

of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the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 Interpipe will be equal to the weighted-average dumping margin established in the final results of this administrative review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior review, or in the less-than-fair-value investigation (LTFV) but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be the all-others rate of 7.47 percent, the rate established in the LTFV investigation of this proceeding.<sup>21</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice also serves as a 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 POR. 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.

#### Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h)(2).

Dated: September 9, 2022.

**Lisa W. Wang,**

*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. Discussion of the Methodology

V. Treatment of Duties Under Section 232 of the Trade Expansion Act of 1962

VI. Constructed Export Price

VII. Normal Value

VIII. Currency Conversion

IX. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–602–809]

#### Certain Hot-Rolled Steel Flat Products From Australia: 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 August 30, 2022, the U.S. Court of International Trade (CIT) issued its final judgment in *BlueScope Steel LTD. v. United States*, Court No. 19–00057, sustaining the U.S. Department of Commerce's (Commerce) remand results pertaining to the administrative review of the antidumping duty (AD) order on certain hot-rolled steel flat products (hot-rolled steel) from Australia covering the period March 22, 2016, through September 30, 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 with respect to the dumping margin assigned to BlueScope Steel Ltd. (BSL) and its affiliate BlueScope Steel (AIS) Pty (collectively, BlueScope).

**DATES:** Applicable September 9, 2022.

**FOR FURTHER INFORMATION CONTACT:** Whitley Herndon, 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) 482–6274.

#### SUPPLEMENTARY INFORMATION:

##### Background

On April 30, 2019, Commerce published its *Final Results* in the 2016–2017 AD administrative review of hot-rolled steel from Australia.<sup>1</sup> Commerce applied facts otherwise available, with an adverse inference, pursuant to sections 776(a) and (b) of the Tariff Act

<sup>1</sup> See *Certain Hot-Rolled Steel Flat Products from Australia: Final Results of Antidumping Duty Administrative Review; 2016–2017*, 84 FR 18241 (April 30, 2019) (*Final Results*), and accompanying Issues and Decision Memorandum.

of 1930, as amended (the Act) to BlueScope because it provided deficient responses and failed to provide information in the manner and form requested, thereby significantly impeding the administrative review and failed to cooperate to the best of its ability with Commerce's request for information. BlueScope appealed Commerce's *Final Results*. On November 30, 2021, the CIT remanded the *Final Results* to Commerce to reexamine the record in this case, as well as the use of facts available with respect to BlueScope.<sup>2</sup>

In its remand redetermination, issued in April 2022, Commerce reevaluated the information on the record and issued a supplemental questionnaire to BlueScope identifying the deficiencies in its previous responses. Based on BlueScope's supplemental response, we recalculated the period of review weighted-average dumping margin for BlueScope consistent with record evidence.<sup>3</sup> The CIT sustained Commerce's *Final Redetermination*.<sup>4</sup>

#### Timken Notice

In its decision in *Timken*,<sup>5</sup> as clarified by *Diamond Sawblades*,<sup>6</sup> the U.S. Court of Appeals for the Federal Circuit held that, pursuant to sections 516A(c) and (e) of 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 August 30, 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 BlueScope as follows:

<sup>2</sup> See *BlueScope Steel Ltd. v. United States*, 548 F. Supp. 3d 1351 at 1369 (CIT 2021).

<sup>3</sup> See *Final Results of Redetermination Pursuant to Court Remand, BlueScope Steel LTD. v. United States*, Court No. 19–00057, Slip Op. 21–160, dated April 12, 2022, available at <https://access.trade.gov/Resources/remands/21-160.pdf> (*Final Redetermination*).

<sup>4</sup> See *BlueScope Steel Ltd. v. United States*, Court No. 19–00057, Slip Op. 22–102 (CIT August 30, 2022).

<sup>5</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>6</sup> See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

<sup>21</sup> See *Order*, 84 FR at 33919.

Exporter/producer	Weighted-average dumping margin (percent)
BlueScope Steel (AIS) Pty Ltd., BlueScope Steel Ltd., and BlueScope Steel Distribution Pty Ltd .....	4.95

### Cash Deposit Requirements

Because BlueScope 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 a CIT order from liquidating entries that: were (a) produced and/or exported by BlueScope Steel Ltd. and BlueScope Steel (AIS) Pty Ltd.; (b) subject to the *Final Results*; and (c) entered, or withdrawn from warehouse for consumption, on or after March 22, 2016, up to and including September 30, 2017. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event 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 BSL and BlueScope Steel (AIS) Pty Ltd. 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 import-specific *ad valorem* assessment rate is zero or *de minimis*,<sup>7</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: September 13, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Public Comment of the Interagency Working Group on Ocean Acidification (IWG–OA)

**AGENCY:** Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of public comment.

**SUMMARY:** This notice announces the Draft Strategic Plan for Federal Research and Monitoring of Ocean Acidification is available for public comment. Developed by the Interagency Working Group on Ocean Acidification of the National Science and Technology Council's Subcommittee on Ocean Science and Technology, this Draft Strategic Plan presents an updated vision for how to move Federal agencies toward a better understanding of the process of ocean acidification, its effects on marine ecosystems, and the steps that could be taken to adapt marine resource management to account for it.

**DATES:** Comments must be received on or before November 12, 2022.

**ADDRESSES:** A copy of the Draft Strategic Plan may be downloaded or viewed on the internet at: <https://oceanacidification.noaa.gov/FederalStrategicPlan.aspx>. You are encouraged to use the comment form spreadsheet provided on the same website to submit your comments. However, comments will also be accepted in word, pdf, or email body. Please submit public comments via email to [courtney.cochran@noaa.gov](mailto:courtney.cochran@noaa.gov) with the subject line "Public Comment on Draft OA Strategic Plan." No business proprietary information, copyrighted information, or personally identifiable information should be submitted in response to this request. Please be aware that comments submitted may be posted on a federal website or otherwise released publicly. Clearly indicate which section, page number, and line number, if applicable, submitted comments pertain to. All comments must be provided in English. Please note that the U.S. Government will not pay for response preparation, or for the use of any information contained in the response.

#### FOR FURTHER INFORMATION CONTACT:

Courtney Cochran, Executive Secretary, Interagency Working Group on Ocean Acidification (Phone Number: 937–903–3112) (Email: [courtney.cochran@noaa.gov](mailto:courtney.cochran@noaa.gov)).

**SUPPLEMENTARY INFORMATION:** The development of this Strategic Plan (Plan) was directed by section 12404(c) and guided by section 12405 of the Federal Ocean Acidification Research And Monitoring Act of 2009, 33 U.S.C. 3701–3708, and (FOARAM Act). The Plan is intended to guide "Federal research and monitoring on ocean acidification that will provide for an assessment of the impacts of ocean acidification on marine organisms and marine ecosystems and the development of adaption and mitigation strategies to conserve marine organisms and marine ecosystems."

This Plan builds on the first Strategic Plan for Federal Research and Monitoring of Ocean Acidification, released in 2014. The present document serves as the required 5-year update and revision to this 2014 document. The 2014 Strategic Plan and this new Strategic Plan focus on the seven priority themes identified in the FOARAM Act: (1) monitoring; (2) research; (3) modeling; (4) technology development; (5) socioeconomic impacts; (6) education, outreach, and engagement strategies; and (7) data management and integration. The new Strategic Plan is organized around these themes and details multiple objectives under each as well as actions to support the objectives. Many of the objectives and actions listed in this Strategic Plan are interconnected, reflecting the interdisciplinary nature of ocean acidification research and transdisciplinary Federal activities on it. For each action, it is indicated whether the action is new, revised, or the same as the action in the 2014 Strategic Plan. Information on federal spending on ocean acidification monitoring and research activities will be included in the final version of the plan; there is currently placeholder text, as public comment is not accepted on this portion of the plan.

**David Holst,**

*Chief Financial Officer/Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.*

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<sup>7</sup> See 19 CFR 351.106(c)(2).