

## V. Discussion of the Issues

Comment 1: Quarterly Costs

Comment 2: Movement Expenses

Comment 3: Inland Insurance Currency Conversion

Comment 4: Commission Expenses Currency Conversion

## VI. Recommendation

[FR Doc. 2023–24810 Filed 11–8–23; 8:45 am]

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## DEPARTMENT OF COMMERCE

## International Trade Administration

[A–201–847]

**Heavy Walled Rectangular Welded Steel Pipes and Tubes From Mexico: Notice of Court Decision Not in Harmony With the Results of Antidumping Administrative Review; Notice of Amended Final Results**

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

**SUMMARY:** On July 19, 2023, the U.S. Court of International Trade (CIT) issued its final judgment in *Nucor Tubular Products Inc. v. United States*, Court No. 21–00543, sustaining the U.S. Department of Commerce’s (Commerce) remand results pertaining to the administrative review of the antidumping duty (AD) order on heavy walled rectangular welded steel pipes and tubes (HWR pipes and tubes) from Mexico covering the period of review (POR), September 1, 2018, through August 31, 2019. 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 margins assigned to Maquilacero S.A. de C.V. (Maquilacero) and Productos Laminados de Monterrey S.A. de C.V. (Prolamsa).

**DATES:** Applicable July 29, 2023.

**FOR FURTHER INFORMATION CONTACT:** David Crespo, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3693.

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

On August 2, 2021, Commerce published its *Final Results*.<sup>1</sup> In the *Final*

<sup>1</sup> See *Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from Mexico: Final Results of Antidumping Duty Administrative Review; 2018–2019*, 86 FR 41448 (August 2, 2021) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

*Results*, Commerce made no changes to the *Preliminary Results*<sup>2</sup> and continued to rely on the same (1) home market and U.S. sales for Maquilacero’s cost recovery test; and (2) currency conversion programming for Prolamsa. We found that Maquilacero and Prolamsa did not make sales of subject merchandise at less than normal value (NV) during the POR.

Nucor Tubular Products, Inc. (Nucor), *i.e.*, the domestic interested party, appealed Commerce’s *Final Results*. On January 18, 2023, the CIT remanded the *Final Results* to Commerce to reconsider Nucor’s ministerial error comments and reexamine (1) the placeholder numbers used to calculate Maquilacero’s quarterly costs in the *Preliminary Results*; and (2) Commerce’s assessment of Prolamsa’s home market price calculations and correct any potential errors in its currency conversions.<sup>3</sup> Specifically, the CIT held that Commerce needed to reconsider the above company-specific calculations in order to address the ministerial error comments and correctly implement its quarterly cost methodology for Maquilacero, and calculate the correct NV for Prolamsa, so that Commerce meets its obligation to calculate antidumping duty rates as accurately as possible.<sup>4</sup> In the *Final Remand*, issued in March 2023, Commerce reconsidered the facts on the record and corrected the (1) time period of U.S. sales used in Maquilacero’s home market SAS program to be based on all U.S. sales made in the POR; and (2) currency of certain variables to base Prolamsa’s NV calculation on the correct currency.<sup>5</sup> On July 19, 2023, the CIT sustained Commerce’s *Final Remand*.<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)

<sup>2</sup> See *Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from Mexico: Preliminary Results of Antidumping Duty Administrative Review; 2018–2019*, 86 FR 7067 (January 26, 2021) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

<sup>3</sup> See *Nucor Tubular Products Inc. v. United States*, 619 F. Supp. 3d 1279 (CIT 2023).

<sup>4</sup> *Id.* at 1286–7.

<sup>5</sup> See *Final Results of Redetermination Pursuant to Court Remand, Nucor Tubular Products Inc. v. United States*, 619 F. Supp. 3d 1279 (CIT 2023), dated March 17, 2023 (*Final Remand*).

<sup>6</sup> See *Nucor Tubular Products Inc. v. United States*, Court No. 21–00543, Slip Op. 23–104 (CIT 2023).

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

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

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 suspend liquidation of entries pending a “conclusive” court decision. The CIT’s July 19, 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 Prolamsa, Maquilacero, and the margin for non-selected companies as follows:<sup>9</sup>

Producer/exporter	Weighted-average dumping margin (percent)
Maquilacero S.A. de C.V .....	3.48
Productos Laminados de Monterrey S.A. de C.V .....	2.11
Arco Metal S.A. de C.V .....	2.51
Forza Steel S.A. de C.V .....	2.51
Industrias Monterrey, S.A. de C.V .....	2.51
Perfiles y Herrerajes LM S.A. de C.V .....	2.51
PYTCO S.A. de C.V .....	2.51
Regiomontana de Perfiles y Tubos S.A. de C.V .....	2.51
Ternium S.A. de C.V .....	2.51
Tuberia Nacional, S.A. de C.V ...	2.51
Tuberias Procarsa S.A. de C.V ..	2.51

**Cash Deposit Requirements**

Because Maquilacero and Prolamsa each have cash deposit rates that have been superseded by a subsequent administrative review of the AD order at this time, Commerce 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 for these two companies.

With respect to all the non-selected companies, because the cash deposit rates have not been superseded by a subsequent administrative review of the AD order at this time, Commerce intends to issue amended cash deposit instructions to CBP.

**Liquidation of Suspended Entries**

Because the CIT’s ruling has not been appealed, in accordance with 19 CFR 351.212(b), Commerce intends to instruct CBP to assess antidumping duties on the following unliquidated entries of subject merchandise: (1)

<sup>9</sup> See *Final Remand* for details related to the margin calculations.

produced and exported by Maquilacero; (2) produced and exported by Prolamsa; and (3) produced and/or exported by the non-selected companies. Commerce intends to 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 importer-specific *ad valorem* assessment rate is zero or *de minimis*,<sup>10</sup> Commerce intends to 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: November 1, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-859]

#### Light-Walled Rectangular Pipe and Tube From the Republic of Korea: Final Affirmative Determination of Circumvention of the Antidumping Duty Order

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that imports of light-walled rectangular pipe and tube (LWRPT), completed in the Socialist Republic of Vietnam (Vietnam) using hot-rolled steel (HRS) produced in the Republic of Korea (Korea), are circumventing the antidumping duty (AD) order on LWRPT from Korea.

**DATES:** Applicable November 9, 2023.

#### FOR FURTHER INFORMATION CONTACT:

George McMahon or Carolyn Adie, 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) 482-1167 or (202) 482-6250, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 5, 2008, Commerce published in the **Federal Register** the

AD order on LWRPT from Korea.<sup>1</sup> On August 4, 2022, Commerce initiated a country-wide circumvention inquiry to determine whether certain imports of LWRPT completed in Vietnam using HRS produced in Korea are circumventing the *Order*.<sup>2</sup> On April 12, 2023, Commerce published in the **Federal Register** its *Preliminary Determination* that imports of LWRPT completed in Vietnam using HRS produced in Korea are circumventing the *Order*.<sup>3</sup>

On May 15, 2023, Commerce extended the deadline for the final determination of this circumvention inquiry to August 4, 2023.<sup>4</sup> On July 20, 2023, Commerce further extended the deadline for the final determination to November 2, 2023.<sup>5</sup> For a summary of events that occurred since the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for consideration in the final determination, see the Issues and Decision Memorandum.<sup>6</sup>

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

<sup>1</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) (*Order or WRPT Korea Order*).

<sup>2</sup> See *Circular Welded Carbon Quality Steel Pipe from the People's Republic of China; Certain Circular Welded Non-Alloy Steel Pipe from the Republic of Korea; Certain Welded Carbon Steel Standard Pipes and Tubes from India; Certain Circular Welded Carbon Steel Pipes and Tubes from Taiwan; Certain Circular Welded Non-Alloy Steel Pipe from Taiwan; Light-Walled Rectangular Pipe and Tube from the People's Republic of China; Light-Walled Rectangular Pipe and Tube from the Republic of Korea; Light-Walled Welded Rectangular Carbon Steel Tubing from Taiwan: Initiation of Circumvention Inquiries on the Antidumping and Countervailing Duty Orders*, 87 FR 47711 (August 4, 2022), and accompanying Circumvention Initiation Memorandum.

<sup>3</sup> See *Light-Walled Rectangular Pipe and Tube from the Republic of Korea: Preliminary Determination of Circumvention of the Antidumping Order*, 88 FR 22002 (April 12, 2023) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>4</sup> See Memorandum, "Extension of Deadline for Issuing Final Determinations in Circumvention Inquiries," dated May 15, 2023.

<sup>5</sup> See Memorandum, "Extension of Deadline for Issuing Final Determinations in Circumvention Inquiries," dated July 20, 2023.

<sup>6</sup> See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Circumvention Inquiry of the Antidumping Duty Order on Light-Walled Rectangular Pipe and Tube from the Republic of Korea," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

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>.

#### Scope of the Order

The products covered by the *Order* include certain welded carbon quality light-walled steel pipe and tube, of rectangular (including square) cross section, having a wall thickness of less than 4 mm. For a full description of the scope of the *Order*, see the Issues and Decision Memorandum.

#### Merchandise Subject to the Circumvention Inquiry

This circumvention inquiry covers LWRPT completed in Vietnam using Korea-origin HRS, which is subsequently exported from Vietnam to the United States (inquiry merchandise).

#### Methodology

Commerce is conducting this circumvention inquiry in accordance with section 781(b) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.226. See *Preliminary Determination PDM* for a full description of the methodology.<sup>7</sup> We have continued to apply this methodology, without exception, and incorporate by reference this description of the methodology, for our final determination.<sup>8</sup>

#### Determination of No Shipments

Based on the information provided by Vina One Steel Manufacturing Corporation (Vina One) in this circumvention inquiry, Commerce continues to find, as it did in the *Preliminary Determination*, that Vina One had no shipments of inquiry merchandise to the United States during the period of inquiry, January 1, 2017, through December 31, 2021.<sup>9</sup>

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in these inquiries are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to this notice at Appendix I.

Based on our analysis of the comments received from interested parties, we made no changes to the *Preliminary Determination*, except for revisions to the certification language (see Appendix II), which we have modified in response to comments to allow parties to also use the

<sup>7</sup> See *Preliminary Determination PDM* at 4-15.

<sup>8</sup> See Issues and Decision Memorandum at 2.

<sup>9</sup> See *Preliminary Determination PDM* at 11-12; see also Issues and Decision Memorandum at Comment 15.

<sup>10</sup> See 19 CFR 351.106(c)(2).