

the less-than-fair-value investigation, if there is no rate for the intermediate company(ies) involved in the transaction.<sup>18</sup> For a full discussion of this matter, see *Assessment Policy Notice*.<sup>19</sup>

For those companies which were not individually examined, we will instruct CBP to assess antidumping duties at an *ad valorem* rate equal to that companies weighted-average dumping margin as determined in the final results of this review.

In accordance with 19 CFR 356.8, we intend to issue liquidation instructions to CBP on or after 41 days after publication of the final results of this review.

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for each specific company listed above will be equal to the weighted-average dumping margin established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which they were reviewed; (3) if the exporter is not a firm covered in this review, a prior review, or in the investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be the all-others rate of 3.76 percent.<sup>20</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice also serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could

result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

### Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: December 16, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

### Appendix

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

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Partial Rescission of Administrative Review
- V. Companies Not Selected for Individual Examination
- VI. Successor-in-Interest
- VII. Single Entity Treatment
- VIII. Discussion of the Methodology
- IX. Currency Conversion
- X. Recommendation

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## DEPARTMENT OF COMMERCE

### INTERNATIONAL TRADE ADMINISTRATION

[A-570-970]

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

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

**SUMMARY:** On December 10, 2020, the United States Court of International Trade (the Court) entered final judgment sustaining the final results of the second remand redetermination pursuant to court order by the Department of Commerce (Commerce) pertaining to the antidumping duty administrative review of multilayered wood flooring (MLWF) from the People's Republic of China (China) covering the period of review (POR), December 1, 2012 through November 30, 2013. Commerce is notifying the public that the final judgment in this case is not in harmony with Commerce's final results in the 2012-2013 administrative review of MLWF from China.

**DATES:** Applicable December 20, 2020

#### FOR FURTHER INFORMATION CONTACT:

Aleksandras Nakutis, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC, 20230; telephone: (202) 482-3147.

#### SUPPLEMENTARY INFORMATION:

#### Background

On July 15, 2015, Commerce published the *Final Results* in the 2012-2013 administrative review of multilayered wood flooring from China in which Commerce assigned a rate of 13.74 percent to Jiangsu Senmao Bamboo and Wood Industry Co., Ltd. (Senmao) and all separate rate respondents in the *Final Results*.<sup>1</sup> Commerce applied the weighted-average dumping margin of Senmao (the only mandatory respondent to receive a rate that was not *de minimis* or based solely on adverse facts available) to all parties eligible for a separate rate, pursuant to section 735(c)(5)(A) of the Tariff Act of 1930, as amended (the Act).<sup>2</sup>

Senmao and certain separate rate respondents appealed the *Final Results*. In its first remand order, the Court directed Commerce to reconsider or further explain certain of its surrogate value selections, its downward adjustment for irrevocable VAT, as well as its decision to deny voluntary respondent status to Fine Furniture (Shanghai) Limited (Fine Furniture).<sup>3</sup> Upon reconsidering these issues in the First Remand Redetermination, Commerce made certain changes and calculated a revised weighted-average dumping margin for Senmao and the separate rate companies.<sup>4</sup>

In Senmao II, the Court affirmed the First Remand Redetermination as it pertained to the surrogate value selections.<sup>5</sup> However, the Court found that Commerce's downward adjustment for irrevocable VAT was contrary to law in relying upon an unlawful interpretation of the Act.<sup>6</sup> The Court,

<sup>1</sup> See *Multilayered Wood Flooring From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Results of New Shipper Review; 2012-2013*, 80 FR 41476 (July 15, 2015) (*Final Results*).

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

<sup>3</sup> See *Jiangsu Senmao Bamboo and Wood Industry Co., Ltd., et al., v. United States*, 322 F. Supp 3d 1308 (CIT 2018) (Senmao I).

<sup>4</sup> See *Final Results of Redetermination Pursuant to Court Order, Jiangsu Senmao Bamboo and Wood Industry Co., Ltd., et al., v. United States*, dated June 3, 2019 (First Remand Redetermination).

<sup>5</sup> See *Jiangsu Senmao Bamboo and Wood Industry Co., Ltd., et al., v. United States*, Court No. 15-00225. Slip Op. 20-31 (March 11, 2020) (Senmao II).

<sup>6</sup> *Id.*

<sup>18</sup> See *Order*, 73 FR at 45405.

<sup>19</sup> See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*).

<sup>20</sup> See *Order*, 73 FR at 45405.

thus, remanded the case, so that Commerce could correct the error regarding the downward adjustment for irrevocable VAT.

In the Second Remand Redetermination,<sup>7</sup> Commerce removed the downward adjustment for irrevocable VAT as directed by the Court and revised the weighted-average dumping margin for Senmao to 3.92 percent.<sup>8</sup> Additionally, because the rate for separate rate respondents was based entirely on Senmao's weighted-average dumping margin, Senmao's margin of 3.92 percent was applied to those separate rate respondents which were party to the litigation.

On December 10, 2020, the Court entered final judgment in Senmao III.<sup>9</sup> The Court sustained the Second Remand Redetermination excluding any downward adjustment for irrevocable VAT and revising the weighted-average dumping margin for Senmao and the other separate rate entities that are party to the litigation.

#### Timken Notice

In its decision in Timken, as clarified by Diamond Sawblades, the CAFC held that, pursuant to section 516A(e) of the Act, Commerce must publish a notice of a court decision that is not "in harmony" with Commerce's determination and must suspend liquidation of entries pending a "conclusive" court decision. The Court's December 10, 2020 final judgment affirming the Second Remand Redetermination<sup>10</sup> constitutes a final decision of the Court that is not in harmony with the *Final Results*.<sup>11</sup> This notice is published in fulfillment of the publication requirements of *Timken*.

#### Amended Final Determination

There is now a final court decision with respect to the *Final Results* with respect to the irrevocable VAT

<sup>7</sup> See *Final Results of Redetermination Pursuant to Court Order, Jiangsu Senmao Bamboo and Wood Industry Co., Ltd., et al., v. United States*, dated May 8, 2020 (Second Remand Redetermination).

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

<sup>9</sup> See *Jiangsu Senmao Bamboo and Wood Industry Co., Ltd., et al. v. United States*, Consol. Court No. 19-00225 (*Senmao III*). In *Senmao III*, the Court did not address a previous issue concerning Fine Furniture. However, on September 9, 2020, the Court granted Fine Furniture's request to dissolve its injunction covering subject entries during the POR, ECF No. 174, because Fine Furniture and Double F Limited are excluded from the order and no party sought appeal of *Changzhou Hawd Flooring Co. v. United States*, 947 F.3d 781 (Fed Cir. 2020) (affirming Fine Furniture and Double F Limited's exclusion from the order). Accordingly, because Fine Furniture and Double F Limited are excluded from the order, the issue regarding Fine Furniture is moot.

<sup>10</sup> *Id.*

<sup>11</sup> See *Final Results*.

adjustment. Accordingly, Commerce is amending the *Final Results* and assigning the revised weighted-average dumping margin for Senmao and the separate rate respondents which are parties to the litigation. Additionally, Commerce is amending the revised weighted-average dumping margins for these companies as follows:

Exporter <sup>12</sup>	Weighted-average dumping margin (percent)
Jiangsu Senmao Bamboo and Wood Industry Co., Ltd .....	3.92
Baishan Huafeng Wooden Product Co., Ltd., (aka Baishan Huafeng Wood Product Co., Ltd.) .....	3.92
Changbai Mountain Development and Protection Zone Hongtu Wood Industrial Co., Ltd .....	3.92
Chinafloors Timber (China) Co., Ltd .....	3.92
Dalian Kemian Wood Industry Co., Ltd .....	3.92
Dalian Penghong Floor Products Co., Ltd .....	3.92
Dalien Qianqiu Wooden Product Co., Ltd .....	3.92
Dasso Industrial Group Co., Ltd .....	3.92
Dongtai Fuan Universal Dynamics, LLC .....	3.92
Dunhua City Hongyuan Wood Industry Co., Ltd .....	3.92
Dun Hua Sen Tai Wood Co., Ltd .....	3.92
Dunhua City Wanrong Wood Industry Co., Ltd .....	3.92
Fusong Jinlong Wooden Group Co., Ltd .....	3.92
Fusong Jinqiu Wooden Product Co., Ltd .....	3.92
Fusong Qianqiu Wooden Product Co., Ltd .....	3.92
Guangdong Yihua Timber Industry Co., Ltd .....	3.92
Guangzhou Panyu Kangda Board Co., Ltd .....	3.92
Hailin LinJing Wooden Products, Ltd .....	3.92
Hangzhou Hanje Tec Co., Ltd .....	3.92
Hangzhou Zhengtian Industrial Co., Ltd .....	3.92
Hunchun Forest Wolf Wooden Industry Co., Ltd .....	3.92
Huzhou Chenghang Wood Co., Ltd .....	3.92
Huzhou Fulinmen Imp. & Exp. Co., Ltd .....	3.92
Jiafeng Wood (Suzhou) Co., Ltd .....	3.92
Jiangsu Guyu International Trading Co., Ltd .....	3.92
Jiangsu Kentier Wood Co., Ltd .....	3.92
Jiangsu Mingle Flooring Co., Ltd. <sup>13</sup> .....	3.92
Jiangsu Simba Flooring Co., Ltd. <sup>14</sup> .....	3.92
Jiashan HuiJiale Decoration Material Co., Ltd .....	3.92
Jilin Forest Industry Jinqiao Flooring Group Co., Ltd .....	3.92

Exporter <sup>12</sup>	Weighted-average dumping margin (percent)
Kemian Wood Industry (Kunshan) Co., Ltd .....	3.92
Metropolitan Hardwood Floors, Inc .....	3.92
Mudanjiang Bosen Wood Industry Co., Ltd .....	3.92
Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd .....	3.92
Nanjing Minglin Wooden Industry Co., Ltd .....	3.92
Puli Trading Limited .....	3.92
Shanghai Eswell Timber Co., Ltd .....	3.92
Shanghai Shenlin Corp .....	3.92
Shanghai Lizhong Wood Products Co., Ltd./The Lizhong Wood Industry Limited Company of Shanghai/Linyi Youyou Wood Co., Ltd .....	3.92
Shenyang Haobainian Wooden Co., Ltd .....	3.92
Shenzhen Huanwei Woods Co., Ltd .....	3.92
Suzhou Dongda Wood Co., Ltd. <sup>15</sup> .....	3.92
Tongxiang Jisheng Import and Export Co., Ltd .....	3.92
Xuzhou Shenghe Wood Co., Ltd .....	3.92
Yingyi-Nature (Kunshan) Wood Industry Co., Ltd .....	3.92
Zhejiang Dadongwu Greenhome Wood Co., Ltd .....	3.92
Zhejiang Fudeli Timber Industry Co., Ltd .....	3.92
Zhejiang Fuma Warm Technology Co., Ltd .....	3.92
Zhejiang Longsen Lumbering Co., Ltd .....	3.92
Zhejiang Shiyu Timber Co., Ltd .....	3.92
Zhejiang Tianzhen Bamboo & Wood Development Co., Ltd ..	3.92

#### Cash Deposit Requirements

Because Senmao and the separate rate companies have superseding cash deposit rates, *i.e.*, there have been final results published in a subsequent

<sup>12</sup> Imports of subject merchandise from the following are excluded: Produced and exported by Fine Furniture (Shanghai) Limited (Fine Furniture) and Double F Limited; produced and exported by Armstrong Wood Products (Kunshan) Co., Ltd. (Armstrong); and produced and exported by Dunhua City Jisen Wood Industry Co., Ltd. (Dunhua City Jisen).

<sup>13</sup> Commerce inadvertently omitted this company from the Second Remand Redetermination; however, this company is entitled to the revised rate as it was subject to the administrative review and was a party to litigation.

<sup>14</sup> Commerce inadvertently omitted this company from the Second Remand Redetermination; however, this company is entitled to the revised rate as it was subject to the administrative review and was a party to litigation.

<sup>15</sup> Commerce inadvertently omitted this company from the Second Remand Redetermination; however, this company is entitled to the revised rate as it was subject to the administrative review and was a party to litigation.

administrative review, this notice will not affect the current cash deposit rates.

### Liquidation of Suspended Entries

If the Court's final judgment is not appealed, or if appealed and upheld, Commerce will instruct CBP to terminate the suspension of liquidation, and to liquidate and to assess duties at a rate of 3.92 percent for entries during the POR that were exported by the companies listed above.

On April 10, 2019, for Armstrong, and on July 24, 2020 and September 9, 2020, respectively, for Dunhua City Jisen and Fine Furniture, pursuant to Court order lifting the injunctions Commerce issued liquidation instructions to CBP instructing CBP to liquidate entries for the 2012–2013 POR without regard to duties given these companies' exclusion from the order.

### Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: December 17, 2020.

Joseph A. Laroski Jr.,

Deputy Assistant Secretary for Policy and Negotiations.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–996, A–428–843, A–588–872, A–580–872, A–401–809, A–583–851, C–570–997, C–583–852]

### Non-Oriented Electrical Steel From People's Republic of China, Germany, Japan, Republic of Korea, Sweden, and Taiwan: Continuation of Antidumping Duty and Countervailing Duty Orders

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

**SUMMARY:** As a result of the determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC) that revocation of the antidumping duty (AD) orders on non-oriented electrical steel (NOES) from People's Republic of China (China), Germany, Japan, Republic of Korea (Korea), Sweden, and Taiwan and revocation of the countervailing duty (CVD) orders on NOES from China and Taiwan would likely lead to a continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing a notice of

continuation of these AD and CVD orders.

**DATES:** Applicable December 23, 2020.

### FOR FURTHER INFORMATION CONTACT:

Abdul Alnoor, Eva Kim, or Paola Aleman Ordaz, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4554, (202) 482–8283, or (202) 482–4031, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

On December 3, 2014, Commerce published in the **Federal Register** the notice of the AD orders on NOES from China, Germany, Japan, Korea, Sweden, and Taiwan<sup>1</sup> and the notice of the CVD orders on NOES from China and Taiwan.<sup>2</sup> On November 1, 2019, Commerce published the initiation of the first sunset reviews of the *Orders*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).<sup>3</sup> Commerce conducted these sunset reviews on an expedited basis, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), because we received a complete, timely, and adequate response from a domestic interested party but no substantive responses from respondent interested parties.<sup>4</sup> As a result of Commerce's review, Commerce determined pursuant

<sup>1</sup> See *Non-Oriented Electrical Steel From the People's Republic of China, Germany, Japan, the Republic of Korea, Sweden, and Taiwan: Antidumping Duty Orders*, 79 FR 71741 (December 3, 2014) (*AD Orders*).

<sup>2</sup> See *Non-Oriented Electrical Steel From the People's Republic of China and Taiwan: Countervailing Duty Orders*, 79 FR 71749 (December 3, 2014) (*CVD Orders*) (collectively, *Orders*).

<sup>3</sup> See *Initiation of Five-Year (Sunset) Reviews*, 84 FR 58687 (November 1, 2019).

<sup>4</sup> See Domestic Interested Party's Substantive Responses, "Five Year ('Sunset') Review of Antidumping Duty Order on Non-Oriented Electrical Steel From the People's Republic of China: Domestic Interested Party Substantive Response," dated November 27, 2019; "Five Year ('Sunset') Review Of Antidumping Duty Order On Non-Oriented Electrical Steel From Germany: Domestic Interested Party Substantive Response," dated November 27, 2019; "Five-Year ('Sunset') Review Of Antidumping Duty Order On Non-Oriented Electrical Steel From the Republic of Korea: Domestic Interested Party Substantive Response," dated November 27, 2019; "Five-Year ('Sunset') Review Of Antidumping Duty Order On Non-Oriented Electrical Steel From Japan: Domestic Interested Party Substantive Response," dated November 27, 2019; "Five Year ('Sunset') Review Of Antidumping Duty Order On Non-Oriented Electrical Steel From Sweden: Domestic Interested Party Substantive Response," dated November 27, 2019; "Five Year ('Sunset') Review of Antidumping Duty Order on Non-Oriented Electrical Steel From Taiwan: Domestic Interested Party Substantive Response," dated November 27, 2019.

to sections 751(c)(1) and 752(c) of the Act, that revocation of the *AD Orders* would likely lead to a continuation or recurrence of dumping. Commerce also notified the ITC of the magnitude of the dumping margins likely to prevail should the *AD Orders* be revoked.<sup>5</sup> Commerce also determined, pursuant to sections 751(c)(1) and 752(b) of the Act, that revocation of the *CVD Orders* on NOES from China and Taiwan would be likely to lead to the continuation or recurrence of countervailable subsidies and notified the ITC of the magnitude of the subsidy rates likely to prevail should the *CVD Orders* be revoked.<sup>6</sup> On December 16, 2020, the ITC published notice of its determination, pursuant to section 751(c) of the Act, that revocation of the *Orders* would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>7</sup>

### Scope of the Orders

The merchandise subject to the *Orders* consists of non-oriented electrical steel (NOES), which includes cold-rolled, flat-rolled, alloy steel products, whether or not in coils, regardless of width, having an actual thickness of 0.20 mm or more, in which the core loss is substantially equal in any direction of magnetization in the plane of the material. The term "substantially equal" means that the cross-grain direction of core loss is no more than 1.5 times the straight grain direction (*i.e.*, the rolling direction) of core loss. NOES has a magnetic permeability that does not exceed 1.65 Tesla when tested at a field of 800 A/m (equivalent to 10 Oersteds) along (*i.e.*, parallel to) the rolling direction of the sheet (*i.e.*, B800 value). NOES contains by weight more than 1.00 percent of silicon but less than 3.5 percent of silicon, not more than 0.08 percent of carbon, and not more than 1.5 percent of aluminum. NOES has a surface oxide coating, to which an insulation coating may be applied.

<sup>5</sup> See *Non-Oriented Electrical Steel From People's Republic of China, Germany, Japan, Republic of Korea, Sweden, and Taiwan: Final Results of Expedited First Sunset Reviews of Antidumping Duty Orders*, 85 FR 11337 (February 27, 2020) (*Final Results*).

<sup>6</sup> See *Non-Oriented Electrical Steel From the People's Republic of China: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order*, 85 FR 11339 (February 27, 2020); *Non-Oriented Electrical Steel From Taiwan: Final Results of the Expedited Five-Year Sunset Review of the Countervailing Duty Order*, 85 FR 13135 (March 6, 2020).

<sup>7</sup> See *Non-Oriented Electrical Steel from China, Germany, Japan, Korea, Sweden, and Taiwan*, (Investigation Nos. 701–TA–506 and 508 and 731–TA–1238–1243), 85 FR 81486, (December 16, 2020).