

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to OEI at [Victoria.Yue@trade.gov](mailto:Victoria.Yue@trade.gov) or (202) 482-3492 no less than one week prior to the meeting. Requests received after this date will be accepted, but it may not be possible to accommodate them.

Written comments concerning ETTAC affairs are welcome any time before or after the meeting. To be considered during the meeting, written comments must be received by Tuesday, January 11, 2022, at 5:00 p.m. EST to ensure transmission to the members before the meeting. Minutes will be available within 30 days of this meeting.

**Topics to be considered:** During the January 18 meeting, which will be the fourth meeting of the current charter term, the Committee will review draft recommendations and conduct subcommittee breakouts under the themes of Trade Policy and Export Competitiveness, Climate Change Mitigation and Resilience Technologies, and Waste Management and Circular Economy. An agenda will be made available one week prior to the meeting upon request to Victoria Yue.

**Background:** The ETTAC is mandated by Section 2313(c) of the Export Enhancement Act of 1988, as amended, 15 U.S.C. 4728(c), to advise the Environmental Trade Working Group of the Trade Promotion Coordinating Committee, through the Secretary of Commerce, on the development and administration of programs to expand U.S. exports of environmental technologies, goods, services, and products. The ETTAC was most recently re-chartered through August 15, 2022.

Dated: December 22, 2021.

**Jennifer Boger,**

*Director, Office of Health and Information Technologies, Industry & Analysis.*

[FR Doc. 2021-28318 Filed 12-28-21; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### **Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India: Notice of Second Amended Final Determination; Notice of Amended Order; Notice of Resumption of First and Reinitiation of Second Antidumping Duty Administrative Reviews; Notice of Opportunity for Withdrawal; and Notice of Assessment in Third Antidumping Duty Administrative Review**

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

**SUMMARY:** On August 31, 2021, the Court of Appeals for the Federal Circuit (CAFC) issued its final judgment in *Goodluck India Limited v. United States*, Consol. Court no. 2020-2017, reversing and remanding the August 13, 2019 decision of the Court of International Trade (CIT). On November 17, 2021, in accordance with the CAFC's decision, the CIT issued a final judgment vacating its August 13, 2019 opinion and sustained the Department of Commerce (Commerce)'s final determination in the less-than-fair-value (LTFV) investigation of certain cold-drawn mechanical tubing of carbon and alloy steel (cold-drawn mechanical tubing) from India. Therefore, Commerce is hereby reinstating the final determination from the LTFV investigation and antidumping duty order with respect to the dumping margin assigned to Goodluck India Limited (Goodluck). As a result, we are: (1) Revising the prior revocation of the order with respect to Goodluck; (2) resuming the discontinued first administrative review with respect to Goodluck; (3) reinitiating the second administrative review with respect to all entries produced and exported by Goodluck during the period of review (POR); and (4) directing U.S. Customs and Border Protection (CBP) to assess final antidumping duties on all entries produced and exported by Goodluck during the third administrative review POR.

**DATES:** Applicable September 10, 2021.

#### **FOR FURTHER INFORMATION CONTACT:**

Nathan James, 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) 482-5305.

#### **SUPPLEMENTARY INFORMATION:**

## Background

On April 16, 2018, Commerce published its Final Determination in the LTFV investigation of cold-drawn mechanical tubing from India.<sup>1</sup> In the *Final Determination*, Commerce applied a rate based on adverse facts available to Goodluck after finding that the company failed to accurately report product "control numbers" in its home market sales and cost of production databases.<sup>2</sup> Although Goodluck attempted to submit new databases at the start of Commerce's verification of Goodluck's questionnaire responses, Commerce declined to accept the revised information, determining that such a revision did not constitute a "minor correction."<sup>3</sup> Therefore, Commerce assigned Goodluck a rate of 33.80 percent. On June 11, 2018, Commerce published its AD Order on cold-drawn mechanical tubing from India.<sup>4</sup>

Goodluck appealed Commerce's *Final Determination*. On August 13, 2019, the CIT remanded the *Final Determination* to Commerce and instructed Commerce to consider the revised databases provided by Goodluck.<sup>5</sup> On remand, and under respectful protest, Commerce issued its final results of redetermination in accordance with the Court's order, calculating an estimated weighted-average dumping margin of 0.00 percent for Goodluck.<sup>6</sup> In calculating the revised dumping margin for Goodluck, Commerce relied on the corrections provided by Goodluck. On April 30, 2020, the CIT sustained Commerce's Final Remand Redetermination.<sup>7</sup> On May 27, 2020, Commerce published the *Amended Final/Timken Notice* relating to the

<sup>1</sup> See *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India: Final Affirmative Determination of Sales at Less than Fair Value*, 83 FR 16296 (April 16, 2018) (*Final Determination*) and accompanying Issues and Decision Memorandum (IDM).

<sup>2</sup> See IDM at Comments 1 and 2.

<sup>3</sup> *Id.* at Comment 1.

<sup>4</sup> See *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the People's Republic of China, the Federal Republic of Germany, India, Italy, the Republic of Korea, and Switzerland: Antidumping Duty Orders; and Amended Final Determinations of Sales at Less Than Fair Value for the People's Republic of China and Switzerland*, 83 FR 26962 (June 11, 2018) (*AD Order*).

<sup>5</sup> See *Goodluck India Limited v. United States*, Court No. 18-00162, Slip Op. 19-110 (CIT August 13, 2019) (*Remand Order*).

<sup>6</sup> See *Final Results of Redetermination Pursuant to Court Remand, Goodluck India Limited v. United States*, Court No. 18-00162, Slip Op. 19-110, dated December 23, 2019 (*Final Redetermination*), available at <https://access.trade.gov/resources/remands/19-110.pdf>.

<sup>7</sup> See *Goodluck India Limited v. United States*, Court No. 18-00162, Slip Op. 20-57 (CIT April 30, 2020).

CIT's decision, in which we issued an amended final determination, and partially revoked the Order with respect to Goodluck.<sup>8</sup>

The petitioners<sup>9</sup> challenged the CIT's decision sustaining the Final Remand Redetermination and appealed the decision to the CAFC. On August 31, 2021, the CAFC reversed and remanded the CIT's decision affirming the Final

Remand Redetermination.<sup>10</sup> Following the CAFC's decision, on November 17, 2021, the CIT subsequently vacated its *Remand Order* and sustained Commerce's original *Final Determination*.<sup>11</sup>

#### Amended Final Determination

Commerce is hereby revising the *Amended Final Determination*, which

was issued pursuant to the CIT's now-vacated judgement in the *Amended Final/Timken Notice*. Consistent with Commerce's decision in the LTFV investigation, Commerce is revising the *Amended Final Determination* and assigning the following dumping margin to Goodluck:

Exporter	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for offset(s)) (percent)
Goodluck India Limited .....	33.80	33.70

#### Amended Antidumping Duty Order

As a result of this amended final determination, in which Commerce assigned a dumping margin of 33.80 percent to Goodluck, Commerce is reinstating the *Order* with respect to Goodluck.

#### Resumption of Discontinued Antidumping Duty Administrative Reviews for Goodluck

In the *Amended Final/Timken Notice*, Commerce amended the final determination and AD Order in this proceeding and stated that “{a}s a result of this amended final determination, in which Commerce has calculated an estimated weighted-average dumping margin of 0.00 percent for Goodluck, Commerce is hereby excluding merchandise produced and exported by Goodluck from the AD Order.”<sup>12</sup> As a result of the CIT's decision at that time, we discontinued the first administrative review with respect to Goodluck<sup>13</sup> and we did not conduct a review of entries both produced and exported by Goodluck in the second administrative review.<sup>14</sup>

However, as discussed above, the CAFC reversed the CIT's decision, and, as a result, Goodluck is now subject to the *AD Order*. Therefore, we are resuming the first administrative review with respect to Goodluck and are also

reinitiating the second administrative review with respect to all entries produced and exported by Goodluck during the POR.<sup>15</sup> We will not revisit these reviews for any company other than Goodluck.

Given the unique circumstances at issue, Commerce is permitting parties an opportunity to withdraw their request(s) for either administrative review, if they wish to do so. Any such withdrawal requests must be submitted within 14 days of publication of this **Federal Register** notice on the record of the respective administrative review in ACCESS.<sup>16</sup> Parties are reminded that such requests are to be filed electronically using ACCESS and that electronically filed documents must be received successfully in their entirety by 5 p.m. Eastern Time on the due date. If all review requests are withdrawn for Goodluck for either administrative review, Commerce intends to issue a subsequent **Federal Register** notice rescinding the administrative review with respect to Goodluck and directing CBP to assess final antidumping duties at 33.70 percent, the cash deposit rate that would have prevailed in the absence of the now-vacated CIT decision.

Following the period for withdrawal of review requests, if there are any remaining review requests for Goodluck,

Commerce will invite parties to provide comments relating to our approach in conducting these administrative reviews (including, for example, whether Goodluck should be treated as a mandatory respondent or a non-selected company). A memorandum outlining the timeline for comments will be placed on the records of each administrative review segment.

#### Notice of Assessment

Commerce did not receive a request for an administrative review of the antidumping duty order with respect to Goodluck for the period of June 1, 2020, through May 31, 2021, *i.e.*, the third administrative review. Therefore, in accordance with 19 CFR 351.212(c), we will instruct CBP to liquidate all entries for Goodluck and to assess antidumping duties on merchandise entered, or withdrawn from warehouse, for consumption at 33.70 percent, the cash deposit rate that would have prevailed in the absence of the now-vacated CIT decision.

#### Cash Deposit Requirements

Commerce will issue revised cash deposit instructions to CBP. Effective September 10, 2021, Goodluck's cash deposit rate will be 33.70 percent.

<sup>8</sup> See *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From India: Notice of Court Decision Not in Harmony With Final Determination of Sales at Less Than Fair Value; Notice of Amended Final Determination Pursuant to Court Decision; and Notice of Revocation of Antidumping Duty Order, in Part*, 85 FR 31742 (May 27, 2020) (*Amended Final/Timken Notice*).

<sup>9</sup> The petitioners are: ArcelorMittalTubular Products; Michigan Seamless Tube, LLC; Plymouth Tube Co., USA; PTC Alliance Corp.; Webco Industries, Inc.; and Zekelman Industries, Inc.

<sup>10</sup> See *Goodluck India Limited v. United States*, 11 F.4th 1335 (Fed. Cir. 2021) (*CAFC Goodluck Decision*).

<sup>11</sup> See *Goodluck India Limited v. United States*, Court No. 18–00162, ECF No. 74 (CIT November 17, 2021).

<sup>12</sup> *Timken Notice*, 85 FR 31742.

<sup>13</sup> See *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From India: Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, and Partial Discontinuation of Review; 2017–2019*; 85 FR 66930 (October 21, 2020).

<sup>14</sup> See *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From India: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2019–2020*, 86 FR 59982, 59984 (October 29, 2021).

<sup>15</sup> The first review covers the period November 22, 2017, through May 31, 2019. The second review covers the period June 1, 2019, through May 31, 2020. When Commerce previously conducted the second administrative review, we only examined entries of subject merchandise produced, but not exported by, Goodluck, and entries of subject merchandise exported, but not produced by, Goodluck. *Id.*

<sup>16</sup> ACCESS is Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System, and is available to registered users at <http://access.trade.gov>.

**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: December 21, 2021.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[RTID 0648-XB545]

**Fisheries of the Exclusive Economic Zone off Alaska; North Pacific Halibut and Sablefish Individual Fishing Quota Cost Recovery Program**

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

**ACTION:** Notice of standard prices and fee percentage.

**SUMMARY:** NMFS publishes the individual fishing quota (IFQ) standard prices and fee percentage for cost recovery for the IFQ Program for the halibut and sablefish fisheries of the North Pacific (IFQ Program). The fee percentage for 2021 is 2.3 percent. This action is intended to provide holders of halibut and sablefish IFQ permits with the 2021 standard prices and fee percentage to calculate the required payment for IFQ cost recovery fees due by January 31, 2022.

**DATES:** The standard prices and fee percentages are valid on December 29, 2021.

**FOR FURTHER INFORMATION CONTACT:** Charmaine Weeks, Fee Coordinator, 907-586-7231.

**SUPPLEMENTARY INFORMATION:****Background**

NMFS Alaska Region administers the IFQ Program in the North Pacific. The IFQ Program is a limited access system authorized by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Northern Pacific Halibut Act of 1982 (Halibut Act). Fishing under the IFQ Program began in March 1995. Regulations implementing the IFQ Program are set forth at 50 CFR part 679.

In 1996, the Magnuson-Stevens Act was amended to, among other purposes, require the Secretary of Commerce to

“collect a fee to recover the actual costs directly related to the management and enforcement of any . . . individual quota program.” This requirement was further amended in 2006 to include collection of the actual costs of data collection and to replace the reference to “individual quota program” with a more general reference to “limited access privilege program” at § 304(d)(2)(A) of the Act. Section 304(d)(2) of the Magnuson-Stevens Act also specifies an upper limit on these fees, when the fees must be collected, and where the fees must be deposited.

On March 20, 2000, NMFS published regulations at § 679.45 to implement cost recovery for the IFQ Program (65 FR 14919). Under the regulations, an IFQ permit holder must pay a cost recovery fee for every pound of IFQ halibut and sablefish that is landed on their IFQ permit(s). The IFQ permit holder is responsible for self-collecting the fee for all IFQ halibut and sablefish landings on their permit(s). The IFQ permit holder is also responsible for submitting IFQ fee payments(s) to NMFS on or before January 31 of the year following the year in which the IFQ landings were made. The total dollar amount of the fee is determined by multiplying the NMFS published fee percentage by the ex-vessel value of all IFQ landings made on the permit(s) during the IFQ fishing year. As required by § 679.45(d)(1) and (d)(3)(i), NMFS publishes this notice of the fee percentage for the IFQ halibut and sablefish fisheries in the **Federal Register** during or prior to the last quarter of each year.

**Standard Prices**

The fee is based on the sum of all payments made to fishermen for the sale of the fish during the year. This includes any retro-payments (e.g., bonuses, delayed partial payments, post-season payments) made to the IFQ permit holder for previously landed IFQ halibut or sablefish.

For purposes of calculating IFQ cost recovery fees, NMFS distinguishes between two types of ex-vessel value: Actual and standard. Actual ex-vessel value is the amount of all compensation, monetary or non-monetary, that an IFQ permit holder received as payment for his or her IFQ fish sold. Standard ex-vessel value is the default value used to calculate the fee. IFQ permit holders have the option of using actual ex-vessel value if they can satisfactorily document it; otherwise, the standard ex-vessel value is used.

Section 679.45(b)(3)(iii) requires the Regional Administrator to publish IFQ standard prices during the last quarter

of each calendar year. These standard prices are used, along with estimates of IFQ halibut and IFQ sablefish landings, to calculate standard ex-vessel values. The standard prices are described in U.S. dollars per IFQ equivalent pound for IFQ halibut and IFQ sablefish landings made during the year. According to § 679.2, IFQ equivalent pound(s) means the weight amount, recorded in pounds, and calculated as round weight for sablefish and headed and gutted weight for halibut, for an IFQ landing. The weight of halibut in pounds landed as guided angler fish is converted to IFQ equivalent pound(s) as specified in § 300.65(c)(5)(ii)(E). NMFS calculates the standard prices to closely reflect the variations in the actual ex-vessel values of IFQ halibut and IFQ sablefish landings by month and port or port-group. The standard prices for IFQ halibut and IFQ sablefish are listed in the tables that follow the next section. Data from ports are combined as necessary to protect confidentiality.

**Fee Percentage**

NMFS calculates the fee percentage each year according to the factors and methods described at § 679.45(d)(2). NMFS determines the fee percentage that applies to landings made in the previous year by dividing the total costs directly related to the management, data collection, and enforcement of the IFQ Program (management costs) during the previous year by the total standard ex-vessel value of halibut and sablefish IFQ landings made during the previous year (fishery value). NMFS captures the actual management costs associated with certain management, data collection, and enforcement functions through an established accounting system that allows staff to track labor, travel, contracts, rent, and procurement. NMFS calculates the fishery value as described under the section Standard Prices.

Using the fee percentage formula described above, the percentage of management costs to fishery value for the 2021 calendar year is 2.3 percent of the standard ex-vessel value. An IFQ permit holder is to use the fee percentage of 2.3 percent to calculate their fee for IFQ equivalent pound(s) landed during the 2021 halibut and sablefish IFQ fishing season. An IFQ permit holder is responsible for submitting the 2021 IFQ fee payment to NMFS on or before January 31, 2022. Payment must be made in accordance with the payment methods set forth in § 679.45(a)(4)(iv). Payment can be made using credit card, debit card, or electronic check via the *pay.gov* program. NMFS does not accept credit