

**COMMISSION ON CIVIL RIGHTS****Agenda and Notice of Public Meeting of the South Dakota Advisory Committee****AGENCY:** Commission on Civil Rights.**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that an orientation and planning meeting of the South Dakota Advisory Committee to the Commission will convene at 10:00 a.m. (CDT) on Monday, October 5, 2015, via teleconference. The purpose of the orientation meeting is to inform the newly appointed members about the rules of operation for the advisory committee. The purpose of the planning meeting is to discuss the draft report, Civil Rights Issues in South Dakota: The Administration of Justice in Rapid City.

Members of the public may listen to the discussion by dialing the following Conference Call Toll-Free Number: 1-888-539-3612; Conference ID: 3235417. Please be advised that before being placed into the conference call, the operator will ask callers to provide their names, their organizational affiliations (if any), and an email address (if available) prior to placing callers into the conference room. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free phone number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service (FRS) at 1-800-977-8339 and provide the FRS operator with the Conference Call Toll-Free Number: 1-888-539-3612, Conference ID: 3235417. Members of the public are invited to make statements at the end of the conference call. In addition, members of the public may submit written comments; the comments must be received in the regional office by Thursday, November 5, 2015. Written comments may be mailed to the Rocky Mountain Regional Office, U.S. Commission on Civil Rights, 1961 Stout Street, Suite 13-201, Denver, CO 80294, faxed to (303) 866-1050, or emailed to Evelyn Bohor at [ebohor@usccr.gov](mailto:ebohor@usccr.gov). Persons who desire additional information may contact the Rocky Mountain Regional Office at (303) 866-1040.

Records and documents discussed during the meeting will be available for

public viewing as they become available at <http://www.facadatabase.gov/committee/meetings.aspx?cid=274> and clicking on the "Meeting Details" and "Documents" links. Records generated from this meeting may also be inspected and reproduced at the Rocky Mountain Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, [www.usccr.gov](http://www.usccr.gov), or to contact the Rocky Mountain Regional Office at the above phone number, email or street address.

**Agenda**

- Welcome and Introductions: Richard Braunstein, Chair, South Dakota Advisory Committee; Malee V. Craft, Regional Director, Rocky Mountain Regional Office (RMRO)
- Orientation and Administrative Matters: Malee V. Craft, Designated Federal Official (DFO) and Regional Director, RMRO
- Discussion of Draft Report: Civil Rights Issues in South Dakota: The Administration of Justice in Rapid City
- Next Steps
- Other Civil Rights Issues

**DATES:** Monday, October 5, 2015, at 10:00 a.m. (CDT)

**ADDRESSES:** To be held via teleconference: Conference Call Toll-Free Number: 1-888-539-3612, Conference ID: 3235417. TDD: Dial Federal Relay Service 1-800-977-8339 and give the operator the above conference call number and conference ID.

**FOR FURTHER INFORMATION CONTACT:** Malee V. Craft, DFO, [mcraft@usccr.gov](mailto:mcraft@usccr.gov), 303-866-1040

Dated: September 11, 2015.

**David Mussatt,**

Chief, Regional Programs Unit.

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**BILLING CODE 6335-01-P**

**DEPARTMENT OF COMMERCE****International Trade Administration**

**[A-570-967; C-570-968]**

**Aluminum Extrusions From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision**

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

**SUMMARY:** On August 27, 2015, the United States Court of International

Trade ("CIT" or "Court") sustained the Department of Commerce's (the "Department") final results of redetermination,<sup>1</sup> in which the Department determined that three dock ladder kit models imported by Asia Sourcing Corporation ("ASC") meet the description of excluded finished goods kits, and are therefore not covered by the scope of the *Orders*,<sup>2</sup> pursuant to the CIT's remand order in *Asia Sourcing Corp v. United States*, No. 13-00161 (CIT June 30, 2015) ("Remand Order").

Consistent with the decision of the United States Court of Appeals for the Federal Circuit ("CAFC") in *Timken*,<sup>3</sup> as clarified by *Diamond Sawblades*,<sup>4</sup> the Department is notifying the public that the final judgment in this case is not in harmony with the Department's Final Scope Ruling<sup>5</sup> and is therefore amending this scope ruling.

**DATES:** Effective date: September 8, 2015.

**FOR FURTHER INFORMATION CONTACT:**

Brendan Quinn, AD/CVD Operations, Office III, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202-482-5848.

**SUPPLEMENTARY INFORMATION:** On August 31, 2012, the Department received a scope ruling request from ASC to determine whether its aluminum boat and dock ladders and strip door mounting brackets are subject to the *Orders*.<sup>6</sup> In its March 20, 2013, Final Scope Ruling, the Department found that dock ladder kit models ASE, ASH, and DJX3-W did not qualify for the finished goods kit exclusion,<sup>7</sup> and thus

<sup>1</sup> See *Asia Sourcing Corp v. United States*, Court No. 13-00161, Slip Op. 15-97 (CIT August 27, 2015) ("Asia Sourcing"), which sustained the Final Results of Redetermination Pursuant to Court Remand, *Asia Sourcing Corp v. United States*, Court No. 13-00161 (August 20, 2015) ("Remand Redetermination").

<sup>2</sup> See *Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order*, 76 FR 30650 (May 26, 2011) and *Aluminum Extrusions from the People's Republic of China: Countervailing Duty Order*, 76 FR 30653 (May 26, 2011) ("Orders").

<sup>3</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("Timken").

<sup>4</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) ("Diamond Sawblades").

<sup>5</sup> See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, "Final Scope Ruling on Asia Sourcing Corporation's Boat and Dock Ladders and Strip Door Mounting Brackets," dated March 20, 2013 ("Final Scope Ruling").

<sup>6</sup> See letter from ASC, "Aluminum Extrusions from the People's Republic of China: Request for Scope Ruling," dated August 31, 2012.

<sup>7</sup> The "finished goods kit" exclusion in the scope of the *Orders* provides:

The scope also excludes finished goods containing aluminum extrusions that are entered

were covered by the scope of the *Orders*, because they did not contain any non-aluminum extrusion components beyond fasteners.<sup>8</sup>

In its Remand Order, the Court remanded the underlying scope ruling and directed the Department to “clarify or reconsider, as appropriate, its inclusion of the ASE, ASH, and DJX3–W dock ladder kit models within the scope of the *Orders* . . .”<sup>9</sup> The Court also requested that the Department consider whether the exception to the “finished goods kit” exclusion in the scope is inapplicable because the non-aluminum components of the kits at issue are not fasteners.<sup>10</sup>

In the Remand Redetermination, the Department reconsidered the record evidence provided by ASC and found that certain components in the three dock ladder kits at issue (*i.e.*, plastic coated cables included on one model and plastic end caps included in all three models) were not fasteners.<sup>11</sup> Because all three of the ladder kit models under consideration include non-aluminum extrusions components other than fasteners (*i.e.*, plastic coated cables and/or plastic end caps), and the Department had determined in the Final Scope Ruling that these three kits contained all the parts needed to fully assemble a finished good with no further fabrication,<sup>12</sup> we concluded in the Remand Redetermination that the three dock ladder kits at issue each qualify for the finished goods kits exclusion provided by the scope and are not subject to the scope of the *Orders*.<sup>13</sup>

#### Timken Notice

In its decision in *Timken*<sup>14</sup> as clarified by *Diamond Sawblades*, the CAFC has held that, pursuant to sections 516A(c) and (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 August 27, 2015, judgment in

*Asia Sourcing* sustaining the Department’s decision in the Remand Redetermination finding that ASC’s dock ladder kit models ASE, ASH, and DJX3–W are excluded from the scope of the *Orders*, constitutes a final decision of that court that is not in harmony with the Department’s Final Scope Ruling. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the ASE, ASH, and DJX3–W dock ladder kits at issue pending expiration of the period of appeal or, if appealed, pending a final and conclusive court decision.

#### Amended Final Determination

Because there is now a final court decision with respect to the dock ladder kits at issue, the Department amends its Final Scope Ruling. The Department finds that the scope of the *Orders* does not cover the ASE, ASH, and DJX3–W dock ladder kits addressed in the underlying scope request filed by ASC. The Department will instruct U.S. Customs and Border Protection (“CBP”) that the cash deposit rate will be zero percent for Asia Sourcing’s ASE, ASH, and DJX3–W dock ladder kits. In the event that the CIT’s ruling is not appealed, or if appealed, upheld by the CAFC, the Department will instruct CBP to liquidate any unliquidated entries of ASC’s ASE, ASH, and DJX3–W dock ladder kits without regard to antidumping and/or countervailing duties, and to lift suspension of liquidation of such entries.

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

Dated: September 8, 2015.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

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**BILLING CODE 3510–DS–P**

#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[Application No. 99–10A005]

##### Export Trade Certificate of Review

**ACTION:** Notice of Application to Amend the Export Trade Certificate of Review Issued to California Almond Export Association, LLC (“CAEA”), Application No. (99–10A005).

**SUMMARY:** The Office of Trade and Economic Analysis (“OTEA”) of the International Trade Administration, Department of Commerce, has received

an application to amend an Export Trade Certificate of Review (“Certificate”). This notice summarizes the proposed amendment and requests comments relevant to whether the amended Certificate should be issued.

#### FOR FURTHER INFORMATION CONTACT:

Joseph Flynn, Director, Office of Trade and Economic Analysis, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or email at [etca@trade.gov](mailto:etca@trade.gov).

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001–21) (“the Act”) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. The regulations implementing Title III are found at 15 CFR part 325 (2015). Section 302(b)(1) of the Export Trade Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its application. Under 15 CFR 325.6(a), interested parties may, within twenty days after the date of this notice, submit written comments to the Secretary on the application.

#### Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked as privileged or confidential business information will be deemed to be nonconfidential.

An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, Room 21028, Washington, DC 20230.

Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the

unassembled in a “finished goods kit.” A finished goods kit is understood to mean a packaged combination of parts that contains, at the time of importation, all of the necessary parts to fully assemble a final finished good and requires no further finishing or fabrication, such as cutting or punching, and is assembled “as is” into a finished product.

<sup>8</sup> See, e.g., *Antidumping Duty Order*, 76 FR at 30651.

<sup>9</sup> See Final Scope Ruling at 8.

<sup>10</sup> See Remand Order at 5.

<sup>11</sup> *Id.*

<sup>12</sup> See Remand Redetermination at 7–11.

<sup>13</sup> See Final Scope Ruling at 8.

<sup>14</sup> See Remand Redetermination at 11–12.

<sup>15</sup> See *Timken*, 893 F.2d at 341.