

and business relations are virtually identical to those of Huaфон Nikkei before the name change with respect to the merchandise under review. Moreover, we preliminarily find that Shanghai Huaфон's production facilities, supplier relationships, and customer base, with regard to the merchandise under review, are substantially the same as Huaфон Nikkei before the name change. For the complete successor-in-interest analysis, *see* the Preliminary Decision Memorandum.

Therefore, based on record evidence, we preliminarily determine that Shanghai Huaфон is the successor-in-interest to Huaфон Nikkei and the AD margins and CVD subsidy rates assigned to Huaфон Nikkei should be the rates for Shanghai Huaфон as a result of our successor-in-interest finding.

Public Comment

Pursuant to 19 CFR 351.310(c), any interested party may request a hearing within 30 days of publication of this notice in the **Federal Register**. In accordance with 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the case briefs, in accordance with 19 CFR 351.309(d). Parties who submit case or rebuttal briefs are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. All comments are to be filed electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) and must also be served on interested parties. ACCESS is available to registered users at <http://access.trade.gov> and is available to all parties in the Central Records Unit, Room B8024 of the main Commerce building. An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the day on which it is due.¹⁷

Consistent with 19 CFR 351.216(e), we intend to issue the final determination of this changed circumstances review no later than 270 days after the date on which this review was initiated, or within 45 days if all parties agree to our preliminary finding.

Notification to Interested Parties

This notice is published in accordance with sections 751(b)(1) and

777(i)(1) of the Act and 19 CFR 351.216(b), 351.221(b) and 351.221(c)(3).

Dated: September 10, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Orders
- IV. Good Cause
- V. Successor-In-Interest Determination
- VI. Recommendation

[FR Doc. 2019–20082 Filed 9–16–19; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–560–831]

Biodiesel From the Republic of Indonesia: Rescission of Countervailing 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 of the countervailing duty (CVD) order on biodiesel from the Republic of Indonesia (Indonesia) for the period of review (POR) August 28, 2017, through December 31, 2018.

DATES: Applicable September 17, 2019.

FOR FURTHER INFORMATION CONTACT:

Gene H. Calvert, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC; telephone (202) 482–3586.

SUPPLEMENTARY INFORMATION:

Background

On February 8, 2019, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the CVD order on biodiesel from Indonesia for the POR.¹ On February 28, 2019, the National Biodiesel Board Fair Trade Coalition (the National Biodiesel Coalition), a domestic interested party,²

¹ See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 84 FR 2816 (February 8, 2019).

² Members of the National Biodiesel Coalition include the National Biodiesel Board; American

filed a timely request for review with respect to PT. Cermelang Energi Perkasa (CEP); PT. Ciliandra Perkasa; PT. Musim Mas, Medan; PT. Pelita Agung Agrindustri; and Wilmar International Ltd. (collectively, the Companies Subject to Review), in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b).³ Pursuant to this request, and in accordance with section 751(a) of the Act and 19 CFR 351.221(c)(1)(i), on April 1, 2019, Commerce initiated an administrative review of the Companies Subject to Review.⁴ On June 27, 2019, the National Biodiesel Coalition filed a timely withdrawal of its request for the administrative review of the Companies Subject to Review.⁵

Rescission of Review

Pursuant to section 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. As noted above, the National Biodiesel Coalition, the only party to file a request for review, withdrew its request for all parties for which a review was requested by the 90-day deadline. Accordingly, we are rescinding the administrative review of the CVD order on biodiesel from Indonesia for the period August 28, 2017, through December 31, 2018, in its entirety.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess CVD duties on all appropriate entries of biodiesel from Indonesia. CVD duties shall be assessed at rates equal to the cash deposit of estimated CVD duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19

GreenFuels, LLC; Archer Daniels Midland Company; Ag Processing Inc.; Crimson Renewable Energy LP; High Plains Bioenergy; Integrity Biofuels, LLC; Iowa Renewable Energy, LLC; Lake Erie Biofuels (dba HERO BX); Minnesota Soybean Processors; New Leaf Biofuel, LLC; Newport Biodiesel, LLC; Renewable Biofuels, LLC; Renewable Energy Group, Inc.; Western Dubuque Biodiesel, LLC; Western Iowa Energy, LLC; and World Management Group, LLC (dba World Energy).

³ See Letter from the National Biodiesel Coalition, “Biodiesel from Indonesia: Request for Administrative Review of Countervailing Duty Order,” dated February 28, 2019.

⁴ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 84 FR 12200 (April 1, 2019).

⁵ See Letter from the National Biodiesel Coalition, “Biodiesel from Indonesia: Withdrawal of Request for Administrative Review of the Countervailing Duty Order,” dated June 27, 2019.

¹⁷ See 19 CFR 351.303(b).

CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice in the **Federal Register**.

Notification to Importers

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 CVD 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 CVD duties occurred and the subsequent assessment of doubled CVD duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to all parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/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 Act, and 19 CFR 351.213(d)(4).

Dated: September 11, 2019.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-914, C-570-915]

Antidumping and Countervailing Duty Orders on Light-Walled Rectangular Pipe and Tube From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision

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

SUMMARY: The Department of Commerce (Commerce) is notifying the public that the Court of International Trade's (CIT) final judgment in this case is not in harmony with Commerce's final scope

ruling and is, therefore, finding that certain finished components of refrigerated merchandising and display structures imported by Stein Industries Inc., d/b/a Carlson AirFlo Merchandising Systems (Carlson) are not within the scope of the antidumping (AD) and countervailing duty (CVD) orders on light-walled rectangular pipe and tube (LWRPT) from the People's Republic of China (China).

DATES: Applicable June 28, 2019.

FOR FURTHER INFORMATION CONTACT:

Hermes Pinilla, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3477.

SUPPLEMENTARY INFORMATION:

Background

Commerce issued the AD and CVD orders on LWRPT from China on August 5, 2008.¹ On May 29, 2018, in response to a scope ruling request filed by Carlson, Commerce issued its Final Scope Ruling, finding that certain finished components of refrigerated merchandising and display structures (part numbers R10447 and P0228321 and kit numbers 250172 and 250355) imported by Carlson are covered by the scope of the *Orders*.² Specifically, Commerce indicated that, “[a]ll four parts in their original form, that pertain to this scope inquiry, possess the physical characteristics of subject merchandise that are described in the scope.”³ 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 Carlson's certain finished components of refrigerated merchandising and display structures.⁴

Carlson challenged Commerce's Final Scope Ruling with respect to merchandising bar part number R10447 and welded mounted bar kit number 250355 before the CIT. On March 5, 2019, the CIT remanded the Final Scope

Ruling, holding that Commerce did not address certain arguments raised by Carlson based on the plain scope language and the sources identified under 19 CFR 351.225(k)(1).⁵ The CIT remanded the Final Scope Ruling to Commerce for reconsideration.⁶

Pursuant to the CIT's *Remand Order*, on remand, Commerce reconsidered its Final Scope Ruling and determined that Carlson's certain finished components of refrigerated merchandising and display structures (merchandising bar part number R10447 and welded mounted bar kit number 250355) do not fall within the scope of the *Orders*.⁷ Specifically, Commerce determined that the products do not exhibit a rectangular cross-section at the time of importation into the United States, as required by the scope of the *Orders*.⁸ On June 18, 2019, the CIT sustained Commerce's Final Remand Results.⁹

Timken Notice

In its decision in *Timken*,¹⁰ as clarified by *Diamond Sawblades*,¹¹ the Court of Appeals for the Federal Circuit (CAFC) held that, pursuant to section 516A(c) and (e) 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 determination and must suspend liquidation of entries pending a “conclusive” court decision. The CIT's June 18, 2019, judgment in this case constitutes a final decision of the court that is not in harmony with Commerce's Final Scope Ruling. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, Commerce will continue the suspension of liquidation of certain finished components of refrigerated merchandising and display structures (merchandising bar part number R10447 and welded mounted bar kit number 250355) imported by Carlson pending expiration of the period of appeal or, if

⁵ See *Stein Industries Inc., D/B/A/Carlson AirFlo Merchandising Systems v. United States*, Court No. 18-00150, Slip Op. 19-29 (CIT March 5, 2019) (*Remand Order*).

⁶ *Id.* at 14-17.

⁷ See Final Results of Redetermination Pursuant to Court Remand, *Stein Industries Inc., D/B/A/Carlson AirFlo Merchandising Systems v. United States*, Court No. 18-00150, Slip Op. 19-29 (CIT March 5, 2019), dated May 30, 2019 (Final Remand Results).

⁸ *Id.* at 5-6.

⁹ See *Stein Industries Inc., D/B/A/Carlson AirFlo Merchandising Systems v. United States*, Court No. 18-00150, Slip Op. 19-75 (CIT June 18, 2019).

¹⁰ See *Timken Co. v. United States*, 893 F. 2d 337, 341 (Fed. Cir. 1990) (*Timken*).

¹¹ See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F. 3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

¹ See *Light-Walled Rectangular Pipe and Tube from Mexico, the People's Republic of China, and the Republic of Korea: Antidumping Duty Orders; Light-Walled Rectangular Pipe and Tube from the Republic of Korea: Notice of Amended Final Determination of Sales at Less Than Fair Value*, 73 FR 45400 (August 5, 2008) and *Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Notice of Countervailing Duty Order*, 73 FR 45405 (August 5, 2008) (*Orders*).

² See Memorandum, “Final Scope Ruling on the Antidumping and Countervailing Duty Order on Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Carlson AirFlo Merchandising Systems Scope Ruling Request,” dated May 29, 2018 (Final Scope Ruling).

³ *Id.* at 7.

⁴ See Message Numbers 8150312 and 8150311 dated May 30, 2018.