

section 702(h) of the Trade Agreements Act of 1979 (as amended) (the Act), published the quarterly update to the annual listing of foreign government subsidies on articles of cheese subject to an in-quota rate of duty covering the period January 1, 2023, through March 31, 2023.¹ In the *First Quarter 2023 Update*, we requested that any party that had information on foreign government subsidy programs that benefited articles of cheese subject to an in-quota rate of duty submit such information to Commerce.² We received no comments, information, or requests for consultation from any party.

Pursuant to section 702(h) of the Act, we hereby provide Commerce's update of subsidies on articles of cheese that were imported during the period April 1, 2023, through June 30, 2023. The appendix to this notice lists the country,

the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available.

Commerce will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed. Commerce encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such information in writing through the Federal eRulemaking Portal at <https://www.regulations.gov>, Docket No. ITA-2020-0005, "Quarterly Update to Cheese Subject to an In-Quota Rate of Duty." The materials in the docket will not be edited to remove identifying or contact information, and Commerce

cautions against including any information in an electronic submission that the submitter does not want publicly disclosed. Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF formats only. All comments should be addressed to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the Act.

Dated: November 8, 2023.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY

Country	Program(s)	Gross ³ subsidy (\$/lb)	Net ⁴ subsidy(\$/lb)
27 European Union Member States ⁵	European Union Restitution Payments	\$ 0.00	\$0.00
Canada	Export Assistance on Certain Types of Cheese	0.47	0.47
Norway	Indirect (Milk) Subsidy	0.00	0.00
	Consumer Subsidy	0.00	0.00
	Total	0.00	0.00
Switzerland	Deficiency Payments	0.00	0.00

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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 Antidumping Administrative Review; Notice of Amended Final Results

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

SUMMARY: On October 30, 2023, the U.S. Court of International Trade (CIT) issued its final judgment in *American Manufacturers of Multilayered Wood*

Flooring v. United States, Court No. 20-03948, Slip Op. 23-70 (CIT May 5, 2023), sustaining the U.S. Department of Commerce (Commerce)'s 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 of review (POR) December 1, 2017, through November 30, 2018. 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 Dalian Qianqiu Wooden Product Co., Ltd., Fusong Jinlong Wooden Group Co., Ltd., Fusong Jinqiu Wooden Product Co., Ltd., and Fusong Qianqiu Wooden Product Co., Ltd. (collectively, Jinlong); Jiangsu Guyu

International Trading Co., Ltd. (Guyu); and certain non-individually examined respondents.

DATES: Applicable November 9, 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 December 3, 2020, Commerce published its *Final Results* in the 2017-2018 AD administrative review of MLWF from China.¹ Commerce determined that mandatory respondents Jinlong and Guyu did not make sales of MLWF from China at prices below normal value (NV) during the POR.²

¹ See *Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty*, 88 FR 55438 (August 15, 2023) (*First Quarter 2023 Update*).

² *Id.*

³ Defined in 19 U.S.C. 1677(5).

⁴ Defined in 19 U.S.C. 1677(6).

⁵ The 27 member states of the European Union are: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden.

¹ See *Multilayered Wood Flooring from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and New Shipper Review and Final Determination of No Shipments*; 2017-2018, 85 FR 78118 (December 3, 2020) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

² *Id.*

Thus, Commerce calculated an estimated weighted-average dumping margin and cash deposit rate (adjusted for subsidy offsets) of 0.00 percent for Jinlong and Guyu, which it applied to the non-individually-examined companies that were found to be eligible for a separate rate.³

The American Manufacturers of Multilayered Wood Flooring (the petitioner) appealed Commerce’s *Final Results*. On May 5, 2023, the CIT remanded the *Final Results* to Commerce.⁴ In the *Remand Order*, the CIT directed Commerce to revise the surrogate manufacturing overhead (MOH) ratio calculation by including the entire amount of indirect production expenses stated in the surrogate financial statement in the numerator, or otherwise explain why it cannot do so.⁵ The CIT held that Commerce’s determination of the MOH ratio was not supported by substantial evidence because: (1) limiting overhead expenses in the numerator to depreciation, other materials, and third party service expenses is unreasonable in light of the universe of expenses normally considered to make up overhead; and (2) Commerce’s claim that using the indirect production expenses entry in the numerator of the MOH ratio may be distortive is a speculative conclusion.⁶ Additionally, the CIT remanded the *Final Results* to Commerce to reconsider its application of its Labor Rate Policy, which assumes 24 working days per month, 5.5 working days per week, and eight working hours per day, to calculate a surrogate hourly labor rate.⁷ If Commerce continued to use this policy, the CIT directed Commerce to explain: (1) the source for the assumptions; (2) why it is a reasonable basis on which to calculate the surrogate labor rate; and (3) how it is more specific to Romania than information provided by the petitioner.⁸

In its remand redetermination, issued on August 24, 2023, Commerce revised the surrogate MOH ratio, explained the assumptions underlying its Labor Rate Policy, and revised the surrogate hourly

labor rate.⁹ On October 30, 2023, the CIT sustained Commerce’s final redetermination.¹⁰

Timken Notice

In its decision in *Timken*,¹¹ as clarified by *Diamond Sawblades*,¹² 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 October 30, 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 Jinlong, Guyu, and the non-individually-examined separate rate companies, as follows:

Exporter	Weighted-average dumping margin (percent)
Dalian Qianqiu Wooden Product Co., Ltd.; Fusong Jinlong Wooden Group Co., Ltd.; Fusong Jinqiu Wooden Product Co., Ltd.; and Fusong Qianqiu Wooden Product Co., Ltd. (collectively, Jinlong)	2.05
Jiangsu Guyu International Trading Co., Ltd	0.00
Non-Selected Companies Under Review Receiving a Separate Rate ¹³	¹⁴ 2.05

Cash Deposit Requirements

For seven separate rate respondents that do not have a superseding cash

⁹ See *Final Results of Redetermination Pursuant to Court Remand, American Manufacturers of Multilayered Wood Flooring v. United States*, Court No. 20–3948, dated August 24, 2023 (*Final Remand*), available at <https://access.trade.gov/resources/remands/23-70.pdf>.

¹⁰ See *American Manufacturers of Multilayered Wood Flooring v. United States*, Court No. 20–03948, Slip Op. 23–156 (CIT October 30, 2023).

¹¹ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

¹² See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

¹³ See Appendix.

¹⁴ As the recalculated margin for Jinlong is the only margin that is not zero, *de minimis*, or determined entirely under section 776 of the Act, we assigned this margin to the non-individually-

deposit rate,¹⁵ Commerce will issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP). Because Jinlong, Guyu, and the remaining separate rate respondents 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 CBP. This notice will not affect the current cash deposit rate for these companies.

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that: were exported by Jinlong, Guyu, and the non-individually-examined separate rate respondents listed in the Appendix, and were entered, or withdrawn from warehouse, for consumption during the period December 1, 2017, through November 30, 2018. These entries will remain enjoined pursuant to the terms of the injunction 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 Jinlong, Guyu, and the non-individually-examined separate rate respondents in accordance with 19 CFR 351.212(b), where appropriate. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the weighted-average dumping margin or an importer-specific *ad valorem* assessment rate is not zero or *de minimis*. Where the weighted-average dumping margin or an importer-specific *ad valorem* assessment rate is zero or *de minimis*,¹⁶ 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.

examined separate rate companies, consistent with the guidance provided in section 735(c)(5) of the Act.

¹⁵ These companies are Anhui Longhua Bamboo Product Co., Ltd.; Dalian Deerfu Wooden Product Co., Ltd.; Dalian Shengyu Science And Technology Development Co., Ltd.; Dunhua City Wanrong Wood Industry Co., Ltd.; Power Dekor Group Co., Ltd.; Yekalon Industry Inc.; and Zhejiang Shiyou Timber Co., Ltd.

¹⁶ See 19 CFR 351.106(c)(2).

³ *Id.*, 85 FR at 78119.

⁴ See *American Manufacturers of Multilayered Wood Flooring v. United States*, Court No. 20–03948, Slip Op. 23–70 (CIT May 5, 2023) (*Remand Order*).

⁵ *Id.* at 33.

⁶ See *Final Results IDM* at 17–20; see also *Remand Order* at 19–20.

⁷ See *Remand Order* at 33; see also *Antidumping Methodologies in Proceedings Involving Non-Market Economies: Valuing the Factor of Production: Labor*, 76 FR 36092, 36093 (June 21, 2011) (Labor Rate Policy).

⁸ See *Remand Order* at 33.

Dated: November 8, 2023.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

Non-Individually Examined Companies Eligible for a Separate Rate

A&W (Shanghai) Woods Co., Ltd.
 Anhui Longhua Bamboo Product Co., Ltd.
 Benxi Wood Company
 Dalian Dajen Wood Co., Ltd.
 Dalian Deerfu Wooden Product Co., Ltd.
 Dalian Jiahong Wood Industry Co., Ltd.
 Dalian Kemian Wood Industry Co., Ltd.
 Dalian Penghong Floor Products Co., Ltd./
 Dalian Shumaiké Floor Manufacturing Co., Ltd.
 Dalian Shengyu Science And Technology Development Co., Ltd.
 Dalian T-Boom Wood Products Co., Ltd.
 Dongtai Fuan Universal Dynamics, LLC
 Dunhua City Dexin Wood Industry Co., Ltd.
 Dunhua City Hongyuan Wood Industry Co., Ltd.
 Dunhua City Wanrong Wood Industry Co., Ltd.
 Dun Hua Sen Tai Wood Co., Ltd.
 Dunhua Shengda Wood Industry Co., Ltd.
 Guangzhou Panyu Southern Star Co., Ltd.
 HaiLin LinJing Wooden Products, Ltd.
 Hangzhou Hanje Tec Company Limited
 Hunchun Xingjia Wooden Flooring Inc.
 Huzhou Chenghang Wood Co., Ltd.
 Huzhou Fulinmen Imp. & Exp. Co., Ltd.
 Huzhou Sunergy World Trade Co., Ltd.
 Jiangsu Keri Wood Co., Ltd.
 Jiangsu Mingle Flooring Co., Ltd.
 Jiangsu Senmao Bamboo and Wood Industry Co., Ltd.
 Jiangsu Simba Flooring Co., Ltd.
 Jiashan HuiJiaLe Decoration Material Co., Ltd.
 Jiaxing Hengtong Wood Co., Ltd.
 Jilin Xinyuan Wooden Industry Co., Ltd.
 Karly Wood Product Limited
 Kember Flooring, Inc.
 Kemian Wood Industry (Kunshan) Co., Ltd.
 Lauzon Distinctive Hardwood Flooring, Inc.
 Linyi Youyou Wood Co., Ltd.
 Metropolitan Hardwood Floors, Inc.
 Mudanjiang Bosen Wood Industry Co., Ltd.
 Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd.
 Omni Arbor Solution Co., Ltd.
 Pinge Timber Manufacturing (Zhejiang) Co., Ltd.
 Power Dekor Group Co., Ltd.
 Scholar Home (Shanghai) New Material Co., Ltd.
 Shenyang Haobainian Wooden Co., Ltd.
 Sino-Maple (Jiangsu) Co., Ltd.
 Suzhou Dongda Wood Co., Ltd.
 Tongxiang Jisheng Import and Export Co., Ltd.
 Xuzhou Shenghe Wood Co., Ltd.
 Yekalon Industry Inc.
 Yihua Lifestyle Technology Co., Ltd.
 (successor-in-interest to Guangdong Yihua Timber Industry Co., Ltd.)
 Zhejiang Dadongwu Green Home Wood Co., Ltd.
 Zhejiang Fuerjia Wooden Co., Ltd.
 Zhejiang Longsen Lumbering Co., Ltd.

Zhejiang Shiyou Timber Co., Ltd.

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DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

SUMMARY: The U.S. Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping duty (AD) and countervailing duty (CVD) orders with September anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

DATES: Applicable November 15, 2023.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-4735.

SUPPLEMENTARY INFORMATION:

Background

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various AD and CVD orders with September anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

With respect to AD administrative reviews, if a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (POR), it must notify Commerce within 30 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at <https://access.trade.gov>, in accordance with 19 CFR 351.303.¹ Such submissions are subject to verification, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Further, in accordance with 19 CFR 351.303(f)(1)(i),

¹ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

a copy must be served on every party on Commerce's service list.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the POR. We intend to place the CBP data on the record within five days of publication of the initiation notice and to make our decision regarding respondent selection within 35 days of publication of the initiation **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted within seven days after the placement of the CBP data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments within five days after the deadline for the initial comments.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act, the following guidelines regarding collapsing of companies for purposes of respondent selection will apply. In general, Commerce has found that determinations concerning whether particular companies should be "collapsed" (e.g., treated as a single entity for purposes of calculating AD rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of the review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of the AD proceeding (e.g., investigation, administrative review, new shipper review, or changed circumstances review). For any company subject to the review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection.

Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if