

CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of CVD duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of CVD duties occurred and the subsequent assessment of doubled CVD duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to all parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or 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.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: September 11, 2019.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2019-20084 Filed 9-16-19; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-914, C-570-915]

Antidumping and Countervailing Duty Orders on Light-Walled Rectangular Pipe and Tube From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision

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

SUMMARY: The Department of Commerce (Commerce) is notifying the public that the Court of International Trade's (CIT) final judgment in this case is not in harmony with Commerce's final scope

ruling and is, therefore, finding that certain finished components of refrigerated merchandising and display structures imported by Stein Industries Inc., d/b/a Carlson AirFlo Merchandising Systems (Carlson) are not within the scope of the antidumping (AD) and countervailing duty (CVD) orders on light-walled rectangular pipe and tube (LWRPT) from the People's Republic of China (China).

DATES: Applicable June 28, 2019.

FOR FURTHER INFORMATION CONTACT:

Hermes Pinilla, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3477.

SUPPLEMENTARY INFORMATION:

Background

Commerce issued the AD and CVD orders on LWRPT from China on August 5, 2008.¹ On May 29, 2018, in response to a scope ruling request filed by Carlson, Commerce issued its Final Scope Ruling, finding that certain finished components of refrigerated merchandising and display structures (part numbers R10447 and P0228321 and kit numbers 250172 and 250355) imported by Carlson are covered by the scope of the *Orders*.² Specifically, Commerce indicated that, “[a]ll four parts in their original form, that pertain to this scope inquiry, possess the physical characteristics of subject merchandise that are described in the scope.”³ As a result of the Final Scope Ruling, Commerce instructed U.S. Customs and Border Protection (CBP) to continue suspension of liquidation of entries of Carlson's certain finished components of refrigerated merchandising and display structures.⁴

Carlson challenged Commerce's Final Scope Ruling with respect to merchandising bar part number R10447 and welded mounted bar kit number 250355 before the CIT. On March 5, 2019, the CIT remanded the Final Scope

Ruling, holding that Commerce did not address certain arguments raised by Carlson based on the plain scope language and the sources identified under 19 CFR 351.225(k)(1).⁵ The CIT remanded the Final Scope Ruling to Commerce for reconsideration.⁶

Pursuant to the CIT's *Remand Order*, on remand, Commerce reconsidered its Final Scope Ruling and determined that Carlson's certain finished components of refrigerated merchandising and display structures (merchandising bar part number R10447 and welded mounted bar kit number 250355) do not fall within the scope of the *Orders*.⁷ Specifically, Commerce determined that the products do not exhibit a rectangular cross-section at the time of importation into the United States, as required by the scope of the *Orders*.⁸ On June 18, 2019, the CIT sustained Commerce's Final Remand Results.⁹

Timken Notice

In its decision in *Timken*,¹⁰ as clarified by *Diamond Sawblades*,¹¹ 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 18, 2019, judgment in this case constitutes a final decision of the court that is not in harmony with Commerce's Final Scope Ruling. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, Commerce will continue the suspension of liquidation of certain finished components of refrigerated merchandising and display structures (merchandising bar part number R10447 and welded mounted bar kit number 250355) imported by Carlson pending expiration of the period of appeal or, if

⁵ See *Stein Industries Inc., D/B/A/Carlson AirFlo Merchandising Systems v. United States*, Court No. 18-00150, Slip Op. 19-29 (CIT March 5, 2019) (*Remand Order*).

⁶ *Id.* at 14-17.

⁷ See Final Results of Redetermination Pursuant to Court Remand, *Stein Industries Inc., D/B/A/Carlson AirFlo Merchandising Systems v. United States*, Court No. 18-00150, Slip Op. 19-29 (CIT March 5, 2019), dated May 30, 2019 (Final Remand Results).

⁸ *Id.* at 5-6.

⁹ See *Stein Industries Inc., D/B/A/Carlson AirFlo Merchandising Systems v. United States*, Court No. 18-00150, Slip Op. 19-75 (CIT June 18, 2019).

¹⁰ See *Timken Co. v. United States*, 893 F. 2d 337, 341 (Fed. Cir. 1990) (*Timken*).

¹¹ See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F. 3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

¹ See *Light-Walled Rectangular Pipe and Tube from Mexico, the People's Republic of China, and the Republic of Korea: Antidumping Duty Orders; Light-Walled Rectangular Pipe and Tube from the Republic of Korea: Notice of Amended Final Determination of Sales at Less Than Fair Value*, 73 FR 45400 (August 5, 2008) and *Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Notice of Countervailing Duty Order*, 73 FR 45405 (August 5, 2008) (*Orders*).

² See Memorandum, “Final Scope Ruling on the Antidumping and Countervailing Duty Order on Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Carlson AirFlo Merchandising Systems Scope Ruling Request,” dated May 29, 2018 (Final Scope Ruling).

³ *Id.* at 7.

⁴ See Message Numbers 8150312 and 8150311 dated May 30, 2018.

appealed, pending a final and conclusive court decision.

Amended Final Scope Ruling

Because there is now a final court decision with respect to this case, Commerce is amending its final scope ruling and finds that the scope of the *Orders* do not cover certain finished components of refrigerated merchandising and display structures (merchandising bar part number R10447 and welded mounted bar kit number 250355) imported by Carlson. Commerce will instruct CBP that the cash deposit rate will be zero percent for certain finished components of refrigerated merchandising and display structures (merchandising bar part number R10447 and welded mounted bar kit number 250355) imported by Carlson. In the event that the CIT's ruling is not appealed, or if appealed, upheld by the CAFC, Commerce will instruct CBP to liquidate entries of certain finished components of refrigerated merchandising and display structures (merchandising bar part number R10447 and welded mounted bar kit number 250355) imported by Carlson without regard to antidumping 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(e)(1) of the Act.

Dated: September 11, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Establishing an Advisory Council Pursuant to the National Marine Sanctuaries Act and Solicitation for Applications for the Proposed Lake Ontario National Marine Sanctuary Advisory Council

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of solicitation.

SUMMARY: Notice is hereby given that NOAA is establishing a national marine sanctuary advisory council for the proposed sanctuary in eastern Lake

Ontario. The council will provide advice and recommendations to ONMS regarding the sanctuary's designation. ONMS is soliciting applications to fill seats on the Proposed Lake Ontario National Marine Sanctuary Advisory Council. This notice contains web page links and contact information for the Proposed Lake Ontario National Marine Sanctuary and application materials to apply for the newly established advisory council.

DATES: Applications for membership on the Proposed Lake Ontario Sanctuary Advisory Council need to be received by November 1, 2019.

ADDRESSES: For further information contact: Ellen Brody, Great Lakes Regional Coordinator, NOAA Office of National Marine Sanctuaries, 4840 South State Rd., Ann Arbor, MI 48108, or call 734-741-2270, or email ellen.brody@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Section 315 of the National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1445a) authorizes the Secretary of Commerce to establish advisory councils to advise and make recommendations regarding the designation and management of national marine sanctuaries. ONMS is establishing a new sanctuary advisory council for the proposed national marine sanctuary in Lake Ontario to serve as a liaison with the local community and provide guidance and advice to ONMS regarding the designation. The advisory council for the proposed sanctuary in Lake Ontario was not established when ONMS published its annual announcement in May 2019 that was advertising to fill vacant seats on the other 14 councils (84 FR 24758, May 29, 2019). Therefore, ONMS is adding the new advisory council to the list of sites with open vacancies and announcing that it is soliciting applications to fill the council's seats. Applications are due November 1, 2019.

II. Office of National Marine Sanctuaries (ONMS)

ONMS serves as the trustee for a network of underwater parks encompassing more than 600,000 square miles of marine and Great Lakes waters from Washington state to the Florida Keys, and from Lake Huron to American Samoa. The network includes a system of 14 national marine sanctuaries and the Papahānaumokuākea and Rose Atoll marine national monuments. National marine sanctuaries protect our nation's most vital coastal and marine natural

and cultural resources, and through active research, management, and public engagement, sustain healthy environments that are the foundation for thriving communities and stable economies.

One of the many ways ONMS ensures public participation in the designation and management of national marine sanctuaries is through the formation of advisory councils. Advisory councils are community-based groups established to provide advice and recommendations to ONMS on issues including management and science, as well as to serve as liaisons between their constituents in the community and the site. Pursuant to Section 315(a) of the NMSA, advisory councils are exempt from the requirements of the Federal Advisory Committee Act. Additional information on ONMS and its advisory councils can be found at <http://sanctuaries.noaa.gov>.

III. Advisory Council Membership

Under Section 315 of the NMSA, advisory council members may be appointed from among: (1) Persons employed by federal or state agencies with expertise in natural resources management; (2) members of relevant regional fishery management councils; and (3) representatives of local user groups, conservation and other public interest organizations, scientific organizations, educational organizations, or others interested in the protection and multiple use management of sanctuary resources (16 U.S.C. 1445 a(b)).

The charter for each advisory council defines the number and type of seats and positions on the council. The advisory council charter for the proposed national marine sanctuary in eastern Lake Ontario identifies the following initial, non-governmental voting seat types: Divers/dive clubs/shipwreck exploration; education; maritime history and interpretation; tourism; economic development; recreational fishing; recreational boating; shoreline property owner; and citizen-at-large. Initially, the council will also have non-voting seats for government agencies. Input from federally recognized tribes will be received through direct government-to-government consultation, pursuant to NOAA's Policy on Government-to-Government Consultation with Federally Recognized Indian Tribes and Alaska Native Corporations (NAO 218-8, December 19, 2018).

For each of the existing advisory councils, applicants are chosen based upon their particular expertise and experience in relation to the seat for