

for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 3.66 percent, the all-others rate established in *Amended Final Determination*.¹⁴ These deposit requirements, when imposed, shall remain in effect until further notice.

Verification

On December 3, 2020, AK Steel Corporation (AK Steel), a domestic interested party, requested, pursuant to 19 CFR 351.307(b)(1)(v) that Commerce conduct verification of the questionnaire responses of Prosperity and YP.¹⁵ Commerce is currently unable to conduct on-site verification of the information relied upon in making its final results of this administrative review. Accordingly, we intend to take additional steps in lieu of on-site verification to verify the information. Commerce will notify interested parties of any additional documentation or information required.

Disclosure and Public Comment

Commerce will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.¹⁶ Case briefs may be submitted to the Assistant Secretary for Enforcement and Compliance. Interested parties will be notified of the timeline for the submission of such case briefs and written comments at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the date for filing case briefs.¹⁷ Parties who submit case briefs or rebuttal briefs in this

proceeding are requested to submit with the argument: (1) A statement of the issue, (2) a summary of the argument, and (3) a table of authorities.¹⁸ All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.¹⁹

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, using Enforcement and Compliance's ACCESS system within 30 days of publication of this notice.²⁰ Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing at a time and location to be determined.²¹ Parties should confirm by telephone the date, time, and location of the hearing.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), Commerce will issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their case briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Notification to Importers

This notice also serves as a preliminary 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 review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: July 30, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Partial Rescission of Administrative Review
- V. Affiliation and Collapsing
- VI. Preliminary Determination of No Shipments
- VII. Duty Absorption
- VIII. Rate for Respondent Not Selected for Individual Examination
- IX. Discussion of the Methodology
- X. Currency Conversion
- XI. Recommendation

[FR Doc. 2021–16838 Filed 8–5–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–051, C–570–052]

Certain Hardwood Plywood Products From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Circumvention Determination and Notice of Amended Final Circumvention Determination Pursuant to Court Decision

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

SUMMARY: On July 21, 2021, the U.S. Court of International Trade (CIT) issued its final judgment in *Shelter Forest International Acquisition Inc., et al. v. United States*, Consol. Court no. 19–00212, sustaining the Department of Commerce (Commerce)'s first remand redetermination pertaining to the anti-circumvention determination for the antidumping and countervailing duty orders on certain hardwood plywood products (plywood) from the People's Republic of China. In the underlying inquiry, Commerce originally found that plywood with face and back veneers of radiata and/or agathis pine that: (1) Has a Toxic Substances Control Act (TSCA) or California Air Resources Board (CARB) label certifying that it is compliant with TSCA/CARB requirements; and (2) is made with a resin, the majority of which is comprised of one or more of the following three product types—urea formaldehyde, polyvinyl acetate, and/or soy (inquiry merchandise) was circumventing the orders, and was, therefore, included in the scope of the orders. Commerce is notifying the

¹⁴ See *Amended Final Determination*.

¹⁵ See AK Steel's Letter, "Petitioner's Request for Verification," dated December 3, 2020.

¹⁶ See 19 CFR 351.224(b).

¹⁷ See 19 CFR 351.309(d); see also *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19*, 85 FR 17006 (March 26, 2020); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020) (collectively, *Temporary Rule*).

¹⁸ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁹ See *Temporary Rule*.

²⁰ See 19 CFR 351.310(c).

²¹ See 19 CFR 351.310.

public that the CIT's final judgment is not in harmony with Commerce's original anti-circumvention determination, and that Commerce is amending the anti-circumvention determination to find that inquiry merchandise is not circumventing the orders, and, therefore, is not included in the scope of the orders.

DATES: Applicable July 31, 2021.

FOR FURTHER INFORMATION CONTACT: Rachel Greenberg, 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) 482-1110.

Background

On November 29, 2019, Commerce found inquiry merchandise to be circumventing the scope of the *Orders*, and that, therefore, such merchandise should be included in the scope of those *Orders*.¹ A number of foreign producers/exporters and U.S. importers, including Shelter Forest International Acquisition, Inc. (Shelter Forest) *et al.*, IKEA Supply AG, Shanghai Futuwood Trading Co., Ltd. *et al.*, and Taraca Pacific, Inc. *et al.*, appealed Commerce's *Final Anti-Circumvention Determination*. On February 18, 2021, the CIT remanded the *Final Anti-Circumvention Determination* to Commerce and directed that Commerce: (1) Explain why it is reasonable to require evidence of the actual TSCA or CARB label adhered to the product; (2) address a variety of evidentiary issues related to the composition of the glue used to produce the inquiry merchandise; and (3) accept, and consider, three submissions which either contained a translation error, was received late in the process, or contained new legal argument.² Commerce complied with

¹ See *Certain Hardwood Plywood Products from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order*, 83 FR 504 (January 4, 2018); and *Certain Hardwood Plywood Products from the People's Republic of China: Countervailing Duty Order*, 82 FR 513 (January 4, 2018) (collectively, *Orders*); see also *Certain Hardwood Plywood Products from the People's Republic of China: Affirmative Final Determination of Circumvention of the Antidumping and Countervailing Duty Orders*, 84 FR 65783 (November 29, 2019) (*Final Anti-Circumvention Determination*).

² See *Shelter Forest International Acquisition Inc., et al. v. United States*, Consol. Court No. 19-00212, Slip Op. 21-19 (CIT February 18, 2021) (*Remand Opinion and Order*). The CIT further ruled that if, on remand, Commerce continues to reach an affirmative determination, Commerce must reconsider or further explain the cash deposit rates of the plaintiffs, amend the effective date of the affirmative determination, and notify the International Trade Commission of its determination.

the Court's remand and accepted the identified submissions.

In its final remand redetermination, issued on May 10, 2021, Commerce found that additional information submitted pursuant to the CIT's *Remand Opinion and Order* demonstrated that Shelter Forest sold inquiry merchandise prior to December 8, 2016, and thus inquiry merchandise was commercially available prior to the initiation of the investigation (*i.e.*, was not later-developed merchandise). Therefore, on remand, Commerce determined inquiry merchandise was not circumventing the *Orders*, and is not included in the scope of the *Orders*.³ In light of this finding, Commerce found it unnecessary to address the remaining directives by the CIT. The CIT sustained Commerce's final redetermination.⁴

Timken Notice

In its decision in *Timken*,⁵ as clarified by *Diamond Sawblades*,⁶ 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 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 21, 2021, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Anti-Circumvention Determination*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Anti-Circumvention Determinations

In accordance with the CIT's July 21, 2021, final judgment, Commerce is amending its *Final Anti-Circumvention Determination* and finds that inquiry merchandise is not circumventing the *Orders*, and that the scope of the *Orders* does not include the products addressed in the *Final Anti-Circumvention Determination*.

³ See Final Results of Redetermination Pursuant to Court Remand: *Shelter Forest International Acquisition Inc., et al. v. United States*, Consol. Court No. 19-00212, Slip Op. 21-19 (CIT February 18, 2021) dated May 10, 2021 at 31. The CIT made additional findings, but Commerce was not required to address these other findings because they became moot as a result of the Shelter Forest determination.

⁴ See *Shelter Forest International Acquisition Inc., et al. v. United States*, Consol. Court No. 19-00212, Slip Op. 21-90 (CIT July 21, 2021).

⁵ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

⁶ See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

Liquidation of Suspended Entries

Commerce will instruct U.S. Customs and Border Protection (CBP) that, pending any appeals, the cash deposit rate will be zero percent for the inquiry merchandise. In the event that the CIT's final judgment is not appealed or is upheld on appeal, Commerce will instruct CBP to liquidate any unliquidated entries of inquiry merchandise entered for consumption on or after September 18, 2018, without regard to antidumping and countervailing duties and to lift suspension of liquidation of such entries.

At this time, Commerce remains enjoined by CIT order from liquidating entries that were entered, or withdrawn from warehouse, for consumption during the period September 18, 2018, through December 31, 2020, for the following:

(1) Imported by MJB Wood Group, Inc. (also known as MJB Wood Group, LLC) and:

- Exported and produced by Lian Yungang Hong Yang Wood Industry Co. Ltd.;

- exported by Suqian Yaorun Trade Co., Ltd. and produced by Pizhou Jiangshan Wood Co., Ltd.;

- exported and produced by Foothill LVL and Plywood (Linyi) Co., Ltd.;

- exported by China Link International (Huai'an) Co., Ltd. and produced by Lianyungang Ruixiang Wood Industry Co., Ltd.; or

- exported and produced by Linyi Welling Wood Industry Hi-Tech. Co., Ltd.;

(2) imported by Taraca Pacific, Inc. and:

- exported by Linyi Chengen Import and Export Co., Ltd. and produced by Linyi Dongfangjuxin Wood Co., Ltd.;

- exported by Lianyungang Yuantai International Trade Co., LTD. and produced by Linyi City Lanshan District Fuerda Wood Factory;

- exported and produced by Linyi Linhai Wood Co., Ltd.;

- exported and produced by Linyi Glary Plywood Co., Ltd.; or

- exported by Shandong Qishan International Trading Co., Ltd. and produced by Linyi Tuopu Zhixin Wooden Industry Co., Ltd.;

(3) produced and/or exported by Xuzhou Shelter Import & Export Co. and Shandong Shelter Forest Products Co., Ltd.

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) and 777(i)(1) of the Act.

Dated: July 22, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2021-16081 Filed 8-5-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE**International Trade Administration**

[C-122-858]

Certain Softwood Lumber Products From Canada: Notice of Final Results of Countervailing Duty Changed Circumstances Review

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

SUMMARY: On June 25, 2021, the Department of Commerce (Commerce) published the initiation and preliminary results of a changed circumstances review (CCR) of the countervailing duty (CVD) order on certain softwood lumber products (softwood lumber) from Canada. For these final results, Commerce continues to find that Chaleur Forest Products LP (CFP LP) and Chaleur Forest Products Inc. (CFP Inc.) are the successors-in-interest (SIIs) to Chaleur Sawmills LP (Chaleur LP) and Fornebu Lumber Co. Inc. (Fornebu Inc.), respectively, in the context of the CVD order on softwood lumber from Canada.

DATES: Applicable August 6, 2021.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4793.

SUPPLEMENTARY INFORMATION:**Background**

On March 11, 2021, CFP LP and CFP Inc. (collectively, the Chaleur Companies) requested that, pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act), 19 CFR 351.216, and 19 CFR 351.221(c)(3), Commerce conduct a CCR of the *Order*¹ to confirm that CFP LP and CFP Inc. are the SIIs to Chaleur LP and Fornebu Inc., respectively, and accordingly, to assign

them the cash deposit rates of Chaleur LP and Fornebu Inc.² In their submission, the Chaleur Companies state that Chaleur LP and Fornebu Inc. undertook name changes to CFP LP and CFP Inc., respectively, but are otherwise unchanged.³

On June 25, 2021, Commerce initiated a CCR and preliminarily determined that CFP LP and CFP Inc. are the SIIs to Chaleur LP and Fornebu Inc., respectively.⁴ In the *Initiation and Preliminary Results CCR*, we provided all interested parties with an opportunity to comment on the results. However, we received no comments.

Scope of the Order

The merchandise subject to the *Order* is certain softwood lumber products.⁵ The products are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) item numbers: 4406.11.0000; 4406.91.0000; 4407.10.01.01; 4407.10.01.02; 4407.10.01.15; 4407.10.01.16; 4407.10.01.17; 4407.10.01.18; 4407.10.01.19; 4407.10.01.20; 4407.10.01.42; 4407.10.01.43; 4407.10.01.44; 4407.10.01.45; 4407.10.01.46; 4407.10.01.47; 4407.10.01.48; 4407.10.01.49; 4407.10.01.52; 4407.10.01.53; 4407.10.01.54; 4407.10.01.55; 4407.10.01.56; 4407.10.01.57; 4407.10.01.58; 4407.10.01.59; 4407.10.01.64; 4407.10.01.65; 4407.10.01.66; 4407.10.01.67; 4407.10.01.68; 4407.10.01.69; 4407.10.01.74; 4407.10.01.75; 4407.10.01.76; 4407.10.01.77; 4407.10.01.82; 4407.10.01.83; 4407.10.01.92; 4407.10.01.93; 4407.11.00.01; 4407.11.00.02; 4407.11.00.42; 4407.11.00.43; 4407.11.00.44; 4407.11.00.45; 4407.11.00.46; 4407.11.00.47; 4407.11.00.48; 4407.11.00.49; 4407.11.00.52; 4407.11.00.53; 4407.12.00.01; 4407.12.00.02; 4407.12.00.17; 4407.12.00.18; 4407.12.00.19; 4407.12.00.20; 4407.12.00.58; 4407.12.00.59; 4407.19.05.00; 4407.19.06.00; 4407.19.10.01; 4407.19.10.02; 4407.19.10.54;

4407.19.10.55; 4407.19.10.56; 4407.19.10.57; 4407.19.10.64; 4407.19.10.65; 4407.19.10.66; 4407.19.10.67; 4407.19.10.68; 4407.19.10.69; 4407.19.10.74; 4407.19.10.75; 4407.19.10.76; 4407.19.10.77; 4407.19.10.82; 4407.19.10.83; 4407.19.10.92; 4407.19.10.93; 4409.10.05.00; 4409.10.10.20; 4409.10.10.40; 4409.10.10.60; 4409.10.10.80; 4409.10.20.00; 4409.10.90.20; 4409.10.90.40; 4418.50.0010; 4418.50.0030; 4418.50.0050 and 4418.99.10.00. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive.

Final Results of CCR

For the reasons stated in the *Initiation and Preliminary Results CCR*, Commerce continues to find that CFP LP and CFP Inc. are the SIIs to Chaleur LP and Fornebu Inc., respectively. As a result of this determination and consistent with established practice, we find that CFP LP and CFP Inc. should receive the cash deposit rates previously assigned to Chaleur LP and Fornebu Inc., respectively. Consequently, Commerce will instruct U.S. Customs and Border Protection to suspend liquidation of all shipments of subject merchandise produced and/or exported by CFP LP and CFP Inc. and entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the **Federal Register** at the cash deposit rate in effect for Chaleur LP and Fornebu Inc., respectively. This cash deposit requirement shall remain in effect until further notice.

Notification to Interested Parties

We are issuing this determination and publishing these final results and notice in accordance with sections 751(b)(1) and 777(i)(1) and (2) of the Act, and 19 CFR 351.216(e), 351.221(b), and 351.221(c)(3).

Dated: August 2, 2021.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations.

[FR Doc. 2021-16839 Filed 8-5-21; 8:45 am]

BILLING CODE 3510-DS-P

¹ See *Certain Softwood Lumber Products from Canada: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order*, 83 FR 347 (January 3, 2018) (*Order*).

² See Chaleur Companies' Letter, "Certain Softwood Lumber Products from Canada: Chaleur's Request for Changed Circumstances Reviews," dated March 11, 2021 (CCR Request).

³ *Id.* at 2-3.

⁴ See *Certain Softwood Lumber Products from Canada: Notice of Initiation and Preliminary Results of Countervailing Duty Changed Circumstances Review*, 86 FR 33660 (June 25, 2021) (*Initiation and Preliminary Results CCR*).

⁵ For a complete description of the *Order*, see Memorandum, "Initiation and Preliminary Results of Changed Circumstances Review: Preliminary Decision Memorandum," dated June 14, 2021.