

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.*

[FR Doc. 2022-19523 Filed 9-8-22; 8:45 am]

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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

from Korea.<sup>1</sup> In this administrative review, Commerce selected two mandatory respondents for individual examination: NEXTEEL and SeAH. Commerce calculated final weighted-average dumping margins of 32.24 percent for NEXTEEL and 16.73 percent for SeAH; Commerce assigned to the non-examined companies a weighted-average dumping margin of 24.49 percent, in the *Final Results*.<sup>2</sup>

SeAH, NEXTEEL, AJU Besteel Co., Ltd. (AJU Besteel), ILJIN Steel Corporation (ILJIN), Hyundai Steel Company (Hyundai), and Husteel Co., Ltd. (Husteel), challenged the *Final Results* on multiple grounds.<sup>3</sup> In its *Remand Order*, the court sustained Commerce's determinations with respect to calculation of constructed value profit based on SeAH's third-country sales from a previous segment of the proceeding; inclusion of a penalty in SeAH's general and administrative (G&A) expense ratio as supported by substantial evidence; the differential pricing analysis; the exclusion of freight revenue profit; and application of an affiliated reseller's G&A expense ratio to SeAH's non-further manufactured products. However, the Court remanded five of Commerce's determinations:

1. The particular market situation determination and adjustment, for further explanation or reconsideration.
2. The reallocation of costs for NEXTEEL's non-prime merchandise based on the actual costs of prime and nonprime products.
3. The treatment of SeAH's production line suspension costs, for further explanation or reconsideration.
4. The recalculation of SeAH's further manufacturing cost.
5. The inclusion of SeAH's inventory valuation losses as G&A expenses, for further explanation or reconsideration.<sup>4</sup>

In its final results of redetermination pursuant to the *Remand Order*, issued on July 16, 2021, Commerce reconsidered the five determinations listed above.<sup>5</sup> In the *Redetermination*, Commerce:

1. Reversed the particular market situation finding and removed the adjustment from the margin calculations for NEXTEEL and SeAH.

2. Reversed its finding with respect to reallocation of NEXTEEL's non-prime products, relying instead on the actual costs of prime and non-prime products as reported by NEXTEEL.

3. Provided further explanation of the treatment of SeAH's production line suspension costs.

4. Provided further explanation of the recalculation of SeAH's further manufacturing cost.

5. Provided further explanation of the inclusion of SeAH's inventory valuation losses as G&A expenses.

As a result, Commerce recalculated the weighted-average dumping margins. The weighted-average dumping margin for NEXTEEL changed from 32.24 percent to 9.77 percent; the weighted-average dumping margin for SeAH changed from 16.73 percent to 5.28 percent; and the weighted-average dumping margin for the non-examined companies changed from 24.49 percent to 7.53 percent.<sup>6</sup>

On August 26, 2022, the CIT fully sustained E&C's *Redetermination*:

(1) The CIT sustained Commerce's *Redetermination* with respect to the particular market situation determination and adjustment.<sup>7</sup>

(2) The CIT sustained Commerce's *Redetermination* with respect to the reallocation of costs for NEXTEEL's non-prime merchandise based on the actual costs of prime and nonprime products.<sup>8</sup>

(3) The CIT sustained Commerce's *Redetermination* with respect to the treatment of SeAH's production line suspension costs.<sup>9</sup>

(4) The CIT sustained Commerce's *Redetermination* with respect to the recalculation of SeAH's further manufacturing cost.<sup>10</sup>

(5) The CIT sustained Commerce's *Redetermination* with respect to the

*Redetermination*, which contained an inadvertent clerical error in the dumping margins listed on page 3. On July 8, 2021, the Court had issued an order that authorized Commerce to correct this error. On July 9, 2021, Commerce had filed with the Court its correction to the Final Results of Remand *Redetermination*, which contained yet another inadvertent clerical error in the dumping margin for non-individually-examined respondents on pages 3 and 66. Commerce therefore corrected the clerical error, but did not otherwise modify the original June 30, 2021, Remand Results.

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

<sup>7</sup> See *SeAH Steel Corp. v. United States*, Consol. Court No. 19-00086, Slip Op. 22-100 (CIT August 26, 2022) (*SeAH Judgement*) at 20.

<sup>8</sup> *Id.* at 23.

<sup>9</sup> *Id.* at 30.

<sup>10</sup> *Id.* at 36-38.

inclusion of SeAH's inventory valuation losses as G&A expenses.<sup>11</sup>

### Timken Notice

In its decision in *Timken*,<sup>12</sup> as clarified by *Diamond Sawblades*,<sup>13</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 26, 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 judgment, Commerce is amending the *Final Results* with respect to NEXTEEL, SeAH, and the non-examined companies who are party to this litigation for the period September 1, 2016, through August 31, 2017. The revised dumping margins are as follows:

Exporter/producer	Weighted-average dumping margin (percent)
NEXTEEL Co., Ltd .....	9.77
SeAH Steel Corporation .....	5.28
Non-examined Companies <sup>14</sup> .....	7.53

### Cash Deposit Requirements

Because NEXTEEL, SeAH, AJU Besteel, Husteel, ILJIN, and Hyundai Steel have a superseding cash deposit rate, *i.e.*, there have been final results published in a subsequent administrative review, we will not issue

<sup>11</sup> *Id.* at 42-45.

<sup>12</sup> See *Timken Co. v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

<sup>13</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

<sup>14</sup> The non-examined companies which are parties to this litigation and whose rates are subject to change are: (1) AJU Besteel Co., Ltd. (AJU Besteel); (2) Husteel Co., Ltd. (Husteel); (3) Hyundai Steel Company (note that, on September 21, 2016, Commerce published the final results of a changed circumstances review with respect to OCTG from Korea, finding that Hyundai Steel Corporation is the successor-in-interest to Hyundai HYSCO for purposes of determining AD cash deposits and liabilities, see *Notice of Final Results of Antidumping Duty Changed Circumstances Review: Oil Country Tubular Goods from the Republic of Korea*, 81 FR 64873 (September 21, 2016); Hyundai Steel Corporation is also known as Hyundai Steel Company and Hyundai Steel Co. Ltd.) (Hyundai Steel); and (4) ILJIN Steel Corporation (ILJIN).

<sup>1</sup> See *Certain Oil Country Tubular Goods from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2016-2017*, 84 FR 24085 (May 24, 2019) (*Final Results*), and accompanying Issues and Decision Memorandum.

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

<sup>3</sup> See *SeAH Steel Co. v. United States*, Consolidated Court No. 19-00086, Slip. Op. 21-43 (CIT April 14, 2021) (*Remand Order*).

<sup>4</sup> *Id.*

<sup>5</sup> See *Final Results of Redetermination Pursuant to Court Remand, SeAH Steel Co. v. United States*, Consolidated Court No. 19-00086, Slip. Op. 21-43 (CIT April 14, 2021), dated July 16, 2021 (*Redetermination*). Note that this was the second correction, or third filing, of these remand results.

On June 30, 2021, Commerce had issued and filed with the Court the Final Results of Remand

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/or exported by NEXTEEL, SeAH, AJU Besteel, Husteel, ILJIN, and Hyundai Steel, and were entered, or withdrawn from warehouse, for consumption during the period September 1, 2016, through August 31, 2017. 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/or exported by NEXTEEL, SeAH, AJU Besteel, Husteel, ILJIN, and Hyundai Steel, 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>15</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.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-887]

### Carbon and Alloy Steel Threaded Rod From India: Final Results of Antidumping Duty Administrative Review, 2019-2021

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that carbon and alloy steel threaded rod

(steel threaded rod) from India is not being sold in the United States at below normal value. The period of review (POR) is September 25, 2019, through March 31, 2021.

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

**FOR FURTHER INFORMATION CONTACT:** Nicolas Mayora, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3053.

### SUPPLEMENTARY INFORMATION:

#### Background

On May 6, 2022, Commerce published the *Preliminary Results* of this administrative review and invited parties to comment on the *Preliminary Results*.<sup>1</sup> This administrative review covers 328 companies.<sup>2</sup> Commerce selected Maharaja International (Maharaja) and Mangal Steel Enterprises Limited (Mangal) as the two respondents for individual examination.<sup>3</sup> For a complete description of the events that followed the *Preliminary Results*, see the Issues and Decision Memorandum.<sup>4</sup>

Commerce conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

#### Scope of the Order<sup>5</sup>

The merchandise covered by the scope of this *Order* is carbon and alloy steel threaded rod from India. A complete description of the scope of the *Order* is contained in the Issues and Decision Memorandum.<sup>6</sup>

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by

<sup>1</sup> See *Carbon and Alloy Steel Threaded Rod from India: Preliminary Results of Antidumping Duty Administrative Review, 2019-2021*, 87 FR 27107 (May 6, 2022) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 31282 (June 11, 2021) (*Initiation Notice*); see also *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 87 FR 21619 (April 12, 2022).

<sup>3</sup> See Memorandum, "Respondent Selection," dated July 16, 2021.

<sup>4</sup> See Memorandum, "Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review of Carbon and Alloy Steel Threaded Rod from India; 2019-2021," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>5</sup> See *Carbon and Alloy Steel Threaded Rod from India: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 85 FR 19925 (April 9, 2020) (*Order*).

<sup>6</sup> See Issues and Decision Memorandum at "Scope of the Order."

interested parties in this review are addressed in the Issues and Decision Memorandum. A list of the issues is attached to this notice at Appendix I. The Issues and Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum is available at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

### Changes Since the Preliminary Results

Based on our analysis of the comments received, we made certain changes to the margin calculations. However, those adjustments did not result in any changes to the estimated weighted-average dumping margins calculated for these final results. For a discussion of these changes, see the "Discussion of the Issues" section of the Issues and Decision Memorandum.

### Rate for Non-Examined Companies

The Act and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally "an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely {on the basis of facts available}."

Where the dumping margin for individually examined respondents are all zero, *de minimis*, or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use "any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted average dumping margins determined for the exporters and producers individually investigated." Further, Congress, in the SAA, stated that when "the dumping margins for all of the

<sup>15</sup> See 19 CFR 351.106(c)(2).