

statutory injunction has expired (*i.e.*, within 90 days of publication).

Pursuant to Commerce's assessment practice,⁸ for entries that were not reported in the U.S. sales data submitted by Qingsong, we will instruct CBP to liquidate such entries at the China-wide rate. For Zhejiang Sanmei, the respondent for which we are rescinding the administrative review, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the POR, in accordance with 19 CFR 351.212(c)(1)(i).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on, or after, the publication date of the final results of review, as provided for by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Qingsong will be equal to the dumping margin established in the final results of this review; (2) for a previously investigated or reviewed exporter of subject merchandise not listed in the final results of review that has a separate rate, the cash deposit rate will continue to be the exporter's existing cash deposit rate; (3) for all Chinese exporters of subject merchandise that do not have a separate rate, the cash deposit rate will be the cash deposit rate established for the China-wide entity, 221.06 percent;⁹ and (4) for all exporters of subject merchandise that are not located in China and that are not eligible for a separate rate, the cash deposit rate will be the rate applicable to the China exporter(s) that supplied that non-Chinese exporter. These 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 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 double antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as the final 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). 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 sanctionable violation.

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: October 3, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Margin Calculations
- IV. Discussion of the Issues
 - Comment 1: Selection of Surrogate Country and Surrogate Values
 - Comment 2: Whether To Apply Partial Adverse Facts Available (AFA) to Qingsong's Energy Factors of Production (FOPs)
 - Comment 3: Whether To Grant a By-Product Offset to Qingsong
 - Comment 4: Whether to Account for Qingsong's Bank Charges
 - Comment 5: Whether Zhejiang Sanmei Chemical Industries Co., Ltd. (Zhejiang Sanmei) is Part of the China-Wide Entity
- V. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–133]

Certain Metal Lockers and Parts Thereof From the People's Republic of China: Notice of Court Decision Not in Harmony With the Final Determination of Antidumping Duty Investigation; Notice of Amended Final Determination

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

SUMMARY: On September 28, 2023, the U.S. Court of International Trade (CIT) issued its final judgment in *List Industries, Inc. v. United States*, Court No. 21–00521, Slip Op. 23–143 (CIT September 28, 2023), sustaining the U.S. Department of Commerce's (Commerce) first final results of redetermination pertaining to the antidumping duty (AD) investigation of certain metal lockers and parts thereof from the People's Republic of China (China) covering the period of investigation January 1, 2020, through June 30, 2020. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final determination in that investigation, and that Commerce is amending the final determination with respect to the weighted-average dumping margins assigned to the mandatory respondent, Zhejiang Xingyi Metal Products Co., Ltd./Xingyi Metalworking Technology (Zhejiang) Co., Ltd. (collectively, Zhejiang Xingyi/Xingyi Metalworking) and certain non-selected separate rate respondents.

DATES: Applicable October 8, 2023.

FOR FURTHER INFORMATION CONTACT:

Laurel LaCivita, 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) 482–4243.

SUPPLEMENTARY INFORMATION:

Background

On July 7, 2021, Commerce published its *Final Determination* in the AD investigation of certain metal lockers and parts thereof from China.¹ Commerce calculated an estimated weighted-average dumping margin and cash deposit rate (adjusted for subsidy offsets) of 0.00 percent for Hangzhou Xline Machinery & Equipment Co., Ltd. (Hangzhou Xline).² Commerce determined a weighted-average dumping margin of 21.25 percent and a cash deposit rate (adjusted for subsidy offsets) of 10.71 percent for Zhejiang Xingyi/Xingyi Metalworking, which it applied to all the separate companies identified below.³ Commerce applied the highest calculated petition margin of 322.25 percent reported in the *Initiation Notice*, as adverse facts available (AFA), as the AD margin applicable to the China-wide entity.⁴ Commerce

¹ See *Certain Metal Lockers and Parts Thereof from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value*, 86 FR 35737 (July 7, 2021) (*Final Determination*).

² *Id.*, 86 FR at 35737–38.

³ *Id.*

⁴ *Id.*; see also *Certain Metal Lockers and Parts Thereof from the People's Republic of China:*

⁸ See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011), for a full discussion of this practice.

⁹ See *Order*, 86 FR at 13886.

subsequently published the AD order with respect to certain metal lockers and parts thereof from China.⁵

List Industries, Inc. (the petitioner) appealed Commerce's *Final Determination*. On May 20, 2023, the CIT remanded the *Final Determination* to Commerce either to reconsider or further explain: (1) the disparate treatment of shipping in the calculation of Ayes Celikhasir VE CT's (Ayes) financial ratios, where shipping expenses were excluded from the selling, general, and administrative (SG&A) expense ratio, but shipping revenues were included as an offset to SG&A, in view of Commerce's stated practice of seeking "consistency in the treatment of both the revenue and expense side of line items on Ayes' financial statements"; (2) the inclusion of incentive income as an offset to SG&A for the *Final Determination* (but not the *Preliminary Determination*)⁶ without identifying the corresponding expense category or explaining the reason for the change; (3) the inclusion of rental income as an offset to SG&A in the *Final Determination* (but not the *Preliminary Determination*) without explaining the reason for the change; and (4) the treatment of interest income in the calculation of the financial ratios, with a precise description of its

calculations, including a demonstration that any interest income excluded from the SG&A ratio is also excluded from profit.⁷

In its final results of redetermination, issued in August 2023, Commerce provided further explanation for its treatment of shipping revenue, incentive income, interest income, and rental income in the determination of the SG&A expense ratio using Ayes' audited financial statements.⁸ In addition, we excluded shipping revenue from the determination of the SG&A ratio, and reduced profit by interest income.⁹ Consequently, we recalculated the weighted-average dumping margins for both mandatory respondents in the investigation, which resulted in a change from 21.25 percent to 21.38 percent for Zhejiang Xingyi/Xingyi Metalworking, and no change to the 0.00 percent margin calculated for Hangzhou Xline.¹⁰ Moreover, as Zhejiang Xingyi/Xingyi Metalworking is the only individually-examined respondent with an above-*de minimis* margin in the investigation, and the weighted-average dumping margin calculated for Zhejiang Xingyi/Xingyi Metalworking is, thus, the sole basis for the non-selected separate rate margin, we revised the exporter/producer combination rates for the respondents

that are eligible for a separate rate in this investigation to reflect the revision to Zhejiang Xingyi/Xingyi Metalworking's weighted-average dumping margin.¹¹

On September 28, 2023, the CIT sustained Commerce's final results of redetermination.¹²

Timken Notice

In its decision in *Timken*,¹³ as clarified by *Diamond Sawblades*,¹⁴ the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 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 September 28, 2023, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Determination*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Determination

Because there is now a final court judgment, Commerce is amending its *Final Determination* with respect to the companies below, as follows:

Exporter	Producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
Zhejiang Xingyi Metal Products Co., Ltd./Xingyi Metalworking Technology (Zhejiang) Co., Ltd.	Zhejiang Xingyi Metal Products Co., Ltd./Xingyi Metalworking Technology (Zhejiang) Co., Ltd.	21.38	10.84
Geelong Sales (Macao Commercial Offshore) Limited (a.k.a. Geelong Sales (MCO) Limited, Geelong Sales (Macao Commercial) Limited, and Geelong Sales (MC) Limited).	Zhongshan Geelong Manufacturing Co. Ltd	21.38	10.84
Hangzhou Evernew Machinery & Equipment Company Limited.	Zhejiang Yinghong Metalworks Co., Ltd	21.38	10.84
Hangzhou Zhuoxu Trading Co., Ltd	Shanghai ASI Building Materials Co., Ltd	21.38	10.84
Hangzhou Zhuoxu Trading Co., Ltd	Luoyang Mingxiu Office Furniture Co., Ltd	21.38	10.84
Hangzhou Zhuoxu Trading Co., Ltd	Luoyang Wandefu Import and Export Trading Co. Ltd.	21.38	10.84
Hangzhou Zhuoxu Trading Co., Ltd	Zhejiang Xingyi Metal Products Co., Ltd	21.38	10.84
Jiaxing Haihong Mechanical and Electrical Technology Co. Ltd.	Zhejiang Steelrix Office Furniture Co., Ltd	21.38	10.84
Kunshan Dongchu Precision Machinery Co., Ltd ..	Kunshan Dongchu Precision Machinery Co., Ltd ..	21.38	10.84
Luoyang Hynow Import and Export Co., Ltd	Luoyang Jiudu Golden Cabinet Co., Ltd	21.38	10.84
Luoyang Shidiu Import and Export Co., Ltd	Luoyang Yuabo Office Machinery Co., Ltd	21.38	10.84
Luoyang Steelart Office Furniture Co., Ltd	Luoyang Yongwei Office Furniture Co., Ltd	21.38	10.84
Luoyang Steelart Office Furniture Co., Ltd	Luoyang Zhuofan Steel Product Factory	21.38	10.84

Initiation of Less-Than-Fair-Value Investigation, 85 FR 47343, 47346 (August 5, 2020) (*Initiation Notice*).

⁵ See *Certain Metal Lockers and Parts Thereof from the People's Republic of China: Antidumping and Countervailing Duty Orders*, 86 FR 46826 (August 20, 2021).

⁶ See *Certain Metal Lockers and Parts Thereof from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination and Extension of Provisional Measures*, 86 FR 9051

(February 11, 2021) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

⁷ See *List Industries, Inc. v. United States*, Court No. 21–00521, Slip Op. 23–83 (CIT May 30, 2023) (*Remand Order*).

⁸ See *Final Results of Redetermination Pursuant to Court Remand, List Industries, Inc. v. United States*, Court No. 21–00521, Slip Op. 23–83 (CIT May 30, 2023), dated August 23, 2023, available at <https://access.trade.gov/resources/remands/23-83.pdf>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² See *List Industries, Inc. v. United States*, Court No. 21–00521, Slip Op. 23–143 (CIT September 28, 2023).

¹³ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

¹⁴ See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

Exporter	Producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
Luoyang Steelart Office Furniture Co., Ltd	Luoyang Flyer Office Furniture Co., Ltd	21.38	10.84
Pinghu Chenda Storage Office Co., Ltd	Pinghu Chenda Storage Office Co., Ltd	21.38	10.84
Tianjin Jia Mei Metal Furniture Ltd	Tianjin Jia Mei Metal Furniture Ltd	21.38	10.84

Cash Deposit Requirements

Commerce will issue revised cash deposit instructions to U.S. Customs and Border Protection.

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: October 4, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–876]

Welded Line Pipe From the Republic of Korea: Notice of Court Decision Not in Harmony With the Final Results of the Antidumping Duty Administrative Review; Notice of Amended Final Results

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

SUMMARY: On July 14, 2023, the U.S. Court of International Trade (CIT) issued its final judgment in *NEXTEEL Co., Ltd. et al. v. United States*, Slip. Op. 23–103, Consol. Court No. 20–03898 (CIT 2023), sustaining the U.S. Department of Commerce’s (Commerce) second final results of redetermination pertaining to the administrative review of the antidumping duty order on welded line pipe (WLP) from the Republic of Korea (Korea) covering the period of review (POR) December 1, 2017, through November 30, 2018. 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 NEXTEEL Co., Ltd. (NEXTEEL), SeAH Steel Corporation (SeAH), and non-selected respondents Husteel Co., Ltd. (Husteel) and Hyundai Steel Company/Hyundai HYSCO (Hyundai Steel).

DATES: Applicable July 24, 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 30, 2020, Commerce published its final results in the 2017–2018 antidumping duty administrative review of WLP from Korea.¹ Commerce calculated weighted-average dumping margins of 15.07 percent for NEXTEEL, 9.33 percent for SeAH, and 11.60 percent for the non-selected respondents.²

Husteel, Hyundai Steel, NEXTEEL, and SeAH appealed Commerce’s *Final Results*. On April 19, 2022, the CIT remanded the *Final Results* to Commerce regarding its: (1) particular market situation (PMS) determination and resulting adjustment to the reported cost of production (COP) for WLP for SeAH and for purposes of calculating constructed value (CV) for NEXTEEL; (2) application of the PMS adjustment to SeAH for purposes of the sales-below COP test; (3) adjustment to NEXTEEL’s CV to account for sales of non-prime products; (4) reclassification of NEXTEEL’s reported losses relating to the suspended production of certain product lines; (5) denial of a constructed export price (CEP) offset for SeAH; and (6) calculation of the rate assigned to non-examined companies in light of any adjustments made to the calculations for either of the mandatory respondents stemming from the remand.³

In its *First Remand Results*, issued on July 18, 2022, Commerce recalculated NEXTEEL and SeAH’s weighted-average dumping margins without making a PMS adjustment.⁴ In addition,

Commerce recalculated NEXTEEL’s weighted-average margin based on the actual costs of prime and non-prime merchandise reported by NEXTEEL. The revised weighted-average dumping margins for NEXTEEL and SeAH were 1.12 percent and zero percent, respectively, and the resulting review-specific rate for the non-selected respondents was 1.12. percent.⁵

The CIT sustained Commerce’s *First Remand Results* on all issues except for the reclassification of NEXTEEL’s reported losses relating to the suspended production of certain product lines.⁶ The CIT again remanded the *Final Results* to Commerce for: (1) clarification on whether NEXTEEL suspended production on the lines in question for all or only part of the POR; and (2) explanation of why NEXTEEL’s costs as reported for those lines would not be “reasonably reflective of the cost associated with the production and sale of merchandise,” if NEXTEEL suspended production for only part of the POR, consistent with section 773(f)(1)(A) of the Tariff Act of 1930, as amended (the Act).⁷ In its *Second Remand Results*, issued on March 3, 2023, Commerce provided clarification on the period of suspension for certain of NEXTEEL’s production lines and explanation of why it is appropriate to include the suspension losses as part of NEXTEEL’s general and administrative expenses. Because Commerce made no changes to the calculation of the weighted-average dumping margin for NEXTEEL, the weighted-average dumping margin for NEXTEEL did not change from that presented in the *First Remand Results* (i.e., 1.12 percent).⁸

¹ *al. v. United States*, Consol. Court No. 20–03898, Slip Op. 22–37 (CIT April 19, 2022), dated July 15, 2022 (*First Remand Results*), available at <https://access.trade.gov/resources/remands/22-37.pdf>.

² *Id.* at 2.

³ See *NEXTEEL Co., Ltd. et al. v. United States*, 601 F. Supp. 3d 1373 (CIT 2022).

⁴ *Id.*

⁵ See *Final Results of Remand Redetermination Pursuant to Court Remand*, NEXTEEL Co., Ltd. et al. v. United States, Consol. Court No. 20–03898, Slip Op. 22–135 (CIT December 6, 2022), dated March 3, 2023 (*Second Remand Results*), available at <https://access.trade.gov/resources/remands/22-135.pdf>, at 2.

⁶ See *Welded Line Pipe From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2017–2018*, 85 FR 76517 (November 30, 2020) (*Final Results*), and accompanying Issues and Decision Memorandum.

⁷ *Id.*

⁸ See *NEXTEEL Co., Ltd. et al. v. United States*, 569 F. Supp. 3d 1354 (CIT 2022).

⁹ See *Final Results of Remand Redetermination Pursuant to Court Remand*, NEXTEEL Co., Ltd. et