

In accordance with 19 CFR 351.305(a)(3), this notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO, 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 sanctionable violation.

These final results of this administrative review and notice are published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: March 8, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018-05151 Filed 3-13-18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-489-825]

Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes From the Republic of Turkey: Notice of Court Decision Not in Harmony With the Amended Final Determination of the Countervailing Duty Investigation

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

SUMMARY: On February 1, 2018, the Court of International Trade (CIT) entered final judgment sustaining the Department of Commerce's (Commerce's) remand redetermination in the countervailing duty (CVD) investigation of heavy walled rectangular welded carbon steel pipes and tubes (HWR pipes and tubes) from the Republic of Turkey (Turkey). Commerce is notifying the public that the Court's final judgment in this case is not in harmony with Commerce's amended final determination with respect to Ozdemir Boru Profil San. Ve Tic. Ltd. Sti. (Ozdemir) and all other exporters and producers.

DATES: Applicable February 12, 2018.¹

¹ February 11, 2018, ten days after the Court's opinion was issued, falls on a Sunday. Therefore, the effective date is Monday, February 12, 2018. See

FOR FURTHER INFORMATION CONTACT: Brian Smith or Janae Martin, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482-1766 or (202) 482-0238, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 21, 2016, Commerce published its final determination in the CVD investigation of HWR pipes and tubes from Turkey.² On September 13, 2016, Commerce published an amended final determination and the CVD order.³

The Court remanded one aspect of Commerce's findings for further consideration.⁴ Specifically, in its *Remand and Opinion Order*, the Court held that, if Commerce decided to maintain its Land for Less than Adequate Remuneration (LTAR) benchmark calculation, it must explain the following: (1) Why the high prices for the Istanbul and Yalova Altinova (Yalova) land parcels were not aberrational, and how calculating a simple average of all the land parcel prices used in the land benchmark calculation successfully moderated the price disparities; (2) whether the Istanbul and Yalova land parcels were located in more highly developed areas of Turkey and how that affected Commerce's analysis; and (3) why the future usage of the land parcels is relevant under the applicable provisions of the statute and Commerce's regulations.⁵

On December 11, 2017, Commerce issued its *Remand Redetermination*.⁶ In its *Remand Redetermination*, Commerce determined that there was a reasonable basis for treating the Istanbul and Yalova land parcels as outliers because

Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended, 70 FR 24533 (May 10, 2005).

² See *Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Turkey: Final Affirmative Countervailing Duty Determination*, 81 FR 47349 (July 21, 2016).

³ See *Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Turkey: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order*, 81 FR 62874 (September 13, 2016) (*Amended Final Determination and Order*).

⁴ See *Ozdemir Boru San. Ve Tic. Ltd. Sti., v. United States and Atlas Tube and Independence Tube Corporation Court No. 16-00206, Slip Op. 17-142* (CIT October 16, 2017) (*Remand Opinion and Order*).

⁵ *Id.* at 44-45.

⁶ See *Final Results of Remand Redetermination Pursuant to Court Remand*, Court No. 16-00206, dated December 11, 2017, available at: <http://ia.ita.doc.gov/remands/> (*Remand Redetermination*).

(1) the prices of these parcels deviated substantially from the other prices in the dataset; and (2) the average price of the land parcels in the benchmark would be skewed if the Istanbul and Yalova land parcels were not removed from the dataset.⁷ Additionally, in its *Remand Redetermination*, Commerce stated that although it generally avoids selectively removing prices from datasets, it has occasionally done so after finding certain data to be clearly aberrational or unreliable.⁸ In removing the two parcels at issue from the benchmark, Commerce found that other issues raised by the Court, namely the relative levels of development of the land parcels in the benchmark, the importance of a land parcel's future usage in Commerce's benchmark selection, and other issues involving comparability, were moot.⁹ Therefore, Commerce did not address these issues in the *Remand Redetermination*.

On February 1, 2018, the CIT sustained Commerce's *Remand Redetermination*.¹⁰

Timken Notice

In its decision in *Timken*,¹¹ as clarified by *Diamond Sawblades*,¹² 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), 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 February 1, 2018, 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*. Accordingly, Commerce 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

As there is now a final court decision, Commerce amends its *Amended Final*

⁷ *Id.* at 2.

⁸ *Id.*

⁹ *Id.*

¹⁰ See *Ozdemir Boru San. Ve Tic. Ltd. Sti., v. United States and Atlas Tube and Independence Tube Corporation Court No. 16-00206, Slip Op. 18-6* (CIT February 1, 2018).

¹¹ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

¹² See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

Determination and Order. Commerce finds that the following revised net countervailable subsidy rates exist:

Producer/exporter	Net subsidy rate
MMZ Onur Boru Profit uretirn San Ve Tic. A.S	9.87
Ozdemir Boru Profil San ve Tic. Ltd Sti	14.66
All-Others	12.36

Cash Deposit Requirements

Because there has been no subsequent administrative review for MMZ Onur Boru Profit uretirn San Ve Tic. A.S. (MMZ) and Ozdemir, Commerce will instruct U.S. Customs and Border Protection (CBP) to set the cash deposit rates for these companies to the rates listed above, pending a final and conclusive court decision.

Pursuant to section 705(c)(5)(A) of the Act, companies not individually investigated are assigned an “all-others” countervailing duty rate. As a general rule, the all-others rate is equal to the weighted-average of the countervailable subsidy rates established for individually investigated producers, excluding any zero and *de minimis* countervailable subsidy rates.¹³ Commerce will instruct CBP that the “all-others” cash deposit rate is to be amended to reflect the revised subsidy rate calculated for Ozdemir, 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: March 8, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–05149 Filed 3–13–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–791–823, A–823–816]

Carbon and Alloy Steel Wire Rod From the Republic of South Africa and Ukraine: Antidumping Duty Orders

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

¹³ See section 705(c)(5)(A)(i) of the Act. For a full discussion of the calculation of the all-others rate, see Memorandum “Remand Redetermination Calculation of the ‘All Others’ Rate,” dated December 12, 2017.

SUMMARY: Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (the ITC), Commerce is issuing antidumping duty orders on carbon and alloy steel wire rod (wire rod) from the Republic of South Africa (South Africa) and Ukraine.

DATES: Applicable March 14, 2018.

FOR FURTHER INFORMATION CONTACT: Moses Song at (202) 482–5041 or John McGowan (202) 482–3019 (South Africa), Julia Hancock at (202) 482–1394, Annatheia Cook at (202) 482–0250, or Courtney Canales at (202) 482–4997 (Ukraine), AD/CVD Operations, Office V & VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), on January 16, 2018, Commerce published its affirmative final determinations in the less-than-fair-value (LTFV) investigations of wire rod from South Africa and Ukraine.¹ On March 1, 2018, the ITC notified Commerce of its final affirmative determination that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act, by reason of the LTFV imports of wire rod from South Africa and Ukraine, and its determination that critical circumstances do not exist with respect to imports of wire rod from South Africa subject to Commerce’s affirmative critical circumstances determination.² The ITC published its final determination on March 7, 2018.³

Scope of the Orders

The merchandise covered by these orders is wire rod from South Africa and Ukraine. For a complete description of the scope of these orders, see the Appendix to this notice.

¹ See *Carbon and Alloy Steel Wire Rod from the Republic of South Africa: Affirmative Final Determination of Sales at Less Than Fair Value and Affirmative Finding of Critical Circumstances*, 83 FR 2141 (January 16, 2018) (*South Africa Final Determination*); *Carbon and Alloy Steel Wire Rod from Ukraine: Affirmative Final Determination of Sales at Less Than Fair Value*, 83 FR 2135 (January 16, 2018) (*Ukraine Final Determination*).

² See Letter from the ITC to the Hon. Gary Taverman, dated March 1, 2018 (ITC Notification Letter).

³ See *Carbon and Certain Alloy Steel Wire Rod from South Africa and Ukraine: Determinations*, 83 FR 9749 (March 7, 2018).

Antidumping Duty Orders

On March 1, 2018, in accordance with sections 735(b)(1)(A)(i) and 735(d) of the Act, the ITC notified Commerce of its final determinations in these investigations, in which it found that an industry in the United States is materially injured by reasons of imports of wire rod from South Africa and Ukraine.⁴ The ITC also notified Commerce of its determination that critical circumstances do not exist with respect to imports of wire rod from South Africa subject to Commerce’s critical circumstances finding.⁵ Therefore, in accordance with section 735(c)(2) of the Act, we are issuing these AD orders. Because the ITC determined that imports of wire rod from South Africa and Ukraine are materially injuring a U.S. industry, unliquidated entries of such merchandise from South Africa and Ukraine, entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

As a result of the ITC’s final affirmative determinations, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of wire rod from South Africa and Ukraine. Antidumping duties will be assessed on unliquidated entries of wire rod from South Africa and Ukraine entered, or withdrawn from warehouse, for consumption on or after October 31, 2017, the date of publication of the preliminary determinations,⁶ but will not include entries occurring after the expiration of the provisional measures period and before publication in the **Federal Register** of the ITC’s final injury determination, as further described below.

Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct

⁴ See ITC Notification Letter.

⁵ *Id.*

⁶ See *Carbon and Alloy Steel Wire Rod from the Republic of South Africa: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, and preliminary Determination of No Shipments*, 82 FR 50383 (October 31, 2017) (*South Africa Preliminary Determination*); *Carbon and Alloy Steel Wire Rod from Ukraine: Preliminary Affirmative Determination of Sales at Less Than Fair Value: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 82 FR 50375 (October 31, 2017) (*Ukraine Preliminary Determination*).