

can find a list of AD and CVD orders currently in effect at <https://enforcement.trade.gov/stats/iastats1.html>.

These orders are issued and published in accordance with sections 706(a) and 736(a) of the Act and 19 CFR 351.211(b).

Dated: November 15, 2023.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix—Scope of the Orders

The products within the scope of these orders are file folders consisting primarily of paper, paperboard, pressboard, or other cellulose material, whether coated or uncoated, that has been folded (or creased in preparation to be folded), glued, taped, bound, or otherwise assembled to be suitable for holding documents. The scope includes all such folders, regardless of color, whether or not expanding, whether or not laminated, and with or without tabs, fasteners, closures, hooks, rods, hangers, pockets, gussets, or internal dividers. The term “primarily” as used in the first sentence of this scope means 50 percent or more of the total product weight, exclusive of the weight of fasteners, closures, hooks, rods, hangers, removable tabs, and similar accessories, and exclusive of the weight of packaging.

Subject folders have the following dimensions in their folded and closed position: lengths and widths of at least 8 inches and no greater than 17 inches, regardless of depth.

The scope covers all varieties of folders, including but not limited to manila folders, hanging folders, fastener folders, classification folders, expanding folders, pockets, jackets, and wallets.

Excluded from the scope are:

- mailing envelopes with a flap bearing one or more adhesive strips that can be used permanently to seal the entire length of a side such that, when sealed, the folder is closed on all four sides;
- binders, with two or more rings to hold documents in place, made from paperboard or pressboard encased entirely in plastic;
- binders consisting of a front cover, back cover, and spine, with or without a flap; to be excluded, a mechanism with two or more metal rings must be included on or adjacent to the interior spine;
- non-expanding folders with a depth exceeding 2.5 inches and that are closed or closeable on the top, bottom, and all four sides (e.g., boxes or cartons);
- expanding folders that have: (1) 13 or more pockets; (2) a flap covering the top; (3) a latching mechanism made of plastic and/or metal to close the flap; and (4) an affixed plastic or metal carry handle;
- folders that have an outer surface (other than the gusset, handles, and/or closing mechanisms, if any) that is covered entirely with fabric, leather, and/or faux leather;
- fashion folders, which are defined as folders with all of the following characteristics: (1) plastic lamination covering the entire exterior of the folder; (2) printing, foil stamping, embossing (*i.e.*,

raised relief patterns that are recessed on the opposite side), and/or debossing (*i.e.*, recessed relief patterns that are raised on the opposite side), covering the entire exterior surface area of the folder; (3) at least two visible and printed or foil stamped colors (other than the color of the base paper), each of which separately covers no less than 10 percent of the entire exterior surface area; and (4) patterns, pictures, designs, or artwork covering no less than thirty percent of the exterior surface area of the folder;

- portfolios, which are folders having: (1) a width of at least 16 inches when open flat; (2) no tabs or dividers; and (3) one or more pockets that are suitable for holding letter size documents and that cover at least 15 percent of the surface area of the relevant interior side or sides; and

- report covers, which are folders having: (1) no tabs, dividers, or pockets; and (2) one or more fasteners or clips, each of which is permanently affixed to the center fold, to hold papers securely in place.

Imports of the subject merchandise are provided for under Harmonized Tariff Schedule of the United States (HTSUS) category 4820.30.0040. Subject imports may also enter under other HTSUS classifications. While the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of these orders is dispositive.

[FR Doc. 2023–25688 Filed 11–20–23; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–126; C–570–127]

Non-Refillable Steel Cylinders From the People’s Republic of China: Affirmative Preliminary Determination of Circumvention of the Antidumping and Countervailing Duty Orders

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that non-refillable steel cylinders with water capacities between 100 and 299 cubic inches produced in the People’s Republic of China (China) and exported to the United States, are circumventing the antidumping duty (AD) and countervailing duty (CVD) orders on certain non-refillable steel cylinders (non-refillable cylinders) from China.

DATES: Applicable November 21, 2023.

FOR FURTHER INFORMATION CONTACT: Alex Cipolla, 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) 482–4956.

SUPPLEMENTARY INFORMATION:

Background

On May 11, 2021, Commerce published in the **Federal Register** the AD and CVD orders on non-refillable cylinders from China.¹ On June 1, 2023, in response to a request from Worthington Industries (the petitioner),² Commerce initiated a circumvention inquiry to determine whether imports of non-refillable cylinders meeting the requirements of, or produced to meet the requirements of, U.S. Department of Transportation (USDOT) Specification 39, TransportCanada Specification 39M, or United Nations pressure receptacle standard ISO 11118 with a water capacity between 100 cubic inches (1.6 liters) and 299 cubic inches (4.9 liters) produced in China and exported to the United States are “later-developed merchandise,” and/or are “altered in form or appearance in minor respects” from in-scope merchandise such that they should be considered subject to the *Orders*.³ For a complete description of the events that followed initiation of this inquiry, see the Preliminary Decision Memorandum.⁴

Scope of the Orders

The products covered by the *Orders* are certain seamed (welded or brazed), non-refillable steel cylinders meeting the requirements of, or produced to meet the requirements of, U.S. Department of Transportation (USDOT) Specification 39, TransportCanada Specification 39M, or United Nations pressure receptacle standard ISO 11118. A full description of the scope of the

¹ See *Certain Non-Refillable Steel Cylinders from the People’s Republic of China: Amended Final Antidumping Duty Determination and Antidumping Duty and Countervailing Duty Orders*, 86 FR 25839 (May 11, 2021) (*Orders*).

² See Petitioner’s Letter, “Request for Circumvention Ruling Pursuant to Sections 781(c) and 781(d) of the Tariff Act of 1930,” dated April 12, 2023.

³ See *Non-Refillable Steel Cylinders from the People’s Republic of China: Initiation of Circumvention Inquiry of the Antidumping and Countervailing Duty Orders; Water Capacity Between 100 and 299 Cubic Inches*, 88 FR 35839 (June 1, 2023) (*Initiation Notice*). Although Commerce initiated a circumvention inquiry for merchandise “altered in form or appearance in minor respects,” pursuant to section 781(c) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.226(j) and as “later-developed merchandise,” pursuant to section 781(d) of the Act and 19 CFR 351.226(k), we are rescinding the portion of the circumvention inquiry relating to “later-developed merchandise” because of the affirmative preliminary determination with respect to circumvention under section 781(c) of the Act.

⁴ See Memorandum, “Preliminary Decision Memorandum for Circumvention Inquiry; 100–299 Cubic Inches NRSCs,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Orders is provided in the Preliminary Decision Memorandum.

Scope of the Circumvention Inquiry

This circumvention inquiry covers non-refillable cylinders meeting the requirements of, or produced to meet the requirements of, USDOT Specification 39, Transport Canada Specification 39M, or United Nations pressure receptacle standard ISO 11118 with a water capacity between 100 cubic inches (1.6 liters) and 299 cubic inches (4.9 liters) produced in China and exported to the United States.

Statutory and Regulatory Framework

Section 781(c) of the Act, provides that Commerce may find circumvention of an AD or CVD order when merchandise of the same class or kind as subject merchandise has been “altered in form or appearance in minor respects . . . whether or not included in the same tariff classification.” Section 781(c)(2) of the Act provides an exception that “[p]aragraph 1 shall not apply with respect to altered merchandise if the administering authority determines that it would be unnecessary to consider the altered merchandise within the scope of the {order}.”

While the Act is silent as to what factors to consider in determining whether alterations are properly considered “minor,” the legislative history of this provision indicates that there are certain factors that should be considered before reaching a circumvention determination. In conducting a circumvention inquiry under section 781(c) of the Act, Commerce has generally relied upon “such criteria as the overall physical characteristics of the merchandise, the expectations of the ultimate users, the use of the merchandise, the channels of marketing and the cost of any modification relative to the total value of the imported products.”⁵ Concerning the allegation of minor alteration under section 781(c) of the Act and 19 CFR 351.226(j), Commerce examines such factors as: (1) overall physical characteristics; (2) expectations of ultimate users; (3) use of merchandise; (4) channels of marketing; and (5) cost of any modification relative to the value of the imported products.⁶ Each inquiry is highly dependent on the facts on the record and must be analyzed in light of

those specific facts.⁷ Thus, along with the five factors enumerated above, Commerce may also consider the circumstances under which the products enter the United States, including, but not limited to, the timing of the entries and the quantity of merchandise entered during the circumvention review period.⁸

Preliminary Determination

We preliminarily determine that non-refillable cylinders with water capacities between 100 and 299 cubic inches and non-refillable cylinders with water capacities between 300 and 1,526 cubic inches are not dissimilar in terms of overall physical characteristics of the merchandise, the expectations of the ultimate users, the use of the merchandise, channels of marketing, and the timing and circumstances under which Jinhua Sinoblue Machinery Manufacturing Co., Ltd. (Jinhua Sinoblue) and Ningbo Eagle Machinery & Technology Co., Ltd. (Ningbo Eagle) exported the non-refillable cylinders with water capacities between 100 and 299 cubic inches. Because we find that the merchandise subject to this inquiry is not dissimilar to subject merchandise, we preliminarily determine that the non-refillable cylinders at issue constitute merchandise “altered in form or appearance in minor respects” from in-scope merchandise, within the meaning of section 781(c)(1) of the Act. Also, we preliminarily determine that the affirmative circumvention finding should be applied on a country-wide basis.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. The Preliminary 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 Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice.

Suspension of Liquidation

In accordance with 19 CFR 351.225(l)(2), we will direct U.S. Customs and Border Protection (CBP) to continue the suspension of liquidation of previously suspended entries and to suspend liquidation of non-refillable cylinders with water capacities between 100 and 299 cubic inches produced in China and exported to the United States that are entered, or withdrawn from warehouse, for consumption on or after June 1, 2023 (*i.e.*, the date of the initiation of this inquiry).⁹ Pursuant to 19 CFR 351.225(l)(2), we will also instruct CBP to require cash deposits of estimated duties equal to the AD and CVD rates in effect for non-refillable cylinders for each unliquidated entry of non-refillable cylinders with water capacities between 100 and 299 cubic inches produced in China and exported to the United States that are entered, or withdrawn from warehouse, for consumption on or after June 1, 2023. The suspension of liquidation instructions will remain in effect until further notice.

Public Comment

Interested parties are invited to comment on this preliminary determination of circumvention and may submit case briefs and/or written comments within 14 days of the publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date on which case briefs are due.¹⁰ Pursuant to 19 CFR 351.226(f)(4), rebuttal briefs must be limited to issues raised in the case briefs.¹¹ Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.¹² Note that Commerce has amended certain of its

⁵ See *Carbon and Certain Alloy Steel Wire Rod from Mexico: Initiation of Anti-Circumvention Inquiry of Antidumping Duty Order*, 83 FR 5405 (February 7, 2018) (citing S. Rep. No. 71, 100th Cong., 1st Sess. 100 (1987)).

⁶ *Id.*; see also *Deacero S.A. de C.V. v. United States*, 817 F.3d 1332 (Fed. Cir. 2016).

⁷ See, e.g., *Certain Uncoated Paper from Australia, Brazil, the People’s Republic of China, Indonesia, and Portugal: Affirmative Preliminary Determination of Circumvention of the Antidumping and Countervailing Duty Orders*, 82 FR 26778 (June 9, 2017), and accompanying Preliminary Decision Memorandum at “IV. Statutory and Regulatory Framework.”

⁸ *Id.*; see also, e.g., *Affirmative Preliminary Determination of Circumvention of the Antidumping Duty Order on Certain Cut-to-Length Steel Plate from the People’s Republic of China*, 74 FR 33991, 33992–93 (July 14, 2009); *Brass Sheet and Strip from West Germany: Negative Preliminary Determination of Circumvention of Antidumping Duty Order*, 55 FR 32655 (August 10, 1990), unchanged in *Brass Sheet and Strip from Germany: Negative Final Determination of Circumvention of Antidumping Duty Order*, 56 FR 65884 (December 19, 1991); and *Small Diameter Graphite Electrodes from the People’s Republic of China: Initiation of Anticircumvention Inquiry*, 77 FR 37873 (June 25, 2012).

⁹ See *Initiation Notice*.

¹⁰ See 19 CFR 351.226(f)(4).

¹¹ See also 19 CFR 351.303 (for general filing requirements).

¹² See 19 CFR 351.309(c)(2) and (d)(2); see also 19 CFR 351.303 (for general filing requirements).

requirements pertaining to the service of documents in 19 CFR 351.303(f).¹³

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the publication of this notice. Requests should contain the party's name, address, telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Unless the deadline is extended, Commerce intends to issue the final determination of this inquiry, including the results of its analysis of the issues raised in any written briefs, no later than 300 days from the date of initiation of the inquiry, pursuant to 19 CFR 351.226(e)(2). As such, the deadline to issue the final determination is currently March 27, 2024.

Notification to Interested Parties

Commerce is issuing and publishing this affirmative preliminary determination of circumvention in accordance with sections 781(c) of the Act, 19 CFR 351.226(j), and 19 CFR 351.226(g)(1).

Dated: November 14, 2023.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Orders
- IV. Merchandise Subject to the Circumvention Inquiry
- V. Statutory and Regulatory Framework
- VI. Circumvention Analysis
- VII. Preliminary Affirmative Determination of Circumvention
- VIII. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–331–806; C–533–921; C–560–843; C–552–838]

Frozen Warmwater Shrimp From Ecuador, India, Indonesia, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations

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

DATES: Applicable November 14, 2023.

FOR FURTHER INFORMATION CONTACT: Zachary Shaykin (Ecuador), Steven Seifert (India), Kelsie Hohenberger (Indonesia), and Adam Simons (Vietnam), AD/CVD Operations, Offices II, IV, V, and IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2630, (202) 482–3350, (202) 482–2517, or (202) 482–6172, respectively.

SUPPLEMENTARY INFORMATION:

The Petitions

On October 25, 2023, the U.S. Department of Commerce (Commerce) received countervailing duty (CVD) petitions concerning imports of frozen warmwater shrimp (shrimp) from Ecuador, India, Indonesia, and the Socialist Republic of Vietnam (Vietnam) filed in proper form on behalf of the American Shrimp Processors Association (ASPA or the petitioner).¹ The CVD petitions were accompanied by antidumping duty (AD) petitions concerning imports of shrimp from Ecuador and Indonesia.²

On October 27, 2023, through November 9, 2023, Commerce requested supplemental information pertaining to certain aspects of the Petitions.³ On

¹ See Petitioner's Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties on Frozen Warmwater Shrimp from Ecuador, India, Indonesia, and the Socialist Republic of Vietnam," dated October 25, 2023 (Petitions).

² *Id.*

³ See Commerce's Letters, "Petition for the Imposition of Countervailing Duties on Imports of Frozen Warmwater Shrimp from Ecuador: Supplemental Questions," dated October 27, 2023; "Petition for the Imposition of Countervailing Duties on Imports of Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Supplemental Questions," dated October 27, 2023; "Petition for the Imposition of Countervailing Duties on Imports of Frozen Warmwater Shrimp from Ecuador, India, Indonesia, and Vietnam: Supplemental Questions," dated October 27, 2023; "Petitions for

October 26, 2023, the petitioner filed an amendment to the proposed scope.⁴ On October 31, through November 13, 2023, the petitioner filed timely responses to these requests for additional information.⁵

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that the Government of Ecuador (GOE), Government of India (GOI), the

the Imposition of Antidumping and Countervailing Duties on Imports of Frozen Warmwater Shrimp from Ecuador, India, Indonesia, and the Socialist Republic of Vietnam: Supplemental Questions," dated October 30, 2023 (General Issues Supplemental Questionnaire); "Petition for the Imposition of Countervailing Duties on Imports of Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Additional Supplemental Questions," dated October 31, 2023; "Petition for the Imposition of Countervailing Duties on Imports of Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Additional Supplemental Questions," dated November 8, 2023; Memorandum, "Phone Call with Counsel to the Petitioner," dated November 6, 2023 (November 6 Memorandum); and Memorandum, "Phone Call with Counsel to the Petitioner," dated November 9, 2023.

⁴ See Petitioner's Letter, "Amendment to Petitions for the Imposition of Antidumping and Countervailing Duties on Frozen Warmwater Shrimp from Ecuador, India, Indonesia, and Vietnam," dated October 26, 2023 (Scope Amendment).

⁵ See Petitioner's Letters, "Countervailing Duty Investigation of Frozen Warmwater Shrimp from the Socialist Republic of Vietnam; Amendment to the Petition for the Imposition of Countervailing Duties on Frozen Warmwater Shrimp from Vietnam," dated October 31, 2023; "Petition for the Imposition of Countervailing Duties on Frozen Warmwater Shrimp from Ecuador, India, Indonesia, and Vietnam: Petition Supplemental Questions Response," dated October 31, 2023; "Petition for the Imposition of Countervailing Duties on Warmwater Shrimp from India: Petition Supplemental Questions Response," dated October 31, 2023; "Petition for the Imposition of Antidumping and Countervailing Duties on Imports of Frozen Warmwater Shrimp from Ecuador, India, Indonesia, and Vietnam: Petition Supplemental Questions Response," dated November 1, 2023 (First General Issues Supplement); "Petition for the Imposition of Countervailing Duties on Frozen Warmwater Shrimp from Ecuador: Petition Supplemental Questions Response," dated November 1, 2023; "Countervailing Duty Investigation of Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Second Amendment to the Petition for the Imposition of Countervailing Duties on Frozen Warmwater Shrimp from Vietnam," dated November 2, 2023; "Petition for the Imposition of Antidumping and Countervailing Duties on Imports of Frozen Warmwater Shrimp from Ecuador, India, Indonesia, and Vietnam: Second Supplemental Questions Response," dated November 8, 2023 (Second General Issues Supplement); "Countervailing Duty Investigation of Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Third Amendment to the Petition for the Imposition of Countervailing Duties on Frozen Warmwater Shrimp from Vietnam," dated November 9, 2023; and "Petition for the Imposition of Antidumping and Countervailing Duties on Imports of Frozen Warmwater Shrimp from Ecuador, India, Indonesia, and Vietnam: Petition 3rd Supplemental Question Response," dated November 13, 2023 (Third General Issues Supplement).

¹³ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings: Final Rule*, 88 FR 67069 (September 29, 2023).