

## Final Results of Review

The Department determines that the following companies are part of the PRC-wide entity: (1) Taihe, (2) Anhui BBKA International Co., Ltd., (3) BCH Chemical International Limited, (4) China Chem Source (HK) Co., Ltd., (5) COFCO Biochemical AnHui Co., Ltd., (6) Jiangsu Guoxin Union Energy Co., Ltd., (7) Kaifeng Chemical Co., Ltd., (8) Qingdao Chongzhi International, (9) Qingdao Samin Chemical Co., Ltd., (10) Shanghai Fenhe International Co., Ltd., (11) Sunshine Biotech International Co., Ltd., (12) Tianjin Kaifeng Chemical Co., Ltd., (13) TTCA Co., Ltd., (14) Weifang Ensign Industry Co., Ltd., and (15) Yixing-Union Biochemical Co., Ltd.

## Assessment

The Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.<sup>6</sup> The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. The Department intends to instruct CBP to liquidate entries of subject merchandise from the PRC-wide entity, including entries of subject merchandise from Taihe, at 156.87 percent (the PRC-wide rate).<sup>7</sup> For Niran and Niran Biochemical, which the Department determined had no shipments during the POR, all suspended entries will be liquidated at the assessment rate for the PRC-wide entity.<sup>8</sup>

## Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this AR for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of review, as provided by section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act): (1) For previously investigated or reviewed exporters of merchandise from the PRC which are not under review in this segment of the proceeding but which have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding; (2) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the PRC-

wide entity, 156.87 percent; and (3) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the exporter(s) of merchandise from the PRC that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

## Notification to Importers Regarding the Reimbursement of Duties

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 POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of doubled antidumping duties.

## Notification to Interested Parties

This notice also serves as a reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results and this notice in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213(d) and 351.221(b)(5).

Dated: June 8, 2017.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

### EU-U.S. Privacy Shield; Invitation for Applications for Inclusion on the List of Arbitrators

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

**ACTION:** Notice; invitation for applications.

**SUMMARY:** Under the EU-U.S. Privacy Shield Framework, the U.S. Department of Commerce (DOC) and the European Commission have committed to implement an arbitration mechanism to provide European individuals with the ability to invoke binding arbitration to determine, for residual claims, whether an organization has violated its obligations under the Privacy Shield Framework. The DOC and the European Commission will work together to implement the arbitration mechanism, including by jointly developing a list of at least 20 arbitrators. Parties to a binding arbitration under this Privacy Shield mechanism may only select arbitrators from this list. This notice announces the opportunity to apply for inclusion on the list of arbitrators developed by the DOC and the European Commission.

**DATES:** Applications should be received by July 14, 2017.

**ADDRESSES:** Please submit applications to Nasreen Djouini at the U.S. Department of Commerce, either by email at [Nasreen.Djouini@trade.gov](mailto:Nasreen.Djouini@trade.gov), or by fax at: 202-482-5522. More information on the arbitration mechanism may be found at <https://www.privacyshield.gov/article?id=ANNEX-I-introduction>.

**FOR FURTHER INFORMATION CONTACT:** Nasreen Djouini, International Trade Administration, 202-482-6259 or [Nasreen.Djouini@trade.gov](mailto:Nasreen.Djouini@trade.gov).

**SUPPLEMENTARY INFORMATION:** The EU-U.S. Privacy Shield Framework was designed by the U.S. Department of Commerce (DOC) and the European Commission (Commission) to provide companies on both sides of the Atlantic with a mechanism to comply with data protection requirements when transferring personal data from the European Union to the United States in support of transatlantic commerce. On July 12, 2016, the Commission deemed the EU-U.S. Privacy Shield Framework (Privacy Shield) adequate to enable data transfers under EU law, and on August 1, 2016, the DOC began accepting self-certifications from U.S. companies to join the program (81 FR 47752; July 22, 2016). For more information on the Privacy Shield, visit [www.privacyshield.gov](http://www.privacyshield.gov).

As described in Annex I of the Privacy Shield, the DOC and the Commission have committed to implement an arbitration mechanism to provide European individuals with the ability to invoke binding arbitration to determine, for residual claims, whether an organization has violated its obligations under the Privacy Shield. Organizations voluntarily self-certify to

<sup>6</sup> See 19 CFR 351.212(b)(1).

<sup>7</sup> For a full discussion of this practice, see *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

<sup>8</sup> *Id.*

the Privacy Shield and, upon certification, the commitments the organization has made to comply with the Privacy Shield become legally enforceable under U.S. law.

Organizations that self-certify to the Privacy Shield commit to binding arbitration of residual claims if the individual chooses to exercise that option. Under the arbitration option, a Privacy Shield Panel (consisting of one or three arbitrators, as agreed by the parties) has the authority to impose individual-specific, non-monetary equitable relief (such as access, correction, deletion, or return of the individual's data in question) necessary to remedy the violation of the Privacy Shield only with respect to the individual. The parties will select the arbitrators from the list of arbitrators described below.

The DOC and the European Commission seek to develop a list of at least 20 arbitrators. To be eligible for inclusion on the list, applicants must be admitted to practice law in the United States and have expertise in both U.S. privacy law and EU data protection law. Applicants shall not be subject to any instructions from, or be affiliated with, any Privacy Shield organization, or the U.S., EU, or any EU Member State or any other governmental authority, public authority or enforcement authority.

Eligible individuals will be evaluated on the basis of independence, integrity, and expertise:

Independence:

- Freedom from bias and prejudice.

Integrity:

- Held in the highest regard by peers for integrity, fairness and good judgment.
- Demonstrates high ethical standards and commitment necessary to be an arbitrator.

Expertise:

Required:

- Admission to practice law in the United States.
- Level of demonstrated expertise in U.S. privacy law and EU data protection law.

Other expertise that may be considered includes any of the following:

- Relevant educational degrees and professional licenses.
- Relevant professional or academic experience or legal practice.
- Relevant training or experience in arbitration or other forms of dispute resolution

Evaluation of applications for inclusion on the list of arbitrators will be undertaken by the DOC and the

Commission. Selected applicants will remain on the list for a period of 3 years, absent exceptional circumstances, change in eligibility, or for cause, renewable for one additional period of 3 years.

The DOC is in the process of selecting an administrator for Privacy Shield arbitrations.<sup>1</sup> Among other things, once selected, the Administrator will facilitate arbitrator fee arrangements, including the collection and timely payment of arbitrator fees and other expenses. Arbitrators are expected to commit their time and effort when included on the Privacy Shield List of Arbitrators and to take reasonable steps to minimize the costs or fees of the arbitration.

Arbitrators will be subject to a code of conduct consistent with Annex I of the Privacy Shield Framework and generally accepted ethical standards for arbitrators. The DOC and the Commission agreed to adopt an existing, well-established set of U.S. arbitral procedures to govern the arbitral proceedings, subject to considerations identified in Annex I of the Privacy Shield Framework, including that materials submitted to arbitrators will be treated confidentially and will only be used in connection with the arbitration. For more information, please visit <https://www.privacyshield.gov/article?id=G-Arbitration-Procedures> where you can find information on the arbitration procedures.

### Applications

Eligible individuals who wish to be considered for inclusion on the EU-U.S. Privacy Shield List of Arbitrators are invited to submit applications. Applications must be typewritten and should be headed "Application for Inclusion on the EU-U.S. Privacy Shield List of Arbitrators." Applications should include the following information, and each section of the application should be numbered as indicated:

—Name of applicant.

—Address, telephone number, and email address.

#### 1. Independence

—Description of the applicant's affiliations with any Privacy Shield organization, or the U.S., EU, any EU Member State or any other governmental authority, public authority, or enforcement authority.

#### 2. Integrity

—On a separate page, the names,

addresses, telephone, and fax numbers of three individuals willing to provide information concerning the applicant's qualifications for service, including the applicant's character, reputation, reliability, and judgment.

—Description of the applicant's willingness and ability to make time commitments necessary to be an arbitrator.

#### 3. Expertise

—Demonstration of admittance to practice law in the United States.

—Relevant academic degrees and professional training and licensing.

—Current employment, including title, description of responsibility, name and address of employer, and name and telephone number of supervisor or other reference.

—Employment history, including the dates and addresses of each prior position and a summary of responsibilities.

—Description of expertise in U.S. privacy law and EU data protection law.

—Description of training or experience in arbitration or other forms of dispute resolution, if applicable.

—A list of publications, testimony, and speeches, if any, concerning U.S. privacy law and EU data protection law, with copies appended.

### Paperwork Reduction Act

OMB has reviewed and approved this information collection on an emergency basis as of [X DATE]. The emergency approval is only valid for 180 days. ITA will submit a request for a 3-year approval through OMB's general PRA clearance process. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB control number.

Written comments regarding the burden estimate for this data collection requirement, or any other aspect of this data collection, to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the International Trade Administration via email at [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov) or via fax at (202) 395-5806 (this is not a toll-free number).

### Public Disclosure

Applications will be covered by the Department of Commerce's Privacy Act

<sup>1</sup>For more information about the selection process and the role of the administrator, see <https://www.privacyshield.gov/Arbitration-Fact-Sheet>.

System of Records Notice 23. Submission of your application will be considered written consent to share your information with the European Commission to enable joint development of the list of arbitrators.

Dated: June 9, 2017.

**Alysha Taylor,**

*Acting Deputy Assistant Secretary for Services, International Trade Administration, U.S. Department of Commerce.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-469-815]

#### Finished Carbon Steel Flanges From Spain: Antidumping Duty Order

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

**ACTION:** Notice.

**SUMMARY:** Based on affirmative final determinations by the Department of Commerce (the Department) and the International Trade Commission (the ITC), the Department is issuing an antidumping duty order on finished carbon steel flanges from Spain.

**DATES:** June 14, 2017.

**FOR FURTHER INFORMATION CONTACT:** Mark Flessner at (202) 482-6312, AD/CVD Operations Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### Background

In accordance with sections 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), on April 17, 2017, the Department published its affirmative final determination in the less-than-fair-value (LTFV) investigation of finished carbon steel flanges from Spain.<sup>1</sup> On June 7, 2017, the ITC notified the Department of its final affirmative determination, pursuant to section 735(d) of the Act, that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act, by reason of

<sup>1</sup> See *Finished Carbon Steel Flanges from Spain: Final Determination of Sales at Less Than Fair Value*, 82 FR 18108 (April 17, 2017) (*Final Determination*).

the LTFV imports of finished carbon steel flanges from Spain.<sup>2</sup>

##### Scope of the Order

The merchandise covered by this order is finished carbon steel flanges from Spain.<sup>3</sup>

##### Antidumping Duty Order

As stated above, on June 7, 2017, in accordance with section 735(d) of the Act, the ITC notified the Department of its final determination that the industry in the United States producing finished carbon steel flanges is materially injured by reason of the LTFV imports of finished carbon steel flanges from Spain.<sup>4</sup> Therefore, in accordance with section 735(c)(2) of the Act, we are issuing this antidumping duty order. Because the ITC determined that imports of finished carbon steel flanges from Spain are materially injuring a U.S. industry, unliquidated entries of such merchandise from Spain entered, or withdrawn from warehouse, for consumption are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by the Department, antidumping duties equal to the amount by which the NV of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of finished carbon steel flanges from Spain. Antidumping duties will be assessed on unliquidated entries of finished carbon steel flanges from Spain entered, or withdrawn from warehouse, for consumption on or after February 8, 2017, the date of publication of the *Preliminary Determination*,<sup>5</sup> but will not include entries occurring after the expiration of the provisional measures period and before publication in the **Federal Register** of the ITC's final injury determination, as further described below.

##### Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct CBP to continue to suspend liquidation on all relevant entries of finished carbon

<sup>2</sup> See Letter from the ITC regarding finished carbon steel flanges from Spain, dated June 7, 2017 (ITC Letter). See also *Finished Carbon Steel Flanges from Spain Investigation No. 731-TA-1333 (Final)* USITC Publication 4696 (June 2017) (ITC Report).

<sup>3</sup> For a full description of the scope of this order, see the Appendix to this notice.

<sup>4</sup> See ITC Letter and ITC Report.

<sup>5</sup> See *Finished Carbon Steel Flanges from Spain: Preliminary Determination of Sales at Less Than Fair Value*, 82 FR 9723 (February 8, 2017) (*Preliminary Determination*).

steel flanges from Spain. These instructions suspending liquidation will remain in effect until further notice.

We will also instruct CBP to require cash deposits for estimated antidumping duties equal to the estimated weighted-average dumping margins indicated below. Accordingly, effective on the date of publication in the **Federal Register** of the ITC's final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit equal to the estimated weighted-average dumping margins listed below.<sup>6</sup> The "all-others" rates apply to all producers or exporters not specifically listed.

##### Provisional Measures

Section 733(d) of the Act states that instructions issued pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request the Department to extend that four-month period to no more than six months. We received no such request. In the underlying investigation, the Department published the *Preliminary Determination* on February 8, 2017. Therefore, the unextended period, beginning on the date of publication of the *Preliminary Determination*, ended on June 8, 2017. Furthermore, section 737(b) of the Act states that definitive duties are to begin on the date of publication of the ITC's final injury determination.

Therefore, in accordance with section 733(d) of the Act and our practice, we will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of finished carbon steel flanges from Spain entered, or withdrawn from warehouse, for consumption after June 8, 2017, the date on which the provisional measures expired, until and through the day preceding the date of publication of the ITC's injury determinations in the **Federal Register**. Suspension of liquidation will resume on the date of publication of the ITC's determination in the **Federal Register**.

##### Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins for this antidumping order are as follows:

<sup>6</sup> See section 736(a)(3) of the Act.