

of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's "automatic assessment" practice will apply to entries of subject merchandise during the POR for which the reviewed company did not know that the merchandise it sold to the intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States. In such instances, 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>6</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The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the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 rate for Adisseo España will be equal to the weighted-average dumping margin that is established in the "Final Results of Review;" (2) for previously investigated or reviewed exporters not subject to this review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior review, or the LTFV investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the producer of the merchandise; and (4) the cash deposit

rate for all other producers or exporters will continue to be 37.53 percent *ad valorem*, the all-others rate established in the LTFV investigation.<sup>7</sup>

These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers Regarding the Reimbursement of Duties

This notice also 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 the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

### Administrative Protective Order

This notice also serves as a reminder to parties subject to an 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 or 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)(2).

Dated: April 3, 2024.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the 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: Recoding of Adisseo España's Home Market Level of Trade

Comment 2: Application of Adverse Facts Available to Adisseo España's Home Market

- Comment 3: Recalculation of Adisseo España's U.S. Indirect Selling Expenses  
 Comment 4: Rejection the Adjustment for Adisseo España's U.S. Credit, Inventory Carrying Costs, and Bank Charge Rate  
 Comment 5: Exclusion of Adisseo España's Certain Home Market Sales Outside the Ordinary Course of Trade

VI. Recommendation

[FR Doc. 2024-07532 Filed 4-9-24; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-088]

#### Certain Steel Racks and Parts Thereof From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2021–2022

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that certain exporters under review sold subject merchandise at below normal value during the period of review (POR), September 1, 2021, through August 31, 2022. Additionally, Commerce determines that Hebei Minmetals Co., Ltd. (Hebei Minmetals) and Xiamen Luckyroc Industry Co., Ltd., (Xiamen Luckyroc) had no shipments of subject merchandise during the POR.

**DATES:** Applicable April 10, 2024.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Bremer or Jonathan Hill, 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) 482-4987 and (202) 482-3518, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 6, 2023, Commerce published the *Preliminary Results* in the **Federal Register** and invited interested parties to comment on those results.<sup>1</sup> On January 29, 2024, Commerce extended the deadline to issue the final results of this review until April 3,

<sup>1</sup> See *Certain Steel Racks and Parts Thereof from the People's Republic of China: Preliminary Results and Partial Rescission of the Antidumping Duty Administrative Review, and Preliminary Determination of No Shipments; 2021–2022*, 88 FR 69612 (October 6, 2023) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>6</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>7</sup> See *Order*, 86 FR at 51120.

2024.<sup>2</sup> For details regarding the events that occurred subsequent to publication of 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 merchandise covered by the Order is steel racks and parts thereof. A full description of the scope of the Order is provided in the Issues and Decision Memorandum.

**Analysis of Comments Received**

We addressed all the issues raised in the case and rebuttal briefs in the Issues and Decision Memorandum. A list of the issues that parties raised, and to which we responded in the Issues and Decision Memorandum, is provided 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 directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Changes Since the Preliminary Results**

Based on a review of the record and comments received from interested parties regarding the *Preliminary Results*, we corrected several errors in our preliminary dumping margin calculations and increased the U.S. sales prices reported by Ningbo Xinguang Rack Co., Ltd./Ningbo Jiabo Rack Co., Ltd./Ningbo Lede Hardware Co., Ltd. (Xinguang Rack) by the amount of countervailing duties imposed on

subject merchandise to offset an export subsidy.<sup>5</sup>

**Final Determination of No Shipments**

In the *Preliminary Results*, Commerce determined that Hebei Minmetals and Xiamen Luckyroc did not export or sell subject merchandise during the POR, nor did they have knowledge that their subject merchandise was entered into the United States during the POR.<sup>6</sup> No interested parties commented on Hebei Minmetals or Xiamen Luckyroc’s no-shipments claims. Consequently, Commerce determines that Hebei Minmetals and Xiamen Luckyroc did not export or sell subject merchandise during the POR, or have knowledge of U.S. entries of their subject merchandise during the POR.

**Separate Rates**

Commerce has continued to grant Jiangsu Nova Intelligent Logistics Equipment Co., Ltd. (Nova), Xinguang Rack, Jiangsu JISE Intelligent Storage Equipment Co., Ltd. (JISE), and Nanjing Kingmore Logistics Equipment Manufacturing Co., Ltd. (Kingmore) separate rate status.<sup>7</sup> No parties commented on Commerce’s preliminary decision to do so.

Finally, while Nanjing Dongsheng Shelf Manufacturing Co., Ltd. and Nanjing Ironstone Storage Equipment Co., Ltd. contend that they should be granted a separate rate, we have continued to find it is appropriate to reject their untimely filed separate rate information and deny these companies a separate rate.<sup>8</sup>

**Rate for Non-Examined Separate Rate Respondents**

The statute and Commerce’s regulations do not address what weighted-average dumping margin to apply to respondents 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 calculating the dumping margin for respondents that are not individually examined in an administrative review.

Section 735(c)(5)(A) of the Act states that the all-others rate should be calculated by averaging the weighted-average dumping margins determined for individually-examined respondents, excluding rates that are zero, *de minimis*, or based entirely on facts available. When the rates determined for examined respondents are all zero, *de minimis*, or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use “any reasonable method” to establish the all-others rate.

The final weighted-average dumping margins calculated for the mandatory respondents Nova and Xinguang Rack are not zero, *de minimis*, or based entirely on facts available. Therefore, we calculated a weighted-average dumping margin for the non-individually examined respondents (to which we granted separate rate status) by weight averaging Nova’s and Xinguang Rack’s weighted-average dumping margins using the publicly ranged values of their sales of subject merchandise during the POR, consistent with the guidance in section 735(c)(5)(A) of the Act.<sup>9</sup>

**Final Results of Review**

We have determined the following estimated weighted-average dumping margins for the companies listed below for the period September 1, 2021, through August 31, 2022:

Exporter	Weighted-average dumping margins (percent)
Jiangsu Nova Intelligent Logistics Equipment Co., Ltd .....	11.44
Ningbo Xinguang Rack Co., Ltd./Ningbo Jiabo Rack Co., Ltd./Ningbo Lede Hardware Co., Ltd .....	26.90
<b>Review-Specific Rate Applicable to Non-Examined Companies</b>	
Jiangsu JISE Intelligent Storage Equipment Co., Ltd .....	12.73
Nanjing Kingmore Logistics Equipment Manufacturing Co., Ltd .....	12.73

<sup>2</sup> See Memorandum, “Extension of Deadline for Final Results of Antidumping Duty Administrative Review,” dated January 29, 2024.

<sup>3</sup> See Memorandum, “Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Certain Steel Racks and Parts Thereof from the People’s Republic of

China; 2021–2022,” dated concurrently with, and hereby adopted by, this notice.

<sup>4</sup> See *Certain Steel Racks and Parts Thereof from the People’s Republic of China: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order; and Countervailing Duty Order*, 84 FR 48584 (September 16, 2019) (*Order*).

<sup>5</sup> See Issues and Decision Memorandum.

<sup>6</sup> See *Preliminary Results* PDM at 3–4.

<sup>7</sup> *Id.* at 13.

<sup>8</sup> *Id.* at 13–14; see also Issues and Decision Memorandum at Comments 7 and 8.

<sup>9</sup> See Memorandum, “Calculation of the Dumping Margin for Respondents Not Selected for Individual Examination for the Final Results,” dated concurrently with this notice.

## Disclosure

Commerce intends to disclose to parties to the proceeding the calculations performed for these final results of review within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

## Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise covered by the final results of this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication date 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).

For Nova and Xinguang Rack, we calculated importer-specific assessment rates in accordance with 19 CFR 351.212(b)(1).<sup>10</sup> Where the respondent reported reliable entered values, we calculated importer-specific *ad valorem* assessment rates by dividing the total amount of dumping calculated for all reviewed U.S. sales to the importer by the total entered value of the subject merchandise sold to the importer.<sup>11</sup> Where the respondent did not report entered values, we calculated importer-specific per-unit assessment rates by dividing the total amount of dumping calculated for all reviewed U.S. sales to the importer by the total quantity of those sales. We also calculated an estimated *ad valorem* importer-specific assessment rate to determine whether the per-unit assessment rate is *de minimis* (*i.e.*, 0.50 percent or less).<sup>12</sup>

Where an importer-specific *ad valorem* assessment rate is not zero or *de minimis*, Commerce will instruct CBP to collect the appropriate duties at the time of liquidation. Where an importer-specific *ad valorem* assessment rate is zero or *de minimis*, Commerce will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

<sup>10</sup> We applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

<sup>11</sup> See 19 CFR 351.212(b)(1).

<sup>12</sup> *Id.*

Where sales of subject merchandise exported by an individually examined respondent were not reported in the U.S. sales data submitted by the respondent, but the merchandise was entered into the United States during the POR under the CBP case number of the respondent, Commerce will instruct CBP to liquidate any entries of such merchandise at the weighted-average dumping margin for the China-wide entity (*i.e.*, 144.50 percent).<sup>13</sup> Additionally, where Commerce determines that an exporter under review made no shipments of subject merchandise during the POR, Commerce will instruct CBP to liquidate any suspended entries of subject merchandise that entered under that exporter's CBP case number during the POR at the weighted-average dumping margin for the China-wide entity.

The antidumping duty assessment rates for JISE and Kingmore, the companies not individually examined in this administrative review that qualified for a separate rate, will be equal to the weighted-average dumping margin listed for JISE and Kingmore in the table above.

For Nanjing Dongsheng Shelf Manufacturing Co., Ltd. and Nanjing Ironstone Storage Equipment Co., Ltd., the companies not eligible for a separate rate and which Commerce considers to be part of the China-wide entity, the assessment rate will be equal to the weighted-average dumping margin for the China-wide entity, *i.e.*, 144.50 percent.<sup>14</sup>

## Cash Deposit Requirements

The following cash deposit requirements will be in effect for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on, or after, the date of publication of this notice in the **Federal Register**, as provided for by section 751(a)(2)(C) of the Act: (1) for the companies listed in the table above, the cash deposit rate will be equal to the weighted-average dumping margin listed for the company in the table; (2) for a previously investigated or reviewed exporter of subject merchandise not listed in the table above that has a separate rate, the cash deposit rate will continue to be the exporter's existing cash deposit rate; (3) for all China exporters of subject merchandise that do not have a separate rate, the cash deposit rate will be equal to the weighted-average dumping margin assigned to the China-wide entity, which is 144.50 percent; and (4)

for a non-China exporter of subject merchandise that does not have a separate rate, the cash deposit rate will be equal to the weighted-average dumping margin applicable to the China exporter that supplied that non-China exporter.

These cash deposit requirements, when imposed, shall remain in effect until further notice.

## Notification to Importers Regarding the Reimbursement of Duties

This notice also 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 and/or countervailing duties prior to liquidation of the relevant entries during the 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 Order (APO)

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, 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 these final results of administrative review and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213(h)(2) and 351.221(b)(5).

Dated: April 3, 2024.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the 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

<sup>13</sup> See *Order*, 84 FR at 48586.

<sup>14</sup> *Id.*

- Comment 1: Whether Commerce Selected the Appropriate Surrogate Country
- Comment 2: Whether Commerce Properly Calculated Financial Ratios
- Comment 3: Whether the Unit of Measure for Nova’s Water Consumption is Incorrect
- Comment 4: Whether Commerce Made Errors When Calculating Xinguang Rack’s Dumping Margin
- Comment 5: Whether Commerce Should Offset Xinguang Rack’s Costs for Steel Scrap Sold
- Comment 6: Whether Commerce Should Adjust Xinguang Rack’s U.S. Sales Prices for Certain Export Subsidies
- Comment 7: Whether Commerce Should Accept Dongsheng Shelf’s SRC and/or Voluntary Section A Questionnaire Response
- Comment 8: Whether Commerce Should Accept Ironstone’s SRC

VI. Recommendation

[FR Doc. 2024–07586 Filed 4–9–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD550]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Columbia Gulf East Lateral XPRESS Project

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: Pursuant to the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to Columbia Gulf, LLC (Columbia Gulf) to incidentally harass, by Level B harassment only, marine mammals during pile driving activities associated with the East

Lateral XPRESS construction project (the Project) in Barataria Bay, Louisiana. There are no changes from the proposed authorization in this final authorization.

DATES: This authorization is effective from December 1, 2023, to November 30, 2024.

ADDRESSES: Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Cara Hotchkin, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 et seq.) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their

habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as “mitigation”); and requirements pertaining to the monitoring and reporting of the takings. The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

Summary of Request

On March 3, 2023, NMFS received a request from TC Energy/Columbia Gulf Transmission, LLC for an IHA to take marine mammals incidental to construction activities that include pile driving to install: (1) a point of delivery metering station (POD), and (2) a tie-in facility (TIF) in Barataria Bay. The Project is intended to provide feed fuel for on-shore Liquefied Natural Gas (LNG) compressor stations. The application was deemed adequate and complete on June 5, 2023. Columbia Gulf’s request is for take of bottlenose dolphin (Tursiops truncatus, Barataria Bay Estuarine System stock, BBES) by Level B harassment only. Neither Columbia Gulf nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

Description of Specified Activity

Overview

Columbia Gulf proposes to construct two new compressor stations, a new meter station, approximately 8 miles (13 kilometers) of new 30-inch diameter natural gas pipeline lateral, two new mainline valves, a TIF, launcher and receiver facilities, and other auxiliary appurtenant facilities all located in St. Mary, Lafourche, Jefferson, and Plaquemines parishes, Louisiana. A summary of all construction activities necessary to complete all elements of the Project are shown in table 1.

TABLE 1—ALL ELEMENTS OF THE PROJECT

[Bolded elements include in-water activities that may result in the take of marine mammals]

Facility	Parish	Pipeline milepost location	Description
<b>Pipeline Facilities</b>			
30-inch Pipeline Lateral .....	Jefferson .....	0.00–2.47 .....	Install approximately 13.1 kilometers (8.14) miles of new 30-inch- diameter pipeline lateral.
	Plaquemines .....	2.47–8.14 .....	