

Department preliminarily determined that critical circumstances did not exist for the mandatory respondent ARLANXEO Brasil or the exporters and producers not individually investigated (*i.e.*, “all-others”). In this final, the Department continues to find that, in accordance with 735(a)(3) of the Act, critical circumstances do not exist for ARLANXEO Brasil or the non-individually examined companies receiving the all-others rate in this investigation. A discussion of the determination can be found in the “Negative Determination of Critical Circumstances” section of the Issues and Decision Memorandum.

### Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, the Department will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of ESB rubber from Brazil as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after February 24, 2017, the date of publication of the *Preliminary Determination* of this investigation in the **Federal Register**. Further, pursuant to section 735(c)(1)(B) of the Act and 19 CFR 351.210(d), the Department will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondents listed above will be equal to the respondent-specific estimated weighted-average dumping margins determined in this final determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

### Disclosure

The Department intends to disclose to interested parties its calculations and analysis performed in this final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

(ESBR) from Brazil and South Korea: Critical Circumstances Allegation,” dated January 25, 2017.

### International Trade Commission Notification

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

### Notification to Regarding Administrative Protective Orders

This notice serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely 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 violation subject to sanction.

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: July 10, 2017.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

### Appendix I

#### Scope of the Investigation

For purposes of this investigation, the product covered is cold-polymerized emulsion styrene-butadiene rubber (ESB rubber). The scope of the investigation includes, but is not limited to, ESB rubber in primary forms, bales, granules, crumbs, pellets, powders, plates, sheets, strip, *etc.* ESB rubber consists of non-pigmented rubbers and oil-extended non-pigmented

rubbers, both of which contain at least one percent of organic acids from the emulsion polymerization process.

ESB rubber is produced and sold in accordance with a generally accepted set of product specifications issued by the International Institute of Synthetic Rubber Producers (IISRP). The scope of the investigation covers grades of ESB rubber included in the IISRP 1500 and 1700 series of synthetic rubbers. The 1500 grades are light in color and are often described as “Clear” or “White Rubber.” The 1700 grades are oil-extended and thus darker in color, and are often called “Brown Rubber.”

Specifically excluded from the scope of this investigation are products which are manufactured by blending ESB rubber with other polymers, high styrene resin master batch, carbon black master batch (*i.e.*, IISRP 1600 series and 1800 series) and latex (an intermediate product).

The products subject to this investigation are currently classifiable under subheadings 4002.19.0015 and 4002.19.0019 of the Harmonized Tariff Schedule of the United States (HTSUS). ESB rubber is described by Chemical Abstract Services (CAS) Registry No. 9003–55–8. This CAS number also refers to other types of styrene butadiene rubber. Although the HTSUS subheadings and CAS registry number are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

### Appendix II

#### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Investigation
- IV. Scope Comments
- V. Final Negative Determination of Critical Circumstances
- VI. Margin Calculations
- VII. Discussion of the Issues
  - Comment 1: Level of Trade
  - Comment 2: U.S. Indirect Selling Expenses
  - Comment 3: Domestic Indirect Selling Expense Clerical Error
- VIII. Recommendation

[FR Doc. 2017–14954 Filed 7–18–17; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free Trade Agreement (NAFTA), Article 1904 Binational Panel Review: Notice of Request for Panel Review

**AGENCY:** United States Section, NAFTA Secretariat, International Trade Administration, Department of Commerce

**ACTION:** Notice.

**SUMMARY:** A Request for Panel Review was filed on behalf of Maquilacero S.A. de C.V. with the United States Section

of the NAFTA Secretariat on July 12, 2017, pursuant to NAFTA Article 1904. Panel Review was requested of the Department of Commerce's final determination regarding Certain Circular Welded Non-Alloy Steel Pipe from Mexico. The final results of the antidumping duty administrative review and final determination of no shipments, 2014–2015, was published in the **Federal Register** on June 13, 2017 (82 FR 27039). The NAFTA Secretariat has assigned case number USA–MEX–2017–1904–01 to this request.

**FOR FURTHER INFORMATION CONTACT:** Paul E. Morris, United States Secretary, NAFTA Secretariat, Room 2061, 1401 Constitution Avenue NW., Washington, DC 20230, (202) 482–5438.

**SUPPLEMENTARY INFORMATION:** Chapter 19 of Article 1904 of NAFTA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to review the trade remedy determination being challenged and issue a binding Panel Decision. There are established NAFTA Rules of Procedure for Article 1904 Binational Panel Reviews, which were adopted by the three governments for panels requested pursuant to Article 1904(2) of NAFTA which requires Requests for Panel Review to be published in accordance with Rule 35. For the complete Rules, please see <https://www.nafta-sec-alena.org/Home/Texts-of-the-Agreement/Rules-of-Procedure/Article-1904>.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is August 11, 2017);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is August 28, 2017); and

(c) The panel review shall be limited to the allegations of error of fact or law, including challenges to the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and to the procedural and

substantive defenses raised in the panel review.

Dated: July 14, 2017.

**Paul E. Morris,**

*U.S. Secretary, NAFTA Secretariat.*

[FR Doc. 2017–15168 Filed 7–18–17; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C–469–818]

#### Ripe Olives From Spain: Initiation of Countervailing Duty Investigation

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

**DATES:** Applicable July 12, 2017.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Shore at (202) 482–2778, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### The Petition

On June 22, 2017,<sup>1</sup> the Department of Commerce (Department) received a countervailing duty (CVD) petition concerning imports of ripe olives from Spain, filed in proper form, on behalf of the Coalition for Fair Trade in Ripe Olives and its individual members, Bell-Carter Foods, Inc. and Musco Family Olive Co. (collectively, the petitioner). The CVD Petition was accompanied by an antidumping duty (AD) Petition. The petitioners are domestic producers of processed olives, usually referred to as “ripe olives.”

On June 23, 2017, June 27, 2017, and June 28, 2017, the Department requested additional information and clarification of certain aspects of the Petition.<sup>2</sup> The petitioner filed responses to these requests on June 27, 2017, June 30, 2017, and July 3, 2017.<sup>3</sup> On July 5, 2017,

<sup>1</sup> The petition was filed with the U.S. Department of Commerce (the Department) and the International Trade Commission (ITC) on June 21, 2017, after 12:00 noon, and pursuant to 19 CFR 207.10(a), are deemed to have been filed on the next business day, June 22, 2017. See Memorandum, “Decision Memorandum Concerning the Filing Date of the Petition,” dated June 23, 2017.

<sup>2</sup> See Department Letter re: General Issues Supplemental Questions, dated June 23, 2017 (General Issues Supplemental); Department Letter re: Second General Issues Supplemental Questions, dated June 28, 2017 (Second General Issues Supplemental); and Department Letter re: Countervailing Duty Petition Supplement Question, dated June 27, 2017.

<sup>3</sup> See The petitioner's July 3, 2017 Supplement to the CVD Petition (CVD Supplement).

Asociación de Exportadores e Industriales de Aceitunas de Mesa (ASEMESA), an interested party, requested the Department poll the domestic industry of olive growers and the workers employed by them.<sup>4</sup> On July 7, 2017, the petitioner submitted rebuttal comments to ASEMESA's polling request<sup>5</sup> final proposed scope language. ASEMESA submitted an additional argument and request for the Department to poll the domestic industry of olive growers on July 10, 2017.<sup>6</sup> Also on July 10, 2017, the Department held consultations with respect to the CVD Petition, the Government of Spain (GOS) and the European Commission (EC) provided comments on the countervailability of the alleged programs and requested clarification on the procedural timelines. The GOS and the EC submitted their comments in written form that same day.<sup>7</sup> On July 12, 2017, Acorsa USA, Inc., Atalanta Corporation, Mario Camacho Foods, LLC, Mitsui Foods, Inc., and Schreiber Foods International, Inc. revised and resubmitted their July 11, 2017, submission, which was previously rejected. However, this new submission was filed too late for us to consider.

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that the GOS and the European Union are providing countervailable subsidies within the meaning of sections 701 and 771(5) of the Act, to manufacturers, producers, or exporters of ripe olives from Spain, and that imports of such ripe olives are materially injuring, or threatening material injury to, an industry in the United States. Additionally, consistent with section 702(b)(1) of the Act, the Petition is accompanied by information reasonably available to the petitioner supporting its allegations of subsidy programs in Spain on which we are initiating a CVD investigation.

The Department finds that the petitioner filed the Petition on behalf of the domestic industry because the petitioner is an interested party, as

<sup>4</sup> See ASEMESA's July 5, 2017 Industry Support Comments and Request to Poll Industry (July 5 ASEMESA Comments).

<sup>5</sup> See The petitioner's July 7, 2017 Final Scope Language and Response to Industry Support Comments (The petitioner's Rebuttal Comments).

<sup>6</sup> See ASEMESA's July 10, 2017 Industry Support Comments and Request to Poll Industry (July 10 ASEMESA Comments).

<sup>7</sup> See Ex-Parte Memorandum, “Ripe Olives from Spain Countervailing Duty Petition: Consultations with Officials from Spain and European Union,” dated July 11, 2017. See, also European Commission and the Government of Spain Consultation Comments, dated July 10, 2017.