

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-201-847]

**Heavy Walled Rectangular Welded Steel Pipes and Tubes From Mexico: Notice of Court Decision Not in Harmony With the Results of Antidumping Administrative Review; Notice of Amended Final Results**

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

**SUMMARY:** On July 6, 2022, the U.S. Court of International Trade (CIT) issued its final judgment in *Productos Laminados de Monterrey S.A. de C.V. v. United States*, Court No. 20-00166, sustaining the U.S. Department of Commerce’s (Commerce) remand results pertaining to the administrative review of the antidumping duty (AD) order on heavy walled rectangular welded steel pipes and tubes (HWR pipes and tubes) from Mexico covering the period September 1, 2017, through August 31, 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 *Productos Laminados de Monterrey S.A. de C.V.* (Prolamsa).

**DATES:** Applicable July 16, 2022.

**FOR FURTHER INFORMATION CONTACT:** David Crespo, 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) 482-3693.

**SUPPLEMENTARY INFORMATION:**

**Background**

On July 13, 2020, Commerce published its *Final Results*.<sup>1</sup> In the *Final Results*, we rejected Prolamsa’s claim that it sold HWR pipes and tubes in the home market (HM) at two levels of trade (LOT) and found that Prolamsa failed to adequately support its claims with quantitative evidence. We further stated that the burden was on Prolamsa to establish its eligibility for an LOT adjustment.<sup>2</sup> For these reasons, we found that all sales in the HM were at

<sup>1</sup> See *Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from Mexico: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2017-2018*, 85 FR 41962 (July 13, 2020) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

<sup>2</sup> *Id.* at Comment 7.

a single LOT and, thus, denied an LOT adjustment for Prolamsa.

Prolamsa appealed Commerce’s *Final Results*. On December 17, 2021, the CIT remanded the *Final Results* to Commerce to reconsider Commerce’s finding that Prolamsa made HM sales at one LOT and, thus, was not entitled to an LOT adjustment.<sup>3</sup> Specifically, the CIT held that Commerce’s final LOT determination was based on findings that were either: (1) not supported by substantial evidence on the record; or (2) vague and conclusory.<sup>4</sup> In the *Final Remand*, issued in April 2022, Commerce reconsidered the facts on the record and found that Prolamsa made its HM sales at two LOTs.<sup>5</sup> On July 6, 2022, the CIT sustained Commerce’s *Final Remand*.<sup>6</sup>

**Timken Notice**

In its decision in *Timken*,<sup>7</sup> as clarified by *Diamond Sawblades*,<sup>8</sup> the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 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 suspend liquidation of entries pending a “conclusive” court decision. The CIT’s July 6, 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 Prolamsa as follows:

Producer/exporter	Weighted-average dumping margin (percent)
Productos Laminados de Monterrey S.A. de C.V. ....	0.89

<sup>3</sup> See *Productos Laminados de Monterrey S.A. de C.V. v. United States*, 554 F. Supp. 3d 1355 (CIT 2021).

<sup>4</sup> *Id.*

<sup>5</sup> See *Final Results of Redetermination Pursuant to Court Remand, Productos Laminados de Monterrey S.A. de C.V. v. United States*, 554 F. Supp. 3d 1355 (CIT 2021), dated April 7, 2022 (*Final Remand*).

<sup>6</sup> See *Productos Laminados de Monterrey S.A. de C.V. v. United States*, Ct. No. 20-00166, Slip Op. 22-77 (CIT July 6, 2022).

<sup>7</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>8</sup> See *Diamond Sawblades Mfrs. Coal. v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

**Cash Deposit Requirements**

Because Prolamsa has 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**

At this time, Commerce remains enjoined by CIT order from liquidating entries that were produced and/or exported by Prolamsa and were entered, or withdrawn from warehouse, for consumption during the period September 1, 2017, through August 31, 2018. 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 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 unliquidated entries of subject merchandise produced and/or exported by Prolamsa 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*. Where an importer-specific *ad valorem* assessment rate is zero or *de minimis*,<sup>9</sup> 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: July 18, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2022-15723 Filed 7-21-22; 8:45 am]

**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[RTID 0648-XC182]

**Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meeting**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

<sup>9</sup> See 19 CFR 351.106(c)(2).

**ACTION:** Notice of a joint public meeting.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) will hold a meeting involving advisory panel (AP) chairs, vice chairs, and other representatives to provide input on the draft Comprehensive Acceptable Biological Catch (ABC) Control Rule Amendment.

**DATES:** The meeting will be held via webinar on August 10, 2022, from 9 a.m. until 12 p.m., EDT.

**ADDRESSES:**

*Meeting address:* The meeting will be held via webinar. The webinar is open to members of the public. Registration is required. Webinar registration, an online public comment form, and briefing book materials will be available one week prior to the meeting at: <https://safmc.net/advisory-council-meetings/>.

*Council address:* South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

**FOR FURTHER INFORMATION CONTACT:** Kim Iverson, Public Information Officer, SAFMC; phone: (843) 571-4366 or toll free: (866) SAFMC-10; fax: (843) 769-4520; email: [kim.iverson@safmc.net](mailto:kim.iverson@safmc.net).

**SUPPLEMENTARY INFORMATION:** The ABC Control Rule Amendment considers revisions to the ABC control rule for the Dolphin Wahoo, Golden Crab, and Snapper Grouper Fishery Management Plans. These revisions include changes to the structure of the control rule in how risk and uncertainty components are handled, allowance of phasing in ABC changes over multiple years, and allowance for unharvested portions of annual catch limits (ACL) to be carried over to increase ACL in the following year. The AP representatives will discuss each of these actions, providing comments and recommendations for the Council's consideration.

**Special Accommodations**

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

**Note:** The times and sequence specified in this agenda are subject to change.

*Authority:* 16 U.S.C. 1801 *et seq.*

Dated: July 18, 2022.

**Rey Israel Marquez,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[RTID 0648-XC194]

**Mid-Atlantic Fishery Management Council (MAFMC); Public Meetings**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meetings.

**SUMMARY:** The Mid-Atlantic Fishery Management Council (Council) will hold public meetings of the Council including joint sessions with the Atlantic States Marine Fisheries Commission's Bluefish and Summer Flounder, Scup, and Black Sea Bass Management Boards.

**DATES:** The meetings will be held Monday, August 8 through Thursday, August 11, 2022. For agenda details, see **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:**

*Meeting address:* The meeting will be held at The Notary Hotel (21 N. Juniper Street, Philadelphia, PA 19107); telephone: (215) 496-3200.

This meeting will be conducted in a hybrid format, with options for both in person and webinar participation. Webinar registration details will be available on the Council's website at <https://www.mafmc.org/briefing/august-2022>.

*Council address:* Mid-Atlantic Fishery Management Council, 800 N. State St., Suite 201, Dover, DE 19901; telephone: (302) 674-2331; [www.mafmc.org](http://www.mafmc.org).

**FOR FURTHER INFORMATION CONTACT:** Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526-5255. The Council's website, [www.mafmc.org](http://www.mafmc.org) also has details on the meeting location, proposed agenda, webinar listen-in access, and briefing materials.

**SUPPLEMENTARY INFORMATION:** The following items are on the agenda, although agenda items may be addressed out of order (changes will be noted on the Council's website when possible.)

**Monday, August 8, 2022**

*Council Meeting With the ASMFC Bluefish Management Board*

Bluefish 2023 Specifications

Review recommendations from the Scientific and Statistical Committee (SSC), Monitoring Committee, Advisory Panel, and staff

Review previously adopted commercial and recreational catch and landings limits for 2023 and review as necessary

Review and review 2023 commercial and recreational measures if needed  
*ASMFC Bluefish Board Only*

**Tuesday, August 9, 2022**

*Council Meeting With the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board*

EAFM Recreational Summer Flounder Management Strategy Evaluation

Review MSE model results and work group recommendations

Provide feedback and direction for potential application of MSE results

Summer Flounder 2023 Specifications

Review recommendations from the SSC, Monitoring Committee, Advisory Panel, and staff

Review previously adopted commercial and recreational catch and landings limits for 2023 and revise as necessary

Review and revise 2023 commercial measures if needed

Scup 2023 Specifications

Review recommendations from the SSC, Monitoring Committee, Advisory Panel, and staff

Review previously adopted commercial and recreational catch and landings limits for 2023 and revise as necessary

Review and revise 2023 commercial measures if needed

Black Sea Bass 2023 Specifications

Review recommendations from the SSC, Monitoring Committee, Advisory Panel, and staff

Review previously adopted commercial and recreational catch and landings limits for 2023 and revise as necessary

Review and revise 2023 commercial measures if needed

*ASMFC Summer Flounder, Scup, Black Sea Bass Board Only*

**Wednesday, August 10, 2022**

*BOEM Guidance for Mitigating Impact of Offshore Wind Energy Projects on Commercial and Recreational Fisheries*

Review draft guidance and discuss Council comments

*Community Offshore Wind Project (lease OCS-A-0539 off New Jersey)*

Presentation by RWE representatives

*East Coast Climate Change Scenario Planning*

Update on draft scenarios and next steps