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### Agenda

- I. Welcome & Roll Call
- II. Committee Discussion
- III. Public Comment
- IV. Next Steps
- V. Adjournment

Dated: February 20, 2023.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2023-03810 Filed 2-23-23; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-880]

### Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes From the Republic of Korea: Notice of Court Decision Not in Harmony With the Final Results in the Antidumping Duty Administrative Review; Notice of Amended Final Results

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

**SUMMARY:** On November 23, 2022, the U.S. Court of International Trade (CIT) issued its final judgment in *HiSteel Co., Ltd., and Kukje Steel Co., Ltd. v. United States*, Court No. 20-00146, sustaining the U.S. Department of Commerce's (Commerce) remand results pertaining to the first administrative review of the antidumping duty order on heavy walled rectangular welded carbon steel pipes and tubes (HWR) from the Republic of Korea (Korea) covering the period of review (POR), September 1, 2017, through August 31, 2018. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final results in the administrative review and that Commerce is amending the final results with respect to the dumping margins assigned to HiSteel Co., Ltd. (HiSteel) and Kukje Steel Co., Ltd. (Kukje).

**DATES:** Applicable December 3, 2022.

### FOR FURTHER INFORMATION CONTACT:

Alice Maldonado, 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) 482-4682.

### SUPPLEMENTARY INFORMATION:

#### Background

On July 10, 2020, Commerce published its *Final Results* in the 2017-2018 administrative review of HWR from Korea.<sup>1</sup>

HiSteel and Kukje appealed Commerce's *Final Results* to the CIT. On September 23, 2021, the CIT remanded the *Final Results* to Commerce, rejecting Commerce's particular market situation (PMS) determination, the resultant application of the PMS adjustment to the cost of production (COP), and the PMS adjustment.<sup>2</sup>

In its remand redetermination, issued in December 2021, Commerce, under protest, determined that there is no PMS that distorts the COP of HWR and recalculated the weighted-average dumping margins for HiSteel and Kukje without the PMS adjustment to the COP for the sales-below-cost test.<sup>3</sup> As a result, Commerce calculated revised weighted-average dumping margin for HiSteel and Kukje of 9.90 and 1.91 percent, respectively. The CIT sustained Commerce's remand redetermination.<sup>4</sup>

#### Timken Notice

In its decision in *Timken*,<sup>5</sup> as clarified by *Diamond Sawblades*,<sup>6</sup> the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision that is not "in harmony" with a Commerce determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's November 23, 2022 judgment in this

<sup>1</sup> See *Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2017-2018*, 85 FR 41538 (July 10, 2020) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

<sup>2</sup> See *HiSteel Co., Ltd., and Kukje Steel Co., Ltd. v. United States*, Slip Op. 21-126, Court No. 20-00146 (CIT 2021).

<sup>3</sup> See *Final Results of Redetermination Pursuant to Court Remand, HiSteel Co., Ltd., and Kukje Steel Co., Ltd. v. United States*, Court No. 20-00146 (CIT 2021), dated December 15, 2021, at 1.

<sup>4</sup> See *HiSteel Co., Ltd., and Kukje Steel Co., Ltd. v. United States*, Slip Op. 22-129, Court No. 20-00146 (CIT 2022).

<sup>5</sup> See *Timken Co. v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

<sup>6</sup> See *Diamond Sawblades Mfrs. Coal. v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

case constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*.

### Amended Final Results

Because there is now a final court judgment, Commerce is amending its *Final Results* with respect to HiSteel and Kukje as follows:

Exporter/producer	Weighted-average dumping margin (percent)
HiSteel Co., Ltd .....	9.90
Kukje Steel Co., Ltd .....	1.91

### Cash Deposit Requirements

Because HiSteel and Kukje have 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 rate.

### Liquidation of Suspended Entries

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

In the event that 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 antidumping duties on unliquidated entries of subject merchandise produced and/or exported by HiSteel or Kukje, in accordance with 19 CFR 351.212(b). We will instruct CBP to assess antidumping duties 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>7</sup> we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

### Notification to Interested Parties

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

<sup>7</sup> See 19 CFR 351.106(c)(2).

Dated: February 16, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-893]

#### **Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2021-2022**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) continues to find that Zhangzhou Hongwei Foods Co., Ltd. (Zhangzhou Hongwei) and Zhanjiang Regal Integrated Marine Resources Co., Ltd. (Zhanjiang Regal), exporters of certain frozen warmwater shrimp (shrimp) from the People's Republic of China (China) under review, had no shipments of subject merchandise during the period of review (POR), February 1, 2021, through January 31, 2022. Commerce also continues to find that the 134 remaining companies subject to this review are part of the China-wide entity because they did not demonstrate their eligibility for separate rates.

**DATES:** Applicable February 24, 2023

**FOR FURTHER INFORMATION CONTACT:** Eric Hawkins, 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) 482-1988.

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

On October 25, 2022, Commerce published the *Preliminary Results* of this administrative review in the **Federal Register**.<sup>1</sup> No interested party submitted comments concerning the *Preliminary Results*. Accordingly, no decision memorandum accompanies this **Federal Register** notice and no changes have been made in the final results of this review. Commerce is

<sup>1</sup> See *Certain Frozen Warmwater Shrimp from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2021-2022*, 87 FR 64438 (October 25, 2022) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

#### **Scope of the Order**<sup>2</sup>

The product covered by this *Order* is shrimp from China. For a complete description of the scope, see the *Preliminary Results*.<sup>3</sup>

#### **Final Determination of No Shipments**

Commerce preliminarily found that Zhangzhou Hongwei and Zhanjiang Regal had no shipments during the POR. As noted in the *Preliminary Results*, we received no shipment statements from the two exporters identified above and the statements were consistent with the information we received from U.S. Customs and Border Protection (CBP).

We received no comments from interested parties with respect to the *Preliminary Results*. Therefore, for these final results, we continue to find that these two exporters had no shipments of subject merchandise to the United States during the POR and will issue appropriate liquidation instructions that are consistent with our "automatic assessment" clarification for these final results.<sup>4</sup>

#### **China-Wide Entity**

With the exception of Zhangzhou Hongwei and Zhanjiang Regal, Commerce considers all other companies for which a review was requested to be part of the China-wide entity because they did not demonstrate their separate rate eligibility.<sup>5</sup> Accordingly, the companies listed in the appendix are part of the China-wide entity. No party commented on the *Preliminary Results* with respect to these companies' separate rate ineligibility. Therefore, for these final results, we determine that these 134 companies at issue are part of the China-wide entity.

Because no party requested a review of the China-wide entity and Commerce no longer considers the China-wide entity as an exporter conditionally

<sup>2</sup> See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from the People's Republic of China*, 70 FR 5149 (February 1, 2005) (*Order*).

<sup>3</sup> See *Preliminary Results* PDM at 3-4.

<sup>4</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011) (*Assessment Practice Refinement*).

<sup>5</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 87 FR 21619 at 21620 (April 12, 2022) ("All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a Separate Rate Application or Certification, as described below.").

subject to administrative reviews, we did not conduct a review of the China-wide entity.<sup>6</sup> The rate previously established for the China-wide entity is 112.81 percent and is not subject to change as a result of this review.<sup>7</sup>

#### **Assessment Rates**

Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review in accordance with section 751(a)(2)(C) of the Act. Based on record evidence, we have determined that Zhangzhou Hongwei and Zhanjiang Regal had no shipments of subject merchandise, and, therefore, pursuant to Commerce's assessment practice, any suspended entries entered under their case numbers will be liquidated at the China-wide entity rate.<sup>8</sup>

For all remaining companies subject to this review, which are part of the China-wide entity, we will instruct CBP to liquidate their entries at the current rate for the China-wide entity (*i.e.*, 112.81 percent). Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

#### **Cash Deposit Requirements**

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from China 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 rates for the two companies that had no shipments during the POR will remain unchanged from the rates assigned to them in the most recently completed segment for each company; (2) for previously investigated or reviewed Chinese and non-Chinese exporters that have separate rates and for which a review was not requested, the cash deposit rate will continue to be

<sup>6</sup> See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963, 65969-70 (November 4, 2013).

<sup>7</sup> See *Order*.

<sup>8</sup> For a full discussion of this practice, see *Assessment Practice Refinement*, 76 FR at 65694.