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**DEPARTMENT OF COMMERCE****International Trade Administration**

[C–570–971]

**Multilayered Wood Flooring From the People's Republic of China: Final Results of Countervailing Duty Administrative Review; 2021**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) continues to determine that the mandatory respondents, Riverside Plywood Corporation (Riverside) and Jiangsu Senmao Bamboo and Wood Industry Co., Ltd. (Jiangsu Senmao), and 12 other producers and/or exporters of multilayered wood flooring (wood flooring) from the People's Republic of China (China), received countervailable subsidies during the period of review (POR) January 1, 2021, through December 31, 2021.

**DATES:** Applicable May 14, 2024.

**FOR FURTHER INFORMATION CONTACT:**

Craig Matney or Jonathan Schueler, 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) 482–2429 or (202) 482–9175, respectively.

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

Commerce published the *Preliminary Results* of this administrative review in the **Federal Register** on December 28, 2023, and invited interested parties to comment.<sup>1</sup> On February 8, 2024, we received case briefs from the following interested parties: Riverside,<sup>2</sup> Jiangsu Senmao, the Government of the People's Republic of China (GOC), and the American Manufacturers of Multilayered Wood Flooring

<sup>1</sup> See *Multilayered Wood Flooring from the People's Republic of China: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review*; 2021, 88 FR 89664 (December 28, 2023) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> We previously determined Baroque Timber (Zhongshan) Industries, Suzhou Times Flooring Co., Ltd., and Zhongshan Lianjia Flooring Co., Ltd. to be cross-owned affiliates of Riverside. See, e.g., *Multilayered Wood Flooring from the People's Republic of China: Final Results of Countervailing Duty Administrative Review*; 2020, 88 FR 34828 (May 31, 2023).

(AMMWF).<sup>3</sup> In addition, Commerce received a letter from Anhui Longhua Bamboo Product Co., Ltd.; Benxi Flooring Factory (General Partnership); Benxi Wood Company; Dalian Jiahong Wood Industry Co., Ltd.; Dalian Shengyu Science and Technology Development Co., Ltd.; Dongtai Fuan Universal Dynamics, LLC; HaiLin LinJing Wooden Products Co., Ltd.; Jiangsu Mingle Flooring Co., Ltd.; Jiangsu Simba Flooring Co., Ltd.; Jiangsu Yuhui International Trade Co., Ltd.; Jiashan On-Line Lumber Co., Ltd.; Kingman Wood Industry Co., Ltd.; Ping'e Timber Manufacturing (Zhejiang) Co., Ltd.; Suzhou Dongda Wood Co., Ltd.; Tongxiang Jisheng Import and Export Co., Ltd.; Yihua Lifestyle Technology Co., Ltd.; Zhejiang Shiyou Timber Co., Ltd.; and Lumber Liquidators Services, LLC (collectively, CH Respondents) supporting arguments made by the mandatory respondents and the GOC.<sup>4</sup> On February 20, 2024, AMMWF, Riverside, and Jiangsu Senmao submitted timely rebuttal briefs.<sup>5</sup> Also on February 20, 2024, Commerce received a letter from the CH Respondents supporting the arguments presented in the rebuttal briefs by the GOC and the mandatory respondents.<sup>6</sup>

**Scope of the Order**

The product covered by the *Order*<sup>7</sup> is multilayered wood flooring from China. For a complete description of the scope of the *Order*, see the Issues and Decision Memorandum.<sup>8</sup>

<sup>3</sup> See AMMWF's Letter, "Case Brief," dated February 8, 2024; see also GOC's Letter, "GOC Case Brief," dated February 8, 2024; Riverside's Letter, "Administrative Case Brief," dated February 8, 2024; and Jiangsu Senmao's Letter, "Case Brief on behalf of Jiangsu Senmao Bamboo and Wood Industry Co., Ltd.," dated February 8, 2024.

<sup>4</sup> See CH Respondents' Letter, "Letter in Lieu of Case Brief," dated February 8, 2024.

<sup>5</sup> See AMMWF's Letter, "Rebuttal Brief," dated February 20, 2024; see also Riverside's Letter, "Rebuttal Brief," dated February 20, 2024; and Jiangsu Senmao's Letter, "Rebuttal Brief," dated February 20, 2024.

<sup>6</sup> See CH Respondents' Letter, "Letter in Lieu of Rebuttal Brief," dated February 20, 2024.

<sup>7</sup> See *Multilayered Wood Flooring from the People's Republic of China: Countervailing Duty Order*, 76 FR 76693 (December 8, 2011); see also *Multilayered Wood Flooring from the People's Republic of China: Amended Antidumping and Countervailing Duty Orders*, 77 FR 5484 (February 3, 2012); and *Multilayered Wood Flooring from the People's Republic of China: Final Clarification of the Scope of the Antidumping and Countervailing Duty Orders*, 82 FR 27799 (June 19, 2017) (collectively, *Order*).

<sup>8</sup> See Memorandum, "Decision Memorandum for the Final Results of the Countervailing Duty Administrative Review of Multilayered Wood Flooring from the People's Republic of China; 2021," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

**Analysis of Comments Received**

All issues raised in the parties' briefs are addressed in the Issues and Decision Memorandum. A list of the issues addressed is attached to this notice at Appendix I. 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 our analysis of the case and rebuttal briefs and the evidence on the record, we made certain changes from the *Preliminary Results*, and we revised the net countervailable subsidy rates for Riverside and Jiangsu Senmao. These changes are explained in the Issues and Decision Memorandum.

**Methodology**

Commerce is conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we find that there is a subsidy, *i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>9</sup> The Issues and Decision Memorandum contains a full description of the methodology underlying Commerce's conclusions, including any determination that relied upon the use of adverse facts available pursuant to sections 776(a) and (b) of the Act.

**Rate for Non-Selected Companies Under Review**

The statute and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, Commerce normally determines the rates for non-selected companies in reviews in a manner that is consistent with section 705(c)(5) of the Act, which provides the basis for calculating the all-others rate in an investigation. Section 705(c)(5)(A)(i) of the Act instructs Commerce, as a general

<sup>9</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

rule, to calculate the all-others rate equal to the weighted average of the countervailable subsidy rates established for exporters and producers individually investigated, excluding any zero or *de minimis* countervailable subsidy rates, and any rates determined entirely on the basis of facts available.

There are 12 companies for which a review was requested and not rescinded, and which were not selected as mandatory respondents or found to be cross-owned with a mandatory respondent. Because the rates calculated for the participating mandatory

respondents in this review, Riverside and Jiangsu Senmao, were above *de minimis* and not entirely based on facts available, we calculated a rate for these 12 non-selected companies by weight-averaging the calculated subsidy rates of Riverside and Jiangsu Senmao using their publicly ranged sales data for exports of subject merchandise to the United States during the POR.<sup>10</sup>

This is the same methodology Commerce applied in the *Preliminary Results* for determining a rate for companies not selected for individual examination. However, due to changes

in the calculations for Riverside and Jiangsu Senmao, we revised the non-selected rate accordingly. Consequently, for the 12 non-selected companies for which a review was requested and not rescinded, we are applying an *ad valorem* subsidy rate of 21.97 percent.

**Final Results of Administrative Review**

We determine the countervailable subsidy rates for the mandatory and non-selected respondents under review for the period of January 1, 2021, through December 31, 2021, are as follows:

Producer/exporter	Subsidy rate (percent <i>ad valorem</i> )
Riverside Plywood Corporation and Its Cross-Owned Affiliate <sup>11</sup> .....	30.85
Jiangsu Senmao Bamboo and Wood Industry Co., Ltd. ....	5.39
Non-Selected Companies Under Review <sup>12</sup> .....	21.97

**Disclosure**

Commerce intends to disclose the calculations and analysis 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 19 CFR 351.212(b)(2), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries of subject merchandise in accordance with the final results of this review, for the above-listed companies at the applicable *ad valorem* assessment rates listed. We intend to issue assessment instructions to CBP 35 days after the date of publication of these final results of review. 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 Instructions**

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for each of the respective companies listed above on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this

administrative review. For all non-reviewed firms subject to the *Order*, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, effective upon publication of these final results, shall remain in effect until further notice.

**Administrative Protective Order**

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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 sanctionable violation.

**Notification to Interested Parties**

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

Dated: May 7, 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 I—List of Topics Discussed in the Final Decision Memorandum**

- I. Summary
- II. Background
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- V. Period of Review
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Comment 1: Whether to Apply Adverse Facts Available (AFA) to the Export Buyer’s Credit Program

Comment 2: Whether to Apply AFA Regarding the Countervailability of the Provision of Electricity for Less Than Adequate Remuneration (LTAR)

Comment 3: Whether to Apply AFA to Specificity Regarding the Countervailability of the Provision of Inputs for LTAR

Comment 4: Whether Individually-Owned Suppliers Are Government Authorities

Comment 5: Whether Commerce Should Exclude Certain International Tropical Timber Organization (ITTO) Data or Weight These Data Differently for the Wood Input Benchmarks

A. Whether to Exclude Certain ITTO Data  
 B. Whether Commerce Should Rely Only on the Tropical Timber Market Report (TTMR) Grade-Specific Prices to Value Plywood

C. Whether to Weight the ITTO’s TTMR and Biennial Review Statistics (BRS) Data Using Country-Specific Averages

<sup>10</sup> See Memorandum, “Calculation of the Non-Selected Rate for the Final Results,” dated concurrently with this notice.

<sup>11</sup> Cross-owned affiliates are Baroque Timber (Zhongshan) Industries, Suzhou Times Flooring Co., Ltd., and Zhongshan Lianjia Flooring Co., Ltd.

<sup>12</sup> See Appendix II.

- D. Whether to Include Domestic Brazilian Pricing Data in Tier Two World Market Benchmark Prices  
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 XI. Recommendation

## Appendix II—Non-Selected Companies Under Review

- Dalian Penghong Floor Products Co., Ltd.
  - Dalian Shumaike Floor Manufacturing Co., Ltd.
  - Fine Furniture (Shanghai) Limited<sup>13</sup>
  - Fusong Jinlong Wooden Group Co., Ltd.
  - Fusong Qianqiu Wooden Product Co., Ltd.
  - Huzhou Fulinmen Imp. & Exp. Co., Ltd.
  - Huzhou Jesonwood Co., Ltd.
  - Jiangsu Guyu International Trading Co., Ltd.
  - Jiashan HuijiaLe Decoration Material Co., Ltd.
  - Metropolitan Hardwood Floors, Inc.
  - Pinge Timber Manufacturing (Zhejiang) Co., Ltd.
  - Zhejiang Fuerjia Wooden Co., Ltd.
- [FR Doc. 2024–10512 Filed 5–13–24; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XD929]

### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the Lower Columbia River Dredged Material Management Plan, Oregon and Washington

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

**ACTION:** Notice; receipt of application for letter of authorization; request for comments and information.

**SUMMARY:** NMFS has received a request from the U.S. Army Corps of Engineers (USACE), Portland District, for authorization to take, by Level A and Level B harassment only, small numbers of marine mammals incidental to the Lower Columbia River (LCR) Dredged Material Management Plan (DMMP), in Oregon and Washington, for a period of 5 years from November 2028 through February 2032. Pursuant to regulations implementing the Marine Mammal Protection Act (MMPA), NMFS is announcing receipt of USACE's request for the development and implementation of regulations governing the incidental taking of marine mammals. NMFS invites the public to provide information, suggestions, and comments on USACE's application and request.

**DATES:** Comments and information must be received no later than June 13, 2024.

**ADDRESSES:** Comments on the application should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to [ITP.Pauline@noaa.gov](mailto:ITP.Pauline@noaa.gov).

**Instructions:** NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

An electronic copy of USACE's application may be obtained online at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. In case of problems accessing these documents, please call the contact listed below.

**FOR FURTHER INFORMATION CONTACT:** Robert Pauline, Office of Protected Resources, NMFS, (301) 427–8401.

## SUPPLEMENTARY INFORMATION:

### Background

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 issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An incidental take authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an immitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined “negligible impact” in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term “take” means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as: any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

### Summary of Request

On October 18, 2023, NMFS received an application from the USACE requesting authorization for take of marine mammals incidental to in-water construction activities associated with the LCR DMMP in Oregon and Washington between River Mile (RM) 23 and RM 36. We provided comments on the application and the USACE submitted a revised version on February 27, 2024. We deemed the application adequate and complete on April 25, 2024. The requested regulations under which we would issue the requested

<sup>13</sup> Commerce previously found Great Wood (Tonghua) Ltd. and Fine Furniture Plantation (Shishou) Ltd. to be cross-owned with Fine Furniture (Shanghai) Limited. See *Multilayered Wood Flooring from the People's Republic of China: Final Affirmative Countervailing Duty Determination*, 76 FR 64313 (October 18, 2011).