

On August 29, 2023, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Order* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>5</sup>

### Scope of the Order

The product covered by the *Order* is synthetic staple fibers, not carded, combed or otherwise processed for spinning, of polyesters measuring 3.3 decitex (3 denier, inclusive) or more in diameter. This merchandise is cut to lengths varying from one inch (25 mm) to five inches (127 mm). The subject merchandise may be coated, usually with a silicon or other finish, or not coated. PSF is generally used as stuffing in sleeping bags, mattresses, ski jackets, comforters, cushions, pillows, and furniture.

The following products are excluded from the scope: (1) PSF of less than 3.3 decitex (less than 3 denier) currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 5503.20.0025 and known to the industry as PSF for spinning and generally used in woven and knit applications to produce textile and apparel products; (2) PSF of 10 to 18 denier that are cut to lengths of 6 to 8 inches and that are generally used in the manufacture of carpeting; and (3) low-melt PSF defined as a bi-component fiber with an outer, non-polyester sheath that melts at a significantly lower temperature than its inner polyester core (classified at HTSUS 5503.20.0015).

Certain PSF is classifiable under the HTSUS subheadings 5503.20.0045 and 5503.20.0065. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under the *Order* is dispositive.

### Continuation of the Order

As a result of the determinations by Commerce and the ITC that revocation of the *Order* would likely lead to a continuation or a recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of the *Order*. U.S. Customs and Border Protection will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

<sup>5</sup> See *Certain Polyester Staple Fiber from China*, 88 FR 59538 (August 29, 2023).

The effective date of the continuation of the *Order* will be August 29, 2023. Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year review of the *Order* not later than 30 days prior to the fifth anniversary of the date of the last determination by the Commission.

### Administrative Protective Order

This notice also serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return, destruction, or conversion to judicial protective order 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 is a violation of the APO which may be subject to sanctions.

### Notification to Interested Parties

This five-year sunset review and this notice are in accordance with sections 751(c) and 751(d)(2) of the Act and published in accordance with section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: August 29, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–533–877, A–570–064]

### Stainless Steel Flanges From India and the People's Republic of China: Final Results of the Expedited First Sunset Reviews of the Antidumping Duty Orders

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

**SUMMARY:** As a result of these expedited sunset reviews, the U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) orders on stainless steel flanges from India and the People's Republic of China (China) would be likely to lead to the continuation or recurrence of dumping at the levels indicated in the "Final Results of Sunset Reviews" section of this notice.

**DATES:** Applicable September 5, 2023.

### FOR FURTHER INFORMATION CONTACT:

Christopher Maciuba, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0413.

### SUPPLEMENTARY INFORMATION:

#### Background

On August 1, 2018, and on October 9, 2018, Commerce published in the *Federal Register* the AD orders on stainless steel flanges from China and India, respectively.<sup>1</sup> On May 1, 2023, Commerce published the notice of initiation of the first sunset reviews of the *Orders*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).<sup>2</sup>

On May 15 and 16, 2023, Commerce received notices of intent to participate in these reviews from Core Pipe Products, Inc. (Core Pipe) and Kerkau Manufacturing (Kerkau) within the deadline specified in 19 CFR 351.218(d)(1)(i).<sup>3</sup> Core Pipe and Kerkau claimed interested party status under section 771(9)(C) of the Act as producers of the domestic like product in the United States. On May 31, 2023, Commerce received adequate substantive responses from Core Pipe and Kerkau.<sup>4</sup> We received no substantive responses from respondent interested parties.

On June 20, 2023, Commerce notified the U.S. International Trade Commission that it did not receive substantive responses from any

<sup>1</sup> See *Stainless Steel Flanges from the People's Republic of China: Antidumping Duty Order*, 83 FR 37468 (August 1, 2018); and *Stainless Steel Flanges from India: Antidumping Duty Order*, 83 FR 50639 (October 9, 2018) (collectively, *Orders*).

<sup>2</sup> See *Initiation of Five-Year (Sunset) Reviews*, 88 FR 26522 (May 1, 2023).

<sup>3</sup> See Core Pipe's Letters, "Stainless Steel Flanges from India—Notice of Intent To Participate," dated May 15, 2023; and "Stainless Steel Flanges from the People's Republic of China—Notice of Intent To Participate," dated May 15, 2023; and Kerkau's Letters, "Stainless Steel Flanges from India: Notice of Intent to Participate by Kerkau Manufacturing," dated May 16, 2023; and "Stainless Steel Flanges from China: Notice of Intent to Participate by Kerkau Manufacturing," dated May 16, 2023.

<sup>4</sup> See Core Pipe's Letters, "Stainless Steel Flanges from India—Domestic Interested Party's Substantive Response to Notice of Initiation," dated May 31, 2023 (Core Pipe Substantive Response—India); and "Stainless Steel Flanges from the People's Republic of China—Domestic Interested Party's Substantive Response to Notice of Initiation," dated May 31, 2023 (Core Pipe Substantive Response—China); and Kerkau's Letters, "Stainless Steel Flanges from India: Substantive Response of Kerkau Manufacturing," dated May 31, 2023; and "Stainless Steel Flanges from China: Substantive Response of Kerkau Manufacturing," dated May 31, 2023.

respondent interested parties.<sup>5</sup> As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted expedited (120-day) sunset reviews of the *Orders*.

### Scope of the Orders

The products covered by these *Orders* are stainless steel flanges from India and China. For a full description of the scope, see the Issues and Decision Memorandum.<sup>6</sup>

### Analysis of Comments Received

A complete discussion of all issues raised in these sunset reviews is contained in the accompanying Issues and Decision Memorandum.<sup>7</sup> A list of topics discussed in the Issues and Decision Memorandum is included as an 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 <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be directly accessed at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

### Final Results of Sunset Reviews

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Orders* would likely lead to the continuation or recurrence of dumping and that the magnitude of the dumping margins likely to prevail would be weighed-average margins up to 145.25 percent for India, and up to 257.11 percent for China.<sup>8</sup>

### Administrative Protective Orders

This notice serves as the only reminder to interested parties subject to an Administrative Protective Order (APO) of their responsibility concerning the return/destruction or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or

<sup>5</sup> See Commerce's Letter, "Sunset Reviews Initiated on May 1, 2023," dated June 20, 2023.

<sup>6</sup> See Memorandum, "Issues and Decision Memorandum for the Final Results of the Expedited First Sunset Reviews of the Antidumping Duty Orders on Stainless Steel Flanges from India and the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>7</sup> See generally Issues and Decision Memorandum.

<sup>8</sup> *Id.* at 9.

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 in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: August 28, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix

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

- I. Summary
- II. Background
- III. Scope of the *Orders*
- IV. History of the *Orders*
- V. Legal Framework
- VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Margins of Dumping Likely to Prevail
- VII. Final Results of Sunset Reviews
- VIII. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–051, C–570–052]

#### Certain Hardwood Plywood Products From the People's Republic of China: Notice of Court Decision Not in Harmony With the Results of Antidumping and Countervailing Duty Scope Ruling; Notice of Amended Final Results

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

**SUMMARY:** On August 22, 2023, the U.S. Court of International Trade (CIT) issued its final judgment in *Far East American, Inc., et al., v. United States*, Consol. Court no. 22–00049 (*Far Eastern*), sustaining the U.S. Department of Commerce (Commerce)'s first remand results of redetermination pertaining to the final scope ruling for the antidumping and countervailing duty orders on certain hardwood plywood products (hardwood plywood) from the People's Republic of China (China). In the underlying ruling, Commerce determined that hardwood plywood exported into the United States by Vietnam Finewood Company Limited (Finewood) that was produced using

two-ply panels imported into Vietnam from China was included in the scope of the orders. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final scope ruling on Finewood's two-ply panels from China and is amending its final scope ruling.

**DATES:** Applicable September 1, 2023.

**FOR FURTHER INFORMATION CONTACT:** Kabir Archuleta, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2953.

### SUPPLEMENTARY INFORMATION:

#### Background

In response to a U.S. Customs and Border Protection (CBP) covered merchandise referral,<sup>1</sup> on January 21, 2022, Commerce issued its Final Scope Ruling addressing Finewood's two-ply panels imported from China and whether they are covered by the antidumping and countervailing duty orders on hardwood plywood from China.<sup>2</sup> Commerce found that the plain language of the scope of the *Orders* was ambiguous with respect to the definition of "certain veneered panels," and, thus, Commerce turned to the sources in 19 CFR 351.225(k)(1) and found those sources indicated that hardwood plywood exported to the United States by Finewood that was produced using two-ply panels imported into Vietnam from China were covered by the scope of the *Orders*.<sup>3</sup>

Finewood, Far East American, Inc., Liberty Woods International, Inc., and Consolidated Plaintiff InterGlobal Forest, LLC, appealed Commerce's Final Scope Ruling. On April 20, 2023, the CIT remanded the Final Scope Ruling to Commerce, holding that the scope language, when read together with the 19 CFR 351.225(k)(1) sources, unambiguously establishes that the *Orders* do not include Chinese two-ply

<sup>1</sup> See *Certain Hardwood Plywood from the People's Republic of China: Notice of Covered Merchandise Referral and Initiation of Scope Inquiry*, 85 FR 3024 (January 17, 2020).

<sup>2</sup> See Memorandum, "Antidumping Duty and Countervailing Duty Orders on Certain Hardwood Plywood Products from the People's Republic of China, Enforcement and Protect Act (EAPA) Investigation No. 7252: Final Scope Ruling," dated January 21, 2022 (Final Scope Ruling); see also *Certain Hardwood Plywood Products from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order*, 83 FR 504 (January 4, 2018); and *Certain Hardwood Plywood Products from the People's Republic of China: Countervailing Duty Order*, 83 FR 513 (January 4, 2018) (collectively, the *Orders*).

<sup>3</sup> See Final Scope Ruling at 10–20.