

responses.⁴ Commerce also found that several factors under 19 CFR 351.225(k)(1)—particularly the petition, the final report of the International Trade Commission (ITC), and a prior scope ruling—further supported Commerce’s determination that OMG’s zinc anchors fall within the scope of the *Orders*.⁵ As a result of the Final Scope Ruling, Commerce instructed U.S. Customs and Border Protection (CBP) to continue suspension of liquidation of entries of OMG’s zinc anchors.⁶

OMG challenged the Final Scope Ruling before the CIT, and on May 29, 2018, the CIT remanded Commerce’s scope ruling.⁷ In its *Remand Order*, the CIT held that OMG’s zinc anchor is not a “nail” within the plain meaning of the word and is therefore outside the scope of the *Orders*.⁸ In determining the definition of a “nail,” the CIT consulted *The American Heritage Dictionary of the English Language* and *Webster’s Third New International Dictionary of the English Language (Unabridged)*.⁹ The CIT held that both of these sources unambiguously present “a ‘single clearly defined or stated meaning {of a nail}’: A slim, usually pointed object used as a fastener designed for impact insertion.”¹⁰

The CIT held that although the steel pin fits the common definition of a nail, the zinc anchor as a whole, does not.¹¹ According to the CIT, because OMG’s zinc anchor is a unitary article of commerce, the entire product, not just a component part, must fit the definition of a nail to fall within the scope of the *Orders*.¹² The CIT concluded that because OMG’s zinc anchors are composed of a steel pin and a zinc body, the entire product is not a nail.¹³ Additionally, the CIT held that because the relevant industry classifies anchors with a steel pin as anchors, not nails, trade usage further supports the conclusion that OMG’s zinc anchors are not nails.¹⁴ The CIT remanded the Final Scope Ruling to Commerce for further consideration consistent with the CIT’s

opinion.¹⁵ The CIT also directed Commerce to issue appropriate instructions to CBP regarding the suspension of liquidation of OMG’s zinc anchors.¹⁶

Pursuant to the CIT’s instructions, on remand, under protest, Commerce found that OMG’s zinc anchors do not fall within the scope of the *Orders*.¹⁷ On May 14, 2019, the CIT sustained Commerce’s Final Remand Results.¹⁸

Timken Notice

In its decision in *Timken*,¹⁹ as clarified by *Diamond Sawblades*,²⁰ the Court of Appeals for the Federal Circuit (CAFC) held that, pursuant to sections 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not “in harmony” with Commerce’s determination and must suspend liquidation of entries pending a “conclusive” court decision. The CIT’s May 14, 2019, judgment in this case, sustaining Commerce’s decision in the Final Remand Results that OMG’s zinc anchors fall outside the scope of the *Orders*, constitutes a final decision of that court that is not in harmony with the Final Scope Ruling. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, Commerce will continue the suspension of liquidation of OMG’s zinc anchors pending expiration of the period of appeal or, if appealed, pending a final and conclusive court decision.

Amended Final Scope Ruling

Because there is now a final court decision with respect to this case, Commerce is amending its Final Scope Ruling and finds that the scope of the *Orders* does not cover the zinc anchors specified in OMG’s Scope Ruling Request. Commerce will instruct CBP that the cash deposit rate will be zero percent for the zinc anchors subject to OMG’s scope ruling request. In the event that the CIT’s ruling is not appealed, or if appealed, upheld by the CAFC, Commerce will instruct CBP to liquidate entries of OMG’s zinc anchors without regard to antidumping and/or countervailing duties, and to lift

suspension of liquidation of such entries.

Notification to Interested Parties

This notice is issued and published in accordance with section 516A(e)(1) of the Act.

Dated: May 23, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019–11397 Filed 5–30–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–802]

Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Partial Rescission of Antidumping Duty Administrative Review; 2018–2019

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

SUMMARY: The Department of Commerce (Commerce) is rescinding, in part, the administrative review of the antidumping duty order on certain frozen warmwater shrimp from the Socialist Republic of Vietnam (Vietnam) for the period February 1, 2018, through January 31, 2019.

DATES: Applicable May 31, 2019.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6905.

SUPPLEMENTARY INFORMATION:

Background

On May 2, 2019, based on timely requests for review for 107 companies by the Ad Hoc Shrimp Trade Action Committee (the petitioner),¹ 185 companies by the American Shrimp Processors Association (ASPA),² and various Vietnamese companies,³ Commerce published in the **Federal Register** a notice of initiation of an administrative review of the

¹ See the Petitioner’s Request for Administrative Review, dated February 27, 2019.

² See ASPA’s Request for Administrative Review, dated February 27, 2019.

³ See, e.g., VASEP’s submission, “Request for Administrative Review (02/01/18–01/31/19),” dated February 26, 2019; Soc Trang Seafood Seafood Joint Stock Company’s “Request for Review,” dated February 11, 2019.

⁴ See Antidumping and Countervailing Duty Orders on Certain Steel Nails from the Socialist Republic of Vietnam: Final Scope Ruling on OMG, Inc.’s Zinc Anchors (Final Scope Ruling), dated February 6, 2017 at 9–10.

⁵ *Id.* at 10.

⁶ See Message Number 7041303, dated February 10, 2017; see also Message Number 7041301, dated February 10, 2017.

⁷ See *OMG, Inc. v. United States*, Court No. 17–00036, Slip. Op. 18–63 (CIT 2018) (Remand Order).

⁸ See *Remand Order*, Slip Op. 18–63 at 9.

⁹ *Id.*

¹⁰ *Id.* at 9–10.

¹¹ *Id.* at 10.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.* at 10–11.

¹⁵ *Id.* at 11.

¹⁶ *Id.*

¹⁷ See Final Results of Redetermination Pursuant to Court Remand, *OMG, Inc. v. United States*, Court No. 17–00036, Slip Op. 18–63 (CIT May 29, 2018), dated August 27, 2018 (Final Remand Results).

¹⁸ See *OMG, Inc. v. United States*, Court No. 17–00036, Slip Op. 19–58, No. 17–00036 (CIT 2019).

¹⁹ See *Timken Co. v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

²⁰ See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

antidumping duty order on certain frozen warmwater shrimp from Vietnam covering the period February 1, 2018, through January 31, 2019.⁴

On April 25, 2019, Vietnam Fish One Co., Ltd. withdrew its review request.⁵ On May 3, 2019, the petitioner and ASPA withdrew their respective review requests, in part.⁶ On May 3, 2019, various Vietnamese exporters also withdrew their respective review requests.⁷ All interested parties that withdrew their requests for review of companies also included those companies' name variations, as listed in the *Initiation Notice* and the attached Appendix. All review requests for the company names listed in the Appendix have been withdrawn; no other party requested a review of these exporters.

Partial Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an 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. Because the petitioner, ASPA, and the individual companies all withdrew their requests for administrative review within 90 days of the date of publication of the *Initiation Notice*, and no other interested party requested a review of these companies, Commerce is rescinding this review with respect to the companies identified in the Appendix, in accordance with 19 CFR 351.213(d)(1).

⁴ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 84 FR 18777 (May 2, 2019) (*Initiation Notice*).

⁵ See Fish One Letter, "Withdrawal of Review Request: Fish One," dated April 25, 2019.

⁶ See the Petitioner's Submission, "Domestic Producers' Partial Withdrawal of Review Requests," dated May 3, 2019; ASPA's Submission, "Partial Withdrawal of Review Requests," dated May 3, 2019. On May 8, 2019, both the petitioner and ASPA filed additional withdrawal letters to include additional trade names that were inadvertently omitted from their initial withdrawal letters. The petitioner withdrew its requests for review covering 38 companies including name iterations. ASPA withdrew its requests for review covering 85 companies including name iterations.

⁷ See Khanh Sung Company Ltd. Submission, "Withdrawal of Request for Administrative Review," dated May 3, 2019; Ngoc Tri Joint Stock Company and Tai Kim Seafood Joint Stock Company's Submission, "Withdrawal of Review Request," dated May 3, 2019; VASEP Submission, "Withdrawal of Review Requests," dated May 3, 2019 (on behalf of 17 exporters and their additional trade names); Trade Pacific Submission, "Withdrawal of Request for Administrative Review," dated May 6, 2019 (on behalf of two exporters and their additional trade names). A total of 23 Vietnamese exporters, including name iterations, withdrew their respective review requests.

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 February 1, 2018, through January 31, 2019, 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.

Notifications

This notice serves as a 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 the antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

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 in accordance with 19 CFR 351.305(a)(3), 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 violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: May 22, 2019.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

Companies Rescinded From Review

1. —Bac Lieu Fisheries Joint Stock Company
—Bac Lieu Fisheries Joint Stock Company ("Bac Lieu Fis")
—Bac Lieu Fisheries Joint Stock Company (Bac Lieu Fis)
—Bac Lieu Fisheries JSC
2. —Ben Tre Forestry and Aquaprodukt Import-Export Joint Stock Company ("Faquimex")

- Ben Tre Forestry and Aquaprodukt Import-Export Joint Stock Company (FAQUIMEX)
- Ben Tre Forestry and Aquaprodukt Import-Export Joint Stock Company (FAQUIMEX)
- Bentre Aquaprodukt Import & Export Joint Stock Company
- Bentre Aquaprodukt Import & Export Joint Stock Company (Aquatex Bentre)
- 3. —C.P. Vietnam Corporation
- 4. —Ca Mau Frozen Seafood Joint Stock Company ("Seaprimexco Vietnam")
—Ca Mau Seafood Joint Stock Company ("Seaprimexco Vietnam")
—Ca Mau Seafood Joint Stock Company (Seaprimexco Vietnam)
—Seaprimexco Vietnam
- 5. —Cafatex Corporation
- 6. —Camau Frozen Seafood Processing Import Export Corporation (Camimex)
—Camau Frozen Seafood Processing Import-Export Corporation ("Camimex")
- 7. —Camau Seafood and Service Joint Stock Company ("CASES")
—Camau Seafood and Service Joint Stock Company (Cases)
—Camau Seafood Processing and Service Joint Stock Corporation (and its affiliates, Kien Giang Branch—Camau Seafood Processing & Service Joint Stock Corporation, collectively "CASES")
—Camau Seafood Processing and Service Joint Stock Corporation (and its affiliates, Kien Giang Branch—Camau Seafood Processing & Service Joint Stock Corporation, collectively "CASES")
—Camau Seafood Processing and Service Joint Stock Corporation (Cases)
—Camau Seafood Processing and Service Joint-Stock Corporation, Kien Giang Branch.
- 8. —Can Tho Import Export Fishery Limited Company ("CAFISH")
—Can Tho Import Export Fishery Limited Company (CAFISH)
- 9. —Cuulong Seaproducts Company ("Cuulong Seapro")
—Cuulong Seaproducts Company ("Cuulong Seapro")
—Cuulong Seaproducts Company (Cuulong Seapro)
—Cuulong Seaproducts Company (Cuulong Seapro)
- 10. —Frozen Seafoods Factory No. 32
- 11. —Hai Viet Corporation ("HAVICO")
—Hai Viet Corporation (HAVICO)
- 12. —Hoang Phuong Seafood Factory
- 13. —Investment Commerce Fisheries Corporation ("Incomfish")
—Investment Commerce Fisheries Corporation (Incomfish)
- 14. —Khanh Sung Co., Ltd
—Khanh Sung Co., Ltd ("Khanh Sung")
—Khanh Sung Company, Ltd, ("Khanh Sung")
- 15. —Kim Anh Co., Ltd.
—Kim Anh Co., Ltd. ("Kim Anh")
—Kim Anh Company Limited
- 16. —Minh Hai Export Frozen Seafood Processing Joint-Stock Company ("Minh Hai Jostoco")
—Minh Hai Export Frozen Seafood Processing Joint-Stock Company (Minh Hai Jostoco)
- 17. —Minh Hai Joint-Stock Seafoods

- Processing Company
- Minh Hai Joint-Stock Seafoods Processing Company (“Seaprodex Minh Hai”)
- Minh Hai Joint-Stock Seafoods Processing Company (Seaprodex Minh Hai)
- Sea Minh Hai
- Seaprodex Minh Hai
- 18. —My Son Seafoods Factory
- 19. —Nam Hai Foodstuff and Export Company Ltd
- 20. —Ngoc Tri Seafood Joint Stock Company
- Ngoc Tri Seafood Joint Stock Company (“Ngoc Tri”)
- 21. —Nha Trang Seafoods
- Nha Trang Seaproduct Company
- Nha Trang Seaproduct Company (and its affiliates NT Seafoods Corporation, Nha Trang Seafoods—F.89 Joint Stock Company, NTSF Seafoods Joint Stock Company (collectively “Nha Trang Seafoods Group”))
- Nha Trang Seaproduct Company (and its affiliates NT Seafoods Corporation, Nha Trang Seafoods—F.86 Joint Stock Company, NTSF Seafoods Joint Stock Company (collectively “Nha Trang Seafoods Group”))
- Nha Trang Seaproduct Company (Nha Trang Seafoods Group)
- NT Seafoods Corporation
- NTSF Seafoods Joint Stock Company
- 22. —QNL One Member Co., Ltd.
- QNL One Member Co., Ltd. (“QNL”)
- 23. —Quang Minh Seafood Co., Ltd.
- Quang Minh Seafood Co., Ltd. (“Quang Minh”)
- 24. —Sao Ta Foods Joint Stock Company
- Sao Ta Foods Joint Stock Company (“FIMEX VN”) (and its factory “Sao Ta Seafoods Factory”)
- Sao Ta Foods Joint Stock Company (FIMEX VN)
- Sao Ta Seafood Factory
- Fimex VN
- 25. —Seafoods and Foodstuff Factory
- 26. —Tacvan Frozen Seafood Processing Export Company
- Tacvan Frozen Seafood Processing Export Company (Tacvan Seafoods Co.)
- Tacvan Seafoods Company (“TACVAN”)
- Tacvan Seafoods Company (TACVAN)
- 27. —Tai Kim Anh Seafood Joint Stock Corporation
- Tai Kim Anh Seafood Joint Stock Corporation (“TAIKA Seafood Corporation”)
- Tai Kim Anh Seafood Joint Stock Corporation (TAIKA Seafood Corporation)
- Taika Seafood Corporation
- 28. —Taydo Seafood Enterprise
- 29. —Thong Thuan—Cam Ranh Seafood Joint Stock Company
- Thong Thuan Cam Ranh Seafood Joint Stock Company (“T&T Cam Ranh”)
- Thong Thuan Cam Ranh Seafood Joint Stock Company (T&T Cam Ranh)
- Thong Thuan—Cam Ranh Seafood Joint Stock Company (T&T Cam Ranh)
- 30. —Thong Thuan Company Limited
- Thong Thuan Company Limited (“T&T”)
- Thong Thuan Company Limited (T&T)
- Cong Ty TNHH Thong Thuan (Thong Thuan)
- 31. —Thong Thuan Seafood Company Limited
- 32. —Thuan Phuoc Seafoods and Trading Corporation
- Thuan Phuoc Seafoods and Trading Corporation (“Thuan Phuoc Corp”)
- Thuan Phuoc Seafoods and Trading Corporation and its separate factories Frozen Seafoods Factory No. 32, Seafoods and Foodstuff Factory, and My Son Seafoods Factory (collectively “Thuan Phuoc Corp.”)
- 33. —Trang Khanh Seafood Co., Ltd.
- Trang Khanh Seafood Company Limited
- 34. —Trung Son Seafood Processing Joint Stock Company
- 35. —UTXI Aquatic Products Processing Company
- UTXI Aquatic Products Processing Company (UTXICO)
- UTXI Aquatic Products Processing Corporation (“UTXICO”) (and its branch Hoang Phuong Seafood Factory and Hoang Phong Seafood Factory)
- UTXI Aquatic Products Processing Corporation (UTXICO)
- 36. —Viet Foods Co., Ltd.
- Viet Foods Co., Ltd. (“Viet Foods”)
- Viet Foods Co., Ltd. (Viet Foods)
- 37. —Viet Hai Seafood Co., Ltd.
- Viet Hai Seafood Co., Ltd. (Viet Fish One Co., Ltd.)
- Viet Hai Seafood Co., Ltd. aka Vietnam Fish One Co., Ltd. (“Fish One”)
- Vietnam Fish One Co., Ltd.
- Vietnam Fish-One Co., Ltd.
- 38. —Viet I-Mei Frozen Foods Co. Ltd (“Viet I-Mei”)
- Viet I-Mei Frozen Foods Co., Ltd.
- 39. —Vietnam Clean Seafood Corporation (“Vina Cleanfood”)
- Vietnam Clean Seafood Corporation (Vina Cleanfood)
- 40. —Xi Nghiep Che Bien Thuy Suc San Xuat Kau Cantho

[FR Doc. 2019–11396 Filed 5–30–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Advance Notification of Sunset Review; Correction

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

SUMMARY: On May 1, 2019, the Department of Commerce (Commerce) published the notice *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews*, (May 1, 2019) (*June 2019 Advance Sunset Reviews Notice*), in which Commerce inadvertently listed Carbon And Certain Alloy Steel Wire Rod from Brazil (A–351–832) twice and omitted Carbon And Certain Alloy Steel Wire Rod from Mexico (A–201–830). Commerce has also advanced the initiation date of the antidumping and countervailing duty

orders on Oil Country Tubular Goods from India (A–533–857; C–533–858), Turkey (A–489–816; C–489–817), Vietnam (A–552–817) and Republic of Korea (A–580–870).

This notice serves to correct the *June 2019 Advance Sunset Reviews Notice* for the aforementioned items.

DATES: Applicable May 1, 2019.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, Office of AD/CVD Operations, Customs and Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION: With respect to these Sunset Reviews, Commerce is advancing their initiation from August to June 2019 to coincide with the initiation of the companion Sunset Reviews being conducted by the U.S. International Trade Commission, as well as with Commerce’s initiation of the Sunset Review for the companion Ukrainian case (A–823–815), which was already scheduled to be initiated on June 2019.

This correction notice for the advance notification of sunset reviews is being published in accordance with section 751(c) of the Act and 19 CFR 351.218 (c).

Dated: May 23, 2019.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2019–11398 Filed 5–30–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XX001

Atlantic Coastal Fisheries Cooperative Management Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application from the University of Connecticut contains all of the required information and warrants further consideration.