

Security (“BIS”) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Skolseg’s conviction for violating 18 U.S.C. 554. As provided in section 766.25 of the Export Administration Regulations (“EAR” or the “Regulations”), BIS provided notice and opportunity for Skolseg to make a written submission to BIS. 15 CFR 766.25.<sup>2</sup> BIS has not received a written submission from Skolseg.

Based upon my review of the record and consultations with BIS’s Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Skolseg’s export privileges under the Regulations for a period of five years from the date of Skolseg’s conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Skolseg had an interest at the time of his conviction.<sup>3</sup>

Accordingly, it is hereby *ordered*:

*First*, from the date of this Order until September 10, 2025, Colby Stephan Skolseg, with a last known address of 94 Pleasant View, Drayton Valley, Alberta, Canada, T7A 1M9, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (“the Denied Person”), may not 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 Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, 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 Regulations, or engaging in any other activity subject to 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 Regulations, or

from any other activity subject to the Regulations.

*Second*, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

*Third*, pursuant to section 1760(e) of ECRA and sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Skolseg by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

*Fourth*, in accordance with part 756 of the Regulations, Skolseg may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

*Fifth*, a copy of this Order shall be delivered to Skolseg and shall be published in the **Federal Register**.

*Sixth*, this Order is effective immediately and shall remain in effect until September 10, 2025.

**John Sonderman,**

*Director, Office of Export Enforcement.*

[FR Doc. 2023–10103 Filed 5–11–23; 8:45 am]

**BILLING CODE 3510-DT-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–201–836]

#### Light-Walled Rectangular Pipe and Tube From Mexico: Amended Final Results of Antidumping Duty Administrative Review; 2020–2021

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) is amending the final results of the administrative review of the antidumping duty order on light-walled rectangular pipe and tube (LWRPT) from Mexico to correct certain ministerial errors. The period of review is August 1, 2020, through July 31, 2021.

**DATES:** Applicable May 12, 2023.

**FOR FURTHER INFORMATION CONTACT:** John Conniff, 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) 482–1009.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 14, 2023, Commerce published the *Final Results* of the 2020–2021 administrative review of LWRPT from Mexico.<sup>1</sup> Additionally, on March 13, 2023, Commerce informed interested parties that it had disclosed all calculations for the *Final Results*, and provided them with the opportunity to submit ministerial error comments.<sup>2</sup> Subsequently, on March 20, 2023, Commerce received a timely filed allegation from Regiomontana de Perfiles y Tubos S. de R.L. de C.V. (Regiopytsa) regarding the calculation of its final weighted-average dumping margin.<sup>3</sup> No other interested party submitted comments.

<sup>1</sup> See *Light-Walled Rectangular Pipe and Tube from Mexico: Final Results of Antidumping Duty Administrative Review; 2020–2021*, 88 FR 15665 (March 14, 2023) (*Final Results*), and accompanying Issues and Decision Memorandum.

<sup>2</sup> See Memorandum, “Deadline for Ministerial Error Comments,” dated March 13, 2023.

<sup>3</sup> See Regiopytsa’s Letter, “Ministerial Error Comments,” dated March 20, 2023.

<sup>2</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2022).

<sup>3</sup> The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders pursuant to amendments to the Regulations (85 FR 73411, November 18, 2020).

**Legal Framework**

Section 751(h) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.224(f) define a “ministerial error” as including “errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other unintentional error which the administering authority considers ministerial.” With respect to final results of administrative reviews, 19 CFR 351.224(e) provides that Commerce “will analyze any comments received and, if appropriate, correct any ministerial error by amending . . . the final results of review . . . .”

**Ministerial Error**

Regiopytsa alleges that Commerce made a ministerial error in the *Final Results* within the meaning of section 751(h) of the Act and 19 CFR 351.224(f) by inadvertently basing average normal value and U.S. prices on quarterly weighted-average home market and U.S. prices, rather than on monthly weighted-average prices. Regiopytsa argues that Commerce’s practice is to based average normal value and average U.S. prices on monthly averages of home market and U.S. prices, respectively. This error resulted in an incorrect weighted-average dumping margin calculated for Regiopytsa.

We agree with Regiopytsa that Commerce made a ministerial error in its use of quarterly average prices for normal value and average U.S. prices. Pursuant to 777A(d)(2) of the Act, in an administrative review, a normal value based on comparison market prices must be limited to the period of a calendar month. By extension, when using the average-to-average comparison method, average U.S. prices must also be limited to U.S. market prices to the period of a calendar month. We have revised the margin calculations such that normal value and average U.S. price is based on monthly weighted-average home market and U.S. prices, respectively.

Details of Commerce’s analysis of Regiopytsa’s ministerial error allegation are included in the Ministerial Error Allegation Memorandum.<sup>4</sup> The Ministerial Error Allegation Memorandum is a public document and is available via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).

<sup>4</sup> See Memorandum, “Antidumping Duty Administrative Review of Light-Walled Rectangular Pipe and Tube from Mexico; 2020–2021: Ministerial Error Allegation,” dated concurrently with this notice (Ministerial Error Allegation Memorandum).

ACCESS is available to registered users at <https://access.trade.gov>.

Accordingly, pursuant to 19 CFR 351.224(e), Commerce is amending the *Final Results* to reflect the correction of this ministerial error in the calculation of the weighted-average dumping margin for Regiopytsa, which changes from 1.56 percent to 1.44 percent.<sup>5</sup> Furthermore, we are amending the weighted-average dumping margin for the companies not selected for individual examination in this review. The weighted-average dumping margin for the non-examined companies is based on the weighted-average dumping margins calculated for the mandatory respondents, which changes from 5.38 percent to 5.32 percent.<sup>6</sup>

**Amended Final Results of Review**

As a result of correcting the ministerial error, Commerce determines that the following weighted-average dumping margins exist for the period August 1, 2020, through July 31, 2021:

Producer or exporter	Weighted-average dumping margin (percent)
Maquilacero S.A. de C.V./ Tecnicas de Fluidos S.A. de C.V. <sup>7</sup> .....	9.20
Regiomontana de Perfiles y Tubos S. de R.L. de C.V ..	1.44
Perfiles LM, S.A. de C.V .....	5.32
Productos Laminados de Monterrey S.A. de C.V .....	5.32

**Disclosure**

We will disclose the calculations performed for these amended final results to parties to this segment of the proceeding within five days of the date of the publication of these amended final results, pursuant to 19 CFR 351.224(b).

**Assessment Rate**

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with these amended final results of the administrative review.

In accordance with 19 CFR 351.212(b)(1), for Maquilacero S.A. de

<sup>5</sup> *Id.*  
<sup>6</sup> See Memorandum, “Amended Non-Examined Company Rate Calculation,” dated concurrently with this notice.

<sup>7</sup> The weighted-average dumping margin for Maquilacero/TEFLU remains unchanged from the *Final Results*. See *Final Results*, 88 FR at 15666.

C.V. (Maquilacero) and Tecnicas de Fluidos S.A. de C.V. (TEFLU) (collectively, Maquilacero/TEFLU) and Regiopytsa, we calculated importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales for each importer to the total entered value of the sales for each importer. Where an importer-specific antidumping duty assessment rate is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), Commerce will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce’s “automatic assessment” will apply to entries of subject merchandise during the period of review produced by either Maquilacero/TEFLU or Regiopytsa for which the examined company did not know that the merchandise that they sold to the intermediary company (*e.g.*, a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate such entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

For the companies which were not selected for individual examination, we will instruct CBP to assess antidumping duties at an *ad valorem* assessment rate equal to the company-specific weighted-average dumping margin determined in these amended final results.

The amended final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the amended final results of this review and for future deposits of estimated duties, where applicable.<sup>8</sup>

Commerce intends to issue assessment instructions to CBP no earlier than 41 days after the date of publication of the amended final results of this review in the **Federal Register**, in accordance with 19 CFR 356.8(a).

**Cash Deposit Requirements**

The following cash deposit requirements will be effective retroactively for all shipments of subject merchandise that entered, or were withdrawn from warehouse, for consumption on or after March 14, 2023, the date of publication of the *Final Results* of this administrative review. As provided for by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be equal to the weighted-average dumping margin established in these amended final results of review;

<sup>8</sup> See section 751(a)(2)(C) of the Act.

(2) for exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review or another completed segment of this proceeding, but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) if neither the exporter nor the producer is a firm covered in this or any previously completed segment of this proceeding, then the cash deposit rate will be the all-others rate of 3.76 percent established in the less-than-fair-value investigation.<sup>9</sup>

These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the period of review. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled 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 return or destruction of proprietary information disclosed under APO in 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 return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

#### Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections

<sup>9</sup> See *Light-Walled Rectangular Pipe and Tube from Mexico, the People's Republic of China, and the Republic of Korea: Antidumping Duty Orders; Light-Walled Rectangular Pipe and Tube from the Republic of Korea: Notice of Amended Final Determination of Sales at Less Than Fair Value*, 73 FR 45403 (August 5, 2008).

751(h) and 777(i)(1) of the Act, and 19 CFR 351.224(e).

Dated: May 8, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-552-826]

#### Utility Scale Wind Towers From the Socialist Republic of Vietnam: Notice of Court Decision Not in Harmony With the Final Determination of Countervailing Duty Investigation

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

**SUMMARY:** On April 27, 2023, the U.S. Court of International Trade (CIT) issued its final judgment in *Wind Tower Trade Coalition v. United States*, Court No. 20-03692, sustaining the U.S. Department of Commerce's (Commerce) final results of redetermination pertaining to the countervailing duty (CVD) investigation of utility scale wind towers (wind towers) from the Socialist Republic of Vietnam (Vietnam) covering the period of investigation January 1, 2018, through December 31, 2018.

Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final determination in that investigation.

**DATES:** Applicable April 27, 2023.

**FOR FURTHER INFORMATION CONTACT:** Carolyn Adie or Frank Schmitt, 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) 482-6250 or (202) 482-4880, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 6, 2020, Commerce published its *Final Determination* in the CVD investigation of wind towers from Vietnam.<sup>1</sup> Commerce calculated a final subsidy rate for the mandatory respondent, CS Wind Vietnam Co., Ltd. (a.k.a. CS Wind Tower Co., Ltd.) (CS Wind Vietnam), and assigned the

<sup>1</sup> See *Utility Scale Wind Towers from the Socialist Republic of Vietnam: Final Affirmative Countervailing Duty Determination and Negative Determination of Critical Circumstance*, 85 FR 40229 (July 6, 2020) (*Final Determination*), and accompanying Issues and Decision Memorandum.

subsidy rate calculated for CS Wind Vietnam as the all-others rate.<sup>2</sup> Commerce subsequently published the CVD order on wind towers from Vietnam.<sup>3</sup>

The Wind Tower Trade Coalition appealed Commerce's *Final Determination*. On March 24, 2022, the CIT remanded the *Final Determination* to Commerce, instructing Commerce to: (1) discuss and address certain evidence and arguments that the Wind Tower Trade Coalition raised pertaining to potential manipulation; and (2) substantiate its conclusion as to the import status of certain steel plate in light of evidence that detracts from its conclusions, and to further explain its subsidy calculations for the Import Duty Exemptions program.<sup>4</sup>

In its final results of redetermination, issued on July 21, 2022, Commerce provided further explanation and analysis of the evidence and arguments presented by the Wind Tower Trade Coalition concerning manipulation, and provided further explanation to substantiate our finding that certain steel plate imports were sourced from within Vietnam, rather than imported. Based on the results of these analyses, the CVD rates calculated in the *Final Determination* remain unchanged.<sup>5</sup> The CIT sustained Commerce's final results of redetermination.<sup>6</sup>

#### Timken Notice

In its decision in *Timken*,<sup>7</sup> as clarified by *Diamond Sawblades*,<sup>8</sup> the U.S. 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 April 27, 2023, judgment constitutes a

<sup>2</sup> *Id.*

<sup>3</sup> See *Utility Scale Wind Towers from Canada, Indonesia, and the Socialist Republic of Vietnam: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Orders*, 85 FR 52543 (August 26, 2020).

<sup>4</sup> See *Wind Tower Trade Coalition v. United States*, Court No. 20-03692, Slip. Op. 22-27 (CIT March 24, 2022).

<sup>5</sup> See *Final Results of Redetermination Pursuant to Court Remand, Wind Tower Trade Coalition v. United States*, Court No. 20-03692, Slip. Op. 22-27 (CIT March 24, 2022), dated July 21, 2022, available at <https://access.trade.gov/resources/remands/index.html>.

<sup>6</sup> See *Wind Tower Trade Coalition v. United States*, Slip. Op. 23-63 (CIT April 27, 2023).

<sup>7</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>8</sup> See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).