

**FOR FURTHER INFORMATION CONTACT:** Christopher Hargett, Office 8, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4161.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Department published the final results of the fourteenth administrative review of the antidumping duty order on CORE from Korea on March 16, 2009.<sup>2</sup> Union, United States Steel Corporation, and Nucor Corporation respectively filed timely complaints with the CIT to challenge various aspects of the *Final Results*.

On February 15, 2011, the Court remanded for the Department to reconsider its positions with regard to the model-match criteria as applied to Union, the major input adjustment as applied to Union, and certain adjustments to Union's substrate purchases.<sup>3</sup> On July 15, 2011, the Department filed remand redeterminations in which it revised its position with regard to the model-match criteria and purchases of substrate steel and material purchases as applied to Union.<sup>4</sup> Accordingly, the Department recalculated Union's weighted-average margin from 7.56 percent in the *Final Results* to 7.45 percent.<sup>5</sup> On April 25, 2012, the Court sustained the Department's remand redeterminations regarding the model-match criteria and substrate steel and material purchases as applied to Union.<sup>6</sup> On August 8, 2013, after disposition of remaining issues, the Court entered final judgments.<sup>7</sup>

**Timken Notice**

In its decision in *Timken*, as clarified by *Diamond Sawblades*, the CAFC held

<sup>2</sup> See *Certain Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea: Notice of Final Results of the Fourteenth Administrative Review and Partial Rescission*, 74 FR 11082 (March 16, 2009) ("Final Results"), amended by *Certain Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea: Notice of Amended Final Results of the Fourteenth Antidumping Duty Administrative Review*, 74 FR 19199 (April 28, 2009) (amending with respect to Dongbu Steel Co., Ltd., Hyundai HYSCO, Pohang Iron & Steel Co., Ltd., and Pohang Coated Steel Co., Ltd.).

<sup>3</sup> See *Union I* and *U.S. Steel I*.

<sup>4</sup> See *Union Remand Results* and *U.S. Steel Remand Results*.

<sup>5</sup> *Id.*

<sup>6</sup> See *Union Steel v. United States*, 836 F. Supp. 2d 1382 (CIT 2012); *United States Steel Corp. v. United States*, 844 F. Supp. 2d 1334 (CIT 2012).

<sup>7</sup> See *Union Steel v. United States*, Court No. 09-00130, Slip Op. 13-104 (CIT August 8, 2013); *United States Steel Corp. v. United States*, Consol. Court No. 09-00156, Slip Op. 13-103 (CIT August 8, 2013).

that, pursuant to section 516A(c) 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 CIT's August 8, 2013, judgments in this case constitute final decisions of that court that are not in harmony with the Department's final results of the administrative review. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. Because the antidumping duty order on CORE from Korea has been revoked effective February 14, 2012, cash deposits are no longer in effect.<sup>8</sup>

**Amended Final Results**

Because there are now final court decisions with respect to this case, the Department is amending its *Final Results* with respect to Union's weighted-average dumping margins for the period August 1, 2006 through July 31, 2007.<sup>9</sup> The revised weighted-average dumping margin is as follows:

| Manufacturer/exporter | Weighted-average dumping margin (percent) |
|-----------------------|-------------------------------------------|
| Union Steel .....     | 7.45                                      |

In the event that the CIT's ruling is not appealed, or if appealed, upheld by the CAFC, the Department will instruct CBP to liquidate entries of subject merchandise in accordance with 19 CFR 351.212(b).<sup>10</sup>

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

Dated: September 19, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

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<sup>8</sup> See *Corrosion-Resistant Carbon Steel Flat Products from Germany and the Republic of Korea: Revocation of Antidumping and Countervailing Duty Orders*, 78 FR 16832 (March 19, 2013).

<sup>9</sup> The remaining weighted-average dumping margins from the *Final Results*, as subsequently amended, remain unchanged.

<sup>10</sup> See *Final Results*, 74 FR 11083.

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-580-816]

**Certain Corrosion-Resistant Carbon Steel Flat Products From the Republic of Korea: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Administrative Review; 2005-2006**

**SUMMARY:** On August 8, 2013, the United States Court of International Trade ("CIT" or "Court") entered final judgment sustaining the Department of Commerce's ("Department") final results of the remand redetermination<sup>1</sup> relating to the thirteenth administrative review of the antidumping duty order on certain corrosion-resistant carbon steel flat products ("CORE") from the Republic of Korea ("Korea"), pursuant to the CIT's remand order in *Union Steel v. United States*, 753 F. Supp. 2d 1317 (CIT 2011) ("*Union II*"). Consistent with the decision of the United States Court of Appeals for the Federal Circuit ("CAFC") in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("*Timken*"), as clarified by *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) ("*Diamond Sawblades*"), the Department is notifying the public that the final CIT judgment in this case is not in harmony with the Department's final results of administrative review and is amending its final results of the administrative review of the antidumping duty order on CORE from Korea covering the period of review ("POR") of August 1, 2005 through July 31, 2006, with respect to the weighted-average dumping margin assigned to Union Steel Manufacturing Co., Ltd. ("*Union*").

**DATES:** Effective August 19, 2013.

**FOR FURTHER INFORMATION CONTACT:** Christopher Hargett, Office 8, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4161.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Department published the final results of the thirteenth administrative review of the antidumping duty order on CORE from Korea on March 17,

<sup>1</sup> See *Final Remand Results of Redetermination Pursuant to Remand*, CIT Court No. 08-00101 (April 11, 2011) ("*Second Remand Results*").

2008.<sup>2</sup> Union subsequently filed a timely complaint with the CIT to challenge various aspects of the *Final Results*.

On September 28, 2009, the Court granted the Department's request for voluntary remand to provide additional explanation with regard to the model-match criteria as applied to Union.<sup>3</sup> On December 28, 2009, the Department filed initial remand results providing that explanation, but without changing its methodology or recalculating Union's weighted-average dumping margin.<sup>4</sup> On January 11, 2011, the Court again remanded for the Department to reconsider its position with regard to the model-match criteria as applied to Union.<sup>5</sup> On April 11, 2011, the Department revised its position with regard to the model-match criteria as applied to Union and recalculated Union's weighted-average margin from 4.35 percent in the *Final Results* to 3.59 percent.<sup>6</sup> On November 21, 2011, the Court sustained the Department's remand redetermination regarding the model-match criteria.<sup>7</sup> On August 8, 2013, after disposition of remaining issues, the Court entered final judgment.<sup>8</sup>

#### Timken Notice

In its decision in *Timken*, as clarified by *Diamond Sawblades*, the CAFC held that, pursuant to section 516A(c) 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 CIT's August 8, 2013, judgment in this case constitutes a final decision of that court that is not in harmony with the Department's final results of the administrative review. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending expiration of the period of appeal or, if

appealed, pending a final and conclusive court decision. Because the antidumping duty order on CORE from Korea has been revoked effective February 14, 2012, cash deposits are no longer in effect.<sup>9</sup>

#### Amended Final Results

Because there is now a final court decision with respect to this case, the Department is amending its *Final Results* with respect to Union's weighted-average dumping margins for the period August 1, 2005 through July 31, 2006.<sup>10</sup> The revised weighted-average dumping margin is as follows:

| Manufacturer/exporter                    | Weighted-average dumping margin (percent) |
|------------------------------------------|-------------------------------------------|
| Union Steel Manufacturing Co., Ltd. .... | 3.59                                      |

In the event that the CIT's ruling is not appealed, or if appealed, upheld by the CAFC, the Department will instruct CBP to liquidate entries of subject merchandise in accordance with 19 CFR 351.212(b).<sup>11</sup>

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

Dated: September 19, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Notice of Scope Rulings

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce ("Department") hereby publishes a list of scope rulings and anticircumvention determinations made between April 1, 2013, and June 30, 2013. We intend to publish future lists after the close of the next calendar quarter.

**DATES:** September 27, 2013.

#### FOR FURTHER INFORMATION CONTACT:

Brenda E. Waters, AD/CVD Operations, Customs Liaison Unit, Import

<sup>9</sup> See *Corrosion-Resistant Carbon Steel Flat Products from Germany and the Republic of Korea: Revocation of Antidumping and Countervailing Duty Orders*, 78 FR 16832 (March 19, 2013).

<sup>10</sup> The remaining weighted-average dumping margins from the *Final Results* remain unchanged.

<sup>11</sup> See *Final Results*, 73 FR at 14221.

Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202-482-4735.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department's regulations provide that the Secretary will publish in the **Federal Register** a list of scope rulings on a quarterly basis.<sup>1</sup> Our most recent notification of scope rulings was published on July 18, 2013.<sup>2</sup> This current notice covers all scope rulings and anticircumvention determinations made by Import Administration between April 1, 2013, and June 30, 2013, inclusive. As described below, subsequent lists will follow after the close of each calendar quarter.

#### Scope Rulings Made Between April 1, 2013, and June 30, 2013

##### India

A-533-502: Certain Welded Carbon Steel Standard Pipes and Tubes From India

Requestor: Salem Steel NA, LLC; Certain electric resistance welded (ERW) mechanical tubing and ERW hydraulic tubing, cold drawn and/or drawn over mandrel (CD/DOM), regardless of size, are not within the scope of the antidumping duty order; June 7, 2013 (final).

##### Italy

A-475-703: Granular Polytetrafluoroethylene Resin From Italy

Requestor: Industrial Plastics and Machine, Inc.; Certain polytetrafluoroethylene (PTFE) resin products made from raw, unfilled PTFE powder from Russia and the People's Republic of China and imported by Industrial Plastics and Machine, Inc. from Guarniflon S.p.A. are not covered by the antidumping duty order; April 26, 2013 (preliminary).

##### People's Republic of China

A-570-967 and C-570-968: Aluminum Extrusions From the People's Republic of China

Requestor: 5 Diamond Promotions, Inc.; Its aluminum flag pole sets are within the scope of the antidumping and countervailing duty orders because they do not enter the United States with all parts necessary to complete a final

<sup>1</sup> See 19 CFR 351.225(o).

<sup>2</sup> See *Notice of Scope Rulings*, 78 FR 42934 (July 18, 2013).

<sup>2</sup> See *Certain Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea: Notice of Final Results of the Thirteenth Administrative Review*, 73 FR 14220 (March 17, 2008) ("Final Results").

<sup>3</sup> See *Union Steel v. United States*, 645 F. Supp. 2d 1298 (CIT 2009).

<sup>4</sup> See *Final Remand Results of Redetermination Pursuant to Remand*, CIT Court No. 08-00101 (December 28, 2009).

<sup>5</sup> See *Union II*.

<sup>6</sup> See *Second Remand Results*.

<sup>7</sup> See *Union Steel v. United States*, 804 F. Supp. 2d 1356 (CIT 2011).

<sup>8</sup> See *Union Steel v. United States*, Court No. 08-00101, Slip Op. 13-105 (CIT Aug. 8, 2013).