

(Briggs & Stratton); August 8, 2022; ACCESS scope segment “Modified Vertical Engines.”

Hand Trucks and Certain Parts Thereof from China (A–570–891); L1 Cassette Cart;³ produced in and exported from China; submitted by Carbon, Inc. (Carbon); August 8, 2022; ACCESS scope segment “Carbon, Inc. L1 Cassette Cart.”

Notification to Interested Parties

This list of scope ruling applications is not an identification of scope inquiries that have been initiated. In accordance with 19 CFR 351.225(d)(1), if Commerce has not rejected a scope ruling application nor initiated the scope inquiry within 30 days after the filing of the application, the application will be deemed accepted and a scope inquiry will be deemed initiated the following day—day 31.⁴ Commerce’s practice generally dictates that where a deadline falls on a weekend, Federal holiday, or other non-business day, the appropriate deadline is the next business day.⁵ Accordingly, if the 30th day after the filing of the application falls on a non-business day, the next business day will be considered the “updated” 30th day, and if the application is not rejected or a scope inquiry initiated by or on that particular business day, the application will be deemed accepted and a scope inquiry will be deemed initiated on the next business day which follows the “updated” 30th day.⁶

³ The L1 Cassette Cart, which is predominately made of steel, has a handle and two horizontal lift forks at the top of a vertical frame. At the base of the frame is a horizontal projecting edge on four wheels (two in the front and two in the rear) that sits 1.22 inches above the ground. The projecting edge does not have a toe plate and is not capable of sliding under a load for purposes of moving the load. The L1 Cassette Cart weighs 137 lbs. It uses mechanical foot pedals assisted by gas springs to lift or lower the upper lift forks, and is rated to lift loads up to 70 lbs. The dimensions of the cart are 29.6 in X 36.7 in X 43.0 in the lowered position and 29.6 in X 36.7 in X 44.8 in the raised position. Produced in and exported from China. Classified under HTSUS 8427.90.0090.

⁴ In accordance with 19 CFR 351.225(d)(2), within 30 days after the filing of a scope ruling application, if Commerce determines that it intends to address the scope issue raised in the application in another segment of the proceeding (such as a circumvention inquiry under 19 CFR 351.226 or a covered merchandise inquiry under 19 CFR 351.227), it will notify the applicant that it will not initiate a scope inquiry, but will instead determine if the product is covered by the scope at issue in that alternative segment.

⁵ See *Notice of Clarification: Application of “Next Business Day” Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

⁶ This structure maintains the intent of the applicable regulation, 19 CFR 351.225(d)(1), to allow day 30 and day 31 to be separate business days.

In accordance with 19 CFR 351.225(m)(2), if there are companion AD and CVD orders covering the same merchandise from the same country of origin, the scope inquiry will be conducted on the record of the AD proceeding. Further, please note that pursuant to 19 CFR 351.225(m)(1), Commerce may either apply a scope ruling to all products from the same country with the same relevant physical characteristics, (including chemical, dimensional, and technical characteristics) as the product at issue, on a country-wide basis, regardless of the producer, exporter, or importer of those products, or on a company-specific basis.

For further information on procedures for filing information with Commerce through ACCESS and participating in scope inquiries, please refer to the Filing Instructions section of the Scope Ruling Application Guide, at https://access.trade.gov/help/Scope_Ruling_Guidance.pdf. Interested parties, apart from the scope ruling applicant, who wish to participate in a scope inquiry and be added to the public service list for that segment of the proceeding must file an entry of appearance in accordance with 19 CFR 351.103(d)(1) and 19 CFR 351.225(n)(4). Interested parties are advised to refer to the case segment in ACCESS as well as 19 CFR 351.225(f) for further information on the scope inquiry procedures, including the timelines for the submission of comments.

Please note that this notice of scope ruling applications filed in AD and CVD proceedings may be published before any potential initiation, or after the initiation, of a given scope inquiry based on a scope ruling application identified in this notice. Therefore, please refer to the case segment on ACCESS to determine whether a scope ruling application has been accepted or rejected and whether a scope inquiry has been initiated.

Interested parties who wish to be served scope ruling applications for a particular AD or CVD order may file a request to be included on the annual inquiry service list during the anniversary month of the publication of the AD or CVD order in accordance with 19 CFR 351.225(n) and Commerce’s procedures.⁷

Interested parties are invited to comment on the completeness of this monthly list of scope ruling applications received by Commerce. Any comments should be submitted to James Maeder,

⁷ See *Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*, 86 FR 53205 (September 27, 2021).

Deputy Assistant Secretary for AD/CVD Operations, Enforcement and Compliance, International Trade Administration, via email to CommerceCLU@trade.gov.

This notice of scope ruling applications filed in AD and CVD proceedings is published in accordance with 19 CFR 351.225(d)(3).

Dated: September 21, 2022.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2022–20888 Filed 9–26–22; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–068]

Forged Steel Fittings From the People’s Republic of China: Notice of Court Decision Not in Harmony With the Results of Countervailing Duty Administrative Review; Notice of Amended Final Results

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

SUMMARY: On September 13, 2022, the U.S. Court of International Trade (CIT) issued its final judgment in *Bothwell (Taizhou) Steel Fittings, Co., Ltd. v. United States*, Consol. Court no. 21–00166, sustaining the U.S. Department of Commerce’s (Commerce) remand results pertaining to the administrative review of the countervailing duty (CVD) order on forged steel fittings (FSF) from the People’s Republic of China (China) covering the period March 14, 2018, through December 31, 2018. 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 countervailable subsidy rate assigned to Both-Well (Taizhou) Steel Fittings, Co., Ltd. (Both-Well).

DATES: Applicable September 23, 2022.

FOR FURTHER INFORMATION CONTACT: William Horn and Zachariah Hall, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4868 or (202) 482–6261, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 18, 2021, Commerce published its *Final Results* in the 2018 CVD administrative review of FSF from China.¹ In the *Final Results*, Commerce determined that the use of adverse facts available (AFA) under sections 776(a) and (b) of the Tariff Act of 1930, as amended (the Act), was warranted in determining the countervailability of the Export Buyer's Credit (EBC) program, because the Government of China (GOC) had failed to provide the necessary information Commerce required to analyze the program.² Commerce also determined that it could not rely on statements of non-use provided by Both-Well and its customers because of the GOC's failure to provide the necessary information with respect to the operation of the program.³ Consistent with Commerce's CVD AFA hierarchy, Commerce selected the highest calculated rate for the same or similar program as the AFA rate for this program, 10.54 percent, in accordance with section 776(d) of the Act and Commerce's established practice.⁴ Commerce calculated a total net subsidy rate of 25.90 percent for Both-Well.⁵

Both-Well appealed Commerce's *Final Results*. On February 8, 2022, the CIT remanded the *Final Results* to Commerce and ordered either: (1) that Commerce must attempt to verify the EBC program non-use certifications provided by Both-Well's U.S. customers or; (2) that if, after attempting verification, Commerce determines verification is not possible without the missing information from the GOC, then Commerce must explain, in detail, the specific ways in which Commerce attempted verification of the non-use certifications.⁶

In its final remand redetermination, issued in July 2022, Commerce found, after issuing supplemental questionnaires to Both-Well, that there was no use of the EBC program with respect to Both-Well in this review and removed the subsidy rate for the EBC program from Both-Well's final CVD subsidy rate, resulting in a 15.36 percent rate for Both-Well.⁷ On September 13,

2022, the CIT sustained Commerce's final redetermination.⁸

Timken Notice

In its decision in *Timken*,⁹ as clarified by *Diamond Sawblades*,¹⁰ the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of 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 13, 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 Both-Well as follows:

Exporter	Subsidy rate (percent <i>ad valorem</i>)
Both-Well (Taizhou) Steel Fittings, Co., Ltd	15.36

Cash Deposit Requirements

Because Both-Well 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 CIT order from liquidating entries that were produced and/or exported by Both-Well, and were entered, or withdrawn from warehouse, for consumption during the period March 14, 2018, through December 31, 2018. 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

Steel Fittings, Co., Ltd. v. United States, Consol. Court No. 21-00166, dated July 7, 2022, available at <https://access.trade.gov/resources/remands/22-10.pdf>, at 7-8.

⁸ See *Both-Well (Taizhou) Steel Fittings, Co., Ltd., v. United States*, Court No. 21-00166, Slip Op. 22-105 (CIT September 13, 2022).

⁹ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

¹⁰ See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

final and conclusive court decision, Commerce intends to instruct CBP to assess countervailing duties on unliquidated entries of subject merchandise produced and/or exported by Both-Well in accordance with 19 CFR 351.212(b). We will instruct CBP to assess countervailing duties on all appropriate entries covered by this review when the *ad valorem* rate is not zero or *de minimis*. Where an *ad valorem* subsidy rate is zero or *de minimis*,¹¹ we will instruct CBP to liquidate the appropriate entries without regard to countervailing 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 22, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XC402]

Advisory Committee Special Meeting on Management Strategy Evaluation for Atlantic Bluefin Tuna

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

ACTION: Notice of meeting.

SUMMARY: In preparation for an intersessional meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) on management strategy evaluation (MSE) for Atlantic bluefin tuna, the Advisory Committee to the U.S. Section to ICCAT is announcing the convening of a special fall meeting.

DATES: The meeting will be held on October 5, 2022. There will be an open session from 1 p.m. to no later than 3 p.m. EDT. The remainder of the meeting will be closed to the public and will end by 5 p.m. EDT. Interested members of the public may present their views during the public comment period of the open session. The public comment period will begin at approximately 2 p.m. and conclude no later than 3 p.m.

ADDRESSES: Please register to attend the meeting at: <https://forms.gle/>

¹¹ See 19 CFR 351.106(c)(2).

¹ See *Forged Steel Fittings from the People's Republic of China: Final Results of Countervailing Duty Administrative Review; 2018*, 86 FR 14722 (March 18, 2021) (*Final Results*), and accompanying Issues and Decisions Memorandum.

² *Id.* at Comment 1.

³ *Id.*

⁴ *Id.* at Comment 2.

⁵ See *Final Results*, 86 FR at 14723.

⁶ See *Bothwell (Taizhou) Steel Fittings, Co., Ltd. v. United States*, Consol. Court No. 21-00166 (CIT February 8, 2022), at 20-21.

⁷ See *Final Results of Remand Redetermination Pursuant to Court Remand, Bothwell (Taizhou)*