59. Orchard View Farms, Inc., The Dalles, OR
60. Pacific Coast Cherry Packers, LLC, Yakima, WA
61. Peshastin Hi-Up Growers, Peshastin, WA
62. Phillippi Fruit Company, Inc., Wenatchee, WA
63. Piepel Premium Fruit Packing LLC, East Wenatchee, WA
64. Polehn Farm's Inc., The Dalles, OR
65. Price Cold Storage & Packing Co., Inc., Yakima, WA
66. Pride Packing Company, Wapato, WA
67. Quincy Fresh Fruit Co., Quincy, WA
68. Rainier Fruit Company, Selah, WA
69. Roche Fruit, Ltd., Yakima, WA
70. Sage Fruit Company, L.L.C., Yakima, WA
71. Smith & Nelson, Inc., Tonasket, WA
72. Stadelman Fruit, L.L.C., Milton-Freewater, OR, and Zillah, WA
73. Stemilt Growers, LLC, Wenatchee, WA
74. Strand Apples, Inc., Cowiche, WA
75. Symms Fruit Ranch, Inc., Caldwell, ID
76. The Dalles Fruit Company, LLC, Dallesport, WA
77. Underwood Fruit & Warehouse Co., Bingen, WA
78. Valicoff Fruit Co., Inc., Wapato, WA
79. Valley Fruit III L.L.C., Wapato, WA
80. Washington Cherry Growers, Peshastin, WA
81. Washington Fruit & Produce Co., Yakima, WA
82. Western Sweet Cherry Group, LLC, Yakima, WA
83. Western Traders LLC, E. Wenatchee, WA
84. Whitby Farms, Inc. dba: Farm Boy Fruit Snacks LLC, Mesa, WA
85. Yakima Fresh, Yakima, WA
86. Yakima Fruit & Cold Storage Co., Yakima, WA
87. Zirkle Fruit Company, Selah, WA

Dated: October 2, 2017.

Joseph E. Flynn,

Director, Office of Trade and Economic Analysis, International Trade Administration.

[FR Doc. 2017–21557 Filed 10–5–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–977]

High Pressure Steel Cylinders From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Determination in Less Than Fair Value Investigation, Notice of Amended Final Determination Pursuant to Court Decision, Notice of Revocation of Antidumping Duty Order in Part, and Discontinuation of Fifth Antidumping Duty Administrative Review

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

SUMMARY: On August 17, 2017, the Court of International Trade (CIT or Court) sustained the Department of Commerce's (Department) remand redetermination pertaining to the final determination in the less than fair value (LTFV) investigation of high pressure steel cylinders from the People's Republic of China (PRC). Because of the CIT's final decision, we are notifying the public that this court decision is not in harmony with the Department's final determination in the LTFV investigation, and we are also amending our final determination, revoking this antidumping duty order, in part, and discontinuing the fifth administrative review.

DATES: Applicable August 27, 2017.

FOR FURTHER INFORMATION CONTACT: Annathea Cook, AD/CVD Operations Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0250.

SUPPLEMENTARY INFORMATION:

Background

As noted above, on August 17, 2017, the CIT sustained the Department's Third Remand Redetermination pertaining to the final determination in the less than fair value (LTFV) investigation of high pressure steel cylinders from the People's Republic of China (PRC).[1] In the underlying LTFV investigation, the Department found that, pursuant to section 777A(d)(1)(B) of the Tariff Act of 1930, as amended (Act), ''there was a pattern of prices that differ significantly by time period'' for respondent Beijing Tianhai Industry Co., Ltd. (BTIC), and that ''application of the standard A-to-A {(average-to-average)} methodology would result in the masking of dumping that is unmasked by application of the alternative A-to-T {(average-to-transaction)} methodology when calculating BTIC's weighted-average dumping margin.'' [2] In the *Final Determination,* the Department calculated BTIC's estimated weighted-average dumping margin using the A-to-T comparison method, applied to all of BTIC's export sales.[3] In *Beijing Tianhai I,*[4] the CIT held that the Department's explanation of its ''meaningful difference'' analysis in the *Final Determination* was insufficient to satisfy the explanation requirement under section 777A(d)(1)(B)(ii) of the Act, and also found that ''the explanation ignores the potential use of the {transaction-to-transaction} methodology entirely.'' [5] With respect to BTIC's challenge to the Department's application of the A-to-T methodology to all of BTIC's export sales as being inconsistent with 19 CFR 351.414(f), a regulation BTIC alleged had been inappropriately withdrawn, the CIT also held that ''even if the Department's withdrawal of 19 CFR 351.414(f) (2007) was in violation of the APA's {(Administrative Procedure Act)} notice and comment requirement, that error was harmless as it relates to the plaintiff in this case,'' and also that ''the Department need not adhere to the requirements of 19 CFR 351.414(f) (2007).'' [6] The Court deferred resolution of several other issues pertaining to the Department's targeted dumping analysis and application of the A-to-T comparison method when determining BTIC's estimated weighted-average dumping margin in *Beijing Tianhai I.*[7]

Following the Department's First Remand Redetermination,[8] the CIT in *Beijing Tianhai II* sustained the Department's *Final Determination* as to the other issues that BTIC challenged, for which the CIT had deferred consideration in *Beijing Tianhai I.*[9] However, with regard to the Department's ''meaningful difference'' analysis and the further analysis the Department provided in the First Remand Redetermination on that issue, the CIT held that ''the Department has chosen a narrative rather than an explanation,'' and ''failed to satisfy the requirements of the statute.'' [10] The Court again remanded that issue to the Department.[11]

[1] *See Beijing Tianhai Indus. Co.* v. *United States,* Slip Op. 17–105 (CIT August 17, 2017) (*Beijing Tianhai IV*); *see also* Final Results of Redetermination Pursuant to Court Remand, High Pressure Steel Cylinders from the People's Republic of China, *Beijing Tianhai Indus. Co., Ltd.* v. *United States,* Court No. 12–00203, Slip Op. 17–79 (CIT July 5, 2017), dated August 3, 2017 (Third Remand Redetermination); *High Pressure Steel Cylinders from the People's Republic of China: Final Determination of Sales at Less than Fair Value,* 77 FR 26739 (May 7, 2012) (*Final Determination*), and accompanying Issues and Decision Memorandum; and *High Pressure Steel Cylinders from the People's Republic of China: Antidumping Duty Order,* 77 FR 37377 (June 21, 2012) (*Order*).

[2] *See Final Determination,* and accompanying Issues and Decision Memorandum at 23–24.

[3] *Id.* at 24–26.

[4] *See* Beijing Tianhai Indus. Co. v. United States, 7 F. Supp. 3d 1318 (CIT 2014) (Beijing Tianhai I).

[5] *See Beijing Tianhai I,* 7 F. Supp. 3d at 1331–32.

[6] *Id.* at 1332–37.

[7] *Id.* at 1337.

[8] *See* Final Results of Redetermination Pursuant to Court Remand, High Pressure Steel Cylinders from the People's Republic of China, *Beijing Tianhai Indus. Co., Ltd.* v. *United States,* Court No. 12–00203, Slip Op. 14–104 (CIT September 9, 2014), dated January 7, 2015 (First Remand Redetermination).

[9] *See Beijing Tianhai Indus. Co.* v. *United States,* 106 F. Supp. 3d 1342, 1352–56 (CIT 2015) (*Beijing Tianhai II*)

[10] *Id.* at 1351.

[11] *Id.*

The Department filed its Second Remand Redetermination with the Court on February 8, 2016,[12] in which the Department provided further explanation as to its ''meaningful difference'' analysis under section 777A(d)(1)(B)(ii) of the Act. However, while the Department's Second Remand Redetermination was pending before the CIT, the Court of Appeals for the Federal Circuit (Federal Circuit) held that the Department's 2008 withdrawal of the Limiting Regulation did not comply with the notice-and-comment provision of the Administrative Procedure Act, and that not following this provision could not be excused as harmless error.[13] BTIC subsequently moved in the *Beijing Tianhai* CIT proceeding for the CIT to reconsider its prior holding in *Beijing Tianhai I* on the status of the withdrawn regulation in this case. In *Beijing Tianhai III,* based on *Mid Continent Nail,* the CIT held that the Limiting Regulation (*i.e.,* 19 CFR 351.414(f)(2) (2007)) was in effect at the time the Department issued the final determination in the original investigation.[14] The Limiting Regulation provided, in pertinent part: ''Where the criteria for identifying targeted dumping . . . are satisfied, the {Department} normally will limit the application of the average-to-transaction {(A-to-T)} method to those sales that constitute targeted dumping under {19 CFR 351.414(f)(1)(i)}.'' [15] On remand, the Department was ordered by the CIT to ''reconsider: (1) Its determination that {section 777A(d)(1)(B)(ii) of the Act} may be satisfied by applying a 'meaningful difference' analysis that relies on 100 percent of BTIC's U.S. sales; and (2) should it continue to determine that using the {A-to-T} method is appropriate, the scope of BTIC's U.S. sales to which the {A-to-T} method applies, and revise its dumping margin calculations as may be appropriate.'' [16]

In accordance with the Court's instructions in *Beijing Tianhai III* and in light of the CIT's holding that the Limiting Regulation applied in this investigation, the Department issued the Third Remand Redetermination, which it filed with the CIT on August 4, 2017. In the Third Remand Redetermination, we reconsidered our meaningful difference analysis under section 777A(d)(1)(B)(ii) of the Act, as that analysis was explained in the Second Remand Redetermination.[17] As part of reconsidering our meaningful difference analysis, we recalculated BTIC's A-to-T margin in a manner consistent with the Limiting Regulation by applying the A-to-T comparison methodology only to BTIC's targeted sales (and applying the A-to-A methodology to all other transactions), which resulted in a calculated margin of zero.[18] BTIC's calculated margin using the A-to-A methodology for all transactions was also zero.[19] In applying section 777A(d)(1)(B)(ii) of the Act, we found that there was no meaningful difference in BTIC's antidumping margins using the two aforementioned comparison methodologies.[20] Consequently, in the Third Remand Redetermination, we explained that ''the A-to-A method can account for BTIC's prices which differ significantly'' and ''determined that BTIC's weighted-average dumping margin is now zero.'' [21] The Department also explained that ''as no other aspect of our *Final Determination* is being challenged, we have not made changes to the margins for any other entity.'' [22] The CIT sustained the Third Remand Redetermination in *Beijing Tianhai IV* on August 17, 2017.[23]

Timken Notice

In its decision in *Timken,*[24] as clarified in *Diamond Sawblades,*[25] the Federal Circuit held that, pursuant to section 516A(e) of the Act, the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's August 17, 2017, final judgment sustaining the Third Remand Redetermination constitutes a final decision of the CIT that is not in harmony with the Department's *Final Determination.* This notice is published in fulfillment of the publication requirements in *Timken.*

Amended Final Determination

Because there is now a final court decision, the Department is amending the *Final Determination* with respect to BTIC:

Exporter	Producer	Estimated weighted-average dumping margin (percent)
Beijing Tianhai Industry Co., Ltd	Beijing Tianhai Industry Co., Ltd	0.00
Beijing Tianhai Industry Co., Ltd	Tianjin Tianhai High Pressure Container Co., Ltd	0.00
Beijing Tianhai Industry Co., Ltd	Langfang Tianhai High Pressure Container Co., Ltd	0.00

Partial Exclusion From Antidumping Duty Order and Discontinuation of Fifth Antidumping Duty Administrative Review

Pursuant to section 735(a)(4) of the Act, the Department ''shall disregard any weighted average dumping margin that is *de minimis* as defined in section 733(b)(3) of the Act.'' [26] Furthermore, and pursuant to section 735(c)(2) of the Act, ''the investigation shall be terminated upon publication of that negative determination'' and the Department shall ''terminate the suspension of liquidation'' and ''release any bond or other security, and refund any cash deposit.'' [27] As a result of this amended final determination, in which the Department has calculated an estimated weighted-average dumping margin of 0.00 percent for BTIC, the Department is hereby excluding merchandise from the above three

[12] Final Results of Redetermination Pursuant to Court Remand, High Pressure Steel Cylinders from the People's Republic of China, *Beijing Tianhai Indus. Co., Ltd.* v. *United States,* Court No. 12–00203, Slip Op. 15–114 (CIT October 14, 2015), dated February 8, 2016 (Second Remand Redetermination).

[13] *See Mid Continent Nail Corp.* v. *United States,* 846 F.3d 1364 (Fed. Cir. 2017) (*Mid Continent Nail*).

[14] *See* Beijing Tianhai III at 17–18.

[15] *See* Antidumping Duties; Countervailing Duties, 62 FR 27296, 27416 (1997).

[16] *See* Beijing Tianhai III at 17–18.

[17] *See* Third Remand Redetermination at 6 & n. 28.

[18] *Id.* at 6–8.

[19] *Id.* at 7.

[20] *Id.*

[21] *Id.* at 7–8.

[22] *Id.* at 7.

[23] *See* Beijing Tianhai IV at 2.

[24] *See Timken Co.* v. *United States,* 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

[25] *See* Diamond Sawblades Mfrs. Coalition v. United States, 626 F.3d 1374 (Fed. Cir. 2010) (Diamond Sawblades).

[26] Section 733(b)(3) of the Act defines *de minimis* dumping margin as ''less than 2 percent ad valorem or the equivalent specific rate for the subject merchandise.''

[27] *See* sections 735(c)(2)(A) and (B) of the Act.

producer/exporter chains from the antidumping duty *Order:*[28] Accordingly, the Department will direct U.S. Customs and Border Protection (CBP) to release any bonds or other security and refund cash deposits pertaining to any suspended entries from the three aforementioned producer-exporter combinations. This exclusion does not apply beyond the three producer-exporter combinations referenced above.

We note, however, that pursuant to *Timken* the suspension of liquidation must continue during the pendency of the appeals process. Thus, we will instruct CBP to suspend liquidation of all unliquidated entries from the three aforementioned producer-exporter combinations at a cash deposit rate of 0.00 percent which are entered, or withdrawn from warehouse, for consumption after August 27, 2017, which is ten days after the CIT's final decision, in accordance with section 516A of the Act.[29] If the CIT's ruling is not appealed, or if appealed and upheld, the Department will instruct CBP to terminate the suspension of liquidation and to liquidate entries subject to the three producer-exporter combination rates stated above without regard to antidumping duties. As a result of the exclusion, the Department is discontinuing the ongoing fifth administrative review covering the period June 1, 2016, through May 31, 2017, which only pertains to BTIC's entries during that period of review,[30] and the Department will not initiate any new administrative reviews of BTIC's entries pursuant to the antidumping *Order.*[31]

Lastly, we note that, at this time, the Department remains enjoined by Court order from liquidating entries that were exported by BTIC, and were entered, or withdrawn from warehouse, for consumption during the period December 16, 2011, through May 31, 2016. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

This notice is issued and published in accordance with sections 516A(c)(1) and (e) of the Act.

Dated: September 29, 2017.

Carole Showers,

Executive Director, Office of Policy performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–21582 Filed 10–5–17; 8:45 am]

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[28] *See* Third Remand Redetermination at 8. There continues to be a countervailing duty order covering BTIC's entries. This countervailing duty order is unaffected by this *Timken* notice and notice of amended final determination. *See High Pressure Cylinders from the People's Republic of China: Countervailing Duty Order,* 77 FR 37384 (June 21, 2012).

[29] *See Drill Pipe from the People's Republic of China: Notice of Court Decision Not in Harmony with International Trade Commission's Injury Determination, Revocation of Antidumping and Countervailing Duty Orders Pursuant to Court Decision, and Discontinuation of Countervailing Duty Administrative Review,* 79 FR 78037, 78038 (December 29, 2014) (Drill Pipe).

[30] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 35749 (August 1, 2017).

[31] *See Drill Pipe,* 79 FR at 78038; *see also Certain Steel Nails from the United Arab Emirates: Notice of Court Decision Not in Harmony with the Final Determination and Amended Final Determination of the Less Than Fair Value Investigation,* 80 FR 77316 (December 14, 2015).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–980]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Amended Final Results of Countervailing Duty Administrative Review; 2014

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

SUMMARY: The Department of Commerce (the Department) is amending the final results of the countervailing duty administrative review of crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic of China (PRC) to correct ministerial errors. The period of review (POR) is January 1, 2014, through December 31, 2014.

DATES: Applicable October 6, 2017.

FOR FURTHER INFORMATION CONTACT: Gene H. Calvert, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–3586.

SUPPLEMENTARY INFORMATION:

Background

In accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.221(b)(5), on July 17, 2017, the Department published its final results in the countervailing duty administrative review of solar cells from the PRC.[1] On July 28, 2017, Canadian Solar Manufacturing (Changshu) Inc. and its cross-owned affiliates (collectively, Canadian Solar) timely alleged that the Department made two ministerial errors in the *Final Results.*[2] No other parties submitted ministerial error allegations or comments on Canadian Solar's allegations.

Scope of the Order

The merchandise covered by this order is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels and building integrated materials. The merchandise covered by this order is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 8501.61.0000, 8507.20.80, 8541.40.6020, 8541.40.6030, and 8501.31.8000. While these HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope, which is contained in the Decision Memorandum accompanying the *Final Results,* is dispositive.[3]

Ministerial Errors

Section 751(h) of 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.'' As discussed in the Department's Ministerial Error Memorandum, the Department finds that the errors alleged by Canadian Solar constitute ministerial errors within the meaning of 19 CFR 351.224(f).[4] Specifically, we made ministerial errors with regard to calculating the benefit Canadian Solar received from the

[1] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Final Results of Countervailing Duty Administrative Review, and Partial Rescission of Countervailing Duty Administrative Review; 2014,* 82 FR 32678 (July 17, 2017) (*Final Results*) and accompanying Issues and Decision Memorandum (Decision Memorandum).

[2] *See* Canadian Solar Letter, ''Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China: Ministerial Error Comments,'' dated July 28, 2017 (Canadian Solar Ministerial Comments).

[3] *See* the Decision Memorandum for a full description of the scope of the order.

[4] *See* Memorandum, ''Administrative Review of the Countervailing Duty Order on Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Ministerial Error Comments Regarding the Final Results,'' dated concurrently with and hereby adopted by this notice (Ministerial Error Memorandum).