

application and **Federal Register** notice, is approved, subject to the FTZ Act and the Board's regulations, including section 400.13, and further subject to the following restrictions:

1. the annual quantitative volume of continuous filament polypropylene yarn that FMW may admit into Subzone 186A under nonprivileged foreign (NPF) status (19 CFR 146.42) is limited to 2.6 million kilograms; and,

2. approval is limited to a period of five years, subject to extension upon review.

Dated: November 7, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-489-839]

#### Common Alloy Aluminum Sheet From Turkey: Final Results of Antidumping Duty Administrative Review; 2020–2022

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that common alloy aluminum sheet (CAAS) from the Republic of Turkey (Turkey) was sold in the United States at less than normal value during the period of review (POR) October 15, 2020, through March 31, 2022.

**DATES:** Applicable November 13, 2023.

**FOR FURTHER INFORMATION CONTACT:** Mark Hoadley, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3148.

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 10, 2023, Commerce published its *Preliminary Results* in the **Federal Register** and invited interested parties to comment.<sup>1</sup> The review covers the mandatory respondents Assan Alüminyum Sanayi ve Ticaret A.S., Kibar Americas, Inc., and Kibar Dis

<sup>1</sup> See *Common Alloy Aluminum Sheet from Turkey: Preliminary Results of Antidumping Duty Administrative Review; 2020–2022*, 88 FR 30089 (May 10, 2023) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

Ticaret A.S. (collectively, Assan) and Teknik Alüminyum Sanayi A.S. (Teknik) as well as four companies not selected for individual examination. A summary of the events that occurred since publication of the *Preliminary Results*, as well as a full discussion of the issues raised by parties for these final results, are discussed in the Issues and Decision Memorandum.<sup>2</sup> Commerce conducted this administrative review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

#### Scope of the Order<sup>3</sup>

The merchandise subject to the *Order* is CAAS from Turkey. Products subject to the *Order* are currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of the *Order* may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this scope is dispositive. For a complete description of the scope of the *Order*, see the Preliminary Decision Memorandum.

#### Analysis of Comments Received

All issues raised in parties' case and rebuttal briefs are addressed in the Issues and Decision Memorandum and are listed in the appendix to this notice. 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

<sup>2</sup> See Memorandum, "Issues and Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Common Alloy Aluminum Sheet from Turkey; 2020–2022," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>3</sup> See *Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan and the Republic of Turkey: Antidumping Duty Orders*, 86 FR 22139 (April 27, 2021) (*Order*).

directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

#### Changes Since the Preliminary Results

Based on our analysis of the comments received from interested parties, Commerce made certain changes to the margin calculations for Assan Alüminyum Sanayi ve Ticaret A.S. (Assan) and Teknik Alüminyum Sanayi A.S. (Teknik).<sup>4</sup>

#### Rate for Non-Examined Companies

The statute and Commerce's regulations do not address the establishment of a weighted-average dumping margin to be determined for companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when determining the weighted-average dumping margin for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding rates that are zero, *de minimis*, or determined entirely on the basis of facts available. For these final results of review, we calculated weighted-average dumping margins for Assan and Teknik that are not zero, *de minimis*, or based entirely on facts available. Therefore, consistent with Commerce's practice, we determined a dumping margin for the non-examined companies by weight-averaging the margins for Assan and Teknik using publicly ranged sales values for sales of subject merchandise to the United States.

#### Final Results of the Administrative Review

We determine that the following weighted-average dumping margins exist for the period October 15, 2020, through March 31, 2022.

Exporter or producer	Weight-average dumping margin (percent)
Assan Alüminyum Sanayi ve Ticaret A.S. ....	1.25
Teknik Alüminyum Sanayi A.S. ...	18.20

<sup>4</sup> See the Issues and Decision Memorandum for descriptions of these changes.

Exporter or producer	Weight-average dumping margin (percent)
Non-Selected Companies <sup>5</sup> .....	10.88

### Disclosure

We intend to disclose the calculations performed in connection with these final results to interested parties in this proceeding within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b).

### Assessment Rates

Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries in this review, in accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b).

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these final results 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).

Pursuant to 19 CFR 351.212(b)(1), because Assan's and Teknik'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.<sup>6</sup>

Consistent with Commerce's clarification of its assessment practice, for entries of subject merchandise during the POR produced by any of the above-referenced respondents for which they did not know the merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate established in the less-than-fair-value (LTFV) investigation of 4.85 percent *ad valorem*<sup>7</sup> if there is no rate for the intermediate

company(ies) involved in the transaction.<sup>8</sup>

For the non-examined companies subject to review, we will instruct CBP to liquidate all applicable entries of subject merchandise during the POR at the rate listed in the table above.

### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of 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 rate for the companies listed above will be equal to the weighted-average dumping margin established in the final results of the review; (2) for subject merchandise exported by a company not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review or the original LTFV investigation, but the producer is, then the cash deposit rate will be the rate established in the completed segment for the most recent period for the producer of the subject merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 4.85 percent *ad valorem*, the all-others rate established in the LTFV investigation.

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 and/or countervailing 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 and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

### Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative

<sup>8</sup> For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

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 terms of an APO is a violation subject to sanction.

### Notification to Interested Parties

We are issuing and publishing these final results of administrative review in accordance with sections 751(a) and 777(i) of the Act, and 351.221(b)(5).

Dated: November 3, 2023.

**Abdelali Elouaradia,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

### Appendix

#### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes Since the *Preliminary Results*
- V. Discussion of the Issues
  - Comment 1: Calculation of Assan's Duty Drawback Adjustment
  - Comment 2: Ministerial Error Regarding "Other Discounts" (OTHDISU) in Assan's U.S. Sales Database
  - Comment 3: Partial Adverse Facts Available (AFA) for Certain Freight Charges Reported by Assan
  - Comment 4: Application of the High Inflation Methodology to Assan
  - Comment 5: Ministerial Errors in Teknik's Calculations
  - Comment 6: The Transactions Disregarded Rule
  - Comment 7: Teknik's Reported Net Interest Expenses
  - Comment 8: Teknik's Imputed Credit Expenses in the Home Market
  - Comment 9: Teknik's U.S. Warehousing Expenses
  - Comment 10: Section 232 Tariffs
  - Comment 11: Ministerial Errors in Assan's Calculations
  - Comment 12: Exclusion of Assan from the AD Order on CAAS from Turkey
  - Comment 13: Inclusion of Certain Expenses in the Indirect Selling Expense Ratio
  - Comment 14: Freight Revenue
  - Comment 15: Differential Pricing Methodology
- VI. Recommendation

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<sup>5</sup> ASAS Aluminyum Sanayi ve Ticaret A.S.; Panda Aluminyum A.S.; PMS Metal Profil Aluminyum Sanayi ve Ticaret A.S.; and TAC Metal Ticaret Anonim Sirketi.

<sup>6</sup> See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101, 8102 (February 14, 2012).

<sup>7</sup> See *Order*, 86 FR 22142.