

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) for the exporters listed above, the cash deposit rate will be the rate established in the final results of this review (except, if the rate is zero or *de minimis*, a zero cash deposit rate will be required for that company); (2) for previously investigated or reviewed China and non-China exporters not listed above that have separate rates, the cash deposit rate will continue to be the existing producer/exporter-specific rate published for the most recent period; (3) for all China exporters of subject merchandise that have not been found to be eligible for a separate rate, the cash deposit rate will be the China-wide rate of 285.63 percent; and (4) for all non-China exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to the China exporter(s) that supplied that non-China exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) 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 and/or countervailing duties has occurred and the subsequent assessment of double antidumping duties, and/or increase in the amount of antidumping duties by the amount of the countervailing duties.

Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to an 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 which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

Dated: December 28, 2023.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix I

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: Comparable Merchandise
 - Comment 2: Surrogate Country Selection
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- VI. Recommendation

[FR Doc. 2023-28998 Filed 1-3-24; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-549-841]

Mattresses From Thailand: Notice of Court Decision Not in Harmony With the Final Determination of Antidumping Investigation; Notice of Amended Final Determination; Notice of Amended Order, in Part

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

SUMMARY: On December 22, 2023, the U.S. Court of International Trade (CIT) issued its final judgment in *Brooklyn Bedding LLC v. United States*, Court No. 21-00285 sustaining the U.S. Department of Commerce's (Commerce) first final results of redetermination pertaining to the antidumping duty (AD) investigation of mattresses from Thailand covering the period of investigation January 1, 2019, through December 31, 2019. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final determination in the investigation, and Commerce is amending the final determination and the resulting AD order with respect to the dumping margins assigned to Saffron Living Co., Ltd. (Saffron) and all

other producers and exporters of subject merchandise.

DATES: Applicable January 1, 2024.

FOR FURTHER INFORMATION CONTACT: Paola Aleman Ordaz, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4031.

SUPPLEMENTARY INFORMATION:

Background

On March 25, 2021, Commerce published in the **Federal Register** its final determination in the AD investigation of mattresses from Thailand.¹ Commerce subsequently published in the **Federal Register** the AD order on mattresses from Thailand.²

The petitioners³ appealed Commerce's *Final Determination*. On July 20, 2023, the CIT remanded the *Final Determination* to Commerce.⁴ Specifically, the CIT remanded Commerce to: (1) undertake verification of Saffron in accordance with section 782(i)(1) of the Tariff Act of 1930, as amended (the Act), insofar as Commerce continued to rely upon the company's data; and (2) explain why Commerce departed from its practice of applying the transactions disregarded and/or major unput rules or, alternatively, to apply either or both of those rules.⁵

In its final results of redetermination, issued on September 18, 2023, Commerce applied adverse facts available (AFA) to Saffron because the company withdrew from the remand proceeding, and thus, Commerce could neither verify Saffron's sales or cost data, nor apply the transactions disregarded and/or major input rules to its data.⁶ As a result, Commerce

¹ See *Mattresses from Thailand: Final Affirmative Determination of Sales at Less Than Fair Value*, 86 FR 15928 (March 25, 2021) (*Final Determination*), and accompanying Issues and Decision Memorandum (IDM).

² See *Mattresses from Cambodia, Indonesia, Malaysia, Serbia, Thailand, the Republic of Turkey, and the Socialist Republic of Vietnam: Antidumping Duty Orders and Amended Final Affirmative Antidumping Determination for Cambodia*, 86 FR 26460 (May 14, 2021) (*Order*).

³ The petitioners are: Brooklyn Bedding; Corsicana Mattress Company; Elite Comfort Solutions; FXI, Inc.; Kolcraft Enterprises, Inc.; Leggett & Platt, Incorporated; the International Brotherhood of Teamsters; and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO (USW) (collectively, the petitioners).

⁴ See *Brooklyn Bedding, LLC v. United States*, Court No. 21-00285, Slip Op. 23-107 (CIT July 20, 2023).

⁵ *Id.* at 12 and 14.

⁶ See *Final Results of Redetermination Pursuant to Court Remand, Brooklyn Bedding LLC, et al. v.*

assigned Saffron the highest dumping margin alleged in the petition, as AFA (*i.e.*, 763.28 percent).⁷ Moreover, in the absence of a calculated estimated weighted-average dumping margin on the record of the proceeding,⁸ Commerce recalculated the all-others rate by averaging the dumping margins alleged in the Petition,⁹ and assigned the recalculated rate of 572.56 percent to all other producers and exporters of subject merchandise, consistent with section 735(c)(5)(B) of the Act¹⁰ and Commerce's practice.¹¹ The CIT sustained Commerce's *Final Remand*.¹²

Timken Notice

In its decision in *Timken*,¹³ as clarified by *Diamond Sawblades*,¹⁴ the U.S. Court of Appeals for the Federal Circuit held that, pursuant to sections 516A(c) and (e) of the Act, Commerce must publish notice of a court decision that is not "in harmony" with a determination of Commerce and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's December 22, 2023, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Determination* and *Order*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Determination

Because there is now a final court judgment, Commerce is amending its *Final Determination* with respect to Saffron and all other producers and exporters of subject merchandise as follows:

⁷ *United States*, Court No. 21–00285, Slip Op. 23–107 (CIT July 20, 2023), dated September 18, 2023 (*Final Remand*), at 11.

⁸ *Id.* at 8–9.

⁹ *Id.* at 12.

¹⁰ See Brooklyn Bedding LLC's Letter, "Mattresses from Cambodia, China, Indonesia, Malaysia, Serbia, Thailand, Turkey, and Vietnam: Antidumping and Countervailing Duty Petitions," dated March 31, 2020 (Petition).

¹¹ See *Final Remand* at 12.

¹² See, e.g., *Notice of Final Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany*, 73 FR 38986, 38987 (July 8, 2008), and accompanying IDM at Comment 2.

¹³ See *Brooklyn Bedding, LLC v. United States*, Court No. 21–00285, Slip Op. 23–189 (CIT December 22, 2023).

¹⁴ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

¹⁵ See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

Exporter/producer	Estimated weighted-average dumping margin (percent)
Saffron Living Co., Ltd	763.28
All Others	572.56

Amended AD Order, in Part

As a result of this amended final determination, Commerce is hereby amending the *Order* to revise the dumping margins assigned to Saffron and all-other producers and exporters of subject merchandise, as noted above.

Cash Deposit Requirements

Because Saffron does not have a superseding cash deposit rate, *i.e.*, there have been no final results published in a subsequent administrative review of Saffron,¹⁵ and because of the change to the rate assigned to all other producers and exporters of subject merchandise, Commerce will issue revised cash deposit instructions to U.S. Customs and Border Protection.

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: December 29, 2023.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2024–00038 Filed 1–3–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–979]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Antidumping Administrative Review, and Preliminary Determination of No Shipments; 2021–2022

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that Shenzhen Sungold Solar Co., Ltd. (Sungold), and the

¹⁵ Commerce rescinded the first AD administrative review of Saffron. See *Mattresses from Thailand: Final Results and Rescission of the Antidumping Duty Administrative Review; 2020–2022*, 88 FR 85224 (December 7, 2023).

companies which Commerce preliminarily granted separate rates, did not sell subject merchandise at prices below normal value (NV) during the period December 1, 2021, through November 30, 2022, the period of review (POR). Commerce also preliminarily determines that certain companies do not qualify for a separate rate, and that it is appropriate to rescind this review with respect to 10 companies because all requests to review these companies were timely withdrawn. In addition, Commerce intends to rescind this review with respect to certain companies that did not ship subject merchandise during the POR. Interested parties are invited to comment on these preliminary results of the review.

DATES: Applicable January 4, 2024.

FOR FURTHER INFORMATION CONTACT: Dakota Potts or Paola Aleman Ordaz, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0223, or (202) 482–4031, respectively.

SUPPLEMENTARY INFORMATION:

Background

In response to review requests from multiple parties, on February 2, 2023, Commerce initiated an administrative review of the antidumping duty order on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic of China (China) with respect to 68 companies/company groupings for the period December 1, 2021, through November 30, 2022.¹

On April 20, 2023, Commerce selected two exporters to individually examine as mandatory respondents, Yingli² and Shenzhen Glory Industries Co., Ltd. (Shenzhen Glory).³ Shenzhen Glory timely withdrew its request for review, and no other party requested a

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 7060, 7062–63 (February 2, 2023).

² Yingli refers to the following companies which Commerce has treated as a single entity: (1) Shenzhen Yingli New Energy Resources Co., Ltd.; (2) Baoding Jiasheng Photovoltaic Technology Co. Ltd.; (3) Baoding Tianwei Yingli New Energy Resources Co., Ltd.; (4) Beijing Tianheng Yingli New Energy Resources Co., Ltd.; (5) Hainan Yingli New Energy Resources Co., Ltd.; (6) Hengshui Yingli New Energy Resources Co., Ltd.; (7) Lixian Yingli New Energy Resources Co., Ltd.; (8) Tianjin Yingli New Energy Resources Co., Ltd.; and (9) Yingli Energy (China) Company Limited.

³ See Memorandum, "Respondent Selection," dated April 20, 2023.