

751(a)(2)(B)(i) of the Tariff Act of 1930, as amended (the “Act”), and 19 CFR 351.214(b) and (c), the Department received a timely request for a NSR from SXT. Pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(i), SXT certified that it is the exporter and producer of the passenger tires for which the request for a NSR is based, and certified that it did not export passenger tires to the United States during the period of investigation (POI).<sup>2</sup> Moreover, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), SXT certified that, since the investigation was initiated, it never has been affiliated with any exporter or producer who exported the subject merchandise to the United States during the POI, including those not individually examined during the investigation.<sup>3</sup> Further, as required by 19 CFR 351.214(b)(2)(v), it certified that it informed the government of the PRC that the government will be required to provide a full response to the Department’s questionnaires.<sup>4</sup>

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), SXT submitted documentation establishing the following: (1) The date of its first sale to an unaffiliated customer in the United States; (2) the date on which the passenger tires were first entered for consumption; (3) the volume of that shipment.<sup>5</sup>

The Department queried the database of U.S. Customs and Border Protection (CBP) in an attempt to confirm that the shipment reported by SXT had entered the United States for consumption and that liquidation had been suspended as subject to the countervailing duty order. The information which the Department examined was consistent with that provided by SXT in its request.<sup>6</sup> In particular, the CBP data confirmed the price and quantity reported by SXT for the sale that forms the basis for this NSR request.

#### Period of Review

Pursuant to 19 CFR 351.214(c), an exporter or producer may request a NSR within one year of the date on which its subject merchandise was first entered. Moreover, 19 CFR 351.214(d)(1) states

<sup>2</sup> See SXT’s request for a NSR dated February 25, 2016, at Exhibit 2.

<sup>3</sup> *Id.*

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

<sup>5</sup> *Id.* at Exhibit 1.

<sup>6</sup> See Memorandum to the File from Spencer Toubia, “New Shipper Review of the Countervailing Duty Order on Passenger Vehicle and Light Truck Tires from the People’s Republic of China: Customs Entries from January 1, 2013,” dated March 31, 2016.

that if the request for the review is made during the six-month period ending with the end of the semiannual anniversary month, the Department will initiate a NSR in the calendar month immediately following the semiannual anniversary month. Further, 19 CFR 351.214(g)(2) and 19 CFR 351.213(e)(2)(ii) state that the first review period after an order normally will cover entries or exports from the date of suspension of liquidation to the end of the most recently completed calendar year. However, since SXT’s shipment entered the United States after the end of 2015, and because SXT has requested a concurrent NSR of the antidumping duty order covering the same shipment, we are expanding the POR by one month.<sup>7</sup> Therefore, the POR is December 1, 2014, through January 31, 2016.<sup>8</sup>

#### Initiation of New Shipper Review

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(b), and the information on the record, the Department finds that SXT’s request meets the threshold requirements for initiation of a NSR and, therefore, is initiating a NSR of SXT. If the information supplied by STX is found to be incorrect or insufficient during the course of this proceeding, the Department may rescind the review for STX or apply facts available pursuant to section 776 of the Act, depending on the facts on the record. Absent a determination that the new shipper review is extraordinarily complicated, the Department intends to issue the preliminary results within 180 days after the date on which this review is initiated and the final results within 90 days after the date on which we issue the preliminary results.<sup>9</sup>

On February 24, 2016, the President signed into law the “Trade Facilitation and Trade Enforcement Act of 2015,” H.R. 644, which made several amendments to section 751(a)(2)(B) of the Act. We will conduct this new shipper review in accordance with section 751(a)(2)(B) of the Act, as

<sup>7</sup> See *Raw Flexible Magnets From the People’s Republic of China: Initiation of Countervailing Duty New Shipper Review*, 75 FR 22741 (April 30, 2010) (expanding the POR for a NSR of a CVD order); see also *Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27320 (May 19, 1997) (The Department’s regulations “provide the Department with sufficient flexibility to resolve any problems that may arise {when the requestor’s first shipment occurs after the calendar year in question} by modifying the standard review period.”).

<sup>8</sup> See 19 CFR 351.214(g)(1)(i)(B).

<sup>9</sup> See section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(i).

amended by the Trade Facilitation and Trade Enforcement Act of 2015.<sup>10</sup>

Interested parties requiring access to proprietary information in this proceeding should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: May 27, 2016.

**Christian Marsh,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2016–13204 Filed 6–3–16; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–533–869]

#### Certain New Pneumatic Off-the-Road Tires From India: Postponement of Preliminary Determination of Antidumping Duty Investigation

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

**DATES:** Effective June 6, 2016.

**FOR FURTHER INFORMATION CONTACT:** Lilit Astvatsatrian at (202) 482–6412 or Trisha Tran at (202) 482–4852; AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 10, 2016, the Department of Commerce (Department) published a notice of initiation of an antidumping duty investigation on certain new pneumatic off-the-road tires (off road tires) from India.<sup>1</sup> Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.205(b)(1) state the Department will make a preliminary determination no later than 140 days after the date of the initiation. The current deadline for the preliminary

<sup>10</sup> The Trade Facilitation and Trade Enforcement Act of 2015 removed from section 751(a)(2)(B) of the Act the provision directing the Department to instruct CBP to allow an importer the option of posting a bond or security in lieu of a cash deposit during the pendency of a new shipper review.

<sup>1</sup> See *Certain New Pneumatic Off-the-Road Tires from India and the People’s Republic of China: Initiation of Less-Than-Fair Value Investigations*, 81 FR 7073 (February 10, 2016).

determination of this investigation is no later than June 22, 2016.

**Postponement of Preliminary Determination**

On May 3, 2016, Titan Tire Corporation and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC (USW) (collectively, Petitioners) made a timely request, pursuant to 19 CFR 351.205(e), for postponement of the preliminary determination, in order to provide the Department with sufficient time to develop the record in this proceeding through additional questionnaires, which Petitioners will in turn need to analyze and possibly comment on. Because there are no compelling reasons to deny Petitioners' request, in accordance with section 773(c)(1)(A) of the Act, the Department is postponing the deadline for the preliminary determination by 50 days.

For the reasons stated above, the Department, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determination to no later than 190 days after the date on which the Department initiated this investigation. Therefore, the new deadline for the preliminary determination is August 11, 2016. In accordance with section 735(a)(1) of the Act, the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: May 31, 2016.  
**Paul Piquado,**  
*Assistant Secretary for Enforcement and Compliance.*  
 [FR Doc. 2016-13278 Filed 6-3-16; 8:45 am]  
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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-588-804, A-412-801]

**Ball Bearings and Parts Thereof From Japan and the United Kingdom: Notice of Court Decision Not in Harmony With the Final Results of Antidumping Duty Administrative Reviews; 2009-2010**

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

**SUMMARY:** On May 10, 2016, the United States Court of International Trade (the Court) sustained the *Final Remand Redetermination* pertaining to the administrative reviews of the antidumping duty orders on ball bearings and parts thereof from Japan and the United Kingdom covering the period May 1, 2009, through April 30, 2010.<sup>1</sup> Consistent with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), as clarified by *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*), the Department of Commerce (the Department) is notifying the public that the Court's final judgment in this case is not in harmony with the *Final Results*, and that the Department is amending the *Final Results* with respect to all respondents that were subject to these administrative reviews.<sup>2</sup>

**DATES:** Effective May 20, 2016.

**FOR FURTHER INFORMATION CONTACT:** Thomas Schauer or Mino Hatten, 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 or (202) 482-1690, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On July 8, 2015, the Court remanded the *Final Results* for the Department to apply a differential pricing analysis.<sup>3</sup> On remand, the Department applied a differential pricing analysis, under protest, and as a result, the weighted-average dumping margin for each respondent subject to these administrative reviews changed. On May 10, 2016, the Court upheld the *Final Remand Redetermination* in full.<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 *Remand Affirmation* sustaining the *Final Remand Redetermination* constitutes a final decision of the Court which is not in harmony with the *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*.

**Amended Final Results**

Because there is now a final court decision, the Department is amending the *Final Results* with respect to all respondents as follows:

Company	Rate (percent)
<b>JAPAN</b>	
Asahi Seiko Co., Ltd. ....	1.33
Audi AG .....	4.58
Bosch Corporation .....	4.58
Bosch Packaging Technology K.K. ....	4.58
Bosch Rexroth Corporation .....	4.58
Caterpillar Japan Ltd. ....	4.58
Caterpillar Overseas S.A.R.L. ....	4.58
Caterpillar Group Services S.A. ....	4.58
Caterpillar Brazil Ltd. ....	4.58
Caterpillar Africa Pty. Ltd. ....	4.58
Caterpillar of Australia Pty. Ltd. ....	4.58

<sup>1</sup> See Final Results of Remand Redetermination (*Final Remand Redetermination*) Pursuant to *The Timken Company v. United States*, 79 F. Supp. 3d 1350 (CIT 2015) (*Remand Order*), *aff'd* *The Timken Company v. United States*, Consol. Court No. 14-

00155, slip op. 16-47, 2016 Ct. Intl. Trade LEXIS 45 (Ct. Int'l Trade May 10, 2016) (*Remand Affirmation*).

<sup>2</sup> See *Ball Bearings and Parts Thereof from Japan and the United Kingdom: Final Results of*

*Antidumping Duty Administrative Reviews and Rescission of Review in Part; 2009-2010*, 79 FR 35312 (June 20, 2014) (*Final Results*).

<sup>3</sup> See *Remand Order*, 79 F. Supp. 3d at 1361.

<sup>4</sup> See *Remand Affirmation* at 26.