

for the importer's examined sales to the total quantity entered by that importer. Then, we will instruct CBP to assess antidumping duties on all appropriate entries covered by this new shipper review. Where either the respondent's weighted-average dumping margin is zero or *de minimis*, or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. Pursuant to a refinement in the Department's practice, for entries that were not reported in the U.S. sales database submitted by Dezhou Kaihang for this new shipper review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate.<sup>11</sup>

The final results of this new shipper review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

#### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this new shipper review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For merchandise produced by Shandong Fengyu Edible Fungus Co., Ltd. and exported by Dezhou Kaihang, the cash deposit rate will be that established in the final results of this review (except, if the rate is zero or *de minimis*, then zero cash deposit will be required); (2) for subject merchandise exported by Dezhou Kaihang but not produced by Shandong Fengyu Edible Fungus Co. Ltd., the cash deposit rate will be the rate for the PRC-wide entity; and (3) for subject merchandise produced by Shandong Fengyu Edible Fungus Co., Ltd. but not exported by Dezhou Kaihang, the cash deposit rate will be the rate applicable to the exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice also serves as a preliminary 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 POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

The Department is issuing and publishing these preliminary results in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: January 14, 2015.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

#### Appendix

##### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Methodology
  - a. Bona Fide Sale Analysis
  - b. Non-Market Economy Country Status
  - c. Separate Rates
  - d. Separate Rate Recipient
  - e. Surrogate Country
- V. Fair Value Comparisons
- VI. Results of Differential Pricing Analysis
- VII. Date of Sale
- VIII. U.S. Price
- IX. Normal Value
- X. Factor Valuations
- XI. Currency Conversions
- XII. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-588-804]

#### Ball Bearings and Parts Thereof From Japan: Notice of Court Decision Not in Harmony With the Final Results of Antidumping Duty Administrative Review and Notice of Amended Final Results of Antidumping Duty Administrative Review; 2005-2006

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

**SUMMARY:** On December 24, 2014, the United States Court of International Trade (CIT or Court) issued final judgment in *JTEKT Corp. v. United States*, Consol. Court No. 07-377 (*JTEKT Corp.*), affirming the Department of Commerce's (the Department) final results of redetermination pursuant to remand.<sup>1</sup>

<sup>1</sup> See Redetermination Pursuant to Court Remand, Consol. Court No. 07-377, available at <http://>

Consistent with 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 is notifying the public that the final judgment in this case is not in harmony with the Department's final results of the administrative review of the antidumping duty order on ball bearings and parts thereof from Japan covering the period May 1, 2005 through April 30, 2006, and is amending the final results with respect to Aisin Seiki Co., Ltd.

**DATES:** Effective January 3, 2015.

#### FOR FURTHER INFORMATION CONTACT:

Hermes Pinilla, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3477.

#### SUPPLEMENTARY INFORMATION:

#### Background

On October 12, 2007, the Department published *AFBs 17*.<sup>2</sup> Aisin Seiki Co., Ltd. (Aisin) and other parties appealed *AFBs 17* to the CIT and on September 3, 2009, the CIT granted the Department's request for a voluntary remand to examine its calculation of constructed export price (CEP) for certain U.S. sales made by Aisin. After reexamining Aisin's CEP calculation, the Department determined it appropriate to recalculate Aisin's dumping margin.<sup>3</sup> On May 5, 2011, the CIT affirmed, in part, the Department's first remand, which resulted in a weighted-average dumping margin of 1.13 percent for Aisin.<sup>4</sup> The Court remanded issues regarding other respondent companies, relating to the Department's use of zeroing and model match methodology. In *Final Second Remand*, the Department further explained these issues but did not recalculate the dumping margins for any other respondents in the litigation.<sup>5</sup> The Court affirmed the Department's second

[enforcement.trade.gov/remands/](http://enforcement.trade.gov/remands/) (*Final Second Remand*).

<sup>2</sup> *Ball Bearings and Parts Thereof From France, Germany, Japan, Italy, Japan, Singapore, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews and Rescission of Review in Part*, 72 FR 58053 (October 12, 2007) (*AFBs 17*).

<sup>3</sup> See Redetermination Pursuant to Remand, *JTEKT Corporation, et al. v. United States*, Consol. Court No. 07-00377 (CIT September 2, 2009), dated December 4, 2009 (*Final First Remand*).

<sup>4</sup> See *JTEKT Corp. v. United States*, 768 F. Supp. 2d 1333 (2011).

<sup>5</sup> See *Final Second Remand*.

<sup>11</sup> For a full discussion of this practice, see *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

remand in its entirety on December 24, 2014, and entered judgment.

### Timken Notice

In its decision in *Timken*, 893 F.2d at 341, 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 CIT’s December 24, 2014, judgment affirming the *Final Second Remand* constitutes a final decision of that court that is not in harmony with *AFBs 17*. This notice is published in fulfillment of the publication requirements of *Timken*.

### Amended Final Results

Because there is now a final court decision, the Department is amending *AFBs 17* with respect to Aisin’s weighted-average dumping margin as redetermined in the *Final First Remand*. The revised weighted-average dumping margin for the period May 1, 2005, to April 30, 2006, for Aisin is 1.13%.

Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the Court’s ruling is not appealed, or if appealed and upheld by the Federal Circuit, the Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on entries of the subject merchandise exported by Aisin using the revised assessment rate calculated by the Department in the *Final First Remand* and listed above.

### Cash Deposit Requirements

Because we revoked the antidumping duty order on ball bearings and parts thereof from Japan effective September 15, 2011, no cash deposits for estimated antidumping duties on future entries of subject merchandise will be required.<sup>6</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.

<sup>6</sup> See *Ball Bearings and Parts Thereof From Japan and the United Kingdom: Final Results of Sunset Reviews and Revocation of Antidumping Duty Orders*, 79 FR 16771 (March 26, 2014).

Dated: January 15, 2015.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-021, C-274-807]

#### Melamine From the People’s Republic of China and Trinidad and Tobago: Postponement of Preliminary Determinations of Countervailing Duty Investigations

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

**DATES:** Effective January 22, 2015.

#### FOR FURTHER INFORMATION CONTACT:

Andrew Medley, 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) 482-4987.

#### SUPPLEMENTARY INFORMATION:

#### Background

On December 2, 2014, the Department of Commerce (“Department”) initiated countervailing duty investigations on melamine from the People’s Republic of China (“PRC”) and Trinidad and Tobago.<sup>1</sup> The current deadline for the preliminary determinations of these investigations is no later than February 5, 2015.

#### Postponement of Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (“the Act”), requires the Department to issue the preliminary determination in a countervailing duty investigation within 65 days after the date on which the Department initiated the investigation. However, section 703(c)(1)(B) of the Act permits the Department to postpone making the preliminary determination until no later than 130 days after the date on which it initiated the investigation if, among other reasons, the petitioner makes a timely request for a postponement, or the Department concludes that the parties concerned are cooperating and determines that the investigation is extraordinarily complicated. On January

<sup>1</sup> See *Melamine from the People’s Republic of China and Trinidad and Tobago: Initiation of Countervailing Duty Investigations*, 79 FR 73030 (December 9, 2014).

9, 2015, in accordance with 19 CFR 351.205(b)(2), Cornerstone Chemical Company (“Petitioner”) made timely requests to postpone the preliminary countervailing duty determinations.<sup>2</sup> Therefore, in accordance with section 703(c)(1)(A) of the Act, the Department is hereby postponing the preliminary countervailing duty determinations by 65 days to no later than April 11, 2015. However, because April 11, 2015, falls on a Saturday, the preliminary determinations are now due no later than April 13, 2015.<sup>3</sup>

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: January 15, 2015.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Renewable Energy and Energy Efficiency Business Directory Survey

**AGENCY:** International Trade Administration, Department of Commerce.

**ACTION:** Opportunity to participate in business directory app.

**SUMMARY:** The U.S. Departments of State, Commerce, and Energy (the “Interagency Team”) announce an opportunity for U.S.-based suppliers and providers of clean energy, smart grid, and energy efficiency solutions to participate in the pilot phase of an interactive directory of renewable energy and energy efficiency solutions. The Interagency Team is currently developing an interactive app to serve as a mobile business directory for U.S. clean energy exporters. The app will highlight sustainability improvements at U.S. diplomatic missions and provide potential business partners globally with a searchable interface to find information on potential U.S. technology and service providers. The app will showcase a diverse array of clean energy goods and services, including renewable energy equipment

<sup>2</sup> See Letters from Petitioner titled “Melamine From The People’s Republic of China: Request For Postponement Of The Preliminary Determination” and “Melamine From Trinidad and Tobago: Request For Postponement Of The Preliminary Determination,” dated January 9, 2015.

<sup>3</sup> See *Notice of Clarification: Application of “Next Business Day” Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).