

If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated, and all cash deposits will be refunded. If the ITC determines that material injury or threat of material injury does exist, Commerce will issue a CVD order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Continuation of Suspension of Liquidation" section.

#### Notification Regarding Administrative Protective Order

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

#### Notification to Interested Parties

This notice is issued and published in accordance with sections 705(d) and 777(i) of the Act.

Dated: December 30, 2021.

#### Ryan Majerus,

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

#### Appendix I

##### Scope of the Investigation

The merchandise covered by this investigation is pentafluoroethane (R-125), or its chemical equivalent, regardless of form, type or purity level. R-125 has the Chemical Abstracts Service (CAS) registry number of 354-33-6 and the chemical formula C<sub>2</sub>HF<sub>5</sub>. R-125 is also referred to as Pentafluoroethane, Genetron HFC 125, Khladon 125, Suva 125, Freon 125, and Fc-125.

R-125 contained in blends that do not conform to ANSI/ASHRAE Standard 34 is included in the scope of this investigation when R-125 constitutes the largest relative component by volume, on an actual percentage basis, of the blend.<sup>17</sup> However, R-

125 incorporated into a blend that conforms to ANSI/ASHRAE Standard 34 is excluded from the scope of this investigation. When R-125 is blended with other products and otherwise falls under the scope of this investigation, only the R-125 component of the mixture is covered by the scope of this investigation.

Subject merchandise also includes purified and unpurified R-125 that is processed in a third country or otherwise outside the customs territory of the United States, including, but not limited to, purifying, blending, or any other processing that would not otherwise remove the merchandise from the scope of this investigation if performed in the country of manufacture of the in-scope R-125. The scope also includes R-125 that is commingled with R-125 from sources not subject to this investigation. Only the subject component of such commingled products is covered by the scope of this investigation.

Excluded from the scope is merchandise covered by the scope of the antidumping order on *Hydrofluorocarbon Blends from the People's Republic of China*, including merchandise subject to the affirmative anti-circumvention determination in *Hydrofluorocarbon Blends from the People's Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty Order; Unfinished R-32/R-125 Blends*, 85 FR 15428 (March 18, 2020). See *Hydrofluorocarbon Blends from the People's Republic of China: Antidumping Duty Order*, 81 FR 55436 (August 19, 2016) (the Blends Order).

R-125 is classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2903.39.2035 and 2903.39.2038. Merchandise subject to the scope may also be entered under HTSUS subheadings 2903.39.2045, 3824.78.0020, and 3824.78.0050. The HTSUS subheadings and CAS registry number are provided for convenience and customs purposes. The written description of the scope of this investigation is dispositive.

#### Appendix II

##### List of Topics Discussed in the Issues and Decision Memo

- I. Summary
- II. Background
- III. Scope Comments
- IV. Final Affirmative Determination of Critical Circumstances
- V. Subsidies Valuation Information
- VI. Use of Facts Otherwise Available and Adverse Inferences
- VII. Analysis of Programs
- VIII. Discussion of the Issues
  - Comment 1: Application of Adverse Facts Available (AFA) to the Export Buyer's Credit Program (EBCP)
  - Comment 2: Application of AFA to the Provision of Electricity for Less-Than-Adequate-Renumeration (LTAR) Program
  - Comment 3: Application of AFA to Other Subsidy Programs

which contains 35% R-125 by volume is covered by the scope of the investigations if no other component part of the blend equals or exceeds 35% of the volume of the blend.

- Comment 4: Ministerial Error in the Subsidy Rate Calculation for the Electricity for LTAR Program for Sanmei
- Comment 5: Selection of Fluorspar for LTAR Benchmark Prices
- Comment 6: Creditworthiness of Juhua Group Corporation (Juhua Group)
- Comment 7: Undervaluation of the Renminbi (RMB)
- Comment 8: Seasonality in the Critical Circumstances Analysis

#### IX. Recommendation

[FR Doc. 2022-00180 Filed 1-7-22; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-876]

#### Welded Line Pipe From the Republic of Korea: Notice of Court Decision Not in Harmony With the Results of Antidumping Administrative Review; Notice of Amended Final Results

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

**SUMMARY:** On January 3, 2022, the U.S. Court of International Trade (CIT) issued its final judgment in *Husteel Co., Ltd. v. United States*, Consol. Court No. 19-00112, sustaining the Department of Commerce (Commerce)'s second remand results pertaining to the administrative review of the antidumping duty (AD) order on welded line pipe (WLP) from the Republic of Korea (Korea) covering the period December 1, 2016, through November 30, 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 non-selected respondents.

**DATES:** Applicable January 13, 2022.

**FOR FURTHER INFORMATION CONTACT:** David Goldberger, 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) 482-4136.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 14, 2019, Commerce published its final results in the 2016-2017 AD administrative review of WLP from Korea.<sup>1</sup> Commerce calculated

<sup>1</sup> See *Welded Line Pipe from the Republic of Korea: Final Results of Antidumping Duty Administrative Review and Final Determination of*

<sup>17</sup> "Largest relative component by volume, on an actual percentage basis" means that the percentage of R-125 contained in a blend is larger than the individual percentages of all the other components. For example, R-125 contained in a blend that does not conform to ANSI/ASHRAE Standard 34 and

weighted-average dumping margins of 38.87 percent for NEXTEEL, 27.38 percent for SeAH, and 32.49 percent for the non-selected respondents.<sup>2</sup> After correcting ministerial errors contained in the *Final Results*, on July 23, 2019, Commerce published the *Amended Final Results* and revised the calculated weighted-average dumping margins for SeAH and the non-selected respondents to 22.70 percent and 29.89 percent, respectively.<sup>3</sup>

Husteel Co., Ltd., Hyundai Steel Co. (Hyundai Steel), NEXTEEL, and SeAH appealed Commerce's *Amended Final Results*. On August 26, 2020, the CIT remanded the *Amended Final Results* to Commerce regarding its: (1) Rejection of SeAH's third country sales to calculate normal value (NV); (2) particular market situation (PMS) determination and resulting adjustment to the reported cost of production (COP) for WLP; (3) reliance on the constructed value (CV) profit ratio and selling expenses calculated for Hyundai Steel in the first administrative review; (4) reclassification of NEXTEEL's reported losses relating to the suspended production of certain product lines; (5) adjustment to NEXTEEL's CV to account for sales of non-prime products; (6) refusal to employ its quarterly cost methodology to calculate SeAH's costs; (7) allocation of the general and administrative expenses of SeAH's U.S. affiliate Pusan Pipe America (PPA) across all of SeAH's U.S. sales of WLP sold through PPA; and (8) calculation of the rate assigned to the non-examined companies in light of any adjustments made to the calculations for either respondent stemming from the remand.<sup>4</sup> Therefore, the CIT remanded the *Amended Final Results* to Commerce to provide further explanation or reconsider its treatment of these items.

In its first remand redetermination, issued in January 2021, Commerce recalculated SeAH's weighted-average dumping margin using the company's Canadian sales as the basis for NV and without making the PMS adjustment to the COP. As a result, SeAH's weighted-average dumping margin was 7.24 percent.<sup>5</sup>

*No Shipments; 2016–2017*, 84 FR 27762 (June 14, 2019) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

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

<sup>3</sup> See *Welded Line Pipe from the Republic of Korea: Amended Final Results of Antidumping Duty Administrative Review; 2016–2017*, 84 FR 35371 (July 23, 2019) (*Amended Final Results*).

<sup>4</sup> See *Husteel Co., Ltd. v. United States*, 471 F. Supp. 3d 1349 (CIT 2020).

<sup>5</sup> See *Final Results of Redetermination Pursuant to Court Remand, Consol. Court No. 19–00112*, dated January 7, 2021 at 42; see also *Corrected Final Results of Redetermination Pursuant to Court*

On June 7, 2021, the CIT remanded the *Amended Final Results* to Commerce for a second time, ordering Commerce to provide further explanation or reconsideration of the adjustment to NEXTEEL'S CV to account for sales of non-prime products, consistent with the Court's opinion and the U.S. Court of Appeals for the Federal Circuit (CAFC)'s ruling in *Dillinger*.<sup>6</sup>

In its second remand redetermination, issued in September 2021, Commerce recalculated NEXTEEL's weighted average-dumping margin based on the actual costs of prime and non-prime merchandise reported by NEXTEEL. The revised weighted-average dumping margin for NEXTEEL was 11.41 percent and the resulting review-specific average rate for the non-selected respondents was 9.09 percent.<sup>7</sup> The CIT sustained Commerce's second redetermination.<sup>8</sup>

#### Timken Notice

In its decision in *Timken*,<sup>9</sup> as clarified by *Diamond Sawblades*,<sup>10</sup> the CAFC held that, pursuant to sections 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of 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 January 3, 2022, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Results* and *Amended Final Results*. Thus, 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* and *Amended Final Results* with respect to NEXTEEL,

Remand, Consol. Court No. 19–00112, dated January 21, 2021, where Commerce revised: (1) NEXTEEL's margin calculation to use SeAH's final revised calculations as the basis for CV profit and selling expenses, resulting in a rate of 11.67 percent; and (2) the review-specific average rate applicable to the non-selected respondents to be 9.21 percent.

<sup>6</sup> See *Husteel Co., Ltd. v. United States*, 520 F. Supp. 3d 1296, 1309 (CIT 2021) (citing *Dillinger France S.A. v. United States*, 981 F.3d 1318, 1321–41 (Fed. Cir. 2020) (*Dillinger*)).

<sup>7</sup> See *Final Results of Redetermination Pursuant to Court Remand, Consol. Court No. 19–00112*, Slip Op. 21–70 dated September 2, 2021, at 5–6.

<sup>8</sup> See *Husteel Co., Ltd. v. United States*, Consol. Court No. 19–00012, Slip Op. 22–1 (CIT January 3, 2022).

<sup>9</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>10</sup> See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

SeAH, and the non-selected respondents as follows:

Producer or exporter	Weighted-average dumping margin (percent)
NEXTEEL Co., Ltd .....	11.41
SeAH Steel Corporation .....	7.24
Companies Not Selected for Individual Review .....	9.09

The exporters or producers not selected for individual review are listed in the appendix.

#### Cash Deposit Requirements

Because NEXTEEL, SeAH, and the non-selected companies 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 rates for those exporters/producers.

#### 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, and the non-selected companies, and were entered, or withdrawn from warehouse, for consumption during the period December 1, 2016, through November 30, 2017. 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 antidumping duties on unliquidated entries of subject merchandise produced and/or exported by NEXTEEL, SeAH, and the non-selected companies 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 import-specific *ad valorem* assessment rate is zero or *de minimis*,<sup>11</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>11</sup> See 19 CFR 351.106(c)(2).

Dated: January 4, 2022.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

**Appendix—Review-Specific Average Rate Applicable to Companies Not Selected for Individual Review**

1. AJU Besteel Co., Ltd.
2. BDP International, Inc.
3. Daewoo International Cooperation
4. Dongbu Incheon Steel Co.
5. Dongbu Steel Co., Ltd.
6. Dongkuk Steel Mill
7. Dong Yang Steel Pipe
8. EEW Korea Co., Ltd.
9. Husteel Co., Ltd.
10. Hyundai RB Co. Ltd.
11. Hyundai Steel Company/Hyundai HYSCO
12. Kelly Pipe Co., LLC.
13. Keonwoo Metals Co., Ltd.
14. Kolon Global Corp.
15. Korea Cast Iron Pipe Ind. Co., Ltd.
16. Kurvers Piping Italy S.R.L.
17. MSTEEL Co., Ltd.
18. Miju Steel MFG Co., Ltd.
19. Poongsan Valinox (Valtimet Division)
20. POSCO
21. POSCO Daewoo
22. R&R Trading Co. Ltd.
23. Sam Kang M&T Co., Ltd.
24. Sin Sung Metal Co., Ltd.
25. SK Networks
26. Soon-Hong Trading Company
27. Steel Flower Co., Ltd.
28. TGS Pipe
29. Tokyo Engineering Korea Ltd.

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[C-122-858]

**Certain Softwood Lumber Products From Canada: Notice of Amended Final Results of the Countervailing Duty Administrative Review, 2019**

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

**SUMMARY:** The Department of Commerce (Commerce) is amending its notice of final results of the 2019 administrative review of the countervailing duty (CVD) order on certain softwood lumber products (softwood lumber) from Canada.

**DATES:** Applicable January 10, 2022.

**FOR FURTHER INFORMATION CONTACT:** Jonathan Hall-Eastman (Canfor), John Hoffner (JDIL), Kristen Johnson/Samuel Brummitt (Resolute), and Laura Griffith (West Fraser), AD/CVD Operations, Office III, Enforcement and Compliance,

International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1468, (202) 482-3315, (202) 482-4793/(202) 482-7851, and (202) 482-6430, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On December 2, 2021, Commerce published its final results in the 2019 administrative review of the CVD order on certain softwood lumber from Canada.<sup>1</sup> On December 7, 2021, Resolute FP Canada Inc. (Resolute) alleged that Commerce committed a ministerial error in the *Final Results* regarding the net subsidy rate calculation under the Provision of Stumpage for Less Than Adequate Remuneration (LTAR) programs of the Government of Quebec (GOQ) and Government of Ontario (GOO).<sup>2</sup> On December 13, 2021, the petitioner<sup>3</sup> submitted ministerial error comments, as well as rebuttal comments arguing that Resolute's ministerial error comments were untimely as they were not submitted during the time period specified under Commerce's regulations and therefore Commerce should not change Resolute's stumpage calculations.<sup>4</sup>

In the Petitioner Ministerial Error Allegation Submission, the petitioner alleged with respect to J.D. Irving, Limited (JDIL) that Commerce committed ministerial errors regarding the subsidy calculations for New Brunswick License Management Fees, Capital Cost Allowance for Class 1

<sup>1</sup> See *Certain Softwood Lumber Products from Canada: Final Results of the Countervailing Duty Administrative Review, 2019*, 86 FR 68467 (December 2, 2021) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

<sup>2</sup> See Resolute's Letter, "Softwood Lumber from Canada: CVD Second Administrative Review Ministerial Error Comments On Behalf Of Resolute FP Canada And Affiliates," dated December 7, 2021.

<sup>3</sup> The petitioner is the Committee Overseeing Action for Lumber International Trade Investigations or Negotiations, an *ad hoc* association whose members are: U.S. Lumber Coalition, Inc.; Collum's Lumber Products, L.L.C.; Fox Lumber Sales, Inc.; Hankins, Inc.; Pleasant River Lumber Company; PotlatchDeltic; Rex Lumber Company; S.I. Storey Lumber Co., Inc.; Stimson Lumber Company; Swanson Group; Weyerhaeuser Company; Carpenters Industrial Council; Giustina Land and Timber Company; and Sullivan Forestry Consultants, Inc.

<sup>4</sup> See Petitioner's Letter, "Certain Softwood Lumber Products from Canada: Ministerial Error Allegations," dated December 13, 2021 (Petitioner Ministerial Error Allegation Submission); see also Petitioner's Letter, "Certain Softwood Lumber Products from Canada: Response to Resolute Ministerial Error Allegation," dated December 13, 2021.

Assets, New Brunswick Gasoline & Fuel Tax Exemptions and Refund, and Large Industrial Renewable Energy Purchase (LIREPP) programs.<sup>5</sup> The petitioner also alleged that Commerce committed ministerial errors with respect to West Fraser Mills Ltd. (West Fraser) regarding the calculated benefit for lower tax rates for Coloured Fuel/British Columbia Coloured Fuel Certification program and for payments made to West Fraser for cruising and block layout activities.<sup>6</sup> In addition, the petitioner alleged that Commerce miscalculated the net subsidy rate under the Provision of Stumpage for LTAR for the Government of Alberta (GOA), the Government of British Columbia (GBC), and the British Columbia Log Export Restrictions Restraint (LER) programs for West Fraser.<sup>7</sup> On December 17, 2021, JDIL and West Fraser submitted rebuttal comments to the Petitioner Ministerial Error Allegation Submission.<sup>8</sup>

**Scope of the Order**<sup>9</sup>

The product covered by the *Order* is certain softwood lumber products from Canada. For a complete description of the scope of the *Order*, see the Issues and Decision Memorandum in the *Final Results*.

**Ministerial Errors**

Section 351.224(e) of Commerce's regulations provides that Commerce will analyze any comments received and, if appropriate, correct any ministerial error by amending the final results of the review. Section 751(h) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.224(f) define a "ministerial error" as an error "in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial."

We analyzed the ministerial error comments and determined, in accordance with section 751(h) of the Act and 19 CFR 351.224(e) and (f), that

<sup>5</sup> See Petitioner Ministerial Error Allegation Submission.

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

<sup>7</sup> *Id.*

<sup>8</sup> See JDIL's Letter, "Softwood Lumber Products from Canada: Reply to Petitioner's Ministerial Error Allegations," dated December 17, 2021; see also West Fraser's Letter, "Certain Softwood Lumber Products from Canada, Case No. C-122-858: West Fraser Mills Ltd.'s Response to Ministerial Error Comments," dated December 17, 2021.

<sup>9</sup> See *Certain Softwood Lumber Products from Canada: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order*, 83 FR 347 (January 3, 2018) (*Order*).