

## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-570-970]

**Multilayered Wood Flooring From the People's Republic of China: Correction to the Final Results of Antidumping Duty Administrative Review, Rescission of Review, in Part**

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

**SUMMARY:** The Department of Commerce ("Department") is amending the final results of the third administrative review of the antidumping duty ("AD") order on Multilayered Wood Flooring ("MLWF") from the People's Republic of China ("PRC") to correct a ministerial error. The Department has reviewed Linyi Anying's allegation and determined that there was an error in the review of Linyi Anying's No Shipment Certification.

**DATES:** *Effective Date:* July 19, 2016.

**FOR FURTHER INFORMATION CONTACT:** William Horn, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-2615.

**SUPPLEMENTARY INFORMATION:****Background**

On July 19, 2016, the Department published the final results of the third administrative review of the AD order on MLWF from the PRC.<sup>1</sup> On August 11, 2016, the Department published a correction to the *Final Results* to include a list of PRC-wide entity companies omitted from the *Final Results*.<sup>2</sup> Linyi Anying Wood Co., Ltd. ("Anying") was included within the PRC-wide entity. The period of review ("POR") is December 1, 2013, through November 30, 2014. On August 12, 2016, the Department received a ministerial error allegation on behalf of Anying.

**Scope of the Order**

The merchandise covered by the order includes MLWF, subject to certain exceptions.<sup>3</sup> Imports of the subject

merchandise are provided for under the following subheadings of the Harmonized Tariff Schedule of the United States ("HTSUS"): 4412.31.0520; 4412.31.0540; 4412.31.0560; 4412.31.2510; 4412.31.2520; 4412.31.3175; 4412.31.4040; 4412.31.4050; 4412.31.4060; 4412.31.4070; 4412.31.4075; 4412.31.4080; 4412.31.5125; 4412.31.5135; 4412.31.5155; 4412.31.5165; 4412.31.5175; 4412.31.6000; 4412.31.9100; 4412.32.0520; 4412.32.0540; 4412.32.0560; 4412.32.0565; 4412.32.0570; 4412.32.2510; 4412.32.2520; 4412.32.2525; 4412.32.2530; 4412.32.3125; 4412.32.3135; 4412.32.3155; 4412.32.3165; 4412.32.3175; 4412.32.3185; 4412.32.5600; 4412.39.1000; 4412.39.3000; 4412.39.4011; 4412.39.4012; 4412.39.4019; 4412.39.4031; 4412.39.4032; 4412.39.4039; 4412.39.4051; 4412.39.4052; 4412.39.4059; 4412.39.4061; 4412.39.4062; 4412.39.4069; 4412.39.5010; 4412.39.5030; 4412.39.5050; 4412.94.1030; 4412.94.1050; 4412.94.3105; 4412.94.3111; 4412.94.3121; 4412.94.3131; 4412.94.3141; 4412.94.3160; 4412.94.3171; 4412.94.4100; 4412.94.5100; 4412.94.6000; 4412.94.7000; 4412.94.8000; 4412.94.9000; 4412.94.9500; 4412.99.0600; 4412.99.1020; 4412.99.1030; 4412.99.1040; 4412.99.3110; 4412.99.3120; 4412.99.3130; 4412.99.3140; 4412.99.3150; 4412.99.3160; 4412.99.3170; 4412.99.4100; 4412.99.5100; 4412.99.5105; 4412.99.5115; 4412.99.5710; 4412.99.6000; 4412.99.7000; 4412.99.8000; 4412.99.9000; 4412.99.9500; 4418.71.2000; 4418.71.9000; 4418.72.2000; 4418.72.9500; and 9801.00.2500. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.

**Ministerial Error**

The Department will, if appropriate, correct any ministerial errors by amending the final results of review. Section 751(h) of the Tariff Act of 1930,

Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, regarding "Issues and Decision Memorandum for the Final Results of the 2013-2014 Antidumping Duty Administrative Review of Multilayered Wood Flooring from the People's Republic of China," ("Final Results IDM"), dated July 12, 2016 for a complete description of the Scope of the Order.

as amended ("the Act"), and 19 CFR 351.224(f) define a "ministerial error" as an error "in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial."

On August 12, 2016, Anying submitted a ministerial error allegation. On August 18, 2016, Anying filed a complaint with the U.S. Court of International Trade ("CIT") contesting the application of the PRC-entity rate on the same grounds as the ministerial error allegation.<sup>4</sup> On November 10, 2016, the CIT granted the Department leave to consider the ministerial error allegation filed by Anying and, if necessary, to publish amended final results.<sup>5</sup>

Anying alleges that, although the it submitted a "no shipments" certificate in the third administrative review, the Department failed to rescind the administrative review for Anying. As a result, it was incorrectly included within the PRC-entity and subject to the PRC-wide rate. We have determined that we made a ministerial error and we have determined that Anying had no shipments during the POR.<sup>6</sup>

**Amended Final Results**

Because the Department has determined that Anying had no shipments during the POR, we hereby rescind the review with respect to Anying. As a result, Anying will maintain its cash deposit rate from the most recently completed review in which it participated. This correction to the final results of administrative review is issued and published in accordance with sections 751(h) and 777(i)(2)(i) of the Act.

**Instructions to U.S. Customs and Border Protection**

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), the Department determines, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise, where applicable, in

<sup>4</sup> See *Linyi Anying Wood Co., Ltd and Lumber Liquidators Services, LLC vs. United States*, Court No. 16-00159 (ECF Dkt. No. 6).

<sup>5</sup> See *id.* (ECF Dkt. No. 25, dated November 10, 2016).

<sup>6</sup> For a full discussion see Memorandum from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance re: Third Antidumping Administrative Review of Multilayered Wood Flooring from the People's Republic of China: Ministerial Error Memorandum ("Ministerial Error Memo") dated concurrently with this notice.

<sup>1</sup> *Multilayered Wood Flooring from the People's Republic of China: Final Results of Antidumping Duty Administrative Review, 2013-2014*, 81 FR 46899 (July 19, 2016).

<sup>2</sup> *Multilayered Wood Flooring from the People's Republic of China: Correction to the Final Results of the Antidumping Duty Administrative Review*, 81 FR 53120 (August 11, 2016).

<sup>3</sup> See Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Ronald K.

accordance with the amended final results of this review. If the Department determines that an exporter under review had no shipments of subject merchandise, any suspended entries that entered under that exporter's case number will be liquidated at the PRC-wide rate.<sup>7</sup> The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these amended final results of review.

#### Cash Deposit Requirements

The following cash deposit requirement will be effective July 19, 2016, for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after that date, as provided for by section 751(a)(2)(C) of the Act. For Anying, which had no reviewable transactions during the POR, the cash deposit rate will remain unchanged from the rate assigned in the most recently completed review of the company.

#### Notifications to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) 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 Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 35.1305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/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.

#### Notification to Interested Parties

This correction to the final results of administrative review is issued and published in accordance with sections 751(h) and 777(i)(2)(i) of the Act, and 19

CFR 351.224(e) of the Department's regulations.

Dated: February 6, 2017.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Enforcement and Compliance.*

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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 Final Results of Administrative Review and Notice of Amended Final Results

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

**SUMMARY:** The Court of International Trade (CIT or Court) sustained the Department of Commerce's (the Department's) second remand results pertaining to the sixth administrative review of the antidumping duty order on certain activated carbon from the People's Republic of China (PRC) covering the period of April 1, 2012, through March 31, 2013. The Department is notifying the public that the final judgment in this case is not in harmony with the final results of the administrative review, and that the Department is amending the final results.

**DATES:** *Effective Date:* February 6, 2017.

**FOR FURTHER INFORMATION CONTACT:** Robert Palmer, 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) 482-9068.

#### SUPPLEMENTARY INFORMATION:

##### Background

On November 25, 2014, the Department issued *AR6 Final Results*.<sup>1</sup> The petitioners<sup>2</sup> and Carbon Activated Corporation (Carbon Activated), a U.S. importer of subject merchandise, challenged certain aspects of *AR6 Final Results*. The petitioners challenged the Department's final results regarding the

surrogate value (SV) used to value the mandatory respondents'<sup>3</sup> anthracite coal. Carbon Activated challenged several aspects of the Department's final results as they pertained to Shanxi DMD Corporation (Shanxi DMD), which supplied Carbon Activated's imports of subject merchandise and was found to be part of the PRC-wide entity in *AR6 Final Results*. On January 20, 2016, the Court in *Calgon I* remanded the Department's *AR6 Final Results* and instructed the Department to reconsider its selection of the anthracite coal SV, and directed the Department to "assign Shanxi DMD the all-others rate."<sup>4</sup>

On May 25, 2016, the Department filed Remand I with the Court.<sup>5</sup> Based on *Calgon I*, which had ordered the Department to "reconsider its selection of an SV for anthracite coal" in *AR6 Final Results*, and based on the Department's finding that there were multiple SVs of equal reliability for anthracite coal on the record, the Department determined to select the anthracite coal SV based on which secondary surrogate country was the most significant producer of comparable merchandise.<sup>6</sup> As a result of relying on significant production of comparable merchandise in Remand I, the Department valued anthracite coal using contemporaneous SV data from Thailand.<sup>7</sup> Accordingly, the margins for Cherishmet and Jacobi (the mandatory respondents) were revised to \$0.52/kilogram (kg) and to \$0.51/kg, respectively.<sup>8</sup>

Additionally, we recalculated the margin for those separate rate companies whose entries were subject to this litigation using the same method we used in *AR6 Final Results*.<sup>9</sup> Thus, we calculated a weighted-average margin of \$0.51/kg based on the publicly ranged U.S. sales quantities of the mandatory respondents.<sup>10</sup> The

<sup>3</sup> The mandatory respondents are Jacobi Carbons AB (Jacobi) and Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd. (Cherishmet).

<sup>4</sup> See *Calgon Carbon Corp. v. United States*, 145 F. Supp. 3d 1312, 1322-23, 1326-29 (CIT 2016) (*Calgon I*).

<sup>5</sup> See *Calgon Carbon Corp. et al. v. United States*, Consol. Court No. 14-00326, Slip Op. 16-4, Final Results Of Redetermination Pursuant To Court Remand, dated May 25, 2016, (Remand I).

<sup>6</sup> See Remand I at 15-17, 31-36.

<sup>7</sup> *Id.* at 15-17, 31-35.

<sup>8</sup> *Id.* at 49.

<sup>9</sup> *Id.* at 50-51. Specifically, in *AR6 Final Results*, we calculated the separate rate by using the ranged total sales quantities reported by the mandatory respondents from the public versions of their submissions to calculate a weighted-average margin because we found that methodology is more appropriate than calculating a simple average of the mandatory respondents' margins. See *AR6 Final Results*, 79 FR at 70164.

<sup>10</sup> See Remand I at 50-51.

<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>1</sup> Certain Activated Carbon from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012-2013, 79 FR 70163 (November 25, 2014) (*AR6 Final Results*) and accompanying Issues and Decisions Memorandum (IDM).

<sup>2</sup> Calgon Carbon Corporation and Cabot Norit Americas (collectively, the petitioners).