

Office IV, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-0989.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department published its *Preliminary Results* in this NSR on March 22, 2016.<sup>1</sup> Subsequently, IMJ filed a case brief on May 15, 2016 and CP Kelco U.S. (Petitioner) filed a rebuttal brief on May 16, 2016.

##### Scope of the Order

The scope of the order covers dry xanthan gum, whether or not coated or blended with other products. Further, xanthan gum is included in this order regardless of physical form, including, but not limited to, solutions, slurries, dry powders of any particle size, or unground fiber. Merchandise covered by the scope of this order is classified in the Harmonized Tariff Schedule ("HTS") of the United States at subheading 3913.90.20. This tariff classification is provided for convenience and customs purposes; however, the written description of the scope is dispositive.<sup>2</sup>

##### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties are addressed in the Issues and Decision Memorandum.<sup>3</sup> The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov> and in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete

version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/index.html>. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content. A list of the issues which parties raised is attached to this notice as an Appendix.

##### Rescission of New Shipper Review

For the reasons explained in the Issues and Decision Memorandum, the Department continues to find that IMJ's one sale is a non-*bona fide* sale. Because the non-*bona fide* sale was the only reported sale of subject merchandise during the POR, and thus there are no reviewable transactions, the Department is rescinding this NSR.

##### Assessment

As the Department is rescinding this NSR, we have not calculated a company-specific dumping margin for IMJ. IMJ remains part of the PRC-wide entity and, accordingly, entries of its subject merchandise will be assessed at the PRC-wide rate.

##### Cash Deposit Requirements

Effective upon publication of this notice of final rescission of the NSR of IMJ, the Department will instruct U.S. Customs and Border Protection to discontinue the option of posting a bond or security in lieu of a cash deposit for entries of subject merchandise from IMJ. IMJ continues to be part of the PRC-wide entity, and subject to the PRC-wide entity rate of 154.07 percent.<sup>4</sup> These cash deposit requirements shall remain in effect until further notice.

##### Administrative Protective Order

This notice also serves as a reminder to parties subject to Administrative Protective Order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in these segments of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this notice in accordance with sections 751(a)(2)(B) and 777(i) of the Tariff Act

of 1930, as amended, and 19 CFR 351.214.

Dated: August 12, 2016.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

##### Appendix—Issues and Decision Memorandum

Summary

Background

Scope of the Order

Discussion of the Issues:

Comment 1: Whether IMJ Met the

Regulatory Requirements for Requesting a New Shipper Review

Comment 2: Whether or not IMJ's Sale was a *Bona Fide Sale*

Comment 3: IMJ's March 24, 2016

Submission

Recommendation

[FR Doc. 2016-20014 Filed 8-19-16; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-016]

#### Certain Passenger Vehicle and Light Truck Tires From the People's Republic of China: Notice of Final Results of Antidumping Duty Changed Circumstances Review

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

**SUMMARY:** On July 8, 2016, the Department of Commerce (the Department) published its notice of initiation and preliminary results of a changed circumstances review of the antidumping duty (AD) order on certain passenger vehicle and light truck tires (passenger tires) from the People's Republic of China (PRC). In that notice, we preliminarily determined that Sailun Jinyu Group (HONG KONG) Co., Limited (Sailun Jinyu HK) is the successor-in-interest to Jinyu International Holding Co., Limited (Jinyu HK) for purposes of determining antidumping duty cash deposits and liabilities. No interested party submitted comments regarding the initiation and preliminary results. For these final results, the Department continues to find that Sailun Jinyu HK is the successor-in-interest to Jinyu HK.

**DATES:** Effective August 22, 2016.

**FOR FURTHER INFORMATION CONTACT:** Toni Page, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-1398.

<sup>1</sup> See *Xanthan Gum From the People's Republic of China: Preliminary Rescission of 2014-2015 Antidumping Duty New Shipper Review*, 81 FR 15240 (March 22, 2016) ("Preliminary Results"); see also Memorandum to Abdelali Elouaradia, Director, Office IV, AD/CVD Operations, from Cara Lofaro and Brandon Farlander, International Trade Analysts, entitled "2014-2015 Antidumping Duty New Shipper Review of Xanthan Gum From the People's Republic of China: Preliminary *Bona Fide* Sales Analysis for Inner Mongolia Jianlong Biochemical Co., Ltd.," dated March 15, 2016.

<sup>2</sup> For a complete description of the scope of the order, see the Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, entitled "Issues and Decision Memorandum for the Final Results of the Antidumping Duty New Shipper Review of Xanthan Gum from the People's Republic of China" issued concurrently with and hereby adopted by this notice ("Issues and Decision Memorandum").

<sup>3</sup> *Id.*

<sup>4</sup> See *Xanthan Gum From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 78 FR 43143 (July 19, 2013).

## SUPPLEMENTARY INFORMATION:

## Background

On August 10, 2015, the Department published in the **Federal Register** an AD order on passenger tires from the PRC.<sup>1</sup> On December 21, 2015, Jinyu HK, an exporter of passenger tires covered by this order, changed its name from Jinyu HK to Sailun Jinyu HK. On February 23, 2016, Jinyu HK requested that the Department conduct a changed circumstances review under section 751(b) of the Tariff Act of 1930 (the Act), as amended, 19 CFR 351.216, and 19 CFR 351.221(c)(3).<sup>2</sup> In this request, Jinyu HK asked the Department to determine that Sailun Jinyu HK is the successor-in-interest to Jinyu HK and, accordingly, to assign it Jinyu HK's cash deposit rate.<sup>3</sup>

On July 8, 2016, the Department published its notice of initiation and preliminary results of this changed circumstances review, determining that Sailun Jinyu HK is the successor-in-interest to Jinyu HK.<sup>4</sup> In the *Initiation and Preliminary Results*, we provided all interested parties with an opportunity to comment and to request a public hearing regarding our preliminary finding that Sailun Jinyu HK is the successor-in-interest to Jinyu HK. We received no comments regarding our preliminary finding and no requests for a public hearing from interested parties within the time period set forth in the *Initiation and Preliminary Results*.

## Scope of the Order

The products covered by the scope of this order are passenger vehicle and light truck tires. Passenger vehicle and light truck tires are new pneumatic tires, of rubber, with a passenger vehicle or light truck size designation. Tires covered by this order may be tube-type, tubeless, radial, or non-radial, and they may be intended for sale to original equipment manufacturers or the replacement market.

Subject tires have, at the time of importation, the symbol "DOT" on the sidewall, certifying that the tire conforms to applicable motor vehicle safety standards. Subject tires may also have the following prefixes or suffix in their tire size designation, which also appears on the sidewall of the tire:

Prefix designations:

P—Identifies a tire intended primarily for service on passenger cars.

LT—Identifies a tire intended primarily for service on light trucks.

Suffix letter designations:

LT—Identifies light truck tires for service on trucks, buses, trailers, and multipurpose passenger vehicles used in nominal highway service.

All tires with a "P" or "LT" prefix, and all tires with an "LT" suffix in their sidewall markings are covered by this investigation regardless of their intended use.

In addition, all tires that lack a "P" or "LT" prefix or suffix in their sidewall markings, as well as all tires that include any other prefix or suffix in their sidewall markings, are included in the scope, regardless of their intended use, as long as the tire is of a size that is among the numerical size designations listed in the passenger car section or light truck section of the Tire and Rim Association Year Book, as updated annually, unless the tire falls within one of the specific exclusions set out below.

Passenger vehicle and light truck tires, whether or not attached to wheels or rims, are included in the scope. However, if a subject tire is imported attached to a wheel or rim, only the tire is covered by the scope.

Specifically excluded from the scope are the following types of tires:

(1) Racing car tires; such tires do not bear the symbol "DOT" on the sidewall and may be marked with "ZR" in size designation;

(2) new pneumatic tires, of rubber, of a size that is not listed in the passenger car section or light truck section of the Tire and Rim Association Year Book;

(3) pneumatic tires, of rubber, that are not new, including recycled and retreaded tires;

(4) non-pneumatic tires, such as solid rubber tires;

(5) tires designed and marketed exclusively as temporary use spare tires for passenger vehicles which, in addition, exhibit each of the following physical characteristics:

(a) the size designation and load index combination molded on the tire's sidewall are listed in Table PCT-1B ("T" Type Spare Tires for Temporary Use on Passenger Vehicles) of the Tire and Rim Association Year Book,

(b) the designation "T" is molded into the tire's sidewall as part of the size designation, and,

(c) the tire's speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by Tire and Rim Association Year Book, and the rated speed is 81 MPH or a "M" rating;

(6) tires designed and marketed exclusively for specialty tire (ST) use which, in addition, exhibit each of the following conditions:

(a) the size designation molded on the tire's sidewall is listed in the ST sections of the Tire and Rim Association Year Book,

(b) the designation "ST" is molded into the tire's sidewall as part of the size designation,

(c) the tire incorporates a warning, prominently molded on the sidewall, that the tire is "For Trailer Service Only" or "For Trailer Use Only",

(d) the load index molded on the tire's sidewall meets or exceeds those load indexes listed in the Tire and Rim Association Year Book for the relevant ST tire size, and

(e) either

(i) the tire's speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by Tire and Rim Association Year Book, and the rated speed does not exceed 81 MPH or an "M" rating; or

(ii) the tire's speed rating molded on the sidewall is 87 MPH or an "N" rating, and in either case the tire's maximum pressure and maximum load limit are molded on the sidewall and either

(1) both exceed the maximum pressure and maximum load limit for any tire of the same size designation in either the passenger car or light truck section of the Tire and Rim Association Year Book; or

(2) if the maximum cold inflation pressure molded on the tire is less than any cold inflation pressure listed for that size designation in either the passenger car or light truck section of the Tire and Rim Association Year Book, the maximum load limit molded on the tire is higher than the maximum load limit listed at that cold inflation pressure for that size designation in either the passenger car or light truck section of the Tire and Rim Association Year Book;

(7) tires designed and marketed exclusively for off-road use and which, in addition, exhibit each of the following physical characteristics:

(a) the size designation and load index combination molded on the tire's sidewall are listed in the off-the-road, agricultural, industrial or ATV section

<sup>1</sup> See *Certain Passenger Vehicle and Light Truck Tires From the People's Republic of China: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order; and Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order*, 80 FR 47902 (August 10, 2015) (AD Order).

<sup>2</sup> See letter from Jinyu HK entitled, "Jinyu International Holding Co., Limited's Request for a Changed Circumstances Review in Certain Passenger Vehicle and Light Truck Tires From the People's Republic of China, Case No. A-570-016," at 1 (February 23, 2016) (CCR Request).

<sup>3</sup> *Id.*

<sup>4</sup> See "Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China," 88 FR 44588 (July 8, 2016) (*Initiation and Preliminary Results*).

of the Tire and Rim Association Year Book,

(b) in addition to any size designation markings, the tire incorporates a warning, prominently molded on the sidewall, that the tire is “Not For Highway Service” or “Not for Highway Use”,

(c) the tire’s speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by the Tire and Rim Association Year Book, and the rated speed does not exceed 55 MPH or a “G” rating, and

(d) the tire features a recognizable off-road tread design.

The products covered by the order are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings:

4011.10.10.10, 4011.10.10.20, 4011.10.10.30, 4011.10.10.40, 4011.10.10.50, 4011.10.10.60, 4011.10.10.70, 4011.10.50.00, 4011.20.10.05, and 4011.20.50.10. Tires meeting the scope description may also enter under the following HTSUS subheadings: 4011.99.45.10, 4011.99.45.50, 4011.99.85.10, 4011.99.85.50, 8708.70.45.45, 8708.70.45.60, 8708.70.60.30, 8708.70.60.45, and 8708.70.60.60. While HTSUS subheadings are provided for convenience and for customs purposes, the written description of the subject merchandise is dispositive.

#### *Final Results of Changed Circumstances Review*

For the reasons stated in the *Initiation and Preliminary Results*, and because we received no comments from interested parties to the contrary, the Department continues to find that Sailun Jinyu HK is the successor-in-interest to Jinyu HK. As a result of this determination, we find that Sailun Jinyu HK should receive the AD cash deposit rate previously assigned to Jinyu HK in the *AD Order* for passenger tires from the PRC.<sup>5</sup> Consequently, the Department will instruct U.S. Customs and Border Protection to suspend liquidation of all shipments of subject merchandise produced or exported by Sailun Jinyu HK and entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the **Federal Register** at 0.00 percent, which is the current AD cash deposit rate for Jinyu HK.<sup>6</sup> This cash deposit

requirement shall remain in effect until further notice.

We are issuing this determination and publishing these final results and notice in accordance with sections 751(b)(1) and 777(i)(1) and (2) of the Act and 19 CFR 351.216 and 351.221(c)(3).

Dated: August 15, 2016.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XE435**

#### **Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Site Characterization Surveys off the Coast of Massachusetts**

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

**ACTION:** Notice; issuance of an incidental harassment authorization.

**SUMMARY:** In accordance with regulations implementing the Marine Mammal Protection Act (MMPA), notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to Bay State Wind LLC (Bay State Wind) to take marine mammals, by harassment, incidental to high-resolution geophysical (HRG) and geotechnical survey investigations associated with marine site characterization activities off the coast of Massachusetts in the area of the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS–A 0500) (the Lease Area).

**DATES:** Effective August 13, 2016, through August 12, 2017.

**FOR FURTHER INFORMATION CONTACT:** John Fiorentino, Office of Protected Resources, NMFS, (301) 427–8401.

#### **SUPPLEMENTARY INFORMATION:**

##### **Availability**

An electronic copy of Bay State Wind’s IHA application (the application) and supporting documents, as well as a list of the references cited in this document, may be obtained by visiting the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental/>. In case of problems accessing these documents, please call

the contact listed above (see **FOR FURTHER INFORMATION CONTACT**).

##### **Background**

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined “negligible impact” in 50 CFR 216.103 as “an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.”

Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines “harassment” as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

##### **Summary of Request**

On December 4, 2015, NMFS received an application from Bay State Wind for the taking of marine mammals incidental to spring 2016 geophysical survey investigations off the coast of Massachusetts in the OCS–A 0500 Lease Area, designated and offered by the U.S. Bureau of Ocean Energy Management (BOEM), to support the development of an offshore wind project. NMFS determined that the application was adequate and complete on January 27, 2016. On January 20, 2016, Bay State Wind submitted a separate request for the taking of marine mammals incidental to proposed geotechnical

<sup>5</sup> See *AD Order*.

<sup>6</sup> Jinyu HK (as part of the Sailun Group Co., Ltd.) received a cash deposit rate of 0.00 percent in the investigation of passenger tires from the PRC. See *AD Order*, at 47904. Because we determined that Sailun Jinyu HK is the successor-in-interest to Jinyu HK, we will assign Sailun Jinyu HK a cash deposit rate based on the amended final determination of that investigation.