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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-823-805]

**Silicomanganese From Ukraine: Final Results of Antidumping Duty Administrative Review; 2015-2016**

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

**SUMMARY:** On May 9, 2017, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on silicomanganese from Ukraine. The period of review (POR) is August 1, 2015, through July 31, 2016. For the final results of this review, we continue to find, based on the application of adverse facts available, that subject merchandise has been sold in the United States at prices below normal value during the POR.

**DATES:** Applicable August 9, 2017.

**FOR FURTHER INFORMATION CONTACT:** Dmitry Vladimirov, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-0665.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 9, 2017, the Department published the *Preliminary Results* of the administrative review of the antidumping duty order on silicomanganese from Ukraine.<sup>1</sup> The administrative review covers two exporters of the subject merchandise, PJSC Zaporozhye Ferroalloy Plant (ZFP), and PJSC Nikopol Ferroalloy Plant (NFP). The Department gave interested parties an opportunity to

comment on the *Preliminary Results*. We received no comments.

The Department conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act).

**Scope of the Order**

The merchandise covered by the antidumping duty order is silicomanganese. Silicomanganese, which is sometimes called ferrosilicon manganese, is a ferroalloy composed principally of manganese, silicon, and iron, and normally containing much smaller proportions of minor elements, such as carbon, phosphorous, and sulfur. Silicomanganese generally contains by weight not less than four percent iron, more than 30 percent manganese, more than eight percent silicon, and not more than three percent phosphorous. All compositions, forms and sizes of silicomanganese are included within the scope of this order, including silicomanganese slag, fines, and briquettes. Silicomanganese is used primarily in steel production as a source of both silicon and manganese. This order covers all silicomanganese, regardless of its tariff classification. Most silicomanganese is currently classifiable under subheading 7202.30.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Some silicomanganese may also currently be classifiable under HTSUS subheading 7202.99.8040. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

**Adverse Facts Available**

We continue to find that the application of adverse facts available (AFA) to the mandatory respondents, ZFP and NFP, is warranted in accordance with sections 776(a) and (b) of the Act and 19 CFR 351.308, because these companies failed to provide requested information, as detailed in the Preliminary Decision Memorandum<sup>2</sup> accompanying the *Preliminary Results*.

*Final Results of the Administrative Review*

We determine that the following weighted-average dumping margins exist for the respondents for the period of August 1, 2015, through July 31, 2016:

Exporter/producer	Weighted-average dumping margin (percent)
PJSC Zaporozhye Ferroalloy Plant .....	163.00
PJSC Nikopol Ferroalloy Plant .....	163.00

*Assessment*

In accordance with 19 CFR 351.212, the Department will instruct U.S. Customs and Border Protection (CBP) to liquidate all entries of subject merchandise exported by ZFP and NFP during the POR at an *ad valorem* rate of 163.00 percent. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

*Cash Deposit Requirements*

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rates for subject merchandise exported by ZFP and NFP will be 163.00 percent, equal to the weighted-average dumping margins established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 163.00 percent, the all-others rate established in the investigation.<sup>3</sup>

<sup>3</sup> See *Suspension Agreement on Silicomanganese From Ukraine; Termination of Suspension Agreement and Notice of Antidumping Duty Order*, 66 FR 43838 (August 21, 2001) (clarifying that the "Ukraine-Wide Rate" of 163 percent applies to all producers and exporters of subject silicomanganese not specifically listed in *Notice of Final Determination of Sales at Less Than Fair Value*;

<sup>1</sup> See *Silicomanganese From Ukraine: Preliminary Results of Antidumping Duty Administrative Review; 2015-2016*, 82 FR 21521 (May 9, 2017) (*Preliminary Results*).

<sup>2</sup> See Memorandum, "Decision Memorandum for the Preliminary Results in the Administrative Review of the Antidumping Duty Order on Silicomanganese from Ukraine; 2015-2016," dated May 3, 2017 (*Preliminary Decision Memorandum*).

These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

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

#### Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

We are issuing and publishing these results of administrative review in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(5).

Dated: August 3, 2017.

**Carole Showers,**

*Executive Director, Office of Policy, performing the duties of Deputy Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XF517

#### Pacific Island Fisheries; Marine Conservation Plan for the Pacific Insular Area for the Northern Mariana Islands; Western Pacific Sustainable Fisheries Fund

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

*Silicomanganese From Ukraine*, 59 FR 62711 (December 6, 1994) (where an AFA rate of 163 percent was applied to ZFP and NFP, the mandatory respondents in the original investigation).

**ACTION:** Notice of agency decision.

**SUMMARY:** NMFS announces approval of a Marine Conservation Plan (MCP) for the Northern Mariana Islands.

**DATES:** This agency decision is valid from August 4, 2017, through August 3, 2020.

**ADDRESSES:** You may obtain a copy of the MCP, identified by NOAA-NMFS-2017-0076, from the Federal e-Rulemaking Portal, <http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0076>, or from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808-522-8220, [www.wpcouncil.org](http://www.wpcouncil.org).

**FOR FURTHER INFORMATION CONTACT:** Melanie Brown, Sustainable Fisheries, NMFS Pacific Islands Regional Office, 808-725-5171.

**SUPPLEMENTARY INFORMATION:** Section 204(e) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorizes the Secretary of State, with the concurrence of the Secretary of Commerce (Secretary), and in consultation with the Council, to negotiate and enter into a Pacific Insular Area fishery agreement (PIAFA). A PIAFA would allow foreign fishing within the U.S. Exclusive Economic Zone (EEZ) adjacent to American Samoa, Guam, or the Northern Mariana Islands. The Governor of the Pacific Insular Area to which the PIAFA applies must request the PIAFA. The Secretary of State may negotiate and enter the PIAFA after consultation with, and concurrence of, the applicable Governor.

Before entering into a PIAFA, the applicable Governor, with concurrence of the Council, must develop and submit to the Secretary a 3-year MCP providing details on uses for any funds collected by the Secretary under the PIAFA. NMFS is the designee of the Secretary for MCP review and approval. The Magnuson-Stevens Act requires payments received under a PIAFA to be deposited into the United States Treasury and then conveyed to the Treasury of the Pacific Insular Area for which funds were collected.

In the case of violations by foreign fishing vessels in the EEZ around any Pacific Insular Area, amounts received by the Secretary attributable to fines and penalties imposed under the Magnuson-Stevens Act, including sums collected from the forfeiture and disposition or sale of property seized subject to its authority, shall be deposited into the Treasury of the Pacific Insular Area adjacent to the EEZ in which the violation occurred, after direct costs of

the enforcement action are subtracted. The Pacific Insular Area government may use funds deposited into the Treasury of the Pacific Insular Area for fisheries enforcement and for implementation of an MCP.

Federal regulations at 50 CFR 665.819 authorize NMFS to specify catch limits for longline-caught bigeye tuna for U.S. territories. NMFS may also authorize each territory to allocate a portion of that limit to U.S. longline fishing vessels that are permitted to fish under the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific (FEP). Payments collected under specified fishing agreements are deposited into the Western Pacific Sustainable Fisheries Fund, and any funds attributable to a particular territory may be used only for implementation of that territory's MCP.

An MCP must be consistent with the Council's FEPs, must identify conservation and management objectives (including criteria for determining when such objectives have been met), and must prioritize planned marine conservation projects.

The Council reviewed and concurred with the Northern Marian Islands MCP in June 2017. On July 6, 2017, the Governor of the Commonwealth of the Northern Mariana Islands submitted the Northern Mariana Islands MCP to NMFS for review and approval. The following describes the objectives of the MCP. Please refer to the MCP for planned projects and activities designed to meet each objective, the evaluative criteria, and priority rankings. The MCP contains seven conservation and management objectives, listed below.

1. Improve fisheries data collection and reporting.
2. Conduct resource assessment, monitoring, and research to gain a better understanding of marine resources and fisheries.
3. Conduct enforcement training and monitoring activities to promote compliance with federal and local mandates.
4. Promote responsible domestic fisheries development to provide long-term economic growth, stability, and local food production.
5. Conduct education and outreach, enhance public participation, and build local capacity.
6. Promote an ecosystem approach to fisheries management, climate change adaptation and mitigation, and regional cooperation.
7. Recognize the importance of island cultures and traditional fishing practices in managing fishery resources, and foster opportunities for participation.