

**Sayı:** 17812098-TİM.AKİB.GSK.TAR.2024/93-1169

Mersin, 07/03/2024

**Konu:** ABD / Makarna Anti-Damping ve Telafi Edici Vergi Önlemleri Nihai Gözden Geçirme Soruşturmaları

**Sayın Üyemiz,**

Ticaret Bakanlığımızdan iletilen bir yazıda, Amerika Birleşik Devletleri (ABD) tarafından, ülkemiz menşeli “Yumurtasız, Pişirilmemiş, Doldurulmamış Makarnalar” (1902.19 gümrük tarife istatistik pozisyonunda yer alan) ithalatına karşı 1996 yılından bu yana anti-damping ve telafi edici vergi önlemleri uygulandığı ifade edilmektedir.

ABD'nin ilgili mevzuatları uyarınca anti-damping ve telafi edici vergi soruşturmalarında dampingin/sübvansiyonun mevcudiyeti ile zararın mevcudiyeti iki ayrı kurum tarafından incelenmekte olup ABD Ticaret Bakanlığı Uluslararası Ticaret İdaresi (ITA) tarafından dampingin ve sübvansiyonun mevcudiyetine yönelik, Uluslararası Ticaret Komisyonu (ITC) tarafından ise mevcut damping ve sübvansiyon uygulamalarının ABD yerli üretimine zarar verip vermediğine yönelik ayrı soruşturmalar yürütüldüğü belirtilmektedir.

Bu çerçevede, adı geçen ABD'li kurumlar tarafından 1 Mart 2024 tarihli ABD Resmi Gazetesi'nde yayımlanan ve birer örneği ekte gönderilen bildirimlerle ülkemiz menşeli “Yumurtasız, Pişirilmemiş, Doldurulmamış Makarnalar” ithalatına uygulanmakta olan anti-damping ve telafi edici vergi önlemlerine yönelik nihai gözden geçirme soruşturması (*sunset review*) başlatılmış bulunduğu aktarılmaktadır.

Bahse konu açılış bildirimlerinin incelenmesinden de anlaşılacağı üzere, bu süreçte ITA ve ITC, ilgili taraflarca verilen cevapların “yeterli” olup olmadıklarının incelenmesini müteakip bir “tam gözden geçirme soruşturması” (*full review*) veya bir “hızlandırılmış gözden geçirme soruşturması” (*expedited review*) yürütülmesine karar vermektedir. Bahse konu cevapların yeterli sayılabilmesi için normalde ülke hükümetinin yanı sıra, soruşturma konusu ürün ihracatçısı firmaların (soruşturma açılışından önceki son 5 sene içerisinde ABD'ye gerçekleştirilen soruşturma konusu ürün ihracatının en az %50'sini gerçekleştiren firmaların) da nihai gözden geçirme soruşturmasına taraf olması gerekmektedir. İhracatçı ülke hükümeti ile firmaların soruşturmaya taraf olmaması ya da taraf olmalarına rağmen verdikleri cevapların “tam ve kapsamlı” (*complete substantive responses*) niteliği bulunmaması durumunda, ABD otoritelerince “tam gözden geçirme soruşturması” (*full review*) yerine “hızlandırılmış gözden geçirme soruşturması” (*expedited review*) yürütülmesine karar verilebilmektedir. Hızlandırılmış gözden geçirme soruşturmasının yürütülmesi durumunda, mezkur otoriteler soruşturmaya ilişkin kararlarını “mevcut en iyi bilgilere” (*facts available*) dayanarak aldığı ifade edilmektedir.

Bu itibarla, dampingin/sübvansiyonun mevcudiyetini değerlendirecek olan ITA'nın yürüteceği soruşturmaya taraf olmak isteyenlerin, soruşturma açılış bildirimlerinin ABD Resmi Gazetesi'nde yayımlanmasından itibaren (1 Mart 2024) en geç **10** gün içerisinde ITA ile temasa geçerek soruşturmaya taraf olma niyetlerini yazılı olarak sunmaları gerekmektedir. Taraf olunmasını müteakip ilgili tarafların “tam ve kapsamlı” (*complete substantive responses*) yanıtlar sunabilmeleri



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için soruşturma açılış bildirimini ABD Resmi Gazetesi'nde yayımlanmasından itibaren (1 Mart 2024) **30** gün içerisinde ABD'nin 19 CFR 351.218 (d)(3) simgeli mevzuatında yer alan soruları yanıtlayarak ABD makamlarına sunmaları gerekmektedir. Adı geçen mevzuata <http://law.justia.com/cfr/title19/19-3.0.2.4.1.html#19:3.0.2.4.1.2.2.18> internet linkinden ulaşılması mümkündür.

Ayrıca, zararın mevcudiyetini değerlendirecek olan ITC'nin yürüteceği soruşturmaya taraf olmak isteyenlerin soruşturma açılış bildirimini ABD Resmi Gazetesi'nde yayımlanmasından itibaren (1 Mart 2024) **21** gün içerisinde ITC ile temasa geçerek soruşturmaya taraf olma niyetlerini yazılı olarak sunmaları ve **1 Nisan 2024** tarihine kadar ise ekte kayıtlı Resmi Gazete'de yayımlanan soruları cevaplayarak ITC'ye iletmeleri gerektiği aktarılmaktadır.

Söz konusu soruşturmaya taraf olan ilgili firmaların bilgilerinin en geç **07/03/2024 tarihi (bugün) saat 17:30'a kadar** Bakanlığa iletmek üzere Genel Sekreterliğimize (Eposta: [tarim@akib.org.tr](mailto:tarim@akib.org.tr)) gönderilmesi hususunda gereğini rica ederim.

**H. Okan ŞENEL**  
**Genel Sekreter Yrd.**

**Ekler:**

- 1-Açılış Bildirimi - Resmi Gazete -ITA
- 2-Açılış Bildirimi - Resmi Gazete -ITC



mattresses, high risers, trundle bed mattresses, crib mattresses), or as part of a set (in combination with a “mattress foundation”). “Mattress foundations” are any base or support for a mattress. Mattress foundations are commonly referred to as “foundations,” “boxsprings,” “platforms,” and/or “bases.” Bases can be static, foldable, or adjustable. Only the mattress is covered by the scope if imported as part of furniture, with furniture mechanisms, or as part of a set, in combination with a mattress foundation.

Excluded from the scope of this investigation are “futon” mattresses. A “futon” is a bi-fold frame made of wood, metal, or plastic material, or any combination thereof, that functions as both seating furniture (such as a couch, love seat, or sofa) and a bed. A “futon mattress” is a tufted mattress, where the top covering is secured to the bottom with thread that goes completely through the mattress from the top through to the bottom, and it does not contain innersprings or foam. A futon mattress is both the bed and seating surface for the futon.

Also excluded from the scope are airbeds (including inflatable mattresses) and waterbeds, which consist of air- or liquid-filled bladders as the core or main support system of the mattress.

Also excluded is certain multifunctional furniture that is convertible from seating to sleeping, regardless of filler material or components, where such filler material or components are upholstered, integrated into the design and construction of, and inseparable from, the furniture framing, and the outermost layer of the multifunctional furniture converts into the sleeping surface. Such furniture may, and without limitation, be commonly referred to as “convertible sofas,” “sofabeds,” “sofa chaise sleepers,” “futons,” “ottoman sleepers,” or a like description.

Also excluded from the scope of this investigation are any products covered by the existing antidumping duty orders on uncovered innerspring units from the People’s Republic of China, South Africa, and the Socialist Republic of Vietnam. *See Uncovered Innerspring Units from the People’s Republic of China, South Africa, and Socialist Republic of Vietnam: Continuation of Antidumping Duty Orders*, 84 FR 55285 (October 16, 2019).

Also excluded from the scope of this investigation are bassinet pads with a nominal length of less than 39 inches, a nominal width of less than 25 inches, and a nominal depth of less than 2 inches.

Additionally, also excluded from the scope of this investigation are “mattress toppers.” A “mattress topper” is a removable bedding accessory that supplements a mattress by providing an additional layer that is placed on top of a mattress. Excluded mattress toppers have a height of four inches or less.

The products subject to this investigation are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 9404.21.0010, 9404.21.0013, 9404.21.0095, 9404.29.1005, 9404.29.1013, 9404.29.1095, 9404.29.9085, 9404.29.9087, and 9404.29.9095. Products subject to this investigation may also enter under HTSUS subheadings: 9401.41.0000, 9401.49.0000, and 9401.99.9081. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this investigation is dispositive.

## Appendix II

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

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Use of Facts Available With Adverse Inferences
- V. Recommendation

[FR Doc. 2024–04326 Filed 2–29–24; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Initiation of Five-Year (Sunset) Reviews

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

**SUMMARY:** In accordance with the Tariff Act of 1930, as amended (the Act), the U.S. Department of Commerce (Commerce) is automatically initiating

the five-year reviews (Sunset Reviews) of the antidumping and countervailing duty (AD/CVD) order(s) and suspended investigation(s) listed below. The U.S. International Trade Commission (ITC) is publishing concurrently with this notice its notice of *Institution of Five-Year Reviews* which covers the same order(s) and suspended investigation(s).

**DATES:** Applicable March 1, 2024.

**FOR FURTHER INFORMATION CONTACT:** Commerce official identified in the *Initiation of Review* section below at AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230. For information from the ITC, contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205–3193.

#### SUPPLEMENTARY INFORMATION:

##### Background

Commerce’s procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year (Sunset) Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to Commerce’s conduct of Sunset Reviews is set forth in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012).

##### Initiation of Review

In accordance with section 751(c) of the Act and 19 CFR 351.218(c), we are initiating the Sunset Reviews of the following antidumping and countervailing duty order(s) and suspended investigation(s):

DOC case No.	ITC case No.	Country	Product	Commerce contact
A–475–818 .....	731–TA–734	Italy .....	Pasta .....	Jacqueline Arrowsmith, (5th review) (202) 482–5255.
A–489–805 .....	731–TA–735	Turkey .....	Pasta .....	Jacqueline Arrowsmith, (5th Review) (202) 482–5255.
C–475–819 .....	701–TA–365	Italy .....	Pasta .....	Mary Kolberg, (5th Review) (202) 482–1785.
C–489–806 .....	701–TA–366	Turkey .....	Pasta .....	Mary Kolberg, (5th Review) (202) 482–1785.

## Filing Information

As a courtesy, we are making information related to sunset proceedings, including copies of the pertinent statute and Commerce's regulations, Commerce's schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on Commerce's website at the following address: <https://enforcement.trade.gov/sunset/>. All submissions in these Sunset Reviews must be filed in accordance with Commerce's regulations regarding format, translation, and service of documents. These rules, including electronic filing requirements via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), can be found at 19 CFR 351.303.

In accordance with section 782(b) of the Act, any party submitting factual information in an AD/CVD proceeding must certify to the accuracy and completeness of that information. Parties must use the certification formats provided in 19 CFR 351.303(g). Commerce intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

## Letters of Appearance and Administrative Protective Orders

Pursuant to 19 CFR 351.103(d), Commerce will maintain and make available a public service list for these proceedings. Parties wishing to participate in any of these five-year reviews must file letters of appearance as discussed at 19 CFR 351.103(d). To facilitate the timely preparation of the public service list, it is requested that those seeking recognition as interested parties to a proceeding submit an entry of appearance within 10 days of the publication of the Notice of Initiation. Because deadlines in Sunset Reviews can be very short, we urge interested parties who want access to proprietary information under administrative protective order (APO) to file an APO application immediately following publication in the **Federal Register** of this notice of initiation. Commerce's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).<sup>1</sup>

<sup>1</sup> See *Administrative Protective Order, Service, and Other Procedures in Antidumping and*

## Information Required from Interested Parties

Domestic interested parties, as defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b), wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with Commerce's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, Commerce will automatically revoke the order without further review.<sup>2</sup>

If we receive an order-specific notice of intent to participate from a domestic interested party, Commerce's regulations provide that *all parties* wishing to participate in a Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that Commerce's information requirements are distinct from the ITC's information requirements. Consult Commerce's regulations for information regarding Commerce's conduct of Sunset Reviews. Consult Commerce's regulations at 19 CFR part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at Commerce.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: February 14, 2024.

**James Maeder,**

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

[FR Doc. 2024-04369 Filed 2-29-24; 8:45 am]

**BILLING CODE 3510-DS-P**

*Countervailing Duty Proceedings; Final Rule*, 88 FR 67069 (September 29, 2023).

<sup>2</sup> See 19 CFR 351.218(d)(1)(iii).

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-919]

### Mattresses From India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that mattresses from India are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2022, through June 30, 2023. Interested parties are invited to comment on this preliminary determination.

**DATES:** Applicable March 1, 2024.

**FOR FURTHER INFORMATION CONTACT:** Steven Seifert or Paul Senoyuit, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3350 or (202) 482-6106, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on August 23, 2023.<sup>1</sup> On October 3, 2023, Commerce postponed the preliminary determination of this investigation until February 23, 2024.<sup>2</sup>

For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.<sup>3</sup> A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary

<sup>1</sup> See *Mattresses from Bosnia and Herzegovina, Bulgaria, Burma, India, Italy, Kosovo, Mexico, the Philippines, Poland, Slovenia, Spain, and Taiwan: Initiation of Less-Than-Fair-Value Investigations*, 88 FR 57433 (August 23, 2023) (*Initiation Notice*).

<sup>2</sup> See *Mattresses from Bosnia and Herzegovina, Bulgaria, Burma, India, Italy, Kosovo, Mexico, the Philippines, Poland, Slovenia, Spain, and Taiwan: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations*, 88 FR 72737 (October 23, 2023).

<sup>3</sup> See Memorandum, "Decision Memorandum for the Preliminary Affirmative Determination in the Less-Than-Fair-Value Investigation of Mattresses from India" dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

alternative. Twelve alternatives were not analyzed in detail because they did not meet the purpose and need for the proposed action or did not meet screening criteria, which are presented in FEIS chapter 2. The screening criteria included consistency with law and regulations; technical and economic feasibility; environmental impacts; and geographic considerations.

**Availability of the FEIS:** The FEIS, New England Wind COP, and associated information are available on BOEM's website at: <https://www.boem.gov/renewable-energy/state-activities/new-england-wind-formerly-vineyard-wind-south>. BOEM has distributed digital copies of the FEIS to all parties listed in FEIS appendix M. If you would like a flash drive or paper copy, BOEM will provide one upon request, as long as supplies are available. You may request a flash drive or paper copy of the FEIS by contacting Lindy Nelson at 571-789-6485 or [lindy.nelson@boem.gov](mailto:lindy.nelson@boem.gov).

**Cooperating Agencies:** The following Federal agencies and State governmental entities participated as cooperating agencies under the National Environmental Policy Act in the preparation of the FEIS: Bureau of Safety and Environmental Enforcement; U.S. Environmental Protection Agency; National Marine Fisheries Service; U.S. Army Corps of Engineers; U.S. Coast Guard; U.S. Fish and Wildlife Service; New York Department of State; Massachusetts Office of Coastal Zone Management; and Rhode Island Coastal Resources Management Council.

**Consulting Parties:** Twenty Federal agencies, Tribal Nations, State governmental entities, and organizations participated as consulting parties under the National Historic Preservation Act. The resolution of adverse effects to historic properties from the Project is recorded in a Memorandum of Agreement signed by the Director of BOEM, the Massachusetts State Historic Preservation Officer, the Advisory Council on Historic Preservation, and other invited and concurring signatories.

**Authority:** 42 U.S.C. 4231 *et seq.* (NEPA, as amended) and 40 CFR 1506.6.

**Karen Baker,**

*Chief, Office of Renewable Energy Programs,  
Bureau of Ocean Energy Management.*

[FR Doc. 2024-04303 Filed 2-29-24; 8:45 am]

**BILLING CODE 4340-98-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-703 and 731-TA-1661-1663 (Preliminary)]

### Glass Wine Bottles From Chile, China, and Mexico; Correction Notice of Determinations

**AGENCY:** International Trade Commission.

**ACTION:** Notice; correction.

**SUMMARY:** Correction is made to the publication number.

#### SUPPLEMENTARY INFORMATION:

##### Correction

In the **Federal Register** of February 16, 2024 (89 FR 12380) in FR Doc. 2024-03227, on page 12381, in the fourth column, the publication number should be USITC Publication 5493 (February 2024).

Issued: February 26, 2024.

**Sharon Bellamy,**

*Supervisory Hearings and Information  
Officer.*

[FR Doc. 2024-04310 Filed 2-29-24; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-365-366 and 731-TA-734-735 (Fifth Review)]

### Certain Pasta From Italy and Turkey; Institution of Five-Year Reviews

**AGENCY:** International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930 ("the Act"), as amended, to determine whether revocation of the antidumping and countervailing duty orders on certain pasta from Italy and Turkey would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

**DATES:** Instituted March 1, 2024. To be assured of consideration, the deadline for responses is April 1, 2024. Comments on the adequacy of responses may be filed with the Commission by May 8, 2024.

**FOR FURTHER INFORMATION CONTACT:** Alec Resch (202-708-1448), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-

impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

#### SUPPLEMENTARY INFORMATION:

**Background.**—On July 24, 1996, the Department of Commerce ("Commerce") issued countervailing and antidumping duty orders on imports of certain pasta from Italy and Turkey (61 FR 38544). Commerce issued a continuation of the antidumping and countervailing duty orders on imports of certain pasta from Italy and Turkey following Commerce's and the Commission's first five-year reviews, effective November 16, 2001 (66 FR 57703), second five-year reviews, effective October 12, 2007 (72 FR 58052), third five-year reviews, effective September 17, 2013 (78 FR 57129), and fourth five-year reviews, effective April 17, 2019 (84 FR 16002). The Commission is now conducting fifth reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

**Definitions.**—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are Italy and Turkey.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in

characteristics and uses with, the *Subject Merchandise*. In its original and subsequent five-year review determinations, the Commission defined the *Domestic Like Product* as all dry pasta. One Commissioner defined the *Domestic Like Product* differently in the original and expedited first five-year review determinations.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original and subsequent five-year review determinations, the Commission defined the *Domestic Industry* as all domestic producers of dry pasta. One Commissioner defined the *Domestic Industry* differently in the original and expedited first five-year review determinations.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

*Participation in the proceeding and public service list.*—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not

required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

*Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.*—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

*Certification.*—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

*Written submissions.*—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is 5:15 p.m. on April 1, 2024. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the

Commission should conduct expedited or full reviews. The deadline for filing such comments is 5:15 p.m. on May 8, 2024. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf), elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget ("OMB") number is not displayed; the OMB number is 3117 0016/USITC No. 24–5–592, expiration date June 30, 2026. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

*Inability to provide requested information.*—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b))

in making its determinations in the reviews.

### Information To Be Provided in Response to This Notice of Institution

If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country*; or produce *Subject Merchandise* in more than one *Subject Country*, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country*. As used below, the term “firm” includes any related firms.

Those responding to this notice of institution are encouraged, but not required, to visit the USITC’s website at [https://usitc.gov/reports/response\\_noi\\_worksheet](https://usitc.gov/reports/response_noi_worksheet), where one can download and complete the “NOI worksheet” Excel form for the subject proceeding, to be included as attachment/exhibit 1 of your overall response.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping and countervailing duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any

known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2017.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm’s operations on that product during calendar year 2023, except as noted (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm’s(s’) production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales,

internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country*, provide the following information on your firm’s(s’) operations on that product during calendar year 2023 (report quantity data in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm’s(s’) imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country*, provide the following information on your firm’s(s’) operations on that product during calendar year 2023 (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm’s(s’) production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and

cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* after 2017, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

**Authority:** This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: February 27, 2024.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2024-04379 Filed 2-29-24; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1232 (Enforcement)]

### Certain Chocolate Milk Powder and Packaging Thereof; Correction Notice of Institution of Formal Enforcement Proceeding; Correction

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice; correction.

**SUMMARY:** Correction is made to the investigation number.

#### SUPPLEMENTARY INFORMATION:

#### Correction

In the **Federal Register** of November 16, 2023 (88 FR 78786-87) in FR Doc. 2023-25279, on page 78786, in the first column, the investigation number should read:

[Investigation No. 337-TA-1232].

Issued: February 26, 2024.

**Sharon Bellamy,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2024-04289 Filed 2-29-24; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Agency Information Collection Activities; Comment Request; Tax Performance System (TPS)

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL), Employment and Training Administration is soliciting comments regarding a proposed extension for the authority to conduct the information collection request (ICR) titled, "Tax Performance System." This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

**DATES:** Consideration will be given to all written comments received by April 30, 2024.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained at no cost by contacting Keith Ribnick by telephone at 202-693-3652 (this is not a toll-free number) or by email at [Ribnick.Keith@dol.gov](mailto:Ribnick.Keith@dol.gov).

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, 200 Constitution Avenue NW, Room S-4519, Washington, DC 20210; by email: [Ribnick.Keith@dol.gov](mailto:Ribnick.Keith@dol.gov), or by Fax (202) 693-3975.

**FOR FURTHER INFORMATION CONTACT:** Keith Ribnick by telephone at 202-693-3652 (these are not toll-free numbers) or by email at [Ribnick.Keith@dol.gov](mailto:Ribnick.Keith@dol.gov).

**SUPPLEMENTARY INFORMATION:** The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

Since 1987, states have been required by regulation at 20 CFR part 602 to operate a program to assess their Unemployment Insurance (UI) tax and benefit programs. TPS is designed to assess the major internal UI tax functions by utilizing several methodologies to examine the accuracy of the ETA 581, Contribution Operations Report, OMB approval number 1205-0178, expiring July 31, 2024, and its associated Computed Measures. A two-fold examination contains "Systems Reviews," examining tax systems for the existence of internal controls and the extraction of small samples of those systems' transactions, which are then examined to verify the effectiveness of controls. Section 303(a)(1) of the Social Security Act authorizes this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.