

Dated: May 25, 2022.
Lisa W. Wang,
Assistant Secretary for Enforcement and Compliance.
 [FR Doc. 2022-11880 Filed 6-2-22; 8:45 am]
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DEPARTMENT OF COMMERCE

International Trade Administration
[C-570-980]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People’s Republic of China: Notice of Court Decision Not in Harmony With Final Results of Countervailing Duty Administrative Review and Notice of Amended Final Results

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

SUMMARY: On May 19, 2022, the U.S. Court of International Trade (the Court) entered judgment sustaining the final results of remand redetermination pursuant to court order by the U.S. Department of Commerce (Commerce) pertaining to the 2016 countervailing duty (CVD) administrative review of the order on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells) from the People’s Republic of China (China). Commerce is notifying the public that the final judgment in this case is not in harmony with Commerce’s final results in the 2016 administrative review of solar cells from China and that Commerce is amending the final results.

DATES: Applicable May 29, 2022.

FOR FURTHER INFORMATION CONTACT: Gene H. Calvert, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of

Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3586.

SUPPLEMENTARY INFORMATION:

Background

On August 28, 2019, Commerce published its final results of the 2016 administrative review of solar cells from China.¹ Commerce reached affirmative determinations for mandatory respondents Canadian Solar Inc. and its cross-owned affiliates (collectively, Canadian Solar) and Jinko Solar Import and Export Co., Ltd. and its cross-owned affiliates (collectively, Jinko Solar), as well as for numerous other producers and exporters not selected for individual review.

On September 3, 2021, the Court remanded aspects of the *Final Results* to Commerce for further consideration.² The Court remanded Commerce’s determinations regarding Commerce’s calculation of the benchmark for aluminum extrusions; the determination of the benchmark for solar grade polysilicon; the use of adverse facts available (AFA) in its specificity finding for the provision of electricity for less than adequate remuneration (LTAR); the determination not to grant an entered value adjustment (EVA); and the determination regarding the Export Buyer’s Credit Program.³

In its remand redetermination, issued in December 2021,⁴ Commerce provided additional explanation and evidence for its determinations and revised certain determinations consistent with the Court’s remand order, and the Court sustained Commerce’s remand redetermination in full.⁵ Specifically, the Court found that Commerce’s determination to solely rely on data from IHS to establish a benchmark for aluminum extrusions, its determination that AFA was warranted regarding its specificity determination for the

provision of electricity for LTAR because the Government of China (GOC) did not provide requested information, and that Commerce’s explanation that China’s solar-grade polysilicon market is distorted due to significant government participation by the GOC, all complied with the Court’s order.⁶ The Court also found that the granting of the EVA and removal of the subsidy rate for the Export Buyer’s Credit Program satisfied the options as provided by the Court.⁷

Timken Notice

In its decision in *Timken*,⁸ as clarified by *Diamon Sawblades*,⁹ the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) 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 Court’s May 19, 2020 judgment constitutes a final decision of the Court that is not in harmony with Commerce’s *Final Results* and *Amended Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, Commerce will continue suspension of liquidation of subject merchandise pending expiration of the period of appeal or, if appealed, pending a final and conclusive court decision.

Amended Final Results

Because there is now a final court decision, Commerce is amending the *Amended Final Results* with respect to Canadian Solar, Jinko Solar, and for all other producers and exporters subject to this review. The revised total net countervailable subsidy rates for Canadian Solar and Jinko Solar for the period January 1, 2016, through December 31, 2016, are as follows:¹⁰

Producer/exporter	Subsidy rate (percent ad valorem)
Canadian Solar Inc. and Cross-Owned Affiliates ¹¹	3.65
Jinko Solar Import and Export Co., Ltd. and Cross-Owned Affiliates ¹²	5.86

¹ See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People’s Republic of China: Final Results of Countervailing Duty Administrative Review and Recession of Review, in Part*; 2016, 84 FR 45125 (August 28, 2019) (*Final Results*), and accompanying Issues and Decision Memorandum, as amended by *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People’s Republic of China: Amended*

Final Results of Countervailing Duty Administrative Review; 2016, 84 FR 68102 (December 13, 2019) (*Amended Final Results*).

² See *Canadian Solar Inc. v. United States*, 537 F. Supp. 3d 1380 (CIT 2021).

³ *Id.*

⁴ See *Canadian Solar Inc. v. United States*, CIT Consolidated Court No. 19-00178, “Final Results of Redetermination Pursuant to Court Remand,” dated December 13, 2021 (Remand Redetermination).

⁵ See *Canadian Solar Inc., et al. v. United States*, Slip Op. 22-49 (CIT May 19, 2022).

⁶ *Id.*

⁷ *Id.*

⁸ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

⁹ See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010).

¹⁰ See Remand Redetermination at 56.

Review-Specific Rate Applicable to
the Non-Selected Companies Subject to
this Review:

Producer/exporter	Subsidy rate (percent ad valorem)
Baoding Jiasheng Photovoltaic Technology Co., Ltd	5.17
Baoding Tianwei Yingli New Energy Resources Co., Ltd	5.17
Beijing Tianneng Yingli New Energy Resources Co., Ltd	5.17
Canadian Solar (USA) Inc	5.17
Changzhou Trina Solar Energy Co., Ltd	5.17
Changzhou Trina Solar Yabang Energy Co., Ltd	5.17
Chint Solar (Zhejiang) Co., Ltd	5.17
Dongguan Sunworth Solar Energy Co., Ltd	5.17
ERA Solar Co. Limited	5.17
ET Solar Energy Limited	5.17
Hainan Yingli New Energy Resources Co., Ltd	5.17
Hangzhou Sunny Energy Science and Technology Co., Ltd	5.17
Hengdian Group DMEGC Magnetics Co., Ltd	5.17
Hengshui Yingli New Energy Resources Co., Ltd	5.17
JA Solar Technology Yangzhou Co., Ltd	5.17
JA Technology Yangzhou Co., Ltd	5.17
Jiangsu High Hope Int'l Group	5.17
Jiawei Solarchina (Shenzhen) Co., Ltd	5.17
Jiawei Solarchina Co., Ltd	5.17
JingAo Solar Co., Ltd	5.17
Jinko Solar (U.S.) Inc	5.17
Jinko Solar International Limited	5.17
Lightway Green New Energy Co., Ltd	5.17
Lixian Yingli New Energy Resources Co., Ltd	5.17
Luoyang Suntech Power Co., Ltd	5.17
Nice Sun PV Co., Ltd	5.17
Ningbo Qixin Solar Electrical Appliance Co., Ltd	5.17
Risen Energy Co., Ltd	5.17
Shanghai BYD Co., Ltd	5.17
Shanghai JA Solar Technology Co., Ltd	5.17
Shenzhen Glory Industries Co., Ltd	5.17
Shenzhen Topray Solar Co., Ltd	5.17
Sumec Hardware & Tools Co., Ltd	5.17
Systemes Versilis, Inc	5.17
Taizhou BD Trade Co., Ltd	5.17
tenKsolar (Shanghai) Co., Ltd	5.17
Tianjin Yingli New Energy Resources Co., Ltd	5.17
Toenergy Technology Hangzhou Co., Ltd	5.17
Trina Solar (Changzhou) Science & Technology Co., Ltd	5.17
Wuxi Suntech Power Co., Ltd	5.17
Yancheng Trina Solar Energy Technology Co., Ltd	5.17
Yingli Energy (China) Co., Ltd	5.17
Yingli Green Energy Holding Company Limited	5.17
Yingli Green Energy International Trading Company Limited	5.17
Zhejiang Era Solar Technology Co., Ltd	5.17
Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company	5.17

¹¹ Cross-owned affiliates are: Canadian Solar Inc.; Canadian Solar Manufacturing (Luoyang) Inc.; Canadian Solar Manufacturing (Changshu) Inc.; CSI Cells Co., Ltd.; CSI Solar Power (China) Inc. (name was changed to CSI Solar Power Group Co., Ltd. in December 2016); CSI Solartronics (Changshu) Co.,

Ltd.; CSI Solar Technologies Inc.; CSI New Energy Holding Co., Ltd. (name was CSI Solar Manufacture Inc. until July 2015); CSI-GCL Solar Manufacturing (Yancheng) Co., Ltd.; Changshu Tegu New Materials Technology Co., Ltd.; Changshu Tlian Co., Ltd.; and Suzhou SanySolar Materials Technology Co., Ltd.

¹² Cross-owned affiliates are: Jinko Solar Import and Export Co., Ltd.; Jinko Solar Co., Ltd.; Zhejiang Jinko Solar Co., Ltd.; Jinko Solar (Shanghai) Management Co., Ltd.; Jiangxi Jinko Photovoltaic Materials Co., Ltd.; and Xinjiang Jinko Solar Co., Ltd.

Amended Cash Deposit Rates

Commerce will issue revised cash deposit instructions to U.S. Customs and Border Protection for all firms above that do not have a superseding cash deposit rate (e.g., from a subsequent administrative review). For such firms, the revised cash deposit rates will be the rates indicated above, effective May 29, 2022.

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: May 27, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-580-898]

Large Diameter Welded Pipe From the Republic of Korea: Preliminary Results and Partial Rescission of the Countervailing Duty Administrative Review; 2020

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of large diameter welded pipe (welded pipe) from the Republic of Korea (Korea). The period of review (POR) is January 1, 2020, through December 31, 2020.

DATES: Applicable June 3, 2022.

FOR FURTHER INFORMATION CONTACT: Dennis McClure or Jonathan Schueler, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5973 or (202) 482-9175, respectively.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On May 28, and June 1 and 3, 2021, we received multiple requests for an administrative review¹ of the

¹ See Hyundai RB Co., Ltd.'s Letter, "Request for Administrative Review," dated May 28, 2021; see also SeAH Steel Corporation's Letter, "Request for Administrative Review," dated June 1, 2021; Hyundai Steel's Letter, "Request for Administrative Review," dated June 1, 2021; Domestic Interested

countervailing duty (CVD) order on welded pipe from Korea.² On July 6, 2021, Commerce published a notice of initiation of an administrative review of the Order.³ On July 29, 2021, Commerce selected Hyundai RB Co., Ltd. (Hyundai RB) and SeAH Steel Corporation (SeAH Steel) as the mandatory respondents in this administrative review.⁴ On January 4, 2022, Commerce extended the deadline for the preliminary results of this review to no later than May 31, 2022.⁵

For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.⁶ A list of topics discussed in the Preliminary Decision Memorandum is included at the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Order

The merchandise covered by the Order is welded pipe. For a complete description of the scope of the Order, see the Preliminary Decision Memorandum.

Final Rescission of Administrative Review

As noted in the Preliminary Decision Memorandum, the domestic interested party timely withdrew their requests for administrative review with respect to EM Solution Co., Ltd.; Hansol Metal Co.,

Party's Letter, "Request for Administrative Review," dated June 1, 2021; and Hyundai Steel Company's and Husteel Co., Ltd.'s Letter, "Request for Administrative Review," dated June 3, 2021. The domestic interested party is The American Line Pipe Producers Association Trade Committee.

² See *Large Diameter Welded Pipe from the Republic of Korea: Countervailing Duty Order*, 84 FR 18773 (May 2, 2019) (Order).

³ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 35481 (July 6, 2021) (Initiation Notice).

⁴ See Memorandum, "Respondent Selection," dated July 29, 2021.

⁵ See Memorandum, "Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review; 2020," dated January 4, 2022.

⁶ See Memorandum, "Decision Memorandum for the Preliminary Results and Partial Rescission of the Countervailing Duty Administrative Review; 2020: Large Diameter Welded Pipe from the Republic of Korea," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Ltd.; Hawin; Hyosung; and POSCO.⁷ No other parties requested a review of these companies. On February 23, 2022, Commerce notified interested parties that we intended to rescind this administrative review of the companies named above and the following companies in the absence of suspended entries during the POR: (1) AJU Besteel Co., Ltd.; (2) Daiduck Piping Co., Ltd.; (3) Dongbu Incheon Steel Co., Ltd.; (4) EEW KHPC Co., Ltd.; (5) Husteel Co., Ltd.;⁸ (6) Hyundai Steel; (7) Hyundai Steel Co., Ltd.; (8) Hyundai Steel Company; (9) Kiduck Industries Co., Ltd.; (10) Kum Kang Kind Co., Ltd.; (11) Kumsoo Connecting Co., Ltd.; (12) Nexteel Co., Ltd.; (13) Samkang M&T Co., Ltd.; (14) SeAH Steel, Co., Ltd.; (15) Seonghwa Industrial Co., Ltd.; (16) SIN-E B&P Co., Ltd.; (17) Steel Flower Co., Ltd.; and (18) WELTECH Co., Ltd.⁹ No parties commented on the notification of intent to rescind the review of the 23 companies named above. Therefore, we determine that there were no entries of subject merchandise during the POR by these companies. As a result, we are rescinding this review, in part, pursuant to 19 CFR 351.213(d)(1) and 19 CFR 351.213(d)(3) with respect to the 23 companies listed above.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, i.e., a government-provided financial contribution that confers a benefit to the recipient, and that the subsidy is specific.¹¹ For a full

⁷ See Domestic Interested Party's Letter, "Partial Withdrawal of Request for Administrative Review," dated October 4, 2021.

⁸ As stated in the *Initiation Notice*, subject merchandise both produced and exported by Husteel Co., Ltd. (Husteel) is excluded from the CVD order. Thus, Husteel's inclusion in this administrative review is limited to entries for which Husteel was the producer or exporter of the subject merchandise, but not both the producer and exporter.

⁹ As stated in the *Initiation Notice*, subject merchandise both produced and exported by Hyundai Steel Company (Hyundai Steel) and subject merchandise produced by Hyundai Steel and exported by Hyundai Corporation are excluded from the CVD order. Thus, Hyundai Steel's inclusion in this administrative review is limited to entries for which Hyundai Steel was not the producer and exporter of the subject merchandise and for which Hyundai Steel was not the producer and Hyundai Corporation was not the exporter of subject merchandise.

¹⁰ See Memorandum, "Notice of Intent to Rescind Review, In Part," dated February 11, 2022.

¹¹ See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E)

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