

and 777(i) of the Act and 19 CFR 351.205(c).

Dated: December 11, 2023.

**Abdelali Elouaradia,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

## Appendix I

### Scope of the Investigation

The product within the scope of this investigation is high protein content (HPC) pea protein, which is a protein derived from peas (including, but not limited to, yellow field peas and green field peas) and which contains at least 65 percent protein on a dry weight basis. HPC pea protein may also be identified as, for example, pea protein concentrate, pea protein isolate, hydrolyzed pea protein, pea peptides, and fermented pea protein. Pea protein, including HPC pea protein, has the Chemical Abstracts Service (CAS) registry number 222400–29–5.

The scope covers HPC pea protein in all physical forms, including all liquid (*e.g.*, solution) and solid (*e.g.*, powder) forms, regardless of packaging or the inclusion of additives (*e.g.*, flavoring, suspension agents, preservatives).

The scope also includes HPC pea protein described above that is blended, combined, or mixed with non-subject pea protein or with other ingredients (*e.g.*, proteins derived from other sources, fibers, carbohydrates, sweeteners, and fats) to make products such as protein powders, dry beverage blends, and protein fortified beverages. For any such blended, combined, or mixed products, only the HPC pea protein component is covered by the scope of this investigation. HPC pea protein that has been blended, combined, or mixed with other products is included within the scope, regardless of whether the blending, combining, or mixing occurs in third countries.

HPC pea protein that is otherwise within the scope is covered when commingled (*i.e.*, blended, combined, or mixed) with HPC pea protein from sources not subject to this investigation. Only the subject component of the commingled product is covered by the scope.

A blend, combination, or mixture is excluded from the scope if the total HPC pea protein content of the blend, combination, or mixture (regardless of the source or sources) comprises less than five percent of the blend, combination, or mixture on a dry weight basis.

All products that meet the written physical description are within the scope of the investigation unless specifically excluded. The following products, by way of example, are outside and/or specifically excluded from the scope of the investigation:

- burgers, snack bars, bakery products, sugar and gum confectionary products, milk, cheese, baby food, sauces and seasonings, and pet food, even when such products are made with HPC pea protein.
- HPC pea protein that has gone through an extrusion process to alter the HPC pea protein at the structural and functional level, resulting in a product with a fibrous structure which resembles muscle meat upon hydration. These products are commonly

described as textured pea protein or texturized pea protein.

- HPC pea protein that has been further processed to create a small crunchy nugget commonly described as a pea protein crisp.
- protein derived from chickpeas.

The merchandise covered by the scope is currently classified under Harmonized Tariff Schedule of the United States (HTSUS) categories 3504.00.1000, 3504.00.5000, and 2106.10.0000. Such merchandise may also enter the U.S. market under HTSUS category 2308.00.9890. Although HTSUS categories and the CAS registry number are provided for convenience and customs purposes, the written description of the scope of the investigation is dispositive.

## Appendix II

### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope Comments
- IV. Scope of the Investigation
- V. Critical Circumstances
- VI. Analysis of China's Financial System
- VII. Diversification of China's Economy
- VIII. Use of Facts Otherwise Available and Adverse Inferences
- IX. Subsidies Valuation
- X. Benchmarks and Interest Rates
- XI. Analysis of Programs
- XII. Calculation of the All-Others Rate
- XIII. Recommendation

[FR Doc. 2023–27699 Filed 12–15–23; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Limitation of Duty-Free Imports of Apparel Articles Assembled in Haiti Under the Caribbean Basin Economic Recovery Act (CBERA), as Amended by the Haitian Hemispheric Opportunity Through Partnership Encouragement Act (HOPE)

**AGENCY:** International Trade Administration, Department of Commerce. **ACTION:** Notification of annual quantitative limit on imports of certain apparel from Haiti.

**SUMMARY:** CBERA, as amended, provides duty-free treatment for certain apparel articles imported directly from Haiti. One of the preferences is known as the “value-added” provision, which requires that apparel meet a minimum threshold percentage of value added in Haiti, the United States, and/or certain beneficiary countries. The provision is subject to a quantitative limitation, which is calculated as a percentage of total apparel imports into the United States for each 12-month period. For the period from December 20, 2023 through December 19, 2024, the quantity of imports eligible for preferential

treatment under the value-added provision is 313,655,640 square meters equivalent.

**DATES:** The new limitations become applicable December 20, 2023.

**FOR FURTHER INFORMATION CONTACT:** Kayla Johnson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–2532.

#### SUPPLEMENTARY INFORMATION:

*Authority:* Section 213A of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a) (“CBERA”), as amended; and as implemented by Presidential Proc. No. 8114, 72 FR 13655 (March 22, 2007), and No. 8596, 75 FR 68153 (November 4, 2010).

*Background:* Section 213A(b)(1)(B) of CBERA, as amended (19 U.S.C. 2703a(b)(1)(B)), outlines the requirements for certain apparel articles imported directly from Haiti to qualify for duty-free treatment under a “value-added” provision. In order to qualify for duty-free treatment, apparel articles must be wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, and yarns, as long as the sum of the cost or value of materials produced in Haiti or one or more beneficiary countries, as described in CBERA, as amended, or any combination thereof, plus the direct costs of processing operations performed in Haiti or one or more beneficiary countries, as described in CBERA, as amended, or any combination thereof, is not less than an applicable percentage of the declared customs value of such apparel articles. Pursuant to CBERA, as amended, the applicable percentage for the period December 20, 2023 through December 19, 2024, is 60 percent.

For every twelve-month period following the effective date of CBERA, as amended, duty-free treatment under the value-added provision is subject to a quantitative limitation. CBERA, as amended, provides that the quantitative limitation will be recalculated for each subsequent 12-month period. Section 213A(b)(1)(C) of CBERA, as amended (19 U.S.C. 2703a(b)(1)(C)), requires that, for the twelve-month period beginning on December 20, 2023, the quantitative limitation for qualifying apparel imported from Haiti under the value-added provision will be an amount equivalent to 1.25 percent of the aggregate square meter equivalent of all apparel articles imported into the United States in the most recent 12-month period for which data are available. The aggregate square meters equivalent of all apparel articles

imported into the United States is derived from the set of Harmonized System lines listed in the Annex to the World Trade Organization Agreement on Textiles and Clothing (“ATC”), and the conversion factors for units of measure into square meter equivalents used by the United States in implementing the ATC. For purposes of this notice, the most recent 12-month period for which data are available as of December 20, 2023 is the 12-month period ending on October 31, 2023.

Therefore, for the one-year period beginning on December 20, 2023 and extending through December 19, 2024, the quantity of imports eligible for preferential treatment under the value-added provision is 313,655,640 square meters equivalent. Apparel articles entered in excess of these quantities will be subject to otherwise applicable tariffs.

**Jennifer Knight,**

*Deputy Assistant Secretary for Textiles, Consumer Goods, Materials Industries, Critical Minerals and Metals.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[C-533-916]

**Brass Rod From India: Final Affirmative Countervailing Duty Determination**

**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 brass rod from India. The period of investigation is April 1, 2022, through March 31, 2023.

**DATES:** Applicable December 18, 2023.

**FOR FURTHER INFORMATION CONTACT:** Dusten Hom, 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) 482-5075.

**SUPPLEMENTARY INFORMATION:**

**Background**

On September 29, 2023, Commerce published the *Preliminary Determination* in the **Federal Register**.<sup>1</sup>

<sup>1</sup> See *Brass Rod from India: Preliminary Affirmative Countervailing Duty Determination*, 88 FR 67240 (September 29, 2023) (*Preliminary*

For a complete description of the events that followed the *Preliminary Determination*, see the Issues and Decision Memorandum.<sup>2</sup> 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 <http://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Scope of the Investigation**

The product covered by this investigation is brass rod from India. For a complete description of the scope of this investigation, see Appendix I.

**Scope Comments**

During the course of this investigation, 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-specific case and rebuttal briefs.<sup>3</sup> We did not receive timely comments from any interested parties on the Preliminary Scope Memorandum. Thus, we did not make any changes to the scope of the investigation from the scope published in the *Preliminary Determination*, as noted in Appendix I.

**Analysis of Subsidy Programs and Comments Received**

The subsidy programs under investigation and the issue raised in the case and rebuttal briefs by parties are discussed in the Issues and Decision Memorandum. For a list of the topics discussed, and the issue raised by parties to which we responded in the Issues and Decision Memorandum, see Appendix II.

**Methodology**

Commerce conducted this investigation in accordance with section 701 of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found to be countervailable, Commerce

*Determination*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> See Memorandum, “Issues and Decision Memorandum for the Final Affirmative Determination of the Countervailing Duty Investigation of Brass Rod from India,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>3</sup> See Memorandum, “Preliminary Scope Decision Memorandum,” dated September 25, 2023 (Preliminary Scope Memorandum).

preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an “authority” that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>4</sup> For a full description of the methodology underlying our final determination, see the Issues and Decision Memorandum

**Changes Since the Preliminary Determination**

Based on our review and analysis of the information received during verification and comments received from parties, for this final determination, we made certain changes to the countervailable subsidy rate calculations for Rajhans Metals Private Limited (RMPL) and for all other producers/exporters. For a discussion of these changes, see the Issues and Decision Memorandum.

**All-Others Rate**

Pursuant to section 705(c)(5)(A)(i) of the Act, Commerce will determine an all-others rate equal to the weighted average countervailable subsidy rates established for those exporters and/or producers individually investigated, excluding any zero and *de minimis* countervailable subsidy rates and any rates based entirely under section 776 of the Act.

Commerce calculated an individual estimated countervailable subsidy rate for RMPL, the only individually examined exporter/producer in this investigation. Because the only individually calculated rate is not zero, *de minimis*, or based entirely under section 776 of the Act, the estimated weighted-average rate calculated for RMPL is the rate assigned to all other producers and exporters, pursuant to section 705(c)(5)(A)(i) of the Act.

**Final Determination**

Commerce determines that the following estimated countervailable subsidy rates exist for the period of April 1, 2022, through March 31, 2023:

Company	Subsidy rate (percent <i>ad valorem</i> )
Rajhans Metals Private Limited <sup>5</sup> .....	2.24
All Others .....	2.24

<sup>4</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; see also section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.