

Dated: August 9, 2017.

**James Maeder,**

*Senior Director, performing the Duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2017-17114 Filed 8-11-17; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-834-808]

#### **Silicon Metal From the Republic of Kazakhstan: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination**

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

**SUMMARY:** The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of silicon metal from the Republic of Kazakhstan (Kazakhstan). The period of investigation is January 1, 2016, through December 31, 2016.

**DATES:** Effective August 14, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Terre Keaton Stefanova or Rebecca Janz, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-1280 or (202) 482-2972, respectively.

**SUPPLEMENTARY INFORMATION:**

#### **Background**

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). The Department published the notice of initiation of this investigation on April 4, 2017.<sup>1</sup> On May 16, 2017, the Department postponed the preliminary determination of this investigation and the revised deadline is now August 7, 2017.<sup>2</sup> For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.<sup>3</sup> Tau-Ken

Temir LLP (Tau-Ken Temir), a producer and exporter of silicon metal from Kazakhstan, is the sole mandatory respondent for which we have determined there were exports during the period of investigation to the United States. A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary 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 is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

#### **Scope of the Investigation**

The product covered by this investigation is silicon metal from Kazakhstan. For a complete description of the scope of this investigation, see Appendix I.

#### **Scope Comments**

In accordance with the preamble to the Department's regulations,<sup>4</sup> the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).<sup>5</sup> Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice*. For a summary of the product coverage comments and rebuttal responses submitted to the record for this preliminary determination, and accompanying discussion and analysis of all comments timely received, see the Preliminary Scope Decision Memorandum.<sup>6</sup> The Department preliminarily is not modifying the scope language as it appeared in the *Initiation Notice*. See Appendix I.

#### **Methodology**

The Department is conducting this investigation in accordance with section

701 of the Act. For each of the subsidy programs found countervailable, the Department preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>7</sup>

In its questionnaire responses, Tau-Ken Temir refused to provide the Department with requested information or analyze whether its cross-owned companies received countervailable subsidies.<sup>8</sup> Furthermore, the Government of Kazakhstan's (GOK)'s initial questionnaire response was wholly deficient with respect to an allegation that electricity was sold to Tau-Ken Temir for less than adequate remuneration, and its supplemental response regarding this allegation was untimely filed.<sup>9</sup> Thus, the Department has relied on facts available as part of its analysis. Additionally, because we find that Tau-Ken Temir and the GOK did not act to the best of their abilities to respond to the Department's requests for information and, therefore, impeded this investigation, we drew an adverse inference where appropriate in selecting from among the facts otherwise available.<sup>10</sup> For further information, see "Use of Facts Otherwise Available and Adverse Inferences" in the Preliminary Decision Memorandum.

#### **Alignment**

On March 28, 2017, the Department initiated this countervailing duty (CVD) investigation of silicon metal from Kazakhstan.<sup>11</sup> On the same day, the Department also initiated antidumping duty (AD) investigations of silicon metal from Australia, Brazil, and Norway.<sup>12</sup> This CVD investigation and the AD investigations of Australia, Brazil, and Norway cover the same class or kind of merchandise.

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), the Department is aligning the final CVD determination in this investigation with the final determinations in the companion AD investigations of silicon metal from Australia, Brazil, and Norway based on

<sup>7</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

<sup>8</sup> See Tau-Ken Temir's Supplemental Affiliation Response, dated May 15, 2017 (Tau-Ken Temir May 15, 2017 SAFFR).

<sup>9</sup> See GOK's June 1, 2017 Initial Questionnaire Response (GOK June 1, 2017 IQR).

<sup>10</sup> See sections 776(a) and (b) of the Act.

<sup>11</sup> See *Initiation Notice*, 82 FR 16356.

<sup>12</sup> See *Silicon Metal from Australia, Brazil, and Norway: Initiation of Less-Than-Fair-Value Investigations*, 82 FR 16352 (April 4, 2017).

<sup>1</sup> See *Silicon Metal from Australia, Brazil, and Kazakhstan: Initiation of Countervailing Duty Investigations*, 82 FR 16356 (April 4, 2017) (*Initiation Notice*).

<sup>2</sup> See *Silicon Metal From Australia, Brazil, and Kazakhstan: Postponement of Preliminary Determinations of Countervailing Duty Investigations*, 82 FR 22490 (May 16, 2017).

<sup>3</sup> See Memorandum, "Decision Memorandum for the Preliminary Determination of the Countervailing Duty Investigation of Silicon Metal

from the Republic of Kazakhstan," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>4</sup> See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

<sup>5</sup> See *Initiation Notice*.

<sup>6</sup> See Memorandum, "Silicon Metal from Australia, Brazil, Kazakhstan, and Norway: Scope Comments Decision Memorandum for the Preliminary Determinations," dated June 27, 2017 (Preliminary Scope Decision Memorandum).

a request made by the petitioner.<sup>13</sup> Consequently, the final CVD determination will be issued on the same date as the final AD determinations for Australia, Brazil, and Norway, which are currently scheduled to be issued no later than December 18, 2017, unless postponed.

**All-Others Rate**

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, the Department shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero or *de minimis* rates and any rates based entirely under section 776 of the Act. Pursuant to section 705(c)(5)(A)(ii) of the Act, if the individual estimated countervailable subsidy rates established for all exporters and producers individually examined are zero, *de minimis*, or determined based entirely on facts otherwise available, the Department may use any reasonable method to establish the estimated subsidy rate for all-other producers or exporters.

In this investigation, the Department preliminarily assigned a rate based entirely on facts available to Tau-Ken Temir. Accordingly, we are using “any reasonable method” to establish the all-others rate. We find that it is reasonable to rely on the rate established for Tau-Ken Temir as the all-others rate, particularly because there is no other information on the record that can be used to determine an all-others rate.<sup>14</sup>

**Preliminary Determination**

The Department preliminarily determines that the following estimated countervailable subsidy rates exist:

| Company                               | Subsidy rate (percent) |
|---------------------------------------|------------------------|
| Tau-Ken Temir LLP <sup>15</sup> ..... | 120.00                 |

<sup>13</sup> See Letter from the petitioner, “Silicon Metal from Australia, Brazil, and Kazakhstan; Countervailing Duty Investigations; Request for Alignment of Final Determinations,” dated July 10, 2017.

<sup>14</sup> See, e.g., *Grain-Oriented Electrical Steel from the People’s Republic of China: Final Affirmative Countervailing Duty Determination*, 79 FR 59221 (October 1, 2014), and accompanying Issues and Decision Memorandum at Comment 1; *Circular Welded Carbon-Quality Steel Pipe from India: Final Affirmative Countervailing Duty Determination*, 77 FR 64468, 64470 (October 22, 2012); and *Certain Potassium Phosphate Salts from the People’s Republic of China: Final Affirmative Countervailing Duty Determination and Termination of Critical Circumstances Inquiry*, 75 FR 30375 (June 1, 2010).

| Company          | Subsidy rate (percent) |
|------------------|------------------------|
| All-Others ..... | 120.00                 |

**Suspension of Liquidation**

In accordance with section 703(d)(1)(B) and (d)(2) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit equal to the rates indicated above.

**Disclosure**

Normally, the Department discloses to interested parties the calculations performed in connection with a preliminary determination within five days of the public announcement of, where there is no public announcement, within five days of the date of publication of the notice of preliminary determination in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because the Department preliminarily applied facts available with an adverse inference to the individually examined company Tau-Ken Temir in this investigation in accordance with section 776 of the Act, and the applied facts available rate is based solely on the corporate income tax rate in Kazakhstan, there are no calculations to disclose.

**Verification**

Because both Tau-Ken Temir and the GOK did not provide information requested by the Department, and the Department preliminarily determines that Tau-Ken Temir and the GOK have been uncooperative, we do not intend to conduct verification.

**Public Comment**

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the date of publication of the preliminary determination. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case

<sup>15</sup> As discussed in the Preliminary Decision Memorandum, the Department has found the following companies to be cross-owned with Tau-Ken Temir LLP: JSC NMC Tau-Ken Samruk and LLP Silicon Mining.

briefs.<sup>16</sup> Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party’s name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

**International Trade Commission Notification**

In accordance with section 703(f) of the Act, the Department will notify the International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will make its final injury determination before the later of 120 days after the date of this preliminary determination or 45 days after the final determination.

**Notification to Interested Parties**

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: August 7, 2017.

**Carole Showers,**

*Executive Director, Office of Policy performing the duties of Deputy Assistant Secretary for Enforcement and Compliance.*

**Appendix I**

**Scope of the Investigation**

The scope of this investigation covers all forms and sizes of silicon metal, including silicon metal powder. Silicon metal contains at least 85.00 percent but less than 99.99 percent silicon, and less than 4.00 percent iron, by actual weight. Semiconductor grade silicon (merchandise containing at least 99.99 percent silicon by actual weight and classifiable under Harmonized Tariff Schedule of the United States (HTSUS)

<sup>16</sup> See 19 CFR 351.309; see also 19 CFR 351.303 (for general filing requirements).

subheading 2804.61.0000) is excluded from the scope of this investigation.

Silicon metal is currently classifiable under subheadings 2804.69.1000 and 2804.69.5000 of the HTSUS. While HTSUS numbers are provided for convenience and customs purposes, the written description of the scope remains dispositive.

## Appendix II

### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Scope Comments
- V. Respondent Selection
- VI. Injury Test
- VII. Use of Facts Otherwise Available and Adverse Inferences
- VIII. Calculation of the All-Others Rate
- IX. Conclusion

[FR Doc. 2017-17112 Filed 8-11-17; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XF604

#### Permanent Advisory Committee To Advise the U.S. Commissioners to the Western and Central Pacific Fisheries Commission; Meeting Announcement

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

**ACTION:** Notice of public meeting.

**SUMMARY:** NMFS announces a public meeting of the Permanent Advisory Committee (PAC) to advise the U.S. Commissioners to the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) on September 12, 2017.

**DATES:** The meeting of the PAC will be held via conference call on September 12, 2017, from 11 a.m. to 1 p.m. HST (or until business is concluded). Members of the public may submit written comments; comments must be received by September 7, 2017.

**ADDRESSES:** The public meeting will be conducted via conference call. For details on how to call in to the conference line or to submit comments, please contact Emily Crigler, NMFS Pacific Islands Regional Office; telephone: 808-725-5036; email: [emily.crigler@noaa.gov](mailto:emily.crigler@noaa.gov). Documents to be considered by the PAC will be sent out via email in advance of the conference call. Please submit contact information to Emily Crigler (telephone:

808-725-5036; email: [emily.crigler@noaa.gov](mailto:emily.crigler@noaa.gov)) at least 3 days in advance of the call to receive documents via email.

#### FOR FURTHER INFORMATION CONTACT:

Emily Crigler, NMFS Pacific Islands Regional Office; 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818; telephone: 808-725-5036; facsimile: 808-725-5215; email: [emily.crigler@noaa.gov](mailto:emily.crigler@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

In accordance with the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 *et seq.*), the Permanent Advisory Committee, or PAC, has been formed to advise the U.S. Commissioners to the WCPFC. Members of the PAC have been appointed by the Secretary of Commerce in consultation with the U.S. Commissioners to the WCPFC. The PAC supports the work of the U.S. National Section to the WCPFC in an advisory capacity. The U.S. National Section is made up of the U.S. Commissioners and the Department of State. NMFS Pacific Islands Regional Office provides administrative and technical support to the PAC in cooperation with the Department of State. More information on the WCPFC, established under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, can be found on the WCPFC Web site: <http://wcpfc.int/>.

#### Meeting Topics

The purpose of the September 12, 2017, conference call is to discuss outcomes of: The 2017 regular session of the WCPFC Scientific Committee (SC13), the 2017 regular session of the WCPFC Northern Committee (NC13), and the Intersessional Meeting to progress the draft Bridging CMM on Tropical Tuna. There will also be a discussion on topics relevant to the subsequent regular session of the Technical and Compliance Committee (TCC13).

#### Special Accommodations

The conference call is accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Emily Crigler at 808-725-5036 at least ten working days prior to the meeting.

**Authority:** 16 U.S.C. 6902 *et seq.*

Dated: August 9, 2017.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XF431

#### Endangered Species; File No. 21516

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

**ACTION:** Notice of availability; request for public comments.

**SUMMARY:** We, NMFS, have received an application from Virginia Electric and Power Company, D.B.A. Dominion Virginia Power (Dominion) for an incidental take permit, pursuant to the Endangered Species Act (ESA) of 1973, as amended, for activities associated with the otherwise lawful continued operation and maintenance of the Dominion Chesterfield Power Station (CPS) in Chesterfield, VA. We are considering issuing a 10-year permit to the applicant that would authorize take of ESA-listed Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) from the Chesapeake Bay Distinct Population Segment (DPS) incidental to otherwise lawful activities associated with the withdrawal of cooling water from the James River and entrainment and impingement sampling required by the Clean Water Act. Pursuant to the ESA and the National Environmental Policy Act (NEPA), we announce the availability of Dominion's ITP application and draft habitat conservation plan (HCP), as well as our draft environmental assessment (EA), for public review and comment. We provide this notice to seek comments from the public and Federal, Tribal, State, and local governments.

**DATES:** To allow for timely processing of the permit application, we must receive your comments no later than September 13, 2017.

**ADDRESSES:** The application is available for download and review at [http://www.nmfs.noaa.gov/pr/permits/esa\\_review.htm](http://www.nmfs.noaa.gov/pr/permits/esa_review.htm) under the section heading ESA section 10(a)(1)(B) Permits and Applications and at <http://www.regulations.gov>. The application is also available upon written request or by appointment in the following office: Protected Resources Division, NMFS Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930; phone (978) 281-9328.

Submit your comments by including NOAA-NMFS-2017-0051, by either of the following methods: