

of estimated countervailing duties collected on all such shipments.

**DATES:** Applicable August 28, 2021.

**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 found that five companies subject to the review had *de minimis* subsidy rates, and therefore, were excluded from the *Order*.<sup>3</sup> The five companies are D&G, Lemay, MLI, NAFF, and Roland Boulanger & Cie Ltée (Roland).<sup>4</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) 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 lacks the statutory authority to conduct CVD expedited reviews.<sup>6</sup> The CIT sustained

Commerce's *Final Remand*.<sup>7</sup> Consequently, Commerce reinstated the excluded companies in the *Order* prospectively, effective August 28, 2021, and 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 October 6, 2023, D&G, Lemay, MLI, and NAFF filed a motion with the CIT requesting reinstatement of their exclusion from the *Order* during the pendency of this litigation.<sup>11</sup> On November 20, 2023, the CIT granted the motion, finding that there was an equitable basis for reversing the actions of its August 18, 2021 decision, and ordered the reinstatement of exclusion from the *Order*, effective August 28, 2021, for D&G, Lemay, MLI, and NAFF.<sup>12</sup> The CIT also ordered Commerce to 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 D&G, Lemay, MLI, and NAFF, entered or withdrawn from warehouse, for consumption on or after August 28, 2021, and to instruct CBP to liquidate, without regard to countervailing duties, all suspended entries of shipments of softwood lumber produced and

exported by D&G, Lemay, MLI, and NAFF.<sup>13</sup>

### Reinstatement of Exclusion From the Order

Because of the CIT's order, Commerce is reinstating the exclusion from the *Order* of D&G, Lemay, MLI, and NAFF, effective August 28, 2021. 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>14</sup> As a result, we will 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 D&G, Lemay, MLI, and NAFF, entered, or withdrawn from warehouse, for consumption on or after August 28, 2021. In addition, we will instruct CBP to liquidate, without regard to countervailing duties, all suspended entries of shipments of softwood lumber produced and exported by D&G, Lemay, MLI, and NAFF, and to refund all cash deposits of estimated countervailing duties collected on all such shipments. Subject merchandise that D&G, Lemay, MLI, and NAFF export but do not produce, as well as merchandise D&G, Lemay, MLI, and NAFF produce but is exported by another company remain subject to the *Order*.

### Notification to Interested Parties

This notice is issued and published in accordance with section 516A(c) of the Tariff Act of 1930, as amended.

Dated: November 30, 2023.

**Abdelali Elouaradia,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2023-26857 Filed 12-6-23; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-475-834]

### Certain Carbon and Alloy Steel Cut-To-Length Plate From Italy: Final Results of Antidumping Duty Administrative Review; 2021-2022

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

<sup>13</sup> *Id.*

<sup>14</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).

*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.*, Court No. 19-00122, Slip Op. 21-104 (CIT 2021).

<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 D&G, Lemay, MLI, NAFF, Fontaine Inc., 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 v. United States*, Consol. Ct. No. 19-00122 (Slip Op. 23-163) (CIT Nov. 20, 2023), citing motion filed by D&G, Lemay, MLI, and NAFF.

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

<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> *Id.* While Commerce calculated a *de minimis* rate for Roland and its cross-owned affiliates, those companies are not a party to the litigation nor to the Court's order ordering this notice.

<sup>5</sup> See *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).

<sup>6</sup> See *Final Results of Redetermination Pursuant to Court Remand, Committee Overseeing Action for*

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that NLMK Verona S.p.A. (NVR) made sales of subject merchandise at less than normal value during the period of review (POR), May 1, 2021, through April 30, 2022.

**DATES:** Applicable December 7, 2023.

**FOR FURTHER INFORMATION CONTACT:** David Crespo, 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.

**SUPPLEMENTARY INFORMATION:**

**Background**

On June 5, 2023, Commerce published in the **Federal Register** the *Preliminary Results* of the 2021–2022 administrative review of the antidumping duty order on certain carbon and alloy steel cut-to-length plate from Italy and invited interested parties to comment on those results.<sup>1</sup> In July 2023, the petitioner (*i.e.*, Nucor Corporation) and NVR submitted a case and rebuttal brief, respectively. On September 1, 2023, we extended the deadline for the final results until December 1, 2023.<sup>2</sup> For a complete description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.<sup>3</sup> Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

**Scope of the Order**<sup>4</sup>

The merchandise subject to the *Order* is certain carbon and alloy steel cut-to-length plate from Italy. A complete description of the scope of the *Order* is contained in the Issues and Decision Memorandum.

<sup>1</sup> See *Certain Carbon and Alloy Steel Cut-To-Length Plate from Italy: Preliminary Results of Antidumping Duty Administrative Review and Rescission in Part; 2021–2022*, 88 FR 36534 (June 5, 2023) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See Memorandum, “Extension of Deadline for Final Results of Antidumping Duty Administrative Review,” dated September 1, 2023.

<sup>3</sup> See Memorandum, “Issues and Decision Memorandum for the Final Results of the 2021–2022 Administrative Review of the Antidumping Duty Order on Certain Carbon and Alloy Steel Cut-To-Length Plate from Italy,” dated concurrently with, and hereby adopted by, these results (Issues and Decision Memorandum).

<sup>4</sup> See *Certain Carbon and Alloy Steel Cut-To-Length Plate from Austria, Belgium, France, the Federal Republic of Germany, Italy, Japan, the Republic of Korea, and Taiwan: Amended Final Affirmative Antidumping Determinations for France, the Federal Republic of Germany, the Republic of Korea and Taiwan, and Antidumping Duty Orders*, 82 FR 24096, 24098 (May 25, 2017) (*Order*).

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs filed by parties in this administrative review are addressed in the Issues and Decision Memorandum and are listed in the appendix to this notice. 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>.

**Changes Since the Preliminary Results**

Based on a review of the record and comments received from interested parties regarding the *Preliminary Results*, and for the reasons explained in the Issues and Decision Memorandum, Commerce made certain changes to the preliminary weighted-average dumping margin calculation for NVR for the final results of review.<sup>5</sup>

**Final Results of Administrative Review**

As a result of this review, we determine that the following weighted-average dumping margin exists for the period May 1, 2021, through April 30, 2022:

Producer/exporter	Weighted-average dumping margin (percent)
NLMK Verona S.p.A .....	18.65

**Disclosure**

Commerce intends to disclose the calculations performed in connection with these final results of review to interested parties within five days after public announcement of the final results or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

**Assessment Rate**

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject

<sup>5</sup> See Issues and Decision Memorandum; and Memorandum, “Cost Calculations for NLMK Verona SpA (NVR) for the Final Results,” dated concurrently with this notice.

merchandise in accordance with the final results of this review.

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 each importer’s examined sales and the total entered value of those sales. Where either the respondent’s weighted-average dumping margin is zero or *de minimis*, within the meaning of 19 CFR 351.106(c)(1), or an importer-specific rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. For entries of subject merchandise during the POR produced by NVR for which it did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate established in the less-than-fair-value (LTFV) of 6.08 percent *ad valorem*,<sup>6</sup> if there is no rate for the intermediate company(ies) involved in the transaction.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

**Cash Deposit Requirements**

Upon publication of this notice in the **Federal Register**, the following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication 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 the company subject to this review will be equal to the weighted-average dumping margin established in the final results of this review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the producer has been covered in a prior completed segment of this proceeding, then the cash deposit rate will be the rate

<sup>6</sup> See *Order*.

established in the completed segment for the most recent period for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 6.08 percent, the all-others rate established in the LTFV investigation for this proceeding.<sup>7</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice 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 this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

#### Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition 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 return/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

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

Dated: November 30, 2023.

**Abdelali Elouaradia,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

#### Appendix

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

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes Since the *Preliminary Results*
- V. Discussion of the Issues
  - Comment 1: Treatment of NVR's Home Market Overrun Sales
  - Comment 2: Whether Commerce Should Revise NVR's Reported Sales and Cost Data to be Based on Theoretical Weight

Comment 3: Whether Commerce Should Apply the Major Input Rule to Value NVR's Affiliate-Supplied Slab

Comment 4: Whether Commerce Should Allocate NVR's Unreconciled Costs to Subject Merchandise

#### VI. Recommendation

[FR Doc. 2023-26882 Filed 12-6-23; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-489-845]

#### Certain Aluminum Foil From Turkey: Preliminary Results of Countervailing Duty Administrative Review

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies were provided to producers and exporters of certain aluminum foil (aluminum foil) from the Republic of Turkey (Turkey) during the period of review (POR), March 5, 2021, through December 31, 2021. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable December 7, 2023.

**FOR FURTHER INFORMATION CONTACT:** Adam Simons, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-6172.

#### SUPPLEMENTARY INFORMATION:

##### Background

On November 12, 2021, Commerce published in the **Federal Register** a countervailing duty order on aluminum foil from Turkey.<sup>1</sup> On November 1, 2022, Commerce published the notice of the opportunity to request a review of the Order.<sup>2</sup> On January 3, 2023, Commerce published the notice of the initiation of this administrative review in the **Federal Register**.<sup>3</sup> For a complete description of the events that followed the initiation of this review, see the

<sup>1</sup> See *Certain Aluminum Foil from the Sultanate of Oman and the Republic of Turkey: Countervailing Duty Orders*, 86 FR 62782 (November 12, 2021) (*Order*).

<sup>2</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List*, 87 FR 65750 (November 1, 2022).

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 50 (January 3, 2023).

Preliminary Decision Memorandum.<sup>4</sup> A list of topics included in the Preliminary Decision Memorandum is provided as the 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 <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

#### Scope of the Order

The product covered by the *Order* is aluminum foil from Turkey. For a complete description of the scope of the *Order*, see the Preliminary Decision Memorandum.

#### Methodology

Commerce is conducting this administrative review in accordance with section 701 of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, Commerce preliminarily 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>5</sup>

#### Companies Not Selected for Individual Examination

The Act and Commerce's regulations do not directly address the subsidy rate 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 777A(e)(2) of the Act provides that "the individual countervailable subsidy rates determined under subparagraph (A) shall be used to determine the all-others rate under section 705(c)(5) {of the Act}." Section 705(c)(5)(A) of the Act states that for companies not investigated, in general,

<sup>4</sup> See Memorandum, "Decision Memorandum for the Preliminary Results of the 2021 Countervailing Duty Administrative Review of Certain Aluminum Foil from Turkey," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>5</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.

<sup>7</sup> See *Order*.