

fabricated structural steel does not remove the fabricated structural steel from the scope.

Fabricated structural steel is covered by the scope of the investigations regardless of whether it is painted, varnished, or coated with plastics or other metallic or non-metallic substances and regardless of whether it is assembled or partially assembled, such as into modules, modularized construction units, or sub-assemblies of fabricated structural steel.

Subject merchandise includes fabricated structural steel that has been assembled or further processed in the subject country or a third country, including but not limited to painting, varnishing, trimming, cutting, drilling, welding, joining, bolting, punching, bending, beveling, riveting, galvanizing, coating, and/or slitting or any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the fabricated structural steel.

Specifically excluded from the scope of these investigations are:

1. Fabricated steel concrete reinforcing bar (rebar) if: (i) It is a unitary piece of fabricated rebar, not joined, welded, or otherwise connected with any other steel product or part; or (ii) it is joined, welded, or otherwise connected only to other rebar.

2. Fabricated structural steel for bridges and bridge sections that meets American Association of State and Highway and Transportation Officials (AASHTO) bridge construction requirements or any state or local derivatives of the AASHTO bridge construction requirements.

3. Pre-engineered metal building systems, which are defined as complete metal buildings that integrate steel framing, roofing and walls to form one, pre-engineered building system, that meet Metal Building Manufacturers Association guide specifications. Pre-engineered metal building systems are typically limited in height to no more than 60 feet or two stories.

4. Steel roof and floor decking systems that meet Steel Deck Institute standards.

5. Open web steel bar joists and joist girders that meet Steel Joist Institute specifications.

The products subject to the investigations are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings: 7308.90.3000, 7308.90.6000, and 7308.90.9590.

The products subject to the investigations may also enter under the following HTSUS subheadings: 7216.91.0010, 7216.91.0090, 7216.99.0010, 7216.99.0090, 7222.40.6000, 7228.70.6000, 7301.10.0000, 7301.20.1000, 7301.20.5000, 7308.40.0000, 7308.90.9530, and 9406.90.0030.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigations is dispositive.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-433-812]

#### **Certain Carbon and Alloy Steel Cut-to-Length Plate From Austria: Notice of Court Decision Not in Harmony With Final Determination in Less Than Fair Value Investigation and Notice of Amended Final Determination and Order Pursuant to Court Decision**

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

**SUMMARY:** On February 12, 2019, the United States Court of International Trade (CIT or the Court) sustained the final results of redetermination pertaining to the less-than-fair-value (LTFV) investigation of certain carbon and alloy steel cut-to-length plate (CTL plate) from Austria for the period of investigation from April 1, 2015, through March 31, 2016. The Department of Commerce (Commerce) is notifying the public that the final judgment in this case is not in harmony with the *Final Determination and Order* of the investigation and that Commerce is amending the *Final Determination and Order* with respect to the cash deposit rate assigned to voestalpine Grobblech GmbH, voestalpine Steel Service Center GmbH, Bohler Edelstahl GmbH & Co KG, Bohler Bleche GmbH & Co KG, and Bohler International GmbH, (collectively, voestalpine) and the all-others rate.

**DATES:** Applicable February 22, 2019.

**FOR FURTHER INFORMATION CONTACT:** Madeline Heeren, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-9179.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On April 4, 2017, Commerce published its affirmative *Final Determination* of sales at less than fair value, in which it determined a weighted-average dumping margin of 53.72 percent for voestalpine.<sup>1</sup> The

<sup>1</sup> In accordance with section 771(33)(F) of the Act, we determined that the following companies were affiliated and should be treated as a single entity for purposes of the investigation: voestalpine Grobblech, voestalpine Steel Service Center GmbH, Bohler Edelstahl GmbH & Co KG, Bohler Bleche GmbH & Co KG, and Bohler International GmbH. See *Certain Carbon and Alloy Steel Cut-To-Length Plate from Austria: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances*, 82 FR 16366, 16367 (April 4, 2017) (*Final Determination*)

antidumping duty order was published on May 25, 2017.<sup>2</sup> The *Final Determination* was appealed to the CIT by voestalpine, and on July 9, 2018, the CIT sustained, in part, and remanded, in part, Commerce's *Final Determination*.<sup>3</sup> Specifically, the Court remanded the *Final Determination* directing Commerce to design a model-match methodology that accounts for commercially significant physical differences among products due to alloy content and to recalculate dumping margins in accordance with the revised model-match methodology.<sup>4</sup> On October 9, 2018, Commerce issued its final results of redetermination pursuant to remand in accordance with the CIT's order.<sup>5</sup> On remand, Commerce, under respectful protest,<sup>6</sup> used the alternative model-match methodology voestalpine proposed during the investigation to account for all commercially significant physical differences, including alloy content, and recalculated voestalpine's weighted-average dumping margin and the all-others rate using the revised model-match methodology.<sup>7</sup> On February 12, 2019, the CIT sustained Commerce's *Remand Redetermination*.<sup>8</sup> Therefore, the effective date of this notice is February 22, 2019.

##### **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 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

and accompanying Issues and Decision Memorandum (IDM).

<sup>2</sup> See *Certain Carbon and Alloy Steel Cut-To-Length Plate from Austria, Belgium, France, the Federal Republic of Germany, Italy, Japan, the Republic of Korea, and Taiwan: Amended Final Affirmative Antidumping Determinations for France, the Federal Republic of Germany, the Republic of Korea and Taiwan, and Antidumping Duty Orders*, 82 FR 24096 (May 25, 2017) (*Order*).

<sup>3</sup> See *Bohler Bleche GmbH & Co. KG, et al., v. United States*, 324 F. Supp. 3d 1344 (CIT July 9, 2018) (*Bohler*).

<sup>4</sup> *Id.* at 1354-1355.

<sup>5</sup> See *Final Results of Redetermination Pursuant to Court Order Bohler Bleche GmbH & Co. KG, v. United States*, Court No. 17-00163, Slip Op. 18-86 (CIT July 9, 2018), dated October 9, 2018 (*Remand Redetermination*), available at <http://enforcement.trade.gov/remands/index.html>.

<sup>6</sup> See *Viraj Grp., Ltd. v. United States*, 343 F.3d 1371, 1376 (Fed. Cir. 2003).

<sup>7</sup> See *Remand Redetermination*.

<sup>8</sup> See *Bohler Bleche GmbH & Co. KG, et al., v. United States*, Court No. 17-00163, Slip Op. 19-19 (CIT February 12, 2019).

<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*).

determination and must suspend liquidation of entries pending a “conclusive” court decision.<sup>11</sup> The CIT’s February 12, 2019 judgment sustaining Commerce’s *Remand Redetermination* constitutes a final decision of the Court that is not in harmony with Commerce’s *Final Determination and Order*. This notice is published in fulfillment of the publication requirements of *Timken* and section 516A of the Act.

### Amended Final Determination and Amended Order

Because there is now a final court decision, Commerce is amending the *Final Determination and Order* with respect to the margin assigned to voestalpine and all other producers and exporters. The revised weight-averaged dumping margin for voestalpine and the all-others rate for the period April 1, 2015, through March 31, 2016, are as follows:

| Producer/exporter   | Weighted-average dumping margin (percent) |
|---|---|
| Bohler Bleche GmbH & Co KG .....  | 28.57                                     |
| Bohler Edelstahl GmbH & Co KG<br>Bohler International GmbH<br>voestalpine Grobblech GmbH<br>voestalpine Steel Service Center GmbH |   |
| All-Others .....  | 28.57                                     |

### Cash Deposit Requirements

Because voestalpine does not have a superseding cash deposit rate, *i.e.*, there have been no final results published in subsequent administrative reviews for voestalpine, Commerce will instruct U.S. Customs and Border Protection (CBP) to collect the revised cash deposit rates listed above for voestalpine and companies covered by the all-others rate, effective February 22, 2019.

### Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c)(1) and (e), 735(c)(1)(B), and 777(i)(1) of the Act.

Dated: February 26, 2019.

#### 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. 2019-03822 Filed 3-1-19; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-485-805]

#### Carbon and Alloy Seamless Standard, Line and Pressure Pipe (Under 4.5 Inches) From Romania: Partial Rescission of Antidumping Duty Administrative Review; 2017–2018

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

**SUMMARY:** The Department of Commerce (Commerce) is rescinding the administrative review, in part, of the antidumping duty order on carbon and alloy seamless standard, line and pressure pipe (under 4.5 inches) (small diameter seamless pipe) from Romania for the period August 1, 2017 through July 31, 2018.

**DATES:** Applicable March 4, 2019.

#### FOR FURTHER INFORMATION CONTACT:

Katherine Johnson or Samantha Kinney, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4929 or 202-482-2285 respectively.

#### SUPPLEMENTARY INFORMATION:

#### Background

On October 4, 2018, based on a timely request for review of four companies by United States Steel Corporation (the petitioner),<sup>1</sup> Commerce published in the **Federal Register** a notice of initiation of an administrative review of the antidumping duty order on small diameter seamless pipe from Romania covering the period August 1, 2017, through July 31, 2018.<sup>2</sup>

On February 13, 2019, the petitioner withdrew its request for administrative review of SC TMK-Artrom S.A. (TMK-Artrom).<sup>3</sup> No other interested parties requested an administrative review of this company.

#### Partial Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an

<sup>1</sup> See Petitioner’s Letter, “Carbon and Alloy Seamless Standard Line, and Pressure Pipe (Under 4.5 Inches) from Romania: Request for Administrative Review of Antidumping Duty Order,” dated August 30, 2018.

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 83 FR 50077 (October 4, 2018) (*Initiation Notice*).

<sup>3</sup> See Petitioner’s Letter, “Carbon and Alloy Seamless Standard Line, and Pressure Pipe (Under 4.5 Inches) from Romania: Partial Withdrawal of Request for Administrative Review of Antidumping Duty Order,” dated February 13, 2019.

administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation of the requested review.

Commerce exercised its discretion to toll all deadlines affected by the partial Federal Government closure from December 22, 2018, through the resumption of operations on January 29, 2019.<sup>4</sup> If the new deadline falls on a non-business day, in accordance with Commerce’s practice, the deadline will become the next business day. In this case, the original deadline for parties to withdraw requests for administrative review of January 2, 2019, was extended prior to the partial Federal Government closure to January 9, 2019.<sup>5</sup> Therefore, the revised deadline to withdraw a review request was February 19, 2019.

Because the petitioner’s request for administrative review of TMK-Artrom was withdrawn within 90 days of the date of publication of the *Initiation Notice* (as extended and tolled, per the discussion above), and no other interested party requested a review of this company, Commerce is rescinding this review with respect to TMK-Artrom, in accordance with 19 CFR 351.213(d)(1). The administrative review remains active with respect to all other companies initiated for review, *i.e.*, ArcelorMittal Tubular Products Roman S.A.; SC Tubinox S.A.; and Silcotub S.A.

#### Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period August 1, 2017, through July 31, 2018, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after the publication of this notice in the **Federal Register**, if appropriate.

#### 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

<sup>4</sup> See Memorandum, “Deadlines Affected by the Partial Shutdown of the Federal Government,” dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

<sup>5</sup> See Commerce Letter re: Request for Extension, dated December 21, 2018.

<sup>11</sup> See Sections 516A(c) and (e) of the Act.