

directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as “item”) exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR including, but not limited to:

A. Applying for, obtaining, or using any license (except directly related to safety of flight), license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations, or engaging in any other activity subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or from any other activity subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations.

Fourth, that no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of Smartavia any item subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by Smartavia of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby Smartavia acquires or attempts to acquire such ownership, possession or control except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from Smartavia of any item subject to the EAR that has been exported from the United States except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations;

D. Obtain from Smartavia in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to

be, exported from the United States except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by Smartavia, or service any item, of whatever origin, that is owned, possessed or controlled by Smartavia if such service involves the use of any item subject to the EAR that has been or will be exported from the United States except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations. For purposes of this paragraph, servicing means installation, maintenance, repair, modification, or testing.

Fifth, that, after notice and opportunity for comment as provided in section 766.23 of the EAR, any other person, firm, corporation, or business organization related to Oleg Sergeyevich Patsulya, Vasilii Sergeyevich Besedin, MIC P&I, LLC, Intermodal Maldives, or JSC Smartavia Airlines by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order.

In accordance with the provisions of section 766.24(e) of the EAR, Oleg Sergeyevich Patsulya, Vasilii Sergeyevich Besedin, MIC P&I, LLC, Intermodal Maldives, and JSC Smartavia Airlines may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202-4022.

In accordance with the provisions of section 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. Respondents Oleg Sergeyevich Patsulya, Vasilii Sergeyevich Besedin, MIC P&I, LLC, Intermodal Maldives, and JSC Smartavia Airlines may oppose a request to renew this Order by filing a written submission with the Assistant Secretary for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be served on each denied person and shall be published in the **Federal Register**.

This Order is effective immediately and shall remain in effect for 180 days.

Matthew S. Axelrod,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 2023-10750 Filed 5-18-23; 8:45 am]

BILLING CODE 3510-DT-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-146]

Certain Freight Rail Couplers and Parts Thereof From the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination, In Part

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of certain freight rail couplers and parts thereof (freight rail couplers) from the People's Republic of China (China) during the period of investigation January 1, 2021, through December 31, 2021.

DATES: Applicable May 19, 2023.

FOR FURTHER INFORMATION CONTACT: Terre Keaton Stefanova or Paul Gill, 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) 482-1280 or (202) 482-5673, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 2023, Commerce published the *Preliminary Determination* of this investigation in the **Federal Register**.¹ We invited interested parties to comment on the *Preliminary Determination*. In March 2023, we received comments from Strato Inc. (Strato) and Wabtec Corporation (Wabtec), U.S. importers of freight rail couplers from China.² On

¹ See *Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Preliminary Affirmative Critical Circumstances Determination*, 88 FR 13425 (March 3, 2023) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

² See Strato's Letter, "Strato Administrative Case Brief," date March 23, 2023; and Wabtec's Letter, "Case Brief for Final Negative Countervailing Duty Determination and Final Negative Critical

April 6, 2023, we received rebuttal comments from the Coalition of Freight Coupler Producers (the petitioner).³ For a complete description of the events that followed the *Preliminary Determination*, see the Issues and Decision Memorandum.⁴ 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>.

Period of Investigation

The period of investigation is January 1, 2021, through December 31, 2021.

Scope of the Investigation

The products covered by this investigation are freight rail couplers from China. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

During the course of this investigation and the concurrent less-than-fair value investigations of freight rail couplers from China and Mexico, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Memorandum to address these comments and set aside a period of time for parties to address scope issues in scope case and rebuttal briefs.⁵ We received comments from interested parties on the Preliminary Scope Memorandum, which we address in the Final Scope Memorandum.⁶ As a result of these comments, we made certain changes to the scope of these investigations from that published in the *Preliminary Determination*. See Appendix I.

Final Affirmative Determination of Critical Circumstances, In Part

In the *Preliminary Determination*, Commerce preliminarily determined, pursuant to section 703(e)(c)(1) of the Tariff Act of 1930, as amended (the Act),

that critical circumstances exist for Chongqing Tongyao Transportation Equipment Co. (Chongqing Tongyao), Qingdao Sanheshan Precision Casting Co., Ltd. (Qingdao Sanheshan), the non-responsive companies,⁷ and all other producers and/or exporters.⁸ For this final determination, we continue to find that critical circumstances exist for Chongqing Tongyao, Qingdao Sanheshan, and the non-responsive companies, in accordance with section 705(a)(2) of the Act. However, for all other producers and/or exporters, we now find that we are unable to make a determination of whether there were massive imports of the subject merchandise over a relatively short period. Therefore, we do not find that critical circumstances exist with respect to all other producers and/or exporters. For the analysis of critical circumstances for the final determination, see Issues and Decision Memorandum at Comment 1.

Analysis of Comments Received

The issues raised in comments that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice at Appendix II.

Changes Since the Preliminary Determination

Based on our analysis of the comments received from interested parties, we made certain changes to our preliminary critical circumstances determination, as noted above. For a discussion of these changes, see the Issues and Decision Memorandum. However, as no interested party submitted comments on the subsidy rates selected in the *Preliminary Determination*, we made no changes to the subsidy rates assigned to Chongqing Tongyao, Qingdao Sanheshan, and the non-responsive companies.

Analysis of Subsidy Programs—Adverse Facts Available (AFA)

For the purposes of this final determination, Commerce relied solely

on facts available pursuant to section 776 of the Act, because neither the Government of China nor the mandatory respondents, Chongqing Tongyao and Qingdao Sanheshan, participated in this investigation. Furthermore, as stated in our *Preliminary Determination*, the non-responsive companies also withheld necessary information that Commerce requested from them, failed to provide information within the deadlines established, and significantly impeded this proceeding by failing to respond to Commerce's quantity and value questionnaire.⁹ Therefore, because the mandatory respondents, the non-responsive companies, and the Government of China did not cooperate to the best of their abilities in responding to our requests for information in this investigation, we drew adverse inferences in selecting from among the facts otherwise available, in accordance with sections 776(a)–(b) of the Act. We received no comments from interested parties regarding our application of AFA to determine the countervailability of, and rates for, the subsidy programs at issue in this investigation. Consistent with the *Preliminary Determination*, we continue to apply AFA to determine the appropriate subsidy rates for this investigation. A detailed discussion of our application of AFA is provided in the *Preliminary Determination*.¹⁰

All-Others Rate

As discussed in the *Preliminary Determination*, Commerce based the selection of the all-others rate on the countervailable subsidy rate established for the mandatory respondents, in accordance with 703(d) of the Act.¹¹ Consistent with section 705(c)(5)(A)(ii) of the Act, we made no changes to the selection of the all-others rate for the final determination.

Final Determination

Commerce determines that the following estimated countervailable subsidy rates exist:

Circumstances Determination," dated March 23, 2023.

³ See Petitioner's Letter, "Petitioner's Rebuttal Brief," dated April 6, 2023.

⁴ See Memorandum, "Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁵ See Memorandum, "Preliminary Scope Decision Memorandum," dated March 28, 2023 (Preliminary Scope Memorandum).

⁶ See Memorandum, "Final Scope Decision Memorandum," dated concurrently with this notice (Final Scope Memorandum).

⁷ The non-responsive companies are: (1) Chongqing Changzheng Heavy Industry Co., Ltd.; (2) CRRC Qiqihar Co., Ltd.; (3) Nanjing Zhongsheng Rolling Stock Components Co. Ltd.; (4) Ningbo Minghui Metal Technology Co., Ltd.; (5) Qingdao

Lianshan Casting Co., Ltd.; (6) Shaanxi Haiduo Railway Technology Development Co., Ltd.; and (7) Shanghai Voith Xiagujin Chuang Coupler Technology Co., Ltd.

⁸ See *Preliminary Determination*, 88 FR at 13426.

⁹ See *Preliminary Determination* PDM at 7.

¹⁰ See *Preliminary Determination* PDM at 4–14.

¹¹ See *Preliminary Determination*, 88 FR at 13426.

Company	Subsidy Rate (percent <i>ad valorem</i>)
Chongqing Changzheng Heavy Industry Co., Ltd	265.99
Chongqing Tongyao Transportation Equipment Co	265.99
CRRC Qiqihar Co., Ltd	265.99
NanJing Zhongsheng Rolling Stock Components Co. Ltd	265.99
Ningbo Minghui Metal Technology Co., Ltd	265.99
Qingdao Lianshan Casting Co., Ltd	265.99
Qingdao Sanheshan Precision Casting Co., Ltd	265.99
Shaanxi Haiduo Railway Technology Development Co., Ltd	265.99
Shanghai Voith Xiguujin Chuang Coupler Technology Co., Ltd	265.99
All Others	265.99

Continuation of Suspension of Liquidation

In accordance with section 705(c)(4)(A) of the Act, Commerce intends to instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of entries of subject merchandise, as described in Appendix I of this notice, for Chongqing Tongyao, Qingdao Sanheshan, and the non-responsive companies, entered, or withdrawn from warehouse, for consumption on or after December 3, 2022, which is 90 days prior to the date of publication of the *Preliminary Determination* in the **Federal Register**. However, for all other producers and/or exporters, Commerce intends to instruct CBP to continue to suspend liquidation of entries of subject merchandise, as described in Appendix I of this notice, entered, or withdrawn from warehouse, for consumption on or after March 3, 2023, which is the date of publication of the *Preliminary Determination* in the **Federal Register**, at the all-others rate indicated above. These suspension of liquidation instructions will remain in effect until further notice.

Because we now find that critical circumstances do not exist for all other producers and/or exporters, we will direct CBP to terminate the retroactive suspension of liquidation ordered at the *Preliminary Determination* and release any cash deposits that were required prior to March 3, 2022, the date of publication of the *Preliminary Determination* in the **Federal Register**, consistent with section 705(c)(3) of the Act.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we intend to issue a countervailing duty order and continue to require a case deposit of estimated countervailing duties for such entries of subject merchandise in the amounts indicated above, in accordance with 706(a) of the Act. If the ITC issues a final affirmative injury determination but a final negative determination of critical circumstances,

we will instruct CBP to liquidate entries prior to the date of publication of the *Preliminary Determination* without regard to duties, and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we intend to notify the ITC of our final affirmative determination that countervailable subsidies are being provided to producers and exporters of freight rail couplers from China. Because the final determination in this proceeding is affirmative, in accordance with section 705(b) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of freight rail couplers from China no later than 45 days after our final determination.

If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all cash deposits will be refunded or canceled, as Commerce determines to be appropriate. If the ITC determines that such injury does exist, Commerce intends to issue a countervailing duty order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the “Continuation of Suspension of Liquidation” section.

Notification Regarding Administrative Protective Order (APO)

In the event that the ITC issues a final negative injury determination, this

notice will serve as the only reminder to parties subject to an 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/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

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act, and 19 CFR 351.205(c).

Dated: May 15, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The scope of this investigation covers certain freight railcar couplers (also known as “fits” or “assemblies”) and parts thereof. Freight railcar couplers are composed of two main parts, namely knuckles and coupler bodies but may also include other items (e.g., coupler locks, lock lift assemblies, knuckle pins, knuckle throwers, and rotors). The parts of couplers that are covered by the investigation include: (1) E coupler bodies, (2) E/F coupler bodies, (3) F coupler bodies, (4) E knuckles, and (5) F knuckles, as set forth by the Association of American Railroads (AAR). The freight rail coupler parts (i.e., knuckles and coupler bodies) are included within the scope of the investigation when imported separately. Coupler locks, lock lift assemblies, knuckle pins, knuckle throwers, and rotors are covered merchandise when imported in an assembly but are not covered by the scope when imported separately.

Subject freight railcar couplers and parts are included within the scope whether finished or unfinished, whether imported individually or with other subject or nonsubject parts, whether assembled or unassembled, whether mounted or unmounted, or if joined with nonsubject merchandise, such as other nonsubject parts

or a completed railcar. Finishing includes, but is not limited to, arc washing, welding, grinding, shot blasting, heat treatment, machining, and assembly of various parts. When a subject coupler or subject parts are mounted on or to other nonsubject merchandise, such as a railcar, only the coupler or subject parts are covered by the scope.

The finished products covered by the scope of this investigation meet or exceed the AAR specifications of M-211, "Foundry and Product Approval Requirements for the Manufacture of Couplers, Coupler Yokes, Knuckles, Follower Blocks, and Coupler Parts" and/or AAR M-215 "Coupling Systems," or other equivalent domestic or international standards (including any revisions to the standard(s)).

The country of origin for subject couplers and parts thereof, whether fully assembled, unfinished or finished, or attached to a railcar, is the country where the subject coupler parts were cast or forged. Subject merchandise includes coupler parts as defined above that have been further processed or further assembled, including those coupler parts attached to a railcar in third countries. Further processing includes, but is not limited to, arc washing, welding, grinding, shot blasting, heat treatment, painting, coating, priming, machining, and assembly of various parts. The inclusion, attachment, joining, or assembly of nonsubject parts with subject parts or couplers either in the country of manufacture of the in-scope product or in a third country does not remove the subject parts or couplers from the scope.

The couplers that are the subject of this investigation are currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) statistical reporting number 8607.30.1000. Unfinished subject merchandise may also enter under HTSUS statistical reporting number 7326.90.8688. Subject merchandise attached to finished railcars may also enter under HTSUS statistical reporting numbers 8606.10.0000, 8606.30.0000, 8606.91.0000, 8606.92.0000, 8606.99.0130, 8606.99.0160, or under subheading 9803.00.50. Subject merchandise may also be imported under HTSUS statistical reporting number 7325.99.5000. These HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Final Critical Circumstances Determination
- IV. Analysis of Comments
 - Comment 1: Whether Commerce Should Reverse its Preliminary Affirmative Critical Circumstances Determinations
 - Comment 2: Whether Commerce Should Terminate the Investigation
- V. Recommendation

[FR Doc. 2023-10779 Filed 5-18-23; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-843, A-570-901]

Certain Lined Paper Products From India and the People's Republic of China: Final Results of Expedited Third Sunset Reviews of the Antidumping Duty Orders

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

SUMMARY: As a result of these expedited sunset reviews, the U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) orders on certain lined paper products from India and the People's Republic of China (China) would be likely to lead to continuation or recurrence of dumping at the levels indicated in the "Final Results of Review" section of this notice.

DATES: Applicable May 19, 2023.

FOR FURTHER INFORMATION CONTACT: Samuel Brummitt, 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) 482-7851.

SUPPLEMENTARY INFORMATION:

Background

On February 1, 2023, Commerce published the notice of initiation of the sunset reviews of the *Orders* on certain lined paper products from China and India,¹ pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).² On February 15, 2023, Commerce received a notice of intent to participate from the domestic interested party for both of the *Orders* in accordance with 19 CFR 351.218(d)(1)(i).³ The domestic interested party claimed domestic

¹ See *Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Lined Paper Products from the People's Republic of China; Notice of Antidumping Duty Orders: Certain Lined Paper Products from India, Indonesia and the People's Republic of China; and Notice of Countervailing Duty Orders: Certain Lined Paper Products from India and Indonesia*, 71 FR 56949 (September 28, 2006) (*Orders*).

² See *Initiation of Five-Year (Sunset) Reviews*, 88 FR 6700 (February 1, 2023).

³ The domestic interested party is the Association of American School Paper Suppliers (AASPS). AASPS consists of the following members: ACCO Brands USA LLC, Norcom Inc., and Top Flight Inc. The members of AASPS are domestic producers of lined paper products. See Domestic Interested Party's Letters, "Certain Lined Paper Products from The People's Republic of China: Notice of Intent to Participate in Sunset Review," dated February 15, 2023 (NOI China); and "Certain Lined Paper Products from India: Notice of Intent to Participate in Sunset Review," dated February 15, 2023 (NOI India).

interested party status under section 771(9)(C) of the Act, as each member of the association is a manufacturer of the domestic like product in the United States.⁴ On March 2, 2023, the domestic interested party filed timely substantive responses within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).⁵ Commerce did not receive a substantive response from any other interested parties with respect to the *Orders* covered by these sunset reviews, nor was a hearing requested. On March 23, 2023, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties.⁶ As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce is conducting expedited (120-day) sunset reviews of these *Orders*.

Scope of the Orders

The product covered by these *Orders* is certain lined paper products from China and India. For a full description of the scope, see the Issues and Decision Memorandum.⁷

Analysis of Comments Received

All issues raised in these sunset reviews are addressed in the Issues and Decision Memorandum, including the likelihood of continuation or recurrence of dumping and the magnitude of the margins of dumping likely to prevail if these *Orders* were revoked. A list of topics discussed in the Issues and Decision Memorandum is included 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>. A complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNotices/ListLayout.aspx>. A list of the issues

⁴ See NOI China at 2; see also NOI India at 2.

⁵ See Domestic Interested Party's Letters, "Certain Lined Paper Products from China: Substantive Response to Notice of Initiation," dated March 2, 2023 (Substantive Response China); and "Certain Lined Paper Products from India: Substantive Response to Notice of Initiation," dated March 2, 2023 (Substantive Response India).

⁶ See Commerce's Letter, "Sunset Reviews Initiated on February 1, 2023," dated March 23, 2023.

⁷ See Memorandum, "Issues and Decision Memorandum for the Final Results of the Third Expedited Sunset Reviews: Certain Lined Paper Products from India and the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).