

Timken Notice

In its decision in *Timken*,⁶ as clarified by *Diamond Sawblades*,⁷ 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 July 12, 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 the Separate Rate Respondents as follows:

Company	Final results rate (percent)	Remand rate (percent)
Chengdu Huifeng New Material Technology Co., Ltd.	82.05	41.03
Danyang Weiwang Tools Manufacturing Co., Ltd.	82.05	41.03
Quanzhou Zhongzhi Diamond Tool Co., Ltd.	82.05	41.03

Cash Deposit Requirements

Because Chengdu Huifeng New Material Technology Co., Ltd., and Quanzhou Zhongzhi Diamond Tool Co., Ltd., have superseding cash deposit rates, *i.e.*, there have been final results published in a subsequent administrative review,⁸ we will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP) with respect to these companies. This notice will not affect the current cash deposit rate for these exporters.

Commerce will issue revised cash deposit instructions to CBP for Danyang Weiwang Tools Manufacturing Co., Ltd., which does not have a superseding cash deposit rate.

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that were exported by the Separate Rate Respondents, and were entered, or withdrawn from warehouse, for consumption during the period November 1, 2016, through October 31, 2017. These entries will remain enjoined pursuant to the terms of the injunctions during the pendency of any appeals process.

In the event the CIT’s ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess antidumping duties on unliquidated entries of subject merchandise exported by the Separate Rate Respondents in accordance with 19

CFR 351.212(b). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review.

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: July 17, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2023–15469 Filed 7–20–23; 8:45 am]

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DEPARTMENT OF COMMERCE**International Trade Administration**

[A–533–840]

Certain Frozen Warmwater Shrimp From India: Notice of Initiation of Antidumping Duty Changed Circumstances Review

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

SUMMARY: The U.S. Department of Commerce (Commerce) is initiating a changed circumstances review (CCR) to determine if Elque Ventures Private Limited (Elque) is the successor-in-interest to Elque & Co. in the context of the antidumping duty (AD) order on certain frozen warmwater shrimp (shrimp) from India.

DATES: Applicable July 21, 2023.

FOR FURTHER INFORMATION CONTACT:

Terre Keaton Stefanova or Christopher Viers, 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) 482–0519, respectively.

SUPPLEMENTARY INFORMATION:**Background**

On February 1, 2005, Commerce published in the **Federal Register** the AD order on shrimp from India.¹ On June 6, 2023, Elque requested that, pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), 19 CFR 351.216, and 19 CFR 351.221(c)(3), Commerce conduct an expedited CCR to determine that it is the successor-in-interest to Elque & Co. and assign it the cash deposit rate of the Elque Group.² In its submission, Elque stated that in 2022 it changed its name from Elque & Co. and also changed its corporate structure to become a limited liability company.³ In addition, Elque notes that, because Commerce determined in the 2017–2018 administrative review to treat Calcutta Seafoods Pvt. Ltd. (Calcutta), Bay Seafood Pvt. Ltd. (Bay Seafood), and Elque & Co. as a collective entity (*i.e.*, the Elque Group), Commerce should also determine that the Elque Group is

Duty Order: Certain Frozen Warmwater Shrimp from India, 70 FR 5147 (February 1, 2005) (*Order*).

² See *Certain Frozen Warmwater Shrimp from India: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018*, 78 FR 61843 (April 23, 2019), and accompanying Preliminary Decision Memorandum, unchanged in *Certain Frozen Warmwater Shrimp from India: Final Results of Antidumping Duty Administrative Review; 2017–2018*, 84 FR 57847 (October 29, 2019).

³ See Elque’s Letter, “Request for an Expedited Changed Circumstances Review,” dated June 6, 2023.

⁶ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

⁷ See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

⁸ See *Diamond Sawblades and Parts Thereof from the People’s Republic of China: Preliminary Results of Antidumping Duty Administrative Review, Preliminary Determination of No Shipments, and Rescission of Review in Part; 2018–2019*, 86 FR 14873 (March 19, 2021), unchanged in *Diamond Sawblades and Parts Thereof from the People’s Republic of China: Final Results of Antidumping Duty Administrative Review; 2018–2019*, 86 FR

46832 (August 20, 2021); see also *Diamond Sawblades and Parts Thereof from the People’s Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2019–2020*, 86 FR 41446 (August 2, 2021), unchanged in *Diamond Sawblades and Parts Thereof from the People’s Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2019–2020*, 86 FR 67905 (November 30, 2021).

¹ See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping*

now comprised of Calcutta, Bay Seafood, and Elque.

Scope of the Order

The scope of this *Order* includes certain frozen warmwater shrimp and prawns, whether wild-caught (ocean harvested) or farm-raised (produced by aquaculture), head-on or head-off, shell-on or peeled, tail-on or tail-off,⁴ deveined or not deveined, cooked or raw, or otherwise processed in frozen form.

The frozen warmwater shrimp and prawn products included in the scope of this *Order*, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products which are processed from warmwater shrimp and prawns through freezing and which are sold in any count size.

The products described above may be processed from any species of warmwater shrimp and prawns. Warmwater shrimp and prawns are generally classified in, but are not limited to, the *Penaeidae* family. Some examples of the farmed and wild-caught warmwater species include, but are not limited to, whiteleg shrimp (*Penaeus vannamei*), banana prawn (*Penaeus merguensis*), fleshy prawn (*Penaeus chinensis*), giant river prawn (*Macrobrachium rosenbergii*), giant tiger prawn (*Penaeus monodon*), redspotted shrimp (*Penaeus brasiliensis*), southern brown shrimp (*Penaeus subtilis*), southern pink shrimp (*Penaeus notialis*), southern rough shrimp (*Trachypenaeus curvirostris*), southern white shrimp (*Penaeus schmitti*), blue shrimp (*Penaeus stylirostris*), western white shrimp (*Penaeus occidentalis*), and Indian white prawn (*Penaeus indicus*).

Frozen shrimp and prawns that are packed with marinade, spices or sauce are included in the scope of this *Order*. In addition, food preparations, which are not “prepared meals,” that contain more than 20 percent by weight of shrimp or prawn are also included in the scope of this *Order*. Excluded from the scope are: (1) breaded shrimp and prawns (HTSUS subheading 1605.20.10.20); (2) shrimp and prawns generally classified in the *Pandalidae* family and commonly referred to as coldwater shrimp, in any state of processing; (3) fresh shrimp and prawns whether shell-on or peeled (HTSUS subheadings 0306.23.00.20 and 0306.23.00.40); (4) shrimp and prawns in prepared meals (HTSUS subheading 1605.20.05.10); (5) dried shrimp and prawns; (6) canned warmwater shrimp

and prawns (HTSUS subheading 1605.20.10.40); (7) certain battered shrimp. Battered shrimp is a shrimp-based product: (1) that is produced from fresh (or thawed-from-frozen) and peeled shrimp; (2) to which a “dusting” layer of rice or wheat flour of at least 95 percent purity has been applied; (3) with the entire surface of the shrimp flesh thoroughly and evenly coated with the flour; (4) with the non-shrimp content of the end product constituting between four and ten percent of the product’s total weight after being dusted, but prior to being frozen; and (5) that is subjected to IQF freezing immediately after application of the dusting layer. When dusted in accordance with the definition of dusting above, the battered shrimp product is also coated with a wet viscous layer containing egg and/or milk, and par-fried. The merchandise subject to the *Order* is certain frozen warmwater shrimp.

The products covered by this *Order* are currently classified under the following (HTSUS) subheadings: 0306.17.00.04, 0306.17.00.05, 07, 0306.17.00.08, 0306.17.00.10, 0306.17.00.11, 0306.17.00.13, 0306.17.00.14, 0306.17.00.16, 0306.17.00.17, 0306.17.00.19, 0306.17.00.20, 0306.17.00.22, 0306.17.00.23, 0306.17.00.25, 0306.17.00.26, 0306.17.00.28, 0306.17.00.29, 0306.17.00.41, 0306.17.00.42, 1605.21.10.30, and 1605.29.10.10. These HTSUS subheadings are provided for convenience and for customs purposes only and are not dispositive, but rather the written description of the scope of this *Order* is dispositive.⁵

Initiation of CCR

Pursuant to section 751(b)(1)(A) of 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 order which shows changed

⁵ On April 26, 2011, Commerce amended the antidumping duty order to include dusted shrimp, pursuant to the U.S. Court of International Trade decision in *Ad Hoc Shrimp Trade Action Committee v. United States*, 703 F. Supp. 2d 1330 (CIT 2010) and the U.S. International Trade Commission determination, which found the domestic like product to include dusted shrimp. See *Certain Frozen Warmwater Shrimp from Brazil, India, the People’s Republic of China, Thailand, and the Socialist Republic of Vietnam: Amended Antidumping Duty Orders in Accordance with Final Court Decision*, 76 FR 23277 (April 26, 2011); see also *Ad Hoc Shrimp Trade Action Committee v. United States*, 703 F. Supp. 2d 1330 (CIT 2010); and *Frozen Warmwater Shrimp from Brazil, China, India, Thailand, and France* (Investigation Nos. 731–TA–1063, 1064, 1066–1068) (Review), USITC Publication 4221 (March 2011).

circumstances sufficient to warrant a review of the order. The information submitted by Elque regarding its claim that it is the successor-in-interest to Elque & Co. demonstrates changed circumstances sufficient to warrant the initiation of such a review.⁶ Therefore, in accordance with section 751(b)(1)(A) of the Act and 19 CFR 351.216(d) and (e), we are initiating a CCR.

In making a successor-in-interest determination, Commerce examines several factors, including, but not limited to, changes in the following: (1) management; (2) production facilities; (3) supplier relationships; and (4) customer base.⁷ While no single factor or combination of factors will necessarily provide a dispositive indication of a successor-in-interest relationship, generally, Commerce will consider the new company to be the successor to the previous company if the new company’s resulting operation is not materially dissimilar to that of its predecessor.⁸ Thus, if the record evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the predecessor company, Commerce may assign the new company the cash deposit rate of its predecessor.⁹

Pursuant to 19 CFR 351.221(c)(3)(ii), Commerce may combine the notices of initiation and preliminary results of a CCR into a single notice if it concludes that expedited action is warranted. However, we are not combining this notice of initiation with the preliminary results, because we require additional information from the other companies in the Elque Group regarding the effect

⁶ See 19 CFR 351.216(d).

⁷ See, e.g., *Certain Frozen Warmwater Shrimp from India: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review*, 81 FR 75376 (October 31, 2016) (*Shrimp from India Preliminary CCR*), unchanged in *Certain Frozen Warmwater Shrimp from India: Notice of Final Results of Antidumping Duty Changed Circumstances Review*, 81 FR 90774 (December 15, 2016) (*Shrimp from India Final CCR*).

⁸ See, e.g., *Shrimp from India Preliminary CCR*, 81 FR at 75377, unchanged in *Shrimp from India Final CCR*, 81 FR at 90774.

⁹ *Id.*; see also *Notice of Final Results of Changed Circumstances Antidumping Duty Administrative Review: Polychloroprene Rubber from Japan*, 67 FR 58, 59 (January 2, 2002); *Ball Bearings and Parts Thereof from France: Final Results of Changed-Circumstances Review*, 75 FR 34688, 34689 (June 18, 2010); and *Circular Welded Non-Alloy Steel Pipe from the Republic of Korea: Preliminary Results of Antidumping Duty Changed Circumstances Review*, 63 FR 14679 (March 26, 1998), unchanged in *Circular Welded Non-Alloy Steel Pipe from Korea: Final Results of Antidumping Duty Changed Circumstances Review*, 63 FR 20572 (April 27, 1998) (in which Commerce found that a company which only changed its name and did not change its operations is a successor-in-interest to the company before it changed its name).

⁴ “Tails” in this context means the tail fan, which includes the telson and the uropods.

of Elque & Co.'s name change and change in corporate structure on the operation of the Elque Group. Commerce intends to publish in the **Federal Register** a notice of the preliminary results of this CCR, in accordance with 19 CFR 351.221(b)(4) and (c)(3)(i), which will set forth Commerce's preliminary factual and legal conclusions. Pursuant to 19 CFR 351.221(b)(4)(ii), interested parties will have an opportunity to comment on the preliminary results.

Unless extended, Commerce intends to issue the final results of this CCR within 270 days after the date of initiation, in accordance with 19 CFR 351.216(e).

Notification to Interested Parties

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

Dated: July 17, 2023.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-552-829]

Passenger Vehicle and Light Truck Tires From the Socialist Republic of Vietnam: Preliminary Results of Countervailing Duty Administrative Review and Partial Rescission of Administrative Review; 2020-2021

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that the company subject to this countervailing duty administrative review of passenger vehicle and light truck tires (PVLТ tires) from the Socialist Republic of Vietnam (Vietnam)

received countervailable subsidies during the period of review (POR), November 10, 2020, through December 31, 2021. Additionally, Commerce is rescinding the review with respect to three companies. Interested parties are invited to comment on these preliminary results.

DATES: Applicable July 21, 2023.

FOR FURTHER INFORMATION CONTACT:

Thomas Schauer, 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) 482-0410.

SUPPLEMENTARY INFORMATION:

Background

On July 19, 2021, Commerce published in the **Federal Register** the countervailing duty order on PVLТ tires from Vietnam.¹ On July 1, 2022, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order* for the POR.² Between July 29 and August 1, 2022, we received timely requests from multiple parties to conduct an administrative review of the *Order*.³ On September 6, 2022, we published in the **Federal Register** a notice of initiation for this administrative review.⁴ On March 13, 2023, Commerce extended the deadline for the preliminary results of this review by 117 days to July 28, 2023.⁵

For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.⁶ A list of topics discussed in the Preliminary Decision Memorandum is provided in the appendix to this notice. 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>.

Scope of the Order

The scope of the *Order* covers PVLТ tires from Vietnam. For a complete description of the scope of the *Order*, see the Preliminary Decision Memorandum.

Methodology

We are conducting this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we determine that there is a subsidy, *i.e.*, a financial contribution by an "authority" that confers a benefit to the recipient, and that the subsidy is specific.⁷ For a full description of the methodology underlying our preliminary conclusions, see the Preliminary Decision Memorandum.

Partial Preliminary Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation. Commerce received withdrawal requests with respect to Sailun (Vietnam) Co., Ltd. (Sailun), Kumho Tire (Vietnam) Co., Ltd. (KTV), and Kumho Tire Co., Inc. (KTCl).⁸ Because the withdrawal requests were timely filed and no other parties requested reviews of these companies, in accordance with 19 CFR 351.213(d)(1), Commerce is rescinding this review of the *Order* for Sailun, KTV, and KTCl.⁹

Preliminary Results of Review

As a result of this administrative review, we preliminarily find that the following net countervailable subsidy rates exist for the period November 10, 2020, through December 31, 2021:

of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

⁸ See Sailun's Letter, "Sailun Withdrawal of Review Request," dated September 29, 2022; and KTV/KTCl's Letter, "Withdrawal of Request for Administrative Review," dated October 25, 2022.

⁹ See, *e.g.*, *Lightweight Thermal Paper from the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review; 2015*, 82 FR 14349 (March 20, 2017); and *Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2017*, 84 FR 14650 (April 11, 2019).

¹ See *Passenger Vehicle and Light Truck Tires from the Socialist Republic of Vietnam: Countervailing Duty Order*, 86 FR 38013 (July 19, 2021) (*Order*).

² See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation: Opportunity To Request Administrative Review and Join Annual Inquiry Service List*, 87 FR 39461 (July 1, 2022).

³ See Bridgestone's Letter, "Request for Administrative Review," dated July 29, 2022; Sailun's Letter, "Request for Administrative Review," August 1, 2022; and KTV and KTCl's Letter, "Request for Administrative Review," dated August 1, 2022.

⁴ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 87 FR 54463, 54474 (September 6, 2022).

⁵ See Memorandum, "Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review," dated March 13, 2023.

⁶ See Memorandum, "Decision Memorandum for the Preliminary Results and Partial Rescission of the Administrative Review of the Countervailing Duty Order on Passenger Vehicle and Light Truck Tires from the Socialist Republic of Vietnam; 2020-2021," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁷ See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E)