

briefs may be filed no later than five days after the briefs are filed. All rebuttal comments must be limited to comments raised in the case briefs.<sup>9</sup>

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement & Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice.<sup>10</sup> Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. Oral argument presentations will be limited to issues raised in the briefs. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a date and time to be determined.<sup>11</sup> Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

All submissions, with limited exceptions, must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5 p.m. Eastern Time (ET) on the due date. Documents excepted from the electronic submission requirements must be filed manually (*i.e.*, in paper form) with the APO/Dockets Unit in Room 18022, and stamped with the date and time of receipt by 5 p.m. ET on the due date.<sup>12</sup>

The Department intends to issue the final results of this NSR, which will include the results of its analysis of issues raised in any briefs received, no later than 90 days after the date these preliminary results of review are issued pursuant to section 751(a)(2)(B) of the Act.

#### Assessment Rates

If the Department proceeds to a final rescission of Durum's NSR, the assessment rate to which Durum's shipments will be subject will not be affected by this review. If the Department does not proceed to a final rescission of this new shipper review, pursuant to 19 CFR 351.212(b)(1), we will calculate importer-specific (or customer-specific) assessment rates based on the final results of this review.

<sup>9</sup> See 19 CFR 351.309(d).

<sup>10</sup> See 19 CFR 351.310(c).

<sup>11</sup> See 19 CFR 351.310(d).

<sup>12</sup> See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

#### Cash Deposit Requirements

Effective upon publication of the final rescission or the final results of this NSR, the Department will instruct CBP to discontinue the option of posting a bond or security in lieu of a cash deposit for entries of Durum's subject merchandise. If the Department proceeds to a final rescission of this NSR, Durum's cash deposit rate will continue to be the all-others rate. If the Department issues final results for this NSR, the Department will instruct CBP to collect cash deposits, effective upon the publication of the final results, at the rates established therein.

#### 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 this review period. 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.

We are issuing and publishing these results in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act.

Dated: June 28, 2016.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

#### Appendix I

List of Sections in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Discussion of the Methodology
5. Conclusion

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#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A-201-830]

#### Carbon and Certain Alloy Steel Wire Rod From Mexico: Notice of Court Decision Not in Harmony With Amended Final Determination and Notice of Second Amended Final Determination

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

**SUMMARY:** On December 22, 2014, the United States Court of International

Trade (CIT) entered its final judgment in *Deacero III*,<sup>1</sup> sustaining the Department of Commerce's (the Department) negative circumvention determination from the First Remand Results as it relates to the antidumping duty order on carbon and certain alloy steel wire rod from Mexico.<sup>2</sup> Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) in *Timken*,<sup>3</sup> as clarified by *Diamond Sawblades*,<sup>4</sup> the Department issued the *Amended Final Determination*<sup>5</sup> notifying the public that the final judgment of the CIT in this case was not in harmony with the Department's finding in the *Final Determination*.<sup>6</sup> In the *Amended Final Determination*, the Department found, under protest, that, pursuant to section 781(c) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.225, Deacero's entries of wire rod with an actual diameter of 4.75 millimeters (mm) to 5.00 mm (also referred to in this notice as small diameter wire rod) did not constitute circumvention of the Order. On April 5, 2016, the Federal Circuit reversed the CIT's holding in *Deacero III*.<sup>7</sup> In its holding, the Federal Circuit reinstated the Department's original finding from the *Final Determination* that Deacero's shipments of small diameter wire rod to the United States constitute a minor alteration circumvention of the Order.<sup>8</sup>

**DATES:** Effective April 15, 2016.

**FOR FURTHER INFORMATION CONTACT:** Eric B. Greynolds, or James Terpstra. AD/

<sup>1</sup> See *Deacero S.A.P.I. de C.V. and Deacero USA, Inc. v. United States and ArcelorMittal USA LLC, Gerdau Ameristeel U.S. Inc., Evraz Rocky Mountain Steel, and Nucor Corporation*, Court No. 12-00345, Slip Op. 14-151 (December 22, 2014) (*Deacero III*).

<sup>2</sup> See Final Results of Redetermination Pursuant to *Deacero S.A. de C.V. and Deacero USA Inc. v. United States and ArcelorMittal USA LLC, Gerdau Ameristeel U.S. Inc., Evraz Rocky Mountain Steel, and Nucor Corporation*, Court No. 12-00345; Slip Op. 13-126 (CIT 2013) (January 29, 2014) (First Remand Results); *Notice of Antidumping Duty Orders: Carbon and Certain Alloy Steel Wire Rod from Brazil, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine*, 67 FR 65945 (October 29, 2002) (*Order*).

<sup>3</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>4</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

<sup>5</sup> See *Carbon and Certain Alloy Steel Wire Rod From Mexico: Notice of Court Decision Not in Harmony With Final Results and Notice of Amended Final Determination*, 80 FR 44326 (July 27, 2015) (*Amended Final Determination*).

<sup>6</sup> See *Carbon and Certain Alloy Steel Wire Rod From Mexico: Affirmative Final Determination of Circumvention of the Antidumping Duty Order*, 77 FR 59892 (October 1, 2012) (*Final Determination*) and accompanying Issues and Decision Memorandum (Final Decision Memorandum).

<sup>7</sup> See *Deacero S.A. de C.V. v. United States*, 817 F.3d 1332 (Fed. Cir. 2016) (*Deacero IV*).

<sup>8</sup> *Id.* at 12.

CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-6071, (202) 482-3965, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 1, 2012, the Department issued the *Final Determination* in which it determined that Deacero's entries of wire rod with an actual diameter of 4.75 mm to 5.00 mm constitute a minor alteration circumvention of the *Order*.<sup>9</sup> Deacero challenged the Department's determination. Upon review, the CIT remanded the *Final Determination*, holding that the Department improperly determined that Deacero's entries of small diameter wire rod were inside the scope of the *Order* despite the fact that small diameter wire rod was commercially available before the investigation and Petitioners<sup>10</sup> "consciously chose to limit the *Order's* reach to certain steel products 5.00 mm or more, but less than 19.00 mm in solid cross-sectional diameter."<sup>11</sup> On remand, based on the Court's reasoning, the Department found that there was no alternative but to change the results of the anti-circumvention determination and find that Deacero's entries of wire rod with an actual diameter of 4.75 mm to 5.00 mm were not within the scope of the *Order*.<sup>12</sup>

In *Deacero II*, the Court held that although the Department ultimately reached a supportable result in the First Remand Results, remand was nonetheless necessary because the Department arrived at the result by misinterpreting *Deacero I*.<sup>13</sup> Therefore, in *Deacero II*, the Court instructed the Department to explain whether it seeks the Court's leave to revisit the issue of commercial availability.<sup>14</sup>

In the Second Remand Results, the Department continued to respectfully disagree with the Court that the "commercial availability" of a product in the country in question, in a third country or in the United States bars the Department from reaching an

affirmative anti-circumvention determination under the minor alteration provision of the statute.<sup>15</sup> For these same reasons, the Department did not request a remand to further consider "commercial availability" in the context of this minor alteration proceeding. On December 22, 2014, the CIT entered final judgment sustaining the First Remand Results.<sup>16</sup> Accordingly, July 27, 2015, the Department issued the *Amended Final Determination* in which it found that Deacero's entries of small diameter wire rod were not circumventing the *Order* and, thus, were not subject to antidumping (AD) duties.<sup>17</sup> In the *Amended Final Determination*, the Department indicated that it would instruct Customs and Border Protection (CBP) to continue the suspension of liquidation of the subject merchandise, but set the cash deposit rate for Deacero's entries of wire rod with an actual diameter of 4.75 mm up to 5.00 mm to zero pending a final and conclusive court decision.<sup>18</sup> Further, in the *Amended Final Determination*, the Department stated that for any AD duties which were deposited for Deacero's entries of wire rod with an actual diameter of 4.75 mm up to 5.00 mm entered from January 1, 2015, to July 27, 2015, the publication date of the *Amended Final Determination*, the Department would instruct CBP to refund the cash deposit upon request but continue to suspend the entries at a zero cash deposit rate.<sup>19</sup>

In *Deacero IV*, the Federal Circuit held that in reversing the Department's affirmative circumvention finding in the *Final Determination*, the CIT erred in its interpretation of case precedent.<sup>20</sup> The Federal Circuit found that the CIT incorrectly interpreted *Wheatland* to mean that an article cannot be subject to an anti-circumvention inquiry if that article is not expressly included within the literal terms of the order. Specifically, the Federal Circuit reasoned that where *Wheatland* held that a minor alteration inquiry is inappropriate when an order expressly excludes the allegedly altered product, the order at issue contains no explicit exclusion of steel wire rod with a

diameter that is less than 5.00 mm.<sup>21</sup> The Federal Circuit also held that substantial evidence supports the Department's determination that small-diameter steel wire rod was not commercially available prior to the *Order*, notwithstanding that some small-diameter steel wire rod was in existence at some prior time in non-investigated countries.<sup>22</sup> Accordingly, the Federal Circuit held that the Department's initial finding in the *Final Determination* that Deacero's entries of wire rod with an actual diameter of 4.75 mm to 5.00 mm constitute a circumventing minor alteration of the *Order* was in accordance with law and supported by substantial evidence.<sup>23</sup>

##### Timken Notice

In its decision in *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the Federal Circuit held that, pursuant to section 516A(e) of 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 Federal Circuit's judgement in *Deacero IV* sustaining the Department's original finding in the *Final Determination* that Deacero's entries of wire rod with an actual diameter of 4.75 mm to 5.00 mm constitute a minor alteration circumvention of the *Order* constitutes a final decision of the Court that is not in harmony with the Department's negative circumvention finding in the First Remand Results and *Amended Final Determination*. This notice is published in fulfillment of the publication requirements of *Timken*.

##### Amended Final Determination

Because there is now a final court decision, we are amending the *Amended Final Determination* with respect to Deacero's entries of wire rod with an actual diameter of 4.75 mm to 5.00 mm. Based on the Federal Circuit's holding in *Deacero IV*, Deacero's entries of wire rod with an actual diameter of 4.75 mm to 5.00 mm are covered by the scope of the *Order* and, thus, subject to AD duties.

Accordingly, the Department will instruct CBP to continue to suspend liquidation of the subject merchandise and, as of January 1, 2015, the effective date for the *Amended Final Determination* giving effect to the CIT's since-reversed final judgment, to set the cash deposit rate for Deacero's entries of wire rod with an actual diameter of 4.75

<sup>9</sup> See *Final Determination*, 77 FR at 59893.

<sup>10</sup> Petitioners are ArcelorMittal USA LLC, Gerdau Ameristeel U.S. Inc, Rocky Mountain Steel, Members of the Wire Rod Producers Coalition and Nucor Corporation (Nucor).

<sup>11</sup> See *Deacero S.A. de C.V. v. United States*, 37 CIT, 942 F. Supp. 2d 1321, 1324-25 (September 20, 2013) (*Deacero I*); *Deacero Remand*, Slip Op. 13-126 at 15.

<sup>12</sup> See First Remand Results at 6.

<sup>13</sup> See *Deacero S.A.P.I. de C.V. v. United States*, Slip Op. 14-99, 2014 WL 4244349, \* 1-3 (August 28, 2014) (*Deacero II*) at 11-12.

<sup>14</sup> *Id.* at 12.

<sup>15</sup> See Final Results of Redetermination Pursuant to *Deacero S.A. de C.V. et al., v. United States*, Court No. 12-00345; Slip Op. 14-99 (CIT August 28, 2014) (Second Remand Results).

<sup>16</sup> See *Deacero III*.

<sup>17</sup> See *Amended Final Determination*, 80 FR at 44327.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> See *Deacero IV*, 817 F.3d at 1337-39, citing to *Deacero I*, 942 F. Supp. 2d at 1328-1332 quoting *Wheatland Tube Co. v. United States*, 161 F.3d 1365, 1370 (Fed. Cir. 1998) (*Wheatland*).

<sup>21</sup> See *Deacero IV*, 817 F.3d at 1338.

<sup>22</sup> *Id.* at 1339.

<sup>23</sup> *Id.* at 1339.

mm to 5.00 mm to the applicable cash deposit rate as determined in administrative reviews.<sup>24</sup> Specifically, for entries of small diameter wire rod

from Deacero that entered the United States on or after January 1, 2015, whose entries were suspended at a zero cash deposit rate subject to the *Amended*

*Final Determination*, we will instruct CBP to collect cash deposits at the following rates:

On or after	Before	Applicable cash deposit rate
January 1, 2015 .....	June 22, 2015 .....	<sup>25</sup> 12.08
June 22, 2015 .....	May 19, 2016 .....	<sup>26</sup> 0.00
May 19, 2016 .....	.....	<sup>27</sup> 1.13

Additionally, with regard to any of Deacero's unliquidated entries of wire rod with an actual diameter of 4.75 mm to 5.00 mm for which an administrative review has been completed, we will instruct CBP to assess AD duties at the applicable rates.

#### 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: July 8, 2016.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

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**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Open Meeting of the Commission on Enhancing National Cybersecurity

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Commission on Enhancing National Cybersecurity will meet Tuesday, August 23, 2016, from 9:00 a.m. until 5:00 p.m. Central Time at the University of Minnesota's TCF Bank Stadium-DQ Club Room. The primary purpose of the meeting is to discuss the challenges and opportunities for organizations and consumers in securing the digital economy. In particular, the meeting will address: (1) Challenges confronting consumers in the digital economy; (2) innovation (Internet of Things, healthcare, and other areas); and (3) assured products and services. The

meeting will support detailed recommendations to strengthen cybersecurity in both the public and private sectors while protecting privacy, ensuring public safety and economic and national security, fostering discovery and development of new technical solutions, and bolstering partnerships between Federal, State, local, tribal and territorial governments and the private sector in the development, promotion, and use of cybersecurity technologies, policies, and best practices. All sessions will be open to the public.

**DATES:** The meeting will be held on Tuesday, August 23, 2016, from 9:00 a.m. until 5:00 p.m. Central Time.

**ADDRESSES:** The meeting will be held at the University of Minnesota's TCF Bank Stadium-DQ Club Room, 3rd Level, located at 420 SE 23rd Avenue, Minneapolis, Minnesota 55455. The meeting is open to the public and interested parties are requested to contact Sara Kerman at the contact information indicated in the **FOR FURTHER INFORMATION CONTACT** section of this notice in advance of the meeting for building entrance requirements.

**FOR FURTHER INFORMATION CONTACT:** Sara Kerman, Information Technology Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 2000, Gaithersburg, MD 20899-8900, telephone: 301-975-4634, or by email at: [eo-commission@nist.gov](mailto:eo-commission@nist.gov). Please use subject line "Open Meeting of the Commission on Enhancing National Cybersecurity—MN".

**SUPPLEMENTARY INFORMATION:** Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the Commission on Enhancing National Cybersecurity ("the Commission") will meet Tuesday,

August 23, 2016, from 9:00 a.m. until 5:00 p.m. Central Time. All sessions will be open to the public. The Commission is authorized by Executive Order 13718, Commission on Enhancing National Cybersecurity.<sup>1</sup> The Commission was established by the President and will make detailed recommendations to strengthen cybersecurity in both the public and private sectors while protecting privacy, ensuring public safety and economic and national security, fostering discovery and development of new technical solutions, and bolstering partnerships between Federal, state, local, tribal and territorial governments and the private sector in the development, promotion, and use of cybersecurity technologies, policies, and best practices.

The agenda is expected to include the following items:

- Introductions.
- Panel discussion on the challenges confronting the consumers in the digital economy.
- Panel discussion on innovation (Internet of Things, healthcare, and other areas).
- Panel discussion on assured products and services.
- Conclusion.

Note that agenda items may change without notice. The final agenda will be posted on <http://www.nist.gov/cybercommission>. Seating will be available for the public and media. No registration is required to attend this meeting; however, on-site attendees are asked to voluntarily sign in and space will be available on a first-come, first-served basis.

**Public Participation:** The Commission agenda will include a period of time, not to exceed fifteen minutes, for oral comments from the public on Tuesday,

<sup>24</sup> As of January 1, 2015, the cash deposit rate applicable to Deacero's entries of subject merchandise was 12.08 percent, as established in *Carbon and Certain Alloy Steel Wire Rod From Mexico: Final Results of Administrative Review: 2010–2011*, 78 FR 28190, 28191 (May 14, 2013) (10/11 *Final Results*). Deacero's cash deposit rate was subsequently revised to zero percent in *Carbon and*

*Certain Alloy Steel Wire Rod From Mexico: Final Results of Administrative Review: 2012–2013*, 80 FR 35626, 35627 (June 22, 2015) (12/13 *Amended Final Results*), and 1.13 percent in *Carbon and Certain Alloy Steel Wire Rod From Mexico: Amended Final Results of Administrative Review: 2013–2014*, 81 FR 41521, 41522 (June 27, 2016) (13/14 *Amended Final Results*).

<sup>25</sup> See 10/11 *Final Results*, 78 FR at 28191.

<sup>26</sup> See 12/13 *Amended Final Results*, 80 FR at 35627.

<sup>27</sup> See 13/14 *Amended Final Results*, 81 FR at 41522.

<sup>1</sup> <https://www.federalregister.gov/articles/2016/02/12/2016-03038/commission-on-enhancing-national-cybersecurity>.