

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2005]

Approval of Subzone Status, Barrett Distribution Centers, Inc., Franklin, Massachusetts

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

WHEREAS, the Foreign-Trade Zones Act provides for “. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,” and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

WHEREAS, the Board’s regulations (15 CFR part 400) provide for the establishment of subzones for specific uses;

WHEREAS, the Massachusetts Port Authority, grantee of Foreign-Trade Zone 27, has made application to the Board for the establishment of a subzone at the facility of Barrett Distribution Centers, Inc., located in Franklin, Massachusetts (FTZ Docket B–9–2016, docketed 02–17–2016);

WHEREAS, notice inviting public comment has been given in the **Federal Register** (81 FR 8907, February 23, 2016) and the application has been processed pursuant to the FTZ Act and the Board’s regulations; and,

WHEREAS, the Board adopts the findings and recommendations of the examiner’s memorandum, and finds that the requirements of the FTZ Act and the Board’s regulations are satisfied;

NOW, THEREFORE, the Board hereby approves subzone status at the facility of Barrett Distribution Centers, Inc., located in Franklin, Massachusetts (Subzone 27O), as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board’s regulations, including Section 400.13.

Dated: July 29, 2016.

Ronald K. Lorentzen,

Acting Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2016–18781 Filed 8–5–16; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–967; C–570–968]

Aluminum Extrusions From the People’s Republic of China: Notice of Court Decision Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision

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

SUMMARY: On July 18, 2016, the United States Court of International Trade (CIT) sustained the Department of Commerce’s (Department) final results of redetermination in which the Department determined, under protest, that certain kitchen appliance door handles are not covered by the scope of the antidumping (AD) and countervailing duty (CVD) orders on aluminum extrusions from the People’s Republic of China.

DATES: *Effective Date:* July 28, 2016.

FOR FURTHER INFORMATION CONTACT: James Terpstra, AD/CVD Operations, Office III, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–3965.

SUPPLEMENTARY INFORMATION:**Background**

On June 21, 2013, the Department issued a final scope ruling in which it determined that three types of kitchen appliance door handles (Types A, B, and C) imported by Meridian are within the scope of the *Orders*¹ and did not meet the scope exclusions for “finished merchandise” and “finished goods kits.”² Meridian challenged the Department’s final scope ruling at the CIT.

On December 7, 2015, the CIT issued an opinion and order in *Meridian I* sustaining the Department’s findings in the Kitchen Appliance Door Handles Scope Ruling that Meridian’s Type A door handles (consisting of a single piece of aluminum extrusion) and Type C door handles (consisting of a single piece of aluminum extrusion packaged as a “kit” with a tool and an instruction

¹ See *Aluminum Extrusions from the People’s Republic of China: Antidumping Duty Order*, 76 FR 30650 (May 26, 2011) and *Aluminum Extrusions from the People’s Republic of China: Countervailing Duty Order*, 76 FR 30653 (May 26, 2011) (the *Orders*).

² See “Final Scope Ruling on Meridian Kitchen Appliance Door Handles,” dated June 21, 2013 (Kitchen Appliance Door Handles Scope Ruling) at 12–15.

manual) are within the scope of the *Orders* based on a plain reading of the scope language.³ The Court, however, remanded the Department’s determination that Type B door handles (consisting of a single piece of aluminum extrusion with two plastic end caps fastened on with screws) are within the scope of the *Orders*. The Court found the Department’s determination to be unsupported by the general scope language.⁴ The Court further found that, assuming *arguendo* that Meridian’s Type B door handles were covered by the scope language, the Department erred in finding that the products did not satisfy the “finished merchandise” exclusion.⁵

On March 23, 2016, the Department issued its Final Results of Redetermination, in which it found, respectfully, under protest, that Meridian’s Type B door handles are not covered by the scope of the *Orders* because the general scope language did not cover such products. As a result, the Department did not consider whether Meridian’s Type B door handles were subject to the exclusion for “finished merchandise.”⁶

On July 18, 2016, in *Meridian II* the Court sustained the Department’s finding in the Final Results of Redetermination that Meridian’s Type B door handles are not covered by the scope of the *Orders*.⁷ Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) 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 (CAFC 2010) (*Diamond Sawblades*), the Department is notifying the public that the final judgment in this case is not in harmony with the Department’s final scope ruling and is amending the final scope ruling to find that certain kitchen appliance door handles imported by Meridian LLC (Meridian) are not covered by the scope of the AD and CVD orders on aluminum extrusions from the People’s Republic of China.

³ See *Meridian Products LLC v. United States*, Court No. 13–00246, Slip Op. 15–135 (*Meridian I*) at 6–9.

⁴ *Id.*, at 10–13.

⁵ *Id.*, at 13–16.

⁶ See Final Results of Redetermination Pursuant to Court Remand, *Meridian Products, LLC v. United States*, Court No. 13–00246, Slip Op. 15–135 (CIT December 7, 2015) (Final Results of Redetermination).

⁷ See *Meridian Products, LLC v. United States*, Court No. 13–00246, Slip Op. 16–71 (*Meridian II*) at 11.

Timken Notice

In its decision in *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the Federal Circuit 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 July 18, 2016, judgment in *Meridian II* sustaining the Department’s finding in the Final Results of Redetermination that Meridian’s Type B door handles are not covered by the scope of the *Orders* constitutes a final decision of the Court that is not in harmony with the Kitchen Appliance Door Handles Scope Ruling. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of Meridian’s Type B door handles at issue pending expiration of the period of appeal or, if appealed, pending a final and conclusive court decision.

Amended Final Scope Ruling

Because there is now a final court decision with respect to the Kitchen Appliance Door Handles Scope Ruling, the Department amends its final scope ruling and finds that the scope of the *Orders* does not cover Meridian’s Type B door handles. The Department will instruct U.S. Customs and Border Protection (CBP) that the cash deposit rate will be zero percent for Meridian’s Type B door handles. In the event the CIT’s ruling is not appealed, or if appealed, upheld by the Federal Circuit, the Department will instruct CBP to liquidate entries of Meridian’s Type B door handles without regard to antidumping and/or countervailing duties, and to lift suspension of liquidation of such entries.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: August 2, 2016.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2016-18788 Filed 8-5-16; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-851]

Certain Preserved Mushrooms From the People’s Republic of China: Preliminary Rescission of 2015 Antidumping Duty New Shipper Review

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

SUMMARY: The Department of Commerce (the Department) is conducting a new shipper review (NSR) of the antidumping duty order on certain preserved mushrooms from the People’s Republic of China (PRC). The NSR covers merchandise exported by Linyi Yuqiao International Trade Co., Ltd. (Yuqiao) and produced by Linyi City Kangfa Drinkable Co., Ltd. The period of review (POR) is February 1, 2015 through July 31, 2015. The Department preliminarily determines that Yuqiao did not make a *bona fide* sale during the POR. Because any weighted average dumping margin must be based solely on *bona fide* sales, we are preliminarily rescinding this NSR. Interested parties are invited to comment on the preliminary results of this review.

DATES: Effective August 8, 2016.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney or Robert James, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4475 and (202) 482-0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 8, 2015, the Department published a notice of initiation of a new shipper review of the antidumping duty order on certain preserved mushrooms from the PRC.¹ The Department subsequently issued an antidumping duty questionnaire, and supplemental questionnaires, to Yuqiao and received timely responses thereto.

The Department has exercised its discretion to toll all administrative deadlines due to the recent closure of the Federal government because of Snowstorm “Jonas.” Thus, all of the deadlines in this segment of the proceeding have been extended by four business days. The revised deadline for

the preliminary results of this review, after the four business-day extension, was April 4, 2016.² However, on March 28, 2016, the Department extended the time period for issuing the preliminary results of this NSR by 120 days, until August 2, 2016.³

Scope of the Order

The products covered by this order are certain preserved mushrooms, whether imported whole, sliced, diced, or as stems and pieces. The certain preserved mushrooms covered under this order are the species *Agaricus bisporus* and *Agaricus bitorquis*. “Certain Preserved Mushrooms” refers to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heated in containers including, but not limited to, cans or glass jars in a suitable liquid medium, including, but not limited to, water, brine, butter or butter sauce. Certain preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces. Included within the scope of this order are “brined” mushrooms, which are presalted and packed in a heavy salt solution to provisionally preserve them for further processing. The merchandise subject to this order is classifiable under subheadings: 2003.10.0127, 2003.10.0131, 2003.10.0137, 2003.10.0143, 2003.10.0147, 2003.10.0153, and 0711.51.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and Customs purposes, the written description of the scope of this order is dispositive.⁴

Methodology

The Department is conducting this review in accordance with section

² See Memorandum to the Record from Ron Lorentzen, Acting Assistant Secretary for Enforcement & Compliance, regarding “Tolling of Administrative Deadlines as a Result of the Government Closure during Snowstorm Jonas,” dated January 27, 2016.

³ See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, “Certain Preserved Mushrooms from the People’s Republic of China: Extension of Deadline for the Preliminary Results of Antidumping Duty New Shipper Review,” dated March 28, 2016.

⁴ For a complete description of the scope of the order, see “Decision Memorandum for the Preliminary Rescission of the 2015 Antidumping Duty New Shipper Review of Certain Preserved Mushrooms from the People’s Republic of China,” from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance (Preliminary Decision Memorandum), dated concurrently with this notice.

¹ See *Certain Preserved Mushrooms From the People’s Republic of China: Initiation of Antidumping Duty New Shipper Review*, 80 FR 60883 (October 8, 2015) (*Initiation Notice*).