

9. Binh Dong Fisheries Joint Stock Company
10. Binh Thuan Import-Export Joint Stock Company (THAIMEX)
11. Ca Mau Agricultural Products and Foodstuff Imp-Exp Joint Stock Company (Agrimexco Camau)
12. Cadovimex Seafood Import-Export and Processing Joint Stock Company ("Cadovimex")
- Cadovimex Seafood Import-Export and Processing Joint Stock Company (Cadovimex)
- Cai Doi Vam Seafood Import-Export Co. ("CADOVIMEX")
13. Cholimex Food Joint Stock Company
14. CJ Cau Tre Foods Joint Stock Company
15. CJ Freshway (FIDES Food System Co., Ltd.)
16. Coastal Fisheries Development Corporation ("COFIDEC")
17. Cty TNHH Anh Khoa Seafood
18. Danang Seaproducts Import-Export Corporation (SEADANANG)
19. Dong Do Profo., Ltd.
20. Dong Hai Seafood Limited Company
21. Dong Phuong Seafood Co., Ltd.
22. Duc Cuong Seafood Trading Co., Ltd.
23. Fine Foods Company (FFC)
- Fine Foods Company (FFC) (Ca Mau Foods & Fishery Export Joint Stock Company)
24. Gallant Dachan Seafood Co., Ltd.
25. Gallant Ocean (Vietnam) Co., Ltd.
- Gallant Ocean Viet Nam Co., Ltd.
26. Green Farms Joint Stock Company
- Green Farms Seafood Joint Stock Company
- Green Farms Seafoods Joint Stock Company
27. Ha Cat A International Co., Ltd.
28. Hanh An Trading Service Co., Ltd.
29. Hanoi Seaproducts Import & Export Joint Stock Corporation (Seaprodex Hanoi)
30. Hoa Trung Seafood Corporation (HSC)
31. Hong Ngoc Seafood Co., Ltd.
32. Hung Bang Co., Ltd.
33. HungHau Agricultural Joint Stock Company
34. Huynh Huong Seafood Processing
35. Huynh Huong Trading and Import-Export Joint Stock Company
36. JK Fish Co., Ltd.
37. Kaiyo Seafood Joint Stock Company
38. Khai Minh Trading Investment Corporation
39. Khanh Hoa Seafoods Exporting Company (KHASPEXCO)
40. Lam Son Import-Export Foodstuff Company Limited (Lamson Fimexco)
- Lam Son Import-Export Foodstuffs Corporation
41. Long Toan Frozen Aquatic Products Joint Stock Company
42. Minh Bach Seafood Company (Minh Binh Seafood Foods Co., Ltd.)
- Minh Bach Seafood Company Limited
43. Minh Cuong Seafood Import Export Processing Joint Stock Company ("MC Seafood")
- Minh Cuong Seafood Import-Export Processing ("MC Seafood")
44. Minh Phu Seafood Corporation
45. Namcan Seaproducts Import Export Joint Stock Company (Seanamico)
46. New Generation Seafood Joint Stock Company
- New Generation Seafood Joint Stock Company ("New Generation")
47. New Wind Seafood Co., Ltd.
48. Nha Trang Fisheries Joint Stock Company
- Nha Trang Fisheries Joint Stock Company ("Nha Trang Fisco")
49. Nhat Duc Co., Ltd.
50. Nigico Co., Ltd.
51. Phu Cuong Jostoco Corp.
- Phu Cuong Jostoco Seafood Corporation
52. Phu Minh Hung Seafood Joint Stock Company
53. Phuung Nam Foodstuff Corp.
- Phuung Nam Foodstuff Corp., Ltd.
54. Quoc Ai Seafood Processing Import Export Co., Ltd.
55. Quoc Toan Seafood Processing Factory (Quoc Toan PTE)
56. Quy Nhon Frozen Seafoods Joint Stock Company
57. Saigon Aquatic Product Trading Joint Stock Company (APT Co.)
58. Saigon Food Joint Stock Company
59. Seafood Joint Stock Company No.4
60. South Ha Tinh Seaproducts Import-Export Joint Stock Company
61. Special Aquatic Products Joint Stock Company (SEASPIMEX VIETNAM)
62. T & P Seafood Company Limited
63. Tai Nguyen Seafood Co., Ltd.
64. Tan Phong Phu Seafood Co., Ltd. ("TPP Co., Ltd.")
- Tan Phong Phu Seafood Co., Ltd. (TPP Co. Ltd.)
65. Tan Thanh Loi Frozen Food Co., Ltd.
66. Thien Phu Export Seafood Processing Company Limited
67. Thinh Hung Co., Ltd.
68. Trang Corporation (Vietnam)
69. Trang Khan Seafood Co., Ltd.
70. Viet Asia Foods Co., Ltd.
71. Viet Nam Seaproducts—Joint Stock Company
72. Viet Phu Foods and Fish Corp.
73. Viet Shrimp Export Processing Joint Stock Company

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-580-888]

Certain Carbon and Alloy Steel Cut-To-Length Plate From the Republic of Korea: Notice of Court Decision Not in Harmony With Final Countervailing Duty Determination, and Notice of Amended Final Countervailing Duty Determination

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

SUMMARY: On November 8, 2019, the United States Court of International Trade (Court) sustained the final remand results pertaining to the countervailing duty (CVD) investigation on certain carbon and alloy steel cut-to-length (CTL) plate from the Republic of Korea (Korea) covering the period January 1, 2015 through December 31, 2015. The Department of Commerce

(Commerce) is notifying the public that the final judgment in this case is not in harmony with the final determination of the CVD investigation and that Commerce is amending the final determination with respect to the net countervailable subsidy rates assigned to POSCO and all other producers/exporters not individually investigated.

DATES: Applicable November 18, 2019.

FOR FURTHER INFORMATION CONTACT: Yasmin Bordas, 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) 482-3813.

SUPPLEMENTARY INFORMATION:**Background**

On April 4, 2017, Commerce published its *Final Determination*.¹ In the *Final Determination*, Commerce calculated a net countervailable subsidy rate of 4.31 percent for POSCO.²

On December 6, 2018, the Court remanded various aspects of the *Final Determination* to Commerce.³ In its *Remand Order*, the Court upheld Commerce's application of adverse facts available (AFA) to POSCO's cross-owned company POSCO M-Tech's unreported additional government subsidies, but remanded to the agency for reconsideration its determination that the assistance received by POSCO M-Tech was countervailable.⁴ Specifically, the Court held that Commerce did not sufficiently justify its application of AFA in making its benefit and specificity findings regarding this program.⁵

Separately, the Court held that Commerce did not "evaluate the application of the highest available AFA rates" as required by section 776(d)(2) of the Tariff Act of 1930, as amended (the Act).⁶ Accordingly, it remanded the *Final Determination* to Commerce for reconsideration of "why the highest available rate should apply to

¹ See *Certain Carbon and Alloy Steel Cut-To-Length Plate from the Republic of Korea: Final Affirmative Countervailing Duty Determination and Final Negative Critical Circumstances Determination*, 82 FR 16341 (April 4, 2017) (*Final Determination*), and accompanying Issues and Decision Memorandum.

² See *Final Determination*, 82 FR at 16342; see also Memorandum, "Countervailing Duty Investigation: Certain Carbon and Alloy Steel Cut-To-Length Plate from the Republic of Korea: Final Determination Calculation Memorandum for POSCO," dated March 29, 2017.

³ See *POSCO v. United States*, 353 F. Supp. 3d 1357 (CIT 2018) (*Remand Order*).

⁴ *Id.* at 1374, 1376.

⁵ *Id.* at 1374.

⁶ *Id.* at 1374 and 1382-83.

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*).