

publication of the final results of review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of PRCBs from Thailand entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for the reviewed company will be the rate established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) if neither the exporter nor the manufacturer has its own rate, the cash deposit rate will be 4.69 percent.⁹ These deposit requirements, when imposed, shall remain in effect until further notice.

Notifications to Importer

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

These preliminary results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: April 6, 2016.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- Summary
- Background
- Scope of the Order
- Discussion of the Methodology
 - A. Use of Facts Available
 - B. Application of Facts Available With an Adverse Inference
 - C. Selection and Corroboration of Information Used as Facts Available

⁹ See Section 129 Determination.

Recommendation

[FR Doc. 2016-08385 Filed 4-11-16; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-938]

Citric Acid and Certain Citrate Salts From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Countervailing Duty Administrative Review and Notice of Amended Final Results Pursuant to Court Decision; 2011

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

SUMMARY: On March 30, 2016, the United States Court of International Trade (CIT) sustained the Department of Commerce's (Department's) final results of redetermination,¹ which recalculated the subsidy rate for RZBC Group Shareholding Co., Ltd., RZBC Co., Ltd., RZBC Imp. & Exp. Co., Ltd., and RZBC (Juxian) Co., Ltd. (collectively, RZBC Companies) in the administrative review of the countervailing duty (CVD) order on citric acid and certain citrate salts (citric acid) from the People's Republic of China for the period January 1, 2011, through December 31, 2011,² pursuant to the CIT's remand order in *RZBC Companies v. United States*.³ Consistent with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken*,⁴ as clarified by *Diamond Sawblades*,⁵ the Department is notifying the public that the Court's final judgment in this case is not in harmony with the *Final Results* and that the Department is amending the *Final Results* with respect to the RZBC Companies.

DATES: *Effective Date:* April 9, 2016.

¹ See *RZBC Group Shareholding Co., Ltd., RZBC Co., Ltd., RZBC Imp. & Exp. Co., Ltd., and RZBC (Juxian) Co., Ltd. v. United States*, Court No. 14-00041 (CIT March 30, 2016) (Court Order affirming remand redetermination) (*RZBC Companies v. United States II*).

² See *Citric Acid and Certain Citrate Salts From the People's Republic of China: Final Results of Countervailing Duty Administrative Review*; 2011, 79 FR 108 (January 2, 2014) (*Final Results*) and accompanying Issues and Decision Memorandum (Final IDM).

³ See *RZBC Group Shareholding Co., Ltd., RZBC Co., Ltd., RZBC Imp. & Exp. Co., Ltd., and RZBC (Juxian) Co., Ltd. v. United States*, Court No. 14-00041, Slip Op. 15-83 (August 5, 2015) (*RZBC Companies v. United States*).

⁴ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

⁵ See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

FOR FURTHER INFORMATION CONTACT:

Patricia M. Tran, AD/CVD Operations, Office III, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-1503.

SUPPLEMENTARY INFORMATION:

Background

In the *Final Results*, the Department elected to simple-average all available benchmark data for steam coal, sulfuric acid, and calcium carbonate because they were not reported in a uniform manner.⁶ The CIT remanded for the Department to reevaluate the world benchmarks for steam coal, sulfuric acid, and calcium carbonate subsidies. Specifically, the CIT instructed the Department to consider whether to calculate world-average prices using weighted or simple-averages in light of small-quantity, high-price transactions in the underlying data, and to comply with the mandate to measure the adequacy of remuneration in light of prevailing market conditions in the country subject to review.⁷ The CIT also directed the Department to recalculate the respondents' countervailing duty rate consistent with any reevaluated benchmark prices for steam coal, sulfuric acid, and calcium carbonate.⁸

In its final results of redetermination pursuant to *RZBC Companies v. United States*, the Department reopened and placed on the record in the remand proceeding world benchmark information for steam coal, sulfuric acid, and calcium carbonate. The Department then calculated weighted-average monthly world benchmarks for sulfuric acid and calcium carbonate. For steam coal, we weight-averaged the weightable data⁹ on the record while continuing to utilize the data from other unweightable¹⁰ sources.

On March 30, 2016, the CIT sustained the Department's final results of redetermination pursuant to remand.¹¹

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

⁶ See *Final Results* and Final IDM at Comment 13E.

⁷ See *RZBC Companies v. United States*, Slip Op. at 40.

⁸ *Id.*

⁹ Weightable data contains benchmark prices and quantity.

¹⁰ Unweightable data contains only benchmark prices.

¹¹ See *RZBC Companies v. United States II*.

harmony” with a Department determination and must suspend liquidation of entries pending a “conclusive” court decision. The CIT’s opinion in *RZBC Companies v. United States II*, issued on March 30, 2016, sustaining the Department’s final results of redetermination constitutes a final decision of the court that is not in harmony with the Department’s *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 the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision.

Amended Final Results of Review

Because there is now a final court decision with respect to the *Final Results*, the Department amends its *Final Results*. The Department finds that the following revised net countervailable subsidy rate is:

Company	Net countervailable subsidy rate
RZBC Group Shareholding Co., Ltd., RZBC Co., Ltd., RZBC Imp. & Exp. Co., Ltd., and RZBC (Juxian) Co., Ltd. (collectively, RZBC Companies).	18.28 percent <i>ad valorem</i> .

Since the *Final Results*, the Department established a new cash deposit rate for RZBC Companies.¹² Therefore, the cash deposit rate for RZBC Companies does not need to be updated as a result of these amended final results. In the event that the CIT’s ruling is not appealed, or if appealed, upheld by the CAFC, the Department will instruct U.S. Customs and Border Protection to liquidate entries of subject merchandise that were exported by RZBC Companies, and which were entered, or withdrawn from warehouse, for consumption during the period January 1, 2011, through December 31, 2011, at the revised rate of 18.28 percent *ad valorem*.

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

Dated: April 5, 2016.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

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¹² See *Citric Acid and Certain Citrate Salts: Final Results of Countervailing Duty Administrative Review; 2013*, 80 FR 77318 (December 14, 2015).

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 84–26A12]

Export Trade Certificate of Review

ACTION: Notice of issuance of an amended Export Trade Certificate of Review to the Northwest Fruit Exporters of Washington (“NFE”), Application No. (84–26A12).

SUMMARY: The Secretary of Commerce, through the Office of Trade and Economic Analysis (“OTEA”), issued an amended Export Trade Certificate of Review to NFE of California on March 21, 2016.

FOR FURTHER INFORMATION CONTACT:

Joseph E. Flynn, Director, Office of Trade and Economic Analysis, International Trade Administration, by telephone at (202) 482–5131 (this is not a toll-free number) or email at etca@trade.gov.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. The regulations implementing title III are found at 15 CFR part 325 (2016).

OTEA is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Secretary of Commerce to publish a summary of the certification in the **Federal Register**. Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary’s determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Amended Certificate

NFE’s Export Trade Certificate of Review has been amended to:

Description of Amendments to the Certificate

- Under the heading Products, add “fresh pears.”
- Under the heading Export Trade Activities and Methods of Operation, add “fresh pears” to the subtitles of sections 1 and 3.

- Add coverage for Export Trade Activities and Methods of Operation relating to “fresh pears” for the following existing Members of the Certificate (within the meaning of section 325.2(l) of the regulations (15 CFR 325.2(l))):

Apple House Warehouse & Storage, Inc.
Blue Bird, Inc.
Blue Star Growers, Inc.
Borton & Sons, Inc.
Chelan Fruit Cooperative
Congdon Packing Co. L.L.C.
Conrad & Adams Fruit L.L.C.
Crane & Crane, Inc.
Diamond Fruit Growers Inc.
Gold Digger Apples, Inc.
Hansen Fruit & Cold Storage Co., Inc.
Highland Fruit Growers, Inc.
HoneyBear Growers, LLC
Matson Fruit Company
McDougall & Sons, Inc.
Stadelman Fruit, L.L.C.
Stemilt Growers, LLC
Strand Apples, Inc.
The Dalles Fruit Company, LLC
Valley Fruit III L.L.C.

- Add the following new Members of the Certificate (within the meaning of section 325.2(l) of the regulations (15 CFR 325.2(l))), for Export Trade Activities and Methods of Operation relating to “fresh pears”:
Duckwall Fruit
Naumes, Inc.
Peshastin Hi-Up Growers
Underwood Fruit & Warehouse Co.
 - Add the following new Members of the Certificate for Export Trade Activities and Methods of Operation relating to apples:
Piepel Premium Fruit Packing LLC
Ron LeFore, d/b/a Ron LeFore Apple Farms
Western Traders LLC
 - Remove the following companies as Members of the Certificate: Blue Mountain Growers, Inc. (Milton-Freewater, OR), and Obert Cold Storage (Zillah, WA); and
 - Change the name of the following existing Members: The Apple House, Inc. (Brewster, WA) is now Apple House Warehouse & Storage, Inc. (Brewster, WA); C&M Fruit Packers (Yakima, WA) is now Columbia Fruit Packers/Airport Division (Yakima, WA); Domex Marketing (Yakima, WA) is now Domex Superfresh Growers LLC (Yakima, WA); and Stemilt Growers Inc. is now Stemilt Growers, LLC.
NFE’s complete Membership covered by the amended Export Trade Certificate of Review is listed below:
- Allan Bros., Naches, WA