

# Notices

Federal Register

Vol. 81, No. 206

Tuesday, October 25, 2016

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

October 20, 2016.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by November 25, 2016 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725-17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: [OIRA\\_Submission@OMB.EOP.GOV](mailto:OIRA_Submission@OMB.EOP.GOV) or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control

number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

### Animal and Plant Health Inspection Service

*Title:* Importation of Papaya from Colombia and Ecuador.

*OMB Control Number:* 0579-0358.

*Summary of Collection:* Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests new to the United States or not known to be widely distributed throughout the United States. The regulations in "Subpart-Fruits and Vegetables" (7 CFR 319.56), prohibits or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests that are new to or not widely distributed within the United States.

*Need and Use of the Information:* The Animal and Plant Health Inspection Service (APHIS) regulations allow, under certain conditions, the importation of commercial shipments of fresh papaya from Colombia and Ecuador into the continental United States. These conditions for importation of papaya from Colombia and Ecuador include, but are not limited to, phytosanitary certificates, fruit fly trapping, trapping recordkeeping, grower registration and reinstatement of growers. Failing to collect this information would cripple APHIS' ability to ensure that papaya from Colombia and Ecuador are not carrying fruit flies.

*Description of Respondents:* Federal Government; Business or other for-profit.

*Number of Respondents:* 158.

*Frequency of Responses:* Recordkeeping; Reporting: On occasion.

*Total Burden Hours:* 371.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2016-25740 Filed 10-24-16; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-831]

### Fresh Garlic From the People's Republic of China: Final Rescission of the Semiannual Antidumping Duty New Shipper Review of Jinxiang Huameng Imp & Exp Co., Ltd.

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

**SUMMARY:** The Department of Commerce ("the Department") has conducted a new shipper review ("NSR") of Jinxiang Huameng Imp & Exp Co., Ltd. ("Huameng") regarding the antidumping duty order on fresh garlic from the People's Republic of China ("the PRC"). Based on our analysis of the comments received, we continue to find Huameng's sale is not *bona fide*. Consequently, the Department is rescinding this NSR.

**DATES:** Effective October 25, 2016.

**FOR FURTHER INFORMATION CONTACT:** Sean Carey, 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) 482-3964.

### SUPPLEMENTARY INFORMATION:

#### Background

On May 25, 2016, the Department published the preliminary results of this new shipper review.<sup>1</sup> The Department conducted a verification of Huameng's questionnaire responses from September 19 to September 23, 2016, and issued a verification report on September 28, 2016.<sup>2</sup> The review covers Huameng. The period of review (POR) is November 1, 2014, through April 30, 2015. A summary of the events that occurred since the Department published the *Preliminary Results*, as well as a full

<sup>1</sup> See *Fresh Garlic From the People's Republic of China: Preliminary Intent To Rescind the New Shipper Review of Jinxiang Huameng Imp & Exp Co., Ltd.*, 81 FR 33209 (May 25, 2016) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See Memorandum to the File, "Verification of the Sales and Factors Response of Jinxiang Huameng Import & Export Co., Ltd. in the New Shipper Review of Garlic from the People's Republic of China," dated September 28, 2016 (Huameng Verification Report), at 6-7.

discussion of the issues raised by parties for this final determination, are found in the Issues and Decision Memorandum, dated concurrently with, and hereby adopted by, this notice.<sup>3</sup>

The Issues and Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://iaaccess.trade.gov>, and is available to all parties in the Department's Central Records Unit, located in room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be found at <http://enforcement.trade.gov/frn/>. The signed and the electronic versions of the Issues and Decision Memorandum are identical in content.

### Scope of the Order

The merchandise covered by this order is all grades of garlic, whether whole or separated into constituent cloves. The subject merchandise is currently classifiable under the Harmonized Tariff Schedule of the United States ("HTSUS") subheadings: 0703.20.0000, 0703.20.0005, 0703.20.0010, 0703.20.0015, 0703.20.0020, 0703.20.0090, 0710.80.7060, 0710.80.9750, 0711.90.6000, 0711.90.6500, 2005.90.9500, 2005.90.9700, and 2005.99.9700. A full description of the scope of the order is contained in the Issues and Decision Memorandum.<sup>4</sup> Although the HTSUS subheadings are provided for convenience and customs purposes, the written product description is dispositive.

### Final Rescission of New Shipper Review

As explained in the Issues and Decision Memorandum and in the proprietary Huameng *Bona Fides* Memorandum<sup>5</sup> issued with the

<sup>3</sup> See Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, regarding "Issues and Decision Memorandum for the Final Results of Antidumping Duty Semiannual New Shipper Review on Fresh Garlic from the People's Republic of China: Jinxiang Huameng Imp & Exp Co., Ltd.," issued concurrently with this notice (Issues and Decision Memorandum).

<sup>4</sup> See the Issues and Decision Memorandum.

<sup>5</sup> See Memorandum to Edward Yang, Office Director, AD/CVD Operations, Office VII, "Bona Fide Nature of the Sale in the Antidumping Duty New Shipper Review of Fresh Garlic from the People's Republic of China (PRC): Jinxiang Huameng Imp & Exp Co., Ltd.," dated May 17, 2016 (*Bona Fide* Memorandum).

*Preliminary Results*, due to the totality of circumstances, including the atypical nature of the product that was sold, *i.e.*, single-clove garlic, the lack of proof of payment by Huameng's U.S. customer for payment of all its contractual expenses per the sales terms and for its subsequent purchase of non-subject merchandise, and, other circumstances indicating that Huameng's business operations were not profitable, we continue to find that Huameng's sale is not *bona fide* within the meaning of section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (the Act). As a result, we are rescinding the new shipper review of Huameng.

### Analysis of Comments Received

All issues raised in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of the issues that are raised in the briefs and addressed in the Issues and Decision Memorandum is in the Appendix of this notice.

### Cash Deposit Requirements

Effective upon publication of the final rescission of the NSR of Huameng, the Department will instruct CBP to discontinue the option of posting a bond or security in lieu of a cash deposit for entries of subject merchandise by Huameng. Cash deposits will be required for exports of subject merchandise by Huameng entered, or withdrawn from warehouse, for consumption on or after the publication date, at the PRC-wide rate.

### Assessment Instructions

As the result of this rescission of the NSR of Huameng, the entries of Huameng covered by this NSR will be assessed at the cash deposit rate required at the time of entry, which is the PRC-wide rate.

### Notification to Importers

This notice serves as final 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 Secretary of Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

### Return or Destruction of Proprietary Information

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the

disposition of business proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3). We request timely written notification of return or destruction of APO materials or conversion to judicial protective order. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is issued and published this notice in accordance with sections 751(a)(2)(B) and 777(i) of the Act and 19 CFR 351.214.

Dated: October 14, 2016.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix—List of Topics Discussed in the Issues and Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Discussion of the Issues
  - Comment 1a: Whether the Price of Huameng's Garlic Was Indicative of a *Bona Fide* Sale
  - Comment 1b: Evidence of Payment of Expenses Arising from the Transaction by Huameng's U.S. Customer
  - Comment 1c: Whether the Transaction Was Made on an Arm's Length Basis
  - Comment 1d: Whether Huameng's Business Operations Are Profitable
  - Comment 1e: Whether the Sale of Single-Clove Garlic is Typical
  - Comment 2: Whether Harmoni Qualifies as an Interested Party
  - Comment 3: Whether Huameng is Entitled to a Separate Rate
  - Comment 4: Whether Huameng Should Receive the PRC-Wide Cash Deposit Rate
  - Comment 5: Whether Huameng is Eligible to Participate in the New Shipper Review
5. Recommendation

[FR Doc. 2016-25675 Filed 10-24-16; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### National Integrated Drought Information System (NIDIS) Executive Council Meeting

**AGENCY:** Climate Program Office (CPO), Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of open meeting.

**SUMMARY:** The National Integrated Drought Information System (NIDIS) Program Office will hold an organizational meeting on October 27, 2016, to reconstitute the Executive Council.