

## Cash Deposit Requirements

Commerce will instruct CBP to require a cash deposit for antidumping duties equal to the weighted-average amount by which the NV exceeds U.S. price. The following cash deposit requirements will be effective for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice, as provided by section 751(a)(2)(C) of the Act: (1) For the exporters listed above, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review (except, if the rate is *de minimis* (*i.e.*, less than 0.5 percent), then the cash deposit rate will be zero for that exporter); (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding; (3) for all Chinese exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity (*i.e.*, 238.95 percent);<sup>26</sup> and (4) for all non-Chinese exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to China exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

## 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 and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties and/or countervailing duties has occurred, and the subsequent assessment of double antidumping duties and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

## Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 351.221(b)(4).

Dated: January 31, 2020.

**Jeffrey I. Kessler,**

*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. Preliminary Determination of No Shipments
- V. Selection of Respondents
- VI. Single Entity Treatment
- VII. Discussion of the Methodology
- VIII. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-583-858]

### Certain Carbon and Alloy Steel Cut-To-Length Plate From Taiwan: Notice of Court Decision Not in Harmony With Final Determination of Antidumping Duty Investigation; and Amended Final Determination

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

**SUMMARY:** On January 9, 2020, the United States Court of International Trade (the Court) sustained the final results of redetermination pertaining to the antidumping duty (AD) investigation of certain carbon and alloy steel cut-to-length plate (CTL plate) from Taiwan. The Department of Commerce (Commerce) is notifying the public that the final judgment in this case is not in harmony with the *Amended Final Determination* in the investigation of CTL plate from Taiwan, and that Commerce is amending the *Amended Final Determination* with respect to the application of partial adverse facts available (AFA) in making our difference-in-merchandise adjustment.

**DATES:** Applicable January 19, 2020.

**FOR FURTHER INFORMATION CONTACT:** Paul Walker, 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) 482-0413.

### SUPPLEMENTARY INFORMATION:

#### Background

On April 4, 2017, Commerce published the *Final Determination* of the AD investigation of CTL plate from

Taiwan, in which Commerce applied partial AFA to China Steel Corporation (China Steel) because: (a) It failed to provide requested information by the established deadlines or in the form and manner requested by Commerce; (b) it provided information in its questionnaire responses that we could not verify as accurate because our verification revealed errors and failures in China Steel's cost reporting; and (c) its conduct significantly impeded the investigation.<sup>1</sup> Moreover, we found that China Steel failed to cooperate by not acting to the best of its ability to comply with Commerce's request for information by not providing timely and accurate cost data for certain control numbers (CONNUMs), and as such, that the application of partial AFA was warranted.<sup>2</sup> The *Final Determination* and *Amended Final Determination* were appealed to the Court by China Steel, and on August 6, 2019, the Court held that Commerce could not apply an adverse inference when calculating costs specifically related to the physical differences of China Steel's products, and remanded the *Amended Final Determination* for a redetermination consistent with the Court's opinion.<sup>3</sup> In accordance with the Court's *Remand Order*, Commerce recalculated a rate for China Steel.<sup>4</sup> On January 9, 2020, the Court sustained Commerce's *Remand Redetermination*.<sup>5</sup> Therefore, the effective date of this notice is January 19, 2020.

<sup>1</sup> See *Certain Carbon and Alloy Steel Cut-To-Length Plate from Taiwan: Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances*, 82 FR 16372 (April 4, 2017) (*Final Determination*), and accompanying Issues and Decision Memorandum (IDM) at Comment 1; see also *Certain Carbon and Alloy Steel Cut-To-Length Plate from Austria, Belgium, France, the Federal Republic of Germany, Italy, Japan, the Republic of Korea, and Taiwan: Amended Final Affirmative Antidumping Determinations for France, the Federal Republic of Germany, the Republic of Korea and Taiwan, and Antidumping Duty Orders*, 82 FR 24096 (May 25, 2017) (*Amended Final Determination*), and accompanying Memorandum, "Amended Final Determination of the Less-Than-Fair-Value Investigation of Carbon and Alloy Steel Cut-to-Length Plate from Taiwan: Allegation of Ministerial Error for China Steel Corporation."

<sup>2</sup> *Id.*

<sup>3</sup> See *China Steel Corp. v. United States*, Consol. Court No. 17-00152 (August 6, 2019) (*Remand Order*).

<sup>4</sup> See *Final Results of Redetermination Pursuant to China Steel Corp. v. United States*, Consol. Court No. 17-00152, Slip. Op. 19-106 (CIT August 6, 2019), dated December 3, 2019 (*Remand Redetermination*).

<sup>5</sup> See *China Steel Corp. v. United States*, Court No. 17-152, Slip Op. 20-5 (CIT January 9, 2020).

<sup>26</sup> See *AR1 Final*, 80 FR at 41002.

## Timken Notice

In its decision in *Timken*,<sup>6</sup> as clarified by *Diamond Sawblades*,<sup>7</sup> the United States Court of Appeals for the Federal Circuit (CAFC) 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 a 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 9, 2020 judgment sustaining Commerce’s *Remand Redetermination* constitutes a final decision of the Court that is not in harmony with Commerce’s *Amended Final Determination*. This notice is published in fulfillment of the publication requirements of *Timken* and section 516A of the Act. Commerce will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or if appealed, pending a final and conclusive court decision.

### Amended Final Determination

Because there is now a final court decision, Commerce is amending the *Amended Final Determination*. China Steel’s rate, as determined in the *Remand Redetermination*, is 6.73 percent.

### Cash Deposit Requirements

We have revised China Steel’s cash deposit rate to 6.73 percent, and we will issue instructions to U.S. Customs and Border Protection within five days of the publication of this notice.

### Notifications to Interested Parties

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

Dated: January 28, 2020.

#### Jeffrey I. Kessler,

*Assistant Secretary for Enforcement and Compliance.*

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<sup>6</sup> See *Timken Co. v. United States*, 893 F. 2d 337, 341 (Fed. Cir. 1990) (*Timken*).

<sup>7</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F. 3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; NOAA Space-Based Data Collection System (DCS) Agreements

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** To ensure consideration, written or on-line comments must be submitted on or before April 10, 2020.

**ADDRESSES:** Direct all written comments to Adrienne Thomas, PRA Officer, NOAA, 151 Patton Avenue, Room 159, Asheville, NC 28801 (or via the internet at [PRAComments@doc.gov](mailto:PRAComments@doc.gov)). All comments received are part of the public record. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instruments and instructions should be directed to Scott Rogerson, Office of Satellite and Product Operations, (301) 817–4543 or [Scott.Rogerson@noaa.gov](mailto:Scott.Rogerson@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

This request is for extension of an existing information collection.

The National Oceanic and Atmospheric Administration (NOAA) operates two space-based data collection systems (DCS) per 15 CFR part 911: The Geostationary Operational Environmental Satellite (GOES) DCS and the Polar-Orbiting Operational Environmental Satellite (POES) DCS, also known as the Argos system. Both the GOES DCS and the Argos DCS are operated to support environmental applications, e.g., meteorology, oceanography, hydrology, ecology, and remote sensing of Earth resources. In addition, the Argos DCS currently

supports applications related to protection of the environment, e.g., hazardous material tracking, fishing vessel tracking for treaty enforcement, and animal tracking. Presently, the majority of users of these systems are government agencies and researchers and much of the data collected by both the GOES DCS and the Argos DCS are provided to the World Meteorological Organization via the Global Telecommunication System for inclusion in the World Weather Watch Program.

Current loading on both of the systems does not use the entire capacity of that system, so NOAA is able to make its excess capacity available to other users who meet certain criteria. Applications are made in response to the requirements in 15 CFR 911 (under the authority of 15 U.S.C. 313, Duties of the Secretary of Commerce and others), using system use agreement (SUA) forms. The application information received is used to determine if the applicant meets the criteria for use of the system. The system use agreements contain the following information: (1) The period of time the agreement is valid and procedures for its termination, (2) the authorized use(s) of the DCS, and its priorities for use, (3) the extent of the availability of commercial services which met the user’s requirements and the reasons for choosing the government system, (4) any applicable government interest in the data, (5) required equipment standards, (6) standards of operation, (7) conformance with applicable International Telecommunication Union (ITU) and Federal Communications Commission (FCC) agreements and regulations, (8) reporting time and frequencies, (9) data formats, (10) data delivery systems and schedules and (11) user-borne costs.

Accepted applicants use the NOAA DCS to collect environmental data and in limited cases, non-environmental data via the Argos DCS, to support other governmental and non-governmental research or operational requirements, such as for law enforcement purposes. The applicants must submit information to ensure that they meet these criteria. NOAA does not approve agreements where there is a commercial service available to fulfill the user requirements (per 15 CFR part 911).

##### II. Method of Collection

Method of submittal is electronically (via internet).

##### III. Data

*OMB Control Number:* 0648–0157.  
*Form Number:* None.