International Trade Development Corporation, grantee of FTZ 168, requesting subzone status subject to the existing activation limit of FTZ 168, on behalf of R.W. Smith & Co/TriMark USA, LLC, in Lewisville, Texas.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the Federal Register inviting public comment (82 FR 49586–49587, October 13, 2017). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board’s Executive Secretary (15 CFR Sec. 400.36(f)), the application to establish Subzone 168C was approved on August 25, 2017, subject to the FTZ Act and the Board’s regulations, including Section 400.13, and further subject to FTZ 168’s 1,909-acre activation limit.


Andrew McGilvray,
Executive Secretary.

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–164–2017]

Approval of Subzone Status; North American Hoganas Company, Johnstown, Hollsopple and St. Mary’s, Pennsylvania

On October 19, 2017, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Pennsylvania Foreign Trade Zone Corporation, grantee of FTZ 295, requesting subzone status subject to the existing activation limit of FTZ 295, on behalf of North American Hoganas Company, in Johnstown, Hollsopple and St. Mary’s, Pennsylvania.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the Federal Register inviting public comment (82 FR 49586–49587, October 26, 2017). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR Sec. 400.36(f)), the application to establish Subzone 295B was approved on December 19, 2017, subject to the FTZ Act and the Board’s regulations, including Section 400.13, and further subject to FTZ 295’s 2,000-acre activation limit.


Andrew McGilvray,
Executive Secretary.

[B–56–2017]

Foreign-Trade Zone (FTZ) 122—Corpus Christi, Texas; Authorization of Production Activity, Voestalpine Texas, LLC, Subzone 122T (Hot Briquetted Iron and By-Products)

On August 18, 2017, the Port of Corpus Christi Authority, grantee of FTZ 122, submitted a notification of proposed production activity to the FTZ Board on behalf of voestalpine Texas, LLC, within Subzone 122T, in Portland, Texas.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the Federal Register inviting public comment (82 FR 42647–42648, September 11, 2017). On December 18, 2017, the applicant was notified of the FTZ Board’s decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board’s regulations, including Section 400.14.


Elizabeth Whiteman,
Acting Executive Secretary.

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–860]

100- to 150-Seat Large Civil Aircraft From Canada: Final Affirmative Countervailing Duty Determination

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

SUMMARY: The Department of Commerce (the Department) determines that countervailable subsidies are being provided to producers and exporters of 100- to 150-seat large civil aircraft (aircraft) from Canada. The period of investigation (POI) is January 1, 2016, through December 31, 2016. For information on the estimated subsidy...
rates, see the “Final Determination” section of this notice.


FOR FURTHER INFORMATION CONTACT:
Andrew Medley or Ross Belliveau, AD/ CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4987, or (202) 482–4952, respectively.

SUPPLEMENTARY INFORMATION:

Background
The petitioner in this investigation is The Boeing Company. In addition to the Governments of Canada, Quebec and the United Kingdom, the mandatory respondent in this investigation is Bombardier Inc. (Bombardier).

The events that occurred since the Department published the Preliminary Determination 1 on October 2, 2017, are discussed in the Issues and Decision Memorandum, which is hereby adopted by this notice. 2 The Issues and Decision Memorandum also details the changes we made since the Preliminary Determination to the subsidy rates calculated for the mandatory respondent and all other producers/exporters. 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 (ACCESS). ACCESS is available to registered users at http://access.trade.gov, and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at http://enforcement.trade.gov/frn/index.html. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Scope of the Investigation
The scope of the investigation is aircraft from Canada. For a complete description of the scope of the investigation, see Appendix I.

Analysis of Subsidy Programs and Comments Received
The subsidy programs under investigation and the issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum. A list of the issues that parties raised, and to which we responded in the Issues and Decision Memorandum, is attached to this notice as Appendix II.

Verification
As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), during September and October 2017, the Department verified the subsidy information reported by the Governments of Canada, Quebec and the United Kingdom, and Bombardier. We used standard verification procedures, including an examination of relevant accounting records and original source documents provided by the respondents. 3

Changes Since the Preliminary Determination
Based on our review and analysis of the comments received from parties, and minor corrections presented at verification, we made certain changes to Bombardier’s subsidy rate calculations since the Preliminary Determination. As a result of these changes, the Department has also revised the “all others” rate. For a discussion of these changes, see the Issues and Decision Memorandum and the Final Analysis Memorandum. 4

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

Continuation of Suspension of Liquidation
In accordance with section 703(d) of the Act, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of subject merchandise entered, or withdrawn from warehouse, on or after October 2, 2017, the date of publication of the Preliminary Determination.

International Trade Commission (ITC) Notification
In accordance with section 705(d) of the Act, we will notify the ITC of our

Final Determination
In accordance with section 705(c)(1)(B)(i)(I) of the Act, we calculated a rate for Bombardier (the only individually investigated exporter/producer of subject merchandise). Section 705(c)(5)(A)(i) of the Act states that, for companies not individually investigated, we will determine an “all others” rate equal to the weighted-average countervailable subsidy rates established for exporters and producers individually investigated, excluding any zero and de minimis countervailable subsidy rates, and any rates determined entirely under section 776 of the Act. Where the rates for investigated companies are zero or de minimis, or based entirely on facts otherwise available, section 705(c)(5)(A)(ii) of the Act instructs the Department to establish an “all others” rate using “any reasonable method.” Because the only individually calculated rate is not zero, de minimis, or based entirely on facts otherwise available, in accordance with 705(c)(5)(A)(i) of the Act, the rate calculated for Bombardier is assigned as the all-others rate. We determine the total estimated net countervailable subsidy rates to be:

<table>
<thead>
<tr>
<th>Company</th>
<th>Subsidy rate (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bombardier, Inc. 5</td>
<td>212.39</td>
</tr>
<tr>
<td>All-Others</td>
<td>212.39</td>
</tr>
</tbody>
</table>

1 See 100- to 150-Seat Large Civil Aircraft from Canada: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination, 82 FR 45807 (October 2, 2017) (Preliminary Determination), and accompanying Preliminary Decision Memorandum.

2 See Memorandum from James P. Maeder, Senior Director performing the duties of the Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to P. Lee Smith, Deputy Assistant Secretary for Policy and Negotiations performing the duties of Deputy Assistant Secretary for Enforcement and Compliance, entitled, “Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of 100- to 15-Seat Large Civil Aircraft from Canada,” dated concurrently with this notice (Issues and Decision Memorandum).

3 See Memorandum “Verification of the Questionnaire Responses of Caisse de dépôt et placement du Québec (CDPQ, or Caisse),” dated October 17, 2017; Memorandum “Verification of the Questionnaire Responses of Bombardier, Inc. pertaining to Short Brothers PLC,” dated November 1, 2017; Memorandum “Verification of the Questionnaire Responses of the Government of Quebec (GOC),” dated September 14, 2017; Memorandum “Verification of the Questionnaire Responses of the Government of the United Kingdom,” dated September 13, 2017; Memorandum “Verification of the Questionnaire Responses of Bombardier, Inc. and the C Series Aircraft Limited Partnership,” dated November 7, 2017.

4 See Memorandum “Countervailing Duty Investigation of 100- to 150-Seat Large Civil Aircraft from Canada: Final Determination Calculation Memorandum for Bombardier, Inc. and the C Series Aircraft Limited Partnership,” dated concurrently with this notice (Final Analysis Memorandum).

5 The Department found the following companies to be cross-owned with Bombardier: C Series Aircraft Limited Partnership; Short Brothers PLC (Shorts); and BT [Investment] UK Limited. Additionally, the Department found that Bombardier and Short Brothers PLC comprise an international consortium within the meaning of section 703(d) of the Act.
determination. In addition, we are making available to the ITC all non-
priviledged and non-proprietary
information related to this investigation.
We will allow the ITC access to all
privileged and business proprietary
information in our files, provided the
ITC confirms that it will not disclose
such information, either publicily or
under an administrative protective order
(APO), without the written consent of
the Assistant Secretary for Enforcement
and Compliance.

Because the final determination in
this proceeding is affirmative, in
accordance with section 705(b) 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
aircraft from Canada no later than 45
days after our final determination. If the
ITC determines that material injury or
threat of material injury does not exist,
the proceeding will be terminated and
all cash deposits will be refunded. If the
ITC determines that such injury does
exist, the Department will issue a CVD
order directing CBP to assess, upon
further instruction by the Department,
countervailing 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, as
discussed above in the “Continuation of
Suspension of Liquidation” section.

Notification Regarding Administrative
Protective Orders

In the event that the ITC issues a final
negative injury determination, this
notice will serve as the only reminder
to parties subject to the 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/
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 which is subject to
sanction.

This determination is issued and
published pursuant to sections 705(d)
and 777(i) of the Act.

Dated: December 18, 2017.

P. Lee Smith,
Deputy Assistant Secretary for Policy and
Negotiations performing the duties of Deputy
Assistant Secretary for Enforcement and
Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this
investigation is aircraft, regardless of seating
configuration, that have a standard 100- to
150-seat two-class seating capacity and a
minimum 2,900 nautical mile range, as these
terms are defined below.

“Standard 100- to 150-seat two-class
seating capacity” refers to the capacity to
accommodate 100 to 150 passengers, when
eight passenger seats are configured for a 36-
inch pitch, and the remaining passenger seats
are configured for a 32-inch pitch. “Pitch” is
the distance between a point on one seat and
the same point on the seat in front of it.

“Standard 100- to 150-seat two-class
seating capacity” does not delineate the
number of seats actually in a subject aircraft
or the actual seating configuration of a
subject aircraft. Thus, the number of seats
actually in a subject aircraft may be below
100 or exceed 150.

A “minimum 2,900 nautical mile range”
means:

(i) Able to transport between 100 and 150
passengers and their luggage on routes equal
to or longer than 2,900 nautical miles; or
(ii) covered by a U.S. Federal Aviation
Administration (FAA) type certificate or
supplemental type certificate that also covers
other aircraft with a minimum 2,900 nautical
mile range.

The scope includes all aircraft covered by
the description above, regardless of whether
they enter the United States fully or partially
assembled, and regardless of whether, at the
time of entry into the United States, they are
approved for use by the FAA.

The merchandise covered by this
investigation is currently classifiable under
Harmonized Tariff Schedule of the United
States (HTSUS) subheading 8802.40.0040.
The merchandise may alternatively be
classifiable under HTSUS subheading 8802.40.0090. Although these HTSUS
subheadings are provided for convenience
and customs purposes, the written
description of the scope of the investigation
is dispositive.

Appendix II

List of Topics Discussed in the Issues and
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During the POI
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Verification Report
Comment 4: Equityworthiness of IQ’s
Investment in CSALP
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Calculation of the IQ Equity Infusion
Comment 6: Whether the International
Consorsita Provision of the Act Applies to
This Investigation
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Program
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Aid Separately From the GOC and GOQ
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Denominator for the GOC Launch Aid
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Mirabel for LTAR
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SR&ED Tax Credit
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Conclusion
[FR Doc. 2017–27875 Filed 12–26–17; 8:45 am]
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