

HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-971]

#### Multilayered Wood Flooring From the People's Republic of China: Final Results of Expedited First Sunset Review of the Countervailing Duty Order

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

**SUMMARY:** The Department of Commerce (the Department) finds that revocation of the countervailing duty (CVD) order on multilayered wood flooring (MLWF) from the People's Republic of China (PRC) would likely lead to continuation or recurrence of a countervailable subsidy at the levels indicated in the "Final Results of Review" section of this notice.

**DATES:** Effective March 6, 2017.

**FOR FURTHER INFORMATION CONTACT:** Robert James or John Anwesen, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Ave. NW., Washington, DC 20230; telephone: (202) 482-0649 or (202) 482-0131, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On November 1, 2016, the Department initiated the first sunset review of the CVD order on MLWF from the PRC pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.218(c).<sup>1</sup> The Department received a notice of intent to participate in the review on behalf of the Coalition for American Hardwood Parity and its member companies, Cumberland Products Group, LLC, d/b/a American OEM Wood Floors, Mannington Mills, Inc., Mohawk Industries, Inc., Shaw Industries Group, Inc. (collectively, CAHP), within the deadline specified in 19 CFR 351.218(d)(1)(i).<sup>2</sup> CAHP claimed

interested party status under section 771(9)(C) and (F) of the Act, as domestic producers of the domestic like product and an association comprised of domestic producers.

The Department received an adequate substantive response from the domestic industry within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).<sup>3</sup> The Department did not receive a substantive response from any government or respondent interested party to the proceeding. Because the Department received no response from the respondent interested parties, the Department conducted an expedited review of this CVD order, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2).

#### Scope of the Order

The products covered by this order are certain multilayered wood flooring which are composed of an assembly of two or more layers or plies of wood veneer(s)<sup>4</sup> in combination with a core. Imports of the subject merchandise are provided for under the following subheadings of the Harmonized Tariff Schedule of the United States (HTSUS):

4412.31.0620; 4412.31.0640;  
 4412.31.0660; 4412.31.2610;  
 4412.31.2620; 4412.31.4140;  
 4412.31.4160; 4412.31.4175;  
 4412.31.5225; 4412.32.0640;  
 4412.32.0665; 4412.32.2610;  
 4412.32.2625; 4412.32.3225;  
 4412.32.5700; 4418.74.2000;  
 4418.74.9000; 4418.75.4000;  
 4418.75.7000; 4418.79.0100;  
 4412.31.0520; 4412.31.0540;  
 4412.31.0560; 4412.31.2510;  
 4412.31.2520; 4412.31.4040;  
 4412.31.4050; 4412.31.4060;  
 4412.31.4070; 4412.31.5125;  
 4412.31.5135; 4412.31.5155;  
 4412.31.5165; 4412.31.6000;  
 4412.31.9100; 4412.32.0520;  
 4412.32.0540; 4412.32.0560;  
 4412.32.2510; 4412.32.2520;  
 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;

Year ("Sunset") Review: *Multilayered Wood Flooring from the People's Republic of China*," dated November 16, 2016.

<sup>3</sup> See Coalition for American Hardwood Parity *et al.*'s Substantive Response entitled "Petitioner's Substantive Response: Five Year ("Sunset") Review: *Multilayered Wood Flooring from the People's Republic of China*," dated December 1, 2016.

<sup>4</sup> A "veneer" is a thin slice of wood, rotary cut, sliced or sawed from a log, bolt or flitch. Veneer is referred to as a ply when assembled.

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; 4412.99.5710;  
 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.<sup>5</sup> Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive. For a full description of the scope, *see* the Issues and Decision Memorandum, which is hereby adopted by this notice.<sup>6</sup>

The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping 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 at <http://enforcement.trade.gov/frn/>. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

<sup>5</sup> The following HTS numbers were added to the Case Reference File in ACE: 9801.00.2500, 4412.31.0620, 4412.31.0640, 4412.31.0660, 4412.31.2610, 4412.31.2620, 4412.31.4140, 4412.31.4160, 4412.31.4175, 4412.31.5225, 4412.32.0640, 4412.32.0665, 4412.32.2610, 4412.32.2625, 4412.32.3225, 4412.32.5700, 4418.74.2000, 4418.74.9000, 4418.75.4000, 4418.75.7000, 4418.79.0100. *See* Memorandum regarding: *Multilayered Wood Flooring from the PRC*, Modification of the Case Reference File in ACE, dated February 8, 2017; *see also* Memorandum regarding: *Multilayered Wood Flooring from the People's Republic of China: A-570-970, C-570-971*, dated February 9, 2017.

<sup>6</sup> *See* Department Memorandum, "Issues and Decision Memorandum for the Final Results of the Expedited First Sunset Review of the Countervailing Duty Order on Multilayered Wood Flooring from the People's Republic of China" (Issues and Decision Memorandum), dated concurrently with this final notice.

8432.90.0005, 8432.90.0015, 8432.90.0030, 8432.90.0080, and 8716.90.5055.

<sup>1</sup> *See Initiation of Five-Year ("Sunset") Reviews*, 81 FR 75808 (November 1, 2016).

<sup>2</sup> *See* Coalition for American Hardwood Parity *et al.*'s Notice of Intent to Participate entitled, "Petitioners' Notice of Intent to Participate: Five-

**Analysis of Comments Received**

All issues raised in this review are addressed in the Issues and Decision Memorandum. The issues discussed in the Issues and Decision Memorandum address the likelihood of continuation or recurrence of a countervailable

subsidy, the net countervailable subsidy likely to prevail if the order were revoked, and the nature of the subsidy.

**Final Results of Review**

Pursuant to section 752(b)(1) and (3) of the Act, we determine that revocation

of the CVD order on MLWF from the PRC would be likely to lead to continuation or recurrence of countervailable subsidies at the rates listed below:

Exporter/manufacturer	Net subsidy rate % ( <i>ad valorem</i> )
Fine Furniture (Shanghai) Ltd.; Great Wood (Tonghua) Ltd.; Fine Furniture Plantation (Shishou) Ltd .....	1.90
All-Others .....	2.27
124 Non-Cooperating Companies <sup>7</sup> .....	27.37

**Notification Regarding Administrative Protective Order**

This notice serves as the only 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. Timely notification of 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 violation which is subject to sanction.

The Department is issuing and publishing these final results and notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: February 27, 2017.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Enforcement and Compliance.*

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**DEPARTMENT OF COMMERCE****International Trade Administration**

[C-533-870, C-542-801]

**Certain New Pneumatic Off-the-Road Tires From India and Sri Lanka: Amended Final Affirmative Countervailing Duty Determination for India and Countervailing Duty Orders**

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

**SUMMARY:** Based on affirmative final determinations by the Department of Commerce (the Department) and the International Trade Commission (ITC), the Department is issuing countervailing duty orders on certain new pneumatic

off-the-road tires (off road tires) from India and Sri Lanka. In addition, the Department is amending its final determination with respect to India, as a result of ministerial errors.

**DATES:** Effective March 6, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Gene Calvert (India); Whitley Herndon (Sri Lanka); AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3586 or (202) 482-6274, respectively.

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

In accordance with sections 705(d) and 777(i) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), on January 10, 2017, the Department published its final determinations in the countervailing duty investigations of off road tires from India and Sri Lanka.<sup>1</sup> On February 23, 2017, the ITC notified the Department of its final determination that an industry in the United States is materially injured by reason of subsidized imports of subject merchandise from India and Sri Lanka within the meaning of section 705(b)(1)(A)(i) of the Act, and its determination that critical circumstances do not exist with respect to imports of subject merchandise from India and Sri Lanka that are subject to the Department's affirmative critical circumstances finding.<sup>2</sup>

<sup>1</sup> See *Countervailing Duty Investigation of Certain New Pneumatic Off-the-Road Tires from India: Final Affirmative Determination, and Final Affirmative Critical Circumstances Determination*, in Part, 82 FR 2946 (January 10, 2017) (*India Final Determination*); and *Certain New Pneumatic Off-the-Road Tires from Sri Lanka: Final Affirmative Countervailing Duty Determination, and Final Determination of Critical Circumstances*, 82 FR 2949 (January 10, 2017).

<sup>2</sup> See Letter to Ronald Lorentzen, Acting Assistant Secretary of Commerce for Enforcement and Compliance, from Rhonda K. Schmittlein, Chairman of the U.S. International Trade Commission, regarding off the road tires from the

**Scope of the Orders**

The products covered by these orders are off road tires, which are tires with an off road tire size designation. For a complete description of the scope of the orders, see Appendix I.

**Amendment to India Final Determination**

On January 17, 2017, ATC Tires Private Limited (ATC) alleged that the Department made ministerial errors in the *India Final Determination*.<sup>3</sup> A ministerial error is defined 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.<sup>4</sup>

The Department reviewed the record and agrees that the errors referenced in ATC's allegation constitute ministerial errors within the meaning of 19 CFR 351.224(f).<sup>5</sup> Specifically, the Department double-counted the benefit ATC received through the Central Sales Tax Reimbursement Program and inadvertently treated a stamp duty exemption as a subsidy received during the POI when the record indicates it was received prior to the POI.<sup>6</sup> Pursuant to 19 CFR 351.224(e), the Department is amending the *India Final Determination* to reflect the correction of the ministerial errors described above.

India and Sri Lanka (February 23, 2017). See also *Certain New Pneumatic Off-the-Road Tires from India and Sri Lanka*, Investigation Nos. 701-TA-552-553 and 731-TA-1308 (Final), USITC Publication 4669 (February 2017).

<sup>3</sup> See Letter from ATC, "Certain New Pneumatic Off-the-Road Tires from India: Ministerial Error Comments on the Final Determination," dated January 17, 2017.

<sup>4</sup> See section 705(e) of the Act.

<sup>5</sup> See Memorandum to Jim Maeder, Senior Director for Antidumping and Countervailing Duty Operations "Countervailing Duty Investigation of Certain New Pneumatic Off-the-Road Tires from India: Ministerial Error Comments on the Final Determination" (February 27, 2017).

<sup>6</sup> *Id.*

<sup>7</sup> See Issues and Decision Memorandum at Appendix I.