

Fees are set taking into account the operational costs borne by ITA to administer and supervise the Privacy Shield program. The Privacy Shield program will require a significant commitment of resources and staff. The Privacy Shield Framework includes commitments from ITA to:

- Maintain a Privacy Shield Web site;
- verify self-certification requirements submitted by organizations to participate in the program;
- expand efforts to follow up with organizations that have been removed from the Privacy Shield List;
- search for and address false claims of participation;
- conduct periodic compliance reviews and assessments of the program;
- provide information regarding the program to targeted audiences;
- increase cooperation with EU data protection authorities;
- facilitate resolution of complaints about non-compliance;
- hold annual meetings with the European Commission and other authorities to review the program, and
- provide an update of laws relevant to Privacy Shield.

In setting the Privacy Shield fee schedule, ITA determined that the services provided offer special benefits to an identifiable recipient beyond those that accrue to the general public. ITA calculated the actual cost of providing its services in order to provide a basis for setting each fee. Actual cost incorporates direct and indirect costs, including operations and maintenance, overhead, and charges for the use of capital facilities. ITA also took into account additional factors, including adequacy of cost recovery, affordability, and costs associated with alternative options available to U.S. organizations for the receipt of personal data from the EU.

ITA is establishing a 5-tiered fee schedule that will promote the participation of small organizations in Privacy Shield. A multiple-tiered fee schedule allows ITA to offer the organizations with lower revenue a lower fee. In setting the 5 tiers, ITA considered, in conjunction with the factors mentioned above: (1) The Small Business Administration's guidance on identifying SMEs in various industries most likely to participate in the Privacy Shield, such as computer services, software and information services; (2) the likelihood that small companies would be expected to receive less personal data and thereby use fewer government resources; and (3) the likelihood that companies with higher revenue would have more customers

whose data they process, which would use more government resources dedicated to administering and overseeing Privacy Shield. For example, if a company holds more data it could reasonably produce more questions and complaints from consumers and the European Union's Data Protection Authorities (DPAs). ITA has committed to facilitating the resolution of individual complaints and to communicating with the FTC and the DPAs regarding consumer complaints. Lastly, the fee increases between the tiers are based in part on projected program costs and estimated participation levels among companies within each tier.

#### Conclusion

Based on the information provided above, ITA believes that its Privacy Shield cost recovery fee schedule is consistent with the objective of OMB Circular A-25 to "promote efficient allocation of the nation's resources by establishing charges for special benefits provided to the recipient that are at least as great as the cost to the U.S. Government of providing the special benefits . . ." OMB Circular A-25(5)(b). ITA is providing the public with the opportunity to comment on the fee schedule, and it will consider these comments when it reassesses the fee schedule. ITA will reassess the fee schedule after the first year of implementation and, in accordance with OMB Circular A-25, at least every two years thereafter.

Dated: July 20, 2016.

**Edward M. Dean,**

*Deputy Assistant Secretary for Services,  
International Trade Administration, U.S.  
Department of Commerce.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-912]

#### **Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Notice of Amended Final Determination Pursuant to a Final Court Decision**

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

**SUMMARY:** On October 1, 2010, the United States Court of International Trade ("CIT") sustained the remand redetermination made by the Department of Commerce

("Department") pursuant to the CIT's remand of the final determination in the antidumping duty investigation on certain new pneumatic off-the-road tires ("OTR tires") from the People's Republic of China ("PRC"). This case arises out of the Department's final determination in the antidumping duty ("AD") investigation on OTR tires from the PRC. See *Certain New Pneumatic Off-The-Road-Tires from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances*, 73 FR 40485 (July 15, 2008), as amended by *Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Notice of Amended Final Affirmative Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 73 FR 51624 (September 4, 2008) (collectively, "Final Determination").

The Department notified the public that the final CIT judgment (See *GPX Int'l Tire Corp. v. United States*, Consol. Ct. No. 08-00285, Slip Op. 10-112 (Ct. Int'l Trade October 1, 2010) ("GPX III")) in this case was not in harmony with the Department's final affirmative determination in the AD investigation of OTR tires from the PRC on October 12, 2010. See *Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Notice of Decision of the Court of International Trade Not in Harmony*, 75 FR 62504 (October 12, 2010) ("2010 Timken Notice"). As there is now a final and conclusive decision in this case, the Department is amending its final determination with respect to the antidumping duty rate calculated for the separate rate companies.

**DATES:** Effective March 23, 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**

In July 2008, the Department published a final determination in which it found that OTR tires from the PRC are being, or are likely to be, sold in the United States at less-than-fair-value ("LTFV").<sup>1</sup> As part of the *Final Determination*, the Department calculated a margin for the separate-rate

<sup>1</sup> See *Final Determination*.

respondents of 12.91 percent.<sup>2</sup> Starbright Tire Co., Ltd. (“Starbright”), its importer GPX International Tire Corporation (“GPX”), petitioners Titan Tire Corporation and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied and Industrial Service Workers International Union, AFL–CIO–CLC (collectively, “Titan”), and domestic interested party Bridgestone Americas, Inc. and Bridgestone Americas Tire Operations, LLC (collectively, “Bridgestone”), each timely challenged various aspects of the *Final Determination* to the CIT. The antidumping duty case was then consolidated with the companion countervailing duty case at the CIT. With regard to the antidumping duty case, among the issues raised before the Court was the valuation of wire input consumed by two of the respondent companies, Starbright and Tianjin United Tire & Rubber International Co., Ltd. (“TUTRIC”), under the factors of production methodology to calculate normal value in a non-market economy country pursuant to section 773(c)(1)(B) of the Tariff Act of 1930, as amended (“the Act”).

On August 4, 2010, pursuant to the Department’s request for a voluntary remand, the CIT remanded the wire

input valuation issue to the Department for reconsideration or further explanation.<sup>3</sup> In a remand redetermination filed on September 3, 2010, the Department determined that record evidence supported using a different surrogate value for the wire input consumed by Starbright and TUTRIC in the production of OTR tires.<sup>4</sup> As a result of this change, the weighted-average dumping margin calculated for subject merchandise produced by Starbright and exported by Starbright/GPX changed from 29.93 percent to 31.79 percent, the weighted average dumping margin calculated for subject merchandise produced and exported by TUTRIC changed from 8.44 percent to 10.08 percent, and the weighted-average dumping margin calculated for separate rate companies changed from 12.91 percent to 13.92 percent.<sup>5</sup> The CIT affirmed the Department’s remand redetermination on October 1, 2010.<sup>6</sup> On October 12, 2010, the Department notified the public that the final CIT judgment in this case was not in harmony with the Department’s final affirmative determination in the AD investigation of OTR tires from the PRC.<sup>7</sup> Subsequently, domestic litigation over issues pertaining to the consolidated countervailing duty case

continued.<sup>8</sup> On March 13, 2015, the United States Court of Appeals for the Federal Circuit (“Federal Circuit”) issued a final and conclusive decision in this case, which no party appealed.<sup>9</sup> Because there is now a final and conclusive court decision in this case, the Department is amending the final determination for the separate rate respondents.

#### Amended Final Determination

Since the *Final Determination*, the Department has established a new cash deposit rate for TUTRIC and for Starbright.<sup>10</sup> Therefore, this amended final determination does not change TUTRIC’s or Starbright’s cash deposit rates. Because there is now a final and conclusive court decision with respect to the *Final Determination*, the revised cash deposit rate for the separate rate companies is 13.92 percent. For those separate-rate companies that do not have a superseding cash deposit rate identified in the table below, the Department will issue revised cash deposit instructions to U.S. Customs and Border Protection, adjusting the cash deposit rate for the below separate-rate companies to 13.92 percent, effective March 23, 2015.<sup>11</sup>

Exporter	Producer	Weighted-average margin (percent)
Aeolus Tyre Co., Ltd .....	Aeolus Tyre Co., Ltd .....	13.92
Double Happiness Tyre Industries Corp., Ltd .....	Double Happiness Tyre Industries Corp., Ltd .....	13.92
Jiangsu Feichi Co., Ltd .....	Jiangsu Feichi Co., Ltd .....	13.92
Oriental Tyre Technology Limited .....	Midland Off The Road Tire Co., Ltd .....	13.92
Oriental Tyre Technology Limited .....	Midland Specialty Tire Co., Ltd .....	13.92
Oriental Tyre Technology Limited .....	Xuzhou Hanbang Tyres Co., Ltd .....	13.92
Qingdao Etyre International Trade Co., Ltd .....	Shandong Xingda Tyre Co. Ltd .....	13.92
Qingdao Etyre International Trade Co., Ltd .....	Shandong Xingyuan International Trade Co. Ltd .....	13.92
Qingdao Etyre International Trade Co., Ltd .....	Shandong Xingyuan Rubber Co. Ltd .....	13.92
Qingdao Hengda Tyres Co., Ltd .....	Qingdao Hengda Tyres Co., Ltd .....	13.92
Qingdao Milestone Tyre Co., Ltd .....	Qingdao Shuanghe Tyre Co., Ltd .....	13.92
Qingdao Milestone Tyre Co., Ltd .....	Shandong Zhenhai Tyre Co., Ltd .....	13.92
Qingdao Milestone Tyre Co., Ltd .....	Shifeng Double-Star Tire Co., Ltd .....	13.92
Qingdao Milestone Tyre Co., Ltd .....	Weifang Longtai Tyre Co., Ltd .....	13.92
Qingdao Qizhou Rubber Co., Ltd .....	Qingdao Qizhou Rubber Co., Ltd .....	13.92
Qingdao Sinorient International Ltd .....	Qingdao Hengda Tyres Co., Ltd .....	13.92
Qingdao Sinorient International Ltd .....	Shifeng Double-Star Tire Co., Ltd .....	13.92
Qingdao Sinorient International Ltd .....	Tengzhou Broncho Tyre Co., Ltd .....	13.92
Shandong Huitong Tyre Co., Ltd .....	Shandong Huitong Tyre Co., Ltd .....	13.92
Shandong Jinyu Tyre Co., Ltd .....	Shandong Jinyu Tyre Co., Ltd .....	13.92
Shandong Taishan Tyre Co., Ltd .....	Shandong Taishan Tyre Co., Ltd .....	13.92
Shandong Wanda Boto Tyre Co., Ltd .....	Shandong Wanda Boto Tyre Co., Ltd .....	13.92
Shandong Xingyuan International Trading Co., Ltd .....	Shandong Xingda Tyre Co., Ltd .....	13.92

<sup>2</sup> *Id.*, 73 FR at 51625.

<sup>3</sup> See *GPX Int’l Tire Corp. v. United States*, Consol. Ct. No. 08–00285, Slip Op. 10–84 at \*19–\*20, \*28 (Ct. Int’l Trade August 4, 2010) (“GPX II”).

<sup>4</sup> See *Second Remand Redetermination, GPX Int’l Tire Corp. v. United States*, Consol. Ct. No. 08–00285, dated September 3, 2010, at 4–9.

<sup>5</sup> *Id.* at 9–12.

<sup>6</sup> See *GPX III*.

<sup>7</sup> See *2010 Timken Notice*, 75 FR 62504.

<sup>8</sup> A summary of this litigation can be found in *Certain New Pneumatic Off-the-Road Tires from the People’s Republic of China: Corrected Notice of Decision of the Court of International Trade Not in Harmony and Corrected Notice of Amended Final Determination*, 80 FR 31889 (June 4, 2015) (“2015 Timken Notice”).

<sup>9</sup> See *GPX Int’l Tire Corp. v. United States*, 780 F.3d 1136 (Fed. Cir. 2015).

<sup>10</sup> For Starbright/GPX, see *Certain New Pneumatic Off-the-Road Tires From the People’s*

*Republic of China: Final Results of the 2008–2009 Antidumping Duty Administrative Review*, 76 FR 22871 (April 25, 2011). For TUTRIC, see *Certain New Pneumatic Off-the-Road Tires From the People’s Republic of China: Final Results of the 2009–2010 Antidumping Duty Administrative Review and Final Rescission*, in Part, 77 FR 14495 (March 12, 2012).

<sup>11</sup> See *2015 Timken Notice*; see also *GPX Int’l Tire Corp. v. United States*, Consol. Ct. No. 08–00285, Slip Op. 15–46 (CIT May 18, 2015).

Exporter	Producer	Weighted-average margin (percent)
Shandong Xingyuan International Trading Co., Ltd .....	Xingyuan Tyre Group Co., Ltd .....	13.92
Techking Tires Limited .....	Shandong Xingda Tyre Co. Ltd .....	13.92
Techking Tires Limited .....	Shandong Xingyuan International Trade Co. Ltd .....	13.92
Techking Tires Limited .....	Shandong Xingyuan Rubber Co. Ltd .....	13.92
Triangle Tyre Co., Ltd .....	Triangle Tyre Co., Ltd .....	13.92
Wendeng Sanfeng Tyre Co., Ltd .....	Wendeng Sanfeng Tyre Co., Ltd .....	13.92
Kenda Rubber (China) Co., Ltd./Kenda Global .....	Kenda Rubber (China) Co., Ltd .....	13.92
Qingdao Aonuo Tyre Co., Ltd .....	Qingdao Aonuo Tyre Co., Ltd .....	13.92

**Notification to Interested Parties**

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

Dated: June 28, 2016.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-552-802]

**Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order**

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

**SUMMARY:** On July 18, 2016, the Department of Commerce (“Department”) issued its final determination under a section 129 proceeding regarding the fourth administrative review of the antidumping duty order on certain frozen warmwater shrimp from the Socialist Republic of Vietnam (“Vietnam”) with respect to the Minh Phu Group. On July 18, 2016, the U.S. Trade Representative (“USTR”) instructed the Department to implement the 129 Final Determination. As a result, the Department is now implementing its determination.

**DATES:** Effective July 18, 2016.

**FOR FURTHER INFORMATION CONTACT:** Irene Gorelik, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-6905.

**SUPPLEMENTARY INFORMATION:**

**Nature of the Proceeding**

Section 129 of the Uruguay Rounds Agreement Act (“URAA”)<sup>1</sup> allows the Department to amend, rescind, or modify a determination found by a WTO dispute settlement panel or the Appellate Body to be inconsistent with U.S. obligations under the Antidumping Agreement. Specifically, section 129(b)(2) provides that, “notwithstanding any provision of the Tariff Act of 1930 . . .,” within 180 days after receipt of a written request from the U.S. Trade Representative, the Department shall issue a determination that would render its actions not inconsistent with an adverse finding of a WTO panel or the Appellate Body.<sup>2</sup> The Statement of Administrative Action, URAA, H. Doc. 316, Vol. 1, 103d Cong. (1994) (“SAA”), refers variously to such a determination by the Department as a “new,” “second,” and “different” determination.<sup>3</sup> After consulting with the Department and the appropriate congressional committees, the USTR may direct the Department to implement, in whole or in part, the new determinations made under section 129 of the URAA.<sup>4</sup> Pursuant to section 129(c) of the URAA, the new determinations shall apply with respect to unliquidated entries of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the date on which the USTR directs the Department to implement the new determinations.<sup>5</sup> This determination may be subject to judicial review separate and apart from judicial review of the Department’s original determination.<sup>6</sup>

**Background**

At the written request of USTR, the Department informed interested parties

on May 20, 2016, that it was initiating a proceeding under section 129 of the URAA to implement certain findings of the WTO dispute settlement panel in *United States—Anti-Dumping Measures on Certain Frozen Warmwater Shrimp from VietNam* (WTO/DS429) (“*Panel Report*”).<sup>7</sup> On May 20, 2016, the Department issued its preliminary determination in this proceeding<sup>8</sup> in which the Department recalculated the weighted-average dumping margin for the Minh Phu Group<sup>9</sup> from the *AR4 Amended Final*<sup>10</sup> by eliminating the denial of offsets for non-dumped sales

On July 6, 2016, the Department solicited comments from interested

<sup>7</sup> See Letter from USTR, re: “Request to Comply with WTO Panel Report,” dated May 20, 2016. See also Letter from the Department to All Interested Parties, re: “Initiation of DS429,” dated May 20, 2016.

<sup>8</sup> See Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Paul Piquado, Assistant Secretary for Enforcement and Compliance, re: “Preliminary Determination Under Section 129 of the Uruguay Round Agreements Act: Antidumping Measures on Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam,” dated May 20, 2016 (“129 Preliminary Determination”). See also Memorandum to the File, from Irene Gorelik, Senior Analyst, Office V, re: “Preliminary Determination Under Section 129 of the Uruguay Round Agreements Act: Antidumping Measures on Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam (“Vietnam”)” (“MPG 129 Prelim Memo”), dated May 20, 2016.

<sup>9</sup> For purposes of this proceeding, the “Minh Phu Group” includes the following companies: (1) Minh Phu Seafood Export Import Corporation (and affiliates Minh Qui Seafood Co., Ltd. and Minh Phat Seafood Co., Ltd.), (2) Minh Phu Seafood Corp., (3) Minh Phu Seafood Corporation, (4) Minh Phu Seafood Pte, (5) Minh Qui Seafood, (6) Minh Qui Seafood Co., Ltd., (7) Minh Qui, (8) Minh Phat Seafood Co., Ltd., (9) Minh Phat, (10) Minh Phat Seafood, (11) Minh Phat Seafood Corp., (12) Minh Phu Hau Giang Seafood Joint Stock Company, (13) Minh Phu Hau Giang Seafood Co., Ltd., (14) Minh Phu Hau Giang Seafood Corp., and (15) Minh Phu Hau Giang Seafood Processing Co., Ltd. See 129 Final Determination.

<sup>10</sup> See *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 75 FR 47771 (August 9, 2010) (“*AR4 Final*”) and *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Amended Final Results of Antidumping Duty Administrative Review*, 75 FR 61122 (October 4, 2010) (“*AR4 Amended Final*”).

<sup>1</sup> Citation to “section 129” refers to section 129 of the URAA, codified at 19 U.S.C. 3538.

<sup>2</sup> See 19 U.S.C. 3538(b)(2).

<sup>3</sup> See SAA at 1025, 1027.

<sup>4</sup> See 19 U.S.C. 3538(b)(4).

<sup>5</sup> See 19 U.S.C. 3538(c).

<sup>6</sup> See 19 U.S.C. 1516a(a)(2)(B)(vii).