

specifically related to the delivery of services, which is consistent with federal accounting standards.

Conclusion

Based on the information provided above, the US&FCS believes its proposed fees are consistent with both the mission of US&FCS to promote “exports of goods and services from the United States, particularly by small businesses and medium-sized businesses,” and the objective of OMB Circular A–25 to “promote efficient allocation of the nation’s resources by establishing charges for special benefits provided to the recipient that are at least as great as the cost to the U.S. Government of providing the special benefits.”

Frank Spector,

Senior Advisor, Office of Trade Promotion Programs.

[FR Doc. 2016–30423 Filed 12–20–16; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–964; A–201–838]

Seamless Refined Copper Pipe and Tube from the People’s Republic of China and Mexico: Continuation of Antidumping Duty Orders

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

SUMMARY: As a result of the determinations by the Department of Commerce (the “Department”) and the International Trade Commission (the “ITC”) that revocation of the antidumping duty (“AD”) orders on seamless refined copper pipe and tube (“copper pipe and tube”) from the People’s Republic of China (“PRC”) and Mexico would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing this notice of continuation of the AD orders.

DATES: Effective December 21, 2016.

FOR FURTHER INFORMATION CONTACT: Robert Galantucci, 202–482–2923, 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 November 22, 2010, the Department published the AD orders on

copper pipe and tube from the PRC and Mexico.¹ On October 1, 2015, the Department initiated² and the ITC instituted³ five-year (sunset) reviews of the *Orders*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the “Act”). As a result of its reviews, the Department determined that revocation of the *Orders* would likely lead to continuation or recurrence of dumping.⁴ The Department, therefore, notified the ITC of the magnitude of the dumping margins likely to prevail should the *Orders* be revoked.⁵ On December 8, 2016, the ITC published its determination that revocation of the *Orders* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time, pursuant to section 751(c) of the Act.⁶

Scope of the Orders

For the purpose of the *Orders*, the products covered are all seamless circular refined copper pipes and tubes, including redraw hollows, greater than or equal to six inches (152.4 mm) in length and measuring less than 12.130 inches (308.102 mm) (actual) in outside diameter (“OD”), regardless of wall thickness, bore (e.g., smooth, enhanced with inner grooves or ridges), manufacturing process (e.g., hot finished, cold-drawn, annealed), outer surface (e.g., plain or enhanced with grooves, ridges, fins, or gills), end finish (e.g., plain end, swaged end, flared end, expanded end, crimped end, threaded), coating (e.g., plastic, paint), insulation, attachments (e.g., plain, capped, plugged, with compression or other fitting), or physical configuration (e.g., straight, coiled, bent, wound on spools).

The scope of the *Orders* covers, but is not limited to, seamless refined copper

¹ See *Seamless Refined Copper Pipe and Tube from Mexico and the People’s Republic of China: Antidumping Duty Orders and Amended Final Determination of Sales at Less Than Fair Value from Mexico*, 75 FR 71070 (November 22, 2010) (“*Orders*”).

² See *Initiation of Five-Year (“Sunset”) Review*, 80 FR 59133 (October 1, 2015).

³ See *Seamless Refined Copper Pipe and Tube from China and Mexico; Institution of Five-Year Reviews*, 80 FR 59186 (October 1, 2015).

⁴ See *Seamless Refined Copper Pipe and Tube from the People’s Republic of China and Mexico: Preliminary Results of the Sunset Reviews of the Antidumping Duty Orders*, 81 FR 4252 (January 26, 2016) and accompanying Preliminary Decision Memorandum; *Seamless Refined Copper Pipe and Tube from the People’s Republic of China and Mexico: Final Results of the Full Sunset Reviews of the Antidumping Duty Orders*, 81 FR 38134 (June 13, 2016).

⁵ *Id.*

⁶ See *Seamless Refined Copper Pipe and Tube From China and Mexico; Determination*, 81 FR 88704 (December 8, 2016).

pipe and tube produced or comparable to the American Society for Testing and Materials (“ASTM”) ASTM–B42, ASTM–B68, ASTM–B75, ASTM–B88, ASTM–B88M, ASTM–B188, ASTM–B251, ASTM–B251M, ASTM–B280, ASTM–B302, ASTM–B306, ASTM–359, ASTM–B743, ASTM–B819, and ASTM–B903 specifications and meeting the physical parameters described therein. Also included within the scope of the *Orders* are all sets of covered products, including “line sets” of seamless refined copper tubes (with or without fittings or insulation) suitable for connecting an outdoor air conditioner or heat pump to an indoor evaporator unit. The phrase “all sets of covered products” denotes any combination of items put up for sale that is comprised of merchandise subject to the scope.

“Refined copper” is defined as: (1) Metal containing at least 99.85 percent by weight of copper; or (2) metal containing at least 97.5 percent by weight of copper, provided that the content by weight of any other element does not exceed the following limits:

Element	Limiting Content Percent by Weight
Ag—Silver	0.25
As—Arsenic	0.5
Cd—Cadmium	1.3
Cr—Chromium	1.4
Mg—Magnesium	0.8
Pb—Lead	1.5
S—Sulfur	0.7
Sn—Tin	0.8
Te—Tellurium	0.8
Zn—Zinc	1.0
Zr—Zirconium	0.3
Other elements (each)	0.3

Excluded from the scope of the *Orders* are all seamless circular hollows of refined copper less than 12 inches in length whose OD (actual) exceeds its length. The products subject to the *Orders* are currently classifiable under subheadings 7411.10.1030 and 7411.10.1090 of the Harmonized Tariff Schedule of the United States (“HTSUS”). Products subject to the *Orders* may also enter under HTSUS subheadings 7407.10.1500, 7419.99.5050, 8415.90.8065, and 8415.90.8085. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the *Orders* is dispositive.

Continuation of the Orders

As a result of the determinations by the Department and the ITC that revocation of the *Orders* would likely lead to continuation or recurrence of

dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), the Department hereby orders the continuation of the AD orders on copper pipe and tube from the PRC and Mexico. United States Customs and Border Protection will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Orders* will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year reviews of the *Orders* not later than 30 days prior to the fifth anniversary of the effective date of continuation.

These five-year sunset reviews and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: December 14, 2016.

Paul Piquado,

Assistant Secretary, for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-898]

Chlorinated Isocyanurates From the People's Republic of China: Notice of Court Decision Not in Harmony With the Final Results and Amended Final Results of the Antidumping Duty Administrative Review; 2010-2011

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

SUMMARY: On November 23, 2016, the United States Court of International Trade (the Court) sustained the final second remand redetermination pertaining to the administrative review of the antidumping duty order on Chlorinated Isocyanurates from the People's Republic of China (PRC) for the period of review of June 1, 2010, through May 31, 2011.¹ Consistent with

¹ See *Clearon Corp., and Occidental Chemical Corp., et al. v. United States*, Consol. Ct. No. 13-00073, Slip Op. 16-110 (CIT 2016); see also Memorandum, "Antidumping Duty Administrative Review of Chlorinated Isocyanurates from the People's Republic of China: Final Results of Second Redetermination Pursuant to Remand," March 22, 2016 (Final Second Redetermination), and available here: <http://enforcement.trade.gov/remands/15-91.pdf>.

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 final judgment in this case is not in harmony with the 2010-2011 *AR Final Results*,² and that the Department is amending the 2010-2011 *AR Final Results* with respect to the weighted-average dumping margin assigned to both Juangcheng Kangtai Chemical Co. Ltd. (Kangtai), and Hebei Jiheng Chemical Co., Ltd. (Jiheng).

DATES: Effective December 3, 2016.

FOR FURTHER INFORMATION CONTACT:

Emily Halle, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-0176.

SUPPLEMENTARY INFORMATION:

Background

On January 22, 2013, the Department published the 2010-2011 *AR Final Results*. On July 24, 2014, the Court remanded the 2010-2011 *AR Final Results* to the Department regarding our primary surrogate country selection as follows: (1) Provide a reasonable explanation why the range of the GNIs listed on the Surrogate Country Memorandum qualify the countries as proximate and "economically comparable" to the PRC, including a discussion of why the Department believes India's GNI does not, if that continues to be our determination, qualify it as an economically comparable country, and (2) place the data on the record that the Department relied upon to make our determination. The Court also accepted the Department's request for a voluntary remand of the final results with the following instructions to: (1) Reconsider whether the ILO wage rate used to value the labor FOP includes labor, retirement, and employee benefit expenses, and whether these expenses are double counted if the Department does not adjust the financial ratio to correctly reflect overlapping expenses in the financial statements; (2) explain the Department's change in methodology for calculating intra-company transportation costs by collecting

² See *Chlorinated Isocyanurates From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2010-2011*, 78 FR 4386 (January 22, 2013) (2010-2011 *AR Final Results*).

additional information if necessary and to provide parties an opportunity to comment on any new additional information; and (3) explain our change in the calculation of our by-product methodology and to request additional information if necessary, and to provide parties an opportunity to comment on any new additional information.³

Upon consideration of the First Remand Results,⁴ on August 20, 2015, the Court remanded the 2010-2011 *AR Final Results* and First Remand Results to the Department as follows: (1) To either remove the labor items identified among the selling, general and administrative (SG&A) expenses of the financial statements from MVC or explain why adhering to the Department's Labor Methodology policy is inappropriate in this instance; (2) to either supply valid reasons to support changing the byproduct methodology in this proceeding which amounts to a "sufficient, reasoned analysis," supported by substantial evidence, or to revert to the "former" methodology, with any appropriate modification (e.g., capping) to avoid illogical conclusions that do not match the real world experience of the respondents; (3) to value urea using Philippine domestic pricing data or explain why GTA import data is superior to the domestic pricing data on the record; and (4) to select the best SVs for hydrogen and chlorine that reflect a full consideration of the interested parties' comments and how these inputs were valued in prior administrative reviews.⁵ On November 23, 2016, the Court sustained the Department's Final Second Redetermination, and entered final judgment.⁶

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

³ See *Clearon Corp., and Occidental Chemical Corp., et al. v. United States*, Slip Op. 14-88, Consolidated Court No. 13-00073 (CIT 2014) (*First Redetermination*).

⁴ See *Clearon Corp., and Occidental Chemical Corp., et al. v. United States*, Final Results of Redetermination Pursuant to Remand, December 11, 2014 (First Remand Results).

⁵ See *Clearon Corp., and Occidental Chemical Corp., et al. v. United States*, Slip Op. 15-91, Consolidated Court No. 13-00073 (CIT 2015).

⁶ See *Clearon Corp., and Occidental Chemical Corp., et al. v. United States*, Slip Op. 16-110, Consolidated Court No. 13-00073 (CIT 2016).