

## Background

On June 26, 2014, the Court issued the *Remand Order*, upholding most aspects of the *Final Determination*, but remanding for the Department to apply a regulation the Court held had been improperly withdrawn.<sup>3</sup> On remand, the Department applied the withdrawn regulation, under protest, and as a result, the estimated weighted-average dumping margins for Dubai Wire and Precision Fasteners changed. On November 3, 2015, the Court upheld the *Final Remand Redetermination* in full, and affirmed several other appealed issues which it had deferred ruling on pending the Department's remand findings.<sup>4</sup>

## Timken Notice

In its decision in *Timken*, as clarified by *Diamond Sawblades*, the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a 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 November 3, 2015, final judgment affirming the *Final Remand Redetermination* constitutes a final decision of that court which is not in harmony with the *Final Determination*. This notice is published in fulfillment of the publication requirements of *Timken*.

## Amended Final Determination

Because there is now a final court decision, the Department is amending the *Final Determination* with respect to both Dubai Wire and Precision Fasteners.

Producer or exporter	Weighted-average dumping margin (percent)
Dubai Wire FZE .....	2.86
Precision Fasteners LLC .....	0.00

## Partial Exclusion From Antidumping Duty Order and Partial Discontinuation of Antidumping Duty Administrative Review

Pursuant to sections 735(c)(2) of the Act, "the investigation shall be terminated upon publication of that negative determination" and the Department shall "terminate the suspension of liquidation" and "release any bond or other security, and refund

any cash deposit." See Sections 735(c)(2)(A) and (B) of the Act. As a result of this amended final determination, in which the Department calculated a weighted-average dumping margin of 0.00 percent for Precision Fasteners, the Department is hereby excluding merchandise from the following producer/exporter chain from the antidumping duty order:

Producer: Precision Fasteners LLC  
 Exporter: Precision Fasteners LLC  
 Accordingly, the Department will direct U.S. Customs and Border Protection (CBP) to release any bonds or other security and refund cash deposits. This exclusion does not apply to merchandise produced by Precision Fasteners and exported by any other company. Therefore, resellers of merchandise produced, or produced and exported by Precision Fasteners are not entitled to the exclusion. Similarly, the exclusion does not apply to merchandise produced by any other company and exported by Precision Fasteners.

We note, however, that pursuant to *Timken* the suspension of liquidation must continue during the pendency of the appeals process. Thus, at this time we will instruct CBP to continue the suspension of liquidation at a cash deposit rate of 0.0 percent for entries produced and exported by Precision Fasteners until otherwise instructed and to release any bond or other security that Precision Fasteners made pursuant to the *Final Determination*. If the CIT's ruling is not appealed, or if appealed and upheld, the Department will instruct CBP to terminate the suspension of liquidation and to liquidate entries produced and exported by Precision Fasteners without regard to antidumping duties. As a result of the exclusion, the Department is discontinuing the ongoing administrative review for Precision Fasteners, in part<sup>5</sup> and will not initiate any new administrative reviews of the antidumping duty order with respect to merchandise produced and exported by Precision Fasteners.

Lastly, we note that at this time, the Department remains enjoined by Court order from liquidating entries produced and/or exported by Precision Fasteners during the period 11/03/2011 through 4/30/2013 with the exception of the gap period 05/02/2012 through 05/07/2012. These entries will remain enjoined

<sup>5</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 80 FR 37588 (July 1, 2015). The review will continue with regard to merchandise produced by Precision Fasteners and exported by another company or produced by any other company and exported by Precision Fasteners.

pursuant to the terms of the injunction during the pendency of any appeals process.

Dubai Wire was a mandatory respondent in completed administrative reviews subsequent to the LTFV investigation and therefore the Dubai Wire LTFV redetermination weighted-average dumping margin is superseded by the cash deposit rate currently in effect for Dubai Wire.<sup>6</sup>

## 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: December 4, 2015.

## Paul Piquado,

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

### Renewable Energy and Energy Efficiency Advisory Committee

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

**ACTION:** Notice of an open meeting.

**SUMMARY:** The Renewable Energy and Energy Efficiency Advisory Committee (RE&EEAC) will hold a meeting on Tuesday, February 2, 2016 at the U.S. Department of Commerce Herbert C. Hoover Building in Washington, DC. The meeting is open to the public and interested parties are requested to contact the U.S. Department of Commerce in advance of the meeting.

**DATES:** February 2, 2016, from approximately 8:30 a.m. to 4 p.m. Eastern Standard Time (EST). Members of the public wishing to participate must notify Victoria Gunderson at the contact information below by 5:00 p.m. DST on Friday, January 29, 2016, in order to pre-register.

**FOR FURTHER INFORMATION, PLEASE CONTACT:** Victoria Gunderson, Office of Energy and Environmental Industries (OEEI), International Trade Administration, U.S. Department of Commerce at (202) 482-7890; email: [Victoria.Gunderson@trade.gov](mailto:Victoria.Gunderson@trade.gov).

### SUPPLEMENTARY INFORMATION:

*Background:* The Secretary of Commerce established the RE&EEAC

<sup>6</sup> See *Certain Steel Nails From the United Arab Emirates: Final Results of Antidumping Duty Administrative Review; 2013-2014*, 80 FR 32527, 32528 (June 9, 2015).

<sup>3</sup> See *Mid Continent*, 999 F. Supp. 2d at 1323.

<sup>4</sup> See *Mid Continent*, Court No. 12-00133, Slip Op. 15-122 at \*22.

pursuant to his discretionary authority and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) on July 14, 2010. The RE&EEAC was re-chartered on June 12, 2014. The RE&EEAC provides the Secretary of Commerce with consensus advice from the private sector on the development and administration of programs and policies to enhance the international competitiveness of the U.S. renewable energy and energy efficiency industries.

During the February 2nd meeting of the RE&EEAC, committee members will discuss priority issues identified in advance by the Committee Chair and Sub-Committee leadership, hear from Department of Commerce officials and interagency partners on major issues impacting the competitiveness of the U.S. renewable energy and energy efficiency industries, and submit recommendations to the Department of Commerce intended to address these issues.

A limited amount of time before the close of the meeting will be available for pertinent oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two to five minutes per person (depending on number of public participants). Individuals wishing to reserve additional speaking time during the meeting must contact Ms. Gunderson and submit a brief statement of the general nature of the comments, as well as the name and address of the proposed participant by 5:00 p.m. EST on Friday, January 22, 2016. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to submit a copy of their oral comments by email to Ms. Gunderson for distribution to the participants in advance of the meeting.

Any member of the public may submit pertinent written comments concerning the RE&EEAC's affairs at any time before or after the meeting. Comments may be submitted to the Renewable Energy and Energy Efficiency Advisory Committee, c/o: Victoria Gunderson, Office of Energy and Environmental Industries, U.S. Department of Commerce; 1401 Constitution Avenue NW.; Mail Stop: 4053; Washington, DC 20230. To be considered during the meeting, written comments must be received no later than 5:00 p.m. DST on Friday, January 22, 2016, to ensure transmission to the Committee prior to the meeting. Comments received after that date will

be distributed to the members but may not be considered at the meeting. Copies of RE&EEAC meeting minutes will be available within 30 days following the meeting.

Dated: December 4, 2015.

**Edward A. O'Malley,**

*Director, Office of Energy and Environmental Industries.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-938]

#### **Citric Acid and Certain Citrate Salts: Final Results of Countervailing Duty Administrative Review; 2013**

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

**SUMMARY:** The Department of Commerce (the Department) has completed its administrative review of the countervailing duty (CVD) order on citric acid and certain citrate sales from the People's Republic of China (PRC) for the period January 1, 2013, through December 31, 2013. On June 8, 2015, the Department published in the **Federal Register** the *Preliminary Results* of this administrative review.<sup>1</sup> We completed the Post-Preliminary Results in this administrative review on June 26, 2015.<sup>2</sup>

We gave interested parties an opportunity to comment on the *Preliminary Results* and Post-Preliminary Results. Our analysis of the comments received resulted in a change to the net subsidy rate for Laiwu Taihe Biochemistry Co. Ltd. (Taihe). The final net subsidy rate is listed below in the section entitled, "Final Results of the Review."

**DATES:** *Effective date:* December 14, 2015.

#### **FOR FURTHER INFORMATION CONTACT:**

Elizabeth Eastwood, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution

<sup>1</sup> See *Citric Acid and Certain Citrate Salts: Preliminary Results of Countervailing Duty Administrative Review; 2013*, 80 FR 32346 (June 8, 2015) (*Preliminary Results*).

<sup>2</sup> See Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Melissa G. Skinner, Director, Office II, entitled, "Post-Preliminary Results Decision Memorandum in the 2013 Countervailing Duty Administrative Review; Citric Acid and Certain Citrate Salts from the People's Republic of China," dated June 26, 2015 (Post-Preliminary Results).

Avenue NW., Washington, DC 20230; telephone (202) 482-3874.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On June 8, 2015, the Department published in the **Federal Register** the *Preliminary Results* of the 2013 administrative review of the CVD order on citric acid and certain citrate salts from the PRC. We completed the Post-Preliminary Results in this administrative review on June 26, 2015. We invited parties to comment on the *Preliminary Results* and Post-Preliminary Results.

On July 22, 2015, we received case briefs from the Government of China (GOC) and Taihe. On July 27, 2015, we received a rebuttal brief from the petitioners.<sup>3</sup>

On August 13, 2015, we postponed the final results by 60 days, until December 7, 2015.<sup>4</sup>

##### **Scope of the Order**

The merchandise subject to the order is citric acid and certain citrate salts. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) item numbers 2918.14.0000, 2918.15.1000, 2918.15.5000, 3824.90.9290, and 3824.90.9290. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive.

A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, entitled, "Issues and Decision Memorandum for the Final Results of the Countervailing Duty Administrative Review: Citric Acid and Certain Citrate Salts; 2013" (Issues and Decision Memorandum), dated concurrently with and hereby adopted by this notice.

##### **Analysis of Comments Received**

All issues raised in the case briefs are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and

<sup>3</sup> The petitioners are Archer Daniels Midland Company, Cargill Incorporated, and Tate & Lyle Ingredients America LLC.

<sup>4</sup> See memorandum to Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, from Shannon Morrison, International Trade Compliance Analyst, entitled, "Citric Acid and Certain Citrate Salts from the People's Republic of China: Extension of Deadline for Final Results of Countervailing Duty Administrative Review," dated August 13, 2015.