

eligible for a CE as such a determination would be inconsistent with NEPA or CEQ regulations. Specifically, NEPA and CEQ regulations require that an agency consider and make a determination related to the environmental impacts of a proposed action.<sup>30</sup> FirstNet, consistent with CEQ regulations and its revised implementing procedures, will conduct site-specific reviews for each new tower to determine the appropriate level of NEPA review.

Second, FirstNet asserts that compliance with its revised NEPA implementing procedures will provide sufficient information for FirstNet to review and make a determination as to the appropriate level of NEPA review for any site-specific action, including new installations that are above 199 feet AGL, not co-located with existing facilities or are guyed. In particular, as discussed above, FirstNet's revised NEPA implementing procedures include, among other statutory and regulatory references, specific language identifying the BGEPA, MBTA, and E.O. 13186, Responsibilities of Federal Agencies to Protect Migratory Birds as areas, that should be considered, as appropriate, as part of a NEPA review.<sup>31</sup>

Furthermore, as previously stated, FirstNet, in accordance with its implementing procedures, upon reviewing a proposed action that would otherwise be categorically excluded, including those installations described by DOI, could, as previously mentioned, determine that the proposed action may potentially have a significant impact and on its own motion require the

development of an environmental assessment.<sup>32</sup>

Accordingly, FirstNet's NEPA review process, inclusive of the existing language related to MBTA and BGEPA and in addition to its various other extraordinary circumstances, adequately accounts for the resources and potential environmental impacts necessary for FirstNet to make a NEPA determination related to the proposed action, including whether the development of an EA is necessary to determine the environmental impacts.

Finally, FirstNet recognizes, as noted by the DOI, that the FWS has formulated best practices for tower siting to address the potential effects of tower and antenna structures on migratory birds. FirstNet has taken steps that will align the deployment of the NPSBN with these best practices, particularly by adopting a strategy that will facilitate tower co-locations. Consistent with the DOI's tower siting guidance, FirstNet has sought and entered into an agreement to utilize, to the maximum extent economically desirable, existing commercial or other communications infrastructure in the establishment of the NPSBN.<sup>33</sup> As a result, the vast majority of antenna structures currently planned for deployment on the NPSBN will be co-locations on existing communication towers or other structures. Thus, FirstNet, in accordance with the DOI voluntary guidelines, has already undertaken efforts to reduce the potential impacts of NPSBN deployment on migratory birds through the design of its program.

Nevertheless, FirstNet, consistent with the FCC's recommendation to its licensees, will consider implementing these voluntary guidelines, as practicable and feasible, in the deployment of the NPSBN, but will not make them a mandatory requirement of NPSBN deployment.

#### F. Other Agency Jurisdiction

*Comment:* DOI recommended that when FirstNet applies categorical exclusions for the placement of antennas in another agency's

jurisdiction, FirstNet should provide that agency with some level of documentation regarding the environmental effects to assist the permitting agency in its review of the proposed action.

*Response:* FirstNet agrees, and, consistent with CEQ regulations, intends to coordinate and provide environmental documents, as appropriate, to other federal agencies having jurisdiction over all or part of a FirstNet proposed action, including those that may have permitting authority applicable to NPSBN deployment.<sup>34</sup>

Dated: January 29, 2018.

**Elijah Veenendaal,**

*Attorney-Advisor, First Responder Network Authority.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews

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

#### Background

Every five years, pursuant to the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) and the International Trade Commission automatically initiate and conduct a review to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

#### Upcoming Sunset Reviews for March 2018

Pursuant to section 751(c) of the Act, the following Sunset Reviews are scheduled for initiation in March 2018 and will appear in that month's *Notice of Initiation of Five-Year Sunset Reviews* (Sunset Reviews).

<sup>30</sup> See FirstNet, Procedures for Implementing the National Environmental Policy Act—E0, Environmental Review and Consultation Requirements for NEPA Review, available at <https://www.firstnet.gov/sites/default/files/FirstNet%20Revised%20Implementing%20Procedures%20%28Updated%20June%202017%29.pdf>.

<sup>31</sup> FirstNet also notes that, in general, the FCC rules require new tower construction to (1) receive approval from the state or local governing authority for the proposed site; (2) comply with FCC rules implementing NEPA; (3) comply with *ESA* and *NHPA* (including Section 106). Moreover, depending on the tower's height and location (generally towers more than 200 feet above ground level or located near an airport), construction may also require Federal Aviation Administration (FAA) notification and clearance and Antenna Structure Registration (ASR) with the FCC. Thus, in addition to FirstNet's implementing procedures, there are other regulatory requirements applicable to FirstNet, as an FCC licensee, which may provide information related to environmental resources and be considered as part of a NEPA and ensure compliance with other applicable laws.

<sup>32</sup> See FirstNet, Procedures for Implementing the National Environmental Policy Act, Appendix C-List of Extraordinary Circumstances, available at <https://www.firstnet.gov/sites/default/files/FirstNet%20Revised%20Implementing%20Procedures%20%28Updated%20June%202017%29.pdf>.

<sup>33</sup> See Award Notice, *supra* note 27.

<sup>34</sup> See generally 40 CFR 1502.25.

	Department contact
<b>Antidumping Duty Proceedings</b>	
Drawn Stainless Steel Sinks from China, (A-570-983) (1st Review) .....	Robert James, (202) 482-0649.
<b>Countervailing Duty Proceedings</b>	
Drawn Stainless Steel Sinks from China, (C-570-984) (1st Review) .....	Robert James, (202) 482-0649.
<b>Suspended Investigations</b>	
No Sunset Review of suspended investigations is scheduled for initiation in March 2018.	

Commerce's procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. The *Notice of Initiation of Five-Year (Sunset) Reviews* provides further information regarding what is required of all parties to participate in Sunset Reviews.

Pursuant to 19 CFR 351.103(c), Commerce will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact Commerce in writing within 10 days of the publication of the Notice of Initiation.

Please note that if Commerce receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue.

Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

Dated: January 26, 2018.

**James Maeder,**

*Senior Director performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[C-570-059, C-533-874]

**Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From the People's Republic of China and India: Countervailing Duty Orders**

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

**SUMMARY:** Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC),

Commerce is issuing countervailing duty orders on certain cold-drawn mechanical tubing of carbon and alloy steel (cold-drawn mechanical tubing) from the People's Republic of China (China) and India.

**DATES:** February 1, 2018.

**FOR FURTHER INFORMATION CONTACT:** Shanah Lee at (202) 482-6386, AD/CVD Operations, Office III, and Ryan Mullen at (202) 482-5260, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**

**Background**

In accordance with section 705(d) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), on December 11, 2017, Commerce published its affirmative final determinations in the countervailing duty investigations of cold-drawn mechanical tubing from China and India.<sup>1</sup> On January 24, 2018, the ITC notified Commerce of its final affirmative determination, pursuant to section 705(d) of the Act, that an industry in the United States is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act, by reason of subsidized imports of cold-drawn mechanical tubing from China and India.<sup>2</sup> Further, the ITC determined that critical circumstances do not exist with respect to imports of cold-drawn mechanical tubing from China.

**Scope of the Orders**

The product covered by these orders is cold-drawn mechanical tubing from China and India. For a complete

<sup>1</sup> See *Countervailing Duty Investigation of Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the People's Republic of China: Final Affirmative Determination, and Final Affirmative Determination of Critical Circumstances, in Part*, 82 FR 58175 (December 11, 2017) (*China Final Determination*); and *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India: Final Affirmative Countervailing Duty Determination*, 82 FR 58172 (December 11, 2017).

<sup>2</sup> See letter from the ITC concerning imports of cold-drawn mechanical tubing from China and India (Investigation Nos. 701-TA-576-577 (Final)), dated January 24, 2018 (ITC Notification Letter).

description of the scope of these orders, see the Appendix to this notice.

**Countervailing Duty Orders**

As stated above, on January 24, 2018, in accordance with sections 705(d) of the Act, the ITC notified Commerce of its final determination that an industry in the United States is materially injured by reason of subsidized imports of cold-drawn mechanical tubing from China and India.<sup>3</sup> Therefore, in accordance with section 705(c)(2) of the Act, Commerce is issuing these countervailing duty orders. Because the ITC determined that imports of cold-drawn mechanical tubing from China and India are materially injuring a U.S. industry, unliquidated entries of such merchandise from China and India, entered or withdrawn from warehouse for consumption, are subject to the assessment of countervailing duties.

As a result of the ITC's final determination, in accordance with section 706(a) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, countervailing duties on unliquidated entries of cold-drawn mechanical tubing from China and India entered, or withdrawn from warehouse, for consumption on or after September 25, 2017, the date of publication of the *Preliminary Determinations*,<sup>4</sup> but will not include entries occurring after the expiration of the provisional measures period and before publication in the **Federal Register** of the ITC's final injury determination.

**Suspension of Liquidation**

In accordance with section 706 of the Act, Commerce will instruct CBP to reinstitute the suspension of liquidation on all entries of subject merchandise from China and India, applicable the

<sup>3</sup> See ITC Notification Letter.

<sup>4</sup> See *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination*, 82 FR 44562 (September 25, 2017); see also *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India: Preliminary Affirmative Countervailing Duty Investigation*, 82 FR 44558 (September 25, 2017) (collectively, *Preliminary Determinations*).