

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. We will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of the importer's sales in accordance with 19 CFR 351.212(b)(1).

Where the respondent's weighted-average dumping margin is either zero or *de minimis* within the meaning of 19 CFR 351.106(c), or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's "reseller policy" will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which the reviewed companies did not know that the merchandise they sold to the intermediary (*e.g.*, a reseller, trading company, or exporter) was destined for the United States. In such instances, 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.⁴

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requirements for estimated antidumping duties will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be equal to each company's weighted-average dumping margin established in the final results of

this administrative review (except if that rate is *de minimis*, in which situation the cash deposit rate will be zero); (2) for merchandise exported by a producer or exporter 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 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 complete segment of this proceeding, the cash deposit rate will be the company-specific rate established 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 45.42 percent,⁵ the all-others rate established in the less-than-fair-value investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also 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 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.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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 the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

Dated: September 14, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-814]

Certain Carbon Steel Butt-Weld Pipe Fittings From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision

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

SUMMARY: On September 8, 2022, the U.S. Court of International Trade (CIT) issued its final judgment in *Vandewater International, Inc. v. United States*, Court No. 18-00199, sustaining the U.S. Department of Commerce (Commerce)'s remand redetermination pertaining to the scope ruling for the antidumping duty order on carbon steel butt-weld pipe fittings from the People's Republic of China finding steel branch outlets imported by Vandewater International Inc. (Vandewater) to be covered by the order. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's scope ruling, and that Commerce is amending the scope ruling to clarify that a different effective date for suspension of liquidation now applies.

DATES: Applicable September 18, 2022.

FOR FURTHER INFORMATION CONTACT: Kelsie Hohenberger, 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) 482-2517.

SUPPLEMENTARY INFORMATION:

Background

On September 10, 2018, Commerce found that Vandewater's steel branch outlets were covered by the order.¹ Commerce's determination was based on the sources enumerated under 19 CFR 351.225(k)(1). Vandewater

⁴ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

⁵ See *Order*.

¹ See Memorandum, "Antidumping Duty Order on Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China: Final Scope Ruling on Vandewater International Inc.'s Steel Branch Outlets," dated September 10, 2018 (Final Scope Ruling).

appealed Commerce's Final Scope Ruling.

On October 16, 2020, the CIT remanded the Final Scope Ruling to Commerce, holding that Commerce's determination that the sources identified in 19 CFR 351.225(k)(1) were dispositive as to whether Vandewater's outlets were covered by the scope of the order was not supported by substantial evidence.² The CIT instructed Commerce to conduct a full scope inquiry on remand and analyze the criteria set forth in 19 CFR 351.225(k)(2).³

In its remand redetermination proceedings, Commerce initiated a full scope inquiry and reopened the record, prior to issuing the final results of redetermination in July 2021.⁴ Commerce also evaluated the criteria set forth in 19 CFR 351.225(k)(2) and continued to find that Vandewater's steel branch outlets are covered by the order.⁵ As a consequence of initiating a scope inquiry on remand, Commerce clarified that it would no longer instruct U.S. Customs and Border Protection (CBP) to suspend or continue to suspend entries that were suspended pursuant to the instructions issued following the September 10, 2018, Final Scope Ruling. Rather, Commerce indicated that it would instruct CBP (upon a final and conclusive court decision) to suspend or continue to suspend entries of steel branch outlets that entered, or were withdrawn from warehouse, for consumption on or after October 30, 2020 (*i.e.*, the date of initiation of the scope inquiry).⁶ The CIT sustained Commerce's final redetermination.⁷

Timken Notice

In its decision in *Timken*,⁸ as clarified by *Diamond Sawblades*,⁹ 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 September 8, 2022, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's Final Scope Ruling. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Scope Ruling

In accordance with the CIT's September 8, 2022, final judgment, Commerce has revised the analysis contained in its Final Scope Ruling and continues to find that the scope of the order covers the products addressed in the Final Scope Ruling. However, as summarized above, Commerce has modified its determination with respect to the suspension of liquidation for entries of Vandewater's steel branch outlets. Specifically, if Commerce's decision on remand is sustained, we no longer intend to instruct CBP to suspend or continue to suspend entries that were suspended pursuant to the instructions issued following the September 10, 2018, Final Scope Ruling. Rather, Commerce intends to instruct CBP (upon a final and conclusive court decision) to suspend or continue to suspend entries of steel branch outlets that entered, or were withdrawn from warehouse, for consumption on or after October 30, 2020.¹⁰

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by the CIT from liquidating Vandewater's entries of steel branch outlets covered by the scope of the order entered, or withdrawn from warehouse for consumption, on or after September 10, 2018. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

With respect to entries predating October 30, 2020, that were suspended pursuant to the instructions issued following the September 10, 2018, Final Scope Ruling, Commerce will instruct CBP that, pending any appeals, the cash deposit rate will be zero percent for steel branch outlets imported by Vandewater. In the event that the CIT's final judgment is not appealed or is upheld on appeal, Commerce intends to instruct CBP to lift suspension of liquidation and liquidate such 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: September 14, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XC386]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) will hold a one-day hybrid (in-person/virtual) meeting of its Joint Council Workgroup for Section 102 of the Modernizing Recreational Fisheries Management Act of 2018.

DATES: The meeting will take place Wednesday, October 12, 2022, from 9:30 a.m. to 4 p.m., EST.

ADDRESSES: The in-person meeting will take place at the Gulf Council office. Registration information will be available on the Council's website by visiting www.gulfcouncil.org and clicking on the Joint Workgroup meeting on the calendar.

Council address: Gulf of Mexico Fishery Management Council, 4107 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348-1630.

FOR FURTHER INFORMATION CONTACT: Mr. Ryan Rindone, Lead Fishery Biologist, Gulf of Mexico Fishery Management Council; ryan.rindone@gulfcouncil.org, telephone: (813) 348-1630.

SUPPLEMENTARY INFORMATION:

Wednesday, October 12, 2022; 9:30 a.m.–4 p.m., EST

The meeting will begin with Introductions, Adoption of Agenda, Approval of Minutes from the September 10, 2020 meeting, and a presentation and discussion on the Future Vision for Federal Managed Recreational Fisheries.

The Joint Workgroup will receive a summary from the South Atlantic Fishery Management Council's

² See *Vandewater International, Inc. v. United States*, 476 F. Supp. 3d 1357, 1359 (CIT October 16, 2020) (*Remand Order*).

³ *Id.*

⁴ See Commerce's Letter, "Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China: Initiation of Scope Inquiry," dated October 30, 2020.

⁵ See *Final Results of Redetermination Pursuant to Court Remand, Vandewater International, Inc. v. United States*, Court No. 18-00199, Slip Op. 20-146, dated July 22, 2021 (Final Results of Redetermination), available at <https://access.trade.gov/Resources/remands/20-146.pdf>.

⁶ *Id.* at 103.

⁷ See *Vandewater International, Inc. v. United States*, Court No. 18-00199, Slip Op. 22-104 (September 8, 2022).

⁸ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

⁹ See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

¹⁰ See Final Results of Redetermination at 103.