

Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-5484.

SUPPLEMENTARY INFORMATION:

Background

The Department published the antidumping duty order on passenger tires from the PRC in the **Federal Register** on August 10, 2015.¹ On February 25, 2016, the Department received a timely request for a NSR from SXT.² SXT certified that it is the exporter and producer of the passenger tires upon which the request for a NSR is based.³ Pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(i), SXT certified that it did not export passenger tires for sale to the United States during the period of investigation (POI).⁴ Moreover, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), SXT certified that, since the investigation was initiated, it never has been affiliated with any exporter or producer who exported the subject merchandise to the United States during the POI, including those not individually examined during the investigation.⁵ Further, as required by 19 CFR 351.214(b)(2)(iii)(B), it certified that its export activities are not controlled by the central government of the PRC.⁶ SXT also certified it had no subsequent shipments of subject merchandise.⁷

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), SXT submitted documentation establishing the following: (1) The date of its first sale to an unaffiliated customer in the United States; (2) the date on which the passenger tires were first entered; and (3) the volume of that shipment.⁸

The Department queried the database of U.S. Customs and Border Protection (CBP) in an attempt to confirm that the shipment reported by SXT had entered the United States for consumption and that liquidation had been properly suspended for antidumping duties. The information which the Department examined was consistent with that

provided by SXT in its request.⁹ In particular, the CBP data confirmed the price and quantity reported by SXT for the sale that forms the basis for this NSR request.

Period of Review

Pursuant to 19 CFR 351.214(c), an exporter or producer may request a NSR within one year of the date on which its subject merchandise was first entered. Moreover, 19 CFR 351.214(d)(1) states that if the request for the review is made during the six-month period ending with the end of the semiannual anniversary month, the Secretary will initiate a NSR in the calendar month immediately following the semiannual anniversary month. Further, 19 CFR 315.214(g)(1)(i)(B) states that if the NSR was initiated in the month immediately following the semiannual anniversary month, the POR will be the six-month period immediately preceding the semiannual anniversary month. SXT made the request for a NSR, that included all documents and information required by the statute and regulations, within one year of the date on which its passenger tires first entered. Its request was filed in February, which is the semiannual anniversary month of the order. Therefore, the POR is August 1, 2015, through January 31, 2016.¹⁰

Initiation of New Shipper Review

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(b), and the information on the record, the Department finds that SXT's request meets the threshold requirements for initiation of a NSR and, therefore, is initiating a NSR of SXT. The Department intends to issue the preliminary results within 180 days after the date on which this review is initiated and the final results within 90 days after the date on which we issue the preliminary results.¹¹

It is the Department's usual practice in cases involving non-market economies to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate (*i.e.*, a separate rate) provide evidence of *de jure* and *de facto* absence of government control over the company's export activities.¹² Accordingly, the Department will issue

⁹ See Memorandum to the File, "New Shipper Review of the Antidumping Duty Order on Passenger Vehicle and Light Truck Tires from the People's Republic of China: Customs Entries from January 27, 2015, to January 31, 2016," dated March 31, 2016.

¹⁰ See 19 CFR 351.214(g)(1)(i)(B).

¹¹ See section 751(a)(2)(B)(iv) of the Act.

¹² See Import Administration Policy Bulletin, Number: 05.1. (<http://ia.ita.doc.gov/policy/bull05-1.pdf>).

questionnaires to SXT, which will include a section requesting information with regard to its export activities for the purpose of establishing its eligibility for a separate rate. The review will proceed if the responses provide sufficient indication that SXT is not subject to either *de jure* or *de facto* government control with respect to its exports of passenger tires.

On February 24, 2016, the President signed into law the "Trade Facilitation and Trade Enforcement Act of 2015," H.R. 644, which made several amendments to section 751(a)(2)(B) of the Act. We will conduct this new shipper review in accordance with section 751(a)(2)(B) of the Act, as amended by the Trade Facilitation and Trade Enforcement Act of 2015.¹³

Interested parties requiring access to proprietary information in this proceeding should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: May 25, 2016.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2016-13205 Filed 6-3-16; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

United States Investment Advisory Council: Meeting of the United States Investment Advisory Council

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The United States Investment Advisory Council (Council) will hold its inaugural meeting on Tuesday, June 21, 2016. The Council was chartered on April 6, 2016, to advise the Secretary of Commerce on matters relating to foreign direct investment into the United States. At the meeting, members will be sworn-in and will begin a discussion of the work they will undertake during their term. They are expected to discuss

¹³ The Trade Facilitation and Trade Enforcement Act of 2015 removed from section 751(a)(2)(B) of the Act the provision directing the Department to instruct Customs and Border Protection to allow an importer the option of posting a bond or security in lieu of a cash deposit during the pendency of a new shipper review.

¹ See *Certain Passenger Vehicle and Light Truck Tires From the People's Republic of China: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order; and Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order*. 80 FR 47902 (August 10, 2015).

² See Shandong Xinghongyuan's request for a NSR dated February 25, 2016.

³ *Id.* at Exhibit 2.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at page 2.

⁸ *Id.* at Exhibit 1.

issues impacting foreign direct investment into the United States, including investment opportunities across U.S. regions, regulations and visas, in addition to other topics. The agenda may change to accommodate Council business. The final agenda will be posted on the Department of Commerce Web site for the Council at <http://trade.gov/IAC>, at least one week in advance of the meeting.

DATES: Tuesday, June 21, 2016, 9 a.m.–12 p.m. EDT.

ADDRESSES: The United States Investment Advisory Council meeting will be broadcast via live webcast on the Internet at <http://whitehouse.gov/live>.

FOR FURTHER INFORMATION CONTACT: Li Zhou, the United States Investment Advisory Council, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: 202–482–4501, email: IAC@trade.gov.

SUPPLEMENTARY INFORMATION:

Background: The Council advises the Secretary of Commerce on matters relating to the promotion and retention of foreign direct investment in the United States.

Public Participation: The public is invited to submit written statements to the United States Investment Advisory Council. Statements must be received by 5:00 p.m. EDT June 14, 2016 by either of the following methods:

a. Electronic Submissions

Submit statements electronically to Li Zhou, Executive Secretary, United States Investment Advisory Council via email: IAC@trade.gov.

b. Paper Submissions

Send paper statements to Li Zhou, Executive Secretary, United States Investment Advisory Council, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230. Statements will be posted on the United States Investment Advisory Council Web site (<http://trade.gov/IAC>) without change, including any business or personal information provided such as names, addresses, email addresses, or telephone numbers. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should submit only information that you wish to make publicly available.

Meeting minutes: Copies of the Council's meeting minutes will be available within ninety (90) days of the meeting.

Dated: June 1, 2016.

Li Zhou,

Executive Secretary, United States Investment Advisory Council.

[FR Doc. 2016–13284 Filed 6–3–16; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–502]

Circular Welded Carbon Steel Pipes and Tubes From Turkey: Notice of Court Decision Not in Harmony With Final Results of Countervailing Duty Administrative Review and Notice of Amended Final Results of Countervailing Duty Administrative Review; 2012

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

SUMMARY: On May 11, 2016, the United States Court of International Trade (the Court) issued *Toscelik II*,¹ which sustained the Final Remand Results² that the Department of Commerce (the Department) issued in connection with *Toscelik I*,³ concerning the Department's final results of administrative review of the countervailing duty order on circular welded carbon steel pipes and tubes from Turkey covering the period of review January 1, 2012, through December 31, 2012 (POR).⁴

Consistent with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken*,⁵ as clarified by *Diamond Sawblades*,⁶ the Department is notifying the public that the final judgment in this case is not in harmony with the Department's 2012 *Final Results*. The Department is also amending the 2012 *Final Results* with

¹ See *Toscelik Profil Ve SAC Endustrisi A.S. v. United States*, Court No. 14–00211, Slip. Op. 16–50 (CIT May 11, 2016) (*Toscelik II*).

² See Final Results Of Redetermination Pursuant To Court Remand, Court No. 14–00211, Slip Op. 16–50 (May 11, 2016, May 11, 2016) (Final Remand Results), which is available at <http://enforcement.trade.gov/remands/index.html>.

³ See *Toscelik Profil Ve SAC Endustrisi A.S. v. United States*, Court No. 14–00211, Slip. Op. 15–144 (CIT December 21, 2015) (*Toscelik I*).

⁴ See *Circular Welded Carbon Steel Pipes and Tubes From Turkey: Final Results of Countervailing Duty Administrative Review; Calendar Year 2012 and Rescission of Countervailing Duty Administrative Review, in Part*, 79 FR 51140 (Aug. 27, 2014) and accompanying Issues and Decisions Memorandum (2012 *Final Results*).

⁵ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

⁶ See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

respect to *Toscelik Profil Ve SAC Endustrisi A.S.* (*Toscelik*).

DATES: Effective May 21, 2016.

FOR FURTHER INFORMATION CONTACT: John Conniff, AD/CVD Operations Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1009.

SUPPLEMENTARY INFORMATION:

Background

On August 27, 2014, the Department issued the 2012 *Final Results*.⁷ In the 2012 *Final Results*, the Department assigned *Toscelik* the total net subsidy rate it had calculated for *Toscelik* in the prior review of that company, the 2011 *Final Results*.⁸ *Toscelik* had challenged its rate in the 2011 *Final Results* at the Court and, as a result of remand redetermination and the Court's affirmance thereof, *Toscelik*'s rate from the 2011 *Final Results* decreased.⁹ *Toscelik* then challenged the Department's 2012 *Final Results*, contending that the results of its challenge to the rate from the 2011 *Final Results* should extend to the rate the Department assigned *Toscelik* for the 2012 POR. At issue in the instant litigation was whether the Department should apply the rate the Department determined in the 2011 *Amended Final Results* to the 2012 *Final Results*, instead of the rate originally assigned to *Toscelik*, notwithstanding that *Toscelik* failed to exhaust its administrative remedies on this issue.

The Court held that absent the administrative record underlying the 2011 subsidy rate (pulled forward to 2012), *Toscelik* lacked an argument “that could have resulted in redress of the error in the eleventh review.”¹⁰ The Court further held that the 2012 determination with regard to *Toscelik* represented a “derivative action” that “turns wholly on the lawfulness *vel non* of the {2011 review}.”¹¹ The Court, thus, considered that in this case the law did not require *Toscelik* to file an administrative brief merely to preserve the right to appeal and directed Commerce to consider in its remand the

⁷ See 2012 *Final Results*.

⁸ See *Circular Welded Carbon Steel Pipes and Tubes From Turkey: Final Results of Countervailing Duty Administrative Review; Calendar Year 2011*; 78 FR 64916, dated October 30, 2013.

⁹ See *Circular Welded Carbon Steel Pipes and Tubes From Turkey Toscelik Profil ve Sac Endustrisi AS v. United States* Court No. 13–00371; Slip Op. 14–126 (CIT 2014), dated February 13, 2015.

¹⁰ See *Toscelik I*, at 10.

¹¹ *Id.* at 11.