

intermediate company(ies) involved in the transaction.<sup>5</sup>

For the companies which were not selected for individual examination, we will also instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

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

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(2) of the Act: (1) the cash deposit rate for the companies listed above will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is *de minimis* (*i.e.*, less than 0.50 percent), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not covered by 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 they were examined; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair value 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 7.00 percent, the all-others rate established in the *Amended Final Determination*.<sup>6</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

<sup>5</sup> For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

<sup>6</sup> See *Stainless Steel Flanges from India: Notice of Court Decision Not in Harmony with the Final Determination of Antidumping Investigation; Notice of Amended Final Determination*, 86 FR 50325 (September 8, 2021) (*Amended Final Determination*).

### 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 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 occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the 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 this notice in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

Dated: March 4, 2024.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

### Appendix I

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

- I. Summary
- II. Background
- III. Discussion of the Issues
  - Comment 1: Whether to Apply Adverse Facts Available (AFA) to Chandan
  - Comment 2: Whether to Include KDT's Outside Tolling Costs
- IV. Recommendation

### Appendix II

#### List of Companies Not Selected for Individual Examination

1. Balkrishna Steel Forge Pvt. Ltd.
2. BFN Forgings Private Limited; Bebitz Flanges Works Private Limited; Fanschewer Bebitz GmbH; Viraj Alloys, Ltd.; Viraj Forgings, Ltd.; Viraj Impoexpo, Ltd.; and Viraj Profiles

Limited<sup>7</sup>

3. Echjay Forgings Private Limited
4. Fivebros Forgings Pvt. Ltd.<sup>8</sup>
5. Goodluck India Limited
6. Hilton Metal Forging Limited
7. Jai Auto Pvt. Ltd.
8. Jay Jagdamba Forgings Pvt. Ltd.
9. Jay Jagdamba Ltd.
10. Jay Jagdamba Profile Pvt. Ltd.
11. Pradeep Metals Limited
12. Shree Jay Jagdamba Flanges Pvt. Ltd.

[FR Doc. 2024-05065 Filed 3-8-24; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-980]

### Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Notice of Court Decision Not in Harmony With the Final Results of Countervailing Duty Administrative Review; Notice of Amended Final Results

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

**SUMMARY:** On February 29, 2024, the U.S. Court of International Trade (CIT) issued its final judgment in *Risen Energy Co. v. United States*, Consol. Court no. 22-00231, sustaining the U.S. Department of Commerce's (Commerce) first remand results pertaining to the administrative review of the countervailing duty (CVD) order on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells) from the People's Republic of China (China) covering the period January 1, 2019 through, December 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 countervailable subsidy rates assigned to JA Solar Technology Yangzhou Co., Ltd. (JA

<sup>7</sup> Commerce has previously found BFN Forgings Private Limited to be part of a collapsed entity. See, e.g., *Stainless Steel Flanges from India: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Critical Circumstance Determination*, 83 FR 40745 (August 16, 2018). The companies which are part of this collapsed entity are listed above.

<sup>8</sup> We incorrectly listed this company as "Fivebros Pvt. Ltd." in the *Initiation Notice* and as "Fivebros Forging Pvt. Ltd." in the *Preliminary Results*. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 87 FR 74404 (December 5, 2022); and *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 7060 (February 2, 2023) (collectively, *Initiation Notice*); and *Preliminary Results*, 88 FR at 76178.

Solar) and Risen Energy Co., Ltd. (Risen).

**DATES:** Applicable March 10, 2024.

**FOR FURTHER INFORMATION CONTACT:** Lingjun Wang, 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) 482–3642.

**SUPPLEMENTARY INFORMATION:**

**Background**

On July 7, 2022, Commerce published its final results in the 2019 CVD administrative review of solar cells from China,<sup>1</sup> in which Commerce: (1) found that JA Solar and Risen used the Export Buyer's Credit program (EBCP);<sup>2</sup> (2) determined that the Tax Exemptions Under the Article 26(2) of the Enterprise Income Tax Law Program (Article 26(2) Tax Program) is *de jure* specific;<sup>3</sup> (3) relied on an average of Thai and Malaysian data as a tier three benchmark for the provision of land for less than adequate remuneration (LTAR);<sup>4</sup> and (4) relied on an average of Xeneta and Descartes datasets as a tier two benchmark for ocean freight for several LTAR subsidy calculations.<sup>5</sup>

On August 15 and September 12, 2022, Commerce published the *Amended Final Results*<sup>6</sup> and *Corrections*,<sup>7</sup> respectively, correcting certain ministerial errors and inadvertent errors in the *Final Results*.

Risen and JA Solar appealed Commerce's *Final Results/Amended Final Results*. On October 11, 2023, the CIT remanded the *Final Results/Amended Final Results* to Commerce.<sup>8</sup> The CIT ordered Commerce to: (1) consider Risen's untimely non-use

certification, and to attempt to verify the Risen's and JA Solar's non-use certifications to the extent that verification does not overly burden voluntary participants;<sup>9</sup> (2) remove the Article 26(2) Tax Program from its subsidy rate for Risen;<sup>10</sup> (3) reconsider Commerce's land for LTAR calculation consistent with the CIT's holdings in *Risen II*, in which the CIT found that the use of the Thai data is insufficiently explained to meet the substantial evidence standard;<sup>11</sup> and (4) reconsider whether it remains appropriate to use Descartes data for purposes of this review.<sup>12</sup>

On remand, Commerce requested that Risen submit on the record the non-use certification which was found to be untimely in the underlying review.<sup>13</sup> Risen complied with Commerce's request.<sup>14</sup> On December 12, 2023, Commerce issued its Draft Remand Results;<sup>15</sup> only JA Solar submitted comments.<sup>16</sup>

In its remand redetermination, issued in January 2024,<sup>17</sup> for both companies, Commerce: (1) removed the EBCP from its overall subsidy rate calculations; (2) removed Article 26(2) Tax program from its overall subsidy rate calculations; (3) used the Malaysian data as the tier three benchmark for the provision of land for LTAR given it is more contemporaneous to the acquisition years of the land-use rights; and in so doing, did not disturb the benefit streams calculated in the 2017 administrative review and carried forward to this review (*i.e.*, 2019 administrative review); and (4) excluded Descartes data and relied solely on Xeneta data as a tier two benchmark for ocean freight. Consequently, Commerce has revised the subsidy benefit calculations for Risen and JA Solar. The

CIT sustained Commerce's final redetermination.<sup>18</sup>

**Timken Notice**

In its decision in *Timken*,<sup>19</sup> as clarified by *Diamond Sawblades*,<sup>20</sup> the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) 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 February 29, 2024 judgment constitutes a final decision of the Court that is not in harmony with Commerce's *Final Results* and *Amended Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*.

**Amended Final Results**

Because there is now a final court decision, Commerce is amending its *Final Results* and *Amended Final Results* with respect to Risen and JA Solar as follows:

Producer/exporter	Subsidy rate (percent <i>ad valorem</i> )
Risen Energy Co., Ltd. <sup>21</sup> .....	7.22
JA Solar Technology Yangzhou Co., Ltd. <sup>22</sup> .....	10.04

**Cash Deposit Requirements**

Because Risen and JA Solar have a superseding cash deposit rate, *i.e.*, there have been final results published in a subsequent administrative review, 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 rates.

<sup>1</sup> See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Final Results and Partial Rescission of Countervailing Duty Administrative Review*, 2019, 87 FR 40491 (July 7, 2022) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

<sup>2</sup> *Id.* at Comment 1.

<sup>3</sup> *Id.* at Comment 20.

<sup>4</sup> *Id.* at Comment 17.

<sup>5</sup> *Id.* at Comment 7.

<sup>6</sup> See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Notice of Amended Final Results Countervailing Duty Administrative Review*, 2019, 87 FR 50069 (August 15, 2022) (*Amended Final Results*).

<sup>7</sup> See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Final Results and Partial Rescission of Countervailing Duty Administrative Review*, 2019, 87 FR 55782 (September 12, 2022) (*Corrections*).

<sup>8</sup> See *Remand Order*, 658 F. Supp. 3d at 1371–79.

<sup>9</sup> *Id.*, 658 F. Supp. 3d at 1372.

<sup>10</sup> See *Remand Order*, 658 F. Supp. 3d at 1373.

<sup>11</sup> *Id.* at 1375 (citing *Risen Energy Co. v. United States*, Consol. Court No. 20–03912, Slip Op. 23–48 (CIT April 11, 2023) (*Risen II*)).

<sup>12</sup> See *Remand Order*, 658 F. Supp. 3d at 1378.

<sup>13</sup> See Commerce's Letter, "Supplemental Questionnaire," dated November 27, 2023.

<sup>14</sup> See Risen's Letter, "Supplemental Questionnaire Response," dated November 29, 2023.

<sup>15</sup> See Draft Results of Remand Redetermination Pursuant to Court Remand, *Risen Energy Co., Ltd., et al. v. United States*, Consol. Court No. 22–00231, Slip Op. 23–148 (CIT October 11, 2023), dated December 12, 2023 (Draft Remand Results).

<sup>16</sup> See JA Solar's Letter, "Comments on Draft Remand Redetermination," dated December 21, 2023 (JA Solar Comments).

<sup>17</sup> See *Final Results of Redetermination Pursuant to Court Remand, Risen Energy Co., Ltd., et al. v. United States*, Consolidated Court No. 22–00231, Slip Op. 23–148 (CIT October 11, 2023), dated January 9, 2024 (*Final Remand*), available at <https://access.trade.gov/resources/remands/23-148.pdf>.

<sup>18</sup> See *Risen Energy Co., Ltd., et al. v. United States*, Slip Op. 24–25 (CIT 2024).

<sup>19</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>20</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

<sup>21</sup> Risen is cross-owned with the following 12 companies: (1) Risen (Luoyang) New Energy Co., Ltd.; (2) Risen (Wuhai) New Energy Co., Ltd.; (3) Risen Energy (Changzhou) Co., Ltd.; (4) Risen Energy (Yiwu) Co., Ltd.; (5) Zhejiang Boxin Investment Co., Ltd.; (6) Zhejiang Twinsel Electronic Technology Co., Ltd. (7) Jiujiang Shengchao Xinye Technology Co., Ltd. (including Jiujiang Shengshao Xinye Technology Co., Ltd. Ruichang Branch); (8) Jiangsu Sveck New Material Co., Ltd.; (9) Changzhou Sveck Photovoltaic New Material Co., Ltd.; (including Changzhou Sveck Photovoltaic New Material Co., Ltd. Jintan Danfeng Road Branch); (10) Changzhou Sveck New Material Technology Co., Ltd. (including Changzhou Sveck Photovoltaic New Material Co., Ltd. Jintan Danfeng Road Branch); (11) Ninghai Risen Energy Power Development Co., Ltd.; and (12) Risen (Ningbo) Electric Power Development Co., Ltd. See *Final Results* IDM at 10–11.

## Liquidation of Suspended Entries

At this time, Commerce remains enjoined by the CIT order from liquidating entries that were produced and/or exported by Risen and JA Solar, and were entered, or withdrawn from warehouse, for consumption during the period January 1, 2019, through December 31, 2019. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event the CIT's ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess countervailing duties on unliquidated entries of subject merchandise produced and/or exported by Risen and JA Solar in accordance with 19 CFR 351.212(b). We will instruct CBP to assess countervailing duties on all appropriate entries covered by this review when the *ad valorem* rate is not zero or *de minimis*. Where an *ad valorem* subsidy rate is zero or *de minimis*,<sup>23</sup> we will instruct CBP to liquidate the appropriate entries without regard to countervailing duties.

## 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.

<sup>22</sup> JA Solar is cross-owned with the following 34 companies: (1) Shanghai JA Solar Technology Co., Ltd.; (2) JA (Hefei) Renewable Energy Co., Ltd.; (3) Hefei JA Solar Technology Co., Ltd.; (4) JA Solar Investment China Co., Ltd.; (5) Jing Hai Yang Semiconductor Material (Donghai) Co., Ltd.; (6) Donghai JingAo Solar Energy Science and Technology Co., Ltd. (JA Donghai); (7) Solar Silicon Valley Electronic Science and Technology Co., Ltd.; (8) Beijing Jinfeng Investment Co., Ltd.; (9) JingAo Solar Co., Ltd.; (10) Ningjin Songgong Electronic Materials Co., Ltd.; (11) Jinglong Industry and Commerce Group Co., Ltd.; (12) Ningjin County Jingyuan New Energy Investment Co., Ltd.; (13) Hebei Jinglong New Materials Technology Group Co., Ltd.; (14) Hebei Jinglong Sun Equipment Co., Ltd.; (15) Hebei Jingle Optoelectronic Technology Co., Ltd.; (16) Ningjin Jingxing Electronic Material Co., Ltd.; (17) Ningjin Saimei Ganglong Electronic Materials Co., Ltd.; (18) Hebei Ningtong Electronic Materials Co., Ltd.; (19) JA Solar (Xingtai) Co., Ltd.; (20) Xingtai Jinglong Electronic Material Co., Ltd.; (21) Xingtai Jinglong PV Materials Co., Ltd.; (22) JA PV Technology Co., Ltd.; (23) Ningjin Jinglong PV Industry Investment Co., Ltd.; (24) Baotou JA Solar Technology Co., Ltd.; (25) Xingtai Jinglong New Energy Co., Ltd.; (26) Ningjin County Jing Tai Fu Technology Co., Ltd.; (27) JA Solar Technology Co., Ltd.; (28) Jinglong Technology Holdings Co., Ltd.; (29) Ningjin Guiguang Electronics Investment Co., Ltd.; (30) Ningjin Longxin Investment Co., Ltd.; (31) Beijing JA Solar PV Technology Co., Ltd.; (32) Solar Silicon Peak Electronic Science and Technology Co., Ltd.; (33) Jingwei Electronic Materials Co., Ltd.; and (34) Taicang Juren PV Material Co., Ltd. See *Final Results* IDM at 9–10.

<sup>23</sup> See 19 CFR 351.106(c)(2).

Dated: March 5, 2024.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–428–852, A–533–924, A–588–882, A–518–001, A–421–817, A–274–810]**

### Melamine From Germany, India, Japan, the Netherlands, Qatar, and Trinidad and Tobago: Initiation of Less-Than-Fair-Value Investigations

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

**DATES:** Applicable March 5, 2024.

**FOR FURTHER INFORMATION CONTACT:** Kate Johnson (Germany) at (202) 482–4929; Charles DeFilippo (India) at (202) 482–3797; Carolyn Adie (Japan) at (202) 482–6250; Fred Baker (the Netherlands) at (202) 482–2924; Gorden Struck (Qatar) at (202) 482–8151; and Brittany Bauer (Trinidad and Tobago) at (202) 482–3860, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

### SUPPLEMENTARY INFORMATION:

#### The Petitions

On February 14, 2024, the U.S. Department of Commerce (Commerce) received antidumping duty (AD) petitions concerning imports of melamine from Germany, India, Japan, the Netherlands, Qatar, and Trinidad and Tobago filed in proper form on behalf of Cornerstone Chemical Company (the petitioner).<sup>1</sup> These AD Petitions were accompanied by countervailing duty (CVD) petitions concerning imports of melamine from Germany, India, Qatar, and Trinidad and Tobago.<sup>2</sup>

Between February 16 and 28, 2024, Commerce requested supplemental information pertaining to certain aspects of the Petitions in separate supplemental questionnaires.<sup>3</sup> The

<sup>1</sup> See Petitioner's Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties," dated February 14, 2024 (the Petitions).

<sup>2</sup> *Id.*

<sup>3</sup> See Commerce's Letter, "Supplemental Questions," dated February 16, 2024 (General Issues Questionnaire); see also Country-Specific AD Supplemental Questionnaires: Germany Supplemental, India Supplemental, Japan

petitioner filed responses to the supplemental questionnaires between February 22 and 29, 2024.<sup>4</sup>

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of melamine from Germany, India, Japan, the Netherlands, Qatar, and Trinidad and Tobago are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the melamine industry in the United States. Consistent with section 732(b)(1) of the Act, the Petitions were accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petitions on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support for the initiation of the requested LTFV investigations.<sup>5</sup>

### Periods of Investigation

Because the Petitions were filed on February 14, 2024, pursuant to 19 CFR 351.204(b)(1), the period of investigation (POI) for each of these LTFV investigations is January 1, 2023, through December 31, 2023.

### Scope of the Investigations

The product covered by these investigations is melamine from Germany, India, Japan, the Netherlands, Qatar, and Trinidad and Tobago. For a full description of the scope of these investigations, see the appendix to this notice.

### Comments on the Scope of the Investigations

On February 16, 2024, Commerce requested information and clarification from the petitioner regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the

Supplemental, the Netherlands Supplemental, Qatar Supplemental, and Trinidad and Tobago Supplemental, dated February 16, 2024; and Memoranda, "Phone Call," dated February 23, 2024, and February 28, 2024, respectively.

<sup>4</sup> See Petitioner's Letters, "Petitioner's Response to Volume I General Issues Supplemental Questionnaire," dated February 22, 2024 (General Issues Supplement); see also Country-Specific AD Supplemental Responses, dated February 22, 2024; Country-Specific Second AD Supplemental Responses, dated February 27, 2024; and Trinidad and Tobago Third AD Supplemental Response, dated February 29, 2024.

<sup>5</sup> See section on "Determination of Industry Support for the Petitions," *infra*.