

response to the Petitioners' Comments.<sup>10</sup> On October 19, 2023, Commerce received comments from the following parties: the Southern Shrimp Alliance;<sup>11</sup> the Metal Grating Coalition;<sup>12</sup> Catfish Farmers of America (CFA) and America's Catch, Inc., Alabama Catfish, LLC d/b/a Harvest Select Catfish, Inc., Consolidated Catfish Companies, LLC d/b/a Country Select Catfish, Delta Pride Catfish, Inc., Guidry's Catfish, Inc., Heartland Catfish Company, Magnolia Processing, Inc. d/b/a Pride of the Pond, and Simmons Farm Raised Catfish, Inc.;<sup>13</sup> the Coalition for Fair Trade in Hardwood Plywood;<sup>14</sup> and Wiley Rein, LLP.<sup>15</sup> On October 20, 2023, the following parties submitted comments in opposition to GOV's CCR Request: Steel Dynamics, Inc. (SDI), the American Shrimp Processors Association (ASPA), and the American Kitchen Cabinet Alliance (AKCA);<sup>16</sup> the Steel Manufacturers Association;<sup>17</sup> and the Coalition of American Millwork Producers.<sup>18</sup>

### Initiation of Changed Circumstances Review

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), when Commerce receives information concerning, or a request from an interested party for a review of, a final affirmative determination that resulted in an AD or countervailing duty order, which shows changed circumstances

<sup>10</sup> See GOV's Letter, "Responses to Petitioners' Comments on Viet Nam's Request for Market Economy Treatment," dated October 17, 2023.

<sup>11</sup> See Southern Shrimp Alliance's Letter, "Comments in Response to Request for Market Economy Status," dated October 19, 2023.

<sup>12</sup> See Metal Grating Coalition's Letter, "Response to the Government of the Socialist Republic of Vietnam's Request for Changed Circumstances Review," dated October 19, 2023.

<sup>13</sup> See CFA *et al.*'s Letter, "Response to the Government of the Socialist Republic of Vietnam's Request for Changed Circumstances Review," dated October 19, 2023.

<sup>14</sup> See Coalition for Fair Trade in Hardwood Plywood's Letter, "Response to the Government of the Socialist Republic of Vietnam's Request for Changed Circumstances Review," dated October 19, 2023.

<sup>15</sup> See Wiley Rein, LLP's Letter, "Response to the Government of the Socialist Republic of Vietnam's Request for Changed Circumstances Review," dated October 19, 2023.

<sup>16</sup> See SDI, ASPA, and AKCA's Letter, "Response to Request for Changed Circumstances Review of the Antidumping Order on Raw Honey from the Socialist Republic of Vietnam," dated October 20, 2023.

<sup>17</sup> See Steel Manufacturer Association's Letter, "Response to the Government of the Socialist Republic of Vietnam's Requests for Changed Circumstances Review," dated October 20, 2023.

<sup>18</sup> See Coalition of American Millwork Producers' Letter, "Response to the Government of the Socialist Republic of Vietnam's Request for Changed Circumstances Review," dated October 20, 2023.

sufficient to warrant a review of such determination, Commerce shall conduct a review of the determination after publishing notice of the review in the **Federal Register**. Section 751(b)(4) of the Act provides that, in the absence of good cause, Commerce may not review final determinations regarding whether subject merchandise is being, or is likely to be, sold in the United States at less than its fair value, or whether or not a countervailable subsidy is being provided with respect to subject merchandise, less than 24 months after the date of publication of the notice of that determination.

As the GOV submitted substantial information on the reforms to the Vietnamese economy that are relevant to the six statutory factors Commerce reviews as part of its analysis on market economy status, and that have occurred since Commerce last reviewed Vietnam's market economy status in 2002,<sup>19</sup> Commerce determines that good cause exists to review Vietnam's status as an NME country at this time within the meaning of 19 CFR 351.216(c). Section 771(18)(C)(ii) of the Act, which states that Commerce may make determinations of a country's NME status at any time, further grants Commerce the authority to initiate this NME review. Therefore, in response to this request, Commerce is initiating a CCR to examine whether Vietnam remains an NME country for purposes of the AD law, in accordance with sections 751(b) and 771(18)(C)(ii) of the Act.

### Opportunity for Public Comment and Submission of Factual Information

As part of this inquiry in which we are reviewing Vietnam's NME country status, Commerce invites public comments with respect to Vietnam on the following factors enumerated by section 771(18)(B) of the Act, which Commerce must consider in making an ME/NME determination:

- (i) the extent to which the currency of the foreign country is convertible into the currency of other countries;
- (ii) the extent to which wage rates in the foreign country are determined by free bargaining between labor and management;
- (iii) the extent to which joint ventures or other investments by firms of other foreign countries are permitted in the foreign country;
- (iv) the extent of government ownership or control of the means of production;

<sup>19</sup> See *Notice of Final Antidumping Duty Determination of Sales at Less Than Fair Value and Affirmative Critical Circumstances: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam*, 68 FR 37116 (June 23, 2003).

(v) the extent of government control over the allocation of resources and over the price and output decisions of enterprises; and

(vi) such other factors as the administering authority considers appropriate.

The deadline for the submission of comments is not later than 30 days after the date of publication of this notice. Rebuttal comments, limited to issues raised in parties' affirmative comments, may be filed not later than 14 days after the date for filing affirmative comments. Interested parties must submit comments and factual information at the Federal eRulemaking Portal: <https://www.Regulations.gov>. The identification number is ITA-2023-0010. An electronically filed document must be received successfully in its entirety by 5:00 p.m. Eastern Time on the due date set forth in this notice. Parties may request a hearing in their comments. If Commerce determines that a hearing is warranted, parties will be notified of the date, time, and room number for the hearing, in accordance with 19 CFR 351.310(d).

Unless extended, consistent with 19 CFR 351.216(e), we will issue the final results of this CCR no later than 270 days after the date on which this review was initiated.

### Notification to Interested Parties

This notice is issued and published in accordance with sections 751(b) and 771(18)(C)(ii) of the Act.

Dated: October 23, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-900]

### Granular Polytetrafluoroethylene Resin From India: Notice of Court Decision Not in Harmony With the Final Determination of Countervailing Duty Investigation; Notice of Amended Final Determination and Amended Countervailing Duty Order

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

**SUMMARY:** On October 13, 2023, the U.S. Court of International Trade (CIT) issued its final judgment in *Gujarat Fluorochemicals Limited v. United States*, Court No. 22-00120, sustaining

the U.S. Department of Commerce's (Commerce) remand redetermination pertaining to the countervailing duty (CVD) investigation of granular polytetrafluoroethylene (PTFE) resin from India covering the period of investigation April 1, 2019, through March 31, 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 and the resulting CVD order with respect to the countervailable subsidy rate assigned to Gujarat Fluorochemicals Limited (GFL).

**DATES:** Applicable October 23, 2023.

**FOR FURTHER INFORMATION CONTACT:** Robert Palmer, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-9068.

**SUPPLEMENTARY INFORMATION:**

**Background**

On January 25, 2022, Commerce published its final determination in the CVD investigation of granular PTFE resin from India. Commerce calculated a countervailable subsidy rate of 31.89 percent for GFL and for all other producers/exporters of granular PTFE resin in India.<sup>1</sup> Commerce subsequently published the CVD order on granular PTFE resin from India.<sup>2</sup>

GFL appealed Commerce's *Final Determination*. On January 24, 2023, the CIT remanded the *Final Determination* to Commerce, directing Commerce to: (1) delete from the overall rate the 26.50 percent estimated subsidy rate for the provision of land by the State Industrial Development Corporation (SIDC) in the state of Madhya Pradesh, and (2) reconsider its inclusion of an estimated 0.12 percent subsidy rate for the provision of land by the Gujarat Industrial Development Corporation (GIDC).<sup>3</sup>

In its final remand redetermination, issued in February 2023, Commerce removed the 26.50 percent estimated subsidy rate for the SIDC's provision of land from GFL's overall subsidy rate, under respectful protest; reconsidered

the inclusion of the subsidy rate for the GIDC's provision of land; determined that this provision of land constitutes a financial contribution from an authority and is specific, making no changes to the 0.12 percent estimated subsidy rate for the GIDC's provision of land; and revised the all-others rate, which was based on GFL's rate.<sup>4</sup> The CIT sustained Commerce's *Final Redetermination*.<sup>5</sup>

**Timken Notice**

In its decision in *Timken*,<sup>6</sup> as clarified by *Diamond Sawblades*,<sup>7</sup> the 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 October 13, 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 GFL and the all-others rate as follows:

Company	Subsidy rate <i>ad valorem</i> (percent)
Gujarat Fluorochemicals Limited <sup>8</sup>	5.39
All Others	5.39

**Amended Countervailing Duty Order**

Because there is now a final court decision, Commerce is amending its *Final Determination* and *Order*. As a result of this amended final determination, Commerce is hereby updating GFL's *ad valorem* subsidy rate to 5.39 percent. Additionally, because the all-others rate was based on GFL's

<sup>4</sup> See *Final Results of Redetermination Pursuant to Court Remand, Gujarat Fluorochemicals Limited v. United States*, Court No. 22-00120, Slip Op. 23-9 (CIT February 23, 2023) (*Final Redetermination*), available at <https://access.trade.gov/resources/remands/index.html>.

<sup>5</sup> See *Gujarat Fluorochemicals Limited v. United States*, Court No. 22-00120, Slip Op. 23-151 (CIT October 13, 2023).

<sup>6</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>7</sup> See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

<sup>8</sup> Commerce has found the following companies to be cross-owned with GFCL: Inox Leasing Finance Limited and Inox Wind Limited.

rate, Commerce is also updating the all-others rate to 5.39 percent.

**Cash Deposit Requirements**

Commerce will issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP). Additionally, Commerce will instruct CBP to refund the difference between the amount of cash deposits paid as a result of the application of the *Final Determination* and the amount due as a result of the application of this amended CVD order.

**Liquidation of Suspended Entries**

At this time, Commerce remains enjoined by CIT order from liquidating entries that: were produced and/or exported by GFL and were entered, or withdrawn from warehouse, during the period July 6, 2021, through December 31, 2022, excluding any merchandise entered, or withdrawn from warehouse, for consumption, on November 3, 2021, through March 11, 2022. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

**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 25, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[RTID 0648-XD489]

**New England Fishery Management Council; Public Meeting**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Habitat Joint Advisory Panel and Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). This meeting will be held in-person with a webinar option. Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

<sup>1</sup> See *Granular Polytetrafluoroethylene Resin from India: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination*, 87 FR 3765 (January 25, 2022) (*Final Determination*).

<sup>2</sup> See *Granular Polytetrafluoroethylene Resin from India and the Russian Federation: Countervailing Duty Orders*, 87 FR 14509 (March 15, 2022) (*Order*).

<sup>3</sup> See *Gujarat Fluorochemicals Limited v. United States*, Court No. 22-00120, Slip Op. 23-9 (CIT January 24, 2023).