

respondent interested parties.<sup>5</sup> As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted expedited (120-day) sunset reviews of the *Orders*.

### Scope of the Orders

The products covered by these *Orders* are stainless steel flanges from India and China. For a full description of the scope, see the Issues and Decision Memorandum.<sup>6</sup>

### Analysis of Comments Received

A complete discussion of all issues raised in these sunset reviews is contained in the accompanying Issues and Decision Memorandum.<sup>7</sup> A list of topics discussed in the Issues and Decision Memorandum is included as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be directly accessed at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

### Final Results of Sunset Reviews

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Orders* would likely lead to the continuation or recurrence of dumping and that the magnitude of the dumping margins likely to prevail would be weighed-average margins up to 145.25 percent for India, and up to 257.11 percent for China.<sup>8</sup>

### Administrative Protective Orders

This notice serves as the only reminder to interested parties subject to an Administrative Protective Order (APO) of 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. Timely notification of the return or destruction of APO materials or

<sup>5</sup> See Commerce's Letter, "Sunset Reviews Initiated on May 1, 2023," dated June 20, 2023.

<sup>6</sup> See Memorandum, "Issues and Decision Memorandum for the Final Results of the Expedited First Sunset Reviews of the Antidumping Duty Orders on Stainless Steel Flanges from India and the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>7</sup> See generally Issues and Decision Memorandum.

<sup>8</sup> *Id.* at 9.

conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

### Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: August 28, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

### Appendix

#### List of Topics Discussed in the Issues Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Orders*
- IV. History of the *Orders*
- V. Legal Framework
- VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Margins of Dumping Likely to Prevail
- VII. Final Results of Sunset Reviews
- VIII. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-051, C-570-052]

#### Certain Hardwood Plywood Products From the People's Republic of China: Notice of Court Decision Not in Harmony With the Results of Antidumping and Countervailing Duty Scope Ruling; Notice of Amended Final Results

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

**SUMMARY:** On August 22, 2023, the U.S. Court of International Trade (CIT) issued its final judgment in *Far East American, Inc., et al., v. United States*, Consol. Court no. 22-00049 (*Far Eastern*), sustaining the U.S. Department of Commerce (Commerce)'s first remand results of redetermination pertaining to the final scope ruling for the antidumping and countervailing duty orders on certain hardwood plywood products (hardwood plywood) from the People's Republic of China (China). In the underlying ruling, Commerce determined that hardwood plywood exported into the United States by Vietnam Finewood Company Limited (Finewood) that was produced using

two-ply panels imported into Vietnam from China was included in the scope of the orders. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final scope ruling on Finewood's two-ply panels from China and is amending its final scope ruling.

**DATES:** Applicable September 1, 2023.

#### FOR FURTHER INFORMATION CONTACT:

Kabir Archuleta, 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) 482-2953.

#### SUPPLEMENTARY INFORMATION:

#### Background

In response to a U.S. Customs and Border Protection (CBP) covered merchandise referral,<sup>1</sup> on January 21, 2022, Commerce issued its Final Scope Ruling addressing Finewood's two-ply panels imported from China and whether they are covered by the antidumping and countervailing duty orders on hardwood plywood from China.<sup>2</sup> Commerce found that the plain language of the scope of the *Orders* was ambiguous with respect to the definition of "certain veneered panels," and, thus, Commerce turned to the sources in 19 CFR 351.225(k)(1) and found those sources indicated that hardwood plywood exported to the United States by Finewood that was produced using two-ply panels imported into Vietnam from China were covered by the scope of the *Orders*.<sup>3</sup>

Finewood, Far East American, Inc., Liberty Woods International, Inc., and Consolidated Plaintiff InterGlobal Forest, LLC, appealed Commerce's Final Scope Ruling. On April 20, 2023, the CIT remanded the Final Scope Ruling to Commerce, holding that the scope language, when read together with the 19 CFR 351.225(k)(1) sources, unambiguously establishes that the *Orders* do not include Chinese two-ply

<sup>1</sup> See *Certain Hardwood Plywood from the People's Republic of China: Notice of Covered Merchandise Referral and Initiation of Scope Inquiry*, 85 FR 3024 (January 17, 2020).

<sup>2</sup> See Memorandum, "Antidumping Duty and Countervailing Duty Orders on Certain Hardwood Plywood Products from the People's Republic of China, Enforcement and Protect Act (EAPA) Investigation No. 7252: Final Scope Ruling," dated January 21, 2022 (Final Scope Ruling); see also *Certain Hardwood Plywood Products from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order*, 83 FR 504 (January 4, 2018); and *Certain Hardwood Plywood Products from the People's Republic of China: Countervailing Duty Order*, 83 FR 513 (January 4, 2018) (collectively, the *Orders*).

<sup>3</sup> See Final Scope Ruling at 10-20.

panels.<sup>4</sup> Therefore, the CIT remanded Commerce's determination to Commerce with the instruction that Commerce issue a scope ruling concerning Finewood's two-ply panels that is consistent with the unambiguous meaning of the *Orders*.<sup>5</sup>

In its final remand redetermination, issued in June 2023, Commerce adopted the CIT's interpretation of the scope of the *Orders* and determined that hardwood plywood exported to the United States by Finewood that was produced using two-ply panels imported into Vietnam from China is not subject to the scope of the *Orders*.<sup>6</sup> The CIT sustained Commerce's final redetermination.<sup>7</sup>

#### Timken Notice

In its decision in *Timken*,<sup>8</sup> as clarified by *Diamond Sawblades*,<sup>9</sup> the Court of Appeals for the Federal Circuit held that, pursuant to sections 516A(c) and (e) of the Tariff Act of 1930, as amended (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 August 22, 2023, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's Final Scope Ruling. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

#### Amended Final Scope Ruling

Because there is now a final court judgment, Commerce is amending its Final Scope Ruling to find that hardwood plywood exported to the United States by Finewood that was produced using two-ply panels imported into Vietnam from China is not subject to the scope of the *Orders*.

#### Liquidation of Suspended Entries

Commerce will instruct CBP that, pending any appeals, the cash deposit rate will be zero percent for merchandise subject to the scope ruling. In the event that the CIT's final judgment is not appealed or is upheld

on appeal, Commerce will notify CBP of our amended scope ruling in response to its covered merchandise referral and will instruct CBP to liquidate any unliquidated entries of hardwood plywood exported to the United States by Finewood that was produced using two-ply panels imported into Vietnam from China without regard to antidumping and countervailing duties and to lift suspension of liquidation of such entries.

#### 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: August 29, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

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**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Industrial Advisory Committee

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice of open meeting.

**SUMMARY:** The Industrial Advisory Committee (Committee) will hold an open meeting via web conference on Wednesday, November 8, 2023, from 10:30 a.m. to 3:30 p.m. Eastern Time. The primary purposes of this meeting are to update the Committee on the progress of the CHIPS R&D Programs, receive updates from the Committee working groups, and allow the Committee to deliberate and discuss the progress that has been made. The final agenda will be posted on the NIST website at <https://www.nist.gov/chips/industrial-advisory-committee>.

**DATES:** The Industrial Advisory Committee will meet on Wednesday, November 8, 2023, from 10:30 a.m. to 3:30 p.m. Eastern Time. The meeting will be open to the public.

**ADDRESSES:** The meeting will be held via web conference. For instructions on how to attend and/or participate in the meeting, please see the **SUPPLEMENTARY INFORMATION** section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Tamiko Ford at [Tamiko.Ford@NIST.gov](mailto:Tamiko.Ford@NIST.gov) or (202) 594-6793.

**SUPPLEMENTARY INFORMATION:** The Committee was established pursuant to 15 U.S.C. 4656(b). The Committee is

currently composed of 24 members, appointed by the Secretary of Commerce, to provide advice to the United States Government on matters relating to microelectronics research, development, manufacturing, and policy. Background information on the CHIPS Act and information on the Committee is available at <https://www.nist.gov/chips/industrial-advisory-committee>. Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. app., notice is hereby given that the Industrial Advisory Committee will meet on Wednesday, November 8, 2023, from 10:30 a.m. to 3:30 p.m. Eastern Time. The meeting will be open to the public and will be held via web conference. Interested members of the public will be able to participate in the meeting from remote locations. The primary purposes of this meeting are to update the Committee on the progress of the CHIPS R&D Programs, receive updates from the Committee working groups, and allow the Committee to deliberate and discuss the progress that has been made. The final agenda will be posted on the NIST website at <https://www.nist.gov/chips/industrial-advisory-committee>. Individuals and representatives of organizations who would like to offer comments and suggestions related to items on the Committee's agenda for this meeting are invited to submit comments in advance of the meeting. Written comments may be submitted via the registration link. Approximately ten minutes will be reserved for public comments, which will be read on a first-come, first-served basis. Please note that all submitted comments, including those not read during the meeting, will be treated as public documents and will be made available for public inspection. The Committee will not consider or deliberate upon comments from the public during this period. All those wishing to submit a comment must submit their request and comment via the registration link by 5:00 p.m. Eastern Time, Friday, November 3, 2023.

All visitors to the meeting are required to pre-register to be attend. Anyone wishing to attend via web conference must register by 5:00 p.m. Eastern Time, Friday, November 3, 2023, to attend. Please submit your full name, the organization you represent (if applicable), email address, and phone number via <https://events.nist.gov/profile/18507>. Non-U.S. citizens must submit additional information; please

<sup>4</sup> See *Vietnam Finewood Co. v. United States*, 633 F. Supp. 3d 1243, 1255 (CIT 2023).

<sup>5</sup> *Id.*, 633 F. Supp. 3d at 1265.

<sup>6</sup> See *Final Results of Redetermination Pursuant to Court Remand, Vietnam Finewood Company Limited, et al., v. United States*, Consol. Court No. 22-00049, Slip-Op. 23-58, dated June 16, 2023 (*Final Results*) at 5.

<sup>7</sup> See *Far East American, Inc. et al. v. United States*, Consol. Court No. 22-00049, Slip Op. 23-122 (CIT August 22, 2023).

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

<sup>9</sup> See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).