

Critical Circumstances
VIII. Currency Conversion
IX. Adjustments to Cash Deposit Rates for
Export Subsidies in Companion CVD
Investigation
X. Recommendation

[FR Doc. 2022–10051 Filed 5–10–22; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–844]

Emulsion Styrene-Butadiene Rubber From Italy: Termination of Less-Than- Fair-Value Investigation

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

SUMMARY: Based on a withdrawal of the antidumping duty petition on emulsion styrene-butadiene rubber (ESBR) from Italy by Lion Elastomers LLC (the petitioner), we are terminating this less-than-fair-value (LTFV) investigation.

DATES: Applicable May 11, 2022.

FOR FURTHER INFORMATION CONTACT: Zachary Le Vene, 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) 482–0056.

SUPPLEMENTARY INFORMATION:

Background

On November 12, 2021, Commerce received a petition concerning imports of ESBR from Italy, filed in proper form by the petitioner.¹ Commerce published the notice of initiation of this investigation on December 10, 2021.² On April 29, 2022, Commerce published its preliminary determination in the LTFV investigation of ESBR from Italy.³ On May 2, 2022, the petitioner submitted a letter withdrawing the Petition with respect to Italy.⁴

¹ See Petitioner's Letter, "Petition (Vol. I–IV) for the Imposition of Antidumping Duties on Imports of Emulsion Styrene-Butadiene Rubber from Czech Republic, Italy, and Russia," dated November 12, 2021 (Petition).

² See *Emulsion Styrene-Butadiene Rubber from the Czech Republic, Italy, and the Russian Federation: Initiation of Less-Than-Fair-Value Investigations*, 86 FR 70447 (December 10, 2021).

³ See *Emulsion Styrene-Butadiene Rubber from Italy: Preliminary Affirmative Determination of Sales at Less Than Fair Value*, 87 FR 25447 (April 29, 2022) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

⁴ See Petitioner's Letter, "Emulsion Styrene-Butadiene Rubber from Italy: Petitioner's Withdrawal of Antidumping Duty Petition Alleging Sales of ESBR from Italy at LTFV (Vol. III)," dated May 2, 2022.

Section 351.207(b)(1) of Commerce's regulations stipulates that the Secretary may terminate an investigation, provided it has concluded that termination of the investigation is in the public interest. Because the petitioner has withdrawn its Petition with respect to Italy, Commerce has concluded that termination is in the public interest, pursuant to 19 CFR 351.207(b)(1). Accordingly, pursuant to section 734(a)(1)(A) of the Tariff Act of 1930, as amended (the Act), 19 CFR 351.207(b)(1), and based on the petitioner's letter withdrawing the Petition, we are terminating this LTFV investigation.

Termination of the Investigation

In accordance with section 734(a)(1)(A) of the Act and 19 CFR 351.207(b)(1), upon the petitioner's withdrawal of the Petition, we are terminating the LTFV investigation of ESBR from Italy.

Suspension of Liquidation

In the *Preliminary Determination*, Commerce determined weighted-average dumping margins for exporters of ESBR from Italy that were above *de minimis*. Because Commerce is terminating this LTFV investigation, we will instruct U.S. Customs and Border Protection to terminate suspension of liquidation and refund any cash deposits of estimated antidumping duties for entries of ESBR from Italy.

Dated: May 5, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2022–10121 Filed 5–10–22; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–859]

Steel Concrete Reinforcing Bar From Taiwan: Notice of Court Decision Not in Harmony With the Results of Antidumping Duty Administrative Review; Notice of Amended Final Results

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

SUMMARY: On April 28, 2022, the U.S. Court of International Trade (CIT) issued its final judgment in *Power Steel Co., Ltd. v. United States*, Court no. 20–03771, sustaining the Department of Commerce (Commerce)'s first remand results pertaining to the administrative

review of the antidumping duty (AD) order on steel concrete reinforced bar (rebar) from Taiwan covering the period March 7, 2017, through September 30, 2018. 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 margin assigned to Power Steel Co., Ltd. (Power Steel).

DATES: Applicable May 8, 2022.

FOR FURTHER INFORMATION CONTACT:

Jacob Saude, 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) 482–0981.

SUPPLEMENTARY INFORMATION:

Background

On October 8, 2020, Commerce published its final results in the 2017–2018 AD administrative review of rebar from Taiwan.¹ In the *Final Results*, Commerce deducted section 232 duties from export price for all of Power Steel's transactions because Commerce found that the documents Power Steel submitted did not support its claim that section 232 duties were not included in U.S. price for certain transactions.² Commerce calculated a weighted-average dumping margin of 3.27 percent.³

Power Steel appealed Commerce's *Final Results*. On December 23, 2021, the CIT sustained, in part, and remanded, in part, aspects of the *Final Results*.⁴ The CIT sustained Commerce's interpretation that section 232 duties are "United States import duties" that are deducted from export price under section 772(c)(2)(A) of the Tariff Act of 1930, as amended (the Act). The CIT remanded Commerce's determination that Power Steel paid section 232 duties for all its U.S. sales.⁵ The CIT found the evidence Power Steel submitted during the administrative review "appears to be ambiguous if considered in a vacuum" and further found that certain information Power Steel submitted to the CIT, some of which was not previously on Commerce's record, "may show that Power Steel did not pay the

¹ See *Steel Concrete Reinforcing Bar from Taiwan: Final Results of Antidumping Duty Administrative Review; 2017–2018*, 85 FR 63505 (October 8, 2020) (*Final Results*).

² *Id.*

³ *Id.*

⁴ See *Power Steel Co., Ltd. v. United States*, Court No. 20–03771, Slip. Op. 21–173 (CIT December 23, 2021).

⁵ *Id.* at 6–7.

{s}ection 232 duties for the disputed transactions and that therefore they were not part of the sales price used to establish base {export price}.”⁶

In its final remand redetermination, issued on April 8, 2022, Commerce found that the record supported Power Steel’s claim that it did not pay section 232 duties on two of its U.S. sales, and thus, that section 232 duties were not included in the gross unit price that was used as the basis for export price. Commerce recalculated the weighted-average dumping margin for Power Steel, which changed from 3.27 percent

in the *Final Results* to 0.01 percent.⁷ Thus, Commerce found that Power Steel did not make sales at less than normal value during the period of review. The CIT sustained Commerce’s final redetermination.⁸

Timken Notice

In its decision in *Timken*,⁹ as clarified by *Diamond Sawblades*,¹⁰ the Court of Appeals for the Federal Circuit held that, pursuant to sections 516A(c) and (e) of 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 April 28, 2022, judgment constitutes a final decision of the CIT that is not in harmony with Commerce’s *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* with respect to Power Steel as follows:

Company	Final results (percent)	Final results of remand redetermination (percent)
Power Steel Co., Ltd	3.27	* 0.01

* (*de minimis*).

Cash Deposit Requirements

Commerce will issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP).

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that: Were produced and/or exported by Power Steel, and were entered, or withdrawn from warehouse, for consumption during the period March 7, 2017, through September 30, 2018, excluding the period September 3, 2017, through September 14, 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 all unliquidated entries of subject merchandise produced and/or exported by Power Steel 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*.¹¹ Where an import-specific *ad valorem* assessment rate is zero or *de*

minimis,¹² 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.

Dated: May 5, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–856]

Oil Country Tubular Goods From Mexico: Preliminary Affirmative Determinations of Sales at Less Than Fair Value and Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that oil country tubular goods (OCTG) from Mexico are being, or are likely to

be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is October 1, 2020, through September 30, 2021. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable May 11, 2022.

FOR FURTHER INFORMATION CONTACT:

Emily Bradshaw or Yang Jin Chun, 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) 482–3896 or (202) 482–5760, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this LTFV investigation on November 1, 2021.¹ On February 17, 2022, Commerce postponed the preliminary determination of this investigation until May 4, 2022.² For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.³ A list of sections in the Preliminary Decision Memorandum is

⁶ *Id.* at 10–11.

⁷ See *Final Results of Remand Redetermination, Power Steel Co., Ltd. v. United States*, Court No. 20–03771, Slip. Op. 21–173, dated April 8, 2022, (Final Results of Remand Redetermination).

⁸ See *Power Steel Co., Ltd. v. United States*, Court No. 20–3771, Slip. Op. 22–39 (CIT April 28, 2022).

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

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

¹¹ See 19 CFR 351.106(c)(2).

¹² *Id.*

¹ See *Oil Country Tubular Goods from Argentina, Mexico, and the Russian Federation: Initiation of Less-Than-Fair-Value Investigations*, 86 FR 60205 (November 1, 2021) (*Initiation Notice*).

² See *Oil Country Tubular Goods from Argentina, Mexico, and the Russian Federation: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations*, 87 FR 9034 (February 17, 2022).

³ See Memorandum, “Oil Country Tubular Goods from Mexico: Decision Memorandum for Preliminary Affirmative Determinations of Sales at Less Than Fair Value and Critical Circumstances,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).