

## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-412-801]

**Ball Bearings and Parts Thereof From the United Kingdom: Notice of Court Decision Not in Harmony With Amended Final Results and Notice of Second Amended Results of Antidumping Duty Administrative Review**

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

**SUMMARY:** On August 23, 2017, the United States Court of International Trade (CIT) entered final judgment sustaining the final results of remand redetermination pursuant to court order by the Department of Commerce (Department) pertaining to the antidumping duty administrative review of the order on ball bearings and parts thereof (ball bearings) from the United Kingdom for the period May 1, 2010, through April 30, 2011. The Department is notifying the public that the final judgment in this case is not in harmony with the Department's final results, as amended, in the administrative review of ball bearings from the United Kingdom.

**DATES:** September 2, 2017.

**FOR FURTHER INFORMATION CONTACT:** Thomas Schauer, 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) 482-0410.

**SUPPLEMENTARY INFORMATION:****Background**

On January 27, 2015, the Department published the *Final Results* in the above-referenced administrative review.<sup>1</sup> The Department selected the highest rate from the petition (254.25 percent) as the dumping margin for Bayerische Motoren Werke AG (BMW), based on adverse facts available (AFA). BMW of North America LLC appealed the *Final Results* to the CIT, and on March 2, 2017, the CIT remanded the *Final Results*.<sup>2</sup> Specifically, the CIT

<sup>1</sup> See *Ball Bearings and Parts Thereof from Japan and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews; 2010-2011*, 80 FR 4248 (January 27, 2015); as amended, *Ball Bearings and Parts Thereof from the United Kingdom: Amended Final Results of Antidumping Duty Administrative Review; 2010-2011*, 80 FR 9694 (February 24, 2015) (collectively, *Final Results*).

<sup>2</sup> See *BMW of North America LLC v. United States*, Court No. 15-00052, Slip Op. 17-22 (CIT March 2, 2017) (*Remand Order*).

remanded the *Final Results*, directing that the Department either: (1) Provide a new corroboration analysis for the selected petition rate that is consistent with the Department's obligations and the Court's opinion; or (2) determine a new AFA rate consistent with the Department's obligations and the Court's opinion.<sup>3</sup>

On May 12, 2017, the Department issued its final results of redetermination pursuant to remand.<sup>4</sup> On remand, the Department determined a new AFA rate of 126.44 percent for BMW, consistent with the *Remand Order*. On August 23, 2017, the CIT sustained the Department's *Final Redetermination*.<sup>5</sup>

**Timken Notice**

In its decision in *Timken*,<sup>6</sup> as clarified by *Diamond Sawblades*,<sup>7</sup> the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of court decision that is not "in harmony" with a Department determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's August 23, 2017, judgment constitutes a final decision of that 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.

**Second Amended Final Results**

Because there is now a final court decision, the Department is amending the *Final Results* with respect to BMW. The revised weighted-average dumping margin for BMW for the period May 1, 2010, through April 30, 2011, is as follows:

<sup>3</sup> See *Remand Order* at 12-17.

<sup>4</sup> See Results of Remand Redetermination, *BMW of North America LLC v. United States*, Court No. 15-00052, Slip Op. 17-22, dated May 12, 2017 (*Final Redetermination*).

<sup>5</sup> See *BMW of North America LLC v. United States*, Court No. 15-00052, Slip Op. 17-109 (CIT August 23, 2017).

<sup>6</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>7</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

Exporter or producer	Weighted-average dumping margin (percent)
Bayerische Motoren Werke AG ..	126.44

In the event the Court's ruling is not appealed, or if it is appealed and upheld by a final and conclusive court decision, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties at a rate equal to the weighted-average dumping margin listed above to all entries of subject merchandise produced and/or exported by BMW.

**Cash Deposit Requirements**

On March 26, 2014, the Department revoked the antidumping duty order on ball bearings and parts thereof from the United Kingdom, effective as of September 15, 2011.<sup>8</sup> Therefore, no cash deposit requirements will be imposed as a result of these second 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: August 30, 2017.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2017-18978 Filed 9-6-17; 8:45 am]

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## DEPARTMENT OF COMMERCE

## International Trade Administration

[C-570-953]

**Narrow Woven Ribbons With Woven Selvedge From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review; 2015**

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

**SUMMARY:** The Department of Commerce (the Department) preliminarily determines that countervailable subsidies have been provided to producers and exporters of narrow woven ribbons with woven selvedge from the People's Republic of China

<sup>8</sup> See *Ball Bearings and Parts Thereof from Japan and the United Kingdom: Final Results of Sunset Reviews and Revocation of Antidumping Duty Orders*, 79 FR 16771 (March 26, 2014).

(PRC). The period of review (POR) is January 1, 2015, through December 31, 2015. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable September 7, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Terre Keaton Stefanova, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-1280.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Department published the notice of initiation of this administrative review on November 9, 2016.<sup>1</sup> On May 1, 2017, and July 17, 2017, the Department postponed the preliminary results of this administrative review and the revised deadline is now August 31, 2017.<sup>2</sup> For a complete description of the events that followed the initiation of this administrative review, see the Preliminary Decision Memorandum.<sup>3</sup>

**Scope of the Order**

The products covered by the order are narrow woven ribbons with woven selvedge from the PRC. For a complete description of the scope of this administrative review, see the Preliminary Decision Memorandum.<sup>4</sup>

**Methodology**

The Department is conducting this countervailing duty (CVD) review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, the Department preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an “authority” that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>5</sup> For a full

description of the methodology underlying our preliminary conclusions, including our reliance, in part, on adverse facts available pursuant to sections 776(a) and (b) of the Act, see the Preliminary Decision Memorandum.<sup>6</sup> The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>, and is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

**Preliminary Results of the Review**

As a result of this review, we preliminarily determine that the following estimated countervailable subsidy rate exists:

Company	Subsidy rate (percent)
Yama Ribbons and Bows Co., Ltd .....	23.37

**Assessment Rates**

Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue assessment instructions to CBP 15 days after publication of the final results of this review.

**Cash Deposit Requirements**

Pursuant to section 751(a)(2)(C) of the Act, the Department also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount indicated above. For all non-reviewed firms, we will instruct CBP to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

<sup>6</sup> A list of topics discussed in the Preliminary Decision Memorandum can be found in the Appendix to this notice.

**Disclosure and Public Comment**

The Department intends to disclose to interested parties the calculations and analysis performed in connection with this preliminary results within five days of publication of this notice in the **Federal Register**.<sup>7</sup> Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after publication of the preliminary results.<sup>8</sup> Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline for filing case briefs.<sup>9</sup> Parties who submit case briefs or rebuttal briefs in this administrative review are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>10</sup>

Interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must do so within 30 days of publication of these preliminary results by submitting a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, using Enforcement and Compliance’s ACCESS system.<sup>11</sup> Requests should contain the party’s name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined.<sup>12</sup> Parties should confirm by telephone the date, time, and location of the hearing.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, we intend to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after issuance of these preliminary results.

**Notification to Interested Parties**

These preliminary results are issued and published pursuant to sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

<sup>7</sup> See 19 CFR 351.224(b).

<sup>8</sup> See 19 CFR 351.309(c)(l)(ii).

<sup>9</sup> See 19 CFR 351.309(d).

<sup>10</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>11</sup> See 19 CFR 351.310(c).

<sup>12</sup> See 19 CFR 351.310.

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 81 FR 78778 (November 9, 2016).

<sup>2</sup> See Memorandum, “Narrow Woven Ribbons with Woven Selvedge from the People’s Republic of China: Extension of Deadline for Preliminary Results of 2015 Countervailing Duty Administrative Review,” dated May 1, 2017, and Memorandum, “Narrow Woven Ribbons with Woven Selvedge from the People’s Republic of China: Extension of Deadline for Preliminary Results of 2015 Countervailing Duty Administrative Review,” dated July 17, 2017.

<sup>3</sup> See Memorandum, “Decision Memorandum for the Preliminary Results of 2015 Countervailing Duty Administrative Review: Narrow Woven Ribbons with Woven Selvedge from the People’s Republic of China,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

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

<sup>5</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E)

Dated: August 30, 2017.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

**Appendix**

**List of Topics Discussed in the Preliminary Decision Memorandum**

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Application of the Countervailing Duty Law to Imports from the PRC
- V. Diversification of the PRC's Economy
- VI. Use of Facts Otherwise Available and Adverse Inferences
- VII. Subsidies Valuation
- VIII. Interest Rate Benchmarks, Discount Rates, Inputs and Electricity
- IX. Analysis of Programs
- X. Conclusion

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**Final Notice of a New Category of Special Use Permit Related to the Operation of Desalination Facilities Producing Potable Water for Consumption**

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

**SUMMARY:** On January 12, 2017, NOAA published a notice in the **Federal Register** proposing two new categories of special use permits (SUP) related to the operation of desalination facilities, and requesting public comment. NOAA hereby gives public notice that the Office of National Marine Sanctuaries will adopt a new SUP category pursuant to the requirements of Section 310 of the National Marine Sanctuaries Act (NMSA). The SUP category is for the continued presence of a pipeline transporting seawater to or from a desalination facility. The second category previously proposed for the use of sediment to filter seawater for desalination is removed. This notice also includes background information on the use of desalination in Monterey Bay National Marine Sanctuary (MBNMS) and ONMS regulations applicable to activities that disturb submerged lands or discharge into sanctuaries, explains why a SUP is

appropriate for this category of actions, explains why issuance of a new SUP category will not result in additional regulatory review, explains how the SUP category will facilitate and streamline the administration and management of desalination permits, as appropriate, and provides responses to public comments received. At this time, most proposed desalination activity in sanctuaries occurs in MBNMS, and the scientific studies used for environmental impact and comparative cost analyses were regionally based, so the SUP category only applies to MBNMS.

**DATES:** This notice becomes effective on September 7, 2017.

**ADDRESSES:** Please see **FOR FURTHER INFORMATION CONTACT.** This **Federal Register** document is also accessible via the Internet at: <http://montereybay.noaa.gov>.

**FOR FURTHER INFORMATION CONTACT:** Bridget Hoover, Monterey Bay National Marine Sanctuary, 99 Pacific Street Bldg. 455A, Monterey, CA 93940, (831) 647-4217, [bridget.hoover@noaa.gov](mailto:bridget.hoover@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 310 of the National Marine Sanctuaries Act, 16 U.S.C. 1441, NOAA issues this notice of a Special Use Permit (SUP) category applicable to Monterey Bay National Marine Sanctuary (MBNMS) for the continued presence of a pipeline transporting seawater to or from a desalination facility.

**I. Background**

*Introduction to Desalination Projects in Sanctuaries*

There is a growing public concern about ensuring adequate water resources to support populations along the California coast. Communities have been working together to develop strategies for addressing the long-term drought California has recently experienced and the resulting water scarcity. In the Monterey Bay area, desalination has been identified as one of the essential components of water resource portfolios. NOAA's initial proposal was to apply the proposed SUP categories across the National Marine Sanctuary System, which could have resulted in the SUP categories applying to Olympic Coast and Florida Keys national marine sanctuaries (the other two sanctuaries adjacent to land such that desalination facilities could be constructed) in addition to MBNMS (82 FR 3751). However, since most desalination activity in sanctuaries occurs in MBNMS, and the scientific studies used for environmental impact

and comparative cost analyses were regionally based, the SUP category only applies to MBNMS.

Desalination is the process by which salts and other minerals are removed from seawater or brackish water to produce potable fresh water. The installation and operation of desalination facilities near a national marine sanctuary may involve access to and use of sanctuary resources and include activities prohibited by a sanctuary's regulations. One potentially applicable prohibition is for activities that cause the alteration of, or placement of structures on or in the seabed 15 CFR 922.132(a)(4). For example, installation of certain desalination facility structures such as an intake or outfall pipeline on, beneath, or attached to the ocean floor would be prohibited by sanctuary regulations and could only occur with sanctuary approval. Another prohibition potentially applicable to desalination projects is discharging or depositing any material or matter from within or into sanctuaries 15 CFR 922.132(a)(2). The disposal of brine effluent from a desalination facility, and most other materials, into sanctuary waters would be prohibited unless approved by the sanctuary.

Multiple federal, state and local permits are typically required for any construction and operation of desalination facilities, including when a facility is proposed near a national marine sanctuary. In 2010, NOAA, in collaboration with the California Coastal Commission and California Central Coast Regional Water Quality Control Board, published specific guidelines for new desalination plants in a report titled *Guidelines for Desalination Plants in Monterey Bay National Marine Sanctuary* (MBNMS 2010, <http://montereybay.noaa.gov/resourcepro/resmanissues/pdf/050610desal.pdf>). These non-regulatory guidelines were developed to help ensure that any future desalination plants in or adjacent to MBNMS would be sited, designed, and operated in a manner that results in minimal impacts to the marine environment. These guidelines address numerous issues associated with desalination including site selection, construction and operational impacts, plant discharges, and intake systems. The guidelines encourage the use of subsurface intake systems and associated pipelines, which have less potential to cause environmental harm to sensitive marine organisms and habitats than other types of intakes. Open water intakes have the potential to trap organisms on the intake screens (impingement) or impact organisms