

dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), the Department hereby orders the continuation of the AD orders on copper pipe and tube from the PRC and Mexico. United States Customs and Border Protection will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Orders* will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year reviews of the *Orders* not later than 30 days prior to the fifth anniversary of the effective date of continuation.

These five-year sunset reviews and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: December 14, 2016.

**Paul Piquado,**

*Assistant Secretary, for Enforcement and Compliance.*

[FR Doc. 2016-30653 Filed 12-20-16; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-898]

#### **Chlorinated Isocyanurates From the People's Republic of China: Notice of Court Decision Not in Harmony With the Final Results and Amended Final Results of the Antidumping Duty Administrative Review; 2010-2011**

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

**SUMMARY:** On November 23, 2016, the United States Court of International Trade (the Court) sustained the final second remand redetermination pertaining to the administrative review of the antidumping duty order on Chlorinated Isocyanurates from the People's Republic of China (PRC) for the period of review of June 1, 2010, through May 31, 2011.<sup>1</sup> Consistent with

<sup>1</sup> See *Clearon Corp., and Occidental Chemical Corp., et al. v. United States*, Consol. Ct. No. 13-00073, Slip Op. 16-110 (CIT 2016); see also Memorandum, "Antidumping Duty Administrative Review of Chlorinated Isocyanurates from the People's Republic of China: Final Results of Second Redetermination Pursuant to Remand," March 22, 2016 (Final Second Redetermination), and available here: <http://enforcement.trade.gov/remands/15-91.pdf>.

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 of Commerce (the Department) is notifying the public that the final judgment in this case is not in harmony with the 2010-2011 *AR Final Results*,<sup>2</sup> and that the Department is amending the 2010-2011 *AR Final Results* with respect to the weighted-average dumping margin assigned to both Juangcheng Kangtai Chemical Co. Ltd. (Kangtai), and Hebei Jiheng Chemical Co., Ltd. (Jiheng).

**DATES:** Effective December 3, 2016.

#### **FOR FURTHER INFORMATION CONTACT:**

Emily Halle, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-0176.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On January 22, 2013, the Department published the 2010-2011 *AR Final Results*. On July 24, 2014, the Court remanded the 2010-2011 *AR Final Results* to the Department regarding our primary surrogate country selection as follows: (1) Provide a reasonable explanation why the range of the GNIs listed on the Surrogate Country Memorandum qualify the countries as proximate and "economically comparable" to the PRC, including a discussion of why the Department believes India's GNI does not, if that continues to be our determination, qualify it as an economically comparable country, and (2) place the data on the record that the Department relied upon to make our determination. The Court also accepted the Department's request for a voluntary remand of the final results with the following instructions to: (1) Reconsider whether the ILO wage rate used to value the labor FOP includes labor, retirement, and employee benefit expenses, and whether these expenses are double counted if the Department does not adjust the financial ratio to correctly reflect overlapping expenses in the financial statements; (2) explain the Department's change in methodology for calculating intra-company transportation costs by collecting

<sup>2</sup> See *Chlorinated Isocyanurates From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2010-2011*, 78 FR 4386 (January 22, 2013) (2010-2011 *AR Final Results*).

additional information if necessary and to provide parties an opportunity to comment on any new additional information; and (3) explain our change in the calculation of our by-product methodology and to request additional information if necessary, and to provide parties an opportunity to comment on any new additional information.<sup>3</sup>

Upon consideration of the First Remand Results,<sup>4</sup> on August 20, 2015, the Court remanded the 2010-2011 *AR Final Results* and First Remand Results to the Department as follows: (1) To either remove the labor items identified among the selling, general and administrative (SG&A) expenses of the financial statements from MVC or explain why adhering to the Department's Labor Methodology policy is inappropriate in this instance; (2) to either supply valid reasons to support changing the byproduct methodology in this proceeding which amounts to a "sufficient, reasoned analysis," supported by substantial evidence, or to revert to the "former" methodology, with any appropriate modification (e.g., capping) to avoid illogical conclusions that do not match the real world experience of the respondents; (3) to value urea using Philippine domestic pricing data or explain why GTA import data is superior to the domestic pricing data on the record; and (4) to select the best SVs for hydrogen and chlorine that reflect a full consideration of the interested parties' comments and how these inputs were valued in prior administrative reviews.<sup>5</sup> On November 23, 2016, the Court sustained the Department's Final Second Redetermination, and entered final judgment.<sup>6</sup>

##### *Timken Notice*

In its decision in *Timken*, as clarified by *Diamond Sawblades*, the CAFC held that, pursuant to section 516A(e) 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

<sup>3</sup> See *Clearon Corp., and Occidental Chemical Corp., et al. v. United States*, Slip Op. 14-88, Consolidated Court No. 13-00073 (CIT 2014) (*First Redetermination*).

<sup>4</sup> See *Clearon Corp., and Occidental Chemical Corp., et al. v. United States*, Final Results of Redetermination Pursuant to Remand, December 11, 2014 (First Remand Results).

<sup>5</sup> See *Clearon Corp., and Occidental Chemical Corp., et al. v. United States*, Slip Op. 15-91, Consolidated Court No. 13-00073 (CIT 2015).

<sup>6</sup> See *Clearon Corp., and Occidental Chemical Corp., et al. v. United States*, Slip Op. 16-110, Consolidated Court No. 13-00073 (CIT 2016).

Court's final judgment affirming the 2010–2011 AR Final Results constitutes the Court's final decision which is not in harmony with the 2010–2011 AR Final Results. 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 a final and conclusive court decision.

#### *Amended Final Results of Review*

Because there is now a final court decision, the Department is amending the 2010–2011 AR Final Results with respect to Jiheng and Kangtai, as follows:

Exporter	Weighted-average margin percentage
Hebei Jiheng Chemical Co., Ltd. ....	31.22
Juancheng Kangtai Chemical Co., Ltd. ....	34.21

In the event the Court's ruling is not appealed or, if appealed, upheld by a final and conclusive court decision, the Department will instruct the U.S. Customs and Border Protection to assess antidumping duties on unliquidated entries of subject merchandise based on the revised rate the Department determined and listed above.

#### *Cash Deposit Requirements*

Because there have been subsequent administrative reviews for Jiheng and Kangtai, the case deposit rates will remain the rates established in the 2012–2013 Final Results, which are 0.00 percent respectively for both Jiheng and Kangtai.<sup>7</sup>

#### *Notification to Interested Parties*

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

Dated: December 15, 2016.

#### **Christian Marsh,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2016–30728 Filed 12–20–16; 8:45 am]

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<sup>7</sup> See *Chlorinated Isocyanurates From the People's Republic of China: Final Results of Antidumping Duty Administrative Review, 2012–2013*, 80 FR 4539 (January 28, 2015) (*2012–2013 Final Results*).

## DEPARTMENT OF COMMERCE

### International Trade Administration [C–570–911]

#### **Circular Welded Carbon Quality Steel Pipe From the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2015**

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

**SUMMARY:** The Department of Commerce is rescinding the administrative review of the countervailing duty order on circular welded carbon quality steel pipe (CWP) from the People's Republic of China (PRC) for the period January 1, 2015, through December 31, 2015, based on the timely withdrawal of the request for review.

**DATES:** Effective December 21, 2016.

**FOR FURTHER INFORMATION CONTACT:** Rebecca M. Janz, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2972.

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

On July 5, 2016, the Department published in the *Federal Register* a notice of opportunity to request an administrative review of the countervailing duty order on CWP from the PRC for the period January 1, 2015, through December 31, 2015.<sup>1</sup> The Department received a timely-filed request from Wheatland Tube Company (the petitioner), in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), for an administrative review of this countervailing duty order.<sup>2</sup> Pursuant to this request and in accordance with 19 CFR 351.221(c)(1)(i), on September 12, 2016, the Department published in the *Federal Register* a notice of initiation with respect to 20 individually-named companies or company groups.<sup>3</sup> On December 12, 2016, the petitioner timely withdrew its request for an administrative review.<sup>4</sup>

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 81 FR 43584 (July 5, 2016).

<sup>2</sup> See letter from the petitioner, "Circular Welded Carbon Quality Steel Pipe From the People's Republic of China: Request for Administrative Review," dated July 29, 2016.

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 81 FR 62720 (September 12, 2016).

<sup>4</sup> See letter from the petitioner, "Circular Welded Carbon Quality Steel Pipe From the People's

## Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. The petitioner withdrew its request for review by the 90-day deadline. No other parties requested an administrative review of the order. Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding the administrative review of the countervailing duty order on CWP from the PRC covering the period January 1, 2015, through December 31, 2015.

#### **Assessment**

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

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

This notice is published in accordance with section 751 of the Act and 19 CFR 351.213(d)(4).

Dated: December 15, 2016.

#### **Christian Marsh,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2016–30727 Filed 12–20–16; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### **Proposed Information Collection; Comment Request; Chesapeake Bay Watershed Environmental Literacy Indicator Tool**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to

Republic of China: Withdrawal of Request for Administrative Review," dated December 12, 2016.