

not in harmony with Commerce's final results in the changed circumstances review of SSB from India, and that Commerce is amending the final results.

DATES: Applicable February 7, 2021.

FOR FURTHER INFORMATION CONTACT:

Thomas Schauer, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0410.

SUPPLEMENTARY INFORMATION:

Background

On April 20, 2018, Commerce published its final results of the changed circumstances review of SSB from India.¹ In the *Final Results*, we determined that Venus Wire Industries Pvt. Ltd. and its affiliates Precision Metals, Sieves Manufacturers (India) Pvt. Ltd., and Hindustan Inox Ltd. (collectively, Venus) is not the manufacturer of the stainless steel bar (SSB) that it purchased from unaffiliated suppliers and processed in India prior to exportation to the United States.² Because most of the unaffiliated suppliers did not provide their costs, we applied total adverse facts available (AFA) with respect to Venus.³

On December 20, 2019, the Court remanded aspects of the *Final Results* to Commerce for further consideration.⁴ The Court remanded Commerce's determination in order to explain or reconsider its use of the NWR Test over the substantial transformation test.⁵ In this decision, the Court deferred consideration of Venus' arguments regarding "Commerce's use of total AFA pending Commerce's redetermination on remand."⁶ In its First Remand Redetermination, issued in March

2020,⁷ Commerce provided the explanation sought by the Court.⁸

On August 14, 2020, the Court sustained Commerce's use of the NWR Test but the Court determined that Commerce's use of AFA with respect to Venus to be unsupported by substantial evidence and remanded the *Final Results* a second time.⁹ In its second remand redetermination, issued in November 2020, Commerce explained that, although it continues to believe that the use of AFA is appropriate for Venus, it was complying with the Court's opinion by calculating a margin for Venus without the use of AFA under respectful protest.¹⁰ The Court sustained the Second Remand Redetermination in full.¹¹

Timken Notice

In its decision in *Timken*,¹² as clarified by *Diamond Sawblades*,¹³ the 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 January 28, 2021, judgment 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*. 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 *Final Results* with respect to Venus. The revised antidumping duty margin for

Venus for the period July 1, 2015 through June 30, 2016 is as follows:¹⁴

Exporter or producer	Weighted-average dumping margin (percent)
Venus	0.64

Because the revised antidumping duty margin for Venus remains above *de minimis*, Venus will remain reinstated in the AD order on SSB from India.¹⁵

Amended Cash Deposit Rates

Because Venus has been subject to a subsequent administrative review which established a revised cash deposit rate for Venus,¹⁶ Commerce will not issue revised cash deposit instructions to U.S. Customs and Border Protection.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(b), and 777(i)(1) of the Act.

Dated: February 3, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021-02725 Filed 2-9-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-869]

Passenger Vehicle and Light Truck Tires From Taiwan: Amended Preliminary Determination of Sales at Less Than Fair Value

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

SUMMARY: On January 6, 2021, the Department of Commerce (Commerce) published its preliminary determination in the less-than-fair-value investigation of passenger vehicle and light truck (PVL) tires from Taiwan in the **Federal Register**. Commerce is amending this preliminary determination to correct a significant ministerial error.

DATES: Applicable February 10, 2021.

FOR FURTHER INFORMATION CONTACT: Chien-Min Yang or Lauren Caserta, AD/CVD Operations, Enforcement and Compliance, International Trade

¹⁴ See Second Remand Redetermination at 10.

¹⁵ *Id.* at 15.

¹⁶ See, e.g., *Stainless Steel Bar from India: Final Results of Antidumping Duty Administrative Review; 2018-2019*, 85 FR 74985 (November 24, 2020).

¹ See *Stainless Steel Bar from India: Final Results of Changed Circumstances Review and Reinstatement of Certain Companies in the Antidumping Duty Order*, 83 FR 17529 (April 20, 2018) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

² See *Final Results* IDM at Comment 1.

³ *Id.*

⁴ See *Venus Wire Industries Pvt. Ltd. v. United States*, Court No. 18-00113, Slip Op. 19-170 (December 20, 2019) (*Venus Wire I*).

⁵ *Id.*, at 15-21. The "NWR Test" refers to the analysis we used to determine whether a respondent was the producer of subject merchandise in *Notice of Final Determination of Sales at Less Than Fair Value: Narrow Woven Ribbons with Woven Selvedge from Taiwan*, 75 FR 41804 (July 19, 2010), and accompanying IDM at Comment 20.

⁶ See *Venus Wire I*, Slip Op. 19-170 at 22.

⁷ See *Venus Wire Industries Pvt. Ltd. v. United States*, Court No. 18-00113, Slip Op. 19-170, "Results of Redetermination Pursuant to Court Remand," dated March 31, 2020 (First Remand Redetermination).

⁸ *Id.* at 44.

⁹ See *Venus Wire Industries Pvt. Ltd. v. United States*, Court No. 18-00113, Slip Op. 20-118 (August 14, 2020).

¹⁰ See *Venus Wire Industries Pvt. Ltd. v. United States*, Court No. 18-00113, Slip Op. 20-118, "Results of Redetermination Pursuant to Court Remand," dated November 9, 2020 (Second Remand Redetermination).

¹¹ See *Venus Wire Industries Pvt. Ltd. v. United States*, Court No. 18-00113, Slip Op. 21-9 (January 28, 2021).

¹² See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

¹³ See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5484 or (202) 482-4737, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 6, 2021, Commerce published in the **Federal Register** the *Preliminary Determination* in the less-than-fair-value investigation of PVL T tires from Taiwan.¹ Commerce disclosed all calculations to interested parties on December 30, 2020. On January 5, 2021, the United Steel, Paper and Forestry, Rubber Manufacturing, Energy, Allied Industrial and Service Workers International Union (the petitioner) filed timely ministerial error allegations concerning the *Preliminary Determination* for respondents Nankang Rubber Tire Corp. Ltd. (Nankang) and Cheng Shin Rubber Ind. Co. Ltd. (Cheng Shin).² Commerce also received ministerial comments filed on behalf of Nankang³ and Cheng Shin.⁴

Period of Investigation

The period of investigation is April 1, 2019, through March 31, 2020.

Scope of the Investigation

The product covered by this investigation is PVL T tires from Taiwan. For a complete description of the scope of the investigation, see the Appendix.

Significant Ministerial Error

In accordance with 19 CFR 351.224(e), Commerce “will analyze any comments received and, if appropriate, correct any significant ministerial error by amending the preliminary determination” A ministerial error is defined in 19 CFR 351.224(f) 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.” A significant ministerial error is defined as a ministerial error, the correction of which, singly or in combination with other errors, would result in: (1) A change of at least five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin calculated in the original preliminary determination; or (2) a difference between a weighted-average dumping margin of zero or *de minimis* and a weighted-average dumping margin of greater than *de minimis* or vice versa.⁵

Ministerial Error Allegations

The petitioner timely alleged that Commerce made a ministerial error involving one of Nankang’s programs but noted that the error was not significant.⁶ For Cheng Shin, the petitioner alleged that Commerce made significant ministerial errors regarding Cheng Shin’s arm’s-length test results and inclusion of Channel 3 sales in the home market sales database.⁷ Nankang alleged that Commerce committed a ministerial error by failing to use a home market of “viable” size as the basis for normal value.⁸ Finally, Cheng Shin alleged that Commerce failed to exclude certain “out-of-scope” sales in the dumping margin calculation, did not match similar CONNUMs based on similarity of product characteristics, did not exclude Channel 3 sales from the home market sales database, and failed to deduct certain selling prices in Cheng Shin’s margin calculation.⁹ After analyzing these allegations, we determine that we made a significant ministerial error in the *Preliminary Determination* with respect to the sales used to calculate Cheng Shin’s margin.¹⁰ For a detailed discussion of the aforementioned ministerial error allegations, as well as Commerce’s analysis of these comments, see the Ministerial Error Memorandum.

Pursuant to 19 CFR 351.224(g)(1), Commerce’s error in the application of the arm’s-length test for Cheng Shin is

⁵ See 19 CFR 351.224(g)(1) and (2).

⁶ See Petitioner’s Nankang Ministerial Allegations at 2.

⁷ See Petitioner’s Cheng Shin Ministerial Allegations at 2–3.

⁸ See Nankang Ministerial Allegations at 1–4.

⁹ See Cheng Shin Ministerial Allegations at 2–9.

¹⁰ See Memorandum, “Antidumping Duty Investigation of Passenger Vehicle and Light Truck Tires from Taiwan: Allegations of Significant Ministerial Errors in the Preliminary Determination,” dated January 29, 2021 (Ministerial Error Memorandum).

significant because its correction results in a change of at least five absolute percentage points in, but not less than 25 percent of, the estimated weighted-average dumping margin calculated in the *Preliminary Determination* (i.e., a change from an estimated weighted-average dumping margin of 52.42 percent to 30.21 percent). Therefore, we are correcting the ministerial error and amending our *Preliminary Determination* accordingly.¹¹

Amended Preliminary Determination

We are amending the *Preliminary Determination* to reflect the correction of a significant ministerial error made in the margin calculation for Cheng Shin in accordance with 19 CFR 351.224(e). In addition, because the preliminary all-others rate was based on the estimated weighted-average dumping margin calculated for Cheng Shin, we are also amending the all-others rate. As a result of the correction of the ministerial error, the revised estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Cheng Shin Rubber Ind. Co. Ltd	33.33
All Others	84.83

Amended Cash Deposits and Suspension of Liquidation

The collection of cash deposits and suspension of liquidation will be revised according to the rates established in this amended preliminary determination, in accordance with section 773(d) of the Tariff Act of 1930, as amended (the Act). Because these amended rates result in reduced cash deposit rates, they will be effective retroactively to January 6, 2021, the date of publication of the *Preliminary Determination*.

International Trade Commission Notification

In accordance with section 773(f) of the Act, we intend to notify the International Trade Commission of our amended preliminary determination.

Disclosure

We intend to disclose the calculations performed to parties in this proceeding within five days after public announcement of the amended preliminary determination, in accordance with 19 CFR 351.224.

¹¹ See Ministerial Error Memorandum.

¹ See *Passenger Vehicle and Light Truck Tires from Taiwan: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 86 FR 508 (January 6, 2021) (*Preliminary Determination*).

² See Petitioner’s Letters, “Passenger Vehicle and Light Truck Tires from the Republic of Taiwan: Ministerial Error Comments—Nankang Preliminary Margin,” dated January 5, 2021 (Petitioner’s Nankang Ministerial Allegations) and “Passenger Vehicle and Light Truck Tires from the Republic of Taiwan: Ministerial Error Comments—Cheng Shin Preliminary Margin,” dated January 5, 2021 (Petitioner’s Cheng Shin Ministerial Allegations).

³ See Nankang’s Letter, “Antidumping Investigation of Passenger Vehicle and Light Truck Tires from Taiwan—Comments on Ministerial Error in Preliminary Determination,” dated January 5, 2021 (Nankang Ministerial Allegations).

⁴ See Cheng Shin’s Letter, “Passenger Vehicle and Light Truck Tires from Taiwan: Cheng Shin Rubber Ind. Co. Ltd., Significant Ministerial Error Comments,” dated January 5, 2021 (Cheng Shin Ministerial Allegations).

Notification to Interested Parties

This amended preliminary determination is issued and published in accordance with sections 773(f) and 777(i) of the Act, and 19 CFR 351.224(e).

Dated: February 3, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021-02726 Filed 2-9-21; 8:45 am]

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DEPARTMENT OF COMMERCE**International Trade Administration**

[A-580-909]

Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From the Republic of Korea: Preliminary Affirmative Determination of Sales at Less Than Fair Value, 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 seamless carbon and alloy steel standard, line, and pressure pipe (seamless pipe) from the Republic of Korea (Korea) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is July 1, 2019, through June 30, 2020. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable February 10, 2021.

FOR FURTHER INFORMATION CONTACT: Joshua DeMoss, 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) 482-3362.

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 investigation on August 4, 2020.¹ On November 19, 2020, Commerce postponed the preliminary determination of this investigation and the revised deadline is

now February 3, 2021.² For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.³ A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public 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 <http://enforcement.trade.gov/fnn/>. The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The products covered by this investigation are seamless pipe from Korea. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations, the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope). Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice*.⁴ For a summary of the product coverage comments and rebuttal responses submitted to the record for this preliminary determination, and accompanying discussion and analysis of all comments timely received, see the Preliminary Scope Decision Memorandum.⁵ Commerce is preliminarily modifying the scope language as it appeared in the

² See *Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Republic of Korea, the Russian Federation, and Ukraine: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations*, 85 FR 73687 (November 19, 2020).

³ See Memorandum, "Decision Memorandum for the Preliminary Affirmative Determination in the Less-Than-Fair-Value Investigation of Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Republic of Korea," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁴ See *Initiation Notice*.

⁵ See Memorandum, "Antidumping and Countervailing Duty Investigations of Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Czech Republic, the Republic of Korea, the Russian Federation, and Ukraine: Preliminary Scope Decision Memorandum," dated January 13, 2021 (Preliminary Scope Decision Memorandum).

Initiation Notice. See the revised scope in Appendix I to this notice.

The deadline to submit scope case briefs was established in the Preliminary Scope Decision Memorandum.⁶ There will be no further opportunity for comments on scope-related issues.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export price in accordance with section 772 of the Act. Commerce has calculated normal value in accordance with section 773 of the Act. For a full description of the methodology underlying our preliminary determination, see the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that, in the preliminary determination, Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

Commerce calculated an individual estimated weighted-average dumping margin for ILJIN, the only individually examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis*, or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for ILJIN is the margin preliminarily assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

⁶ Case briefs, other written comments, and rebuttal briefs submitted in response to this preliminary LTFV determination should not include scope-related issues. See Preliminary Scope Decision Memorandum; and "Public Comment" section of this notice. The deadline for case briefs on scope-related issues is no later than 30 days after the issuance of Preliminary Scope Decision Memorandum.

¹ See *Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Czech Republic, the Republic of Korea, the Russian Federation, and Ukraine: Initiation of Less-Than-Fair-Value Investigations*, 85 FR 47176 (August 4, 2020) (*Initiation Notice*).