

Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–970]

Multilayered Wood Flooring From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Administrative Review Pursuant to Court Decision

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

SUMMARY: On August 25, 2017, the United States Court of International Trade (CIT) issued its final judgment sustaining the Department of Commerce's (the Department) final results of remand redetermination pursuant to court order. The Department is notifying the public that the final judgment in this case is not in harmony with the Department's final results in the second administrative review of the antidumping duty order on multilayered wood flooring from the People's Republic of China (PRC), and that the Department is amending its determination with respect to Linyi Bonn Flooring Manufacturing Co., Ltd. (Linyi Bonn).

DATES: Applicable September 4, 2017.

FOR FURTHER INFORMATION CONTACT: Aleksandras Nakutis, AD/CVD Operations, Office IV, Enforcement and Compliance—International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–3147.

SUPPLEMENTARY INFORMATION:**Background**

Linyi Bonn was reviewed in a new shipper review (NSR) of the antidumping duty order on multilayered wood flooring from the PRC, covering the period of review from December 1, 2012 through May 31, 2013.¹ In the *Final Results of NSR*, the Department calculated a weighted-average dumping margin for Linyi Bonn of zero percent, also finding that Linyi Bonn had

demonstrated its entitlement to a separate rate.²

Linyi Bonn was also subsequently a respondent in an administrative review that partially overlapped the period of review for the NSR, in that it covered the period of review December 1, 2012 through November 30, 2013. On July 15, 2016, the Department published the *Final Results* in the administrative review, in which it found that Linyi Bonn was part of the PRC-wide entity, because Linyi Bonn failed to submit either a timely certification of no sales, a separate rate certification, or a separate rate application.³

On April 21, 2017, the CIT remanded the *Final Results*, finding the Department's determination to assign Linyi Bonn the PRC-wide rate of 58.84 percent was contrary to law. The CIT held that the Department's *Initiation Notice*⁴ failed to provide notice to Linyi Bonn of the need to file a "partial" no shipments certification for only a portion of the review. The CIT remanded for the Department to "correct the problem created by its failure to provide notice."⁵ In particular, the CIT ordered the Department to afford Linyi Bonn "the opportunity it would have had if the Department's failure to provide notice had not occurred."⁶

On June 19, 2017, the Department issued its *Remand Results*, in which the Department determined that Linyi Bonn did not have shipments during the period of review other than those already reviewed in the *Final Results of NSR*.⁷

On August 25, 2017, the CIT issued its decision sustaining the Department's *Remand Results*.⁸

² *Id.* at 66356.

³ See *Multilayered Wood Flooring from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Results of New Shipper Review*; 2012–2013, 80 FR 41476 (July 15, 2015), as corrected by *Multilayered Wood Flooring from the People's Republic of China*, 80 FR 49,986 (Dep't of Commerce Aug. 18, 2015) (correction to final admin. review), and *Multilayered Wood Flooring from the People's Republic of China*, 80 FR 52,447 (Dep't of Commerce Aug. 31, 2015) (correction to final admin. review) (collectively, *Final Results*).

⁴ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 79 FR 6147 (February 3, 2014) (*Initiation Notice*).

⁵ See *Linyi Bonn Flooring Manufacturing Co., Ltd. v. United States*, Court No. 15–00227, Slip Op. 17–46, at 28.

⁶ *Id.*

⁷ See *Final Results of Redetermination Pursuant to Court Order* (June 19, 2017) (*Remand Results*).

⁸ See *Linyi Bonn Flooring Manufacturing Co., Ltd. v. United States*, Court No. 15–00227, Slip Op. 17–113.

Timken Notice

In its decision in *Timken*,⁹ as clarified by *Diamond Sawblades*,¹⁰ the Court of Appeals for 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 August 25, 2017, judgment constitutes a final decision of that court that is not in harmony with the Department's *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or if appealed, pending a final and conclusive court decision.

Amended Final Results

Because there is now a final court decision with respect to this case, the Department is amending its *Final Results* with respect to Linyi Bonn. Based on the *Remand Results*, we no longer find that Linyi Bonn is part of the PRC-wide entity. Instead, we have found that Linyi Bonn had no reviewable shipments during the period of review that were not otherwise covered in the overlapping period of review for the partially concurrent NSR.

In the event that the CIT's ruling is not appealed or, if appealed, is upheld by a final and conclusive court decision, the Department will issue appropriate instructions to U.S. Customs and Border Protection to give effect to the finding of no shipments during the period June 1, 2013, through November 30, 2013, and to ensure that any entries of subject merchandise that were produced and exported by Linyi Bonn during the period December 1, 2012, through May 31, 2013, are liquidated in accordance with the *Final Results of NSR*.

Cash Deposit Requirements

Because there has been a subsequent administrative review for Linyi Bonn, the cash deposit rate for Linyi Bonn will remain the rate established in the most recently-completed administrative review, which is zero percent.¹¹

⁹ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

¹⁰ See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

¹¹ See *Multilayered Wood Flooring From the People's Republic of China: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Final Partial*

¹ See *Multilayered Wood Flooring From the People's Republic of China: Final Results of Antidumping Duty New Shipper Reviews 2012–2013*, 79 FR 66355 (November 7, 2014) (*Final Results of NSR*).

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: September 11, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties for the Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

International Trade Administration

Upcoming 2018 International Trade Administration Aerospace Industry Trade Mission to Singapore

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The United States Department of Commerce, International Trade Administration (ITA) is announcing an additional upcoming trade mission that will be recruited, organized, and implemented by ITA. The mission is:

- Aerospace Executive Service Trade Mission to the Singapore Airshow—February 5–9, 2018.

A summary of the mission is found below. Application information and more detailed mission information, including the commercial setting and sector information, can be found at the trade mission Web site: <http://export.gov/trademissions>.

For each mission, recruitment will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the Commerce Department trade mission calendar (<http://export.gov/trademissions>) and other Internet Web sites, press releases to general and trade media, direct mail, broadcast fax, notices by industry trade associations and other multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows.

The Following Conditions for Participation Will Be Used for Each Mission

Applicants must submit a completed and signed mission application and supplemental application materials, including adequate information on their products and/or services, primary

market objectives, and goals for participation. If the Department of Commerce receives an incomplete application, the Department may either: Reject the application, request additional information/clarification, or take the lack of information into account when evaluating the application. If the requisite minimum number of participants is not selected for a particular mission by the recruitment deadline, the mission may be cancelled.

Each applicant must also certify that the products and services it seeks to export through the mission are either produced in the United States, or, if not, are marketed under the name of a U.S. firm and have at least fifty-one percent U.S. content by value. In the case of a trade association or organization, the applicant must certify that, for each firm or service provider to be represented by the association/organization, the products and/or services the represented firm or service provider seeks to export are either produced in the United States or, if not, marketed under the name of a U.S. firm and have at least 51% U.S. content.

A trade association/organization applicant must certify to the above for all of the companies it seeks to represent on the mission.

In addition, each applicant must:

- Certify that the products and services that it wishes to market through the mission would be in compliance with U.S. export controls and regulations;
- Certify that it has identified any matter pending before any bureau or office in the Department of Commerce;
- Certify that it has identified any pending litigation (including any administrative proceedings) to which it is a party that involves the Department of Commerce; and
- Sign and submit an agreement that it and its affiliates (1) have not and will not engage in the bribery of foreign officials in connection with a company's/participant's involvement in this mission, and (2) maintain and enforce a policy that prohibits the bribery of foreign officials.

In the case of a trade association/organization, the applicant must certify that each firm or service provider to be represented by the association/organization can make the above certifications.

The Following Selection Criteria Will Be Used for Each Mission

Targeted mission participants are U.S. firms, services providers and trade associations/organizations providing or promoting U.S. products and services that have an interest in entering or

expanding their business in the mission's destination country. The following criteria will be evaluated in selecting participants:

- Suitability of the applicant's (or in the case of a trade association/organization, represented firm or service provider's) products or services to these markets;
- The applicant's (or in the case of a trade association/organization, represented firm or service provider's) past, present, and prospective business activity in relation to the Mission's target market(s) and sector(s);
- The applicant's (or in the case of a trade association/organization, represented firm or service provider's) potential for business in the markets, including likelihood of exports resulting from the mission; and
- Consistency of the applicant's (or in the case of a trade association/organization, represented firm or service provider's) goals and objectives with the stated scope of the mission.

Referrals from a political party or partisan political group or any information, including on the application, containing references to political contributions or other partisan political activities will be excluded from the application and will not be considered during the selection process. The sender will be notified of these exclusions.

Trade Mission Participation Fees

If and when an applicant is selected to participate on a particular mission, a payment to the Department of Commerce in the amount of the designated participation fee below is required. Upon notification of acceptance to participate, those selected have 5 business days to submit payment or the acceptance may be revoked.

Participants selected for a trade mission will be expected to pay for the cost of personal expenses, including, but not limited to, international travel, lodging, meals, transportation, communication, and incidentals, unless otherwise noted. Participants will, however, be able to take advantage of U.S. Government rates for hotel rooms. In the event that a mission is cancelled, no personal expenses paid in anticipation of a mission will be reimbursed. However, participation fees for a cancelled mission will be reimbursed to the extent they have not already been expended in anticipation of the mission.

If a visa is required to travel on a particular mission, applying for and obtaining such visas will be the responsibility of the mission participant. Government fees and