

without reference to antidumping duties.

For entries of subject merchandise during the POR produced by each respondent for which it did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.⁷

Consistent with its recent notice,⁸ 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be effective upon publication in the **Federal Register** of this notice for all shipments of ripe olives entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rates for the companies subject to this review will be equal to the weighted-average dumping margin established in the final results of the review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer has been covered in a prior completed segment of this proceeding, then the cash deposit rate will be the rate established in the completed segment for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 19.98 percent, the all-others rate established in the less-than-fair-value investigation for this proceeding.⁹ These cash deposit

requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

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(a)(3), 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 subject to sanction.

Notification to Interested Parties

We are issuing and publishing these results of administrative review in accordance with sections 751(a) and 777(i) of the Act and 19 CFR 351.221(b)(5).

Dated: June 25, 2021.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

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- III. Scope of the Order
- IV. Changes Since the Preliminary Results
- V. Discussion of the Issues
 - Agro Sevilla*
 - Comment 1: Home-Market Database
 - Comment 2: Constructed Export Price Offset
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 - Angel Camacho*
 - Comment 4: Price Comparisons for a Certain Product Control Number Sold in the U.S. Market
 - Comment 5: Cost Adjustment to Ending Inventory Value
 - Comment 6: General and Administrative Expenses
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DCoop

Comment 9: Whether Commerce Should Apply Adverse Facts Available to Dcoop's Cost Database

Comment 10: Application of Adverse Facts Available to Dcoop's General and Administrative Expenses

Comment 11: Early Payment and Quantity Discounts

Comment 12: U.S. Freight and U.S. Indirect Selling Expenses

Comment 13: Rescission of the Administrative Review of Dcoop

VI. Recommendation

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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 June 24, 2021, the U.S. Court of International Trade (CIT) sustained the Department of Commerce's (Commerce's) 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) of March 1, 2016, through August 31, 2017. Commerce is notifying the public that the CIT's final judgment in this case is not in harmony with Commerce's final results in the first administrative review of HWR from Korea. Consistent with the CIT's final judgment, Commerce is amending the weighted-average dumping margins calculated for Dong A-Steel Company (DOSCO) and Kukje Steel Co., Ltd. (Kukje Steel).

DATES: Applicable July 4, 2021.

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 May 28, 2019, Commerce published its *Final Results* in the first

⁷ See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

⁸ See *Notice of Discontinuation of Policy to Issue Liquidation Instructions After 15 Days in Applicable Antidumping and Countervailing Duty Administrative Proceedings*, 86 FR 884 (Jan. 15, 2021).

⁹ See *Ripe Olives from Spain: Antidumping Duty Order*, 83 FR 37465 (August 1, 2018).

administrative review of HWR from Korea.¹ As reflected in the *Final Results*, Commerce calculated a weighted-average dumping margin of 20.79 percent for DOSCO and 12.81 percent Kukje Steel, one of the companies receiving the review-specific average rate.²

DOSCO and Kukje Steel appealed Commerce's *Final Results* to the CIT. On September 29, 2020, the CIT remanded for Commerce to explain or reconsider its finding of a particular market situation (PMS) in the Korean market for the hot-rolled coil input and its application of a PMS adjustment to the respondents' cost of production (COP).³ On December 22, 2020, Commerce issued the First Remand Results, in which, under protest, it determined that there is no PMS that distorts the COP of HWR and recalculated the weighted-average dumping margin for DOSCO without the PMS adjustment to the COP for the sales-below-cost test.⁴ As a result, Commerce calculated a revised weighted-average dumping margin for DOSCO of 11.00 percent. Moreover, as a result of Commerce's recalculation of the weighted-average dumping margin for DOSCO, Commerce revised the review-specific average rate applied to Kukje Steel to 7.89 percent.

On June 24, 2021, the CIT sustained Commerce's Final Remand Results.⁵

Timken Notice

In its decision in *Timken*,⁶ as clarified by *Diamond Sawblades*,⁷ the 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.⁸ The CIT's June 24, 2021 judgment in this case

constitutes a final decision of that court 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 decision, Commerce is amending its *Final Results* with respect to the weighted-average dumping margins for DOSCO and Kukje Steel.⁹ The revised weighted-average dumping margins are as follows:

Exporter/producer	Weighted-average dumping margin (percent)
Dong A-Steel Company	11.00
Kukje Steel Co., Ltd	7.89

Cash Deposit Requirements

Because DOSCO and Kukje Steel 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

During the pendency of litigation, including any appeal, Commerce remains enjoined by Court order from liquidating entries: (1) Produced and/or exported by Dong-A Steel Company or Kukje Steel Co., Ltd.; (2) the subject of the *Final Results*; (3) entered, or were withdrawn from warehouse, for consumption on or after March 1, 2016, up to and including August 27, 2016, and on or after September 12, 2016, up to and including August 31, 2017; and (4) remain unliquidated as of the date the Court issued the applicable statutory injunction. 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 final judgment is not appealed or, if appealed, is upheld by a final and conclusive court decision, Commerce

will instruct CBP to assess antidumping duties on unliquidated entries of subject merchandise produced and/or exported by DOSCO and Kukje Steel, in accordance with 19 CFR 351.212(b) and the Final Remand Results. 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*,¹⁰ we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Consistent with Commerce's assessment practice, for entries of subject merchandise during the POR produced by DOSCO or Kukje Steel for which they did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all others rate if there is no rate for the intermediate company(ies) involved in the transaction.¹¹

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.

Dated: June 25, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

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DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (Sunset) Reviews

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

SUMMARY: In accordance with the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) is automatically initiating the five-year reviews (Sunset Reviews) of the antidumping and countervailing duty (AD/CVD) order(s) and suspended investigation(s) listed below. The International Trade Commission (the ITC) is publishing concurrently with this notice its notice of *Institution of Five-Year Reviews* which covers the same order(s) and suspended investigation(s).

¹⁰ See 19 CFR 351.106(c)(2).

¹¹ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

¹ See *Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Korea: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2016-2017*, 84 FR 24471 (May 28, 2019) (*Final Results*).

² *Id.* at 24472.

³ See *Dong-A Steel Company v. United States*, 475 F. Supp. 3d 1317 (CIT 2020) (*Remand Order*).

⁴ See *Final Results of Redetermination Pursuant to Court Remand*, Consol. Court No. 19-00104, dated December 21, 2020 (*Final Remand Results*) at 1.

⁵ See *Dong-A Steel Company v. United States*, Slip Op. 21-79, Consol. Court No. 19-00104 (CIT 2021) (*DOSCO*).

⁶ See *Timken Co. v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

⁷ See *Diamond Sawblades Mfrs. Coal. v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

⁸ See sections 516A(c) and (e) of the Act.

⁹ See section 735(c)(5)(A) of the Act; see also *Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2016-2017*, 83 FR 50892 (October 10, 2018), and accompanying Preliminary Decision Memorandum at 4 (explaining the method for determining the rate applied to companies not selected for individual examination), method unchanged in the *Final Results*; and Memorandum, "Calculation of the Review-Specific Average Rate for the Final Results of Redetermination," dated December 21, 2020.