

challenged the *Final Results* on multiple grounds.<sup>3</sup>

In its *Remand Order*, the Court sustained Commerce’s determination with respect to two issues: (1) the calculation of profit as included in SeAH’s constructed export price;<sup>4</sup> and (2) the exclusion of freight revenue in calculating SeAH’s constructed export price.<sup>5</sup> However, the Court remanded two of Commerce’s determinations:

1. Particular market situation (PMS), finding that substantial record evidence does not support Commerce’s cumulative determination that a PMS existed in Korea for the 2017–2018 period of review (POR), thus, the issue required further consideration or explanation.<sup>6</sup>

2. The application of Cohen’s *d* test, as part of the differential pricing analysis, for further explanation of whether potential limits on the applicability of the Cohen’s *d* test as enumerated in *Stupp*<sup>7</sup> were satisfied or whether those limits need not be observed when Commerce uses the Cohen’s *d* test.<sup>8</sup>

In its final results of redetermination pursuant to the *Remand Order* issued on July 16, 2021, Commerce reconsidered the two determinations listed above.<sup>9</sup> In the *Redetermination*, Commerce:

1. Reversed the PMS finding and removed the adjustment from the margin calculations for SeAH.

2. Determined that it was not necessary to address the issue of applicability of the Cohen’s *d* test because, having reversed the PMS finding, the weighted-average dumping margin is either zero or *de minimis* regardless of which comparison method is used, thus rendering the differential pricing analysis moot.

As a result, Commerce recalculated the weighted-average dumping margin for SeAH, which changed from 3.96 percent to 0.00 percent.<sup>10</sup>

On August 29, 2022, the CIT issued its final judgment in *SeAH Steel Corporation v. United States*, Consol. Court No. 20–00150, Slip Op. 22–101,

fully sustaining Commerce’s *Redetermination*.<sup>11</sup>

(1) The CIT sustained Commerce’s *Redetermination* with respect to the PMS determination and adjustment.<sup>12</sup>

(2) The CIT sustained Commerce’s *Redetermination* with respect to not applying the differential pricing analysis to calculate SeAH’s dumping margin because SeAH’s dumping margin is either zero or *de minimis*, regardless of which comparison method is used.<sup>13</sup>

**Timken Notice**

In its decision in *Timken*,<sup>14</sup> as clarified by *Diamond Sawblades*,<sup>15</sup> the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision not “in harmony” with a Commerce determination and must suspend liquidation of entries pending a “conclusive” court decision. The Court’s August 29, 2022, judgment sustaining the *Redetermination* constitutes a final decision of the Court that is not in harmony with Commerce’s *Final Results*. This notice is published in fulfillment of the publication requirement of *Timken*.

**Amended Final Results**

Because there is now a final court decision, Commerce is amending the *Final Results* with respect to SeAH for the period September 1, 2017, through August 31, 2018. The revised dumping margin is as follows:

Exporter/producer	Weighted-average dumping margin (percent)
SeAH Steel Corporation .....	0.00

**Cash Deposit Requirements**

Because SeAH has had a superseding cash deposit rate, *i.e.*, there have been final results published in a subsequent administrative review, we will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP). This notice will not affect the current cash deposit rates.

**Liquidation of Suspended Entries**

At this time, Commerce remains enjoined by CIT order from liquidating entries that were produced and exported by SeAH, and were entered, or withdrawn from warehouse, for consumption during the period September 1, 2017, through August 31, 2018. Liquidation of these entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event the CIT’s ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess ADs on unliquidated entries of subject merchandise produced and exported by SeAH, in accordance with 19 CFR 351.212(b). We will instruct CBP to assess ADs on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate is not zero or *de minimis*. Where an importer-specific *ad valorem* assessment rate is zero or *de minimis*,<sup>16</sup> we will instruct CBP to liquidate the appropriate entries without regard to ADs.

**Notification to Interested Parties**

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

Dated: September 6, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2022–19631 Filed 9–8–22; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A–357–818]

**Lemon Juice From Argentina: Continuation of Suspension of Antidumping Duty Investigation**

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

**SUMMARY:** As a result of the respective determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that termination of the 2016 Agreement Suspending the Antidumping Duty Investigation on Lemon Juice from Argentina (2016 Agreement) and the underlying antidumping duty investigation on lemon juice from Argentina would likely lead to continuation or recurrence of dumping

<sup>16</sup> See 19 CFR 351.106(c)(2).

<sup>3</sup> See generally *SeAH Steel Corp. v. United States*, 539 F. Supp. 3d 1341 (CIT 2022) (*Remand Order*).

<sup>4</sup> *Id.*, 539 F. Supp. 3d at 1366.

<sup>5</sup> *Id.*

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

<sup>7</sup> See *Stupp v. United States*, 5 F.4th 1341 (Fed. Cir. 2021) (*Stupp*).

<sup>8</sup> See *Remand Order*, 539 F. Supp. 3d at 1351 and 1366.

<sup>9</sup> See *Final Results of Redetermination Pursuant to Court Remand, SeAH Steel Corp. v. United States*, Consolidated Court No. 20–00150, Slip. Op. 21–146 (CIT October 19, 2021), dated January 24, 2022 (*Redetermination*).

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

<sup>11</sup> See *SeAH Steel Corporation v. United States*, Consol. Court No. 20–00150, Slip Op. 22–101 (CIT August 29, 2022) (*SeAH Steel Judgement*).

<sup>12</sup> *Id.* at 10–11.

<sup>13</sup> *Id.* at 12.

<sup>14</sup> See *Timken Co. v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

<sup>15</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

and material injury to an industry in the United States, Commerce is publishing this notice of continuation of the 2016 Agreement.

**DATES:** Applicable September 9, 2022.

**FOR FURTHER INFORMATION CONTACT:**

Sally C. Gannon or Jill Buckles, Bilateral Agreements Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-0162 or (202) 482-6230, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 20, 2016, Commerce and substantially all producers/exporters of lemon juice from Argentina signed the 2016 Agreement.<sup>1</sup> On September 1, 2021, Commerce initiated,<sup>2</sup> and the ITC instituted,<sup>3</sup> the second sunset review of the suspended antidumping duty investigation on lemon juice from Argentina, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its review, pursuant to sections 751(c) and 752 of the Act, Commerce determined that termination of the 2016 Agreement and suspended antidumping duty investigation on lemon juice from Argentina would likely lead to a continuation or recurrence of dumping and notified the ITC of the magnitude of the margins likely to prevail, should the 2016 Agreement be terminated.<sup>4</sup> On September 2, 2022, pursuant to section 751(c) of the Act, the ITC published its determination that termination of the suspended antidumping duty investigation on lemon juice from Argentina 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>5</sup>

**Scope of the 2016 Agreement**

The product covered by the 2016 Agreement is lemon juice for further manufacture, with or without addition of preservatives, sugar, or other

<sup>1</sup> See *Lemon Juice from Argentina: Continuation of Suspension of Antidumping Investigation*, 81 FR 74395 (October 26, 2016).

<sup>2</sup> See *Initiation of Five-Year (Sunset) Reviews*, 86 FR 48983 (September 1, 2021).

<sup>3</sup> See *Lemon Juice from Argentina; Institution of a Five-Year Review*, 86 FR 49054 (September 1, 2021).

<sup>4</sup> See *2016 Agreement Suspending the Antidumping Duty Investigation on Lemon Juice from Argentina; Final Results of the Expedited Second Sunset Review of the Suspension Agreement*, 87 FR 215 (January 4, 2022).

<sup>5</sup> See *Lemon Juice from Argentina*, 87 FR 54263 (September 2, 2022) (Investigation No. 731-TA-1105 (Second Review)).

sweeteners, regardless of the GPL (grams per liter of citric acid) level of concentration, brix level, brix/acid ratio, pulp content, clarity, grade, horticulture method (e.g., organic or not), processed form (e.g., frozen or not-from-concentrate), FDA standard of identity, the size of the container in which packed, or the method of packing.

Excluded from the scope are: (1) Lemon juice at any level of concentration packed in retail-sized containers ready for sale to consumers, typically at a level of concentration of 48 GPL; and (2) beverage products such as lemonade that typically contain 20% or less lemon juice as an ingredient.

Lemon juice is classifiable under subheadings 2009.39.6020, 2009.31.6020, 2009.31.4000, 2009.31.6040, and 2009.39.6040 of the Harmonized Tariff Schedule of the United States (HTSUS). While HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the 2016 Agreement is dispositive.

**Continuation of Suspension of Investigation**

As a result of the respective determinations by Commerce and the ITC that termination of the 2016 Agreement and suspended antidumping duty investigation on lemon juice from Argentina would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, consistent with section 751(d)(2) of the Act, Commerce hereby gives notice of the continuation of the 2016 Agreement. The effective date of continuation will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year review of the 2016 Agreement not later than 30 days prior to the fifth anniversary of the effective date of continuation.

**Administrative Protective Order**

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return/destruction or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO which may be subject to sanctions.

**Notification to Interested Parties**

This five-year (sunset) review and notice are in accordance with section 751(c) of the Act and published

pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: September 2, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-580-870]

**Certain Oil Country Tubular Goods From the Republic of Korea: Notice of Court Decision Not in Harmony With the Results of Antidumping Duty Administrative Review; Notice of Amended Final Results**

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

**SUMMARY:** On August 26, 2022, the U.S. Court of International Trade (the Court or CIT) issued its final judgment in *SeAH Steel Corp. v. United States*, Consol. Court No. 19-00086, Slip Op. 22-100, sustaining the U.S. Department of Commerce's (Commerce) remand results pertaining to the administrative review of the antidumping duty (AD) order on certain oil country tubular goods (OCTG) from the Republic of Korea (Korea) covering the period September 1, 2016, through August 31, 2017. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final results of the administrative review, and that Commerce is amending the final results with respect to the dumping margins assigned to NEXTEEL Co., Ltd. (NEXTEEL), SeAH Steel Corporation (SeAH), and the non-individually examined companies who are party to the litigation.

**DATES:** Applicable September 6, 2022.

**FOR FURTHER INFORMATION CONTACT:**

Frank Schmitt or Mark Flessner, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4880 or (202) 482-6312, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 24, 2019, Commerce published its *Final Results* in the 2016-2017 AD administrative review of OCTG