

case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

### International Trade Commission Notification

In accordance with section 703(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will make its final determination before the later of 120 days after the date of this preliminary determination or 45 days after Commerce's final determination.

### Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: March 7, 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.*

### Appendix I

#### Scope of the Investigation

The merchandise covered by this investigation is carbon and alloy forged steel fittings, whether unfinished (commonly known as blanks or rough forgings) or finished. Such fittings are made in a variety of shapes including, but not limited to, elbows, tees, crosses, laterals, couplings, reducers, caps, plugs, bushings and unions. Forged steel fittings are covered regardless of end finish, whether threaded, socket-weld or other end connections.

While these fittings are generally manufactured to specifications ASME B16.11, MSS SP-79, and MSS SP-83, ASTM A105, ASTM A350 and ASTM A182, the scope is not limited to fittings made to these specifications.

The term forged is an industry term used to describe a class of products included in applicable standards, and does not reference an exclusive manufacturing process. Forged steel fittings are not manufactured from casting. Pursuant to the applicable

specifications, subject fittings may also be machined from bar stock or machined from seamless pipe and tube.

All types of fittings are included in the scope regardless of nominal pipe size (which may or may not be expressed in inches of nominal pipe size), pressure rating (usually, but not necessarily expressed in pounds of pressure, e.g., 2,000 or 2M; 3,000 or 3M; 6,000 or 6M; 9,000 or 9M), wall thickness, and whether or not heat treated.

Excluded from this scope are all fittings entirely made of stainless steel. Also excluded are flanges, butt weld fittings, and nipples.

Also excluded are fittings certified to the following standards and specifications, so long as the fittings are not also manufactured to the specifications of ASME B16.11, MSS SP-79, and MSS SP-83, ASTM A105, ASTM A350 and ASTM A182:

- American Petroleum Institute (API) 5CT, API 5L, or API 11B
- Society of Automotive Engineering (SAE) J476, SAE J514, SAE J516, SAE J517, SAE J518, SAE J1026, SAE J1231, SAE J1453, SAE J1926 or J2044
- Underwriter's Laboratories (UL) certified electrical conduit fittings
- ASTM A153, A536, A576, or A865
- Casing Conductor Connectors 16–42 inches in diameter made to proprietary specifications

To be excluded from the scope, products must have the appropriate standard markings and/or be accompanied by documentation showing product compliance to the applicable standard, e.g., "API 5CT" mark and/or a mill certification report.

Subject carbon and alloy forged steel fittings are normally entered under Harmonized Tariff Schedule of the United States (HTSUS) 7307.99.1000, 7307.99.3000, 7307.99.5045, and 7307.99.5060. They also may be entered under HTSUS 7307.92.3010, 7307.92.3030, 7307.92.9000, and 7326.19.0010. The HTSUS subheadings and specifications are provided for convenience and customs purposes; the written description of the scope is dispositive.

### Appendix II

#### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope Comments
- IV. Scope of the Investigation
- V. Alignment
- VI. Injury Test
- VII. Application of the CVD Law to Imports From China
- VIII. Use of Facts Otherwise Available and Adverse Inferences
- IX. Subsidies Valuation
- X. Benchmarks and Interest Rates
- XI. Analysis of Programs
- XII. Conclusion

[FR Doc. 2018-05154 Filed 3-13-18; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-552-814]

### Utility Scale Wind Towers From the Socialist Republic of Vietnam: Final Determination of No Shipments; Antidumping Duty Administrative Review; 2016–2017

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

**SUMMARY:** The Department of Commerce (Commerce) is issuing a final no shipments determination in the final results of the antidumping duty administrative review on utility scale wind towers (wind towers) from the Socialist Republic of Vietnam (Vietnam) because Commerce continues to find that CS Wind Group did not have any shipments of subject merchandise by CS Wind Group during the period of review (POR). This review covers CS Wind Group where the company was the producer but not the exporter, or the exporter but not the producer of subject merchandise.

**DATES:** Applicable March 14, 2018.

**FOR FURTHER INFORMATION CONTACT:** Trisha Tran, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4852.

#### SUPPLEMENTARY INFORMATION:

#### Background

On May 31, 2017, Commerce published its *Amended Initiation Notice*.<sup>1</sup> According to the *Amended Initiation Notice*, Commerce stated it was initiating an administrative review only on entries where CS Wind Group

<sup>1</sup> See *Utility Scale Wind Towers from the Socialist Republic of Vietnam: Notice of Amended Initiation of Antidumping Duty Administrative Review; 2016–2017*, 82 FR 24943 (May 31, 2017) (*Amended Initiation Notice*). In the *Amended Initiation Notice*, Commerce stated that it inadvertently initiated an administrative review on all entries of merchandise exported by CS Wind Group. Because wind towers that are produced and exported by CS Wind Group were excluded from the antidumping duty order on wind towers from Vietnam effective March 26, 2017, Commerce clarified in the *Amended Initiation Notice* that we should only have initiated the administrative review on wind towers produced in Vietnam with respect to the CS Wind Group where CS Wind Group was (1) the producer but not the exporter, or (2) the exporter but not the producer. To correct this error in the *Initiation Notice*, Commerce explained it was issuing the *Amended Initiation Notice* with respect to the CS Wind Group. More specifically, Commerce stated it was initiating an administrative review only on entries where CS Wind Group was (1) the producer but not the exporter, or (2) the exporter but not the producer of subject merchandise.

was (1) the producer but not the exporter, or (2) the exporter but not the producer of subject merchandise. On November 6, 2017, Commerce published the *Preliminary Results*.<sup>2</sup> The POR is February 1, 2016, through January 31, 2017. We invited interested parties to comment on the *Preliminary Results*. No party provided comments. Commerce has conducted this administrative review in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (the Act).

### Scope of the Order

The merchandise covered by this order are certain wind towers, whether or not tapered, and sections thereof. Certain wind towers are designed to support the nacelle and rotor blades in a wind turbine with a minimum rated electrical power generation capacity in excess of 100 kilowatts and with a minimum height of 50 meters measured from the base of the tower to the bottom of the nacelle (*i.e.*, where the top of the tower and nacelle are joined) when fully assembled.

A wind tower section consists of, at a minimum, multiple steel plates rolled into cylindrical or conical shapes and welded together (or otherwise attached) to form a steel shell, regardless of coating, end-finish, painting, treatment, or method of manufacture, and with or without flanges, doors, or internal or external components (*e.g.*, flooring/decking, ladders, lifts, electrical buss boxes, electrical cabling, conduit, cable harness for nacelle generator, interior lighting, tool and storage lockers) attached to the wind tower section. Several wind tower sections are normally required to form a completed wind tower.

Wind towers and sections thereof are included within the scope whether or not they are joined with nonsubject merchandise, such as nacelles or rotor blades, and whether or not they have internal or external components attached to the subject merchandise.

Specifically excluded from the scope are nacelles and rotor blades, regardless of whether they are attached to the wind tower. Also excluded are any internal or external components which are not attached to the wind towers or sections thereof.

Merchandise covered by the order is currently classified in the Harmonized Tariff System of the United States (HTSUS) under subheadings

7308.20.0020<sup>3</sup> or 8502.31.0000.<sup>4</sup> Prior to 2011, merchandise covered by the order was classified in the HTSUS under subheading 7308.20.0000 and may continue to be to some degree. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

### Final Determination of No Shipments

As explained above, in the *Preliminary Results*, Commerce found that CS Wind Group did not have any shipments of subject merchandise during the POR where CS Wind Group was (1) the producer but not the exporter, or (2) the exporter but not the producer of subject merchandise. Also, in the *Preliminary Results*, consistent with Commerce's assessment practice in non-market economy cases, Commerce stated it was not rescinding this review but intended to complete the review with respect to CS Wind Group for which it had preliminarily found no shipments and issue appropriate instructions to U.S. Customs and Border Protection (CBP) based on the final results of the review.<sup>5</sup>

After issuing the *Preliminary Results*, Commerce received no comments from interested parties, and has not received any information that would cause it to alter our preliminary determination of no shipments. Therefore, for these final results, Commerce continues to find that CS Wind Group did not have any shipments of subject merchandise during the POR where CS Wind Group was (1) the producer but not the exporter, or (2) the exporter but not the producer of subject merchandise. As Commerce received no comments or new information for consideration in these final results, Commerce has not prepared an Issues and Decision Memorandum for this administrative review.

### Assessment Rates

Commerce has determined, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.<sup>6</sup> Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review. Additionally, because

Commerce determined that CS Wind Group had no shipments of subject merchandise during the POR, any suspended entries that entered under CS Wind Group's antidumping duty case number (*i.e.*, at that exporter's rate) will be liquidated at the Vietnam-wide rate.<sup>7</sup>

### 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 the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For CS Wind Group, which claimed no shipments, the cash deposit rate will remain unchanged from the rate assigned to CS Wind Group in the most recently issued Notice of Court Decision Not in Harmony with the Final Determination of Less Than Fair Value Determination;<sup>8</sup> (2) for previously investigated Vietnam and non-Vietnam exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Vietnam exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate previously established for the Vietnam-wide entity (*i.e.*, 58.54 percent); and (4) for all non-Vietnam exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Vietnam exporter that supplied that non-Vietnam exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

### Notifications

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 review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

<sup>7</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011), for a full discussion of this practice.

<sup>8</sup> See *Utility Scale Wind Towers from the Socialist Republic of Vietnam: Notice of Court Decision Not in Harmony With the Final Determination of Less Than Fair Value Investigation and Notice of Amended Final Determination of Investigation*, 82 FR 15493 (March 29, 2017).

<sup>2</sup> See *Utility Scale Wind Towers from the Socialist Republic of Vietnam: Preliminary Determination of No Shipments, and Preliminary Partial Rescission of Antidumping Duty Administrative Review, 2016–2017*, 82 FR 51386 (November 6, 2017) (*Preliminary Results*).

<sup>3</sup> Wind towers are classified under HTSUS 7308.20.0020 when imported as a tower or tower section(s) alone.

<sup>4</sup> Wind towers may also be classified under HTSUS 8502.31.0000 when imported as part of a wind turbine (*i.e.*, accompanying nacelles and/or rotor blades).

<sup>5</sup> See *Preliminary Results* at 82 FR 51387.

<sup>6</sup> See 19 CFR 351.212(b).

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.<sup>1</sup>

<sup>1</sup> 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.<sup>2</sup> On September 13, 2016, Commerce published an amended final determination and the CVD order.<sup>3</sup>

The Court remanded one aspect of Commerce's findings for further consideration.<sup>4</sup> 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.<sup>5</sup>

On December 11, 2017, Commerce issued its *Remand Redetermination*.<sup>6</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> 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*).

<sup>4</sup> 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*).

<sup>5</sup> *Id.* at 44-45.

<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup> Therefore, Commerce did not address these issues in the *Remand Redetermination*.

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

#### Timken Notice

In its decision in *Timken*,<sup>11</sup> as clarified by *Diamond Sawblades*,<sup>12</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), 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*

<sup>7</sup> *Id.* at 2.

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

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

<sup>10</sup> 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).

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

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