

On May 5, 2014, the Court issued a remand order to the Department regarding the assignment of the 76.53 percent PRC-wide rate to Kehuaxing, which resulted from the Department's rejection of Kehuaxing's untimely filed quantity and value questionnaire response, and the Department's subsequent rejection of Kehuaxing's separate rate application.<sup>3</sup> Pursuant to the Court's directive in the Remand Order, we requested and Kehuaxing timely provided these submissions for the record. We conducted a separate rate analysis and found that Kehuaxing demonstrated the absence of both *de*

*jure* and *de facto* government control over its export activities and is thus eligible for a separate rate.<sup>4</sup>

#### Timken Notice

In its decision in *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended ("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 June 27, 2014 judgment in this case

constitutes a final decision of that court that is not in harmony with the Department's *Final Determination*. This notice is published in fulfillment of the publication requirements of *Timken*.

#### Amended Final Determination

Because there is now a final court decision with respect to this case, the Department is amending the *Final Determination* with respect to Kehuaxing's weighted-average dumping margin, effective July 7, 2014. The revised weighted-average dumping margin is as follows:

Exporter	Producer	Percent margin
Shenzen Kehuaxing Industrial Ltd .....	Shenzen Kehuaxing Industrial Ltd .....	33.51%

Because no party appealed the CIT's decision before the period of appeal expired on August 26, 2014, the CIT's decision is now final and conclusive. Accordingly, the Department will instruct CBP to collect cash deposits for entries of subject merchandise exported and produced by Kehuaxing equal to the weighted-average dumping margin listed above, effective July 7, 2014, adjusted, where appropriate, for export subsidies and domestic subsidy pass-through offsets.

This notice is issued and published in accordance with sections 516A(e), 751(a)(1), and 777(i)(1) of the Act.

Dated: October 14, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2014-25209 Filed 10-21-14; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### **Diamond Sawblades and Parts Thereof From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Sunset Review, Notice of Rescission of Sunset Review, and Advance Notification of New Sunset Review**

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

#### **FOR FURTHER INFORMATION CONTACT:**

David Goldberger, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; Telephone: (202) 482-4136.

#### **Background**

Every five years, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), the Department of Commerce (the Department) and the International Trade Commission automatically initiate and conduct a review to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

In December 2013, the Department initiated a sunset review of the antidumping duty order on diamond sawblades and parts thereof from the People's Republic of China five years from the imposition of the order in January 2009.<sup>1</sup> On July 11, 2014, The Department published the *2014 Sunset Review*.<sup>2</sup> Notwithstanding the holding of the United States Court of Appeals for the Federal Circuit (CAFC) that "the statutory scheme impose[d] a mandatory duty on Commerce to issue antidumping duty orders covering the subject entries" as of January 2009,<sup>3</sup> the

U.S. Court of International Trade (CIT) held, on September 23, 2014, that the *2014 Sunset Review* was unlawful and premature, agreeing with the plaintiff that the five-year period should have been counted from November 2009. Thus, the CIT ordered the Department to rescind the *2014 Sunset Review* and to re-initiate the sunset review of the antidumping duty order on diamond sawblades and parts thereof from the People's Republic of China on November 4, 2014.<sup>4</sup>

Consistent with the decision of the CAFC in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), as clarified by *Diamond Sawblades*, the Department is notifying the public that the final judgment in this case is not in harmony with the Department's *2014 Sunset Review*. The Department is therefore rescinding the *2014 Sunset Review*.

#### **Timken Notice**

In its decision in *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the CAFC has held that, pursuant to section 516A(c)(1) of the Tariff Act of 1930, as amended, 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 September 23, 2014, judgment constitutes a final decision of that court that is not in harmony with the Department's *2014 Sunset Review*. This

<sup>3</sup> See *Artisan Mfg. Corp. v. United States*, 978 F. Supp. 2d 1334 (Ct. Int'l Trade 2014) ("Remand Order").

<sup>4</sup> See Final Results Of Redetermination Pursuant To Court Remand, *Artisan Manufacturing Corp. v. United States*, Court No. 13-00169; Slip Op. 14-52 (CIT 2014), dated June 4, 2014, available at <http://enforcement.trade.gov/remands/index.html>.

<sup>1</sup> See *Initiation of Five-year ("Sunset") Review*, 78 FR 72061 (December 2, 2013) (*Initiation Notice*).

<sup>2</sup> See *Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 79 FR 40062 (July 11, 2014) (*2014 Sunset Review*).

<sup>3</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374, 1382-1383 (Fed. Cir. 2010) (*Diamond Sawblades*).

<sup>4</sup> See *Diamond Sawblades Manufacturers' Coalition v. United States*, Court No. 13-00391, slip op. 2014-111, 2014 Ct. Intl. Trade LEXIS 112 (Ct. Int'l Trade Sep. 23, 2014) (*Diamond Sawblades Manufacturers' Coalition*).

notice is published in fulfillment of the publication requirements of *Timken*. The effective date of this *Timken* notice is October 3, 2014.

#### Rescission of the 2014 Sunset Review

Pursuant to the CIT order in *Diamond Sawblades Manufacturers' Coalition*, we are hereby rescinding the *2014 Sunset Review*, effective September 23, 2014.

#### Upcoming Sunset Review for November 2014 Pursuant to the CIT Order

Pursuant to the CIT order in *Diamond Sawblades Manufacturers' Coalition*, the first sunset review of the antidumping duty order on diamond sawblades and parts thereof from the People's Republic of China is now scheduled for initiation on November 4, 2014 and will appear in a notice of *Initiation of Five-Year ("Sunset") Review (Notice of Initiation)*.

The Department's procedures for the conduct of a sunset review are set forth in 19 CFR 351.218. The *Notice of Initiation* provides further information regarding what is required of all parties to participate in the sunset review.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for this sunset review. To facilitate the timely preparation of the service list, it is requested that those seeking recognition as interested parties to this sunset review contact the Department in writing within 10 days of the publication of the *Notice of Initiation*.

If the Department receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the sunset review will continue. Thereafter, any interested party wishing to participate in the sunset review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

We are publishing this notice pursuant to the CIT order in *Diamond Sawblades Manufacturers' Coalition* for the rescission of the *2014 Sunset Review* and as a service to the international trading community for the advance notification of the re-initiation of the sunset review. The advanced notification of a sunset review is not required by statute.

Dated: October 16, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2014-25206 Filed 10-21-14; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-469-805]

#### Stainless Steel Bar From Spain: Final Results of Antidumping Duty Administrative Review; 2012-2013

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

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on stainless steel bar (SSB) from Spain. The period of review (POR) is March 1, 2012, through February 28, 2013. The review covers one producer/exporter of the subject merchandise, Gerdau Aceros Especiales Europa, S.L. (Gerdau).<sup>1</sup> We determine that subject merchandise has not been sold at less than normal value during the POR.

**DATES:** *Effective Date:* October 22, 2014.

**FOR FURTHER INFORMATION CONTACT:** Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-1690.

#### SUPPLEMENTARY INFORMATION:

##### Background

On April 23, 2014, the Department published the *Preliminary Results* and invited interested parties to comment.<sup>2</sup> Carpenter Technology Corporation, Crucible Industries LLC, Universal Stainless & Alloy Products Inc., and Valbruna Slater Stainless, Inc. (collectively, the petitioners) filed a case brief on May 30, 2014. Gerdau filed a rebuttal brief on June 4, 2014.

The deadline for the final results of this review was August 21, 2014. On July 16, 2014, we extended the deadline for the final results to October 20, 2014.<sup>3</sup>

<sup>1</sup> We determine that Gerdau is the successor-in-interest to Sidenor Industrial S.L. For further discussion, see the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, "Issues and Decision Memorandum for Final Results of Antidumping Duty Administrative Review: Stainless Steel Bar from Spain; 2012-2013" dated concurrently with and hereby adopted by this notice (Issues and Decision Memorandum).

<sup>2</sup> See *Stainless Steel Bar From Spain: Preliminary Results of Antidumping Duty Administrative Review; 2012-2013*, 79 FR 22622 (April 23, 2014) (*Preliminary Results*).

<sup>3</sup> See memorandum from Sandra Dreisonstok, International Trade Compliance Analyst, to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, "Stainless Steel Bar from Spain: Extension of

## Scope of the Order

The merchandise subject to the order is SSB. The SSB subject to the order is currently classifiable under subheadings 7222.10.00, 7222.11.00, 7222.19.00, 7222.20.00, 7222.30.00 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes.<sup>4</sup> The written description is dispositive.

## Analysis of Comments Received

All issues raised in the case briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to this notice as an appendix. 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 (IA ACCESS). Access to IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and is available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be found at <http://enforcement.trade.gov/frn/index.html>.

## Changes Since the Preliminary Results

Based on our analysis of the comments received, we did not make any revisions to the margin calculations for Gerdau.

## Final Results of Review

As a result of this review, we determine that a weighted-average dumping margin of 0.00 percent exists for Gerdau for the period March 1, 2012, through February 28, 2013.

## Disclosure

We intend to disclose the calculations performed to parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Deadline for Final Results of Antidumping Duty Administrative Review; 2012-2013" dated July 16, 2014. In this memorandum, we inadvertently calculated an extended deadline of October 14, 2014 (60 days from the date of signature) instead of October 20, 2014 (60 days from the date of publication). See September 10, 2014, memorandum to the file from Sandra Dreisonstok, International Trade Compliance Analyst, clarifying this error.

<sup>4</sup> A full description of the scope of the order is contained in the *Preliminary Results*, and accompanying Preliminary Decision Memorandum.