive” under 19 CFR 351.206(h)(2). The petitioners also allege that there is a reasonable basis to believe that there are subsidies in this investigation which are inconsistent with the World Trade Organization Agreement on Subsidies and Countervailing Measures (SCM Agreement).⁶

Critical Circumstances Analysis

Section 703(e)(1) of the Act provides that Commerce will determine that critical circumstances exist in CVD investigations if there is a reasonable basis to believe or suspect that: (A) the alleged countervailable subsidy is inconsistent with the SCM Agreement; and (B) there have been massive imports of the subject merchandise over a relatively short period.⁷ Pursuant to 19 CFR 351.206(h)(2), imports must increase by at least 15 percent during the “relatively short period” to be considered “massive,” and 19 CFR 351.206(i) defines a “relatively short period” as normally being the period beginning on the date the proceeding

⁴ See *Preliminary Determination PDM* at 9–10.

⁵ See *Critical Circumstances Allegation* at 4–6.

⁶ See section 771(8)(A) of the Act.

⁷ Commerce limits its critical circumstances findings to those subsidies contingent upon export performance or use of domestic over imported goods (*i.e.*, those prohibited under Article 3 of the SCM Agreement). See, *e.g.*, *Final Affirmative Countervailing Duty Determination and Final Negative Critical Circumstances Determination: Carbon and Certain Alloy Steel Wire from Germany*, 67 FR 55808, 55809–10 (August 30, 2002).