

interested parties, on February 4, 2021, Commerce published the notice of initiation of an administrative review with respect to 83 companies, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).<sup>2</sup> Subsequent to the initiation of the administrative review, the petitioner<sup>3</sup> timely withdrew its request for an administrative review of 19 companies on May 5, 2021.<sup>4</sup> Eight<sup>5</sup> of the 19 companies requested their own review of their entries and did not withdraw their requests for review.<sup>6</sup> Thus, Commerce will only be rescinding this review with respect to the 11 companies for which a review request was received and subsequently withdrawn by the party(ies) requesting review.

BYD (Shangluo) Industrial Co., Ltd. (BYD) also withdrew its self-requested review on May 5, 2021.<sup>7</sup> However, the petitioner also requested a review of BYD and has not withdrawn the request; therefore, Commerce will not rescind the review with respect to BYD. There

are active review requests on the record for the remaining 72 companies.

### Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested a review withdraws its request within 90 days of the date of publication of the notice of initiation. All requests for an administrative review were withdrawn by the established deadline of May 5, 2021, for the companies listed in the appendix. As a result, Commerce is rescinding this review with respect to these companies, in accordance with 19 CFR 351.213(d)(1). The administrative review will continue with respect to the remaining 72 companies listed in our *Initiation Notice*.<sup>8</sup>

### Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties on all appropriate entries. For the companies for which this review is rescinded, countervailing duties shall be assessed at rates equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of this rescission notice in the **Federal Register**.

### Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

### Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

<sup>8</sup> See *Initiation Notice*, 86 FR at 8172–73.

Dated: July 19, 2021.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

### Appendix

#### Companies Rescinded From Review

1. Anji DaSol Solar Energy Science & Technology Co., Ltd.
2. Jiawei Solarchina (Shenzhen) Co., Ltd.
3. Jiawei Solarchina Co., Ltd.
4. Ningbo Qixin Solar Electrical Appliance Co., Ltd.
5. Shanghai BYD Co., Ltd.
6. Shenzhen Sungold Solar Co., Ltd.
7. Shenzhen Topray Solar Co., Ltd.
8. Taizhou BD Trade Co., Ltd.
9. Wuxi Suntech Power Co., Ltd.
10. Luoyang Suntech Power Co., Ltd.
11. Wuxi Tianran Photovoltaic Co., Ltd.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–909]

#### Certain Steel Nails From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision

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

**SUMMARY:** On July 12, 2021, the U.S. Court of International Trade (CIT) issued its final judgment in *Midwest Fastener Corp. v. United States*, Court No. 17–00231, sustaining the Department of Commerce's (Commerce's) remand redetermination pertaining to a scope ruling in which Commerce found Midwest Fastener Corp. (Midwest's) strike pin anchors to be outside the scope of the antidumping duty (AD) order on certain steel nails from the People's Republic of China. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's scope ruling, and that Commerce is amending the scope ruling to find that Midwest's strike pin anchors are not covered by the order.

**DATES:** Applicable July 22, 2021.

#### FOR FURTHER INFORMATION CONTACT:

Kelsie Hohenberger, 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) 482–2517.

#### SUPPLEMENTARY INFORMATION:

<sup>1</sup> *to Request Administrative Review*, 85 FR 77431 (December 2, 2020).

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 8166 (February 4, 2021) (*Initiation Notice*).

<sup>3</sup> The petitioner is the American Alliance for Solar Manufacturing.

<sup>4</sup> See Petitioner's Letter, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Withdrawal of Request for Administrative Review," dated May 5, 2021.

<sup>5</sup> These eight companies are Canadian Solar International Limited (Canadian Solar), Jinko Solar Co., Ltd., Jinko Solar Import and Export Co., Ltd. (collectively Jinko Solar), Shanghai JA Solar Technology Co., Ltd., JA Solar Technology Yangzhou Co., Ltd. JA Solar Co., Ltd. (a.k.a. JingAo Solar Co., Ltd.) (collectively JA Solar), Risen Energy Co., Ltd. (Risen), and Yingli Energy (China) Co., Ltd. (Yingli).

<sup>6</sup> See Canadian Solar's Letter, "Administrative Review of the Countervailing Duty Order on Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China: Request for Review," dated December 29, 2020; see also Jinko Solar's Letter, "GDLSC Respondents Request for Administrative Review of the Countervailing Duty Order on Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules (C–570–980)(POR: 01/01/19–12/31/19)," dated December 31, 2020; JA Solar's Letter, "Administrative Review of the Countervailing Duty Order on Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China: Request for Review," dated December 29, 2020; Risen's Letter, "Crystalline Silicon Photovoltaic Cells from the People's Republic of China—Request for Administrative Review," dated December 31, 2020; and Yingli's Letter, "Countervailing Duty Order on Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules: Yingli's Request for Administrative Review," dated December 28, 2020.

<sup>7</sup> See BYD's Letter, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Withdrawal of Request for Review—2019 Review Period," dated May 5, 2021.

## Background

On August 2, 2017, Commerce found Midwest's strike pin anchors, which consist of four components—a steel pin, a threaded body, a nut, and a flat washer—to be within the scope of the AD order on certain steel nails from the People's Republic of China.<sup>1</sup>

Midwest appealed Commerce's *Final Scope Ruling*. On October 19, 2018, the CIT remanded Commerce's scope ruling to Commerce for further consideration.<sup>2</sup> On April 25, 2019, Commerce issued its First Remand Redetermination, determining that the "pin" portion "of the product is subject to the {Order}, while the additional pieces, i.e., the outer-body anchor, hex nut, and washer anchor, would not be subject."<sup>3</sup>

On March 4, 2020, the CIT again remanded Commerce's scope determination.<sup>4</sup> Pursuant to the *Second Remand Order*, on June 17, 2020, Commerce issued its Second Remand Redetermination, finding that Midwest's strike pin anchors, in their entirety, are covered by the scope of the *Order*.<sup>5</sup>

On August 28, 2020, the U.S. Court of Appeals for the Federal Circuit (CAFC) issued its final decision in *OMG*.<sup>6</sup> In light of the CAFC's decision, on January 21, 2021, the CIT remanded the *Final Scope Ruling* to Commerce.<sup>7</sup>

In its final remand redetermination, issued in March 2021, Commerce found Midwest's strike pin anchors to be outside the scope of the *Order*.<sup>8</sup> The CIT sustained Commerce's final redetermination.<sup>9</sup>

<sup>1</sup> See Memorandum, "Antidumping and Countervailing Duty Orders on Certain Steel Nails from the People's Republic of China: Final Scope Ruling on Midwest Fastener Strike Pin Anchors," dated August 2, 2017 (*Final Scope Ruling*); see also *Notice of Antidumping Duty Order: Certain Steel Nails from the People's Republic of China*, 73 FR 44961 (August 1, 2008) (*Order*).

<sup>2</sup> See *Midwest Fastener Corp., v. United States*, 348 F. Supp. 3d 1297 (CIT October 19, 2018).

<sup>3</sup> See Final Results of Redetermination Pursuant to Court Remand (First Remand Redetermination), *Midwest Fastener Corp., v. United States Court*, No. 17-00231, Slip Op. 18-142 (CIT October 19, 2018) (First Remand Redetermination).

<sup>4</sup> See *Midwest Fastener Corp., v. United States*, 435 F. Supp. 3d 1262 (CIT March 4, 2020) (*Second Remand Order*).

<sup>5</sup> See Final Results of Redetermination Pursuant to Court Remand, *Midwest Fastener Corp., v. United States*, Court No. 17-00231, Slip Op. 20-28 (CIT March 4, 2020) (Second Remand Redetermination).

<sup>6</sup> See *OMG, Inc. v. United States*, 972 F.3d 1358 (Fed. Cir. 2020) (*OMG*).

<sup>7</sup> See *Midwest Fastener Corp., v. United States*, 494 F. Supp. 3d 1335 (CIT January 21, 2021).

<sup>8</sup> See Final Results of Redetermination Pursuant to *Midwest Fastener Corp., v. United States*, Court No. 17-00231, Slip Op. 21-07 (CIT January 21, 2021), dated March 23, 2021.

<sup>9</sup> See *Midwest Fastener Corp., v. United States*, Slip Op. 21-86, Court No. 17-00231 (CIT July 12, 2021).

## Timken Notice

In its decision in *Timken*,<sup>10</sup> as clarified by *Diamond Sawblades*,<sup>11</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 July 12, 2021, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Scope Ruling*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

## Amended Final Scope Ruling

In accordance with the CIT's July 12, 2021, final judgment, Commerce is amending its *Final Scope Ruling* and finds that the scope of the order does not cover the products addressed in the *Final Scope Ruling*.

## Liquidation of Suspended Entries

Commerce will instruct U.S. Customs and Border Protection (CBP) that, pending any appeals, Midwest's strike pin anchors will not be subject to a cash deposit requirement.

In the event that the CIT's final judgment is not appealed or is upheld on appeal, Commerce will instruct CBP to liquidate entries of Midwest's strike pin anchors without regard to antidumping duties and to lift suspension of liquidation of such entries.

At this time, Commerce remains enjoined by CIT from liquidating entries included in the scope of the *Order* by the *Final Scope Ruling*. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

## Notification to Interested Parties

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

Dated: July 19, 2021.

**Christian Marsh,**

*Acting Assistant Secretary for Enforcement and Compliance.*

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<sup>10</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>11</sup> See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-867]

### Large Power Transformers From the Republic of Korea: Notice of Court Decision Not in Harmony With Final Results, Notice of Amended Final Results of Review; 2015-16

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

**SUMMARY:** On July 9, 2021, the Court of International Trade (CIT) sustained the final results of redetermination pursuant to remand pertaining to the administrative review of the antidumping duty order on large power transformers (LPTs) from the Republic of Korea (Korea) covering the period August 1, 2015, through July 31, 2016. The Department of Commerce (Commerce) is notifying the public that the final judgment is not in harmony with the final results of the administrative review, and that Commerce is amending the final results of review with respect to the weighted-average dumping margin assigned to Hyundai Heavy Industries Co., Ltd., Hyosung Corporation, and the non-examined company ILJIN Electric Co., Ltd.

**DATES:** Applicable July 19, 2021.

**FOR FURTHER INFORMATION CONTACT:** John K. Drury, 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) 482-0195.

### SUPPLEMENTARY INFORMATION:

### Background

On March 16, 2018, Commerce issued the final results of the administrative review for the period August 1, 2015, through July 31, 2016.<sup>1</sup> In the *Final Results*, Commerce determined a weighted-average dumping margin for the two mandatory respondents, Hyundai Heavy Industries Co., Ltd. (Hyundai) and Hyosung Corporation (Hyosung), based on total facts available with an adverse inference, of 60.81 percent. Further, Commerce determined the weighted-average dumping margin for the three companies that were under review but not selected for individual examination, ILJIN, ILJIN Electric Co., Ltd. (ILJIN Electric), and LSIS Co., Ltd.

<sup>1</sup> See *Large Power Transformers from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2015-2016*, 83 FR 11679 (March 16, 2018) (*Final Results*), and accompanying Issues and Decision Memorandum.