

(12) mirrors that do not attach to, incorporate in, sit on, or hang over a dresser if they are not designed and marketed to be sold in conjunction with a dresser as part of a dresser-mirror set; (13) upholstered beds;¹⁹ (14) toyboxes;²⁰ (15) certain enclosable wall

wooden canopies for beds) and that do not possess the essential character of wooden bedroom furniture in an unassembled, incomplete, or unfinished form.

¹⁹ Upholstered beds that are completely upholstered, *i.e.*, containing filling material and completely covered in sewn genuine leather, synthetic leather, or natural or synthetic decorative fabric. To be excluded, the entire bed (headboards, footboards, and side rails) must be upholstered except for bed feet, which may be of wood, metal, or any other material and which are no more than nine inches in height from the floor. *See Wooden Bedroom Furniture from the People's Republic of China: Final Results of Changed Circumstances Review and Determination to Revoke Order in Part*, 72 FR 7013 (February 14, 2007).

²⁰ To be excluded the toy box must: (1) be wider than it is tall; (2) have dimensions within 16 inches to 27 inches in height, 15 inches to 18 inches in depth, and 21 inches to 30 inches in width; (3) have a hinged lid that encompasses the entire top of the box; (4) not incorporate any doors or drawers; (5) have slow-closing safety hinges; (6) have air vents; (7) have no locking mechanism; and (8) comply with American Society for Testing and Materials ("ASTM") standard F963-03. Toy boxes are boxes generally designed for the purpose of storing children's items such as toys, books, and playthings. *See Wooden Bedroom Furniture from the People's Republic of China: Final Results of Changed Circumstances Review and Determination to Revoke Order in Part*, 74 FR 8506 (February 25, 2009). Further, as determined in the scope ruling memorandum, "Wooden Bedroom Furniture from the People's Republic of China: Scope Ruling on a White Toy Box," dated July 6, 2009, the dimensional ranges used to identify the toy boxes that are excluded from the *Order* apply to the box itself rather than the lid.

²¹ Excluded from the scope are certain enclosable wall bed units, also referred to as Murphy beds, which are composed of the following three major sections: (1) a metal wall frame, which attaches to the wall and uses coils or pistons to support the metal mattress frame; (2) a metal frame, which has euro slats for supporting a mattress and two legs that pivot; and (3) wood panels, which attach to the metal wall frame and/or the metal mattress frame to form a cabinet to enclose the wall bed when not in use. Excluded enclosable wall bed units are imported in ready to assemble format with all parts necessary for assembly. Enclosable wall bed units do not include a mattress. Wood panels of enclosable wall bed units, when imported separately, remain subject to the *Order*.

²² Excluded from the scope are certain shoe cabinets 31.5–33.5 inches wide by 15.5–17.5 inches deep by 34.5–36.5 inches high. They are designed strictly to store shoes, which are intended to be aligned in rows perpendicular to the wall along which the cabinet is positioned. Shoe cabinets do not have drawers, rods, or other indicia for the storage of clothing other than shoes. The cabinets are not designed, manufactured, or offered for sale in coordinated groups or sets and are made substantially of wood, have two to four shelves inside them, and are covered by doors. The doors often have blinds that are designed to allow air circulation and release of bad odors. The doors themselves may be made of wood or glass. The depth of the shelves does not exceed 14 inches. Each shoe cabinet has doors, adjustable shelving, and ventilation holes

bed units;²¹ (16) certain shoe cabinets;²² and (17) certain bed bases.²³

Imports of subject merchandise are classified under subheadings 9403.50.9042 and 9403.50.9045 of the Harmonized Tariff Schedule of the United States (HTSUS) as "wooden . . . beds" and under subheading 9403.50.9080 of the HTSUS as "other . . . wooden furniture of a kind used in the bedroom." In addition, wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds may be entered under subheadings 9403.90.7005 or 9403.90.7080 of the HTSUS. Subject merchandise may also be entered under subheadings 9403.50.9041, 9403.60.8081, 9403.20.0018, or 9403.90.8041. Further, framed glass mirrors may be entered under subheading 7009.92.1000 or 7009.92.5000 of the HTSUS as "glass mirrors . . . framed." The *Order* covers all wooden bedroom furniture meeting the above description, regardless of tariff classification. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Continuation of the Order

As a result of the respective determinations by Commerce and the ITC that revocation of the *Order* would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States within a reasonably foreseeable time, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of the *Order*. U.S. Customs and Border Protection will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Order* will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year (sunset) review of this *Order* not later than 30 days prior to the fifth anniversary of the effective date of continuation.

Administrative Protective Order (APO)

This notice also serves as the only reminder to parties subject to an APO of

²³ Excluded from the scope are certain bed bases consisting of: (1) a wooden box frame; (2) three wooden cross beams and one perpendicular center wooden support beam; and (3) wooden slats over the beams. These bed bases are constructed without inner springs and/or coils and do not include a headboard, footboard, side rails, or mattress. The bed bases are imported unassembled.

their responsibility concerning the return, destruction, or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO which may be subject to sanctions.

Notification to Interested Parties

This five-year sunset review and notice are in accordance with section 751(c) of the Act and the notice is published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: September 8, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

International Trade Administration

United States-Mexico-Canada Agreement (USMCA), Article 10.12: Binational Panel Review: Notice of Request for Panel Review

AGENCY: United States Section, USMCA Secretariat, International Trade Administration, Department of Commerce.

ACTION: Notice of USMCA request for panel review.

SUMMARY: A Request for Panel Review was filed on behalf of the Government of Canada, the Governments of Alberta, British Columbia, New Brunswick, Ontario, and Québec; Alberta Softwood Lumber Trade Council, British Columbia Lumber Trade Council, Conseil de l'industrie forestière du Québec, and Ontario Forest Industries Association; Canfor Corporation, Fontaine, Inc., Mobilier Rustique (Beauce) Inc., J.D. Irving, Limited, Resolute FP Canada Inc., Tolko Marketing and Sales Ltd. and Tolko Industries Ltd., Gilbert Smith Forest Products, and West Fraser Mills Ltd. with the United States Section of the USMCA Secretariat on September 8, 2022, pursuant to USMCA Article 10.12. Panel Review was requested of the U.S. International Trade Administration's Final Results in the 2020 Countervailing Duty Administrative Review of Certain Softwood Lumber from Canada, which was published in the **Federal Register** on August 9, 2022. The USMCA Secretariat has assigned case number USA–CDA–2022–10.12–03 to this request.

FOR FURTHER INFORMATION CONTACT: Vidya Desai, United States Secretary,

USMCA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, 202-482-5438.

SUPPLEMENTARY INFORMATION: Article 10.12 of Chapter 10 of USMCA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to review the trade remedy determination being challenged and issue a binding Panel Decision. There are established USMCA Rules of Procedure for Article 10.12 (Binational Panel Reviews), which were adopted by the three governments for panels requested pursuant to Article 10.12(2) of USMCA which requires Requests for Panel Review to be published in accordance with Rule 40. For the complete Rules, please see https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/usmca-aceum-tmec/rules-regles-reglas/article-articulo-articulo_10_12.aspx?lang=eng.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 44 no later than 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is October 11, 2022);

(b) A Party, an investigating authority or other interested person who does not file a Complaint but who intends to participate in the panel review shall file a Notice of Appearance in accordance with Rule 45 no later than 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is October 24, 2022);

(c) The panel review will be limited to the allegations of error of fact or law, including challenges to the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and to the procedural and substantive defenses raised in the panel review.

Dated: September 9, 2022.

Vidya Desai,

U.S. Secretary, USMCA Secretariat.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-549-502]

Circular Welded Carbon Steel Pipes and Tubes From Thailand: Notice of Court Decision Not in Harmony With the Final Results of Antidumping Administrative Review; Notice of Amended Final Results of Antidumping Administrative Review; 2016-2017

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

SUMMARY: On September 17, 2021, the U.S. Court of International Trade (CIT) issued its final judgment in *Saha Thai Steel Pipe Public Company Ltd. et al. v. United States*, 538 F. Supp. 3d 1350 (CIT 2021) (*Saha Thai III*), sustaining the U.S. Department of Commerce's (Commerce) second and final results of redetermination pertaining to the administrative review of the antidumping duty order on circular welded carbon steel pipes and tubes (pipes and tubes) from Thailand covering the period of review (POR) March 1, 2016, through February 28, 2017. 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 of review with respect to the weighted-average dumping margin assigned to Pacific Pipe Public Company Limited (Pacific Pipe), Saha Thai Steel Pipe (Public) Company, Ltd. (Saha Thai), and Thai Premium Pipe Company Ltd. (Thai Premium).

DATES: Applicable September 27, 2021.

FOR FURTHER INFORMATION CONTACT: Charles DeFilippo, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3797.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2018, Commerce published its *Final Results* of the 2016-2017 antidumping duty administrative review of pipes and tubes from Thailand.¹ In the *Final Results*, Commerce determined that a particular market situation (PMS) existed in the

¹ See *Circular Welded Carbon Steel Pipes and Tubes from Thailand: Final Results of Antidumping Duty Administrative Review; 2016-2017*, 83 FR 51927 (October 15, 2018) (*Final Results*), and accompanying Issues and Decision Memorandum.

Thai pipes and tubes market related to purchases of hot-rolled coil during the POR.

Mandatory respondents Pacific Pipe, Saha Thai, and Thai Premium challenged Commerce's *Final Results* before the CIT. On December 18, 2019, the CIT remanded the *Final Results* to Commerce for further consideration, holding that the PMS adjustment was not in accordance with law.² Specifically, the CIT stated that, although section 773(e) of the Tariff Act of 1930, as amended (the Act) "grants Commerce discretion to adjust a respondent's cost of production in an antidumping margin calculation upon finding a particular market situation, the margin calculation must be based on a comparison of U.S. prices to constructed value, not home-market or third-country prices."³

In the *First Redetermination* issued in March 2020, Commerce continued to find that a cost-based PMS existed in Thailand that distorted the price of hot rolled coil.⁴ Also, in response to the CIT's decision in *Saha Thai II* that, where Commerce determined a PMS existed, the PMS adjustment is limited to situations where normal value is based on constructed value, Commerce revised the margin calculations by basing normal value entirely on constructed value, and it continued to adjust each respondent's hot-rolled coil costs to account for the cost-based PMS.⁵

In December 2020, the CIT again remanded the issue to Commerce, holding that Commerce's *First Redetermination* was not in accordance with law. The CIT ordered Commerce to "remove the cost-based {PMS} determinations and recalculate the relevant margins without a {PMS} adjustment."⁶ The CIT held that nothing in the Act grants Commerce "authority to bypass the sales-below-cost test, and the specificity of the { } test leaves no ambiguity."⁷

In the *Second Redetermination*, under protest, Commerce removed the cost-based PMS adjustments, and based normal value on each respondent's

² See *Saha Thai Steel Pipe Pub. Co. Ltd. v. United States*, 422 F. Supp. 3d 1363, 1367-70, 1372 (CIT 2019).

³ *Id.*, 422 F. Supp. 3d at 1369.

⁴ See *Final Results of Redetermination Pursuant to Court Remand, Saha Thai Steel Pipe Pub. Co., Ltd. v. United States*, Court No. 18-00214, Slip Op. 19-165, dated March 10, 2020 (*First Redetermination*).

⁵ See *First Redetermination*.

⁶ See *Saha Thai Steel Pipe Pub. Co. Ltd. v. United States*, 487 F. Supp. 3d 1323, 1331-35 (CIT 2020) (*Saha Thai II*).

⁷ *Id.*, 487 F. Supp. 3d at 1331-35.