

cost-to-price-link.<sup>16</sup> In the event that a countervailing duty order is issued and suspension of liquidation continues in the companion countervailing duty investigation on aluminum foil from China, Commerce will continue to instruct CBP to require cash deposits adjusted by the amount of export subsidies, as appropriate.

### International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of the final affirmative determination of sales at less than fair value. Because the final determination in this proceeding is affirmative, the ITC will make its final determination, in accordance with section 735(b)(2) of the Act, as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of certain aluminum foil from China no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, then Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

### Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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 the terms of an APO is a sanctionable violation.

### Return or Destruction of Proprietary Information

In the event the ITC issues a final negative injury determination, this notice serves as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance

with 19 CFR 351.305(a)(3). 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 subject to sanction.

### Notification to Interested Parties

This determination and notice are issued and published in accordance with sections 735(d) and 777(i) of the Act and 19 CFR 351.210(c).

Dated: February 26, 2018.

**Prentiss Lee Smith,**

*Deputy Assistant Secretary for Policy and Negotiations.*

### Appendix I

#### Contents of the Accompanying Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Scope of the Investigation
- V. Scope Comments
- VI. Discussion of the Issues
  - Comment 1: Surrogate Country and Surrogate Values
  - Comment 2: International Freight
  - Comment 3: Marine Insurance
  - Comment 4: Value Added Tax Calculation
  - Comment 5: Deferral of Preliminary Determination and Deadline for Final Determination
  - Comment 6: Ministerial Errors
  - Comment 7: Affiliation and Collapsing Status of Liansheng and an Upstream Producer
  - Comment 8: Application of Partial Adverse Facts Available (AFA)
  - Comment 9: Double Remedy Adjustment
  - Comment 10: Surrogate Value Adjustment for Steam
  - Comment 11: Surrogate Value for Aluminum Scrap
- VII. Recommendation

### Appendix II

#### Scope of the Investigation

The merchandise covered by this investigation is aluminum foil having a thickness of 0.2 mm or less, in reels exceeding 25 pounds, regardless of width. Aluminum foil is made from an aluminum alloy that contains more than 92 percent aluminum. Aluminum foil may be made to ASTM specification ASTM B479, but can also be made to other specifications. Regardless of specification, however, all aluminum foil meeting the scope description is included in the scope, including aluminum foil to which lubricant has been applied to one or both sides of the foil.

Excluded from the scope of this investigation is aluminum foil that is backed with paper, paperboard, plastics, or similar backing materials on one side or both sides of the aluminum foil, as well as etched capacitor foil and aluminum foil that is cut to shape.

Where the nominal and actual measurements vary, a product is within the

scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above. The products under investigation are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7607.11.3000, 7607.11.6000, 7607.11.9030, 7607.11.9060, 7607.11.9090, and 7607.19.6000. Further, merchandise that falls within the scope of this proceeding may also be entered into the United States under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3045, 7606.12.3055, 7606.12.3090, 7606.12.6000, 7606.91.3090, 7606.91.6080, 7606.92.3090, and 7606.92.6080.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

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BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

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

**FOR FURTHER INFORMATION CONTACT:** Brenda E. Brown, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-4735.

### Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (Commerce) conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting date.

### Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for

<sup>16</sup> See Issues and Decision Memorandum.

the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (APO) to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. Commerce invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, Commerce finds that determinations concerning whether particular companies should be “collapsed” (*i.e.*, treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of a review

and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.*, investigation, administrative review, new shipper review or changed circumstances review). For any company subject to a review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete a Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of a proceeding where Commerce considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

### Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when Commerce will exercise its discretion to extend this 90-day deadline, interested parties are advised that, with regard to reviews requested on the basis of anniversary months on or after March 2018, Commerce does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance prevented it from submitting a timely withdrawal request. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Commerce is providing this notice on its website, as well as in its “Opportunity to Request Administrative Review” notices, so that interested parties will be aware of the manner in which Commerce intends to exercise its discretion in the future.

*Opportunity To Request a Review:* Not later than the last day of March 2018,<sup>1</sup> interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in March for the following periods:

	Period of review
<b>Antidumping Duty Proceedings</b>	
Australia: Uncoated Paper, A-602-807 .....	3/1/17-2/28/18
Brazil: Uncoated Paper, A-351-842 .....	3/1/17-2/28/18
Canada: Iron Construction Castings, A-122-503 .....	3/1/17-2/28/18
France: Brass Sheet & Strip, A-427-602 .....	3/1/17-2/28/18
Germany: Brass Sheet & Strip, A-428-602 .....	3/1/17-2/28/18
India:	
Off-The-Road Tires, A-533-869 .....	2/2/17-2/28/18
Sulfanilic Acid, A-533-806 .....	3/1/17-2/28/18
Indonesia: Uncoated Paper, A-560-828 .....	3/1/17-2/28/18
Italy: Brass Sheet & Strip, A-475-601 .....	3/1/17-2/28/18
Portugal: Uncoated Paper, A-471-807 .....	3/1/17-2/28/18
Russia: Silicon Metal, A-821-817 .....	3/1/17-2/28/18
Spain: Stainless Steel Bar, A-469-805 .....	3/1/17-2/28/18
Taiwan: Light-Walled Rectangular Welded Carbon Steel Pipe and Tube, A-583-803 .....	3/1/17-2/28/18
Thailand: Circular Welded Carbon Steel Pipes and Tubes, A-549-502 .....	3/1/17-2/28/18
The People's Republic of China:	
Ammonium Sulfate, A-570-049 .....	11/9/16-2/28/18
Amorphous Silica Fabric, A-570-038 .....	9/1/16-2/28/18
Biaxial Integral Geogrid Products, A-570-036 .....	8/22/16-2/28/18
Carbon and Alloy Steel Cut-To-Length Plate, A-570-047 .....	11/14/16-2/28/18
Chloropicrin, A-570-002 .....	3/1/17-2/28/18
Circular Welded Austenitic Stainless Pressure Pipe, A-570-930 .....	3/1/17-2/28/18
Glycine, A-570-836 .....	3/1/17-2/28/18
Sodium Hexametaphosphate, A-570-908 .....	3/1/17-2/28/18
Certain Tissue Paper Products, A-570-894 .....	3/1/17-2/28/18

<sup>1</sup> Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.

	Period of review
Uncoated Paper, A-570-022 .....	3/1/17-2/28/18
<b>Countervailing Duty Proceedings</b>	
India:	
Sulfanilic Acid, C-533-807 .....	1/1/17-12/31/17
Off-The-Road Tires, C-533-870 .....	6/20/16-12/31/17
Indonesia: Uncoated Paper, C-560-829 .....	1/1/17-12/31/17
Iran: In-Shell Pistachios, C-507-501 .....	1/1/17-12/31/17
Sri Lanka:	
Off-The-Road Tires, C-542-801 .....	6/20/16-12/31/17
The People's Republic of China: Ammonium Sulfate, C-570-050 .....	11/2/16-12/31/17
Amorphous Silica Fabric, C-570-038 .....	7/5/16-12/31/17
Biaxial Integral Geogrid Products, C-570-037 .....	6/24/16-12/31/17
Carbon and Alloy Steel Cut-To-Length Plate, C-570-048 .....	9/13/16-12/31/17
Circular Welded Austenitic Stainless Pressure Pipe, C-570-931 .....	1/1/17-12/31/17
Uncoated Paper, C-570-023 .....	1/1/17-12/31/17
Turkey: Circular Welded Carbon Steel Pipes and Tubes, C-489-502 .....	1/1/17-12/31/17
<b>Suspension Agreements</b>	
Mexico: Fresh Tomatoes, A-201-820 .....	3/1/17-2/28/18

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party Commerce was unable to locate in prior segments, Commerce will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011), Commerce clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.<sup>2</sup>

Commerce no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an antidumping duty administrative reviews.<sup>3</sup> Accordingly, the NME entity will not be under review unless Commerce specifically receives a request for, or self-initiates, a review of the NME entity.<sup>4</sup> In administrative reviews of antidumping duty orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, Commerce will issue a final decision indicating that the company in question is part of the NME entity.

<sup>2</sup> See also the Enforcement and Compliance website at <http://trade.gov/enforcement/>.

<sup>3</sup> See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

<sup>4</sup> In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity). Following initiation of an antidumping administrative review when there is no review requested of the NME entity, Commerce will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) on Enforcement and Compliance's ACCESS website at <http://access.trade.gov>.<sup>5</sup> Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request.

Commerce will publish in the **Federal Register** a notice of "Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation" for requests received by the last day of March 2018. If Commerce does not receive, by the last day of March 2018, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, Commerce will instruct CBP to assess antidumping

<sup>5</sup> See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

or countervailing duties on those entries at a rate equal to the cash deposit of estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures “gap” period of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: February 27, 2018.

**James Maeder,**

*Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2018-04394 Filed 3-2-18; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XF582**

#### **Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Bravo Wharf Recapitalization Project, Year 2**

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

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

**SUMMARY:** In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the Naval Facilities Engineering Command Southeast and Naval Facilities Engineering Command Atlantic (the Navy) to incidentally harass, by Level B harassment only, marine mammals during construction activities associated with recapitalization of Bravo Wharf, Year 2, in Naval Station Mayport (NSM), Jacksonville, Florida.

**DATES:** This Authorization is effective from March 13, 2018, to March 12, 2019.

**FOR FURTHER INFORMATION CONTACT:** Brianna Elliott, Office of Protected

Resources, NMFS, (301) 427-8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at [www.nmfs.noaa.gov/pr/permits/incidental/construction.htm](http://www.nmfs.noaa.gov/pr/permits/incidental/construction.htm). In case of problems accessing these documents, please call the contact listed above.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) 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.

The MMPA states that the term “take” means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, 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 July 12, 2017, NMFS received a request from the Navy for an IHA to take marine mammals incidental to pile driving in association with the Bravo

Wharf recapitalization project at NSM, FL. The Navy’s request is for take of bottlenose dolphins (*Tursiops truncatus truncatus*) by only Level B harassment. Neither the Navy nor NMFS expect mortality to result from this activity and, therefore, an IHA is appropriate.

NMFS previously issued IHAs to the Navy for similar work at Bravo Wharf (81 FR 52637, 1 December 2016; revised IHA for this activity: 82 FR 11344, 13 March 2017) and Wharf C-2, also located within NSM (80 FR 55598, 8 September 2015; 78 FR 71566, 1 December 2013 and revised IHA for this activity: 79 FR 27863, 1 September 2014). The Navy complied with all the requirements (*e.g.*, mitigation, monitoring, and reporting) of previous IHAs at Bravo Wharf (revised IHA for this activity: 82 FR 11344, 13 March 2017) and at Wharf C-2 (80 FR 55598, 8 September 2015; 79 FR 27863, 1 September 2014) and information regarding their monitoring results may be found at <http://www.nmfs.noaa.gov/pr/permits/incidental/construction.htm>.

This IHA covers one year of a larger project for which the Navy obtained a prior IHA at Bravo Wharf (81 FR 52637, 1 December 2016; revised IHA for this activity: 82 FR 11344, 13 March 2017). The larger project involves recapitalization of Bravo Wharf at three berths in NSM spread across Phase I and Phase II, which involves installing 880 single sheet piles through the two phases and two years of authorizations; this IHA authorizes the second year of construction at Bravo Wharf.

##### **Description of Proposed Activity**

Bravo Wharf is a medium draft, general purpose berthing wharf that was constructed in 1970 and lies at the western edge of the NSM turning basin at the mouth of the St. Johns River and adjacent to the Atlantic Ocean. Bravo Wharf is approximately 2,000 feet (ft) long, 125 ft wide, and has a berthing depth of 50 ft mean lower low water. Bravo Wharf is currently in poor condition, and therefore, the Navy requested an IHA in order to conduct necessary repairs at the Wharf via vibratory pile driving, and contingency impact driving if necessary.

This IHA covers one year of construction from March 13, 2018, to March 12, 2019, during which the Navy plans a maximum of 40 days of construction, including 30 days of vibratory pile driving and 10 days of impact driving, to install 234 steel sheet piles. A detailed description of the planned Bravo Wharf recapitalization project is provided in the **Federal Register** notice for the proposed IHA (82 FR 55990; 27 November 2017). Since