

antidumping duty (AD) and countervailing duty (CVD) orders on certain quartz surface products (quartz surface products) from the People's Republic of China (China) to determine whether the quartz surface products imported by AM Stone into the United States and exported by Universal Quartz and Stone Industrial SDN BHD (Universal Quartz) from Malaysia were manufactured in Malaysia with non-Chinese origin quartz slab.

**DATES:** Applicable June 26, 2023.

**FOR FURTHER INFORMATION CONTACT:** Ajay Menon, 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) 482-0208.

**SUPPLEMENTARY INFORMATION:**

**Background**

On July 11, 2019, Commerce published in the **Federal Register** the orders on quartz surface products from China.<sup>1</sup> On October 21, 2022, Commerce published in the **Federal Register** the final results of a scope ruling regarding imports of quartz surface products manufactured in China and further processed in Malaysia, finding that such imports are covered by the scope of the *Orders*.<sup>2</sup> Moreover, because exporters of quartz surface products from Malaysia export both subject and non-subject merchandise, Commerce established a scope certification process for all imports of quartz surface products from Malaysia. Specifically, Commerce set forth certification requirements for importers and exporters to permit imports from Malaysia produced from non-Chinese origin quartz slab not to be subject to suspension of liquidation and cash deposit requirements. In so doing, Commerce also determined that certain companies processing Chinese quartz slab in Malaysia, including Universal Quartz, were ineligible to participate in this scope certification process.<sup>3</sup> However, Commerce indicated that these companies, including Universal Quartz, could request reconsideration of their exclusion from the certification process in a future segment of the proceeding (e.g., in a CCR).<sup>4</sup>

<sup>1</sup> See *Certain Quartz Surface Products from the People's Republic of China: Antidumping and Countervailing Duty Orders*, 84 FR 33053 (July 11, 2019) (*Orders*).

<sup>2</sup> See *Certain Quartz Surface Products from the People's Republic of China: Final Scope Ruling on Malaysian Processed Quartz Slab and Recission of the Circumvention Inquiry*, 87 FR 64009, 64010 (October 21, 2022).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*, 87 FR at 64010.

On May 11, 2023, AM Stone submitted a letter requesting that Commerce conduct a CCR to reconsider Universal Quartz's eligibility for the certification process, such that Universal Quartz can certify that the quartz surface products imported by AM Stone are not produced from Chinese-origin quartz slab.<sup>5</sup> We received no comments from interested parties regarding the CCR Request.

**Scope of the Orders**

The products covered by the *Orders* are quartz surface products from China.<sup>6</sup> The products subject to the scope are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under the following subheading: 6810.99.0010. Subject merchandise may also enter under subheadings 6810.11.0010, 6810.11.0070, 6810.19.1200, 6810.19.1400, 6810.19.5000, 6810.91.0000, 6810.99.0080, 2506.10.0010, 2506.10.0050, 2506.20.0010, 2506.20.0080, and 7016.90.1050. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive.

**Initiation of CCR**

Pursuant to section 751(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216(d), Commerce conducts a CCR upon receipt of information concerning, or a request from, an interested party for a review of an AD or CVD order which shows changed circumstances sufficient to warrant a review of the order. The information AM Stone provided regarding Universal Quartz's exports of quartz surface products demonstrates changed circumstances sufficient to warrant such a review.<sup>7</sup> Therefore, we are initiating a CCR pursuant to section 751(b)(1) of the Act and 19 CFR 351.216(d) based upon the information contained in AM Stone's submission to determine whether Universal Quartz is eligible to certify that its quartz surface products are not produced from Chinese-origin quartz slab.

Commerce will issue a questionnaire requesting additional information from AM Stone for this CCR regarding its quartz slab and will publish in the **Federal Register** a notice of the preliminary results, in accordance with 19 CFR 351.221(b)(4) and (c)(3)(i). All information submitted may be subject to

<sup>5</sup> See AM Stone's Letter, "Request for Changed Circumstances Review of Universal Quartz," dated May 11, 2023 (CCR Request).

<sup>6</sup> See *Orders*, 84 FR at 33055-56, for a complete description of the scope.

<sup>7</sup> See, generally, CCR Request.

verification. Failure to allow full and complete verification of any information submitted may affect Commerce's consideration of that information. Commerce will set forth its preliminary factual and legal conclusions in this notice and a description of any action proposed based on those results. Pursuant to 19 CFR 351.221(b)(4)(ii), interested parties will have an opportunity to comment on the preliminary results. Unless extended, Commerce will issue the final results of this CCR in accordance with the time limits set forth in 19 CFR 351.216(e).

**Notification to Interested Parties**

We are issuing this notice in accordance with sections 751(b)(1) and 777(i) of the Act and 19 CFR 351.216(b), and 351.221(b)(1).

Dated: June 20, 2023.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-570-970]

**Multilayered Wood Flooring From the People's Republic of China: Notice of Court Decision Not in Harmony With the Results of 2015-2016 Antidumping Duty Administrative Review; Notice of Amended Final Results**

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

**SUMMARY:** On June 9, 2023, the U.S. Court of International Trade (CIT) issued its final judgment in *Jilin Forest Industry Jinqiao Flooring Group Co., Ltd. v. United States*, Court no. 18-00191, sustaining the Department of Commerce (Commerce)'s second remand results pertaining to the administrative review of the antidumping duty (AD) order on multilayered wood flooring (MLWF) from the People's Republic of China (China) covering the period December 1, 2015, through November 30, 2016. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final results of the administrative review, and that Commerce is amending the final results with respect to the dumping margin assigned to Jilin Forest Industry Jinqiao Flooring Group Co., Ltd. (Jilin Forest).

**DATES:** Applicable June 19, 2023.

**FOR FURTHER INFORMATION CONTACT:**

Alexis Cherry, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0607.

**SUPPLEMENTARY INFORMATION:****Background**

On July 26, 2018, Commerce published its *Final Results* in the 2015–2016 AD administrative review of MLWF from China.<sup>1</sup> Commerce determined that mandatory respondent Jilin Forest did not qualify for a separate rate because it is an entity that is majority-owned by the Chinese government and, therefore, had not demonstrated an absence of *de facto* government control. Jilin Forest appealed Commerce's *Final Results*. On April 29, 2021, the CIT remanded the *Final Results* to Commerce.<sup>2</sup> The CIT held the following: (1) Commerce's determination of *de facto* government control of Jilin Forest, a cooperating mandatory respondent, lacks the support of substantial evidence and is not in accordance with law; and (2) Commerce failed to explain how the application of its non-market-economy (NME) presumption to Jilin Forest after the company was selected for individual examination was in accordance with law and supported by substantial evidence.<sup>3</sup>

In its first remand redetermination, issued in November 2021, Commerce further explained its determination that Jilin Forest failed to rebut the presumption of *de facto* government control and, therefore, was not entitled to an individual weighted-average dumping margin separate from the rate established for the China-wide entity.<sup>4</sup>

<sup>1</sup> See *Multilayered Wood flooring from the People's Republic of China: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission; 2015–2016*, 83 FR 35461 (July 26, 2018), and accompanying Issues and Decision Memorandum; and *Multilayered Wood Flooring from the People's Republic of China: Correction to the Final Results of Antidumping Duty Administrative Review; 2015–2016*, 83 FR 45418 (September 7, 2018) (in which Commerce corrected the misspelling of Dalian Guhua Wooden Product Co., Ltd.'s name and included Double F Limited among the companies for which this review was rescinded) (collectively, *Final Results*). Commerce referred to the respondent Jilin Forest Industry Jinqiao Flooring Group Co., Ltd. as "Jinqiao Flooring" in the *Final Results*.

<sup>2</sup> See *Jilin Forest Industry Jinqiao Flooring Group Co., Ltd. v. United States*, 519 F. Supp. 3d 1224 (CIT 2021).

<sup>3</sup> *Id.*

<sup>4</sup> See *Final Results of Redetermination Pursuant to Court Remand, Jilin Forest Industry Jinqiao Flooring Group Co., Ltd. v. United States*, Court No.

Additionally, Commerce provided an overview of its broad authority under the statutory scheme, the purpose of Commerce's NME presumption,<sup>5</sup> and the application of its NME presumption and the application of the weighted-average dumping margin established for the China-wide entity to Jilin Forest.<sup>6</sup> We also referenced the U.S. Court of Appeals for the Federal Circuit's (Federal Circuit's) decisions that have affirmed Commerce's application of the NME presumption and recognition of an NME-wide entity as a single exporter for purposes of assigning an antidumping duty rate to the individual members of the NME-wide entity that have not demonstrated either their *de jure* or *de facto* independence from government control.<sup>7</sup>

The CIT remanded for a second time, finding that Commerce did not provide a "lawful justification for its use of the NME presumption with respect to Jilin {Forest} as a cooperative mandatory respondent" and ordered Commerce to calculate an individual weighted-average dumping margin for Jilin Forest.<sup>8</sup> The CIT also held Commerce's reliance on the China NME Status report for the basis that labor unions in China are under state control is substantial evidence "to support Commerce's conclusion that Jilin has not rebutted the presumption of state control { } because if Jilin's labor union is under state control, its appointment of a majority of Jilin's board of directors confirms that the state controls the company."<sup>9</sup>

In its second remand redetermination, issued in May 2023, Commerce calculated a weighted-average dumping margin for Jilin Forest, under respectful protest, in accordance with the methodology set out in the *Preliminary Results*.<sup>10</sup> The CIT sustained

18–00191, Slip Op. 21–49 (CIT April 29, 2021), dated November 15, 2021, at 4–13, 37–42, available at <https://access.trade.gov/Resources/remands/21-49.pdf>.

<sup>5</sup> *Id.* at 15–22.

<sup>6</sup> *Id.* at 25–28.

<sup>7</sup> *Id.* at 19–21.

<sup>8</sup> See *Jilin Forest Industry Jinqiao Flooring Group Co., Ltd. v. United States*, 617 F. Supp.3d 1343, 1369 (CIT 2023).

<sup>9</sup> *Id.* at 1350.

<sup>10</sup> See *Final Results of Redetermination Pursuant to Court Remand, Jilin Forest Industry Jinqiao Flooring Group Co., Ltd. v. United States*, Court No. 18–00191, Slip Op. 23–14 (CIT February 9, 2023), dated May 3, 2023, at 4–13, 37–42. See also *Multilayered Wood Flooring from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review, Preliminary Determination of No Shipments, and Rescission of Review, in Part; 2015–2016*, 83 FR 2137 (January 16, 2018) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

Commerce's second remand redetermination.<sup>11</sup>

**Timken Notice**

In its decision in *Timken*,<sup>12</sup> as clarified by *Diamond Sawblades*,<sup>13</sup> 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 June 9, 2023, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Results*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

**Amended Final Results**

Because there is now a final court judgment, Commerce is amending its *Final Results* with respect to Jilin Forest as follows:

Exporter	Margin (percent)
Jilin Forest Industry Jinqiao Flooring Group Co., Ltd ....	0.00

**Cash Deposit Requirements**

Because Jilin Forest has a superseding cash deposit rate, *i.e.*, there have been final results published in a subsequent administrative review, we will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP). This notice will not affect the current cash deposit rate.

**Liquidation of Suspended Entries**

At this time, Commerce remains enjoined by CIT order from liquidating entries that were exported by Jilin Forest, and were entered, or withdrawn from warehouse, for consumption during the period December 1, 2015, through November 30, 2016.

In the event the CIT's ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.<sup>14</sup>

<sup>11</sup> See *Jilin Forest Industry Jinqiao Flooring Group Co., Ltd. v. United States*, Consol. Court No. 18–00191 (CIT June 9, 2023).

<sup>12</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>13</sup> See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

<sup>14</sup> See 19 CFR 351.106(c)(2).

**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 20, 2023.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Reporting Requirements for the Ocean Salmon Fishery Off the Coasts of Washington, Oregon, and California**

**AGENCY:** National Oceanic & Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of information collection, request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before August 25, 2023.

**ADDRESSES:** Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at [NOAA.PRA@noaa.gov](mailto:NOAA.PRA@noaa.gov). Please reference OMB Control Number 0648-0433 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or specific questions related to collection activities should be directed to Shannon Penna, National Marine Fisheries Service (NMFS) West Coast Region, 7600 Sand Point Way NE, Seattle WA 98115; telephone: 562-980-4239; email: [shannon.penna@noaa.gov](mailto:shannon.penna@noaa.gov).

**SUPPLEMENTARY INFORMATION:****I. Abstract**

This request is for an extension of a currently approved information collection.

Ocean salmon fisheries conducted in the U.S. exclusive economic zone, 3–200 nautical miles off the West Coast states of Washington, Oregon, and California are managed by the Pacific Fishery Management Council (Council) and NOAA's NMFS under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Management measures for the ocean salmon fisheries are set annually, consistent with the Council's Pacific Coast Salmon Fishery Management Plan (FMP). The FMP provides a framework for managing the ocean salmon fisheries in a sustainable manner, as required under the MSA, through the use of conservation objectives, annual catch limits, and other reference points and status determination criteria described in the FMP. To meet these criteria, annual management measures, published in the **Federal Register** by NMFS, specify regulatory areas, catch restrictions, and landing restrictions based on the stock abundance forecasts. These catch and landing restrictions include area- and species-specific quotas for the commercial ocean salmon fishery, and generally require catch and landings to be reported to the appropriate state and tribal agencies to allow for timely and accurate accounting of the season's catch (50 CFR 660.404 and 50 CFR 660.408(o)). The best available catch and effort data and projections are presented by the state fishery managers in telephone conference calls involving the NMFS Regional Administrator and representatives of the Council. However, NMFS acknowledges that unsafe weather or mechanical problems could prevent commercial fishermen from making their landings at the times and places specified, and the MSA requires conservation and management measures to promote the safety of human life at sea. Therefore, the annual management measures will include provisions to exempt commercial salmon fishermen from compliance with the landing requirements when they experience unsafe weather conditions or mechanical problems at sea, so long as the appropriate notifications are made by, for example, at-sea radio and cellular telephone, and information on catch and other required information is given, under this collection of information.

The annual management measures will specify the contents and procedure of the notifications, and the entities

receiving the notifications (e.g., U.S. Coast Guard). Absent this requirement by the Council, the state reporting systems would not regularly collect this specific type of in-season radio report. These provisions, and this federal collection of information, promote safety at sea and provide practical utility for sustainably managing the fishery, and ensure regulatory consistency across each state by implementing the same requirements in the territorial waters off each state. This information collection is intended to be general in scope by leaving the specifics of the notifications for annual determination, thus providing flexibility in responding to salmon management concerns in any given year.

**II. Method of Collection**

Notifications are made by at-sea radio or cellular phone transmissions.

**III. Data**

*OMB Control Number:* 0648-0433.

*Form Number(s):* None.

*Type of Review:* Regular submission (extension of a currently approved collection).

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 40.

*Estimated Time per Response:* 15 minutes.

*Estimated Total Annual Burden Hours:* 10 hours.

*Estimated Total Annual Cost to Public:* \$0 in recordkeeping/reporting costs.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* Magnuson-Stevens Fishery Conservation and Management Act.

**IV. Request for Comments**

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request