

amended final results in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with these amended final results of review. Commerce intends to issue assessment instructions to CBP no earlier than 41 days after the date of publication of the amended final results of this review in the **Federal Register**, in accordance with 19 CFR 356.8(a).

Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's "automatic assessment" practice will apply to entries of subject merchandise during the POR produced by Evraz for which the company did not know that the merchandise it sold to the intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all- others rate if there is no rate for the intermediate company(ies) involved in the transaction.¹⁰

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Evraz will be equal to the weighted- average dumping margin that is established in the amended final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not subject to this review, the cash deposit rate will continue to be the company-specific rate published for

the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers and exporters will continue to be 12.32 percent *ad valorem*, the all- others rate established in the LTFV investigation.¹¹

These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. 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 the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(h) and 777(i)(1) of the Act, and 19 CFR 351.224(e).

Dated: December 22, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-967, C-570-968]

Aluminum Extrusions From the People's Republic of China: Notice of Court Decisions Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Rulings Pursuant to Court Decisions

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

SUMMARY: On December 16, 2022, the U.S. Court of International Trade (CIT) issued its final judgments in *Worldwide Door Components, Inc. v. United States*, Slip Op. 22-143, Court No. 19-00012 (*Worldwide IV*), and *Columbia Aluminum Products, LLC v. United States*, Slip Op. 22-144, Court No. 19-00013 (*Columbia IV*), sustaining the U.S. Department of Commerce's (Commerce) third remand redeterminations pertaining to the scope ruling for the antidumping (AD) and countervailing duty (CVD) orders on aluminum extrusions from the People's Republic of China (China). In the redeterminations, Commerce found that certain door thresholds imported by Worldwide Door Components, Inc. (Worldwide) and Columbia Aluminum Products, Inc. (Columbia) are outside the scope of the orders, pursuant to the CIT's remand orders in *Worldwide Door Components, Inc. v. United States*, Court No. 19-00012, Slip Op. 22-91 (CIT August 10, 2022) (*Worldwide III*) and *Columbia Aluminum Products, Inc. v. United States*, Court No. 19-00013, Slip Op. 22-92 (CIT August 10, 2022) (*Columbia III*). Commerce is notifying the public that the CIT's final judgments are not in harmony with Commerce's final scope ruling, and that Commerce is amending the scope ruling to find that the Worldwide and Columbia door thresholds are outside the scope of the orders.

DATES: Applicable December 26, 2022.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney, 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) 482-4475.

SUPPLEMENTARY INFORMATION:

Background

On December 19, 2018, Commerce issued its Final Scope Rulings¹ that

¹ See Memorandum, "Antidumping and Countervailing Duty Order on Aluminum

¹⁰ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

¹¹ See *Order*.

certain door thresholds imported by Worldwide and Columbia fall within the scope of the antidumping and countervailing duty orders on aluminum extrusions from China.² Worldwide and Columbia appealed Commerce's Final Scope Ruling. On December 23, 2020, pursuant to the CIT's first remand orders in *Worldwide I* and *Columbia I*,³ Commerce issued its *First Final Remand Redeterminations*, in which Commerce continued to find that Worldwide's and Columbia's door thresholds were subassemblies included in the scope of the *Orders* and, therefore, failed to satisfy the requirements for the finished merchandise exclusion.⁴

In *Worldwide II* and *Columbia II*, the CIT determined that Commerce impermissibly based its analysis in the *First Final Remand Redeterminations* on inferences that were contradicted or unsupported by other information on the record.⁵ The CIT directed Commerce to reconsider whether Worldwide and Columbia door thresholds required cutting or machining prior to incorporation into another product, and to determine whether Worldwide's and Columbia's door thresholds qualified for the finished merchandise exclusion.⁶ On December 13, 2021, Commerce

issued its *Second Final Remand Redeterminations*, in which Commerce determined that Worldwide's and Columbia's door thresholds were excluded from the *Orders* as finished merchandise.⁷

In *Worldwide III* and *Columbia III*, the CIT held that Commerce's *Second Final Remand Redeterminations* misconstrued aspects of the CIT's decision in *Worldwide II* and *Columbia II* and were not submitted in a form the CIT could sustain upon judicial review.⁸ The CIT directed Commerce to issue a new determination, in a form that would go into effect if sustained upon judicial review, determining whether the extruded aluminum components of Worldwide's and Columbia's door thresholds are within the scope of the *Orders*.⁹

In the *Third Final Remand Redeterminations*, Commerce continued to find, in accordance with the CIT's holdings, that Worldwide's and Columbia's door thresholds are outside the scope of the *Orders* based on the finished merchandise exclusion; Commerce also provided further explanation for the basis of that finding and clarified that Commerce did not intend to issue any other scope ruling or other agency determination subsequent to the CIT's order.¹⁰ The CIT subsequently sustained Commerce's remand redeterminations in *Worldwide III* and *Columbia III*.¹¹

Extrusions from the People's Republic of China: Final Scope Rulings on Worldwide Door Components Inc., MJB Wood Group, Inc. and Columbia Door Thresholds," dated December 19, 2018 (Final Scope Rulings).

² See *Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order*, 76 FR 30650 (May 26, 2011); and *Aluminum Extrusions from the People's Republic of China: Countervailing Duty Order*, 76 FR 30653 (May 26, 2011) (collectively, the *Orders*).

³ See *Worldwide Door Components, Inc. v. United States*, 466 F. Supp. 3d 1370 (CIT 2020) (*Worldwide I*); and *Columbia Aluminum Products, LLC v. United States*, 470 F. Supp. 3d 1353 (CIT 2020) (*Columbia I*).

⁴ See *Final Results of Redetermination Pursuant to Court Remand, Aluminum Extrusions from the People's Republic of China, Worldwide Door Components, Inc. v. United States*, Court No. 19–00012, Slip Op. 20–128 (CIT August 27, 2020), dated December 23, 2020, available at <https://access.trade.gov/resources/remands/20-128.pdf>; *Final Results of Redetermination Pursuant to Court Remand, Aluminum Extrusions from the People's Republic of China, Columbia Aluminum Products, LLC v. United States*, Court No. 19–00013, Slip Op. 20–129 (CIT August 27, 2020), dated December 23, 2020, available at <https://access.trade.gov/resources/remands/20-129.pdf> (collectively, *First Final Remand Redeterminations*).

⁵ See *Worldwide Door Components, Inc. v. United States*, 537 F. Supp. 3d 1403, 1404–05, 1408–09 (CIT 2021) (*Worldwide II*); and *Columbia Aluminum Products, LLC v. United States*, 536 F. Supp. 3d 1346 (CIT 2021) (*Columbia II*).

⁶ See *Worldwide II*, 537 F. Supp. 3d at 1404–05, 1414; and *Columbia II*, 536 F. Supp. 3d at 1354.

⁷ See *Final Results of Redetermination Pursuant to Court Remand, Worldwide Door Components, Inc. v. United States*, Court No. 19–00012, Slip Op. 21–115 (CIT September 14, 2021), dated December 13, 2021, available at <https://access.trade.gov/resources/remands/21-115.pdf>; *Final Results of Redetermination Pursuant to Court Remand, Columbia Aluminum Products, LLC v. United States*, Court No. 19–00013, Slip Op. 21–116 (CIT September 14, 2021), dated December 13, 2021, available at <https://access.trade.gov/resources/remands/21-116.pdf> (collectively, *Second Final Remand Redeterminations*).

⁸ See *Worldwide III*, 589 F. Supp. 3d 1185, 1192–95 (CIT 2022); and *Columbia III*, 587 F. Supp. 3d 1375, 1382–85 (CIT 2022).

⁹ See *Worldwide III*, 589 F. Supp. 3d at 1195; and *Columbia III*, 587 F. Supp. 3d at 1385.

¹⁰ See *Final Results of Redetermination Pursuant to Court Remand, Worldwide Door Components, Inc. v. United States*, Court No. 19–00012, Slip Op. 22–91 (CIT August 10, 2022), dated September 8, 2022, available at <https://access.trade.gov/resources/remands/22-91.pdf>; and *Final Results of Redetermination Pursuant to Court Remand, Columbia Aluminum Products, LLC v. United States*, Court No. 19–00013, Slip Op. 22–92 (CIT August 10, 2022), dated September 8, 2022, available at <https://access.trade.gov/resources/remands/22-92.pdf> (collectively, *Third Final Remand Redeterminations*).

¹¹ See *Worldwide IV*, Slip Op. 22–143 at 6; and *Columbia IV*, Slip Op. 22–144 at 6.

Timken Notice

In its decision in *Timken*,¹² as clarified by *Diamond Sawblades*,¹³ the U.S. Court of Appeals for the Federal Circuit held that, pursuant to sections 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not “in harmony” with a Commerce determination and must suspend liquidation of entries pending a “conclusive” court decision. The CIT's December 16, 2022 judgements constitute final decisions of the CIT that are not in harmony with Commerce's Final Scope Ruling. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Scope Ruling

In accordance with the CIT's December 16, 2022, final judgments, Commerce is amending its Final Scope Ruling and determines that the scope of the *Orders* does not cover Worldwide's and Columbia's door thresholds addressed in the Final Scope Ruling.

Liquidation of Suspended Entries

Commerce will instruct U.S. Customs and Border Protection (CBP) that, pending any appeals, the cash deposit rate will be zero percent for entries of Worldwide's and Columbia's door thresholds produced in China. In accordance with the CIT's order sustaining Commerce's third final remand redetermination, Commerce intends to, with the publication of this notice, issue instructions to CBP to lift suspension of liquidation of such entries, and to liquidate entries of the door thresholds without regard to antidumping duties, with consideration for any potential appeal of the CIT's final judgement.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e), and 777(i)(1) of the Act.

Dated: December 23, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

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¹² See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

¹³ See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).