

The CIT sustained Commerce’s *Second Remand Results* on July 14, 2023.<sup>9</sup>

**Timken Notice**

In its decision in *Timken*,<sup>10</sup> as clarified by *Diamond Sawblades*,<sup>11</sup> the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of 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 14, 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 Husteel, Hyundai Steel, NEXTEEL, and SeAH for the period December 1, 2017, through November 30, 2018, as follows:

Producer or exporter	Weighted-average dumping margin (percent)
NEXTEEL Co., Ltd .....	1.12
SeAH Steel Corporation .....	0.00
<b>Review-Specific Average Rate Applicable to the Following Companies:</b> <sup>12</sup>	
Husteel Co., Ltd .....	1.12
Hyundai Steel Company/Hyundai HYSCO .....	1.12

**Cash Deposit Requirements**

Because NEXTEEL, SeAH, and the non-selected companies Husteel and Hyundai Steel have 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 rates for those exporters/producers.

**Liquidation of Suspended Entries**

Because the CIT’s ruling has not been appealed, Commerce intends to instruct CBP to assess antidumping duties on unliquidated entries of subject merchandise produced and/or exported by NEXTEEL, SeAH, and the non-selected companies, Husteel and Hyundai Steel, in accordance with 19 CFR 351.212(b). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate is not zero or *de minimis*. Where an import-specific *ad valorem* assessment rate is zero or *de minimis*,<sup>13</sup> we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

**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: October 4, 2023.  
**Lisa W. Wang,**  
*Assistant Secretary for Enforcement and Compliance.*  
 [FR Doc. 2023–22454 Filed 10–11–23; 8:45 am]  
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**DEPARTMENT OF COMMERCE**

**International Trade Administration**  
**[A–351–842]**

**Certain Uncoated Paper From Brazil: Final Results of Antidumping Duty Administrative Review; 2021–2022**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that Suzano S.A. made sales of subject merchandise at prices below normal value during the period of review (POR) March 1, 2021, through February 28, 2022. Commerce also determines that Sylvamo do Brasil Ltda. and Sylvamo Exports Ltda. (collectively, Sylvamo)

did not make sales of subject merchandise at prices below normal value during the POR.

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

**FOR FURTHER INFORMATION CONTACT:** Christopher Maciuba or Nathan James, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0413 or (202) 482–5305, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On April 6, 2023, Commerce published the *Preliminary Results*, and invited interested parties to comment.<sup>1</sup> On July 19, 2023, we extended the deadline for these final results to October 3, 2023.<sup>2</sup> For a complete description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.<sup>3</sup> Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

**Scope of the Order**<sup>4</sup>

The product covered by this *Order* is certain uncoated paper from Brazil. For

<sup>9</sup> See *NEXTEEL Co., Ltd. et al. v. United States*, Slip. Op. 23–103, Consol. Court No. 20–03898 (CIT 2023).

<sup>10</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>11</sup> See *Diamond Sawblades Mfrs. Coal. v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

<sup>12</sup> This rate is based on the rates for the respondents that were selected for individual review, excluding rates that are zero, *de minimis*,

or based entirely on facts available. See section 735(c)(5)(A) of the Act. Husteel and Hyundai Steel are the only two companies not selected for individual review in this administrative review that have unliquidated entries subject to this litigation. Commerce has already liquidated entries for the other non-selected respondents in this administrative review.

<sup>13</sup> See 19 CFR 351.106(c)(2).

<sup>1</sup> See *Certain Uncoated Paper from Brazil: Preliminary Results of the Antidumping Duty*

*Administrative Review; 2021–2022*, 88 FR 20478 (April 6, 2023) (*Preliminary Results*).

<sup>2</sup> See Memorandum, “Extension of Deadline for Final Results of the 2021–2022 Antidumping Duty Administrative Review,” dated July 19, 2023.

<sup>3</sup> See Memorandum, “Certain Uncoated Paper from Brazil: Issues and Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order; 2021–2022,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

a full description of the scope, *see* the Issues and Decision Memorandum.

### Analysis of Comments Received

We addressed the issue raised in the case and rebuttal brief in the Issues and Decision Memorandum. The issue that parties raised, and to which we responded in the Issues and Decision Memorandum, is attached to this notice as an appendix. 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 <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

### Changes Since the Preliminary Results

Following a review of the record and comments received from interested parties, we have made no changes to the *Preliminary Results*.

### Final Results of the Review

Commerce determines that the following estimated weighted-average dumping margins exist for the period March 1, 2021, through February 28, 2022:

Exporter/producer	Weighted average dumping margin (percent)
Suzano S.A .....	7.17
Sylvamo do Brasil Ltda./Sylvamo Exports Ltda .....	0.00

### Disclosure

Because we made no changes to the calculations performed in connection with the *Preliminary Results*, there are no new calculations to disclose, in accordance with 19 CFR 351.224(b), for these final results.

### Assessment Rates

Pursuant to section 751(a)(2)(A) 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 covered by this review.

Because Suzano's weighted-average dumping margin is not zero or *de*

*minimis* (*i.e.*, less than 0.5 percent), we calculated importer-specific *ad valorem* assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales. Where an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. For Sylvamo, because its weighted-average dumping margin is zero, we will instruct CBP to liquidate entries reported in this review without regard to antidumping duties.

Consistent with Commerce's assessment practice, for entries of subject merchandise during the POR produced by Suzano or Sylvamo for which they did not know their merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.<sup>5</sup>

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rates for Suzano and Sylvamo will be the rates established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, 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, a prior review, or the original less-than-fair-value (LTFV) investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject

merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 27.11 percent, the all-others rate established in the LTFV investigation.<sup>6</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

### Administrative Protective Order

This notice also serves as a reminder to parties subject to 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/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 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5) and 19 CFR 351.213(h)(1).

Dated: October 3, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix—List of Topics Discussed in the Issues and Decisions Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Changes Since the *Preliminary Results*
- V. Discussion of the Issue
  - Comment: Constructed Export Price Offset for Suzano S.A.
- VI. Recommendation

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<sup>4</sup> See *Certain Uncoated Paper from Australia, Brazil, Indonesia, the People's Republic of China, and Portugal: Amended Final Affirmative Antidumping Determinations for Brazil and Indonesia and Antidumping Duty Orders*, 81 FR 11174 (March 3, 2016) (*Order*).

<sup>5</sup> For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

<sup>6</sup> See *Order*.