

and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-5760 or (202) 482-1690, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On June 24, 2014, the Department published the *AR3 Final Results*, in which we assigned the PRC-wide rate of 164.09 percent to companies including the ATM Single Entity that comprise the PRC-wide entity.<sup>4</sup> The ATM Single Entity challenged our decision to treat it as part of the PRC-wide entity and assign the PRC-wide rate to it. On November 9, 2015, the Court remanded the *AR3 Final Results* to the Department to reconsider the PRC-wide rate in light of the remand redeterminations for the two previous reviews that the Department issued after the publication of the *AR3 Final Results*.<sup>5</sup> In these two remand redeterminations, the Department found that the ATM Single Entity was not entitled to a separate rate and, therefore, was part of the PRC-wide entity, and revised the PRC-wide rate using the simple average of the margins that had been calculated for the ATM Single Entity in the underlying administrative reviews and the petition rate in the less-than-fair-value investigation, *i.e.*, 164.09 percent.<sup>6</sup> On remand for the third administrative review, the Department revised the PRC-wide rate consistent with the immediately preceding administrative review, *i.e.*, the second administrative review.<sup>7</sup> On May 11, 2016, the Court

upheld our *AR3 Remand Redetermination* in its entirety.<sup>8</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 Court’s final judgment affirming the *AR3 Remand Redetermination* constitutes the Court’s final decision which is not in harmony with the *AR3 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 *AR3 Final Results* with respect to the PRC-wide entity, which includes the ATM Single Entity, as follows:

Exporter	Weighted-average dumping margin (%)
PRC-Wide Entity (which includes the ATM Single Entity) .....	82.05

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**

The current cash deposit rate for the PRC-wide entity is 82.05 percent, and thus same as the cash deposit rate established in the *AR3 Remand Redetermination*.<sup>9</sup> Therefore, there is no need to update the cash deposit rate for the PRC-wide entity as a result of these amended final results.

**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: May 31, 2016.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2016-13279 Filed 6-3-16; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[C-570-017]

**Certain Passenger Vehicle and Light Truck Tires From the People’s Republic of China: Initiation of Countervailing Duty New Shipper Review; 2014–2016**

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

**SUMMARY:** On February 25, 2016, the Department received a timely request for a new shipper review (NSR) from Shandong Xinghongyuan Tire Co., Ltd. (SXT), in accordance with section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214(c). The Department of Commerce (the Department) has determined that the request for a NSR of the countervailing duty order on certain passenger vehicle and light truck tires (passenger tires) from the People’s Republic of China (PRC) meets the statutory and regulatory requirements for initiation. The period of review (POR) is December 1, 2014, through January 31, 2016.

**DATES:** *Effective Date:* June 6, 2016.

**FOR FURTHER INFORMATION CONTACT:** Mark Hoadley, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3148.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Department published the countervailing duty order on passenger tires from the PRC in the **Federal Register** on August 10, 2015.<sup>1</sup> On February 25, 2016, pursuant to section

<sup>1</sup> 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).

<sup>4</sup> See *AR3 Final Results*, 79 FR at 35724, n.7.  
<sup>5</sup> See *Gang Yan Diamond Products, Inc. v. United States*, Court No. 14-00148, slip op. 15-127 (Ct. Int’l Trade Nov. 9, 2015).  
<sup>6</sup> See Final Results of Redetermination pursuant to *Diamond Sawblades Manufacturers’ Coalition v. United States*, Court No. 13-00078, slip op. 14-50 (Ct. Int’l Trade Apr. 29, 2014), dated April 10, 2015, and available at <http://enforcement.trade.gov/remands/14-50.pdf>, *aff’d*, *Diamond Sawblades Manufacturers’ Coalition v. United States*, Court No. 13-00078, slip op. 15-105 (Ct. Int’l Trade Sept. 23, 2015), and Final Remand Redetermination pursuant to *Diamond Sawblades Manufacturers’ Coalition v. United States*, Court No. 13-00241, slip op. 14-112 (Ct. Int’l Trade Sept. 23, 2014), dated May 18, 2015, and available at <http://enforcement.trade.gov/remands/14-112.pdf>, *aff’d*, *Diamond Sawblades Manufacturers’ Coalition v. United States*, Court No. 13-00241, slip op. 15-116 (Ct. Int’l Trade Oct. 21, 2015).  
<sup>7</sup> See *AR3 Remand Redetermination. See also Diamond Sawblades and Parts Thereof from the People’s Republic of China: Notice of Court Decision Not in Harmony With the Final Results of Review and Amended Final Results of the Antidumping Duty Administrative Review*, 81 FR 2843 (January 19, 2016), for the revision of the PRC-wide rate for the second administrative review.  
<sup>8</sup> See *Gang Yan Diamond Products, Inc.*, 2016 Ct. Intl. Trade LEXIS 49.  
<sup>9</sup> See *Diamond Sawblades and Parts Thereof From the People’s Republic of China; Final Results of Antidumping Duty Administrative Review; 2012-2013*, 80 FR 32344, 32345 (June 8, 2015).

751(a)(2)(B)(i) of the Tariff Act of 1930, as amended (the “Act”), and 19 CFR 351.214(b) and (c), the Department received a timely request for a NSR from SXT. Pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(i), SXT certified that it is the exporter and producer of the passenger tires for which the request for a NSR is based, and certified that it did not export passenger tires to the United States during the period of investigation (POI).<sup>2</sup> 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.<sup>3</sup> Further, as required by 19 CFR 351.214(b)(2)(v), it certified that it informed the government of the PRC that the government will be required to provide a full response to the Department’s questionnaires.<sup>4</sup>

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 for consumption; (3) the volume of that shipment.<sup>5</sup>

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 suspended as subject to the countervailing duty order. The information which the Department examined was consistent with that provided by SXT in its request.<sup>6</sup> 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

<sup>2</sup> See SXT’s request for a NSR dated February 25, 2016, at Exhibit 2.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at Exhibit 1.

<sup>6</sup> See Memorandum to the File from Spencer Toubia, “New Shipper Review of the Countervailing Duty Order on Passenger Vehicle and Light Truck Tires from the People’s Republic of China: Customs Entries from January 1, 2013,” dated March 31, 2016.

that if the request for the review is made during the six-month period ending with the end of the semiannual anniversary month, the Department will initiate a NSR in the calendar month immediately following the semiannual anniversary month. Further, 19 CFR 351.214(g)(2) and 19 CFR 351.213(e)(2)(ii) state that the first review period after an order normally will cover entries or exports from the date of suspension of liquidation to the end of the most recently completed calendar year. However, since SXT’s shipment entered the United States after the end of 2015, and because SXT has requested a concurrent NSR of the antidumping duty order covering the same shipment, we are expanding the POR by one month.<sup>7</sup> Therefore, the POR is December 1, 2014, through January 31, 2016.<sup>8</sup>

#### 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. If the information supplied by STX is found to be incorrect or insufficient during the course of this proceeding, the Department may rescind the review for STX or apply facts available pursuant to section 776 of the Act, depending on the facts on the record. Absent a determination that the new shipper review is extraordinarily complicated, 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.<sup>9</sup>

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

<sup>7</sup> See *Raw Flexible Magnets From the People’s Republic of China: Initiation of Countervailing Duty New Shipper Review*, 75 FR 22741 (April 30, 2010) (expanding the POR for a NSR of a CVD order); see also *Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27320 (May 19, 1997) (The Department’s regulations “provide the Department with sufficient flexibility to resolve any problems that may arise {when the requestor’s first shipment occurs after the calendar year in question} by modifying the standard review period.”).

<sup>8</sup> See 19 CFR 351.214(g)(1)(i)(B).

<sup>9</sup> See section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(i).

amended by the Trade Facilitation and Trade Enforcement Act of 2015.<sup>10</sup>

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 27, 2016.

**Christian Marsh,**

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

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–533–869]

#### **Certain New Pneumatic Off-the-Road Tires From India: Postponement of Preliminary Determination of Antidumping Duty Investigation**

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

**DATES:** Effective June 6, 2016.

**FOR FURTHER INFORMATION CONTACT:** Lilit Astvatsatrian at (202) 482–6412 or Trisha Tran at (202) 482–4852; AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On February 10, 2016, the Department of Commerce (Department) published a notice of initiation of an antidumping duty investigation on certain new pneumatic off-the-road tires (off road tires) from India.<sup>1</sup> Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.205(b)(1) state the Department will make a preliminary determination no later than 140 days after the date of the initiation. The current deadline for the preliminary

<sup>10</sup> 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 CBP 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.

<sup>1</sup> See *Certain New Pneumatic Off-the-Road Tires from India and the People’s Republic of China: Initiation of Less-Than-Fair Value Investigations*, 81 FR 7073 (February 10, 2016).