

spigot. Hubless cast iron soil pipe fittings are manufactured without a hub, generally in compliance with Cast Iron Soil Pipe Institute (CISPI) specification 301 and/or American Society for Testing and Materials (ASTM) specification A888. Hub and spigot pipe fittings have hubs into which the spigot (plain end) of the pipe or fitting is inserted. Cast iron soil pipe fittings are generally distinguished from other types of nonmalleable cast iron fittings by the manner in which they are connected to cast iron soil pipe and other fittings.

The subject imports are normally classified in subheading 7307.11.0045 of the Harmonized Tariff Schedule of the United States (HTSUS): Cast fittings of nonmalleable cast iron for cast iron soil pipe. The HTSUS subheading and specifications are provided for convenience and customs purposes only; the written description of the scope of this investigation is dispositive.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-964]

#### Seamless Refined Copper Pipe and Tube From the People's Republic of China: Preliminary Results and Partial Rescission of the Antidumping Duty Administrative Review; 2015-2016

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

**SUMMARY:** The Department of Commerce (the Department) preliminarily determines that the five remaining companies under review do not qualify for a separate rate and are, therefore, considered a part of the People's Republic of China (PRC)-Wide Entity for their exports of subject merchandise exported to the United States during the period of review (POR), November 1, 2015, through October 31, 2016. If these preliminary results are adopted in the final results, the Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of subject merchandise during the POR. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable August 8, 2017.

**FOR FURTHER INFORMATION CONTACT:** Julia Hancock or Courtney Canales, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-1394 or (202) 482-4997, respectively.

#### SUPPLEMENTARY INFORMATION:

## Background

On January 13, 2017, the Department published in the **Federal Register** the notice of initiation of an administrative review of the antidumping duty (AD) order on seamless refined copper pipe and tube (copper pipe) from the PRC for the period of review November 1, 2015, through October 31, 2016.<sup>1</sup> On January 18, 2017, Hong Kong Hailiang Metal Trading Limited (Hong Kong Hailiang), Shanghai Hailiang Copper Co., Ltd. (Shanghai Hailiang), and Zhejiang Hailiang Co., Ltd. (Zhejiang Hailiang) (collectively, Hailiang) notified the Department that the spelling of each company's name in the *Initiation Notice* was incorrect.<sup>2</sup> Accordingly, on February 13, 2017, the Department published in the **Federal Register** a revision of the notice of initiation of the 6th administrative review of the AD order due to a spelling error in certain companies' names.<sup>3,4</sup> On February 24, 2017, Hailiang submitted a letter indicating it would not participate in the review.<sup>5</sup> On March 14, 2017, the petitioners<sup>6</sup> timely withdrew their request for review with respect to 11 companies,<sup>7</sup> but did not withdraw their request for review for the following five

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 82 FR 4297 (January 13, 2017) (*Initiation Notice*).

<sup>2</sup> See Letter from Hailiang, "Correct Name of Hailiang: Administrative Review of the Antidumping Order on Seamless Refined Copper Pipe and Tube from the People's Republic of China," dated January 18, 2017 (Hailiang's Correct Name Submission).

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Reviews*, 82 FR 10457 (February 13, 2017) (*Revised Initiation Notice*).

<sup>4</sup> In the *Revised Initiation Notice*, the Department initiated on Hong Kong Hailiang Metal as the correct name identified in Hailiang's Correct Name Submission. However, in reviewing Hailiang's Correct Name Submission, the Department found that Hong Kong Hailiang Metal Trading Limited (Hong Kong Hailiang) was identified as the correct spelling for Hong Kong Hailiang. See Hailiang's Correct Name Submission at 1.

<sup>5</sup> See Letter from Hailiang, "Hailiang Notice of Non-Participation in Review: Administrative Review of the Antidumping Duty Order on Seamless Refined Copper Pipe and Tube from the People's Republic of China," dated February 24, 2017 (Hailiang Notice of Non-Participation Submission).

<sup>6</sup> The petitioners are the Ad Hoc Coalition for Domestically Produced Seamless Refined Copper Pipe and Tube; and its individual members, Cerro Flow Products, LLC; Wieland Copper Products, LLC; Mueller Copper Tube Products, Inc.; and Mueller Copper Tube Company, Inc. (the petitioners).

<sup>7</sup> These 11 companies are: Foshan Hua Hong Copper Tube Co., Ltd.; Golden Dragon Precise Copper Tube Group, Inc.; Golden Dragon Holding (Hong Kong) International Co., Ltd.; Guilin Lijia Metals Co., Ltd.; Hong Kong GD Trading Co., Ltd.; Ningbo Jintian Copper Tube Co., Ltd.; Sinochem Ningbo Ltd.; Sinochem Ningbo Import & Export Co., Ltd.; Taicang City Jinxin Copper Tube Co., Ltd.; Zhejiang Jiahe Pipes Inc.; and Zhejiang Naile Copper Co., Ltd.

companies: China Hailiang Metal Trading (China Hailiang), Shanghai Hailiang Metal Trading Limited (Shanghai Hailiang Trading), Hong Kong Hailiang, Shanghai Hailiang, and Zhejiang Hailiang.<sup>8</sup> Accordingly, these five companies remain under review.

## Scope of the Order

The merchandise subject to the order is seamless refined copper pipe and tube. The product is currently classified under Harmonized Tariff Schedule of the United States (HTSUS) item numbers 7411.10.1030 and 7411.10.1090. Products subject to this order may also enter under HTSUS item numbers 7407.10.1500, 7419.99.5050, 8415.90.8065, and 8415.90.8085. Although the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope of this order remains dispositive.<sup>9</sup>

## Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party or parties that requested a review withdraws the request within 90 days of the publication date of the notice of initiation of the requested review. As noted above, the petitioners withdrew their request for an administrative review with respect to 11 companies within 90 days of the publication date of the notice of initiation. No other parties requested an administrative review of the order with respect to these 11 companies. Therefore, in accordance with 19 CFR 351.213(d)(1), the Department is rescinding this review of the AD order on copper pipe from the PRC with respect to these companies.

## Methodology

The Department is conducting this review in accordance with sections 751(a)(1)(B) and 751(a)(2)(A) of the Tariff Act of 1930, as amended (the Act). For a full description of the methodology underlying our preliminary conclusions, see the

<sup>8</sup> See Letter from the petitioners, "Seamless Refined Copper Pipe and Tube from China: Partial Withdrawal of Request for Administrative Review," dated March 14, 2017.

<sup>9</sup> For a full description of the scope of the Order, see Memorandum from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, "Seamless Refined Copper Pipe and Tube from the People's Republic of China: Decision Memorandum for the Preliminary Results of the 2015-2016 Antidumping Duty Administrative Review," dated concurrently with, and hereby adopted by, this **Federal Register** notice (Preliminary Decision Memorandum).

Preliminary Decision Memorandum. A list of topics included in the Preliminary Decision Memorandum is included as the Appendix to this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>, and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

### Preliminary Results of Review

The Department preliminarily determines that the five companies under review, China Hailiang, Hong Kong Hailiang, Shanghai Hailiang, and Zhejiang Hailiang, failed to demonstrate eligibility for a separate rate. In making our findings, two of the five companies, China Hailiang and Shanghai Hailiang Trading, did not submit no shipment letters or separate rate applications/certifications by the specified deadlines, and, as noted above, Hong Kong Hailiang, Shanghai Hailiang, and Zhejiang Hailiang, notified the Department that they would not be participating in this review and also did not submit no shipment letters or separate rate applications/certifications by the specified deadlines.<sup>10</sup> Accordingly, these five companies did not demonstrate that they are each entitled to a separate rate. Thus, we consider all five companies to be part of the PRC-Wide Entity.<sup>11</sup> The rate previously established for the PRC-wide entity is 60.82 percent.<sup>12</sup>

<sup>11</sup> See Preliminary Decision Memorandum, at 4–5. Pursuant to the Department's change in practice, the Department no longer considers the NME entity as an exporter conditionally subject to administrative reviews. See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963, 65970 (November 4, 2013). Under this practice, the NME entity will not be under review unless a party specifically requests, or the Department self-initiates, a review of the entity. Because no party requested a review of the entity, the entity is not under review and the entity's rate is not subject to change.

<sup>12</sup> The rate for the PRC-Wide Entity was first assigned in the original investigation, see *Seamless Refined Copper Pipe and Tube from the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 75 FR 60725 (October 1, 2010). This rate has been used in each subsequent

### Disclosure

Normally, the Department discloses to interested parties the calculations performed in connection with the preliminary results within five days of its public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). However, because the Department preliminarily determined that the five remaining companies under review are part of the PRC-wide entity, there are no calculations to disclose.

### Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 50 days after the date of publication of these preliminary results, unless the Secretary alters the time limit.<sup>13</sup> Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.<sup>14</sup> Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

The Department intends to issue the final results of this administrative review, which will include the results of our analysis of all issues raised in the case briefs, within 120 days of publication of these preliminary results

administrative review in which there was a party being considered as part of the PRC-Wide Entity.

<sup>13</sup> See 19 CFR 351.309(c); see also 19 CFR 351.303 (for general filing requirements).

<sup>14</sup> See 19 CFR 351.309(d); see also 19 CFR 351.303 (for general filing requirements).

in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

### Assessment Rates

Upon issuance of the final results, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.<sup>15</sup> The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review.

For any individually examined respondent whose weighted average dumping margin is above *de minimis* (*i.e.*, 0.50 percent) in the final results of this review, the Department will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of sales, in accordance with 19 CFR 351.212(b)(1). Where an importer- (or customer-) specific *ad valorem* rate is greater than *de minimis*, the Department will instruct CBP to collect the appropriate duties at the time of liquidation.<sup>16</sup> Where either a respondent's weighted average dumping margin is zero or *de minimis*, or an importer- (or customer-) specific *ad valorem* is zero or *de minimis*, the Department will instruct CBP to liquidate appropriate entries without regard to antidumping duties.<sup>17</sup>

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For the companies listed above that have a separate rate, the cash deposit rate will be that established in the final results of this review (except, if the rate is zero or *de minimis*, then zero cash deposit will be required); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) 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 that for the PRC-wide entity; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will

<sup>15</sup> See 19 CFR 351.212(b)(1).

<sup>16</sup> See 19 CFR 351.212(b)(1).

<sup>17</sup> See 19 CFR 351.106(c)(2).

be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice also serves as a preliminary 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 the POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These preliminary results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 2, 2017.

#### Carole Showers,

*Executive Director, Office of Policy performing the duties of Deputy Assistant Secretary for Enforcement and Compliance.*

#### Appendix

##### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Methodology
  - A. Partial Rescission
  - B. NME Country Status
  - C. Separate Rates
- V. Recommendation

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. 160719634-7697-02]

RIN 0648-XE756

#### Listing Endangered and Threatened Wildlife and Plants; Notice of 12-Month Finding on a Petition To List the Pacific Bluefin Tuna as Threatened or Endangered Under the Endangered Species Act

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of 12-month petition finding.

**SUMMARY:** We, NMFS, announce a 12-month finding on a petition to list the Pacific bluefin tuna (*Thunnus*

*orientalis*) as a threatened or endangered species under the Endangered Species Act (ESA) and to designate critical habitat concurrently with the listing. We have completed a comprehensive status review of the species in response to the petition. Based on the best scientific and commercial data available, including the status review report, and after taking into account efforts being made to protect the species, we have determined that listing of the Pacific bluefin tuna is not warranted. We conclude that the Pacific bluefin tuna is not an endangered species throughout all or a significant portion of its range, nor likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. We also announce the availability of a status review report, prepared pursuant to the ESA, for Pacific bluefin tuna.

**DATES:** This finding was made on August 8, 2017.

**ADDRESSES:** The documents informing the 12-month finding are available by submitting a request to the Assistant Regional Administrator, Protected Resources Division, West Coast Regional Office, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802, Attention: Pacific Bluefin Tuna 12-month Finding. The documents are also available electronically at <http://www.westcoast.fisheries.noaa.gov/>.

**FOR FURTHER INFORMATION CONTACT:** Gary Rule, NMFS West Coast Region at [gary.rule@noaa.gov](mailto:gary.rule@noaa.gov), (503) 230-5424; or Marta Nammack, NMFS Office of Protected Resources at [marta.nammack@noaa.gov](mailto:marta.nammack@noaa.gov), (301) 427-8469.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 20, 2016, we received a petition from the Center for Biological Diversity (CBD), on behalf of 13 other co-petitioners, to list the Pacific bluefin tuna as threatened or endangered under the ESA and to designate critical habitat concurrently with its listing. On October 11, 2016, we published a positive 90-day finding (81 FR 70074) announcing that the petition presented substantial scientific or commercial information indicating that the petitioned action may be warranted. In our 90-day finding, we also announced the initiation of a status review of the Pacific bluefin tuna and requested information to inform our decision on whether the species warrants listing as threatened or endangered under the ESA.

#### ESA Statutory Provisions

The ESA defines "species" to include any subspecies of fish or wildlife or plants, and any distinct population segment (DPS) of any vertebrate fish or wildlife which interbreeds when mature (16 U.S.C. 1532(16)). The U.S. Fish and Wildlife Service (FWS) and NMFS have adopted a joint policy describing what constitutes a DPS under the ESA (61 FR 4722; February 7, 1996). The joint DPS policy identifies two criteria for making a determination that a population is a DPS: (1) The population must be discrete in relation to the remainder of the species to which it belongs; and (2) the population must be significant to the species to which it belongs.

Section 3 of the ESA defines an endangered species as any species which is in danger of extinction throughout all or a significant portion of its range and a threatened species as one which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Thus, we interpret an "endangered species" to be one that is presently in danger of extinction. A "threatened species," on the other hand, is not presently in danger of extinction, but is likely to become so in the foreseeable future (that is, at a later time). In other words, the primary statutory difference between a threatened and endangered species is the timing of when a species may be in danger of extinction, either presently (endangered) or in the foreseeable future (threatened).

We determine whether any species is endangered or threatened as a result of any one or a combination of the following five factors: The present or threatened destruction, modification, or curtailment of its habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; the inadequacy of existing regulatory mechanisms; or other natural or manmade factors affecting its continued existence (ESA section 4(a)(1)(A)-(E)). Section 4(b)(1)(A) of the ESA requires us to make listing determinations based solely on the best scientific and commercial data available after conducting a review of the status of the species and after taking into account efforts being made by any State or foreign nation or political subdivision thereof to protect the species.

The petition to list Pacific bluefin tuna identified the risk classification made by the International Union for Conservation of Nature (IUCN). The IUCN assessed the status of Pacific bluefin tuna and categorized the species