

domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, sections 702(c)(4)(D) and 732(c)(4)(D) of the Act provide that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) if there is a large number of producers, determine industry support using a statistically valid sampling method to poll the industry.

#### *Extension of Time*

Sections 702(c)(1)(A) and 732(c)(1)(A) of the Act provide that within 20 days of the filing of an antidumping or countervailing duty petition, Commerce will determine, *inter alia*, whether the petition has been filed by or on behalf of the U.S. industry producing the domestic like product. Sections 702(c)(1)(B) and 732(c)(1)(B) of the Act provide that the deadline for the initiation determination, in exceptional circumstances, may be extended by 20 days in any case in which Commerce must “poll or otherwise determine support for the petition by the industry.” Because it is not clear from the Petitions whether the industry support criteria have been met, Commerce has determined it should extend the time period for determining whether to initiate the investigations in order to further examine the issue of industry support.

Commerce will need additional time to gather and analyze additional information regarding industry support. Therefore, it is necessary to extend the deadline for determining the adequacy of the Petitions for a period not to exceed 40 days from the filing of the Petitions. As a result, Commerce’s initiation determination will now be due no later than April 23, 2024.

#### *International Trade Commission Notification*

Commerce will contact the U.S. International Trade Commission (ITC) and will make this extension notice available to the ITC.

Dated: April 3, 2024.

#### **James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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## **DEPARTMENT OF COMMERCE**

### **International Trade Administration**

**[A-588-874]**

#### **Certain Hot-Rolled Steel Flat Products From Japan: Notice of Court Decision Not in Harmony With the Final Results of the Antidumping Duty Administrative Review; Notice of Amended Final Results**

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

**SUMMARY:** On March 26, 2024, the U.S. Court of International Trade (CIT) issued its final judgment in *Optima Steel International, LLC v. United States*, Court No. 1:23-cv-00108 (CIT March 26, 2024), sustaining the U.S. Department of Commerce’s (Commerce) final remand results pertaining to the antidumping duty administrative review on certain hot-rolled steel flat products from Japan, covering the period of review (POR) October 1, 2020, through September 30, 2021. Commerce is notifying the public that the CIT’s final judgment is not in harmony with the final results of the administrative review, and that Commerce is amending its final results.

**DATES:** Applicable April 6, 2024.

**FOR FURTHER INFORMATION CONTACT:** Myrna Lobo, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2371.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On November 29, 2021, Commerce initiated an administrative review with respect to two producers/exporters of subject merchandise, Nippon Steel Corporation/Nippon Steel Nisshin Co., Ltd./Nippon Steel Trading Corporation (collectively, NSC) and Tokyo Steel Manufacturing Co., Ltd. (Tokyo Steel).<sup>1</sup> On February 23, 2022, we selected NSC, the producer/exporter accounting for the largest volume of subject merchandise entered during the POR, as the mandatory respondent.<sup>2</sup> On March 4, 2022, Tokyo Steel requested that Commerce reconsider the respondent selection and treat Tokyo Steel as a

voluntary respondent.<sup>3</sup> Thereafter, we issued a memorandum in which we determined that Commerce is unable to individually examine Tokyo Steel as a voluntary respondent in this administrative review.<sup>4</sup> On March 18, 2022, Tokyo Steel submitted its section A questionnaire response as a voluntary respondent.<sup>5</sup> On April 15 and 18, 2022 Tokyo Steel submitted its sections B, C, and D questionnaire responses.<sup>6</sup> On May 4, 2023, Commerce published its final results for the 2020–2021 review.<sup>7</sup>

On August 9, 2023, Optima Steel International LLC (Optima), an importer of Tokyo Steel, challenged Commerce’s *Final Results* for Commerce’s failure to treat Tokyo Steel as a second mandatory respondent. Commerce requested a remand to conduct a review of Tokyo Steel’s entries for the 2020–2021 review period, which the CIT granted on August 11, 2023. On March 12, 2024, Commerce issued its final results of redetermination calculating an estimated weighted-average dumping margin of 5.20 percent for Tokyo Steel.<sup>8</sup> On March 26, 2024, the CIT sustained Commerce’s *Final Redetermination*.<sup>9</sup>

#### **Timken Notice**

In its decision in *Timken*,<sup>10</sup> as clarified by *Diamond Sawblades*,<sup>11</sup> 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 a court decision that is not “in harmony” with a Commerce determination and must suspend

<sup>3</sup> See Tokyo Steel’s Letter, “Tokyo Steel’s Request for Reconsideration of Respondent Selection and Request for Voluntary Respondent Treatment in the Alternative; Certain Hot-Rolled Steel Flat Products from Japan,” dated March 4, 2022.

<sup>4</sup> See Memorandum “Respondent Selection for the 2020–2021 Antidumping Duty Administrative Review of Certain Hot-Rolled Steel Flat Products from Japan,” dated April 6, 2022.

<sup>5</sup> See Tokyo Steel’s Letter, “Tokyo Steel’s Section A Questionnaire Response,” dated March 18, 2022.

<sup>6</sup> See Tokyo Steel’s Letters, “Tokyo Steel’s Section B Questionnaire Response,” dated April 15, 2022; “Tokyo Steel’s Section C Questionnaire Response,” dated April 15, 2022; and “Tokyo Steel’s Section D Questionnaire Response,” dated April 18, 2022.

<sup>7</sup> See *Certain Hot-Rolled Steel Flat Products from Japan: Final Results of Antidumping Duty Administrative Review; 2020–2021*, 88 FR 28500 (May 4, 2023) (*Final Results*), and accompanying Issues and Decision Memorandum.

<sup>8</sup> See *Final Results of Redetermination Pursuant to Court Remand, Optima Steel International, LLC v. United States*, Court No. 1:23-cv-00108 (CIT August 11, 2023), dated March 12, 2024 (*Final Redetermination*).

<sup>9</sup> See *Optima Steel International v. United States*, Court No. 1:23-cv-00108 (CIT March 26, 2024).

<sup>10</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>11</sup> See *Diamond Sawblades Mfrs. Coal. v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 67685 (November 29, 2021).

<sup>2</sup> See Memorandum “Respondent Selection for the 2020–2021 Antidumping Duty Administrative Review of Certain Hot-Rolled Steel Flat Products from Japan,” dated February 23, 2022.

liquidation of entries pending a “conclusive” court decision. The CIT’s March 26, 2024, judgment constitutes a final decision of the CIT that is not in harmony with Commerce’s *Final Results*. 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 Tokyo Steel’s weighted-average dumping margin as follows:

Producer/exporter	Weighted average dumping margin (percent)
Tokyo Steel Manufacturing Co., Ltd .....	5.20

#### Cash Deposit Requirements

Because Tokyo Steel has 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 U.S. Customs and Border Protection (CBP). This notice will not affect the current cash deposit rate.

#### Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that were produced by Tokyo Steel and imported by Optima Steel International, LLC and were entered, or withdrawn from warehouse, for consumption during the period October 1, 2020, through September 30, 2021. 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 produced by Tokyo Steel and imported by Optima Steel International, LLC in accordance with 19 CFR 351.212(b), where appropriate.

Commerce intends to instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate is not zero or *de minimis*. Where an importer-specific *ad valorem* assessment rate is zero or *de minimis*, Commerce intends to 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.

Dated: April 2, 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.*

[FR Doc. 2024–07379 Filed 4–5–24; 8:45 am]

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### DEPARTMENT OF COMMERCE

#### International Trade Administration

[C–570–157]

#### Aluminum Lithographic Printing Plates From the People’s Republic of China: Preliminary Determination of Critical Circumstances, in Part, in the Countervailing Duty Investigation

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that critical circumstances exist, in part, with respect to imports of aluminum lithographic printing plates (printing plates) from certain producers and exporters from the People’s Republic of China (China).

**DATES:** Applicable April 8, 2024.

**FOR FURTHER INFORMATION CONTACT:** Ajay Menon, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0208.

#### SUPPLEMENTARY INFORMATION:

##### Background

In response to a countervailing duty (CVD) petition filed on September 28, 2023, Commerce published the initiation of a CVD investigation on printing plates from China.<sup>1</sup> Further, on March 1, 2024, Commerce published its affirmative Preliminary Determination.<sup>2</sup> In the Preliminary Determination, we examined one participating mandatory respondent, Fujifilm Printing Plate

<sup>1</sup> See *Aluminum Lithographic Printing Plates from the People’s Republic of China: Initiation of Countervailing Duty Investigation*, 88 FR 73313 (October 25, 2023) (*Initiation Notice*).

<sup>2</sup> See *Aluminum Lithographic Printing Plates from the People’s Republic of China: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Final Antidumping Duty Determination*, 89 FR 15134 (March 1, 2024) (*Preliminary Determination*), and accompanying Preliminary Determination Memorandum (PDM).

(China) Co., Ltd. (FFPS), and assigned a second respondent which failed to participate, Shanghai National Ink Co. Ltd. (Shanghai National), a rate based on adverse facts available (AFA).<sup>3</sup>

On March 8, 2024, the petitioner, Eastman Kodak Company, filed a timely allegation, pursuant to section 703(e)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.206, that critical circumstances exist with respect to imports of printing plates from China.<sup>4</sup> On March 14, 2024, FFPS filed comments on the petitioner’s critical circumstances allegation,<sup>5</sup> to which the petitioner responded on March 18, 2024.<sup>6</sup>

In accordance with section 703(e)(1) of the Act and 19 CFR 351.206(c)(1) and (2)(ii), because the petitioner submitted its critical circumstances allegation more than 30 days before the scheduled date of the final determination, Commerce will make a preliminary finding as to whether there is a reasonable basis to believe or suspect that critical circumstances exist and will issue a preliminary critical circumstances determination within 30 days after the allegation is filed.

#### Critical Circumstances Allegation

The petitioner alleges that there was a massive increase of imports of printing plates from China and provided monthly import data comparing a base period of May 2023 through September 2023 to a comparison period of October 2023 through February 2024.<sup>7</sup> The petitioner asserts that this comparison shows that imports of printing plates from China increased by 56.10 percent,<sup>8</sup> which is “massive” under 19 CFR 351.206(h)(2). The petitioner also alleges that there is a reasonable basis to believe that there are subsidies in this investigation which are inconsistent with the World Trade Organization’s Agreement on Subsidies and Countervailing Measures Agreement (SCM Agreement).<sup>9</sup>

#### Critical Circumstances Analysis

Section 703(e)(1) of the Act provides that Commerce will preliminarily

<sup>3</sup> *Id.*

<sup>4</sup> See Petitioner’s Letter, “Petitioner’s Allegation of Critical Circumstances,” dated March 8, 2024 (Critical Circumstances Allegation).

<sup>5</sup> See FFPS’ Letter, “FFPS Response to Critical Circumstances Allegation,” dated March 14, 2024 (FFPS’ Critical Circumstances Response).

<sup>6</sup> See Petitioner’s Letter, “Petitioner’s Comments on FUJIFILM Printing Plate (China) Co., Ltd.’s Response to Critical Circumstances Allegation,” dated March 18, 2024 (Petitioner’s Critical Circumstances Rebuttal Comments).

<sup>7</sup> See Critical Circumstances Allegation at Attachment 1.

<sup>8</sup> *Id.* at 7.

<sup>9</sup> *Id.* at 4.