

Commerce, 1401 Constitution Ave. NW, Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the Act.

Dated: February 2, 2018.

**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

#### SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY

Country	Program(s)	Gross <sup>1</sup> subsidy (\$/lb)	Net <sup>2</sup> subsidy (\$/lb)
28 European Union Member States <sup>3</sup>	European Union Restitution Payments	\$ 0.00	\$0.00
Canada	Export Assistance on Certain Types of Cheese	0.45	0.45
Norway	Indirect (Milk) Subsidy	0.00	0.00
	Consumer Subsidy	0.00	0.00
Total		0.00	0.00
Switzerland	Deficiency Payments	0.00	0.00

<sup>1</sup> Defined in 19 U.S.C. 1677(5).

<sup>2</sup> Defined in 19 U.S.C. 1677(6).

<sup>3</sup> The 28 member states of the European Union are: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free Trade Agreement (NAFTA), Article 1904 Binational Panel Review: Notice of Request for Panel Review

**AGENCY:** United States Section, NAFTA Secretariat, International Trade Administration, Department of Commerce.

**ACTION:** Notice of NAFTA Request for Panel Review in the matter of 100- to 150-Seat Large Civil Aircraft from Canada: Final Affirmative Determination of Sales at Less Than Fair Value (Secretariat File Number: USA-CDA-2018-1904-02).

**SUMMARY:** Requests for Panel Review were filed on behalf of Bombardier Inc. and C Series Aircraft Limited Partnership and the Government of Canada with the United States Section of the NAFTA Secretariat on January 19, 2018, pursuant to NAFTA Article 1904. Panel Review was requested of the Department of Commerce's Final Affirmative Determination of Sales at Less Than Fair Value regarding 100- to 150-Seat Large Civil Aircraft from Canada. The final determination was published in the **Federal Register** on December 27, 2017 (82 FR 61,255). The NAFTA Secretariat has assigned case

number USA-CDA-2018-1904-02 to this request.

**FOR FURTHER INFORMATION CONTACT:** Paul E. Morris, United States Secretary, NAFTA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, (202) 482-5438.

**SUPPLEMENTARY INFORMATION:** Chapter 19 of Article 1904 of NAFTA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to review the trade remedy determination being challenged and issue a binding Panel Decision. There are established NAFTA Rules of Procedure for Article 1904 Binational Panel Reviews, which were adopted by the three governments for panels requested pursuant to Article 1904(2) of NAFTA which requires Requests for Panel Review to be published in accordance with Rule 35. For the complete Rules, please see <https://www.nafta-sec-alena.org/Home/Texts-of-the-Agreement/Rules-of-Procedure/Article-1904>.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is February 20, 2018);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in

support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is March 5, 2018); and

(c) The panel review shall be limited to the allegations of error of fact or law, including challenges to the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and to the procedural and substantive defenses raised in the panel review.

Dated: February 2, 2018.

**Paul E. Morris,**

*U.S. Secretary, NAFTA Secretariat.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-864, A-823-805]

#### Silicomanganese From the People's Republic of China and Ukraine: Final Results of Expedited Fourth Sunset Reviews of the Antidumping Duty Orders

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

**SUMMARY:** As a result of these sunset reviews, the Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) orders on

silicomanganese from the People's Republic of China (China) and Ukraine would be likely to lead to continuation or recurrence of dumping at the dumping margins identified in the "Final Results of Review" section of this notice.

**DATES:** Applicable February 8, 2018.

**FOR FURTHER INFORMATION CONTACT:** Joseph Degreenia, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-6430.

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 4, 2017, Commerce published the notice of initiation of the fourth sunset reviews of the antidumping duty orders<sup>1</sup> on silicomanganese from China and Ukraine, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).<sup>2</sup> On October 19, 2017, Commerce received a notice of intent to participate from Eramet Marietta, Inc. (Eramet), within the deadline specified in 19 CFR 351.218(d)(1)(i).<sup>3</sup> On October 9, 2017, Commerce received a letter from the Trade Defense Department of the Ministry of Economic Development and Trade (TDDMEDT) of Ukraine in which TDDMEDT stated its intent to participate as an interested party in this proceeding.<sup>4</sup> Eramet claimed interested party status under section 771(9)(C) of the Act, as a domestic producer of silicomanganese.<sup>5</sup> On November 3, 2017, Commerce received complete substantive responses from Eramet within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).<sup>6</sup> We received

<sup>1</sup> See *Notice of Antidumping Duty Order: Silicomanganese from the People's Republic of China (PRC)*, 59 FR 66003 (December 22, 1994) and *Suspension Agreement on Silicomanganese from Ukraine; Termination of Suspension Agreement and Notice of Antidumping Duty Order*, 66 FR 43838, August 21, 2001 (*AD Orders*).

<sup>2</sup> See *Initiation of Five-Year (Sunset) Reviews*, 82 FR 46221 (October 4, 2017).

<sup>3</sup> See letters from Eramet, "Five-Year ("Sunset") Review of Antidumping Duty Order on Silicomanganese from the People's Republic of China: Notice of Intent to Participate," dated October 19, 2017 (Eramet China NOITP) and "Five-Year ("Sunset") Review of Antidumping Duty Order on Silicomanganese from Ukraine: Notice of Intent to Participate," dated October 19, 2017 (Eramet Ukraine NOITP).

<sup>4</sup> See letter from Government of Ukraine, "Entry of Appearance: Five-Year "Sunset" Review of the Antidumping Duty Order on Silicomanganese from China, and Ukraine (4th Review), DOC Case No. A-823-805," dated October 9, 2017.

<sup>5</sup> See Eramet China NOITP, at 1; and Eramet Ukraine NOITP, at 1.

<sup>6</sup> See letters from Eramet, "Five-Year ("Sunset") Review of Antidumping Duty Order on Silicomanganese from the People's Republic of

no substantive response from any other domestic or respondent interested parties in this proceeding, nor was a hearing requested. As a result, pursuant to 19 CFR 351.218(e)(1)(ii)(C), Commerce conducted expedited (120-day) sunset reviews of the *AD Orders*. Commerce has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from January 20 through 22, 2018. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the final results of these sunset reviews is now February 5, 2018.<sup>7</sup>

**Scope of the AD Orders**

The merchandise covered by these orders is silicomanganese. Silicomanganese, which is sometimes called ferrosilicon manganese, is a ferroalloy composed principally of manganese, silicon, and iron, and normally contains much smaller proportions of minor elements, such as carbon, phosphorous and sulfur. Silicomanganese generally contains by weight not less than 4 percent iron, more than 30 percent manganese, more than 8 percent silicon and not more than 3 percent phosphorous. All compositions, forms and sizes of silicomanganese are included within the scope of these orders, including silicomanganese slag, fines and briquettes. Silicomanganese is used primarily in steel production as a source of both silicon and manganese.

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 7202.99.5040.<sup>8</sup> The *AD Orders* cover all silicomanganese, regardless of its tariff classification.

China: Eramet's Substantive Response to Notice of Initiation," dated November 3, 2017 (Eramet China Substantive Response) and "Five-Year ("Sunset") Review of Antidumping Duty Order on Silicomanganese from Ukraine: Eramet's Substantive Response to Notice of Initiation," dated November 3, 2017 (Eramet Ukraine Substantive Response).

<sup>7</sup> See Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, "Deadlines Affected by the Shutdown of the Federal Government" (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

<sup>8</sup> 7202.99.5040 is the applicable HTSUS statistical reporting prior to July 2, 2003. Effective July 2, 2003, the subject merchandise that would originally have entered under 7202.99.5040 now enters under 7202.99.8040.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the *AD Orders* remains dispositive.<sup>9</sup>

**Analysis of Comments Received**

All issues raised in these sunset reviews, including the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the *AD Orders* were revoked, are addressed in the Issues and Decision Memorandum,<sup>10</sup> dated concurrently with, and hereby adopted by this notice. The Issues and 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 <https://access.trade.gov> and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed at <http://enforcement.trade.gov/frn/>. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

**Final Results of Reviews**

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, we determine that revocation of the *AD Orders* on silicomanganese from China and Ukraine would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 150 percent for China and 163 percent for Ukraine.

**Notification Regarding Administrative Protective Order**

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

<sup>9</sup> See *Continuation of Antidumping Duty Orders: Silicomanganese from the People's Republic of China and Ukraine*, 77 FR 66956 (November 8, 2012).

<sup>10</sup> See Commerce's memorandum, "Issues and Decision Memorandum for the Final Results of the Expedited Fourth Sunset Review of the Antidumping Duty Order on Silicomanganese from the People's Republic of China and Ukraine," dated concurrently with this notice (Issues and Decision Memorandum).

with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CR 351.218.

Dated: February 2, 2018.

**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.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-836]

#### Glycine From the People's Republic of China: Final Results of the Changed Circumstances Review

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

**SUMMARY:** The Department of Commerce (Commerce) determines, in the context of the changed circumstance review (CCR) of the antidumping duty order on glycine from the People's Republic of China (China), that Salvi Chemical Industries Ltd. (Salvi) and its importers, are ineligible to participate in a certification process because, after further review of the record evidence and comments submitted, we find Salvi has not demonstrated that the sales of glycine examined are of non-Chinese origin. As a result, glycine produced by Salvi continues to be subject to the *Order* on glycine.

**DATES:** Applicable February 8, 2018.

**FOR FURTHER INFORMATION CONTACT:** Madeline Heeren, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-9179.

#### SUPPLEMENTARY INFORMATION:

##### Background

Commerce initiated this CCR on November 16, 2016, and published the *Preliminary Results* on August 11, 2017.<sup>1</sup> Commerce has exercised its discretion to toll deadlines for the

<sup>1</sup> See *Glycine from the People's Republic of China: Initiation of Antidumping Duty Changed Circumstances Review*, 81 FR 81064 (November 17, 2016); see also *Glycine from the People's Republic of China: Preliminary Results of Changed Circumstances Review*, 82 FR 37564 (August 11, 2017) (*Preliminary Results*).

duration of the closure of the Federal Government from January 20 through 22, 2018. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the final results of this review is now February 5, 2018.<sup>2</sup> For a description of events that have occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.<sup>3</sup> The Issues and 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 Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/index.html>. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

##### Scope of the Order

The product covered by this antidumping duty order is glycine, which is a free-flowing crystalline material, like salt or sugar. Glycine is produced at varying levels of purity and is used as a sweetener/taste enhancer, a buffering agent, reabsorbable amino acid, chemical intermediate, and a metal complexing agent. This proceeding includes glycine of all purity levels. Glycine is currently classified under subheading 2922.49.4020 of the Harmonized Tariff Schedule of the United States (HTSUS).<sup>4</sup> Although the

<sup>2</sup> See Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, "Deadlines Affected by the Shutdown of the Federal Government" (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days. The new deadline falls on Sunday, February 4, 2018. The next business day is Monday, February 5, 2018.

<sup>3</sup> See "Issues and Decision Memorandum for the Final Results of the Antidumping Duty Changed Circumstances Review of Glycine from the People's Republic of China," dated concurrently with and hereby adopted in this notice (Issues and Decision Memorandum).

<sup>4</sup> In separate scope rulings, Commerce determined that: (a) D(-) Phenylglycine Ethyl Dane Salt is outside the scope of the order and (b) Chinese-origin glycine exported from India remains the same class or kind of merchandise as the Chinese-origin glycine imported into India. See *Notice of Scope Rulings and Anticircumvention Inquiries*, 62 FR 62288 (November 21, 1997) and *Circumvention Notice*, respectively.

HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under the order is dispositive.<sup>5</sup>

##### Analysis of Comments Received

All issues raised by GEO, the domestic interested party, in its case brief are addressed in the Issues and Decision Memorandum. No other party filed a case or rebuttal brief. A list of the issues addressed in the Issues and Decision Memorandum is appended to this notice.

##### Final Results of the Changed Circumstances Review

Commerce finds that, based upon the record of the CCR, Salvi has not demonstrated that its sales of glycine are of non-Chinese origin, and therefore, Salvi, along with its importers, are not permitted to participate in the certification process. Thus, glycine produced by Salvi continues to be subject to the *Order*.<sup>6</sup>

##### Notification to Parties

This notice is the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition 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 sanctionable violation.

Commerce is issuing and publishing these results in accordance with sections 751(b)(1) and (4) and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.216 and 19 CFR 351.221(c)(3)(i).

Dated: February 2, 2018.

**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 Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of Issues

Comment 1: Whether Salvi is Producing Glycine from Non-Chinese Origin Raw

<sup>5</sup> See *Antidumping Duty Order: Glycine from the People's Republic of China*, 60 FR 16116 (March 29, 1995) (*Order*).

<sup>6</sup> This determination applies to all importers of glycine produced by Salvi, including Nutracare International (Nutracare).