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DEPARTMENT OF COMMERCE**International Trade Administration**

[A–580–870]

Certain Oil Country Tubular Goods From the Republic of Korea: Notice of Court Decision Not in Harmony With the Amended Final Results in the Antidumping Duty Administrative Review and Notice of Amended Final Results

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

SUMMARY: On June 17, 2020, the United States Court of International Trade (CIT) issued its final judgment in *NEXTEEL v. United States*, Court No. 17–00091, sustaining the Department of Commerce (Commerce)’s remand redetermination concerning the final results in the antidumping duty (AD) administrative review of certain oil country tubular goods (OCTG) from the Republic of Korea (Korea), covering the period of review (POR) July 18, 2014 through August 31, 2015. Commerce is notifying the public that the CIT’s final judgment in this case is not in harmony with Commerce’s final results in the administrative review of OCTG from Korea. Pursuant to the CIT’s final judgment, Commerce is amending the weighted-average dumping margin calculated for SeAH Steel Corporation (SeAH), NEXTEEL Co., Ltd. (NEXTEEL), and non-examined companies.

DATES: Applicable September 9, 2020.

FOR FURTHER INFORMATION CONTACT: Chelsey Simonovich, 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) 482–1979.

SUPPLEMENTARY INFORMATION:**Background**

On April 17 and July 10, 2017, Commerce published the *Final Results*.¹ NEXTEEL and SeAH challenged the *Final Results* before the CIT.² On

¹ See *Certain Oil Country Tubular Goods from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2014–2015*, 82 FR 18105 (April 17, 2017), and accompanying Issues and Decision Memorandum (IDM), as amended by *Certain Oil Country Goods from the Republic of Korea: Amended Final Results of Antidumping Duty Administrative Review; 2014–2015*, 82 FR 31750 (July 10, 2017) (collectively, *Final Results*).

² The following companies that were not subject to individual examination in the administrative

January 2, 2019, the CIT remanded Commerce’s determination, instructing Commerce to reverse its finding of a particular market situation (PMS) and provide further explanation or analysis of its treatment of SeAH’s proprietary grade products and deduction of general and administrative (G&A) expenses.³ Commerce issued a redetermination on remand, under protest, complying with the CIT’s instructions to reverse its finding of a PMS, and providing further explanation of its treatment of SeAH’s proprietary grade products and deduction of G&A expenses.⁴ On September 4, 2019, the CIT remanded Commerce’s deduction of G&A expenses for clarification or reconsideration.⁵ Commerce issued a second redetermination on remand, providing further clarification on its deduction of G&A expenses as U.S. selling expenses.⁶ On June 17, 2020, the CIT sustained the *Remand Results*.⁷

Timken Notice

In its decision in *Timken*,⁸ as clarified by *Diamond Sawblades*,⁹ the 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 CIT’s June 17, 2020 judgment in this case constitutes a final decision of the court that is not in harmony with Commerce’s *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*.

review joined the challenge by NEXTEEL and SeAH of the *Final Results*: AJU Besteel Co., Ltd.; Dongbu Incheon Steel; Dongbu Steel Co., Ltd.; Husteel Co., Ltd.; Husteel Co., Ltd.; Hyundai Steel Company; and ILJIN Steel Corporation.

³ See *NEXTEEL Co. v. United States*, Court No. 17–00091, Slip Op. 19–1 (CIT January 2, 2019).

⁴ See *Final Results of Redetermination Pursuant to Court Remand Oil Country Tubular Goods from the Republic of Korea, Nexteel Co. v. United States*, Consolidated Court No. 17–00091, Slip Op. 19–01 (CIT January 2, 2019), dated April 2, 2019.

⁵ See *NEXTEEL Co. v. United States*, Court No. 17–00091, Slip Op. 19–116 (CIT September 4, 2019).

⁶ See *Final Results of Redetermination Pursuant to Court Remand Oil Country Tubular Goods from the Republic of Korea Nexteel Co. v. United States*, Consolidated Court No. 17–00091, Slip Op. 19–116 (CIT September 4, 2019), dated November 20, 2019 (*Remand Results*).

⁷ See *Nexteel Co. v. United States*, Consolidated Court No. 17–00091, Slip Op. 20–85 (CIT June 17, 2020), at 14.

⁸ See *Timken Co. v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

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

Amended Final Results

Because there is now a final court decision, Commerce is amending its *Final Results*. Commerce finds that the revised the weighted-average dumping margins are 2.97 percent for SeAH, 3.63 percent for NEXTEEL, and 3.30 percent for the non-examined companies.

Cash Deposit Requirements

The cash deposit rates calculated in the 2014–2015 administrative review for SeAH, NEXTEEL, and the non-examined companies subject to this litigation, with the exception of Dongbu Steel Co., Ltd., have been superseded by cash deposit rates calculated in subsequent administrative reviews of the antidumping duty order on OCTG from Korea.¹⁰ Thus, we are not implementing the amended cash deposit rates for these companies. For Dongbu Steel Co., Ltd., effective the date of publication of this notice, we will instruct Customs and Border Protection (CBP) to collect cash deposits of estimated antidumping duties at the rate of 3.30 percent.

Liquidation of Suspended Entries

If the CIT’s final judgment is not appealed, or if it is appealed and upheld, Commerce will instruct CBP to terminate the suspension of liquidation, and to liquidate and to assess duties at the margins shown above for entries during the POR that were produced and exported by SeAH, NEXTEEL, and the non-examined companies. Consistent with Commerce’s assessment practice, for entries of subject merchandise during the POR produced by SeAH and NEXTEEL for which they did not know that the merchandise was destined for the United States, 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.¹¹

Finally, during the pendency of litigation, including any appeal, Commerce remains enjoined by Court order from liquidating entries that: (1) Were the subject of the administrative determination published in the *Final Results*;¹² (2) were produced and/or exported by any of the following: SeAH, NEXTEEL, and the non-examined companies; (3) were entered, or were withdrawn from warehouse, for

¹⁰ See *Certain Oil Country Tubular Goods from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2017–2018*, 85 FR 41949 (July 13, 2020).

¹¹ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

¹² See *Final Results*.

consumption on or after July 18, 2014 through August 31, 2015; and (4) remain unliquidated as of 5:00 p.m. Eastern Time on June 16, 2017.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c)(1) and (e), 705(c)(1)(B), and 777(i)(1) of the Act.

Dated: September 2, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–201–854]

Standard Steel Welded Wire Mesh From Mexico: Postponement of Preliminary Determination in the Countervailing Duty Investigation

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

DATES: Applicable September 9, 2020.

FOR FURTHER INFORMATION CONTACT:

Joshua Tucker or Ian Hamilton, 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) 482–2044 or (202) 482–4798, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 20, 2020, the Department of Commerce (Commerce) initiated a countervailing duty (CVD) investigation of imports of standard steel welded wire mesh from Mexico.¹ Currently, the preliminary determination is due no later than September 23, 2020.

Postponement of Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a CVD investigation within 65 days after the date on which Commerce initiated the investigation. However, section 703(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 130 days after the date on which Commerce initiated the investigation if:

(A) The petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.²

On August 28, 2020, the petitioners³ submitted a timely request that Commerce postpone the preliminary CVD determination.⁴ The petitioners requested postponement of the preliminary determination because they stated that additional time is necessary for Commerce to conduct its investigation and permit interested parties sufficient time to develop the record in this investigation.⁵

In accordance with 19 CFR 351.205(e), the petitioners have stated the reasons for requesting a postponement of the preliminary determination, and Commerce finds no compelling reason to deny the request. Therefore, in accordance with section 703(c)(1)(A) of the Act, Commerce is postponing the deadline for the preliminary determination to November 27, 2020. Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination.

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: September 2, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

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² See 19 CFR 351.205(e).

³ The petitioners are Insteel Industries, Inc.; Mid South Wire Company; National Wire LLC; Oklahoma Steel & Wire Co.; and Wire Mesh Corp.

⁴ See Petitioners' Letter, "Countervailing Duty Investigation of Standard Steel Welded Wire Mesh from Mexico: Petitioners' Request to Postpone Preliminary Determination," dated August 28, 2020.

⁵ *Id.* at 2.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA478]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting via webinar.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Groundfish Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This webinar will be held on Monday, September 21, 2020 at 9 a.m. Webinar registration URL information: <https://attendee.gotowebinar.com/register/8048234209657399056>.

ADDRESSES: The meeting will be held via webinar.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Advisory Panel will review public comments on Amendment 23: Groundfish Monitoring and the summary document prepared by the Groundfish Plan Development Team (PDT) and make final recommendations on preferred alternatives. They will also discuss draft alternatives on Framework Adjustment 61: Specifications/ Management Measures—developed by the PDT focusing on (1) white hake rebuilding plan options, (2) 2021 U.S./ Canada total allowable catches of Eastern Georges Bank (GB) cod, Eastern GB haddock, and GB yellowtail flounder and (3) other measures. The panel will discuss possible groundfish priorities for 2021 including a follow-up discussion on the Groundfish Sector Program Catch Share Review. They will also make recommendations to the Groundfish Committee and discuss other business, as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those

¹ See *Standard Steel Welded Wire Mesh from Mexico: Initiation of Countervailing Duty Investigation*, 85 FR 45181 (July 27, 2020) (*Initiation Notice*).