

U.S. Customs and Border Protection



2024 TRADE FACILITATION AND CARGO SECURITY SUMMIT

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of 2024 Trade Facilitation and Cargo Security Summit.

SUMMARY: This document announces that U.S. Customs and Border Protection (CBP) will convene the 2024 Trade Facilitation and Cargo Security (TFCS) Summit in Philadelphia, PA, on March 26–28, 2024. The 2024 TFCS Summit will be open for the public to attend in person or via webinar. The 2024 TFCS Summit will feature CBP personnel, members of the trade community, and members of other government agencies in panel discussions on CBP’s role in international trade initiatives and programs. Members of the international trade and transportation communities and other interested parties are encouraged to attend.

DATES: Tuesday, March 26, 2024 (opening remarks and general sessions, 8 a.m.–5 p.m. EDT), Wednesday, March 27, 2024 (breakout sessions, 8 a.m.–5 p.m. EDT), and Thursday, March 28, 2024 (breakout sessions, 8 a.m.–12 p.m. EDT).

ADDRESSES: The 2024 Trade Facilitation and Cargo Security Summit will be held at the Philadelphia Marriott Downtown at 1201 Market Street, Philadelphia, PA 19107. Directional signage will be displayed throughout the event space for registration, the sessions, and the exhibits.

Registration: Registration will open January 10, 2024 at 12 p.m. EST and close March 14, 2024 at 4 p.m. EDT. Registration information, including registration links when available, may be found on the event web page at <https://www.cbp.gov/trade/stakeholder-engagement/trade-facilitation-and-cargo-security-summit>. All registrations must be made online and will be confirmed with payment by credit card only. The registration fee to attend in person is \$345.00 per person. The registration fee to attend via webinar is \$28.00.

Interested parties are requested to register immediately as space is limited. Members of the public who are pre-registered to attend and later need to cancel, may do so by using the link from their confirmation email or sending an email to TFCSSummit@cbp.dhs.gov. Please include your name and confirmation number with your cancellation request. Cancellation requests made after Friday, March 1, 2024, will not receive a refund.

FOR FURTHER INFORMATION CONTACT: Mrs. Daisy Castro, Office of Trade Relations, U.S. Customs and Border Protection at (202) 344-1440 or at TFCSSummit@cbp.dhs.gov. The most current 2024 TFCS Summit information can be found at <https://www.cbp.gov/trade/stakeholder-engagement/trade-facilitation-and-cargo-security-summit>.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, please contact Mrs. Daisy Castro, Office of Trade Relations, U.S. Customs and Border Protection at (202) 344-1440 or at TFCSSummit@cbp.dhs.gov, as soon as possible.

SUPPLEMENTARY INFORMATION: This document announces that U.S. Customs and Border Protection (CBP) will convene the 2024 Trade Facilitation and Cargo Security (TFCS) Summit in Philadelphia, PA on March 26-28, 2024. The format of the 2024 TFCS Summit will consist of general sessions on the first day and breakout sessions on the second and third days. The 2024 TFCS Summit will feature panels composed of CBP personnel, members of the trade community, and members of other government agencies. The panel discussions will address the Customs Trade Partnership Against Terrorism (CTPAT), the Uyghur Forced Labor Prevention Act (UFLPA), the 21st Century Customs Framework (21CCF), the Automated Commercial Environment (ACE) 2.0, and other topics of interest to the trade community. The 2024 TFCS Summit agenda can be found on the CBP website: <https://www.cbp.gov/trade/stakeholder-engagement/trade-facilitation-and-cargo-security-summit>.

Hotel accommodations have been made available at the Philadelphia Marriott Downtown at 1201 Market Street, Philadelphia, PA 19107. Hotel room block reservation information can be found on the

event web page at <https://www.cbp.gov/trade/stakeholder-engagement/trade-facilitation-and-cargo-security-summit>.

FELICIA M. PULLAM,
Executive Director,
Office of Trade Relations.

[Published in the Federal Register, November 8, 2023 (88 FR 77105)]

**AGENCY INFORMATION COLLECTION ACTIVITIES;
REVISION OF A CURRENTLY APPROVED COLLECTION:
APPLICATION FOR NATURALIZATION**

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until December 11, 2023.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at <https://www.regulations.gov> under e-Docket ID number USCIS-2008-0025. All submissions received must include the OMB Control Number 1615-0052 in the body of the letter, the agency name and Docket ID USCIS-2008-0025.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number (240) 721-3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <http://www.uscis.gov>, or call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on April 20, 2023, at 88 FR 24438, allowing for a 60-day public comment period. USCIS did receive 27 comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking

Portal site at: <http://www.regulations.gov> and enter USCIS–2008–0025 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <https://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) Type of Information Collection: Revision of a Currently Approved Collection.

(2) Title of the Form/Collection: Application for Naturalization.

(3) Agency form number, if any, and the applicable component of the DHS sponsoring the collection: N–400; USCIS.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or households. Naturalization is the process by which U.S. citizenship is granted to a foreign citizen or national after he or she fulfills the requirements established by Congress in the INA. Form N–400, Application for Natural-

ization, allows USCIS to fulfill its mission of fairly adjudicating naturalization applications and only naturalizing statutorily eligible individuals.

USCIS uses the data collected on this form to verify that the applicant is eligible for a reduced fee for the immigration benefit being requested.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: The estimated total number of respondents for the information collection N-400 (paper) is 454,850 and the estimated hour burden per response is 8.73 hours; the estimated total number of respondents for the information collection N-400 (e-file) is 454,850 and the estimated hour burden per response is 3.92 hours; and the estimated total number of respondents for the information collection biometrics is 909,700 and the estimated hour burden per response is 1.17 hours.

(6) An estimate of the total public burden (in hours) associated with the collection: The total estimated annual hour burden associated with this collection is 6,818,202 hours.

(7) An estimate of the total public burden (in cost) associated with the collection: The estimated total annual cost burden associated with this collection of information is \$423,351,638.

Dated: November 3, 2023.

SAMANTHA L. DESHOMMES,
*Chief, Regulatory Coordination Division,
Office of Policy and Strategy,
U.S. Citizenship and Immigration Services,
Department of
Homeland Security.*

[Published in the Federal Register, November 9, 2023 (88 FR 77349)]

**AGENCY INFORMATION COLLECTION ACTIVITIES;
EXTENSION, WITHOUT CHANGE, OF A CURRENTLY
APPROVED COLLECTION: REQUEST FOR FEE WAIVER**

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.*, the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until January 8, 2024.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0116 in the body of the letter, the agency name and Docket ID USCIS–2010–0008. Submit comments via the Federal eRulemaking Portal website at <https://www.regulations.gov> under e-Docket ID number USCIS–2010–0008.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number (240) 721–3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <https://www.uscis.gov>, or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: <https://www.regulations.gov> and entering USCIS–2010–0008 in the search box. All submissions will be posted,

without change, to the Federal eRulemaking Portal at <https://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <https://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form / Collection:* Request for Fee Waiver.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-912; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. USCIS uses the data collected on this form to verify that the applicant is unable to pay for the immigration benefit being requested. USCIS will consider waiving a fee for an application or petition when the applicant or petitioner clearly demonstrates that he or she is unable to pay the fee. Form I-912 standardizes the collection and analysis of statements and supporting documentation provided by the applicant with the fee waiver request. Form I-912 also streamlines and expedites USCIS's review, approval, or denial of the fee waiver request by clearly laying out the most salient data and evidence necessary for

the determination of inability to pay. Officers evaluate all factors, circumstances, and evidence supplied in support of a fee waiver request when making a final determination. Each case is unique and is considered on its own merits. If the fee waiver is granted, the application will be processed. If the fee waiver is not granted, USCIS will notify the applicant and instruct them to file a new application with the appropriate fee.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Form I-912 is 594,000 and the estimated hour burden per response is 1.17. The estimated total number of respondents for the information collection non-form request for fee waiver is 8,400 and the estimated hour burden per response is 1.17. The estimated total number of respondents for the information collection 8 CFR 103.7(d) Director's exception request is 128 and the estimated hour burden per response is 1.17.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 704,958 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$2,259,480.

Dated: November 3, 2023.

SAMANTHA L. DESHOMMES,
*Chief, Regulatory Coordination Division,
Office of Policy and Strategy,
U.S. Citizenship and Immigration Services,
Department of
Homeland Security.*

[Published in the Federal Register, November 9, 2023 (88 FR 77348)]

**AGENCY INFORMATION COLLECTION ACTIVITIES;
REVISION OF A CURRENTLY APPROVED COLLECTION:
PETITION FOR U NONIMMIGRANT STATUS**

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until January 8, 2024.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0104 in the body of the letter, the agency name and Docket ID USCIS–2010–0004. Submit comments via the Federal eRulemaking Portal website at <https://www.regulations.gov> under e-Docket ID number USCIS–2010–0004.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number (240) 721–3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <https://www.uscis.gov>, or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <https://www.regulations.gov> and enter USCIS–2010–0004 in the search box. All submissions will be posted, without

change, to the Federal eRulemaking Portal at <https://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <https://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) Type of Information Collection: Revision of a Currently Approved Collection.

(2) Title of the Form/Collection: Petition for U Nonimmigrant Status.

(3) Agency form number, if any, and the applicable component of the DHS sponsoring the collection: Form I-918; USCIS.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or households; Federal Government; or State, local or Tribal Government. This petition permits victims of certain qualifying criminal activity and their immediate family members to apply for temporary nonimmigrant classification. This nonimmigrant classification provides temporary immigration benefits, potentially leading to permanent resident status, to certain victims of criminal activity who: suffered substantial mental or physical abuse as a result of having been a victim of criminal activity; have

information regarding the criminal activity; and assist government officials in investigating and prosecuting such criminal activity.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: The estimated total number of respondents for the information collection I-918 is 24,800 and the estimated hour burden per response is 4.92 hours. The estimated total number of respondents for the information collection I-918A is 17,400 and the estimated hour burden per response is 1.25 hour. The estimated total number of respondents for the information collection I-918B is 24,800 and the estimated hour burden per response is 1.67 hours. The estimated total number of respondents for the information collection of Biometrics is 42,200 and the estimated hour burden per response is 1.17 hours.

(6) An estimate of the total public burden (in hours) associated with the collection: The total estimated annual hour burden associated with this collection is 234,391 hours.

(7) An estimate of the total public burden (in cost) associated with the collection: The estimated total annual cost burden associated with this collection of information is \$3,364,450.

Dated: November 3, 2023.

SAMANTHA L DESHOMMES,
*Chief, Regulatory Coordination Division,
Office of Policy and Strategy,
U.S. Citizenship and Immigration Services,
Department of
Homeland Security.*

[Published in the Federal Register, November 9, 2023 (88 FR 77347)]

**AGENCY INFORMATION COLLECTION ACTIVITIES;
EXTENSION, WITHOUT CHANGE, OF A CURRENTLY
APPROVED COLLECTION: PETITION FOR AMERASIAN,
WIDOW(ER), OR SPECIAL IMMIGRANT**

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.*, the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until January 8, 2024.

ADDRESSES: All submissions received must include the OMB Control Number 1615-0020 in the body of the letter, the agency name and Docket ID USCIS-2007-0024. Submit comments via the Federal eRulemaking Portal website at <https://www.regulations.gov> under e-Docket ID number USCIS-2007-0024.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number (240) 721-3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <https://www.uscis.gov>, or call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: <https://www.regulations.gov> and entering USCIS-2007-0024 in the search box. All submissions will be posted,

without change, to the Federal eRulemaking Portal at <https://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <https://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form / Collection:* Petition for Amerasian, Widow(er), or Special Immigrant.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I-360; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* *Primary:* Individuals or households. Form I-360 may be used by an Amerasian; a widow or widower; a battered or abused spouse or child of a U.S. citizen or lawful permanent resident; a battered or abused parent of a U.S. citizen son or daughter; or a special immigrant (religious worker, Panama Canal company employee, Canal Zone government employee, U.S. Government employee in the Canal Zone; physician, international organization employee or family member, juvenile court dependent; armed forces member; Afghanistan or Iraq national who supported the U.S. Armed

Forces as a translator; Iraq national who worked for the or on behalf of the U.S. Government in Iraq; or Afghan national who worked for or on behalf of the U.S. Government or the International Security Assistance Force [ISAF] in Afghanistan) who intend to establish their eligibility to immigrate to the United States. The data collected on this form is reviewed by U.S. Citizenship and Immigration Services (USCIS) to determine if the petitioner may be qualified to obtain the benefit. The data collected on this form will also be used to issue an employment authorization document upon approval of the petition for battered or abused spouses, children, and parents, if requested.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Petition for Amerasian, Widower, or Special Immigration (Form I-360); *Iraqi & Afghan Petitioners* is 1,916 and the estimated hour burden per response is 3.1 hours; the estimated total number of respondents for the information collection Petition for Amerasian, Widower, or Special Immigration (Form I-360); *Religious Workers* is 2,393 and the estimated hour burden per response is 2.35 hours; the estimated total number of respondents for the information collection Petition for Amerasian, Widower, or Special Immigration (Form I-360); *All Others* is 14,362 and the estimated hour burden per response is 2.1 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 41,724 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$2,287,320.

Dated: November 3, 2023.

SAMANTHA L. DESHOMMES,
*Chief, Regulatory Coordination Division,
Office of Policy and Strategy,
U.S. Citizenship and Immigration Services,
Department of
Homeland Security.*

**COPYRIGHT, TRADEMARK, AND TRADE NAME
RECORDATIONS**

(No. 10 2023)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

SUMMARY: The following copyrights, trademarks, and trade names were recorded with U.S. Customs and Border Protection in October 2023. A total of 136 recordation applications were approved, consisting of 5 copyrights and 131 trademarks.

Corrections or updates may be sent to: Intellectual Property Enforcement Branch, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection, 90 K Street, NE., 10th Floor, Washington, D.C. 20229-1177, or via email at *iprrquestions@cbp.dhs.gov*.

FOR FURTHER INFORMATION CONTACT: Zachary Ewing, Paralegal Specialist, Intellectual Property Enforcement Branch, Regulations and Rulings, Office of Trade at (202) 325-0295.

ALAINA VAN HORN

Chief,

*Intellectual Property Enforcement Branch
Regulations and Rulings, Office of Trade*

CBP IPR RECORDATION — October 2023

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
COP 23-00132	10/10/2023	10/10/2043	Wednesday Series (Season 1) - Character "W E D N E S D A Y" Letter Posters. [Group registration of published photographs. 9 photographs. 2022-11-23 to 2022-11-23]	MGM TELEVISION ENTERTAINMENT INC.	No
COP 23-00133	10/13/2023	10/13/2043	DBOZE BLANKETS	Dwayne E Bozeman. Address: 2808 OR-EGON CT, STE J2, TORRANCE, CA, 90503-2665, United States.	No
COP 23-00134	10/17/2023	10/17/2043	WEDNESDAY - FROM THE IMAGINATION OF TIM BURTON [Wednesday Addams holding an umbrella in the rain (TEASER #1 ONE SHEET - A Netflix Series)]	MGM TELEVISION ENTERTAINMENT INC.	No
COP 23-00135	10/18/2023	10/18/2043	Advance Wars 1+2: Re-Boot Camp.	Nintendo of America Inc., Transfer: By written agreement. Address: 4600 150th Avenue NE, Redmond, WA, 98052, United States.	No
COP 23-00136	10/18/2023	10/18/2043	Pikmin 4.	Nintendo of America, Inc.,	No
TMK 02-00742	10/24/2023	2/17/2033	CHANEL	CHANEL, INC.	No
TMK 02-00743	10/20/2023	2/24/2033	CC DESIGN	CHANEL, INC.	No
TMK 03-00180	10/10/2023	3/28/2033	TAYLOR (STYLIZED)	Taylor Guitars PARTNERSHIP	No
TMK 03-00433	10/27/2023	8/6/2033	COMPACT DISC RECORDABLE & DESIGN	KONINKLIJKE PHILIPS ELECTRONICS N.V.	No
TMK 03-00593	10/2/2023	9/29/2033	DESIGN OF ACURA "A"	Honda Giken Kogyo Kabushiki Kaisha	No
TMK 03-00665	10/27/2023	8/27/2033	COMPACT DISC REWRITABLE & DESIGN	KONINKLIJKE PHILIPS ELECTRONICS	No
TMK 03-00812	10/24/2023	9/7/2033	CHANEL	CHANEL, INC.	No
TMK 03-00843	10/20/2023	9/7/2033	CC MONOGRAM IN CIRCLE	CHANEL, INC.	No

CBP IPR RECORDATION — October 2023

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Tm	Owner Name	G/M Restricted
TMK 03-00891	10/2/2023	10/13/2033	CD	CHRISTIAN DIOR COUTURE, S.A.	No
TMK 04-00344	10/26/2023	1/7/2034	M & DESIGN	WOLVERINE OUTDOORS INC.	No
TMK 05-00120	10/10/2023	8/18/2033	RAIDERS & DESIGN	OAKLAND RAIDERS	No
TMK 05-00703	10/20/2023	7/22/2033	ELLE	HACHETTE FILIPACCHI PRESSE	No
TMK 06-00768	10/6/2023	8/27/2033	DESIGN OF SEAHAWK	FOOTBALL NORTHWEST LLC	No
TMK 07-00278	10/25/2023	11/12/2033	Dior Trademark (STYLIZED)	Christian Dior Couture, S.A.	No
TMK 07-00773	10/18/2023	12/14/2033	ALTERA	ALTERA CORPORATION	No
TMK 08-00022	10/4/2023	10/6/2033	GC & DESIGN	TRADEMARK HOLDINGS OF ILLINOIS LLC	No
TMK 08-01071	10/18/2023	7/22/2033	MICHAEL KORS	Michael Kors, LLC	No
TMK 10-00533	10/20/2023	11/12/2033	HUAWEI	HUAWEI TECHNOLOGIES CO. LTD.	No
TMK 10-00610	10/25/2023	10/27/2033	SILCA	Silca S.p.A.	No
TMK 11-00263	10/6/2023	10/8/2033	LONGCHAMP	S.A.S. JEAN CASSEGRAIN CORPORATION	No
TMK 12-00061	10/26/2023	4/28/2033	CHICO'S	CHICO'S BRANDS INVESTMENTS, INC.	No
TMK 12-01468	10/24/2023	1/19/2033	DOVONEX	LEO PHARMA AVS	No
TMK 13-00181	10/11/2023	10/13/2033	ALPINESTARS	ALPINESTARS S.P.A.	No
TMK 13-00674	10/6/2023	9/24/2033	NOODLE	TAYLOR MADE GOLF COMPANY, INC. DBA TAYLOR MADE-ADIDAS GOLF COMPANY	No
TMK 13-00916	10/2/2023	12/23/2033	INSTINCT	DAHLONEGA WINE COMPANY, LLC	No
TMK 13-01046	10/17/2023	12/16/2033	EXFORGE	Novartis AG	No
TMK 13-01088	10/5/2023	10/9/2033	MIRACURL	Conair Corporation	No
TMK 13-01211	10/17/2023	10/16/2033	TEAM USA	United States Olympic Committee	No
TMK 13-01212	10/17/2023	10/16/2033	TEAM USA	UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE	No

CBP IPR RECORDATION — October 2023

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Trm	Owner Name	GM Restricted
TMK 13-01213	10/17/2023	10/16/2033	TEAM USA	UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE	No
TMK 13-01257	10/10/2023	11/6/2033	KAIZEN FOAM	FastCap, LLC	No
TMK 14-00063	10/10/2023	12/16/2033	ORION & DESIGN	KATARA LLC	No
TMK 14-00270	9/18/2023	10/16/2033	DURAWOOD	Hatteras Hammocks, Inc.	No
TMK 14-00607	10/4/2023	10/8/2033	ORECK	TECHTRONIC FLOOR CARE TECHNOLOGY LIMITED	No
TMK 14-00763	10/10/2023	1/29/2033	DESIGN OF TAYLOR GIATRS PICK-GUARD	Taylor-Listvag, Inc. CORPORATION	No
TMK 14-01084	10/26/2023	5/4/2033	BABICH	Babich Wines Limited	No
TMK 14-01199	10/20/2023	11/27/2033	MEFOTO	Mamiya America Corporation	No
TMK 15-00103	10/2/2023	7/2/2033	WEMO	Belkin International, Inc.	No
TMK 15-00681	10/17/2023	10/30/2033	PROUD TO BE LOUD (stylized)	KATARA LLC	No
TMK 15-00915	10/12/2023	11/6/2033	FITBIT ONE	FITBIT, INC.	No
TMK 16-00357	10/13/2023	12/17/2033	MODA LUXE and Design	Must Win Inc.	No
TMK 16-00983	10/25/2023	10/29/2033	HUNTER	HUNTER BOOT LIMITED	No
TMK 18-01314	10/17/2023	5/18/2024	RIZE & Design	RIZE HOME, LLC	No
TMK 19-00027	10/5/2023	10/9/2033	BUTTERFLY KISS	California Exotic Novelties, LLC	No
TMK 19-00385	10/26/2023	11/13/2033	DESIGN OF FAUCET HANDLE	WCM Industries, Inc.	No
TMK 20-00470	10/20/2023	7/22/2033	RUMBA	GPS Worldwide	No
TMK 20-00801	10/18/2023	10/22/2033	YZ	Yamaha Hatsudoki Kabushiki Kaisha	No
TMK 20-00885	10/27/2023	11/30/2033	PRINCIPAL SECRET	Victoria Principal Productions, Inc.	No
TMK 21-00492	10/17/2023	10/16/2033	TEAM USA	UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE	No
TMK 21-00493	10/17/2023	10/23/2033	TEAM USA	UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE	No

CBP IPR RECORDATION — October 2023

Recordation No.	Effective Date	Expiration Date	Name of Cop/TmK/TmM	Owner Name	GM Restricted
TMK 21-00688	10/24/2023	12/30/2033	LP	AMERICAN ORTHODONTICS	No
TMK 22-00117	10/10/2023	11/13/2033	KINESIO	Kinesio IP, LLC	No
TMK 22-00408	10/6/2023	10/9/2033	FF (STYLIZED)	Fendi S.r.l. Limited Liability Company ITALY	No
TMK 22-00759	10/3/2023	5/8/2033	LILLY	Eli Lilly and Company	No
TMK 22-00795	10/20/2023	11/12/2033	BOURJOIS	BOURJOIS CORPORATION	No
TMK 22-01047	10/20/2023	11/9/2033	Zig Zag Boris Design	Papeteries Braunstein FRANCE	No
TMK 23-02170	10/2/2023	7/21/2029	JOHNSON'S	KENVUE INC.	No
TMK 23-02171	10/2/2023	10/1/2026	JOHNSON'S (STYLIZED)	JOHNSON & JOHNSON	No
TMK 23-02172	10/2/2023	9/9/2027	JOHNSON'S	KENVUE INC.	No
TMK 23-02173	10/2/2023	9/30/2027	JOHNSON'S (STYLIZED)	KENVUE INC.	No
TMK 23-02174	10/2/2023	1/9/2031	DELL	Dell Inc.	No
TMK 23-02175	10/2/2023	5/15/2031	FRIGIDAIRE (Stylized)	Electrolux Home Products, Inc.	No
TMK 23-02176	10/2/2023	6/1/2031	PURESOURCE ULTRA	Electrolux Home Products, Inc.	No
TMK 23-02177	10/3/2023	6/28/2033	SUERO ORAL	ALPER HOLDINGS INC.	No
TMK 23-02178	10/4/2023	10/18/2033	3D Albion Ring Design	David Yurman IP LLC	No
TMK 23-02179	10/4/2023	11/1/2033	3D Chatelaine Jewelry Design	David Yurman IP LLC	No
TMK 23-02180	10/2/2023	6/20/2032	USANA	USANA Health Sciences, Inc.	No
TMK 23-02181	10/5/2023	12/1/2032	YSL (STYLIZED)	YVES SAINT LAURENT	No
TMK 23-02182	10/6/2023	6/29/2031	CUBA ORIGINAL BY PARFUMS DES CHAMPS & DESIGN	PC Design S.A.R.L.MOROCCO	No
TMK 23-02183	10/6/2023	6/8/2031	CUBA ORIGINAL BY PARFUMS DES CHAMPS	PC Design S.A.R.L. MOROCCO	No
TMK 23-02184	10/6/2023	8/11/2030	DESIGN OF CIGAR	Nadim Khouri Klink	No
TMK 23-02185	10/6/2023	2/19/2030	DESIGN OF A MULTICOLORED BRAIN	RB Health (US) LLC	No

CBP IPR RECORDATION — October 2023

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Trm	Owner Name	GM Restricted
TMK 23-02186	10/6/2023	9/18/2029	NEURIVA	RB HEALTH (US) LLC	No
TMK 23-02187	10/10/2023	10/2/2032	DESIGN OF TAYLOR GUITARS BRIDGE	Taylor-Listug, Inc.	No
TMK 23-02188	10/10/2023	10/28/2025	GUITARS QUALITY TAYLOR GUITARS & CASES & DESIGN	Taylor-Listug, Inc.	No
TMK 23-02189	10/10/2023	10/28/2025	QUALITY TAYLOR GUITARS	Taylor-Listug, Inc.	No
TMK 23-02190	10/12/2023	11/4/2031	BRUMISATEUR	SARBEC DEVELOPEMENT	No
TMK 23-02191	10/12/2023	2/10/2031	BRUMISATEUR	SARBEC DEVELOPEMENT ZONE FRANCE	No
TMK 23-02192	10/12/2023	2/5/2033	OSCARWARE	Dudley, Debra	No
TMK 23-02193	10/12/2023	8/16/2027	THE ORDINARY	Deciem Beauty Group Inc.	No
TMK 23-02194	10/12/2023	3/3/2029	DESIGN OF BRAIN	RB Health (US) LLC	No
TMK 23-02195	10/13/2023	2/5/2030	RIZE & DESIGN	RIZE HOME, LLC	No
TMK 23-02196	10/13/2023	4/28/2024	RIZE	RIZE HOME, LLC	No
TMK 23-02197	10/13/2023	11/30/2026	Stylized Rectangle Design- Wave Design Logo	Koninklijke Philips N.V.	No
TMK 23-02198	10/13/2023	1/27/2030	RIZE & DESIGN	RIZE HOME, LLC	No
TMK 23-02199	10/17/2023	8/16/2033	RANGER	Randolph Engineering, Inc.	No
TMK 23-02200	10/17/2023	12/1/2031	SHIRA MODEST SWIMWEAR & DESIGN	Mashiaj LLC	No
TMK 23-02201	10/17/2023	4/2/2027	EMULSION BALLENA AZUL	LABORATORIOS SANTA FE S.A. GUATEMALA	No
TMK 23-02202	10/17/2023	7/9/2032	JOHNNIE WALKER	Diageo Brands B.V.	No
TMK 23-02203	10/18/2023	11/10/2031	LSFA & DESIGN	Chen, Chen CHINA	No
TMK 23-02204	10/18/2023	8/6/2028	SCOTTY CAMERON	ACUSHNET COMPANY	No
TMK 23-02205	10/18/2023	11/1/2033	NINTENDO	Nintendo of America Inc.	No
TMK 23-02206	10/18/2023	4/1/2032	SCOTTY CAMERON	ACUSHNET COMPANY	No

CBP IPR RECORDATION — October 2023

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Trm	Owner Name	GM Restricted
TMK 23-02207	10/18/2023	11/30/2031	SCOTTY CAMERON	ACUSHNET COMPANY	No
TMK 23-02208	10/18/2023	3/10/2030	MAO SHAN WANG DURIAN CAKE & DESIGN	May Flower International Inc.	No
TMK 23-02209	10/18/2023	7/11/2033	MUSANG KING & DESIGN	May Flower International, Inc.	No
TMK 23-02210	10/17/2023	7/10/2027	PAULA'S CHOICE	PAULA'S CHOICE, LLC	No
TMK 23-02211	10/20/2023	1/17/2034	CC (STYLIZED)	Chanel, Inc.	No
TMK 23-02212	10/20/2023	1/3/2034	CC (STYLIZED)	Chanel, Inc.	No
TMK 23-02213	10/20/2023	12/26/2033	DD DOLBY VISION Iq (STYLIZED)	Dolby Laboratories Licensing Corporation	No
TMK 23-02214	10/20/2023	10/4/2033	DD DOLBY VISION	Dolby Laboratories Licensing Corporation	No
TMK 23-02215	10/20/2023	10/4/2033	DD DOLBY AUDIO & Design	Dolby Laboratories Licensing Corporation	No
TMK 23-02216	10/20/2023	10/30/2029	MAO SHAN WANG & Design	May Flower International Inc.	No
TMK 23-02217	10/20/2023	3/20/2032	CC (Stylized)	Chanel, Inc.	No
TMK 23-02218	10/20/2023	11/20/2031	CC (STYLIZED)	CHANEL INC.	No
TMK 23-02219	10/24/2023	10/25/2027	PB PHANTOM BIKES & Design	PHANTOM BIKES, INC.	No
TMK 23-02220	10/24/2023	12/27/2032	LINSY LIVING & Design	Foshan Chenglin Furniture Co., Ltd.	No
TMK 23-02221	10/24/2023	8/4/2031	LINSY HOME (Stylized)	Foshan Chenglin Furniture Co., Ltd.	No
TMK 23-02222	10/24/2023	1/10/2034	CHANEL	Chanel, Inc.	No
TMK 23-02223	10/24/2023	1/10/2034	CHANEL	Chanel, Inc.	No
TMK 23-02224	10/24/2023	7/9/2032	J12	Chanel, Inc.	No
TMK 23-02225	10/24/2023	9/27/2033	Configuration of Chanel Perfume Bottle	Chanel, Inc.	No
TMK 23-02226	10/25/2023	5/7/2033	Rectangular Purple Pillow	Purple Innovation, LLC	No
TMK 23-02227	10/25/2023	11/17/2031	SPACEX	Space Exploration Technologies	No
TMK 23-02228	10/25/2023	8/11/2031	X (Stylized)	Space Exploration Technologies	No
TMK 23-02229	10/25/2023	1/17/2034	SUPR & DESIGN	Chapter 4 Corp. 62	No
TMK 23-02230	10/25/2023	1/17/2034	SUPREME & DESIGN	Chapter 4 Corp.	No

CBP IPR RECORDATION — October 2023

Recordation No.	Effective Date	Expiration Date	Name of Cop/TmK/TmM	Owner Name	GM Restricted
TMK 23-02231	10/26/2023	9/29/2029	LOS ANGELES LAKERS & DESIGN	Los Angeles Lakers, Inc.,	No
TMK 23-02232	10/26/2023	12/27/2032	EMULSION DE ESCOCIA	ALPER HOLDINGS INC.	No
TMK 23-02233	10/26/2023	10/12/2032	Configuration of Arrow Inspector	DU BRO PRODUCTS, INC.	No
TMK 23-02234	10/26/2023	7/12/2032	ARROW INSPECTOR	DU-BRO PRODUCTS, INC.	No
TMK 23-02235	10/27/2023	2/28/2028	A ANAGRAM & DESIGN	Anagram International, Inc.	No
TMK 23-02236	10/27/2023	11/22/2033	CCC CHAN & CHAN & Design	Eric Chan	No
TMK 23-02237	10/30/2023	8/21/2029	FK (STYLIZED)	PARFUM FRANCIS KURKDJIAN FRANCE	No
TMK 23-02238	10/30/2023	3/8/2030	FRANCIS KURKDJIAN	PARFUM FRANCIS KURKDJIAN FRANCE	No
TMK 23-02239	10/30/2023	12/24/2032	ACQUA DI PARMA & DESIGN	Acqua Di Parma S.r.l. ITALY	No
TMK 23-02240	10/30/2023	5/7/2033	PURPLE COLOR APPLIED TO SEAT CUSHION	Purple Innovation, LLC	No
TMK 23-02241	10/30/2023	5/7/2033	PURPLE COLOR APPLIED TO MAT-TRESS	Purple Innovation, LLC	No
TMK 23-02242	10/30/2023	12/18/2031	PI DESIGN	Parfums Givenchy S.A. FRANCE	No
TMK 23-02243	10/30/2023	10/15/2027	ACQUA DI PARMA COLONIA PARMA (ITALY) & DESIGN	ACQUA DI PARMA ITALY	No
TMK 23-02244	10/30/2023	8/12/2032	ELECTRICAL OUTLET BOX DESIGN	ABB INSTALLATION PRODUCTS INTERNATIONAL LLC	No

U.S. Court of International Trade

Slip Op. 23–157

VALEO NORTH AMERICA, Inc., Plaintiff, v. UNITED STATES, Defendant,
and ALUMINUM ASSOCIATION COMMON ALLOY ALUMINUM SHEET TRADE
ENFORCEMENT WORKING GROUP, et al., Defendant-Intervenors.

Before: Mark A. Barnett, Chief Judge
Court No. 21–00581

[Sustaining the U.S. Department of Commerce’s scope redetermination on remand for the antidumping duty and countervailing duty orders on common alloy aluminum sheet from the People’s Republic of China.]

Dated: November 8, 2023

Daniel J. Cannistra and *Pierce Lee*, Crowell & Moring LLP, of Washington, DC, for Plaintiff.

Alison S. Vicks, Senior Trial Counsel, Commercial Litigation Branch, Civil Division, U.S. Department of Justice, of Washington, DC, for Defendant. With her on the brief were *Brian M. Boynton*, Principal Deputy Assistant Attorney General, *Patricia M. McCarthy*, Director, and *Reginald T. Blades, Jr.*, Assistant Director. Of counsel on the brief was *JonZachary Forbes*, Attorney, Office of the Chief Counsel for Trade Enforcement and Compliance, U.S. Department of Commerce, of Washington, DC.

John M. Herrmann, *Paul C. Rosenthal*, and *Joshua R. Morey*, Kelley Drye & Warren LLP, of Washington, DC, for Defendant-Intervenors.

OPINION

Barnett, Chief Judge:

This matter is before the court following the U.S. Department of Commerce’s (“Commerce” or “the agency”) scope redetermination on remand for the antidumping duty (“ADD”) and countervailing duty (“CVD”) orders on common alloy aluminum sheet (“CAAS”) from the People’s Republic of China (“China”). *See* Confid. Final Results of Redetermination Pursuant to Court Remand (“Scope Redetermination”), ECF No. 61–1; *Common Alloy Aluminum Sheet From the People’s Republic of China*, 84 Fed. Reg. 2,813 (Dep’t Commerce Feb. 8, 2019) (ADD order); *Common Alloy Aluminum Sheet From the People’s Republic of China*, 84 Fed. Reg. 2,157 (Dep’t Commerce Feb.

6, 2019) (CVD order) (together, “the *China CAAS Orders*”).¹ The scope of the *China CAAS Orders* covers, *inter alia*:

aluminum common alloy sheet (common alloy sheet), which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of this order includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core.

84 Fed. Reg. at 2,815; 84 Fed. Reg. at 2,158.

Commerce previously found that Plaintiff Valeo North America, Inc.’s (“Valeo”) T-series aluminum sheet is covered by the scope of the *China CAAS Orders* because it is a clad aluminum product with a 3XXX-series core. *See* Confid. Final Scope Ruling Determination: Valeo’s Heat Treated T-Series Aluminum Sheet, A-570–073, C-570–074 (Oct. 15, 2021) (“Final Scope Ruling”) at 10–11, CR 15, PR 40, CRJA Doc. 3. Commerce issued its decision pursuant to an analysis of the sources set forth in 19 C.F.R. § 351.225(k)(1) (2020).² *Id.* at 10.

In *Valeo North America, Inc. v. United States* (“*Valeo I*”), 46 CIT ___, 610 F. Supp. 3d 1322 (2022),³ the court remanded Commerce’s Final Scope Ruling. While the court sustained Commerce’s determination that Valeo’s T-series aluminum sheet is a multi-alloy, clad product as supported by substantial evidence, *id.* at 1339, the court remanded Commerce’s determination that Valeo’s product has a 3XXX-series

¹ The administrative records associated with Commerce’s original scope ruling and the ruling issued on remand are contained in public and confidential administrative records filed in the ADD and CVD proceedings associated with the *China CAAS Orders*. Because the relevant parts of the administrative records are identical, the court cites to the documents filed in the ADD proceeding: Public ADD Index (“PR”), ECF No. 18–3; Confid. ADD Index (“CR”), ECF No. 18–5; Public ADD Remand Record, ECF No. 64–1; Confid. ADD Remand Record, ECF No. 64–2. Valeo filed joint appendices containing the record documents cited in parties’ comments on the Scope Redetermination. *See* Public Remand J.A., ECF Nos. 72, 72–1–72–6; Confid. Remand J.A. (“CRJA”), ECF Nos. 73 (table of contents listing eight documents), 73–1 (docs. 1–5), 73–2 through 73–5 (doc. 6), 73–6 (docs. 7–8).

² Commerce recently revised its scope regulations; the revisions apply “to scope inquiries for which a scope ruling application is filed . . . on or after the effective date” of November 4, 2021. *Regulations To Improve Admin. and Enforcement of Antidumping and Countervailing Duty Laws*, 86 Fed. Reg. 52,300, 52,300, 52,327 (Dep’t Commerce Sept. 20, 2021). The court cites to the prior regulations that were in effect when Valeo submitted its complete scope application.

³ *Valeo I* presents background information on this case, familiarity with which is presumed.

core, *id.* at 1335. The court concluded that the phrase “3XXX-series” in conjunction with “as designated by the Aluminum Association” is ambiguous as to whether Commerce intended the scope to cover unregistered alloys, such as Valeo’s, with “a major alloying element corresponding to the Aluminum Association’s alloy groups” or “whether Commerce intended the scope to be limited to registered alloys within the enumerated series with four-digit designations assigned by the Aluminum Association.” *Id.* at 1335. The court also held that Commerce “exceeded the limits of a (k)(1) analysis” when it interpreted the scope to include unregistered alloys, *id.*, and, further, instructed Commerce to “address evidence that Valeo’s product undergoes heat-treatment” and “reconcile such evidence with evidence indicating that 3XXX-series alloys are non-heat-treatable,” *id.* at 1341.

On June 20, 2023, Commerce filed its Scope Redetermination. Therein, Commerce concluded that it was unable to resolve the scope inquiry pursuant to 19 C.F.R. § 351.225(k)(1) and, thus, considered the factors enumerated in 19 C.F.R. § 351.225(k)(2). Scope Redetermination at 3. After considering the (k)(2) factors, Commerce again concluded that Valeo’s T-series sheet is covered by the scope of the *China CAAS Orders*. *See id.* at 3–4, 122.

Valeo filed comments opposing Commerce’s Scope Redetermination. *Confid. Pl. [Valeo’s] Cmts. on Remand Redetermination (“Valeo’s Cmts.”)*, ECF No. 66. Broadly speaking, Valeo challenges various agency conclusions underlying Commerce’s decision to consider the (k)(2) factors but does not challenge Commerce’s findings with respect to the (k)(2) factors. *See id.* at 3–13. Valeo also presents arguments regarding the relevance of heat-treatment to Commerce’s Scope Redetermination. *Id.* at 13–16. Lastly, Valeo challenges Commerce’s decision not to revoke the instructions the agency sent to U.S. Customs and Border Protection (“CBP”) following issuance of the Final Scope Ruling. *Id.* at 16–18.

Defendant United States (“the Government”) and Defendant-Intervenors⁴ filed comments in support of Commerce’s Scope Redetermination. *Def.’s Cmts. Supporting Remand Redetermination (“Def.’s Cmts.”)*, ECF No. 70; *Def.-Ints.’ Resp. to [Valeo’s] Cmts. on Remand Redetermination (“Def.-Ints.’ Cmts.”)*, ECF No. 71. For the following reasons, the court will sustain Commerce’s Scope Redetermination.

⁴ Defendant-Intervenors consist of the Aluminum Association Common Alloy Aluminum Sheet Trade Enforcement Working Group and its Individual Members: Aleris Rolled Products, Inc., Arconic Corporation, Commonwealth Rolled Products Inc., Constellium Rolled Products Ravenswood, LLC, Jupiter Aluminum Company, JW Aluminum Company, and Novelis Corporation.

JURISDICTION AND STANDARD OF REVIEW

The court has jurisdiction pursuant to section 516A(a)(2)(B)(vi) of the Tariff Act of 1930, as amended, 19 U.S.C. § 1516a(a)(2)(B)(vi) (2018),⁵ and 28 U.S.C. § 1581(c).

The court will uphold an agency determination that is supported by substantial evidence and otherwise in accordance with law. 19 U.S.C. § 1516a(b)(1)(B)(i).

“[W]hether the unambiguous terms of a scope control the inquiry, or whether some ambiguity exists, is a question of law that [the court] review[s] de novo.” *Meridian Prods., LLC v. United States*, 851 F.3d 1375, 1382 (Fed. Cir. 2017). Whether a product is covered by the language of the scope is “a question of fact reviewed for substantial evidence.” *Id.*

DISCUSSION

I. Legal Framework for Scope Determinations

Because the descriptions of merchandise covered by the scope of an antidumping or countervailing duty order must be written in general terms, questions may arise as to whether a particular product is included within the scope of an order. *See* 19 C.F.R. § 351.225(a). When such questions arise, Commerce’s regulations direct it to issue “scope rulings” that clarify whether the product is in-scope. *Id.* Although there are no specific statutory provisions that govern Commerce’s interpretation of the scope of an order, Commerce is guided by case law and agency regulations. *See Meridian Prods.*, 851 F.3d at 1381; 19 C.F.R. § 351.225.

Commerce’s inquiry must begin with the relevant scope language. *See, e.g., OMG, Inc. v. United States*, 972 F.3d 1358, 1363 (Fed. Cir. 2020). If the scope language is unambiguous, “the plain meaning of the language governs.” *Id.* (citation omitted). If, however, the language is ambiguous, Commerce interprets the scope “with the aid of” the sources set forth in 19 C.F.R. § 351.225(k)(1). *Meridian Prods.*, 851 F.3d at 1382 (citation omitted). Subsection (k)(1) directs Commerce to consider the descriptions of the subject merchandise in the petition, initial investigation, and prior determinations by Commerce (including prior scope determinations) or the U.S. International Trade Commission. 19 C.F.R. § 351.225(k)(1). If the (k)(1) sources are dispositive, Commerce may issue its ruling based solely on the party’s

⁵ All citations to the Tariff Act of 1930, as amended, are to Title 19 of the U.S. Code and all citations to the U.S. code are to the 2018 edition, unless otherwise specified.

application and the (k)(1) sources. 19 C.F.R. § 351.225(d).⁶ In all other cases, Commerce will initiate a scope inquiry and may consider the factors enumerated in subsection (k)(2) of the regulation. *See Meridian Prods.*, 851 F.3d at 1382 (citing 19 C.F.R. § 351.225(k)(2));⁷ *see also* 19 C.F.R. § 351.225(e) (providing for Commerce to initiate a scope inquiry).

II. Ambiguity Regarding Governing Standards

Valeo first contends that “Commerce unlawfully claims the plain language of the scope [is] ambiguous.” Valeo’s Cmts. at 3 & n.2 (citing Scope Redetermination at 38). As the Government points out, however, the court previously concluded that the scope is “ambiguous as to whether it covers an unregistered alloy such as Valeo’s T-series sheet and therefore a (k)(1) analysis was warranted.” Def.’s Cmts. at 6; *cf.* Def.-Ints.’ Cmts. at 1–2 (stating same).⁸

In *Valeo I*, the court explained that “[t]he phrase ‘3XXX-series’ is not defined in the scope except in reference to the phrase ‘as designated by the Aluminum Association,’ which is also undefined.” 610 F. Supp. 3d at 1335. The court held that the scope is, however, ambiguous as to whether that phrase indicates Commerce’s intent “to cover any alloy that contains a major alloying element corresponding to the Aluminum Association’s alloy groups (including unregistered alloys), or whether Commerce intended the scope to be limited to registered alloys within the enumerated series with four-digit designations assigned by the Aluminum Association.” *Id.* Thus, in compliance with the court’s holding, Commerce first addressed whether the ambiguity may be resolved pursuant to a (k)(1) analysis. *See* Scope Redetermination at 38–53.

Valeo also contends that Commerce erred to the extent that the agency “found the source for the applicable industry standard ambiguous.” Valeo’s Cmts. at 3. Commerce, however, reviewed the *Teal Sheets* publication by the Aluminum Association first among the

⁶ To be dispositive, the (k)(1) sources “must be ‘controlling’ of the scope inquiry in the sense that they definitively answer the scope question.” *Sango Int’l, L.P. v. United States*, 484 F.3d 1371, 1379 (Fed. Cir. 2007).

⁷ The (k)(2) factors include: “(i) The physical characteristics of the product; (ii) The expectations of the ultimate purchasers; (iii) The ultimate use of the product; (iv) The channels of trade in which the product is sold; and (v) The manner in which the product is advertised and displayed.” 19 C.F.R. § 351.225(k)(2).

⁸ The Government further notes that, to the extent Valeo argues that Commerce “should have found certain sources to be dispositive in its (k)(1) analysis,” that argument is addressed elsewhere in the Government’s comments. Def.’s Cmts. at 6.

sources available. *See* Scope Redetermination at 39–42.⁹ To the extent Valeo argues that the phrase “as designated by the Aluminum Association” is unambiguous, *see* Valeo’s Cmts. at 3; *see also id.* at 12 (asserting that the *Teal Sheets* provides the “plain meaning of ‘as designated by the Aluminum Association’”), the court has addressed, and rejected, that position, *see Valeo I*, 610 F. Supp. 3d at 1335. To the extent Valeo instead argues that Commerce should have found the *Teal Sheets* dispositive, the court addresses below the evidence supporting Commerce’s Scope Redetermination.

III. Commerce’s Consideration of the *Teal Sheets* and Interpretation of the Phrase “as Designated by the Aluminum Association”

Valeo contends that Commerce erred in considering “Aluminum Association specifications as a (k)(1) source rather than a definitional source.” Valeo’s Cmts. at 4 & n.3 (citing Scope Redetermination at 44). The Government contends that “[t]here are several possible interpretations of the argument being advanced by Valeo” and that each should be rejected. Def.’s Cmts. at 6. Defendant-Intervenors contend that Commerce’s regulations do not “elevate information submitted in connection with a scope ruling application” over the (k)(1) sources. Def.-Ints.’ Cmts. at 3.

In *Valeo I*, the court explained that the *Teal Sheets*, when considered in its entirety, suggests that the “use of ‘3’ in ‘3XXX’ in the list of alloy groups indicates a major alloying element of manganese while contemplating the addition of three more digits to complete the four-digit designation.” 610 F. Supp. 3d at 1335.¹⁰ While Commerce previously relied “on the *Teal Sheets* to interpret ‘3XXX-series’ to include unregistered alloys,” the court faulted Commerce for not identifying “anything in the *Teal Sheets* that indicates the Aluminum Association applies [its four-digit] framework to unregistered alloys.” *Id.* at 1335–36.

On remand, Commerce recognized that the *Teal Sheets* offers guidance on “industry usage of the term ‘3XXX-series,’” Scope Redetermination at 45, and considered the *Teal Sheets* prior to any other source, *see id.* at 39–42. Commerce explained that although “[t]he term ‘3XXX-series’ is an industry-specific term defined only by the industry

⁹ “The *Teal Sheets* contain ‘designations and chemical composition limits for wrought aluminum and wrought aluminum alloys registered with The Aluminum Association.’” *Valeo I*, 610 F. Supp. 3d at 1335 (citation and emphasis omitted).

¹⁰ The Aluminum Association uses “a four-digit numerical system for designating registered aluminum alloys,” pursuant to which “[t]he first of the four digits in the designation system indicates the alloy group, also called the series.” Final Scope Ruling at 11. The alloys are “grouped by majoring alloying elements,” for example, a 3XXX series alloy has a major alloying element of manganese. *Id.*

publication *Teal Sheets* [,] . . . the term ‘designate’ is a general term that may be used in the common vernacular” and not solely in relation to the *Teal Sheets*. *Id.* at 40. While Commerce ultimately found that the *Teal Sheets* “weighs in favor of finding that the scope of the [*China CAAS Orders*] is limited to registered alloys within the enumerated series with four-digit designations assigned by the Aluminum Association,” *id.* at 42, Commerce also concluded that the *Teal Sheets* was not dispositive of the proper scope interpretation, *see id.* at 38–42. Commerce therefore went on to consider the agency’s separate rate determination¹¹ in the underlying ADD investigation, discussed in more detail below, and found that source weighed against the information contained in the *Teal Sheets*. *See id.* at 42–46.

While, at times, Commerce described the *Teal Sheets* together with the separate rate determination as (k)(1) sources, *see, e.g., id.* at 44, the agency also recognized that the *Teal Sheets* provides evidence of trade usage of relevant terminology, *see id.* at 45, 51, 53. Commerce explained its weighing of this evidence in connection with the separate rate determination. *See id.* at 45–46. Commerce ultimately found that because “the (k)(1) sources and certain record information concerning trade usage are contradictory and the respective weights of these sources are not sufficient to clearly demonstrate preeminence over the other available record information[,] . . . the (k)(1) sources are not dispositive.” *Id.* at 53; *see also id.* at 100–02 (discussing Commerce’s weighing of the evidence). Thus, whether characterized as evidence of trade usage or as a (k)(1) source, Commerce considered the *Teal Sheets* and explained why the information contained therein was not dispositive. It is not the court’s role to “reweigh the evidence.” *SolarWorld Ams., Inc. v. United States*, 910 F.3d 1216, 1225 (Fed. Cir. 2018) (citing *Downhole Pipe & Equip., L.P. v. United States*, 776 F.3d 1369, 1377 (Fed. Cir. 2015)).

To the extent that Valeo argues that Commerce should have found the *Teal Sheets* dispositive of the meaning of the phrase “as designated by the Aluminum Association,” the court considers this argument in connection with Valeo’s subsequent argument that Com-

¹¹ In antidumping duty proceedings involving a country, such as China, that Commerce considers to have a nonmarket economy, Commerce employs a rebuttable presumption that all enterprises operating within that country are controlled by the government. *See, e.g.,* Policy Bulletin No. 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations Involving Non-Market Economy Countries (April 5, 2005), <http://enforcement.trade.gov/policy/bull05-1.pdf>. Commerce assigns each exporter of subject merchandise a single countrywide rate unless the exporter “demonstrates the absence of both *de jure* and *de facto* governmental control over its export activities.” *Id.* An exporter that fulfills this requirement is eligible for a “separate rate” that “is usually either an individually calculated rate or a weighted-average rate based on the rates of the investigated companies, excluding any rates that are zero, *de minimis*, or based entirely on facts available.” *Id.*

merce wrongly interpreted this phrase. See Valeo’s Cmts. at 9, 12. Valeo contends that Commerce “unlawfully define[d] the term ‘designate’ as a general term without industry-specific meaning.” *Id.* at 9. Valeo relies on the *Teal Sheets* and Statistical Note 6 to Chapter 76 of the Harmonized Tariff Schedule of the United States (“HTSUS”) to support its contentions, *id.* at 10–11, but those contentions are misplaced.

Commerce acknowledged that the *Teal Sheets* uses the term “designation” to identify “alloys with a four-digit designation from the Aluminum Association,” but went on to explain that the scope uses the term “designate,” which may be defined differently as “to point out the location of.” Scope Redetermination at 40 & n.267 (citing *Designate*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/designate> (retrieved by Commerce May 5, 2023)). Commerce thus found that the term “designate” in the scope does not necessarily refer “to a four-digit alloy designation from the Aluminum Association.” *Id.* at 40. Instead, Commerce explained, “the term ‘designate’ *could* be understood” to refer to “any alloy with a primary alloying element corresponding to the alloy series” such that the term identifies “the location of the alloy series definitions where we could interpret . . . a 3XXX-series alloy as having a major alloying agent of manganese.” *Id.* at 41 (emphasis added). Thus, while Commerce recognized that the *Teal Sheets* supports interpreting the scope to cover registered alloys with a four-digit designation, *see id.* at 41–42, Commerce offered a reasoned explanation for its conclusion that the *Teal Sheets* was not dispositive, *id.* at 44–45, 113. The possibility of drawing two inconsistent conclusions from the evidence does not preclude the agency’s finding from being supported by substantial evidence. *Matsushita Elec. Indus. Co. v. United States*, 750 F.2d 927, 933 (Fed. Cir. 1984).

Commerce also addressed Valeo’s reliance on Statistical Note 6, which states:

For the purposes of statistical reporting numbers 7604.21.0010, 7604.29.1010, 7604.29.3060, 7604.29.5050, 7606.12.3025 and 7606.12.3091, “heat-treatable industrial alloys” refers to aluminum containing by weight 3.0 percent or less of magnesium and 3.0 percent or less of silicon, *and/or are designated as series 6xxx in the Aluminum Association’s specifications of registered alloys.*

Scope Redetermination at 112 & n.585 (emphasis added). Commerce explained that Statistical Note 6 is not dispositive of the meaning of

the term “designate” because other sources indicate that “designate” may not necessarily refer “to a four-digit alloy designation from the Aluminum Association” for purposes of the underlying scope. *Id.* at 113.¹²

The cases on which Valeo relies do not persuade the court that Commerce must further address the relevance, if any, of Statistical Note 6. Valeo’s Cmts. at 12 (citing *Mid Continent Nail Corp. v. United States*, 725 F.3d 1295, 1305 (Fed. Cir. 2013); *Eckstrom Indus., Inc. v. United States*, 254 F.3d 1068, 1073 (Fed. Cir. 2001)). In *Eckstrom Industries*, the U.S. Court of Appeals for the Federal Circuit (“Federal Circuit”) characterized the tariff classification listed in the underlying order as “a factor” for Commerce to consider “in determining the scope of [an order].” 254 F.3d at 1073. Here, however, Statistical Note 6 is not referenced in the scope of the *China CAAS Orders*, see Scope Redetermination at 4–5, and Commerce explained its reasons for declining to rely on Statistical Note 6 to define scope terms, see *id.* at 112–13.

Mid Continent is inapposite. There, the Federal Circuit addressed whether steel nails imported as part of a “mixed media” tool kit were covered by the scope of an order that otherwise covered the included nails. 725 F.3d at 1298. The appellate court explained that Commerce may consult the HTSUS as part of its mixed media analysis if the agency had a prior practice of doing so but expressed no view on the weight to be afforded that analysis. See *id.* at 1305. This case does not involve a mixed media product and, thus, cases addressing Commerce’s analytical approach in such situations are of little value here.

In sum, Valeo’s arguments concerning the *Teal Sheets* and Statistical Note 6 reflect mere disagreement with Commerce’s weighing of the evidence. That approach mistakes the court’s function, which is not to “reweigh the evidence.” *SolarWorld Ams.*, 910 F.3d at 1225.

IV. Commerce’s Consideration of a Separate Rate Determination

Valeo raises several arguments concerning Commerce’s consideration of a separate rate determination made as part of the investigation’s final determination. None are persuasive.

¹² Defendant-Intervenors argue that Statistical Note 6 was not included in the HTSUS until several months after Commerce published the *China CAAS Orders* and, thus, cannot be considered evidence of Commerce’s intent with respect to the meaning of the scope language. Def.-Ints.’ Cmts. at 8. Defendant-Intervenors also argue that the inclusion of the phrase “of registered alloys” in Statistical Note 6 distinguishes the note from the underlying scope, which does not include that phrase. *Id.* at 9. Such arguments go beyond Commerce’s rationale with respect to the relevance of Statistical Note 6 and, thus, the court need not further consider them. See *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 168–69 (1962).

Valeo first contends that Commerce unlawfully considered a confidential separate rate *application* by a respondent in the investigation underlying the *China CAAS Orders* to constitute a (k)(1) source. Valeo's Cmts. at 5. While Commerce placed copies of the separate rate application on the record of the remand proceeding, *see* Scope Redetermination at 42–43 & n.275, Commerce relied on its *determination* with respect to the separate rate application as a (k)(1) source, *see, e.g., id.* at 42 (referencing the agency's finding based on "Commerce's separate rate determination in the underlying [ADD] investigation"); *id.* at 44 (inferring Commerce's intent with respect to the scope language from "Commerce's separate rate determination").

To the extent that Valeo argues that Commerce's separate rate determination is not a permissible (k)(1) source, Valeo offers no reason why language in the regulation referencing "the determinations of the [agency]," 19 C.F.R. § 351.225(k)(1), may not be interpreted to include a separate rate determination which formed part of the final determination in the underlying investigation, *see* Scope Redetermination at 104–05 (addressing the argument). Valeo instead argues that the separate rate determination is not a public document and does not provide ascertainable standards for scope interpretation. *See* Valeo's Cmts. at 6–8. In so doing, Valeo again relies on Federal Circuit opinions governing Commerce's mixed media analysis, which, as stated above, is analytically distinct. *Id.* (citing, *inter alia*, *Mid Continent*, 725 F.3d at 1305; *Star Pipe Prods. v. United States*, 981 F.3d 1067, 1071 (Fed. Cir. 2020)).

Valeo further asserts that the separate rate determination "is not an interpretive source for considering a scope issue because it lacks any discussion about a scope issue," Valeo's Cmts. at 8, and argues that "there is no rational connection between scope and [the separate rate application] that supports the implied determination related to scope," *id.* at 9. Such arguments, however, implicate the weight, if any, to be afforded the separate rate determination, a point with which Valeo appeared to concede. *See id.* (relying on the weight Commerce afforded the separate rate determination to assert that the agency's consideration of the document was in error). The fact that Commerce ultimately decided to give little weight to the separate rate determination does not mean that Commerce may not consider the separate rate determination at all. Accordingly, Valeo's arguments

regarding Commerce’s consideration of the separate rate determination are not persuasive.¹³

V. Relevance of Heat Treatment

Valeo contends that heat treatment is relevant to the question “whether T-series sheet is manufactured from a 3XXX-series core” because the T-series sheet core “is heat-treatable” and “3XXX-series alloys are non-heat-treatable.” Valeo’s Cmts. at 13.

In *Valeo I*, the court found Commerce’s conclusion “that heat-treatment does not preclude characterization as a 3XXX-series alloy even if such alloys are otherwise characterized as non-heat-treatable” to be contradicted by evidence indicating that “3XXX-series alloys are not heat-treatable.” 610 F. Supp. 3d at 1340. The court therefore directed Commerce, as necessary on remand, to “address evidence that Valeo’s product undergoes heat-treatment” and to reconcile that evidence with Commerce’s conclusion that the core of Valeo’s T-series sheet constituted a 3XXX-series alloy. *Id.* at 1341 (internal citations omitted). The court explained that it was difficult to “discern[] the path of Commerce’s reasoning” when Commerce had failed to define “the phrases ‘heat-treated’ or ‘heat-treatable’ for purposes of understanding the relevance of thermal treatment to classification as a 3XXX-series alloy.” *Id.*

Upon review of the record on remand, Commerce found that the phrase “heat-treatment” means “solution heat-treatment” and that the phrase “heat-treatable alloy” refers to “an alloy that can undergo solution heat-treatment.” Scope Redetermination at 25; *see also id.* at 76. Commerce subsequently addressed whether Valeo’s product undergoes solution heat-treatment and found that it does not. *See id.* at 25–29, 33–37, 76, 88. Instead, Commerce determined that Valeo’s T-series sheet “undergoes a combination of annealing and cold-working” that did not preclude classification as a 3XXX-series alloy. *Id.* at 29.

Valeo does not present a cogent challenge to these findings. While Valeo asserts that “the core layer used in the manufacture of T-Series is heat-treatable,” Valeo’s Cmts. at 13, Valeo does not address Commerce’s findings regarding the type of heat-treatment relevant to characterization of 3XXX-series alloys as non-heat-treatable or Commerce’s factual finding that Valeo’s product does not undergo solution

¹³ Valeo once again argues that the *Teal Sheets* is “the only lawful interpretive source” and “confirm[s]” that the scope is “limited to registered alloys.” Valeo’s Cmts. at 13. For this reason, Valeo asserts that Commerce erred in considering the (k)(2) factors. *Id.* Valeo’s argument, however, simply restates arguments the court has rejected for the reasons already stated. Valeo raises no arguments concerning Commerce’s findings with respect to the (k)(2) factors.

heat-treatment, *see id.* at 13–16.¹⁴ Commerce’s extensive analysis of heat-treatment and the agency’s findings with respect to Valeo’s T-series aluminum sheet are supported by substantial evidence. *See* Scope Redetermination at 21–37, 75–95.

VI. Suspension of Liquidation

Lastly, Valeo contends that “Commerce must revoke” the instructions the agency sent to CBP following issuance of the Final Scope Ruling. Valeo’s Cmts. at 16. Commerce considered—and rejected—this argument. Scope Redetermination at 121–22. The Government and Defendant-Intervenors contend that Valeo’s arguments are misplaced. Def.’s Cmts. at 17–18; Def.-Ints.’ Cmts. at 12–13. The court agrees.

Commerce’s regulatory provisions governing suspension of liquidation are instructive here. Subsection (l) states:

(1) When the [agency] conducts a scope inquiry under paragraph (b) or (e) of this section, *and the product in question is already subject to suspension of liquidation, that suspension of liquidation will be continued*, pending a preliminary or a final scope ruling, at the cash deposit rate that would apply if the product were ruled to be included within the scope of the order.

(3) If the [agency] issues a final scope ruling, under either paragraph (d) or (f)(4) of this section, to the effect that the product in question is included within the scope of the order, *any suspension of liquidation under paragraph (l)(1) or (l)(2) of this section will continue*. Where there has been no suspension of liquidation, the [agency] will instruct [CBP] to suspend liquidation and to require a cash deposit of estimated duties, at the applicable rate, for each unliquidated entry of the product entered, or withdrawn from warehouse, for consumption on or after the date of initiation of the scope inquiry. If the [agency’s] final scope ruling is to the effect that the product in question is not included within the scope of the order, the [agency] will order any sus-

¹⁴ At most, Valeo appears to argue for a broader interpretation of the term “heat-treatable” that would capture the type of thermal processing its product undergoes. *See* Valeo’s Cmts. at 13–14 (discussing sources generally characterizing 3XXX-series alloys as non-heat-treatable). Valeo’s broad-based arguments do not, however, address, and, thus, do not undermine, Commerce’s reasons for defining the term more narrowly for present purposes, including scope language expressly indicating that annealing would not remove a product from the scope of the *China CAAS Orders*. Scope Redetermination at 76–78.

pension of liquidation on the subject product ended and will instruct [CBP] to refund any cash deposits or release any bonds relating to this product.

19 C.F.R. § 351.225(1)(1), (3) (emphases added).

Valeo does not argue that Commerce improperly instructed CBP to suspend liquidation and collect cash deposits following Commerce’s affirmative Final Scope Ruling. *See* Valeo’s Cmts. at 16–18. Instead, Valeo asserts that the court’s opinion in *Valeo I* undermined the legal basis for the suspension of liquidation and collection of cash deposits for any entries that were made prior to the date on which Commerce initiated the formal scope inquiry on remand, i.e., February 15, 2023. *Id.* at 16 (citing, *inter alia*, *United Steel and Fasteners, Inc. v. United States*, 947 F.3d 794, 801 (Fed. Cir. 2020) (“*USF*”).

USF addressed the scenario in which Commerce retroactively suspended liquidation back to the date on which Commerce issued the underlying order following issuance of an affirmative scope ruling without a scope inquiry. 947 F.3d at 800–01. While recognizing that the regulation is silent when there has been no scope inquiry, *id.* at 800, the court nevertheless held that Commerce “exceeded its regulatory authority under 19 C.F.R. § 351.225(1)(3) by retroactively suspending liquidation to the issuance date of the [order],” *id.* at 803.¹⁵

Here, however, when Commerce initiated the scope inquiry, Valeo’s product was “already subject to suspension of liquidation” and, as such, “that suspension of liquidation [was] continued, pending a preliminary or a final scope ruling.” 19 C.F.R. § 351.225(1)(1). Subsection (1)(3) further provides for the continuation of any suspension pursuant to subsection (1)(1) when Commerce issues an affirmative scope ruling pursuant to subsection (f)(4) at the conclusion of a scope inquiry. *Id.* § 351.225(1)(3). Subsection (f)(4) directs Commerce to “issue a final ruling” concerning “the product which is the subject of the scope inquiry” conducted pursuant to subsection (e). *Id.* § 351.225(f)(4). While Commerce conducted the scope inquiry during a court-ordered remand proceeding, that inquiry was nevertheless governed by Commerce’s regulations. *See, e.g.*, Scope Redetermination at 122 (citing 19 C.F.R. § 351.225(e)).

Unlike in *USF*, at no point in this remand proceeding did Commerce instruct CBP to suspend liquidation of, or collect cash deposits on, entries made prior to the date on which Commerce determined

¹⁵ Following the U.S. Court of International Trade’s (“CIT”) earlier decision in the *USF* litigation that Commerce had exceeded its regulatory authority, Commerce issued revised instructions to suspend liquidation for entries made on or after the date on which Commerce issued its final scope ruling. *See USF*, 725 F.3d at 798. The CIT entered judgment, and no party challenged the revised instructions. *See id.*

that Valeo’s product fell within the scope. Valeo offers no authority for the proposition that an order remanding Commerce’s original scope ruling¹⁶ invalidates Commerce’s prior instructions such that subsection (1)(1) no longer applies. *See* Valeo’s Cmts. at 17 (cursorily declaring continued suspension of liquidation after *Valeo I* “unlawful”). Notably, subsection (1)(3) directs Commerce to end any suspension of liquidation only after issuance of a *negative* scope ruling, 19 C.F.R. § 351.225(1)(3), which has not happened here. Accordingly, the court declines to disturb Commerce’s instructions.

CONCLUSION

In accordance with the foregoing, Commerce’s Final Scope Ruling, as modified by the Scope Redetermination, will be sustained. Judgment will be entered accordingly.

Dated: November 8, 2023

New York, New York

/s/ Mark A. Barnett

MARK A. BARNETT, CHIEF JUDGE

¹⁶ It is well settled “that an order remanding a matter to an administrative agency for further findings and proceedings is not final.” *Cabot Corp. v. United States*, 788 F.2d 1539, 1542 (Fed. Cir. 1986). The lack of finality associated with the court’s remand order offers further support for the continuation of any suspension of liquidation during remand proceedings pending a final decision in the action. Further, as the Government notes, requiring modification of “customs instructions as a result of a remand order that does not provide such direction would present multiple issues beyond the scope proceeding presently before the [c]ourt.” Def.’s Cmts. at 18, including, for example, with respect to the carefully crafted statutory scheme governing suspension and liquidation in cases arising under section 1516a, *see* 19 U.S.C. § 1516a(c),(e).

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