

for reviewed sales to that party by the total sales quantity associated with those transactions, the Department will direct CBP to assess importer (or customer)-specific assessment rates based on the resulting per-unit rates.<sup>8</sup> Where an importer (or customer)-specific ad valorem or per-unit rate is greater than *de minimis*, the Department will instruct CBP to collect the appropriate duties at the time of liquidation. Where either the respondent's weighted average dumping margin is zero or *de minimis*, or an importer (or customer)-specific ad valorem or per-unit rate is zero or *de minimis*, the Department will instruct CBP to liquidate appropriate entries without regard to antidumping duties.<sup>9</sup>

In 2011, the Department announced a refinement to its assessment practice in NME cases.<sup>10</sup> Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during these reviews, the Department will instruct CBP to liquidate such entries at the NME-wide rate. In addition, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.*, at that exporter's rate) will be liquidated at the NME-wide rate.<sup>11</sup>

#### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of these reviews for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the company listed in the "Final Results of the 2012 Administrative Review" section of this notice above and the exporter-producer combination listed in the "Final Results of the 2012 New Shipper Review" section of this notice above, the cash deposit rate will be the rate listed above for the company, except if the rate is zero or *de minimis*, then no cash deposit will be required for that company; (2) for Clearwise; COE; Singways; Dongguan Yujia; Eurosa; Golden Well; Cadman; Sen Yeong; Shenyang Shining; Strongson; Yeh Brothers; and Zhejiang Tianyi, which had no shipments, the cash deposit rate will remain unchanged from the rate

assigned to these companies in the most recently completed review of the companies; (3) for previously investigated or reviewed PRC and non-PRC exporters who are not under review in this segment of the proceeding but who have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (4) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, including Marvin Furniture, Foliot Furniture Inc., aka Meubles Foliot Inc. and the forty four other companies listed in footnote 5 above, the cash deposit rate will be the PRC-wide rate of 216.01 percent; and (5) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter(s) that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. 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.

These final results of reviews are issued and published in accordance with sections 751(a)(1), 751(a)(2)(B), 777(i) of the Act and 19 CFR 351.213, 351.214.

Dated: August 25, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

#### Appendix

Summary  
Background  
Scope of the Order  
Discussion of the Issues

- Comment 1: Whether There Are Errors in the Financial Ratio Calculations in the Administrative Review
- Comment 2: Whether Marvin Furniture has Demonstrated Eligibility for Separate Rate Status
- Comment 3: Whether Entries of Shanghai Maoji's Merchandise Should Be Liquidated As Entered
- Comment 4: The Appropriate Dumping Margin to Apply to Marvin Furniture and Shanghai Maoji as Part of the PRC-Wide Entity
- Comment 5: Whether the Liquidation Instructions for the Administrative Review Should be Revised
- Comment 6: Treatment of Labor Costs in Surrogate Financial Ratios
- Comment 7: The Appropriate Surrogate Value For MDF
- Comment 8: The Appropriate Surrogate Value For Brokerage and Handling
- Comment 9: The Appropriate Surrogate Value For Paint
- Comment 10: The Appropriate Surrogate Value For Electricity
- Comment 11: The Appropriate Surrogate Financial Statements for the NSR

Recommendation

[FR Doc. 2014-20827 Filed 8-29-14; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-201-846]

#### Sugar From Mexico: Preliminary Affirmative Countervailing Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination

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

**SUMMARY:** The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of sugar from Mexico. The period of investigation is January 1, 2013, through December 31, 2013. Interested parties are invited to comment on this preliminary determination.

**DATES:** *Effective Date:* September 2, 2014.

**FOR FURTHER INFORMATION CONTACT:** Kaitlin Wojnar or Nicholas Czajkowski,

<sup>8</sup> *Id.*

<sup>9</sup> See *Final Modification*.

<sup>10</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

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

AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3857 or (202) 482-1395, respectively.

**SUPPLEMENTARY INFORMATION:**

**Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination**

On the same day that the Department initiated this countervailing duty (CVD) investigation, the Department also initiated an antidumping duty (AD) investigation of sugar from Mexico.<sup>1</sup> The AD and CVD investigations cover the same class or kind of merchandise from the same country. On August 21, 2014, in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.210(b)(4), Petitioners requested alignment of the final CVD determination with the final AD determination of sugar from Mexico.<sup>2</sup> Therefore, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), we are aligning the final CVD determination in this investigation with the final determination in the companion AD investigation of sugar from Mexico. Consequently, the final

CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than January 7, 2015.

**Scope of the Investigation**

The product covered by this investigation is sugar from Mexico. For a full description of the scope of the investigation, see Appendix I to this notice.<sup>3</sup>

**Methodology**

The Department is conducting this CVD investigation in accordance with section 701 of the Act. For a full description of the methodology underlying our preliminary conclusions, see the Preliminary Decision Memorandum.<sup>4</sup> The Preliminary 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). 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 Preliminary Decision Memorandum can be accessed directly on the Internet at <http://>

[enforcement.trade.gov/frn/index.html](http://enforcement.trade.gov/frn/index.html). The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content. A list of topics discussed in the Preliminary Decision Memorandum can be found in Appendix II to this notice.

**Preliminary Determination and Suspension of Liquidation**

In accordance with section 703(d)(1)(A)(i) of the Act, we calculated a CVD rate for the following individually-investigated producer/exporters of the subject merchandise: (1) Fondo de Empresas Expropiadas del Sector Azucarero (FEESA);<sup>5</sup> and (2) Ingenio Tala S.A. de C.V. and certain other cross-owned companies of Grupo Azucarero Mexico S.A. de C.V. (collectively, the GAM Group).<sup>6</sup> We also calculated an all-others rate. Sections 703(d) and 705(c)(5)(A) of the Act state that for companies not individually investigated, we apply an all-others rate calculated by weighting the subsidy rates of each of the exporters and producers individually-investigated by those exporters' and producers' exports of subject merchandise to the United States.

We preliminarily determine the countervailable subsidy rates as follows:

Producer/exporter	Subsidy rate (percent)
FEESA <sup>7</sup> .....	17.01
Ingenio Tala S.A. de C.V. and certain cross-owned companies of Grupo Azucarero Mexico S.A. de C.V. (collectively, the GAM Group) <sup>8</sup> .....	2.99
All-Others .....	14.87

In accordance with sections 703(d)(1)(B) and (d)(2) of the Act, we are directing U.S. Customs and Border Protection to suspend liquidation of all entries of sugar from Mexico that are entered, or withdrawn from warehouse, for consumption on or after the date of the publication of this notice in the

**Federal Register**, and to require a cash deposit for such entries of merchandise in the amounts indicated above.

**Verification**

As provided in section 782(i)(1) of the Act, we intend to verify the information submitted by FEESA, the GAM Group,

and the Government of Mexico prior to making our final determination in this investigation.

**Disclosure and Public Comment**

The Department intends to disclose to interested parties the calculations performed in connection with this

<sup>1</sup> See *Sugar From Mexico: Initiation of Countervailing Duty Investigation*, 79 FR 22790 (April 24, 2014); see also *Sugar From Mexico: Initiation of Antidumping Duty Investigation*, 79 FR 22795 (April 24, 2014).

<sup>2</sup> Petitioners are the American Sugar Coalition and its individual members: American Sugar Cane League, American Sugar Refining, Inc., American Sugarbeet Growers Association, Florida Sugar Cane League, Hawaiian Commercial and Sugar Company, Rio Grande Valley Sugar Growers, Inc., Sugar Cane Growers Cooperative of Florida, and United States Beet Sugar Association.

<sup>3</sup> Interested parties filed comments and a clarification request regarding the scope of the investigation. However, due to the limited timeframe for considering these submissions, the Department intends to address the specific scope

comments and clarification request in the preliminary determination of the companion AD investigation. Any modifications to the scope or scope exclusions that may be made in the AD preliminary determination will be placed on the record of this CVD investigation and parties will be afforded an opportunity to submit comments.

<sup>4</sup> See Memorandum from Gary Taverman, Senior Advisor for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, "Decision Memorandum for the Preliminary Determination in the Countervailing Duty Investigation of Sugar from Mexico," dated concurrently with and hereby adopted by this notice (Preliminary Decision Memorandum).

<sup>5</sup> FEESA consists of the following sugar mills: Fideicomiso Ingenio El Modelo, Fideicomiso

Ingenio San Cristobal, Fideicomiso Ingenio Plan De San Luis, Fideicomiso Ingenio San Miguelito, Fideicomiso Ingenio La Providencia, Fideicomiso Ingenio Atencingo, Fideicomiso Ingenio Casasano, Fideicomiso Ingenio El Potrero, and Fideicomiso Ingenio Emiliano Zapata. See Preliminary Decision Memorandum.

<sup>6</sup> The GAM Group consists of the following entities: Ingenio Tala S.A. de C.V.; Ingenio El Dorado S.A. de C.V.; Ingenio Lazaro Cardenas S.A. de C.V.; Organizacion Cultiva, S.A.B. de C.V.; Grupo Azucarero Mexico S.A. de C.V.; ITLC Agrícola Central S.A. de C.V.; Tala Electric S.A. de C.V.; Empresas y Servicios Organizados S.A. de C.V.; and Proveedora de Alimentos Mexico, S.A. de C.V. See Preliminary Decision Memorandum.

<sup>7</sup> *Supra* note 5.

<sup>8</sup> *Supra* note 6.

preliminary determination within five days of its public announcement.<sup>9</sup> Interested parties may submit case and rebuttal briefs, as well as request a hearing.<sup>10</sup> For a schedule of the deadlines for filing case briefs, rebuttal briefs, and hearing requests, see the Preliminary Decision Memorandum.

### International Trade Commission Notification

In accordance with section 703(f) of the Act, we will notify the U.S. International Trade Commission (ITC) of our determination. In addition, we are making all non-privileged and non-proprietary information relating to this investigation available to the ITC. We will allow the ITC access to all privileged and business proprietary information in our files, provided that the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Enforcement and Compliance.

In accordance with section 705(b)(2) of the Act, if our final determination is affirmative, the ITC will make its final determination no more than 45 days after the Department makes its final determination.

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act.

Dated: August 25, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix I

#### Scope of the Investigation

The product covered by this investigation is sugar derived from sugar cane or sugar beets. Sucrose gives sugar its essential character. Sucrose is a nonreducing disaccharide composed of glucose and fructose linked via their anomeric carbons. The molecular formula for sucrose is C<sub>12</sub>H<sub>22</sub>O<sub>11</sub>, the International Union of Pure and Applied Chemistry (IUPAC) International Chemical Identifier (InChI) for sucrose is 1S/C12H22O11/c13-1-4-6(16)8(18)9(19)11(21-4)23-12(3-15)10(20)7(17)5(2-14)22-12/h4-11,13-20H,1-3H2/t4-,5-,6-,7-,8+,9-,10+,11-,12+/m1/s1, the InChI Key for sucrose is CZMRCDWAGMRECN-UGDNZRGBSA-N, the U.S. National Institutes of Health PubChem Compound Identifier (CID) for sucrose is 5988, and the Chemical Abstracts Service (CAS) Number of sucrose is 57-50-1.

Sugar within the scope of this investigation includes raw sugar (sugar with a sucrose content by weight in a dry state that

corresponds to a polarimeter reading of less than 99.5 degrees) and estandar or standard sugar which is sometimes referred to as "high polarity" or "semi-refined" sugar (sugar with a sucrose content by weight in a dry state that corresponds to a polarimeter reading of 99.2 to 99.6 degrees). Sugar within the scope of this investigation includes refined sugar with a sucrose content by weight in a dry state that corresponds to a polarimeter reading of at least 99.9 degrees. Sugar within the scope of this investigation includes brown sugar, liquid sugar (sugar dissolved in water), organic raw sugar and organic refined sugar.

Inedible molasses is not within the scope of this investigation. Specialty sugars, e.g., rock candy, fondant, sugar decorations, are not within the scope of this investigation. Processed food products that contain sugar, e.g., beverages, candy, cereals, are not within the scope of this investigation.

Merchandise covered by this investigation is typically imported under the following headings of the Harmonized Tariff Schedule of the United States (HTSUS): 1701.12.1000, 1701.12.5000, 1701.13.1000, 1701.13.5000, 1701.14.1000, 1701.14.5000, 1701.91.1000, 1701.91.3000, 1701.99.1025, 1701.99.1050, 1701.99.5025, 1701.99.5050, and 1702.90.4000. The tariff classification is provided for convenience and customs purposes; however, the written description of the scope of this investigation is dispositive.

### Appendix II

#### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Alignment
- IV. Scope Comments
- V. Scope of the Investigation
- VI. Respondent Selection
- VII. Injury Test
- VIII. Subsidies Valuation
- IX. Creditworthiness
- X. Analysis of Programs
- XI. ITC Notification
- XII. Disclosure and Public Comment
- XIII. Verification
- XIV. Conclusion

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

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

**FOR FURTHER INFORMATION CONTACT:** Brenda E. Waters, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW.,

Washington, DC 20230, telephone: (202) 482-4735.

### SUPPLEMENTARY INFORMATION:

#### Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended ("the Act"), may request, in accordance with 19 CFR 351.213, that the Department of Commerce ("the Department") conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting date.

#### Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection ("CBP") data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order ("APO") to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department finds that determinations concerning whether particular companies should be "collapsed" (i.e., treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at

<sup>9</sup> See 19 CFR 351.224(b).

<sup>10</sup> See 19 CFR 351.309(c)-(d), 19 CFR 351.310(c); see also 19 CFR 351.303 (for general filing requirements).