

POSCO.”⁷ Because the Court remanded Commerce’s *Final Determination* on these bases, it did not address whether the agency corroborated the AFA rates at issue.⁸

Shortly thereafter, POSCO filed a motion for reconsideration of the Court’s opinion. In its *Reconsideration Order*,⁹ the Court concluded that “Commerce did not provide any additional explanation of how it determined that there was no identical program before moving to the second step of its AFA methodology—using the rate in another investigation—and, thus, did not make the requisite factual findings to address POSCO’s contention that the {Industrial Technology Innovation Promotion Act} grant was an identical program in the proceeding.”¹⁰ Accordingly, it further remanded the *Final Determination* to Commerce for consideration of this issue.

Pursuant to the *Remand Order* and *Reconsideration Order*, Commerce issued its Final Redetermination, which addressed the Court’s holdings and revised the net countervailable subsidy rate assigned to POSCO to 3.72 percent.¹¹ On November 8, 2019, the Court sustained Commerce’s Final Redetermination and entered final judgment.¹²

Timken Notice

In its decision in *Timken*,¹³ as clarified by *Diamond Sawblades*,¹⁴ the United States Court of Appeals for the Federal Circuit held that, pursuant to sections 516A(e) of 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 Court’s November 8, 2019, judgment sustaining Commerce’s Final Redetermination constitutes a final decision of that court, which is not in harmony with Commerce’s *Final Determination*. This notice is published in fulfillment of the publication requirements of *Timken*. Commerce will continue the suspension of liquidation of the subject merchandise at issue

pending a final and conclusive court decision.

Amended Final Determination

Because there is now a final court decision, Commerce is amending its *Final Determination* with respect to the net countervailable subsidy rate assigned to POSCO. Additionally, because the rate for all other producers/exporters not individually investigated was based on the net countervailable subsidy rate calculated for POSCO, Commerce is amending the all-others rate.¹⁵ As previously indicated, in accordance with the scope of the underlying investigation, this application of POSCO’s subsidy rate to all other producers/exporters applies only to subject CTL plate not within the physical description of cut-to-length carbon quality steel plate in the *1999 Korea CVD Order*.¹⁶ The revised net countervailable subsidy rates for POSCO, and all other producers/exporters not individually investigated for the period January 1, 2015, through December 31, 2015, are as follows:

Producer/exporter	Subsidy rate (percent)
POSCO	3.72
All Others	3.72

Cash Deposit Requirements

Because POSCO does not have a superseding cash deposit rate, *i.e.*, there have been no final results published in a subsequent administrative review for POSCO, Commerce will issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP). Effective November 18, 2019, the cash deposit rate applicable to entries of subject merchandise exported by POSCO is 3.72 percent. Similarly, Commerce will also instruct CBP to collect cash deposits for companies covered by the all-others cash deposit rate according to the table above, effective November 18, 2019.

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

¹⁵ See *Final Determination*, 82 FR at 16342.

¹⁶ See *id.* n.10 (citing *Final Affirmative Countervailing Duty Determination: Certain Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea*, 64 FR 6587 (December 29, 1999), as amended, 65 FR 6587 (February 10, 2000) (*1999 Korea CVD Order*)).

Dated: November 18, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–523–810]

Polyethylene Terephthalate Resin From the Sultanate of Oman: Final Results of Antidumping Duty Administrative Review; 2017–2018

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

SUMMARY: The Department of Commerce (Commerce) determines that OCTAL SAOC-FZC (OCTAL) did not make sales of polyethylene terephthalate resin (PET resin) from the Sultanate of Oman (Oman) at less than normal value during the period of review (POR), May 1, 2017 through April 30, 2018.

DATES: Applicable November 22, 2019.

FOR FURTHER INFORMATION CONTACT: Jonathan Hill, 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) 482–3518.

SUPPLEMENTARY INFORMATION:

Background

On July 18, 2019, Commerce published the *Preliminary Results* of the 2017–2018 antidumping duty (AD) administrative review of PET resin from Oman.¹ On August 19, 2019, DAK Americas, LLC, Indorama Ventures USA, Inc., and Nan Ya Plastics Corporation, America (petitioners) requested that Commerce conduct a hearing in this proceeding.² On August 20, 2019, we received a case brief from the petitioners and on August 30, 2019, we received a rebuttal brief from

¹ See *Polyethylene Terephthalate Resin from the Sultanate of Oman: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018*, 84 FR 34343 (July 18, 2019) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

² See Petitioners’ Letter, “Polyethylene Terephthalate Resin from the Sultanate of Oman—Petitioners’ Request for Hearing,” dated August 19, 2019.

⁷ *Id.* at 1374 and 1383.

⁸ *Id.* at 1383 n.15.

⁹ See *POSCO v. United States*, 382 F. Supp. 3d 1346 (CIT 2019) (*Reconsideration Order*).

¹⁰ *Id.* at 1349.

¹¹ See Final Results of Redetermination Pursuant to Court Order, Consol. Court No. 17–00137, dated July 1, 2019 (Final Redetermination).

¹² See *POSCO v. United States*, Slip Op. 18–169, Consol. Ct. No. 17–00137 (CIT 2018).

¹³ See *Timken Co. v. United States*, 893 F. 2d 337 (Fed. Cir. 1990) (*Timken*).

¹⁴ See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F. 3d 1374 (Fed. Cir. 20 10) (*Diamond Sawblades*).

OCTAL.³ On October 3, 2019, we held a public hearing.⁴

Scope of the Order

The merchandise covered by this order is PET resin having an intrinsic viscosity of at least 0.70, but not more than 0.88, deciliters per gram. The merchandise subject to this order is properly classified under subheadings 3907.60.00.30, 3907.61.0000, 3907.61.0010, 3907.61.0050, 3907.69.0000, 3907.69.0010, and 3907.69.0050 of the Harmonized Tariff Schedule of the United States (HTSUS).⁵ Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by this order is dispositive. For a complete description of the scope of the order, see the Issues and Decision Memorandum (IDM).⁶

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the IDM, which is hereby adopted by this notice. A list of the issues raised is attached to this notice as an Appendix. The IDM is a public document and is on-file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov> and in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the IDM

³ See Petitioners' Letter, "Polyethylene Terephthalate Resin from the Sultanate of Oman: Petitioners' Case Brief," dated August 20, 2019; see also OCTAL's Rebuttal Brief, "OCTAL's Rebuttal Brief: Polyethylene Terephthalate Resin (PET) from the Sultanate of Oman," dated August 30, 2019.

⁴ See Memorandum, "2017–2018 Antidumping Duty Administrative Review of Polyethylene Terephthalate Resin from the Sultanate of Oman: Hearing Schedule," dated September 25, 2019; see also Public Hearing Transcript dated October 10, 2019.

⁵ On January 27, 2017, Commerce added HTS numbers 3907.61.0000 and 3907.69.0000 to the Case Reference File. See Memorandum, "Request from Customs and Border Protection to Update the ACE Case Reference File: Polyethylene Terephthalate Resin from the Sultanate of Oman (A–523–810)," dated January 31, 2017. Further, on February 28, 2019, Commerce added HTS numbers 3907.61.0010, 3907.61.0050, 3907.69.0010, and 3907.69.0050 to the Case Reference File. See Memorandum, "Request from U.S. Customs and Border Protection to Update the ACE Case Reference File: Polyethylene Terephthalate Resin from the Sultanate of Oman (A–523–810)," dated February 28, 2019.

⁶ See Memorandum, "Issues and Decision Memorandum for the Final Results of the 2017–2018 Administrative Review of the Antidumping Duty Order on Polyethylene Terephthalate Resin from the Sultanate of Oman," dated concurrently with, and hereby adopted by, this notice.

can be accessed directly at <http://enforcement.trade.gov/frn/index.html>. The signed IDM and the electronic version of the IDM are identical in content.

Changes Since the Preliminary Results

Based on our review of the record and comments received from interested parties, we made no revisions to the preliminary dumping margin calculations for OCTAL.

Final Results of the Administrative Review

We have determined that the following weighted-average dumping margin exists for the firm listed below for the period May 1, 2017 through April 30, 2018:

Exporter/producer	Weighted-average dumping margin (percent)
OCTAL SAOC–FZC	0.00

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protections (CBP) shall assess, AD duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Because OCTAL's weighted-average dumping margin is zero percent, we will instruct CBP to liquidate the appropriate entries without regard to AD duties.

For POR entries of subject merchandise produced by OCTAL for which it did not know the merchandise was destined for the United States, we will instruct CBP to liquidate these unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of this notice of final results of administrative review in the **Federal Register** for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for OCTAL is zero percent; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the final

company-specific rate published for the most recent period; (3) if the exporter was not covered in this review, a prior review, or the investigation, but the producer was, the cash deposit rate will be the rate established in the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 7.62 percent *ad valorem*, the all-others rate established in the investigation.⁷ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of AD duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of AD duties occurred and the subsequent assessment of doubled AD duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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 the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(5).

Dated: November 15, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes Since the Preliminary Results

⁷ See *Certain Polyethylene Terephthalate Resin from Canada, the People's Republic of China, India, and the Sultanate of Oman: Amended Final Affirmative Antidumping Determination (Sultanate of Oman) and Antidumping Duty Orders*, 81 FR 27979 (May 6, 2016).

V. Discussion of the Issues

Comment 1: Whether to Apply Total Adverse Facts Available

VI. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-857]

Oil Country Tubular Goods From India: Final Results and No Shipments Determination of Antidumping Duty Administrative Review; 2017-2018

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

SUMMARY: The Department of Commerce (Commerce) continues to find that GVN Fuels, Ltd. (GVN) had no shipments of subject merchandise during the period of review (POR) September 1, 2017 through August 31, 2018.

FOR FURTHER INFORMATION CONTACT: Charlotte Baskin-Gerwitz, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4880.

SUPPLEMENTARY INFORMATION:

Background

On August 13, 2019, Commerce published the *Preliminary Results*.¹ We invited interested parties to comment on the *Preliminary Results*, but we received no comments. Accordingly, we made no changes to the *Preliminary Results* for purposes of these final results.

Scope of the Order

The merchandise covered by the order is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (e.g., whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread

¹ See *Oil Country Tubular Goods from India: Preliminary No Shipments Determination of Antidumping Duty Administrative Review; 2017-2018*, 84 FR 40028 (August 13, 2019) (*Preliminary Results*).

protectors are attached. The scope of the order also covers OCTG coupling stock.

Excluded from the scope of the order are: Casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to the order is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the order may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

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

Final Determination of No Shipments

Commerce preliminarily determined that GVN had no shipments of subject merchandise during the POR.² As we received no comments concerning our

² *Id.*

preliminary determination, we continue to find that GVN had no shipments of subject merchandise during the POR.³ Consistent with our practice, we will issue appropriate instructions to U.S. Customs and Border Protection (CBP) based on these final results.⁴

Assessment Rates

We have calculated no assessment rates in this administrative review. Pursuant to Commerce's assessment practice, because we have determined that GVN had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (i.e., at that exporter's rate) will be liquidated at the all-others rate. Commerce intends to issue appropriate assessment instructions to CBP 15 days after the publication of these final results.

Cash Deposit Requirements

As a result of this administrative review, there are no changes to the existing cash deposit requirements, which shall remain in effect until further notice.

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 during this POR. 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.

Administrative Protective Orders

This notice also serves as the only 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(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply

³ Because Commerce did not modify its analysis from that presented in the *Preliminary Results*, no decision memorandum accompanies this **Federal Register** notice.

⁴ See, e.g., *Certain Frozen Warmwater Shrimp from Thailand: Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments; 2012-2013*, 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012-2013*, 79 FR 51306 (August 28, 2014).