

For entries of subject merchandise during the POR produced by TFM for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company involved in the transaction. We intend to issue assessment 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of the notice of final results of administrative review for all shipments of stilbenic OBAs from Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for TFM will be 1.31 percent, the weighted-average dumping margin 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 producers or exporters will continue to be 6.19 percent, the all-others rate established in the investigation.<sup>5</sup>

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.

<sup>5</sup> See *Certain Stilbenic Optical Brightening Agents from Taiwan: Final Determination of Sales at Less Than Fair Value*, 77 FR 17027 (March 23, 2012).

#### 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 an administrative review in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(5).

Dated: September 25, 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: Notice of Court Decision Not in Harmony With Final Results of the Antidumping Duty Administrative Review and Notice of Amended Final Results; 2013–2014

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

**SUMMARY:** On September 7, 2018, the Court of International Trade (CIT or Court) sustained the final results of remand redetermination pertaining to the administrative review of the antidumping duty order on glycine from the People's Republic of China (China), covering the period of March 1, 2013, through February 28, 2014. The Department of Commerce (Commerce) is notifying the public that the final judgment in this case is not in harmony with Commerce's final results of the administrative review and that Commerce is amending the final results with respect to the dumping margin assigned to the China-wide entity.

**DATES:** Applicable September 17, 2018.

**FOR FURTHER INFORMATION CONTACT:** Edythe Artman or Brian Davis, 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) 482–3931 or (202) 482–7924, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

In the underlying 2013/2014 administrative review, Commerce rescinded its review with respect to Evonik Rexim (Nanning) Pharmaceutical Co., Ltd., (Evonik), finding Evonik's sales of subject merchandise to be not *bona fide*.<sup>1</sup> Accordingly, Commerce determined that Evonik's entries during the period of review would be subject to the rate for the China-wide entity in effect at the time of entry, which at that point in time was 453.79 percent.<sup>2</sup> This rate was established as the China-wide rate in *Final Results 12–13*.<sup>3</sup> The rate of 453.79 percent was originally calculated in *Final Results 10–11* for respondent Baoding Mantong Fine Chemistry Co., Ltd. (Baoding Mantong).<sup>4</sup> Baoding Mantong challenged that rate in *Baoding Mantong Fine Chemistry Co., Ltd. v. United States*, Consol. Ct. No. 12–00362. In that separate proceeding, this Court twice remanded the calculation of the rate to Commerce, sustaining Commerce's second remand redetermination, which reduced Baoding Mantong's calculated margin to 0.00 percent for the *Final Results 10–11*.<sup>5</sup>

Because *Final Results 10–11* was under judicial review at the commencement of its action before the Court, Evonik challenged Commerce's application of the rate of 453.79 percent to the China-wide entity<sup>6</sup> in its action

<sup>1</sup> See *Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review; 2013–2014*, 80 FR 62,027 (October 15, 2015) (*Final Results 13–14*) and accompanying Issues and Decision Memorandum (Issues and Decision Memorandum) at Comment 5.

<sup>2</sup> See *Final Results 13–14* at 62,028.

<sup>3</sup> See *Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013*, 79 FR 64,746, 64,748 (October 31, 2014) (*Final Results 12–13*).

<sup>4</sup> See *Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 77 FR 64,100, 64,101 (October 18, 2012) (*Final Results 10–11*).

<sup>5</sup> See *Baoding Mantong Fine Chemistry Co. Ltd.*, Slip. Op. 17–169, 279 F. Supp. 3d 1321 (Ct. Int'l Trade Dec. 20, 2017) (*Baoding Mantong*). In an earlier decision, *Baoding Mantong Fine Chemistry Co. Ltd.*, 41 CIT \_\_\_, 222 F. Supp. 3d 1231 (Ct. Int'l Trade 2017), the Court sustained an initial revision by Commerce of Baoding Mantong's rate to 64.97 percent.

<sup>6</sup> See Issues and Decision Memorandum at Comment 6.

on *Final Results 13–14*. The Court severed and stayed that claim from Consol. Ct. No. 15–00296,<sup>7</sup> pending the disposition of the challenge in *Baoding Mantong*.

In light of the final judgment issued in *Baoding Mantong*, the Court granted Commerce's motion for a voluntary remand to reevaluate its application of the China-wide entity rate to Evonik in *Final Results 13–14*. In the Final Results of Redetermination, Commerce selected as the China-wide rate for the 2013/2014 review the China-wide rate stemming from the underlying less-than-fair-value investigation.<sup>8</sup> This rate, set at 155.89 percent, had been in effect prior to the China-wide rate being set at 453.79 percent in *Final Results 12–13*. On September 7, 2018, the Court sustained the Final Results of Redetermination.<sup>9</sup>

#### Timken Notice

In its decision in *Timken*,<sup>10</sup> as clarified by *Diamond Sawblades*,<sup>11</sup> the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision that is not “in harmony” with a Commerce determination and must suspend liquidation of entries pending a “conclusive” court decision. The CIT's September 7, 2018, final judgment sustaining the Final Results of Redetermination constitutes a final decision of the Court that is not in harmony with *Final Results 13–14*. This notice is published in fulfillment of the *Timken* publication requirements. Accordingly, Commerce will continue the suspension of liquidation of the subject merchandise pending a final and conclusive court decision.

#### Amended Final Results of Review

Because there is now a final court decision, Commerce is amending *Final Results 13–14* with respect to the China-wide rate previously assigned to the exporter. Based on the Final Results of Redetermination, as sustained by the CIT, the revised China-wide rate, for the

period March 1, 2013, through February 28, 2014, is as follows:

Producer or exporter	Weighted-average dumping margin (percent)
China-wide Entity .....	155.89

In the event the Court's ruling is not appealed or, if appealed, upheld by a final and conclusive court decision, Commerce will instruct the U.S. Customs and Border Protection (CBP) to assess antidumping duties on unliquidated entries of subject merchandise with respect to Evonik.

#### Cash Deposit Requirements

As the China-wide entity's cash deposit rate has not been subject to subsequent administrative reviews, Commerce will issue revised cash deposit instructions to CBP adjusting the rate for the China-wide entity to 155.89 percent, effective September 17, 2018.

#### 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: September 25, 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

#### Membership of the International Trade Administration Performance Review Board

**AGENCY:** International Trade Administration, Department of Commerce.

**ACTION:** Notice of membership on the International Trade Administration's Performance Review Board.

**SUMMARY:** The International Trade Administration (ITA), Department of Commerce (DOC), announces the appointment of those individuals who have been selected to serve as members of ITA's Performance Review Board. The Performance Review Board is responsible for (1) reviewing performance appraisals and ratings of Senior Executive Service (SES) members and (2) making recommendations to the

appointing authority on other performance management issues, such as pay adjustments, bonuses and Presidential Rank Awards for SES. The appointment of these members to the Performance Review Board will be for a period of twenty-four (24) months.

**DATES:** The period of appointment for those individuals selected for ITA's Performance Review Board begins on October 1, 2018.

**FOR FURTHER INFORMATION CONTACT:** Joan Nagielski, U.S. Department of Commerce, Office of Human Resources Management, Department of Commerce Human Resources Operations Center, Office of Employment and Compensation, 14th and Constitution Avenue NW, Room 50013, Washington, DC 20230, at (202) 482–6342.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 4314(c)(4), the International Trade Administration (ITA), Department of Commerce (DOC), announces the appointment of those individuals who have been selected to serve as members of the ITA Performance Review Board. The Performance Review Board is responsible for (1) reviewing performance appraisals and ratings of Senior Executive Service (SES) members and (2) making recommendations to the appointing authority on other performance management issues, such as pay adjustments, bonuses and Presidential Rank Awards for SES. The Appointment of these members to the Performance Review Board will be for a period of twenty-four (24) months.

The name, position title, and type of appointment of each member of the Performance Review Board are set forth below:

1. Andre Mendes, Chief Information Officer, Career SES
2. Diane Farrell, Deputy Assistant Secretary for Asia, Career SES
3. James Sullivan, Deputy Assistant Secretary for Services, Noncareer SES
4. Carole Showers, Executive Director for Antidumping & Policy Negotiation, Career SES
5. Veronica LeGrande, HR Director, Enterprise Services, Career SES
6. Anne Driscoll, Deputy Assistant Secretary for Industry and Analysis, Career SES
7. Timothy Rosado, Chief Financial and Administrative Officer, Career SES
8. Praveen Dixit, Deputy Assistant Secretary for Trade Policy and Analysis, Career SES
9. Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, Career SES
10. Stephen Renna, Director, Advocacy Center, Noncareer SES
11. John Cooney, Chief of Staff, Noncareer SES
12. Kurt Bersani, Chief Financial Officer,

<sup>7</sup> See Consol. Ct. No. 15–296 ECF Docket No. 70, and Ct. No. 17–132, ECF Docket No. 1.

<sup>8</sup> See “*Final Results of Redetermination Pursuant to Court Remand*,” dated June 5, 2018 (Final Results of Redetermination). See also “*Antidumping Duty Order: Glycine from the People's Republic of China*,” 60 FR 16,116, (March 29, 1995).

<sup>9</sup> See *Pharm-Rx Chemical Corporation v. United States*, Court No. 17–00268, Slip Op. 18–113 (CIT September 7, 2018).

<sup>10</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>11</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).