which involves discussion of business proprietary information, in a separate memorandum.12

Public Comment

Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs in accordance with 19 CFR 351.309(d)(1). Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to provide: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.13

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by Commerce’s electronic records system ACCESS, by 5:00 p.m. Eastern Standard Time within 30 days after the date of publication of this notice. Requests should contain: (1) The party’s name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 14, 2018.
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.

For Further Information Contact:

CUMULATION OF AUTHORITY

DEPARTMENT OF COMMERCE
International Trade Administration
[A–570–979, C–570–980]
Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People’s Republic of China: Final Results of Changed Circumstances Reviews, and Revocation of the Antidumping and Countervailing Duty Orders, in Part
AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is revoking, in part, the antidumping duty (AD) and countervailing duty (CVD) orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People’s Republic of China (China) (Orders) with respect to certain off-grid solar panels based on a lack of interest in the relief provided by the Orders with respect to those products.


SUPPLEMENTARY INFORMATION
Background

On December 7, 2012, Commerce published AD and CVD orders on certain crystalline silicon photovoltaic cells, whether or not assembled into modules, from China.1 On April 17, 2018, Goal Zero, LLC (Goal Zero), an importer of the subject merchandise, requested CCRs in the Antidumping Duty Order.4 2

On July 20, 2018, Commerce published the Initiation Notice for the requested CCRs in the Federal Register.3 On August 20, 2018, Commerce published the preliminary results of these CCRs, in which it found that producers accounting for substantially all of the production of the domestic like product to which the Orders pertain lack interest in the relief afforded by the Orders with respect to certain off-grid solar panels.4

On September 4, 2018, Goal Zero and the petitioner3 requested that partial revocation of the Orders be applied retroactively starting January 1, 2015 for purposes of the CVD Order, and December 1, 2015 for purposes of the AD Order.6

Final Results of Changed Circumstances Reviews, and Revocation of the Orders, In Part

Because no party submitted comments opposing the preliminary results of these CCRs, and the record contains no other information or evidence that calls into question the preliminary results, Commerce determines, pursuant to sections 751(d)(1) and 782(h)(1) of the Act, and 19 CFR 351.222(g), that there are changed circumstances that warrant revocation of the Orders, in part. Specifically, because the producers accounting for substantially all of the production of the domestic like product to which the Orders pertain lack interest in the relief provided by the Orders with respect to certain off-grid solar panels as described below, we are revoking the Orders, in part, with respect to the following:

(1) Off grid CSPV panels in rigid form with a glass cover, with the following characteristics:
   (A) A total power output of 100 watts or less per panel;
   (B) a maximum surface area of 8,000 cm² per panel;
   (C) do not include a built-in inverter;

5 The petitioner is SolarWorld Americas, Inc.
(D) must include a permanently connected wire that terminates in either an 8mm male barrel connector, or a two-port rectangular connector with two pins in square housings of different colors;

(E) must include visible parallel grid collector metallic wire lines every 1–4 millimeters across each solar cell; and

(F) must be individual retail packaging (for purposes of this provision, retail packaging typically includes graphics, the product name, its description and/or features, and foam for transport); and

(ii) includes a mesh (i) the panel is encased in sewn fabric with stitching, or

(iii) includes a visible stitching, (ii) includes a mesh

Features, and foam for transport); and

Off grid CSPV panels without a glass cover, with the following characteristics:

(A) A total power output of 100 watts or less per panel;

(B) a maximum surface area of 8,000 cm² per panel;

(C) do not include a built-in inverter;

(D) must include visible parallel grid collector metallic wire lines every 1–4 millimeters across each solar cell; and

(E) each panel is

1. permanently integrated into a consumer good;

2. encased in a laminated material without stitching, or

3. has all of the following characteristics:

(i) The panel is encased in sewn fabric with visible stitching, (ii) includes a mesh zipped storage pocket, and (iii) includes a permanently attached wire that terminates in a female USB–A connector.7

The scope description below includes this exclusion language.

Scope of the Antidumping and Countervailing Duty Orders on Certain Crystalline Silicon Photovoltaic Cells From the People’s Republic of China

The merchandise covered by the Orders is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels and building integrated materials.

The Orders cover crystalline silicon photovoltaic cells of thickness equal to or greater than 20 micrometers, having a p/n junction formed by any means, whether or not the cell has undergone other processing, including, but not limited to, cleaning, etching, coating, and/or addition of materials (including, but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell.

Merchandise under consideration may be described at the time of importation as parts for final finished products that are assembled after


importation, including, but not limited to, modules, laminates, panels, building-integrated modules, building-integrated panels, or other finished goods kits. Such parts that otherwise meet the definition of merchandise under consideration are included in the scope of the Orders.

Excluded from the scope of the Orders are thin film photovoltaic products produced from amorphous silicon (a-Si), cadmium telluride (CdTe), or copper indium gallium selenide (CIGS).

Also excluded from the scope of the Orders are crystalline silicon photovoltaic cells, not exceeding 10,000mm² in surface area, that are permanently integrated into a consumer good whose function is other than power generation and that consumes the electricity generated by the integrated crystalline photovoltaic cell. Where more than one cell is permanently integrated into a consumer good, the surface area for purposes of this exclusion shall be the total combined surface area of all cells that are integrated into the consumer good.

Additionally, excluded from the scope of the Orders are panels with surface area from 3,450 mm² to 33,782 mm² with one black wire and one red wire (each of type 22 AWG or 24 AWG not more than 206 mm in length when measured from panel extrusion), and not exceeding 2.9 volts, 1.1 amps, and 3.19 watts. For the purposes of this exclusion, no panel shall contain an internal battery or external computer peripheral ports.

Also excluded from the scope of the Orders are:

(1) Off grid CSPV panels in rigid form with a glass cover, with the following characteristics:

(A) A total power output of 100 watts or less per panel;

(B) a maximum surface area of 8,000 cm² per panel;

(C) do not include a built-in inverter;

(D) must include visible parallel grid collector metallic wire lines every 1–4 millimeters across each solar cell; and

(E) each panel is

1. permanently integrated into a consumer good;

2. encased in a laminated material without stitching, or

3. has all of the following characteristics:

(i) the panel is encased in sewn fabric with visible stitching, (ii) includes a mesh zipped storage pocket, and (iii) includes a permanently attached wire that terminates in a female USB–A connector.8

Also excluded from the scope of the Orders are:

(2) Off grid CSPV panels without a glass cover, with the following characteristics:

(A) A total power output of 100 watts or less per panel;

(B) a maximum surface area of 8,000 cm² per panel;

(C) do not include a built-in inverter;

(D) must include visible parallel grid collector metallic wire lines every 1–4 millimeters across each solar cell; and

(E) each panel is

1. permanently integrated into a consumer good;

2. encased in a laminated material without stitching, or

3. has all of the following characteristics:

(i) the panel is encased in sewn fabric with visible stitching, (ii) includes a mesh zipped storage pocket, and (iii) includes a permanently attached wire that terminates in a female USB–A connector.9


9 See AD Order, 77 FR at 73017 ( footnote omitted); Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People’s Republic of China: Final Results of Changed Circumstances Reviews, and Revocation of Antidumping and Countervailing Duty Orders, in Part, 83 FR 2018 (excluding certain panels with surface area from 3,450 mm² to 33,782 mm²).


See also
authority.11 Consistently, Commerce’s
general practice is to instruct U.S.
Customs and Border Protection (CBP) to
liquidate without regard to antidumping and
countervailing duties, and to refund any
estimated antidumping and
countervailing duties, on all
unliquidated entries of the merchandise
covered by a revocation that are not
covered by the final results of an
administrative review or automatic
liquidation.11

Commerce has exercised its discretion
deviated from this general practice if the particular facts of a case have
implications for the effective date of the
partial revocation selected by
Commerce.12 Specifically, when
selecting the effective date for partial
revocation, Commerce has considered
factors such as the effective date
proposed by the petitioner (and/or the
effective date agreed to by all parties),13
the existence of unliquidated entries
dating back to the requested effective date,14
whether an interested party
requested the effective date of the
revocation,15 and whether the requested
effective date creates potential
administrability issues (e.g., the
products covered by the partial
revocation are in the sales database used in
the dumping margin calculations for a
completed administrative review with a
period of review (POR) that overlaps
with the date requested).16

On September 4, 2018, Goal Zero
requested retroactive application of the
final results of these reviews starting
January 1, 2015 for purposes of the CVD
Order, and December 1, 2015 for
purposes of the AD Order, and the
petitioner agreed to Goal Zero’s
request.17 Goal Zero claims that there are
unliquidated entries corresponding to the
2015–2016 reviews.18 Goal Zero notes that the final results for the
administrative review of the CVD Order
covering the review period January 1
through December 31, 2015, and the
final results for the administrative review of the AD Order covering the
date December 1, 2015 through
November 30, 2016, are being
challenged by the petitioner before the
Court of International Trade (CIT)19
However, entries of subject
merchandise overlapping with the AD administrative
review covering the period December 1,
2015 through November 30, 2016, and
which were not liquidated pursuant to
automatic liquidation instructions,20 are
either encompassed by Commerce’s
August 21, 2018 liquidation instructions to
CBP or enjoined from liquidation by
statutory injunctions entered by
the CIT.21 Similarly, entries of subject
merchandise overlapping with the CVD administrative review covering the
period January 1, 2015 through
December 31, 2015, and which were not
liquidated pursuant to automatic
liquidation instructions,22 are enjoined
from liquidation by statutory
injunctions entered by the CIT.23 Entries of merchandise enjoined from
liquidation by the court may not be
subject to Commerce’s partial revocation of the order and subsequent instructions
to CBP, and because their liquidation is
enjoined, they are set to be liquidated in
accordance with the final court
decision.24

We find that legal and
administrability issues are presented by
using the effective dates suggested by
the interested parties. Accordingly, we
are exercising our discretion, based on
the particular circumstances in these
CCRIs, to make the effective dates
January 1, 2016, for purposes of the CVD
Order and December 1, 2016, for
purposes of the AD Order.

Instructions to U.S. Customs and
Border Protection
Because we determine that there are
changed circumstances that warrant the
revocation of the Orders, in part, we
will instruct CBP to liquidate without
regard to antidumping and
countervailing duties, and to refund any
estimated antidumping and
countervailing duties on, all
unliquidated entries of the merchandise
covered by this partial revocation on or
after January 1, 2016, for purposes of the CVD
Order, and on or after December 1,
2016, for purposes of the AD Order.

Notification to Interested Parties
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
written notification of the return/ destruction of APO materials or
conversion to judicial protective order is
hereby requested. Failure to comply

12 See e.g., Certain Pasta From Italy: Final Results
of Countervailing Duty Changed Circumstances
Review and Revocation, In Part, 76 FR 27634 (May
12, 2011); Stainless Steel Bar From the United
Kingdom: Notice of Final Results of Changed
Circumstances Review and Revocation of Order,
in Part, 72 FR 65706 (November 23, 2007); Notice of
Final Results of Antidumping Duty Changed
Circumstances Review and Revocation of Order
in Part: Certain Corrosion-Resistant Carbon Steel Flat
Products from Germany, 71 FR 66163 (November
13, 2006); Notice of Final Results of Antidumping
Duty Changed Circumstances Reviews and
Revocation of Orders in Part: Certain Corrosion-
Resistant Carbon Steel Flat Products From Canada
and Germany, 71 FR 14498 (March 22, 2006);
Notice of Final Results of Antidumping Duty
Changed Circumstances Review, and Determination
To Revoke Order in Part: Certain Cased Pencils from
the People’s Republic of China, 68 FR 62428
(November 4, 2003).
13 See section 751(d)(3) of the Act; Itochu
Building Products v. United States, Court No. 11–
Prod) (CIT April 8, 2014) at 12 (“The statutory
provision, as discussed above, provides Commerce
with discretion in the selection of the effective date
for a partial revocation following a changed
circumstances review, but that discretion may not be
exercised arbitrarily so as to decide the question
presented without considering the relevant
and competing considerations.”).
14 See, e.g., Carbon and Certain Alloy Steel Wire
Rod from Brazil, Canada, Indonesia, Mexico,
Moldova, Trinidad and Tobago, and Ukraine: Final
Results of Changed Circumstances Review, 68 FR
64079 (November 12, 2003); Stainless Steel Hollow
Products from China: Preliminary
Determination of Antidumping Duty Administrative
Reviews, Final Results of Changed Circumstances
Antidumping Duty Administrative Review, and
Revocation In Part of Antidumping Duty Order, 60 FR
42529 (August 16, 1995).
15 See Steel Wire Garment Hangers From the
People’s Republic of China: Final Results Of
Changed Circumstances Review, and Revocation in
Part: Certain Cased Pencils from the People’s
Republic of China, 68 FR 50956 (October 2, 2003); Notice of Final Results of
Antidumping Duty Changed Circumstances
Review, and Determination To Revoke Order In
Part: Certain Cased Pencils from the People’s

with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these final results and revocation, in part, and notice in accordance with sections 751(b) and 777(i) of the Act and 19 CFR 351.216, 19 CFR 351.221(c)(3), and 19 CFR 351.222.


Christian Marsh,
Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–27533 Filed 12–19–18; 8:45 am

BILLING CODE 3510–0S–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–201–846]

Agreement Suspending the Countervailing Duty Investigation on Sugar From Mexico (as Amended); Preliminary Results of 2017 Administrative Review

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


SUMMARY: The Department of Commerce (Commerce) preliminarily determines that the Government of Mexico (GOM) and selected respondents Ingenio El Higo S.A. de C.V., Ingenio Melchor Ocampo S.A. de C.V., Ingenio Higo S.A. de C.V., Ingenio Melchor Ocampo S.A. de C.V., and Zucarmex S.A. de C.V. (and their affiliates) are in compliance with the Agreement Suspending the Countervailing Duty Investigation of Sugar from Mexico (CVD Agreement), as amended on June 30, 2017 (collectively, amended CVD Agreement), for the period October 1, 2017, through December 31, 2017. Commerce also preliminarily determines that the amended CVD Agreement is meeting the statutory requirements under sections 704(c) and (d) of the Tariff Act of 1930, as amended. Interested parties are invited to comment on these preliminary results.

FOR FURTHER INFORMATION CONTACT: Sally C. Gannon or David Cordell, Enforcement & Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–0162 or (202) 482–0408, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 19, 2014, Commerce signed an agreement under section 704(c) of the Tariff Act of 1930, as amended (the Act), with the GOM, suspending the CVD investigation on sugar from Mexico. On June 30, 2017, Commerce and the GOM signed an amendment to the CVD Agreement.

On December 29, 2017, the American Sugar Coalition and its Members (petitioners) filed a request for an administrative review of the amended CVD Agreement. The review was initiated on February 13, 2018, covering the January 1, 2017 through December 31, 2017, period of review (POR). Commerce amended the POR on April 19, 2018, to reflect the period from October 1, 2017, through December 31, 2017 (including sales prior to October 1, 2017 that resulted in entries during the fourth quarter of 2017). On May 23, 2018, Commerce selected the four largest producers/exporters by volume as mandatory respondents, and issued its questionnaire to the GOM, the signatory to the CVD Agreement, and asked the GOM to send full questionnaires at attachment 1 to the four selected companies (and their affiliates). These were: Central El Potrero S.A. de C.V., Ingenio El Higo S.A. de C.V., Ingenio Melchor Ocampo S.A. de C.V., and Zucarmex S.A. de C.V. Commerce also asked that the GOM respond to its own questionnaire.

Scope of Review

Merchandise covered by this amended CVD Agreement is typically imported under the following headings of the 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, 1701.99.1010, 1701.99.1025, 1701.99.1050, 1701.99.5010, 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 amended CVD Agreement is dispositive.

Methodology and Preliminary Results

Commerce is conducting this review in accordance with section 751(a)(1)(C) of the Act. After reviewing the information received to date from the respondent companies and the GOM in their questionnaire and supplemental questionnaire responses, we preliminarily find that the information indicates that the GOM has adhered to the terms of the amended CVD Agreement and that the amended CVD Agreement is functioning as intended. Further, we preliminarily determine that the amended CVD Agreement is meeting the statutory requirements under sections 704(c) and (d) of the Act. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

Public Comment

Pursuant to 19 CFR 351.309(c)(1)(iii), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs in accordance with 19 CFR 351.309(d)(1). Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to provide: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. See 19 CFR 351.309(c)(2) and (d)(2).

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance filed electronically via ACCESS. An