

An “unfinished” or “unassembled” propane cylinder includes drawn cylinder halves that have not been welded into a cylinder, cylinders that have not had flanges welded into the port hole(s), cylinders that are otherwise complete but have not had collars or foot rings welded to them, otherwise complete cylinders without a valve assembly attached, and cylinders that are otherwise complete except for testing, certification, and/or marking.

This investigation also covers steel propane cylinders that meet, are produced to meet, or are certified as meeting, other U.S. or Canadian government, international, or industry standards (including, for example, American Society of Mechanical Engineers (ASME), or American National Standard Institute (ANSI)), if they also meet, are produced to meet, or are certified as meeting USDOT Specification 4B, 4BA, or 4BW, or Transport Canada Specification 4BM, 4BAM, or 4BWM, or a United Nations pressure receptacle standard ISO 4706.

Subject merchandise also includes steel propane cylinders that have been further processed in a third country, including but not limited to, attachment of collars, foot rings, or handles by welding or brazing, heat treatment, painting, testing, certification, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the in-scope steel propane cylinders.

Specifically excluded are seamless steel propane cylinders and propane cylinders made from stainless steel (*i.e.*, steel containing at least 10.5 percent chromium by weight and less than 1.2 percent carbon by weight), aluminum, or composite fiber material. Composite fiber material is material consisting of the mechanical combination of two components: Fiber (typically glass, carbon, or aramid (synthetic polymer)) and a matrix material (typically polymer resin, ceramic, or metallic).

The merchandise subject to this investigation is properly classified under statistical reporting numbers 7311.00.0060 and 7311.00.0090 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS statistical reporting numbers are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

## Appendix II

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

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Postponement of Final Determination and Extension of Provisional Measures
- V. Scope Comments
- VI. Discussion of the Methodology
  - A. Determination of the Comparison Method
  - B. Analysis of the Differential Pricing Analysis
- VII. Date of Sale
- VIII. Product Comparisons
- IX. Export Price
- X. Normal Value
  - A. Comparison Market Viability

- B. Level of Trade
- C. Cost of Production (COP) Analysis
  1. Calculation of COP
  2. Test of Comparison Market Sales Prices
  3. Results of the COP Test
- D. Calculation of NV Based on Comparison Market Prices

XI. Currency Conversion

XII. Verification

XIII. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–201–820]

#### Fresh Tomatoes From Mexico: Final Results of the Full Sunset Review of the Suspended Antidumping Duty Investigation

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

**SUMMARY:** On February 1, 2018, the Department of Commerce (Commerce) initiated the fourth sunset review of the suspended antidumping duty investigation on fresh tomatoes from Mexico. Commerce finds that termination of the suspended antidumping duty investigation on fresh tomatoes from Mexico would be likely to lead to continuation or recurrence of dumping at the levels indicated in the “Final Results of Review” section of this notice.

**DATES:** Applicable December 27, 2018.

**FOR FURTHER INFORMATION CONTACT:** Sally C. Gannon or David Cordell, Enforcement and 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 August 27, 2018, Commerce preliminarily determined that termination of the suspended antidumping duty investigation on fresh tomatoes from Mexico would likely lead to continuation or recurrence of dumping.<sup>1</sup> On September 26, 2018, the Confederación de Asociaciones Agrícolas del Estado de Sinaloa, A.C., Consejo Agrícola de Baja California, A.C., Asociación Mexicana de Horticultura Protegida, A.C., Asociación de Productores de Hortalizas del Yaqui

y Mayo and Sistema Productor Tomate (collectively, the Mexican growers) filed their case brief, and requested a hearing on the matter;<sup>2</sup> NS Brands, Ltd., and its affiliates (collectively, NatureSweet) also filed their case brief on September 26, 2018.<sup>3</sup> On September 27, 2018, the Florida Tomato Exchange (the FTE) requested a one-week extension of the October 1, 2018 deadline to file its rebuttal brief;<sup>4</sup> on September 28, 2018, Commerce granted the extension and set the deadline for submission of rebuttal briefs as October 9, 2018, to account for the federal holiday on October 8, 2018.<sup>5</sup> The FTE timely submitted its rebuttal brief on October 9, 2018.<sup>6</sup> Commerce scheduled the public hearing on the matter for, and the public hearing was held on, October 16, 2018. On November 14, 2018, Commerce requested additional information from the FTE regarding information that was not provided in its intent to participate submittal.<sup>7</sup> The FTE provided its timely response to the request for further information on November 21, 2018.<sup>8</sup> The Mexican growers timely provided rebuttal comments on November 26, 2018.<sup>9</sup> The FTE submitted a timely rebuttal on November 29, 2018.<sup>10</sup>

##### Scope of the Suspension Agreement

For a full description of the scope of the Agreement, please refer to the accompanying Issues and Decision Memorandum.

<sup>2</sup> See Mexican Growers’ Case Brief, “Sunset Review of the 2013 Suspension Agreement on Fresh Tomatoes from Mexico,” (September 26, 2018) at 1.

<sup>3</sup> See NatureSweet’s Case Brief, “Case Brief of NS Brands, LTD.” (September 26, 2018).

<sup>4</sup> See Letter to Wilbur Ross, Secretary of Commerce, from the Florida Tomato Exchange, “Fresh Tomatoes from Mexico: Rebuttal Brief Extension Request” (September 27, 2018).

<sup>5</sup> See Memorandum, “2018 Sunset Review of the 2013 Suspension Agreement on Fresh Tomatoes from Mexico; Extension for Rebuttal Briefs: Correction of Rebuttal Deadline” (September 28, 2018).

<sup>6</sup> See FTE’s Rebuttal Brief, “Rebuttal Brief of the Florida Tomato Exchange” (October 9, 2018).

<sup>7</sup> See Letter to Wilbur Ross, Secretary of Commerce, from the Florida Tomato Exchange, “Fresh Tomatoes from Mexico: Notice of Intent to Participate” (February 15, 2018).

<sup>8</sup> See Letter to Wilbur Ross, Secretary of Commerce, from the Florida Tomato Exchange, “Fresh Tomatoes from Mexico: Response to Request for Additional Information” (November 21, 2018).

<sup>9</sup> See Letter to Wilbur Ross, Secretary of Commerce, from the Confederación de Asociaciones Agrícolas del Estado de Sinaloa, A.C., *et al.*, “Sunset Review of the 2013 Suspension Agreement on Fresh Tomatoes from Mexico” (November 26, 2018).

<sup>10</sup> See Letter to Wilbur Ross, Secretary of Commerce, from the Florida Tomato Exchange, “Fresh Tomatoes from Mexico: Reply to CAADES’ November 26, 2018 Comments” (November 29, 2018).

<sup>1</sup> See *Fresh Tomatoes from Mexico: Preliminary Results of the Five-Year Sunset Review of the 2013 Suspension Agreement on Fresh Tomatoes*, 83 FR 43642 (August 27, 2018).

### Analysis of Comments Received

All issues raised for the final results of this sunset review are addressed in the Issues and Decision Memorandum. <sup>11</sup> The Issues and Decision Memorandum is hereby adopted by this notice. The issues discussed in the Issues and Decision Memorandum include: The adequacy of the FTE's substantive response, the likelihood of recurrence of dumping, and the margin to be reported to the International Trade Commission. Parties can find a complete discussion of all the issues raised in this sunset review and the corresponding recommendations in this public memorandum, which 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 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 on the internet at <http://enforcement.trade.gov/frn/>. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

### Final Results of Review

Pursuant to section 752(c) of the Act, we determine that the termination of the suspended investigation on fresh tomatoes from Mexico would likely lead to continuation or recurrence of dumping at weighted-average margins up to 188.14 percent.

### Notification to Interested Parties

This notice also serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. 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 terms of an APO is a violation which is subject to sanction.

Commerce is issuing and publishing the results and notice in accordance with sections 751(c), 752(c), and

777(i)(1) of the Act and 19 CFR 351.218(f)(1).

Dated: December 18, 2018.

**P. Lee Smith,**

*Deputy Assistant Secretary for Policy and Negotiations, Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; Certification of Admissibility for Fish Products

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before February 25, 2019.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at [pracomments@doc.gov](mailto:pracomments@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Christopher Rogers at (301) 427-8375 or [christopher.rogers@noaa.gov](mailto:christopher.rogers@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

This request is for extension of a revision to the information collection previously approved as an emergency request. The title of the information collection is "Fishery Products Subject to Trade Restrictions Pursuant to Certification under the High Seas Driftnet Fishing Moratorium Protection Act and the Marine Mammal Protection Act". The information collection involves certification of admissibility for importation of certain fish and fish products that are subject to requirements of the High Seas Driftnet Fishing Moratorium Protection Act

(Moratorium Protection Act) or the Marine Mammal Protection Act (MMPA).

Pursuant to a final rule implementing certain provisions of the Moratorium Protection Act (RIN 0648-BA89), certain fish or fish products of a nation may be subject to import prohibitions. To facilitate enforcement, the National Marine Fisheries Service (NMFS) requires that other fish or fish products from that nation that are not subject to the import prohibitions must be accompanied by documentation of admissibility. A duly authorized official/agent of the applicant's Government must certify that the fish in the shipments being imported into the United States (U.S.) are of a species, or from fisheries, that are not subject to an import restriction. If a nation is identified under the Moratorium Protection Act and fails to receive a positive certification decision from the Secretary of Commerce, products from that nation that are not subject to the import prohibitions must be accompanied by the documentation of admissibility.

Under the Marine Mammal Protection Act, import certification requirements apply in cases where foreign fisheries do not meet U.S. standards for marine mammal bycatch mitigation. A final rule (RIN 0648-AY15) implemented a procedure for making comparability findings for nations that are eligible for exporting fish and fish products to the United States. The nations may receive a comparability finding to export fish and fish products by providing documentation that a nation's bycatch reduction regulatory program is comparable in effectiveness to that of the United States. Fish and fish products from a foreign fishery without a comparability finding are prohibited from entry into U.S. commerce. To facilitate enforcement, NMFS requires that other fish or fish products from that nation that are not subject to the import prohibitions must be accompanied by documentation of admissibility.

##### II. Method of Collection

The information is collected electronically at the time of entry filing in the Automated Commercial Environment (ACE) of U.S. Customs and Border Protection. The exporter completes information on the contents/origin of the fish products contained in the export shipment and obtains export government certification that the fish meet the U.S. admissibility criteria. Entry filers (importers or customs brokers) obtain the completed Certification of Admissibility from the exporter (attached to the shipment

<sup>11</sup> See Memorandum to P. Lee Smith, Deputy Assistant Secretary for Policy and Negotiations, re "Issues and Decision Memorandum for the Final Results of the Full Sunset Review of the Suspended Investigation of Tomatoes from Mexico," dated concurrently with and adopted by this notice.