

result in the Department's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of doubled antidumping duties.

#### Notifications to All Parties

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 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.

We are issuing and publishing this administrative review and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: May 29, 2015.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

#### Appendix—Issues and Decision Memorandum

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Recommendation

[FR Doc. 2015-13809 Filed 6-4-15; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-832]

#### Pure Magnesium From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Antidumping Duty Administrative Review and Notice of Amended Final Results of the 2009-2010 Antidumping Duty Administrative Review

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

**SUMMARY:** On May 21, 2015, the United States Court of International Trade ("CIT" or "Court") sustained the Final Remand Results<sup>1</sup> issued by the Department of Commerce ("Department") concerning the 2009-2010 administrative review of the antidumping duty order on pure magnesium from the People's Republic of China.<sup>2</sup> In the Final Remand Results, the Department changed the data source for inland freight and selected different financial statements for the calculation of the surrogate financial ratios, while it continued to find that the untimely and thus previously rejected factual information was irrelevant and showed no "fraud" on the part of the respondent, Tianjin Magnesium International Co., Ltd. ("TMI").

Consistent with the decision of the United States Court of Appeals for the Federal Circuit ("CAFC") in *Timken*,<sup>3</sup> as clarified by *Diamond Sawblades*,<sup>4</sup> the Department is notifying the public that the final judgment in this case is not in harmony with the Department's final results of the administrative review of the antidumping duty order on pure magnesium from the People's Republic of China covering the period of review ("POR") from May 1, 2009, through April 30, 2010.<sup>5</sup>

**DATES:** *Effective Date:* May 31, 2015

**FOR FURTHER INFORMATION CONTACT:** Eve Wang, AD/CVD Operations Office III,

<sup>1</sup> See *Final Results of Redetermination Pursuant to Court Remand*, Court Order No. 12-00006, Slip Op. 13-9 (CIT 2013), dated January 22, 2013 ("Final Remand Results").

<sup>2</sup> See *US Magnesium LLC v. United States*, Court Order No. 12-00006, Slip Op. 15-47 (CIT May 21, 2015) ("TMI I").

<sup>3</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("Timken").

<sup>4</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) ("Diamond Sawblades").

<sup>5</sup> See *Pure Magnesium from the People's Republic of China: Final Results of the 2009-2010 Antidumping Duty Administrative Review of the Antidumping Duty Order*, 76 FR 76945 (December 9, 2011) and accompanying Issues and Decision Memorandum ("Final Results").

Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-6231.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 9, 2011, the Department issued the *Final Results*.<sup>6</sup> US Magnesium LLC ("USM") challenged certain aspects of the Department's *Final Results*. On January 22, 2013, the Court remanded the *Final Results* to the Department: (1) To consider whether previously rejected factual information contained *prima facie* evidence of fraud by TMI in accordance with the factors outlined in *Home Products*,<sup>7</sup> and (2) to explain its rationale for selecting Infobanc data based on substantial evidence on the record or, alternatively, to select a new surrogate value for truck freight.<sup>8</sup> Additionally, the Department requested a voluntary remand to reconsider: (1) The selection of Hindalco Industries Limited's ("Hindalco") financial statements for calculating surrogate financial ratios, and (2) USM's claim that the Department made errors when calculating the surrogate value for labor.<sup>9</sup>

In accordance with *TMI I*, the Department opened the administrative record to accept the previously rejected factual information and concluded that this factual information did not demonstrate *prima facie* evidence of fraud by TMI.<sup>10</sup> The Department also determined that the Infobanc data did not constitute the best information available to value truck freight and, instead, selected World Bank data for the Final Remand Results.<sup>11</sup> Additionally, the Department selected Madras Aluminum Company's financial statements to value the surrogate financial ratios. Lastly, the Department corrected errors in its calculation of the labor rate.<sup>12</sup> On May 21, 2015, the Court entered judgement sustaining the Final Remand Results entirely.

##### Timken Notice

In *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the CAFC held that, pursuant to section

<sup>6</sup> See *Final Results*.

<sup>7</sup> See *Home Prods. Int'l v. United States*, 633 F.3d 1369 (Fed. Cir. 2011) ("*Home Products*").

<sup>8</sup> See *US Magnesium LLC v. United States*, Court Order No. 12-00006, Slip Op. 13-9 (CIT January 22, 2013) ("TMI I").

<sup>9</sup> *Id.*

<sup>10</sup> See Final Remand Results.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

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 Court’s judgment in *TMI II* sustaining the Final Remand Results constitutes a final decision of the Court that is not in harmony with the Department’s *Final Results*. This notice is published in fulfillment of the publication requirement of *Timken*.

**Amended Final Results**

Because there is now a final court decision, the Department is amending the *Final Results* with respect to the surrogate value for truck freight and financial ratios, in addition to correcting the errors in its calculation of the labor rate. The revised weighted-average dumping margin for TMI during the period May 1, 2009, through April 30, 2010, is as follows:

**WEIGHTED-AVERAGE DUMPING MARGIN:**

Exporter	Weighted-average dumping margin (percent)
TMI .....	51.26

Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the Court’s ruling is not appealed or, if appealed, upheld by the CAFC, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on unliquidated entries of subject merchandise exported by the above listed exporter at the rate listed above.

**Cash Deposit Requirements**

Since the *Final Remand Results*, the Department has established a new cash deposit rate for TMI.<sup>13</sup> Therefore, the cash deposit rate for TMI does not need to be updated as a result of these amended final results.

<sup>13</sup> See *Pure Magnesium From the People’s Republic of China: Final Results of Antidumping Duty Administrative Review; 2011–2012*, 79 FR 94 (January 2, 2014); *Pure Magnesium From the People’s Republic of China: Final Results of Antidumping Duty Administrative Review; 2013–2014*, 80 FR 26541 (May 8, 2015).

**Notification to Interested Parties**

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

Dated: May 29, 2015.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2015–13828 Filed 6–4–15; 8:45 am]

**BILLING CODE 3510–DS–P**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A–489–501]

**Welded Carbon Steel Standard Pipe and Tube Products From Turkey: Preliminary Results of Antidumping Duty Administrative Review; 2013–2014**

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

**SUMMARY:** In response to a request by interested parties,<sup>1</sup> the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on welded carbon steel standard pipe and tube products (welded pipe and tube) from Turkey.<sup>2</sup> The period of review (POR) is May 1, 2013, to April 30, 2014. This review covers the following companies: Borusan Istikbal Ticaret T.A.S., and Borusan Mannesmann Boru Sanayi ve Ticaret A.S. (collectively “Borusan”); ERBOSAN Erciyas Boru Sanayi ve Ticaret A.S. (Erbosan); Toscelik Profil ve Sac Endustrisi A.S. (Toscelik) and Tosyali Dis Ticaret A.S. (Tosyali) (collectively “Toscelik”).<sup>3</sup> The

<sup>1</sup> Wheatland Tube Company, Borusan Mannesmann Boru Sanayi ve Ticaret A.S., and Borusan Istikbal Ticaret requested the instant administrative review.

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 79 FR 36462 (June 27, 2014) (*Initiation Notice*). The *Initiation Notice* inadvertently referenced the incorrect order title. This **Federal Register** notice and the decision memorandum accompanying these preliminary results use the original and correct order title, as reflected in the original 1986 order. See *Antidumping Duty Order: Welded Carbon Steel Standard Pipe and Tube Products from Turkey*, 51 FR 17784 (May 15, 1986).

<sup>3</sup> In prior segments of this proceeding, we treated Borusan Mannesmann Boru Sanayi ve Ticaret A.S. and Borusan Istikbal Ticaret T.A.S. as the same legal entity. See, e.g., *Welded Carbon Steel Standard Pipe and Tube Products From Turkey: Final Results of Antidumping Duty Administrative Review; 2012–2013*, 79 FR 71087, 71088 (December 1, 2014). We preliminarily determine that there is no evidence on the record for altering such treatment of these two parties, referred to collectively as Borusan. Similarly, in prior segments of this proceeding we treated Toscelik and Tosyali as the same legal entity. See, e.g., *id.* There is also

Department preliminarily determines that Borusan and Toscelik both made U.S. sales of subject merchandise below normal value. In addition, the Department preliminarily finds that Erbosan had no shipments. The preliminary results are listed below in the section titled “Preliminary Results of Review.”

**DATES:** *Effective Date:* June 5, 2015.

**FOR FURTHER INFORMATION CONTACT:** Fred Baker, Deborah Scott, or Robert James at (202) 482–2924, (202) 482–2657, or (202) 482–0649, respectively; AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**

**Scope of the Order**

The merchandise subject to the order is welded pipe and tube. The welded pipe and tube subject to the order is currently classifiable under subheading 7306.30.10.00, 7306.30.50.25, 7306.30.50.32, 7306.30.50.40, 7306.30.50.55, 7306.30.50.85, and 7306.30.50.90 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheading is provided for convenience and customs purposes. A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, “Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Welded Carbon Steel Standard Pipe and Tube Products from Turkey; 2013–2014 Administrative Review” (Preliminary Decision Memorandum), which is hereby adopted by this notice. The written description of the scope of the order is dispositive.

**Methodology**

The Department has conducted this review in accordance with section 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. The

no record evidence for altering this treatment. Therefore, for these preliminary results, we are treating Toscelik and Tosyali as the same legal entity.