

financial statements used in the *Final Determination* are publicly available, an average of the financial statements on the record of this proceeding constituted the best proxy of constructed value profit and selling expense data.¹⁰ As a result of the above, Commerce recalculated the weighted-average dumping margin for Best Mattresses/Rose Lion, which changed from 52.41 percent to 103.79 percent.¹¹ Consequently, the dumping margin applicable to all other companies changed from 52.41 percent to 103.79 percent.¹² On May 16, 2024, the CIT sustained Commerce's *Remand Redetermination*.¹³

Timken Notice

In its decision in *Timken*,¹⁴ as clarified by *Diamond Sawblades*,¹⁵ the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) 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 May 16, 2024, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Amended Final Determination and Order*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Determination and Order

Because there is now a final court judgment, Commerce is amending the *Amended Final Determination and Order* to revise the dumping margins assigned to Best Mattresses/Rose Lion and all other producers and exporters of subject merchandise for the period January 1, 2019, through December 31, 2019, as follows:

Exporter/producer	Weighted-average dumping margin (percent)
Best Mattresses International Company Limited/Rose Lion Furniture International Company Limited	103.79

¹⁰ *Id.* at 9–16 and 29–35.

¹¹ *Id.* at 36.

¹² *Id.*

¹³ See *Best Mattresses International Company Limited and Rose Lion Furniture International Company Limited v. United States*, Consol. Court No. 21–00281, Slip Op. 24–59 (CIT May 16, 2024).

¹⁴ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

¹⁵ See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

Exporter/producer	Weighted-average dumping margin (percent)
All Others	103.79

Cash Deposit Requirements

Because Best Mattresses/Rose Lion does not have a superseding cash deposit rate (*i.e.*, there have been no final results published in a subsequent administrative review of Best Mattresses/Rose Lion) and because of the change to the dumping margin assigned to all other producers and/or exporters of subject merchandise, Commerce will instruct U.S. Customs and Border Protection (CBP) to collect cash deposits at the rates equal to the company-specific and all others estimated weighted-average dumping margins listed in the table above.

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that were produced and/or exported by Best Mattresses/Rose Lion, and were entered, or withdrawn from warehouse, for consumption on and after November 3, 2020, excluding any merchandise entered, or withdrawn from warehouse, for consumption, on May 2, 2021, through May 13, 2021. Liquidation of 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 antidumping duties on unliquidated entries of subject merchandise produced and/or exported by Best Mattresses/Rose Lion in accordance with 19 CFR 351.212(b). We will instruct CBP to assess antidumping duties on all appropriate entries when the importer-specific *ad valorem* assessment rate is not zero or *de minimis*. Where an importer-specific *ad valorem* assessment rate is zero or *de minimis*,¹⁶ we will instruct CBP to liquidate the appropriate entries without regard to antidumping 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.

Dated: June 7, 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.

[FR Doc. 2024–13038 Filed 6–12–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–856]

Certain Aluminum Foil From Brazil: 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 Companhia Brasileira de Alumínio and CBA Itapissuma (collectively, CBA) made sales of subject merchandise at prices below normal value (NV) during the period of review (POR) May 4, 2021, through October 31, 2022.

DATES: Applicable June 13, 2024.

FOR FURTHER INFORMATION CONTACT: George McMahon, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1167.

SUPPLEMENTARY INFORMATION:

Background

On December 12, 2023, Commerce published in the *Federal Register* its *Preliminary Results*.¹ On March 18, 2024, we extended the deadline for these final results to June 7, 2024.² On April 15, 2024, Commerce issued a post-preliminary cost of production (COP) analysis memorandum.³ For a complete

¹ See *Certain Aluminum Foil from Brazil: Preliminary Results of Antidumping Duty Administrative Review; 2021–2022*, 88 FR 86108 (December 12, 2023) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum; see also Memoranda, "Post-Preliminary Cost-of-Production Analysis," dated April 12, 2024 (Post-Preliminary COP Analysis Memorandum) and "Cost of Production and Constructed Value Calculation Adjustments for the Post-Preliminary Results—Companhia Brasileira de Alumínio and CBA Itapissuma," dated April 15, 2024 (Post-Preliminary COP Calculation Memorandum).

² See Memorandum, "Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2021–2022," dated March 18, 2024.

³ See Memorandum, "Post-Preliminary Cost-of-Production Analysis," dated April 12, 2024 (Post-Preliminary COP Analysis Memorandum); see also Memorandum, "Cost of Production and Constructed Value Calculation Adjustments for the Post-

Continued

¹⁶ See 19 CFR 351.106(c)(2).

description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.⁴ Commerce conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order⁵

The product covered by this *Order* is certain aluminum foil from Brazil. For a complete description of the scope of the *Order*, see the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are discussed in the Issues and Decision Memorandum and are listed as an 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

Following the *Preliminary Results*, we made certain changes to CBA's COP, as explained in the Post-Preliminary COP Analysis Memorandum.⁶ For a discussion of these changes, see the Post-Preliminary COP Analysis Memorandum. Beyond the changes discussed in the Post-Preliminary COP Analysis Memorandum, we made no other changes since the *Preliminary Results*.

Final Results of Administrative Review

For these final results, we determine that the following estimated weighted-average dumping margin exists for the period May 4, 2021, through October 31, 2022:

Exporter or producer	Weighted-average dumping margin (percent)
Companhia Brasileira de Alumínio/CBA Itapissuma ⁷	7.59

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these final results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, Commerce shall determine 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 review. For CBA, we calculated *ad valorem* importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of those sales in accordance with 19 CFR 351.212(b)(1). Where an importer-specific assessment rate is *de minimis* (i.e., less than 0.5 percent), the entries by that importer will be liquidated without regard to antidumping duties. For entries of subject merchandise during the POR produced by CBA for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate of 13.93 percent, if there is no rate for the intermediate company(ies) involved in the transaction.⁸

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 for estimated antidumping duties will be effective upon publication of this notice for all shipments of certain aluminum foil from Brazil entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) the cash deposit rate for the companies subject to this review will be equal to the company-specific weighted-average dumping margin established in the final results of the 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 investigation, but the producer has been covered in a prior completed segment of this proceeding, then the cash deposit rate will be the rate established in the completed segment for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 13.93 percent, the all-others rate established in the less-than-fair-value investigation of this proceeding.⁹ 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 double 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 or return of proprietary information disclosed under APO in

⁴ Preliminary Results—Companhia Brasileira de Alumínio and CBA Itapissuma,” dated April 15, 2024 (Post-Preliminary COP Calculation Memorandum).

⁵ See Memorandum, “Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Certain Aluminum Foil from Brazil; 2021–2022,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁶ See *Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Antidumping Duty Orders*, 86 FR 62790 (November 12, 2021) (*Order*).

⁷ See *Preliminary Results*, 88 FR at 86108; Post-Preliminary COP Analysis Memorandum; and Post-Preliminary COP Calculation Memorandum.

⁸ Upon its determination in the less-than-fair-value (LTFV) investigation that Companhia Brasileira de Alumínio and CBA Itapissuma are affiliated within the meaning of sections 771(33)(E) and (G) of the Act, and should be treated as a single entity in accordance with 19 CFR 351.401(f), in the *Preliminary Results* of this administrative review, Commerce continued to find that Companhia Brasileira de Alumínio and CBA Itapissuma are affiliated and should be treated as a single entity. See Preliminary Decision Memorandum at 1 n.1. Commerce received no comments regarding this preliminary determination. Accordingly, Commerce continues to find that Companhia Brasileira de Alumínio and CBA Itapissuma are affiliated and should be treated as a single entity. Commerce has referred to the two companies collectively as CBA.

⁹ See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

⁹ See *Order*, 86 FR at 62791.

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 destruction or return 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 this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: June 7, 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

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 Test Electricity Purchases According to the Major Inputs Provision
 - Comment 2: Whether to Use CBA's Non-Smoothed Costs
 - Comment 3: Whether to Modify Post-Preliminary Analysis to Test for Substantial Cost Differences Across Production Mills
 - Comment 4: Whether to Exclude Priced Sample U.S. Sales
 - Comment 5: Correction of Draft Customs Instructions
- VI. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–859, A–533–915, A–201–858, A–580–916, A–791–828, C–580–917]

Brass Rod From the Republic of Korea: Amended Final Antidumping Duty Determination; Brass Rod From Brazil, India, Mexico, the Republic of Korea, and South Africa: Antidumping Duty Orders; Brass Rod From the Republic of Korea: Countervailing Duty Order

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

SUMMARY: Based on affirmative final determinations by the U.S. Department of Commerce (Commerce) and the U.S.

International Trade Commission (ITC), Commerce is issuing the antidumping duty (AD) orders on brass rod from Brazil, India, Mexico, the Republic of Korea (Korea), and South Africa and a countervailing duty (CVD) order on brass rod from Korea. In addition, Commerce is amending its final determination of sales at less than fair value (LTFV) with respect to brass rod from Korea to correct a ministerial error.

DATES: Applicable June 13, 2024.

FOR FURTHER INFORMATION CONTACT:

Claudia Cott or Thomas Schauer (Brazil), AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4270 and (202) 482–0410, respectively; Allison Hollander or Christopher Williams (India), Office I; telephone: (202) 482–2805 or (202) 482–5166; Frank Schmitt or Jacob Waddell (Mexico), Office VI; telephone: (202) 482–4880 or (202) 482–1369, respectively; Krishna Hill or Drew Jackson (AD Korea), Office IV; telephone: (202) 482–4037 or (202) 482–4406, respectively; Dmitry Vladimirov (South Africa), Office I; telephone: (202) 482–0665; or Toni Page or Lingjun Wang (CVD Korea), Office VII; telephone: (202) 482–1398, or (202) 482–2316, respectively.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 705(d) and 735(d) of the Tariff Act of 1930, as amended (the Act), on April 22, 2024, Commerce published its affirmative final determinations of sales at LTFV of brass rod from Brazil, India, Mexico, Korea, and South Africa,¹ and its affirmative final determination that countervailable subsidies are being provided to producers and exporters of brass rod from Korea.² In the LTFV and CVD investigations of brass rod from Korea, a respondent timely alleged that

Commerce made certain ministerial errors. *See* “Amendment to the Korea Final Determination of Sales at Less than Fair Value” section below for further discussion.

On June 5, 2024, pursuant to sections 705(d) and 735(d) of the Act, the ITC notified Commerce of its final affirmative determinations that an industry in the United States is materially injured by reason of dumped imports of brass rod from Brazil, India, Mexico, the Korea, and South Africa, and subsidized imports of brass rod from Korea, within the meaning of sections 705(b)(1)(A)(i) and 735(b)(1)(A)(i) of the Act.³

Scope of the Orders

The product covered by these orders is brass rod from Brazil, India, Mexico, Korea, and South Africa. For a complete description of the scope of the orders, *see* the appendix to this notice.

Amendment to the Final Determination of Sales at Less Than Fair Value for Korea

We determine that we made certain ministerial errors in the final LTFV and CVD determinations on brass rod from Korea. Pursuant to 19 CFR 351.224(e), and as explained further in the Korea AD Ministerial Error Memorandum⁴ and Korea CVD Ministerial Error Memorandum⁵ issued concurrently with this notice, Commerce is amending the *Korea Final LTFV Determination* to reflect the correction of certain ministerial errors, which resulted from the misclassification of certain subsidies in the companion CVD proceeding. Correction of these errors changes the final AD adjusted cash deposit rate for Daechang Co., Ltd., Seowon Co. Ltd., and IMI Co. Ltd., as well as the cash deposit rate for all other producers and exporters not individually investigated. The revised rates are listed in the “Estimated Weighted-Average Dumping Margins” section, below.

AD Orders

On June 5, 2024, in accordance with section 735(d) of the Act, the ITC notified Commerce of its final determinations that an industry in the

¹ *See Brass Rod from Brazil: Final Affirmative Determination of Sales at Less Than Fair Value*, 89 FR 29303 (April 22, 2024); *Brass Rod from India: Final Affirmative Determination of Sales at Less Than Fair Value*, 89 FR 29300 (April 22, 2024) (*India Final LTFV Determination*); *Brass Rod from Mexico: Final Affirmative Determination of Sales at Less Than Fair Value*, 89 FR 29305 (April 22, 2024); *Brass Rod from the Republic of Korea: Final Affirmative Determination of Sales at Less Than Fair Value*, 89 FR 29298 (April 22, 2024) (*Korea Final LTFV Determination*); *Brass Rod from South Africa: Final Affirmative Determination of Sales at Less Than Fair Value*, 89 FR 29292 (April 22, 2024), (collectively, *Final LTFV Determinations*).

² *See Brass Rod from the Republic of Korea: Final Affirmative Countervailing Duty Determination*, 89 FR 29290 (April 22, 2024) (*Korea Final CVD Determination*).

³ *See* ITC's Letter, “Notification of ITC Final Determinations,” dated June 5, 2024 (ITC Notification Letter).

⁴ *See* Memorandum, “Less-Than-Fair-Value Investigation of Brass Rod from the Republic of Korea: Allegation of Ministerial Error in the Final Determination,” dated concurrently with this notice.

⁵ *See* Memorandum, “Countervailing Duty Investigation of Brass Rod from the Republic of Korea: Analysis of Ministerial Error Allegations,” dated June 4, 2024. Commerce is not amending the CVD final determination.