

DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-857]

Certain Oil Country Tubular Goods From India: Notice of Court Decision Not in Harmony With Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances and Notice of Amended Final Determination

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

SUMMARY: On March 16, 2017, the United States Court of International Trade (CIT) entered final judgment sustaining the final results of remand redetermination pursuant to court order by the Department of Commerce (Department) pertaining to the less-than-fair-value (LTFV) investigation of certain oil country tubular goods (OCTG) from India. The Department is notifying the public that the final judgment in this case is not in harmony with the Department's final determination in the LTFV investigation of OCTG from India.

DATES: *Effective Date:* March 26, 2017.

FOR FURTHER INFORMATION CONTACT: Andrew Huston, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4261.

SUPPLEMENTARY INFORMATION:**Background**

On July 18, 2014, the Department published its final determination of sales at LTFV and final negative determination of critical circumstances in this proceeding.¹ The Department reached affirmative determinations for mandatory respondents GVN Fuels Limited (GVN) and Jindal SAW, Limited (Jindal SAW). U.S. Steel appealed the *Final Determination* to the CIT, and on May 5, 2016, the CIT sustained, in part, and remanded, in part, the *Final Determination*.² The court remanded the *Final Determination* to the Department with respect to its differential pricing analysis, specifically the Department's application and explanation of its ratio

test in this case, for further explanation and consideration.³ Further, the court remanded for further explanation and consideration the Department's determinations that: (1) Jindal SAW was unaffiliated with certain suppliers of inputs; (2) Jindal SAW's yield loss data reasonably reflected its costs of production; and (3) the highest COP in GVN's cost database should be assigned to its dual-grade products.⁴ On August 31, 2016, the Department issued its final results of redetermination pursuant to remand in accordance with the CIT's order.⁵ On remand, the Department revised the weighted-average dumping margins for both GVN and Jindal SAW. On March 16, 2017, the CIT sustained the Department's *Final Redetermination*.⁶

Timken Notice

In its decision in *Timken*,⁷ as clarified by *Diamond Sawblades*,⁸ the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of court decision that is not "in harmony" with a Department determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's March 16, 2017, judgment constitutes a final decision of that court that is not in harmony with the Department's *Final Determination*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue suspension of liquidation of subject merchandise pending expiration of the period of appeal or, if appealed, pending a final and conclusive court decision.

Amended Final Determination

Because there is now a final court decision, the Department is amending the *Final Determination* with respect to GVN and Jindal SAW. The revised weighted-average dumping margins for GVN and Jindal SAW for the period July 1, 2012, through June 30, 2013, are as follows:

³ See *US Steel*, 179 F. Supp. 3d at 1120.

⁴ *Id.*

⁵ See Final Results of Redetermination Pursuant to Remand, *United States Steel Corporation et al. and Maverick Tube Corporation et al. v. United States*, Consolidated Court No. 14-00263, dated August 31, 2017 (*Final Redetermination*).

⁶ See *United States Steel Corporation et al. v. United States*, Slip Op. 17-28, Consolidated Court No. 14-00263 (CIT 2017).

⁷ See *Timken Co. v. United States*, 893 F.2d. 337 (Fed. Cir. 1990) (*Timken*).

⁸ See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d. 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

Exporter or producer	Weighted-average dumping margins (percentage)
GVN Fuels Limited ... Jindal SAW, Limited	1.07 (<i>de minimis</i>). 11.24.

With respect to GVN, because we have calculated a *de minimis* weighted-average dumping margin, in the event the court's ruling is not appealed or, if appealed, upheld by a final and conclusive court decision, the Department will amend the order to exclude GVN's entries from further suspension of liquidation and will order all entries currently suspended to be liquidated without regard to dumping duties.

Amended Cash Deposit Rates

Neither GVN nor Jindal SAW have a superseding cash deposit rate (*e.g.*, from an administrative review) and, therefore, the Department will issue revised cash deposit instructions to U.S. Customs and Border Protection. For Jindal SAW, the revised cash deposit rate will be the rate indicated above, effective March 26, 2017. For GVN, because the revised weighted-average dumping margin is *de minimis*, the revised cash deposit rate will be zero, effective March 26, 2017.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1) and 777(i)(1) of the Act.

Dated: April 6, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017-07362 Filed 4-11-17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-520-803]

Polyethylene Terephthalate Film, Sheet, and Strip From the United Arab Emirates: Final Results of Antidumping Duty Administrative Review; 2014-2015

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

SUMMARY: On December 9, 2016, the Department of Commerce (the Department) published the preliminary results of administrative review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip (PET Film) from the United Arab Emirates (UAE). This review

¹ See *Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances: Certain Oil Country Tubular Goods From India*, 79 FR 41981 (July 18, 2014) (*Final Determination*).

² See *United States Steel Corp. v. United States*, 179 F. Supp. 3d 1114 (CIT 2016) (*US Steel*).

covers one producer/exporter of subject merchandise, JBF RAK LLC (JBF). Based on our analysis of the comments and information received, we made changes to the preliminary results, which are discussed below. The final weighted-average dumping margin is listed below in the section entitled "Final Results of Review."

DATES: Effective April 12, 2017.

FOR FURTHER INFORMATION CONTACT: Andrew Huston, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4261.

SUPPLEMENTARY INFORMATION:

Background

On December 9, 2016, the Department published the *Preliminary Results*.¹ On January 9, 2017, the Department received a timely-filed case brief from JBF.² No other party filed a case or rebuttal brief.

Period of Review

The period of review is November 1, 2014, through October 31, 2015.

Scope of the Order

The products covered by the order are all gauges of raw, pre-treated, or primed polyethylene terephthalate film (PET Film), whether extruded or co-extruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer more than 0.00001 inches thick. Also excluded is roller transport cleaning film which has at least one of its surfaces modified by application of 0.5 micrometers of SBR latex. Tracing and drafting film is also excluded. PET Film is classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States (HTSUS). While HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised in the sole case brief filed in this review are addressed in the

Issues and Decision Memorandum.³ A list of the issues addressed in the Issues and Decision Memorandum is appended to this notice. The Issues and Decision Memorandum is a public document and is available electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Services System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>, and it is available to all parties in the Central Records Unit of the main Commerce Building, room B-8024. In addition, a complete version of the Issues and Decision Memorandum is also accessible on the internet at <http://enforcement.trade.gov/frn/index.html>. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we made changes to our margin calculations for JBF. A complete discussion of these changes can be found in the Issues and Decision Memorandum.

Final Results of the Administrative Review

As a result of this review, we determine that the following weighted-average dumping margin exists for the period of November 1, 2014, through October 31, 2015:

Producer or Exporter	Weighted-average dumping margin (percent <i>ad valorem</i>)
JBF RAK LLC	7.91

Assessment Rates

The Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.⁴ The Department intends to issue appropriate

assessment instructions directly to CBP 15 days after the date of publication of these final results of review.

For assessment purposes, we calculated importer-specific, *ad valorem* assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of those same sales.⁵ We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act): (1) For JBF, the cash deposit rate will be equal to the weighted-average dumping margin listed above in the section "Final Results of the Administrative Review;" (2) for merchandise exported by producers or exporters not covered in this review but covered in a previously completed segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published in the final results for the most recent period in which that producer or exporter participated; (3) if the exporter is not a firm covered in this review or in any previous segment of this proceeding, but the producer is, then the cash deposit rate will be that established for the producer of the merchandise in these final results of review or in the final results for the most recent period in which that producer participated; and (4) if neither the exporter nor the producer is a firm covered in this review or in any previously completed segment of this proceeding, then the cash deposit rate will be 4.05 percent, the all-others rate established in the less than fair value investigation.⁶ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

We will disclose to interested parties the calculations performed in connection with these final results within five days of the publication of

¹ See *Polyethylene Terephthalate Film, Sheet, and Strip from the United Arab Emirates: Preliminary Results of Antidumping Duty Administrative Review*; 2014–2015, 81 FR 89061 (December 9, 2016) (*Preliminary Results*).

² See "Polyethylene Terephthalate (PET) Film, Sheet and Strip from the United Arab Emirates (A–520–803); Case Brief of JBF RAK, LLC," dated January 9, 2017.

³ See Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, from Gary Taverman, Associate Deputy Assistant Secretary for AD/CVD Operations, "Antidumping Duty Administrative Review of Polyethylene Terephthalate Film, Sheet, and Strip from the United Arab Emirates: Issues and Decision Memorandum for the Final Results," (Issues and Decision Memorandum), dated concurrently with and hereby adopted by this notice.

⁴ The Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

⁵ See 19 CFR 351.212(b)(1).

⁶ See *Polyethylene Terephthalate Film, Sheet, and Strip from Brazil, the People's Republic of China and the United Arab Emirates: Antidumping Duty Orders and Amended Final Determination of Sales at Less Than Fair Value for the United Arab Emirates*, 73 FR 66595, 66596 (November 10, 2008).

this notice, consistent with 19 CFR 351.224(b).

Notification to Importers

This notice serves as a final 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 the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice is the only reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

Notification to Interested Parties

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

Dated: April 6, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—Issues in the Decision Memorandum

- I. Summary
- II. Background
- III. Discussion of the Issues
 - Comment 1: Home Market Invoice Dates
 - Comment 2: Home Market Commissions
- IV. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration [A-570-849]

Certain Cut-To-Length Carbon Steel Plate From the People's Republic of China: Rescission of Antidumping Circumvention Inquiry

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

SUMMARY: The Department of Commerce ("the Department") is rescinding the antidumping circumvention inquiry on certain cut-to-length carbon steel plate ("CTL plate") from the People's Republic of China ("PRC") that was initiated on February 10, 2016.

DATES: Effective April 12, 2017.

FOR FURTHER INFORMATION CONTACT: Lilit Astvatsatryan, Office IV, Enforcement & Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-6412.

SUPPLEMENTARY INFORMATION:

Background

On October 2, 2003, the Department published an antidumping duty order on CTL plate from the PRC.¹ On February 10, 2016, in response to a request from Nucor Corporation and SSAB Enterprises LLC (collectively, "Domestic Producers"), the Department initiated a circumvention inquiry regarding the *Order* with respect to certain CTL plate with small amounts of specific alloying elements (chromium, titanium, and boron where there was no heat treatment).² On December 5, 2016, the Department extended the deadline for issuing the final determination in this circumvention inquiry until April 5, 2017.³ Subsequently, on March 20, 2017, the Department published antidumping and countervailing duty orders on certain carbon and alloy steel CTL plate from the PRC.⁴ On March 23,

¹ See *Suspension Agreement on Certain Cut-To-Length Carbon Steel Plate From the People's Republic of China; Termination of Suspension Agreement and Notice of Antidumping Duty Order*, 68 FR 60081 (October 21, 2003) ("Order").

² See *Certain Cut-To-Length Carbon Steel Plate From the People's Republic of China: Initiation of Circumvention Inquiry on Antidumping Duty Order*, 81 FR 8173 (February 18, 2016).

³ See *Extension of Deadline for Final Determination for Anticircumvention Inquiry*, dated December 5, 2016.

⁴ See *Certain Carbon and Alloy Steel Cut-To-Length Plate From the People's Republic of China: Antidumping Duty Order*, 82 FR 14349 (March 20, 2017); see also *Certain Carbon and Alloy Steel Cut-To-Length Plate From the People's Republic of China: Countervailing Duty Order*, 82 FR 14346 (March 20, 2017) ("CTL Alloy Steel Orders").

2017, the Department issued a letter notifying interested parties of its intent to rescind this antidumping circumvention inquiry on CTL plate from the PRC.⁵ In that letter, the Department provided interested parties an opportunity to comment on its intention to rescind this antidumping circumvention inquiry.⁶ No parties commented on the letter.

Rescission of Antidumping Circumvention Inquiry

As noted above, this antidumping circumvention inquiry pertains to certain CTL plate products from the PRC containing specified levels of alloying elements. However, there are now antidumping and countervailing duty orders on CTL plate from the PRC made of alloy steel, specifically "certain carbon and alloy steel hot-rolled or forged flat plate products not in coils, whether or not painted, varnished, or coated with plastics or other non-metallic substances (cut-to-length plate)." ⁷ Therefore, the Department is rescinding the instant circumvention inquiry, as this inquiry concerned products now covered by the *CTL Alloy Steel Orders*.

Administrative Protective Orders

This notice also serves as a final reminder to parties subject to an administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or 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.

Notification to Interested Parties

This notice is issued and published in accordance with sections 781 of the Tariff Act of 1930, as amended, and 19 CFR 351.225.

Dated: April 5, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary, Enforcement and Compliance.

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⁵ See *Certain Cut-To-Length Carbon Steel Plate ("CTL plate") From the People's Republic of China ("PRC"): Intent to Rescind Antidumping Circumvention Inquiry*, dated March 23, 2017 ("Letter of Intent to Rescind").

⁶ See *id.* at 2.

⁷ See *CTL Alloy Steel Orders*.