

Notices

Federal Register

Vol. 90, No. 26

Monday, February 10, 2025

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

International Trade Administration

[A-351-857]

Raw Honey From Brazil: Notice of Court Decision Not in Harmony With the Final Determination of Antidumping Duty Investigation; Notice of Amended Final Determination; Notice of Amended Antidumping Duty Order

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

SUMMARY: On January 24, 2025, the U.S. Court of International Trade (CIT) issued its final judgment in *Apiário Diamante Comercial Exportadora Ltda. and Apiário Diamante Produção e Comercial de Mel Ltda. v. United States*, Court No. 22–00185, sustaining the U.S. Department of Commerce (Commerce)’s first remand redetermination pertaining to the antidumping (AD) duty investigation of raw honey (honey) from Brazil covering the period of investigation April 1, 2020, through March 31, 2021. Commerce is notifying the public that the CIT’s final judgment is not in harmony with Commerce’s final determination in the investigation, and that Commerce is amending the final determination and the resulting AD order with respect to the dumping margins assigned to Apiário Diamante Comercial Exportadora Ltda./Apiário Diamante Produção e Comercial de Mel Ltda (Supermel) and all other producers

and/or exporters of subject merchandise.

DATES: Applicable February 3, 2025.

FOR FURTHER INFORMATION CONTACT: Miranda Bourdeau, 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) 482–2021.

SUPPLEMENTARY INFORMATION:

Background

On April 14, 2022, Commerce published its *Final Determination* in the less-than-fair value investigation of honey from Brazil.¹ In its *Final Determination*, Commerce found that Supermel: (1) failed to provide requested source documentation;² and (2) supplied cost of production (COP) data that were irreconcilable to the information supplied by its raw honey suppliers.³ Accordingly, Commerce found that Supermel’s COP data were unverifiable and that Supermel failed to act to the best of its ability in responding to Commerce’s requests for information. Commerce declined to rely on Supermel’s COP data for the *Final Determination* and, instead, Commerce relied entirely on facts otherwise available with adverse inferences (AFA) for assigning an estimated dumping margin to Supermel.⁴ Because the only rate from the *Final Determination* that was not zero, *de minimis*, or based entirely on AFA was the rate calculated for another respondent, the rate calculated for the other respondent was also assigned as the rate for all other producers and exporters.⁵ Commerce subsequently published the AD order on honey from Brazil.⁶

Supermel appealed Commerce’s *Final Determination*. On June 5, 2024, the CIT remanded the *Final Determination* to Commerce, holding that the discrepancies between Supermel’s

reported COP data and its suppliers’ COP data were: (1) relatively minor; (2) understandable given the beekeepers’ lack of recordkeeping; and (3) unnecessary for verifying Supermel’s COP information, given that copious information already existed on the record that Commerce could have used to support relying on Supermel’s COP.⁷ The CIT remanded the *Final Determination* to Commerce to reconsider, based on the existing record, its decision to apply AFA to Supermel and to determine a new estimated dumping margin for Supermel.⁸

In its remand redetermination, issued in August 2024, Commerce relied on the information already in existence on the record to support Supermel’s COP, and therefore Commerce calculated estimated weighted-average dumping margins for Supermel and all other producers and/or exporters rather than relying on AFA.⁹ The CIT sustained Commerce’s final redetermination.¹⁰

Timken Notice

In its decision in *Timken*,¹¹ as clarified by *Diamond Sawblades*,¹² the 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 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 January 24, 2025, judgment constitutes a final decision of the CIT that is not in harmony with Commerce’s *Final Determination*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Determination

Because there is now a final court judgment, Commerce is amending its *Final Determination* with respect to Supermel and all other producers and/or exporters as follows:

¹ See *Raw Honey from Brazil: Final Determination of Sales at Less Than Fair Value*, 87 FR 22182 (April 14, 2022) (*Final Determination*), and accompanying Issues and Decision Memorandum (IDM).

² See *Final Determination* IDM at 12–17.

³ *Id.* at 12–14.

⁴ See *Final Determination*, 87 FR at 22183.

⁵ *Id.*

⁶ See *Raw Honey from Argentina, Brazil, India, and the Socialist Republic of Vietnam:*

Antidumping Duty Orders, 87 FR 35501 (June 10, 2022) (*Order*).

⁷ See *Apiário Diamante Comercial Exportadora Ltda. and Apiário Diamante Produção e Comercial de Mel Ltda. v. United States*, Court No. 22–00185, Slip Op. 24–64 (CIT June 5, 2024) at 15–16.

⁸ *Id.* at 43.

⁹ See *Final Results of Redetermination Pursuant to Court Remand, Apiário Diamante Comercial Exportadora Ltda. and Apiário Diamante Produção e Comercial de Mel Ltda. v. United States*, Court No.

22–00185, Slip Op. 24–64 (CIT June 5, 2024), dated August 26, 2024.

¹⁰ See *Apiário Diamante Comercial Exportadora Ltda. and Apiário Diamante Produção e Comercial de Mel Ltda. v. United States*, Court No. 22–00185, Slip Op. 25–10 (CIT January 24, 2025).

¹¹ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

¹² See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

Exporter	Estimated weighted-average dumping margin (percent)
Apiário Diamante Comercial Exportadora Ltda/Apiário Diamante Produção e Comercial de Mel Ltda (Supermel)	10.52
All Others	9.38

Amended AD Order

Pursuant to 735(c)(2) of the Act, Commerce shall “issue an antidumping duty order under section 736(a)” of the Act when the final determination is affirmative. As a result of this amended final determination, Commerce is hereby amending the *Order* to revise the estimated weighted-average dumping margins assigned to Supermel and all other producers and/or exporters of subject merchandise, as noted above.

Cash Deposit Requirements

Because Supermel does not have a superseding cash deposit rate, *i.e.*, there have been no final results published in a subsequent administrative review, and because of the change to the rate assigned to all other producers and exporters of subject merchandise, Commerce will issue revised cash deposit instructions to U.S. Customs and Border Protection.

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: February 4, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2025–02416 Filed 2–7–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–201–864]

Certain Corrosion-Resistant Steel Products From Mexico: Preliminary Affirmative Countervailing Duty Determination, 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 certain corrosion-resistant steel products (CORE) from Mexico. The period of investigation is January 1, 2023, through

December 31, 2023. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable February 10, 2025.

FOR FURTHER INFORMATION CONTACT:

Drew Jackson or Maria Teresa Aymerich, 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) 482–4406 or (202) 482–0499, 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). On October 2, 2024, Commerce published the notice of initiation of this countervailing duty (CVD) investigation.¹ On November 14, 2024, Commerce postponed the preliminary determination until February 3, 2025.²

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.³ 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>.

¹ See *Certain Corrosion-Resistant Steel Products from Brazil, Canada, Mexico, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations*, 89 FR 80204 (October 2, 2024) (*Initiation Notice*).

² See *Certain Corrosion-Resistant Steel Products from Brazil, Canada, Mexico, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Countervailing Duty Investigations*, 89 FR 89955 (November 14, 2024).

³ See Memorandum, “Decision Memorandum for the Preliminary Determination of the Countervailing Duty Investigation of Certain Corrosion-Resistant Steel Products from Mexico,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Scope of the Investigation

The products covered by this investigation are CORE from Mexico. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce’s regulations,⁴ the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage, (*i.e.*, scope).⁵ Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice*. Commerce intends to issue its preliminary decision regarding comments concerning the scope of the less-than-fair-value (LTFV) and CVD investigations in the preliminary determination of the companion LTFV investigations. We will incorporate the scope decisions from the LTFV investigations into the scope of the final CVD determination for this investigation after considering any relevant comments submitted in scope case and rebuttal briefs.⁶

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an “authority” that gives rise to a benefit to the recipient, and that the subsidy is specific.⁷ For a full description of the methodology underlying our preliminary determination, *see* the Preliminary Decision Memorandum.

Alignment

In accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final CVD determination in this investigation with the final determination in the concurrent LTFV investigation of CORE

⁴ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

⁵ See *Initiation Notice*, 89 FR at 80205.

⁶ The deadline for interested parties to submit scope case and rebuttal briefs will be established in the preliminary scope decision memorandum.

⁷ 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.