

date for filing case briefs.<sup>13</sup> Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.<sup>14</sup>

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this investigation, we instead request that interested parties provide at the beginning of their briefs a public executive summary for each issue raised in their briefs.<sup>15</sup> Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).<sup>16</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a date, time, and location to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

All submissions, including case and rebuttal briefs, as well as hearing requests, should be filed using ACCESS. An electronically-filed document must be received successfully in its entirety

<sup>13</sup> See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

<sup>14</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>15</sup> We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

<sup>16</sup> See *APO and Service Final Rule*.

by ACCESS by 5:00 p.m. Eastern Time on the established deadline.

### U.S. International Trade Commission Notification

In accordance with section 703(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of alkyl phosphate esters from China are materially injuring, or threaten material injury, to the U.S. industry.

### Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: September 27, 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—Scope of the Investigation

The products covered by this investigation are alkyl phosphate esters, which are halogenated and non-halogenated phosphorus-based esters with a phosphorus content of at least 6.5 percent (per weight) and a viscosity between 1 and 2000 mPa.s (at 20–25 °C).

Merchandise subject to this investigation primarily includes Tris (2-chloroisopropyl) phosphate (TCPP), Tris (1,3-dichloroisopropyl) phosphate (TDCP), and Triethyl Phosphate (TEP).

TCPP is also known as Tris (1-chloro-2-propyl) phosphate, Tris (1-chloropropan-2-yl) phosphate, Tris (monochloroisopropyl) phosphate (TMCP), and Tris (2-chloroisopropyl) phosphate (TCIP). TCPP has the chemical formula C<sub>9</sub>H<sub>18</sub>C<sub>13</sub>O<sub>4</sub>P and the Chemical Abstracts Service (CAS) Nos. 1244733–77–4 and 13674–84–5. It may also be identified as CAS No. 6145–73–9.

TDCP is also known as Tris (1,3-dichloroisopropyl) phosphate, Tris (1,3-dichloro-2-propyl) phosphate, Chlorinated tris, tris {2-chloro-1-(chloromethyl ethyl)} phosphate, TDCPP, and TDCIPP. TDCP has the chemical formula C<sub>9</sub>H<sub>15</sub>C<sub>16</sub>O<sub>4</sub>P and the CAS No. 13674–87–8.

TEP is also known as Phosphoric acid triethyl ester, phosphoric ester, flame retardant TEP, Tris(ethyl) phosphate, Triethoxyphosphine oxide, and Ethyl phosphate (neutral). TEP has the chemical formula (C<sub>2</sub>H<sub>5</sub>O)<sub>3</sub>PO and the CAS No. 78–40–0.

Imported alkyl phosphate esters are not excluded from the scope of this investigation even if the imported alkyl phosphate ester consists of a single isomer or combination of isomers in proportions different from the isomers ordinarily provided in the market.

Also included in this investigation are blends including one or more alkyl phosphate esters, with or without other substances, where the alkyl phosphate esters account for 20 percent or more of the blend by weight.

Alkyl phosphate esters are classified under subheading 2919.90.5050, Harmonized Tariff Schedule of the United States (HTSUS). Imports may also be classified under subheadings 2919.90.5010 and 3824.99.5000, HTSUS. The HTSUS subheadings and CAS registry numbers are provided for convenience and customs purposes. The written description of the scope is dispositive.

### Appendix II—List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. New Subsidy Allegations
- IV. Post-Preliminary Decision Memorandum
- V. Alignment
- VI. Injury Test
- VII. Analysis of China's Financial System
- VIII. Diversification of China's Economy
- IX. Use of Facts Otherwise Available and Adverse Inferences
- X. Subsidies Valuation
- XI. Benchmarks and Interest Rates
- XII. Analysis of Programs
- XIII. Recommendation

[FR Doc. 2024–22940 Filed 10–3–24; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–970]

### Multilayered Wood Flooring From the People's Republic of China: Notice of Court Decision Not in Harmony With the Results of Antidumping Administrative Review; Notice of Amended Final Results

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

**SUMMARY:** On September 18, 2024, the U.S. Court of International Trade (CIT) issued its final judgment in *Fusong Jinlong Wooden Group Co., Ltd., et al v. United States*, Consol. Court no. 19–00144, sustaining the U.S. Department of Commerce (Commerce)'s remand results pertaining to the administrative review of the antidumping duty (AD) order on Multilayered Wood Flooring (MLWF) from the People's Republic of China (China) covering the period December 1, 2016 through November 30, 2017. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final results of the administrative review, and that Commerce is amending the final results with respect to the dumping

margin assigned to exporters that were eligible for a separate rate but not selected for individual examination.

**DATES:** Applicable September 28, 2024.

**FOR FURTHER INFORMATION CONTACT:** Matthew Lipka, 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) 482-7976.

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 5, 2019, Commerce published its *Final Results* in the 2016–2017 AD administrative review of MLWF from China.<sup>1</sup> In that review, Commerce calculated the dumping margin assigned to the non-individually examined companies found to be eligible for a separate rate as the simple-average of the two individually examined mandatory respondents’ rates, a zero percent rate and an 85.13 percent rate based on facts available with an adverse inference (AFA), resulting in a margin of 42.57 percent.<sup>2</sup>

Mandatory respondent Sino-Maple (Jiangsu) Co., Ltd. (Sino Maple), certain separate rate companies,<sup>3</sup> and certain companies subject to the China-wide entity<sup>4</sup> rate appealed Commerce’s *Final Results*. On December 22, 2022, the CIT remanded the *Final Results* to Commerce, sustaining Commerce’s use of AFA to calculate Sino-Maple’s rate

and the separate rate eligibility determinations while remanding the *Final Results* on the issue of whether Commerce’s use of Jiangsu Senmao Bamboo and Wood Industry Co., Ltd.’s (Senmao) highest transaction-specific dumping margin as Sino-Maple’s AFA rate was authorized by section 776(d) of the Tariff Act of 1930, as amended (the Act).<sup>5</sup> The Court reserved decision on certain other challenges to Commerce’s calculation of the separate rate assigned to the respondents not selected for individual examination. Commerce filed a motion for reconsideration of *Fusong I*, which was granted by the CIT on October 4, 2023, and found that Commerce’s method for selecting AFA for Sino-Maple was lawful and relieved Commerce of a remand redetermination on that issue.<sup>6</sup>

In addressing the issue on reserve, on March 11, 2024, the CIT again remanded the *Final Results* for Commerce to reconsider or further explain its decision to calculate the separate rate as the simple-average of the mandatory respondents’ zero percent and AFA rates, which the CIT viewed as a departure from its normal practice of using the expected method.<sup>7</sup> Specifically, citing section 735(c)(5)(B) of the Act and the Statement of Administrative Action (SAA),<sup>8</sup> the Court found that the statutory exception permits Commerce to use any reasonable method to establish the separate rate, but that in such cases the expected method Commerce would

follow is to weight average a zero or *de minimis* margin with the AFA margin and that by choosing to use a simple average, Commerce was required to provide a reasonable explanation for its departure.<sup>9</sup>

In compliance with the CIT’s order, Commerce calculated a weighted-average dumping margin of 31.63 percent for non-individually examined companies eligible for a separate rate.<sup>10</sup> The CIT sustained Commerce’s final redetermination.<sup>11</sup>

**Timken Notice**

In its decision in *Timken*,<sup>12</sup> as clarified by *Diamond Sawblades*,<sup>13</sup> the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of the Act, Commerce must publish a notice of court decision that is not “in harmony” with a Commerce determination and must suspend liquidation of entries pending a “conclusive” court decision. The CIT’s September 18, 2024, judgment constitutes a final decision of the CIT that is not in harmony with Commerce’s *Final Results*. Thus, 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 the non-individually-examined companies as follows:

Exporter	Weighted-average dumping margin (percent)
Non-Individually-Examined Respondents Eligible for a Separate Rate <sup>14</sup> .....	31.63

**Cash Deposit Requirements**

Because all separate rate respondents subject to injunction have 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 for those companies.

**Liquidation of Suspended Entries**

At this time, Commerce remains enjoined from liquidating entries that were exported by the non-individually-examined companies, and were entered, or withdrawn from warehouse, for

<sup>1</sup> See *Multilayered Wood Flooring From the People’s Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2016–2017*, 84 FR 38002, 38003 (August 5, 2019) (*Final Results*).

<sup>2</sup> *Id.*

<sup>3</sup> See Appendix for a list of the separate rate companies under injunction.

<sup>4</sup> The enjoined companies subject to the China-wide rate are: Baishan Huafeng Wooden Product Co., Ltd., Dalian Penghong Floor Products Co., Ltd., Jilin Forest Industry Jinqiao Flooring Group Co., Ltd., Kingman Floors Co., Ltd., and Scholar Home (Shanghai) New Material Co., Ltd. See *Multilayered Wood Flooring From the People’s Republic of*

*China: Preliminary Results of the Antidumping Duty Administrative Review; 2016–2017*, 83 FR 65630 (December 21, 2018) and accompanying Preliminary Decision Memorandum at 6, 7, and 12 (unchanged in the final results).

<sup>5</sup> See *Fusong Jinlong Wooden Grp. Co., Ltd. v. United States*, 617 F.Supp.3d 1221 (CIT 2022) (*Fusong I*).

<sup>6</sup> See *Fusong Jinlong Wooden Grp. Co. v. United States*, Slip Op. 23–145 (CIT October 4, 2023) at 2.

<sup>7</sup> See *Fusong Jinlong Wooden Grp. Co., Ltd. v. United States*, 693 F.Supp.3d 1302 (CIT 2024) (*Fusong II*).

<sup>8</sup> See Statement of Administrative Action Accompanying the Uruguay Round Agreements Act, H.R. Doc. 103–316, Vol. 1 (1994), at 873.

<sup>9</sup> See *Fusong II* at 1307–10.

<sup>10</sup> See *Final Results of Redetermination Pursuant to Court Remand, Fusong Jinlong Wooden Group Co., Ltd. et al v. United States*, Court No. 19–144, Slip Op. 24–29 (CIT September 18, 2024), dated June 7, 2024, available at <http://access.trade.gov/public/FinalRemandRedetermination.aspx>.

<sup>11</sup> See *Fusong Jinlong Wooden Grp. Co. v. United States*, Slip Op. 24–103 (CIT September 18, 2024).

<sup>12</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>13</sup> See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

consumption during the period December, 1, 2016 through November 30, 2017.<sup>15</sup> 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, is upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess antidumping duties on unliquidated entries of subject merchandise exported by the non-individually examined separate rate respondents in accordance with 19 CFR 351.212(b), where appropriate. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review at the AD rate noted in the table above.

#### 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: September 27, 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

##### Non-Individually Examined Respondents Eligible To Receive a Separate Rate Under Injunction

A&W (Shanghai) Woods Co., Ltd.  
Benxi Wood Company  
Dalian Dajen Wood Co., Ltd.  
Dalian Jiahong Wood Industry Co., Ltd.  
Dalian Kemian Wood Industry Co., Ltd.  
Dalian Qianqiu Wooden Product Co., Ltd.  
Dongtai Fuan Universal Dynamics, LLC  
Dun Hua Sen Tai Wood Co., Ltd.  
Dunhua Shengda Wood Industry Co., Ltd.  
Fusong Jinlong Wooden Group Co., Ltd.  
Fusong Qianqiu Wooden Product Co., Ltd.  
Hailin Linjing Wooden Products Co., Ltd.  
Hangzhou Hanje Tec Co., Ltd.  
Hunchun Xingjia Wooden Flooring Inc.  
Huzhou Chenghang Wood Co., Ltd.  
Jiangsu Guyu International Trading Co., Ltd.  
Jiangsu Mingle Flooring Co., Ltd.  
Jiangsu Simba Flooring Co., Ltd.  
Jiashan Huijiale Decoration Material Co., Ltd.  
Kemian Wood Industry (Kunshan) Co., Ltd.  
Linyi Anying Wood Co., Ltd.  
Linyi Youyou Wood Co., Ltd.  
Metropolitan Hardwood Floors, Inc.  
Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd.  
Pinghe Timber Manufacturing (Zhejiang) Co., Ltd.  
Shenyang Haobainian Wooden Co. Ltd.  
Shenzhen Huanwei Woods Co., Ltd.  
Suzhou Dongda Wood Co., Ltd.  
Tongxiang Jisheng Import and Export Co., Ltd.

Yihua Lifestyle Technology Co., Ltd.  
Zhejiang Biyork Wood Co., Ltd.  
Zhejiang Dadongwu GreenHome Wood Co., Ltd.  
Zhejiang Fuerjia Wooden Co., Ltd.  
[FR Doc. 2024-22971 Filed 10-3-24; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-549-852]

#### Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From Thailand: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination, in Part, and Alignment of Final Determination With Final Antidumping Duty Determination

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from Thailand. The period of investigation (POI) is January 1, 2023, through December 31, 2023. Interested parties are invited to comment on this preliminary determination.

**DATES:** Applicable October 4, 2024.

**FOR FURTHER INFORMATION CONTACT:** Shane Subler or Henry Wolfe, 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) 482-6241, and (202) 482-0574, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on May 20, 2024.<sup>1</sup> On July 3, 2024, Commerce postponed the preliminary determination of this investigation.<sup>2</sup> On

<sup>1</sup> See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From Cambodia, Malaysia, Thailand, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations*, 89 FR 43816 (May 20, 2024) (*Initiation Notice*).

<sup>2</sup> See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From Cambodia, Malaysia, Thailand, and the Socialist*

July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.<sup>3</sup> The deadline for the preliminary determination is now September 30, 2024.

For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.<sup>4</sup> A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary 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 Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

#### Scope of the Investigation

The products covered by this investigation are solar cells. For a complete description of the scope of this investigation, see Appendix I.

#### Scope Comments

In accordance with the *Preamble* to Commerce's regulations,<sup>5</sup> the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage, (*i.e.*, scope).<sup>6</sup> We received several comments concerning the scope of this investigation, as well as in the companion less-than-fair-value (LTFV) and other countervailing duty (CVD) investigations of solar cells, as it appeared in the *Initiation Notice*. We intend to issue our preliminary decision regarding the scope of the LTFV and CVD investigations in the preliminary determinations of the companion LTFV investigations, the deadline of which is November 27, 2024.<sup>7</sup> We will

*Republic of Vietnam: Postponement of Preliminary Determination in the Countervailing Duty Investigation*, 88 FR 43295 (July 3, 2024).

<sup>3</sup> See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated July 22, 2024.

<sup>4</sup> See Memorandum, "Decision Memorandum for the Preliminary Affirmative Determination and Preliminary Affirmative Critical Circumstances Determination, in Part, in the Countervailing Duty Investigation of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from Thailand," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>5</sup> See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

<sup>6</sup> See *Initiation Notice*.

<sup>7</sup> See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From Cambodia, Malaysia, Thailand, and the Socialist*

<sup>14</sup> See Appendix.

<sup>15</sup> See Appendix for a list of the non-examined respondents eligible for a separate rate.