The Department published the antidumping duty order on passenger tires from the PRC in the Federal Register on August 10, 2015. On February 25, 2016, the Department received a timely request for a NSR from SXT. SXT certified that it is the exporter and producer of the passenger tires upon which the request for a NSR is based. 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). 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. 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. SXT also certified that it had no subsequent shipments of subject merchandise.

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.

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 reported by SXT for the United States for consumption and shipment reported by SXT. 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 351.214(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.

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. 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 or de facto absence of government control over the company’s export activities. Accordingly, the Department will issue 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.

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).


Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

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

BILLING CODE 3510–DR–P

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 Results[2] 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 respect to Toscelik Profil Ve SAC Endustri A.S. (Toscelik).

DATES: Effective May 21, 2016.


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 affirmation 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.


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


11 Ed. at 11.