

Dated: May 18, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021-10779 Filed 5-20-21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-904]

Certain Activated Carbon From the People's Republic of China: Notice of Court Decision Not in Harmony With the Results of Antidumping Administrative Review; Notice of Amended Final Results

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

SUMMARY: On May 11, 2021, the Court of International Trade (CIT) issued its final judgment in *Calgon Carbon Corporation et al. v. United States*, Consol. Court No. 18-00232, sustaining the Department of Commerce's (Commerce's) second remand results pertaining to the tenth administrative review of the antidumping duty (AD) order on certain activated carbon from the People's Republic of China (China) covering the period of April 1, 2016, through March 31, 2017. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final results of the administrative review, and that Commerce is amending the final results with respect to the dumping margin assigned to Carbon Activated Tianjin Co., Ltd. (Carbon Activated) and Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd. (GHC).

DATES: Applicable May 21, 2021.

FOR FURTHER INFORMATION CONTACT: Jinny Ahn, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0339.

SUPPLEMENTARY INFORMATION:

Background

On October 22, 2018, Commerce published its *Final Results* in the 2016-2017 AD administrative review of certain activated carbon from China.¹ Commerce calculated a weighted-average dumping margin of 0.00 U.S. dollars (USD)/kilogram (kg) for Datong

Juqiang Activated Carbon Co., Ltd. (Datong Juqiang) and a weighted-average dumping margin of 0.45 USD/kg for Carbon Activated, and assigned GHC a separate rate of 0.45 USD/kg.²

After correcting ministerial errors contained in the *Final Results*, on November 19, 2018, Commerce published the *Amended Final Results*. Commerce calculated a weighted-average dumping margin of 0.00 USD/kg for Datong Juqiang and a weighted-average dumping margin of 0.23 USD/kg for Carbon Activated, and assigned GHC a separate rate of 0.23 USD/kg.³

Carbon Activated, Datong Juqiang, and GHC (collectively, the Respondents) appealed Commerce's *Final Results/Amended Final Results*. On May 13, 2020, the CIT remanded the *Final Results/Amended Final Results* to Commerce, and directed Commerce to reconsider Commerce's determination to include the imports from France and Japan in the Thai import data used to value the mandatory respondents' (i.e., Carbon Activated and Datong Juqiang) carbonized material input, and also to reconsider Commerce's adjustments to the surrogate financial ratios.⁴

In its first remand redetermination, issued in August 2020, Commerce (1) reconsidered and further explained Commerce's determination to include the French and Japanese import data in the Thai import data used to value carbonized material in the *Final Results*; and (2) reconsidered and further explained Commerce's allocation of certain line items in valuing financial ratios using the 2016 financial statements from the Romanian company, Romcarbon SA (Romcarbon).⁵ Specifically, Commerce excluded the imports from Japan from the Thai import data and continued to include the imports from France. In addition, Commerce made necessary changes in the allocation of certain line items in calculating the financial ratios using the 2016 financial statements from Romcarbon. Accordingly, Commerce made changes to the margin calculations for the mandatory respondents and revised the separate rate for GHC.⁶ On December 21, 2020, the CIT remanded

for a second time, and directed Commerce to again reconsider Commerce's inclusion of the imports from France in the Thai surrogate value for carbonized material.⁷

In its second remand redetermination, issued in March 2021, Commerce reconsidered its determination to include the imports from France in the Thai import data used to value carbonized material and, under protest, excluded the imports from France from the Thai surrogate value for carbonized material. Accordingly, Commerce made necessary changes to the margin calculations for the mandatory respondents and revised the separate rate for GHC.⁸ The CIT sustained Commerce's final redetermination.⁹

Timken Notice

In its decision in *Timken*,¹⁰ as clarified by *Diamond Sawblades*,¹¹ the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(a) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not "in harmony" with a Commerce determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's May 11, 2021 judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Results/Amended Final Results*. Thus, this notice is published in fulfillment of the publication requirement of *Timken*.

Amended Final Results

Because there is now a final court decision, Commerce amends the *Final Results* and *Amended Final Results* with respect to Carbon Activated and GHC as follows:¹²

⁷ See *Calgon Carbon Corporation et al. v. United States*, 487 F. Supp. 3d 1359 (CIT 2020).

⁸ See *Final Results of Redetermination Pursuant to Court Remand, Calgon Carbon Corporation et al. v. United States*, Consol. Court No. 18-00232, Slip Op. 20-187, dated March 16, 2021, available at <https://enforcement.trade.gov/remands/20-187.pdf> (*Second Final Results of Redetermination*) at 1-2, 18-19. Commerce notes that although Datong Juqiang participated in the litigation, in the *Second Final Results of Redetermination*, subsequently sustained by the CIT, Datong Juqiang's rate remained unchanged from the *Amended Final Results* at 0.00 USD/kg.

⁹ See *Calgon Carbon Corporation et al. v. United States*, Consol. Court No. 18-00232, Slip Op. 21-58 (CIT May 11, 2021).

¹⁰ See *Timken Co. v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

¹¹ See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

¹² Commerce notes that Datong Juqiang's rate remains unchanged from the *Amended Final Results* at 0.00 USD/kg.

² *Id.*

³ See *Certain Activated Carbon from the People's Republic of China: Amended Final Results of Antidumping Duty Administrative Review; 2016-2017*, 83 FR 58229 (November 19, 2018) (*Amended Final Results*).

⁴ See *Calgon Carbon Corporation et al. v. United States*, 443 F. Supp. 3d 1334 (CIT 2020).

⁵ See *Final Results of Redetermination Pursuant to Court Remand, Calgon Carbon Corporation et al. v. United States*, Consol. Court No. 18-00232, Slip Op. 20-65, dated August 4, 2020, available at <https://enforcement.trade.gov/remands/20-65.pdf>.

⁶ *Id.* at 1-3, 23-25.

¹ See *Certain Activated Carbon from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2016-2017*, 83 FR 53214 (October 22, 2018) (*Final Results*).

Exporters	Weighted-average dumping margin (USD/kg) ¹³
Carbon Activated Tianjin Co., Ltd	0.00
Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd	0.00

Cash Deposit Requirements

Because Carbon Activated and GHC have superseding cash deposit rates, *i.e.*, there have been final results published in a subsequent administrative review, we will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP). This notice will not affect the current cash deposit rate.

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that: Were produced and exported by Carbon Activated, Datong Juqiang, or GHC, and were entered, or withdrawn from warehouse, for consumption during the period April 1, 2016, through March 31, 2017. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event the CIT's ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to liquidate without regard to antidumping duties unliquidated entries of subject merchandise produced and exported by Carbon Activated, Datong Juqiang, and GHC in accordance with 19 CFR 351.212(b).¹⁴ For all other enjoined entries of subject merchandise from companies other than those specified above, we will instruct CBP to assess antidumping duties on all appropriate entries consistent with the *Final Results/Amended Final Results*.

Notification to Interested Parties

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

¹³ In the second administrative review, Commerce determined that it would calculate per-unit assessment and cash deposit rates for all future reviews. See *Certain Activated Carbon from the People's Republic of China: Final Results and Partial Rescission of Second Antidumping Duty Administrative Review*, 75 FR 70208, 70211 (November 17, 2010); see also *Certain Activated Carbon from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013–2014*, 80 FR 61172 (October 9, 2015), at 61174 n.21.

¹⁴ See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012); see also 19 CFR 351.106(c)(2).

Dated: May 17, 2021.
Christian Marsh,
Acting Assistant Secretary for Enforcement and Compliance.
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DEPARTMENT OF COMMERCE

Minority Business Development Agency

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; National Minority Business Awards

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on February 22, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: Minority Business Development Agency.
Title: National Minority Business Awards.
OMB Control Number: 0640–0025.
Form Number(s): None.
Type of Request: Revision of information collection.
Number of Respondents: 250.
Average Hours per Response: 1 hour.
Burden Hours: 250.
Needs and Uses: The information collected will be used to determine which minority business enterprises should receive honorary awards during the annual MED Week event. Use of the nomination form standardizes and limits the information collected and burden hours of the nomination process.
Affected Public: Businesses or other for-profit organizations, not-for-profit institutions, State, local or tribal government and Federal government.

Frequency: Annual.
Respondent's Obligation: Voluntary.
Legal Authority: This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the collection or the OMB Control Number 0640–0025.

Sheleen Dumas,
Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Science Advisory Board

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).
ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the Science Advisory Board (SAB). The members will discuss issues outlined in the section on Matters to be considered.

DATES: The meeting is scheduled for June 11, 2021 from 11:00 a.m. to 12:00 p.m. Eastern Daylight Time (EDT). This time and the agenda topics described below are subject to change. For the latest agenda please refer to the SAB website: <http://sab.noaa.gov/SABMeetings.aspx>.

ADDRESSES: This is a virtual meeting. The webinar registration links for the June 11, 2021 meeting may be found on the website at <http://sab.noaa.gov/SABMeetings.aspx>.

FOR FURTHER INFORMATION CONTACT: Dr. Cynthia Decker, Executive Director, SSMC3, Room 11230, 1315 East-West Hwy., Silver Spring, MD 20910; Phone Number: 301–734–1156; Email: Cynthia.Decker@noaa.gov; or visit the SAB website at <http://sab.noaa.gov/SABMeetings.aspx>.

SUPPLEMENTARY INFORMATION: The NOAA Science Advisory Board (SAB) was established by a Decision Memorandum dated September 25, 1997, and is the only Federal Advisory Committee with responsibility to advise the Under Secretary of Commerce for Oceans and Atmosphere on strategies