

Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be equal to the weighted-average dumping margin for the China-wide entity (*i.e.*, 156.87 percent); and (4) for all non-Chinese exporters of subject merchandise which have not received their own separate rate, the cash deposit rate will be the rate applicable to the Chinese exporter(s) that supplied that non-Chinese exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

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 and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties has occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of countervailing 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 terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review and notice in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(5).

Dated: November 2, 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: Whether To Revise the Countervailing Duty (CVD) Offset Amount

Comment 2: Whether Commerce Should Use the Market Economy (ME) Price Paid for Corn

VI. Recommendation

[FR Doc. 2023–24788 Filed 11–8–23; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–814]

Chlorinated Isocyanurates From Spain: Final Results of Antidumping Duty Administrative Review; 2021–2022

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that sales of chlorinated isocyanurates from Spain were made as less than normal value during the period of review (POR) June 1, 2021, through May 31, 2022.

DATES: Applicable November 9, 2023.

FOR FURTHER INFORMATION CONTACT:

Andrew Huston, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4261.

SUPPLEMENTARY INFORMATION:

Background

On July 7, 2023, Commerce published the preliminary results of the administrative review of the antidumping duty order on chlorinated isocyanurates (chlorinated isos) from Spain.¹ For a summary of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.² The sole mandatory respondent in this administrative review is Ercros S.A. (Ercros). The producers/exporters not selected for individual examination are listed in the

¹ See *Chlorinated Isocyanurates from Spain: Preliminary Results of Antidumping Duty Administrative Review; 2021–2022*, 88 FR 43305 (July 7, 2023) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

² See Memorandum, “Issues and Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Chlorinated Isocyanurates from Spain; 2021–2022,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

“Final Results of Review” section of this notice.

Scope of the Order³

The products covered by the *Order* are chlorinated isos, which are derivatives of cyanuric acid, described as chlorinated s-triazine triones. Chlorinated isos are currently classifiable under subheadings 2933.69.6015, 2933.69.6021, 2933.69.6050, 3808.40.50, 3808.50.40 and 3808.94.5000 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes only; the written product description of the scope of the *Order* is dispositive. For a full description of the scope of the order, see the Issues and Decision Memorandum.

Analysis of Comments Received

Commerce addressed all issues raised in the case and rebuttal briefs in the Issues and Decision Memorandum. These issues are identified 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 <https://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 our analysis of the comments received, we have made certain changes to the home market and margin calculations for Ercros since the *Preliminary Results*. Specifically, we have revised Ercros' home market program to include certain movement expenses and revised the margin program to change currency conversions for inland insurance and commissions.

Non-Individually Examined Companies

For the rate for non-selected companies in an administrative review, generally, Commerce looks to section 735(c)(5) of the Tariff Act of 1930, as amended (the Act), which provides instructions for calculating the all-others rate in a market economy investigation. Under section 735(c)(5)(A) of the Act, the all-others rate is normally “an amount equal to the weighted average of the estimated weighted average dumping margins

³ See *Chlorinated Isocyanurates from Spain: Notice of Antidumping Duty Order*, 70 FR 36562 (June 24, 2005) (*Order*).

established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.” In this segment of the proceeding, we calculated a margin for Ercros that was not zero, *de minimis*, or based entirely on facts available. Accordingly, we have applied the margin calculated for Ercros to the non-individually examined companies.

Final Results of Review

As a result of this administrative review, we determine that the following weighted-average dumping margins exist for the period June 1, 2021 through May 31, 2022.

Manufacturer/exporter	Weighted-average dumping margin (percent)
Ercros S.A	9.05
Review-Specific Rate Applicable to the Following Companies:	
Industrias Quimicas Tamar S.L ..	9.05
Electroquimic de Hernani, S.A	9.05

Disclosure

Commerce intends to disclose the calculations performed for Ercros in these final results to interested parties within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment

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 the final results of this administrative review. 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).

Where the respondent reported reliable entered values, Commerce calculated importer- (or customer-) specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to each importer (or customer) and dividing this amount by the total

entered value of the sales to each importer (or customer).⁴ Where Commerce calculated a weighted-average dumping margin by dividing the total amount of dumping for reviewed sales to a specific importer or customer by the total sales quantity associated with those transactions, Commerce will direct CBP to assess importer- (or customer-) specific assessment rates based on the resulting per-unit rates.⁵ Where an importer- (or customer-) specific *ad valorem* or per-unit rate is greater than *de minimis* (*i.e.*, 0.50 percent), Commerce will instruct CBP to collect the appropriate duties at the time of liquidation.⁶ Where an importer- (or customer-) specific *ad valorem* or per-unit rate is zero or *de minimis*, Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.⁷

In accordance with Commerce’s “automatic assessment” practice, for entries of subject merchandise that entered the United States during the POR that were produced by Ercros for which the respondent did not know that its merchandise was destined to the United States, Commerce will instruct CBP to liquidate unreviewed entries at the all-others rate of 24.83 percent,⁸ if there is no rate for the intermediate company(ies) involved in the transaction.⁹ For companies identified above that were not selected for individual examination, we will instruct CBP to liquidate entries at the rates established in these final results of review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of the final results of this administrative review for all shipments of chlorinated isos from Spain entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results in the **Federal Register**, as provided by section 751(a)(2)(C) of the Act: (1) for the companies covered by this review, the cash deposit rate will be the rates listed above in the section “Final Results of Review”; (2) for merchandise exported by producers or exporters not covered in this

administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in a completed segment for the most recent POR; (3) if the exporter is not a firm covered in this review or in the original investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 24.83 percent, the all-others rate established in the investigation.¹⁰ 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 POR. 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 also serves as a 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 the terms of an APO is a sanctionable violation.

Notification to Interested Parties

Commerce is issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: November 2, 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

¹⁰ See *Chlorinated Isos from Spain Final Determination*.

⁴ See 19 CFR 351.212(b)(1).

⁵ *Id.*

⁶ *Id.*

⁷ See 19 CFR 351.106(c)(2).

⁸ See *Chlorinated Isocyanurates from Spain: Notice of Final Determination of Sales at Less Than Fair Value*, 70 FR 24506 (May 10, 2005) (*Chlorinated Isos from Spain Final Determination*).

⁹ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

V. Discussion of the Issues

Comment 1: Quarterly Costs

Comment 2: Movement Expenses

Comment 3: Inland Insurance Currency Conversion

Comment 4: Commission Expenses Currency Conversion

VI. Recommendation

[FR Doc. 2023–24810 Filed 11–8–23; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–847]

Heavy Walled Rectangular Welded Steel Pipes and Tubes From Mexico: Notice of Court Decision Not in Harmony With the Results of Antidumping Administrative Review; Notice of Amended Final Results

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

SUMMARY: On July 19, 2023, the U.S. Court of International Trade (CIT) issued its final judgment in *Nucor Tubular Products Inc. v. United States*, Court No. 21–00543, sustaining the U.S. Department of Commerce’s (Commerce) remand results pertaining to the administrative review of the antidumping duty (AD) order on heavy walled rectangular welded steel pipes and tubes (HWR pipes and tubes) from Mexico covering the period of review (POR), September 1, 2018, through August 31, 2019. Commerce is notifying the public that the CIT’s final judgment is not in harmony with Commerce’s final results of the administrative review and that Commerce is amending the final results with respect to the dumping margins assigned to Maquilacero S.A. de C.V. (Maquilacero) and Productos Laminados de Monterrey S.A. de C.V. (Prolamsa).

DATES: Applicable July 29, 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 August 2, 2021, Commerce published its *Final Results*.¹ In the *Final*

Results, Commerce made no changes to the *Preliminary Results*² and continued to rely on the same (1) home market and U.S. sales for Maquilacero’s cost recovery test; and (2) currency conversion programming for Prolamsa. We found that Maquilacero and Prolamsa did not make sales of subject merchandise at less than normal value (NV) during the POR.

Nucor Tubular Products, Inc. (Nucor), *i.e.*, the domestic interested party, appealed Commerce’s *Final Results*. On January 18, 2023, the CIT remanded the *Final Results* to Commerce to reconsider Nucor’s ministerial error comments and reexamine (1) the placeholder numbers used to calculate Maquilacero’s quarterly costs in the *Preliminary Results*; and (2) Commerce’s assessment of Prolamsa’s home market price calculations and correct any potential errors in its currency conversions.³ Specifically, the CIT held that Commerce needed to reconsider the above company-specific calculations in order to address the ministerial error comments and correctly implement its quarterly cost methodology for Maquilacero, and calculate the correct NV for Prolamsa, so that Commerce meets its obligation to calculate antidumping duty rates as accurately as possible.⁴ In the *Final Remand*, issued in March 2023, Commerce reconsidered the facts on the record and corrected the (1) time period of U.S. sales used in Maquilacero’s home market SAS program to be based on all U.S. sales made in the POR; and (2) currency of certain variables to base Prolamsa’s NV calculation on the correct currency.⁵ On July 19, 2023, the CIT sustained Commerce’s *Final Remand*.⁶

Timken Notice

In its decision in *Timken*,⁷ as clarified by *Diamond Sawblades*,⁸ the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e)

² See *Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from Mexico: Preliminary Results of Antidumping Duty Administrative Review; 2018–2019*, 86 FR 7067 (January 26, 2021) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

³ See *Nucor Tubular Products Inc. v. United States*, 619 F. Supp. 3d 1279 (CIT 2023).

⁴ *Id.* at 1286–7.

⁵ See *Final Results of Redetermination Pursuant to Court Remand, Nucor Tubular Products Inc. v. United States*, 619 F. Supp. 3d 1279 (CIT 2023), dated March 17, 2023 (*Final Remand*).

⁶ See *Nucor Tubular Products Inc. v. United States*, Court No. 21–00543, Slip Op. 23–104 (CIT 2023).

⁷ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

⁸ See *Diamond Sawblades Mfrs. Coal. v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

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 suspend liquidation of entries pending a “conclusive” court decision. The CIT’s July 19, 2023, judgment constitutes a final decision of the CIT that is not in harmony with Commerce’s *Final Results*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Results

Because there is now a final court judgment, Commerce is amending its *Final Results* with respect to Prolamsa, Maquilacero, and the margin for non-selected companies as follows:⁹

Producer/exporter	Weighted-average dumping margin (percent)
Maquilacero S.A. de C.V.	3.48
Productos Laminados de Monterrey S.A. de C.V.	2.11
Arco Metal S.A. de C.V.	2.51
Forza Steel S.A. de C.V.	2.51
Industrias Monterrey, S.A. de C.V.	2.51
Perfiles y Herrerajes LM S.A. de C.V.	2.51
PYTCO S.A. de C.V.	2.51
Regiomontana de Perfiles y Tubos S.A. de C.V.	2.51
Ternium S.A. de C.V.	2.51
Tuberia Nacional, S.A. de C.V. ...	2.51
Tuberias Procarsa S.A. de C.V. ..	2.51

Cash Deposit Requirements

Because Maquilacero and Prolamsa each have cash deposit rates that have been superseded by a subsequent administrative review of the AD order at this time, Commerce will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP). This notice will not affect the current cash deposit rate for these two companies.

With respect to all the non-selected companies, because the cash deposit rates have not been superseded by a subsequent administrative review of the AD order at this time, Commerce intends to issue amended cash deposit instructions to CBP.

Liquidation of Suspended Entries

Because the CIT’s ruling has not been appealed, in accordance with 19 CFR 351.212(b), Commerce intends to instruct CBP to assess antidumping duties on the following unliquidated entries of subject merchandise: (1)

⁹ See *Final Remand* for details related to the margin calculations.

¹ See *Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from Mexico: Final Results of Antidumping Duty Administrative Review; 2018–2019*, 86 FR 41448 (August 2, 2021) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).