

- the separate rate in this review if both mandatory respondents earn de minimis rates
- iv. Comment 4: Consideration of Power Dekor's no shipment certification
  - v. Comment 5: Inclusion of Fine Furniture's affiliate's name in customs instructions and **Federal Register** Notice
  - vi. Comment 6: Treatment of Fusong Jinlong group as a single entity
  - vii. Comment 7: Overstatement of water SV
  - viii. Comment 8: Overstatement of NV or understatement of export price
  - ix. Comment 9: The Department must correct the Jatoba and Red Oak surrogate values
  - x. Comment 10: The Department should correct its valuation of Senmao's wood veneers
  - xi. Comment 11: Glue surrogate value
  - xii. Comment 12: Senmao's by product offset for wood scrap
  - xiii. Comment 13: The Department should correct the surrogate value references for plastic strip and overlaying glue in Senmao's margin calculations
  - xiv. Comment 14: Senmao's plywood surrogate value

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-944]

#### Oil Country Tubular Goods From the People's Republic of China: Notice of Court Decision Not in Harmony With the Amended Final Determination of the Countervailing Duty Investigation

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

**SUMMARY:** On May 3, 2017, the United States Court of International Trade (CIT or the Court) entered final judgment sustaining the Department of Commerce's (Department) final remand redetermination concerning the countervailing duty (CVD) investigation of oil country tubular goods (OCTG) from the People's Republic of China (PRC). The Department is notifying the public of that the Court's final judgment in this case is not in harmony with the Department's amended final determination with respect to Jiangsu Changbao Steel Tube Co., Ltd.

(Changbao), Tianjin Pipe (Group) Co. (TPCO), Wuxi Seamless Oil Pipe Co., Ltd. (Wuxi), and Zhejiang Jianli Enterprise Co., Ltd. (Jianli), and all other exporters and producers.

**DATES:** Effective May 13, 2017.

**FOR FURTHER INFORMATION CONTACT:** Aimee Phelan or Jennifer Shore, 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) 482-0697 or (202) 482-2778, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 7, 2009, the Department published its final determination in the CVD investigation of OCTG from the PRC.<sup>1</sup> On January 20, 2010, the Department published an amended final determination and the CVD order.<sup>2</sup>

The Court remanded aspects of the Department's findings for further consideration.<sup>3</sup> In particular, in the *Remand and Opinion Order*, the CIT ordered the Department to clarify or reconsider: (1) Its use of the date of the PRC accession to the World Trade Organization (WTO) as a uniform cut-off date for identifying and measuring subsidies in the PRC; (2) its attribution methodology for subsidies received by certain of Changbao's and TPCO's subsidiaries; (3) its decision to include Jianli's freight quote in the benchmark price for steel rounds and billets; and (4) its decision not to tie the benefit received by TPCO from the provision of steel rounds and billets at less-than-adequate remuneration to its sales of seamless steel pipe.<sup>4</sup> Finally, the Court granted the Department's request for a voluntary remand to recalculate the benchmark for steel rounds without Steel Business Briefing (SBB) East Asia pricing data.<sup>5</sup>

On December 20, 2016, the Department issued its *Remand Redetermination*.<sup>6</sup> In its *Remand Redetermination*, the Department: (1) Evaluated certain subsidies and determined a date prior to the WTO accession date on which subsidies provided to the respondents could be

identified and measured for purposes of the remand; (2) changed the methodology for attributing to Changbao and TPCO subsidies provided to certain of their subsidiaries; (3) continued to find that the freight rates used by the Department in the investigation to adjust the benchmark for steel rounds are representative of what an importer paid or would pay if it imported the product; (4) clarified the finding that the provision of steel rounds was not tied to TPCO's seamless steel pipe production; and (5) removed SBB East Asia pricing data from the benchmark for steel rounds. The resulting calculations changed the CVD rates calculated for Changbao, Jianli, TPCO, and Wuxi, as well as their respective cross-owned companies, and the all-others rate.

On May 3, 2017, the CIT sustained the Department's *Remand Redetermination*.<sup>7</sup> In particular, the Court held that the *Remand Redetermination* "adequately address[ed] the concerns raised in the court's prior decision" and was "supported by substantial evidence."<sup>8</sup>

#### Timken Notice

In its decision in *Timken*,<sup>9</sup> as clarified by *Diamond Sawblades*,<sup>10</sup> the United States Court of Appeals for the Federal Circuit (CAFC) held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a 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 May 3, 2017, final judgment affirming the *Remand Redetermination* constitutes a final decision of that court which is not in harmony with the *Amended Final Determination and Order*. This notice is published in fulfillment of the publication requirements of *Timken*.

#### Amended Final Determination

As there is now final court decision, the Department amends its *Amended Final Determination and Order*. The Department finds that the following revised net countervailable subsidy rates exist:

<sup>1</sup> See *Certain Oil Country Tubular Goods from the People's Republic of China: Final Affirmative Countervailing Duty Determination, Final Affirmative Critical Circumstances Determination*, 74 FR 64045 (December 7, 2009) (*Final Determination*).

<sup>2</sup> See *Certain Oil Country Tubular Goods from the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and*

*Countervailing Duty Order*, 75 FR 3203 (January 20, 2010) (*Amended Final Determination and Order*).

<sup>3</sup> See *TMK IPSCO et al. v. United States*, Consol. Court No. 10-00055, Slip Op. 16-62 (CIT June 24, 2016) (*Remand Opinion and Order*).

<sup>4</sup> See *Remand Opinion and Order*, at 57.

<sup>5</sup> *Id.*, at 58.

<sup>6</sup> See *Final Results of Remand Redetermination*, Court No. 10-00055, dated December 20, 2016,

available at: [http://ia.ita.doc.gov/remands/\(RemandRedetermination\)](http://ia.ita.doc.gov/remands/(RemandRedetermination)).

<sup>7</sup> See *TMK IPSCO v. United States*, Consol. Court No. 10-00055, Slip Op. 17-54 (CIT May 3, 2017).

<sup>8</sup> *Id.* at 3.

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

<sup>10</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

Producer/exporter	Net subsidy rate (percent)
Jiangsu Changbao Steel Tube Co. and Jiangsu Changbao Precision Steel Tube Co., Ltd .....	28.70
Tianjin Pipe (Group) Co., Tianjin Pipe Iron Manufacturing Co., Ltd., Tianguan Yuantong Pipe Product Co., Ltd., Tianjin Pipe International Economic and Trading Co., Ltd., and TPCO Charging Development Co., Ltd .....	21.48
Wuxi Seamless Pipe Co, Ltd., Jiangsu Fanli Steel Pipe Co, Ltd., Tuoketuo County Mengfeng Special Steel Co., Ltd .....	29.48
Zhejiang Jianli Enterprise Co., Ltd., Zhejiang Jianli Steel Steel Tube Co., Ltd., Zhuji Jiansheng Machinery Co., Ltd., and Zhejiang Jianli Industry Group Co., Ltd .....	30.56
All-Others .....	27.08

## Cash Deposit Requirements

Because there has been a subsequent administrative review for Wuxi, the cash deposit rate for Wuxi will remain the rate established in the final results of the 2012 administrative review, which is 59.29 percent.<sup>11</sup> Because there have been no subsequent administrative reviews for Changbao, TPCO, and Jianli, the Department will instruct U.S. Customs and Border Protection (CBP) to set the cash deposit rates for these companies to the rates listed above, again, pending a final and conclusive court decision.<sup>12</sup>

Pursuant to section 705(c)(5)(A) of the Act, companies not individually investigated are assigned an “all-others” countervailable duty rate. As a general rule, the all-others rate is equal to the weighted average countervailable subsidy rates established for individually investigated producers and producers, excluding any zero and *de minimis* countervailable subsidy rates.<sup>13</sup> The Department will instruct CBP that the “all-others” cash deposit rate is to be amended to reflect the weighted-average of the revised subsidy rates calculated for Changbao, TPCO, Wuxi, and Jianli, as listed above.

This notice is issued and published in accordance with sections 516A(e)(1), 705(c)(1)(B), and 777(i)(1) of the Act.

Dated: May 30, 2017.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Enforcement and Compliance.*

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<sup>11</sup> See *Certain Oil Country Tubular Goods from the People's Republic of China: Final Results of Countervailing Duty Administrative Review*, 2012, 79 FR 52301 (September 3, 2014).

<sup>12</sup> As explained in the *Remand Redetermination*, the Department established new cash deposit rates for TPCO and all-others in proceedings conducted under section 129 of the Uruguay Round Agreements Act. See *Implementation of Determinations Pursuant to Section 129 of the Uruguay Round Agreements Act*, 81 FR 37180, 37182 (June 9, 2016). The Department used these revised rates as the basis for calculating revised cash deposit rates in the *Remand Redetermination*. See *Remand Redetermination* at 56.

<sup>13</sup> See section 705(c)(5)(A)(i) of the Act.

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C–475–837; C–489–832]

### Carbon and Alloy Steel Wire Rod From Italy and the Republic of Turkey: Postponement of Preliminary Determinations of Countervailing Duty Investigations

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

**DATES:** Effective June 5, 2017.

**FOR FURTHER INFORMATION CONTACT:** John Corrigan and Yasmin Bordas at (202) 482–7438 and (202) 482–3813, respectively (Italy); Justin Neuman and Omar Qureshi at (202) 482–0486 and (202) 482–5307, respectively (Turkey), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

### SUPPLEMENTARY INFORMATION:

#### Background

On April 17, 2017, the Department of Commerce (Department) initiated countervailing duty investigations (CVD) on carbon and alloy steel wire rod from Italy and the Republic of Turkey (Turkey).<sup>1</sup> Currently, the preliminary determinations of these investigations are due no later than June 21, 2017.

#### Postponement of Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires the Department to issue the preliminary determination in a CVD investigation within 65 days after the date on which the Department initiated the investigation. However, if the petitioner makes a timely request for a postponement, section 703(c)(1)(A) of the Act allows the Department to postpone making the preliminary determination until no later than 130

<sup>1</sup> See *Carbon and Alloy Steel Wire Rod from Italy and Turkey: Initiation of Countervailing Duty Investigations*, 82 FR 19213 (April 26, 2017).

days after the date on which the Department initiated the investigation.

On May 25, 2017, Nucor Corporation (Nucor), a petitioner in the underlying investigation, submitted timely requests pursuant to section 703(c)(1)(A) of the Act and 19 CFR 351.205(e) to postpone the preliminary determinations.<sup>2</sup> For the reasons stated above and because there are no compelling reasons to deny the requests, the Department, in accordance with section 703(c)(1)(A) of the Act, is postponing the deadline for the preliminary determinations to no later than 130 days after the day on which the investigations were initiated. Accordingly, the Department will issue the preliminary determinations no later than August 25, 2017. In accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed at a later date.

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: May 30, 2017.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2017–11563 Filed 6–2–17; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–832]

### Pure Magnesium From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2015–2016

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

<sup>2</sup> See Nucor letter re: Carbon and Certain Alloy Steel Wire Rod from Italy: Request to Postpone Preliminary Determination, dated May 25, 2017 (C–475–837); see also Nucor letter re: Carbon and Certain Alloy Steel Wire Rod from the Republic of Turkey: Request to Postpone Preliminary Determination, dated May 25, 2017 (C–489–832).