

administrative review of the countervailing duty order on circular welded carbon-quality steel pipe (CWP) from the People's Republic of China (China) for the period January 1, 2018, through December 31, 2018, based on the timely withdrawal of the request for review.

**DATES:** Applicable October 30, 2019.

**FOR FURTHER INFORMATION CONTACT:** Darla Brown, 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) 482-1791.

**SUPPLEMENTARY INFORMATION:**

### Background

On July 1, 2019, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the countervailing duty order on CWP from China for the period January 1, 2018, through December 31, 2018.<sup>1</sup> In July 2019, Commerce received a timely request, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), to conduct an administrative review of this countervailing duty order from Independence Tube Corporation, a Nucor Company, and Southland Tube, Incorporated, a Nucor Company (collectively, the petitioner).<sup>2</sup> We received no other requests for review. Based upon the petitioner's request, on September 9, 2019, in accordance with section 751(a) of the Act, Commerce published in the **Federal Register** a notice of initiation listing 147 companies for which Commerce received a timely request for review.<sup>3</sup>

In October 2019, the petitioner timely withdrew its request for an administrative review for all 147 companies.<sup>4</sup>

### Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the date of publication of notice of initiation of

the requested review. As noted above, the petitioner withdrew its request for review by the 90-day deadline, and we received no other requests for review. Accordingly, we are rescinding the administrative review of the countervailing duty order on CWP from China covering the period January 1, 2018, through December 31, 2018, in its entirety.

### Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties on all appropriate entries. Countervailing duties shall be assessed at rates equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice in the **Federal Register**.

### Administrative Protective Order

This notice serves as the only reminder to parties subject to 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), which continues to govern business proprietary information. 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 a sanctionable violation.

### Notification to Interested Parties

This notice is issued and published in accordance with section 751(a)(1) and 751(i)(1) of the Act.

Dated: October 24, 2019.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-201-845]

### Sugar From Mexico: Notice of Court Decision Regarding Amendment to the Agreement Suspending the Antidumping Duty Investigation

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

**SUMMARY:** On October 18, 2019, the United States Court of International Trade (CIT) issued a final judgment in *CSC Sugar LLC v. United States*, Ct. No. 17-00215, Slip Op. 19-132 (CIT October 18, 2019) (*CSC Sugar II*). Commerce is notifying the public of the CIT's ruling that Commerce's 2017 amendment to the Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico (AD Agreement) must be vacated. Commerce intends to take action to implement the CIT ruling by November 18, 2019.

**DATES:** October 30, 2019.

**FOR FURTHER INFORMATION CONTACT:** Sally C. Gannon, Bilateral Agreements Unit, Office of Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0162.

**SUPPLEMENTARY INFORMATION:**

### Background

On December 19, 2014, Commerce and the signatory producers/exporters accounting for substantially all imports of sugar from Mexico signed the AD Agreement.<sup>1</sup> Between June 2016 and June 2017, Commerce and the signatory producers/exporters accounting for substantially all imports of sugar from Mexico held consultations to address concerns raised by the domestic industry and to ensure that the AD Agreement met the statutory requirements for a suspension agreement, e.g., that suspension of the investigation was in the public interest, including the availability of supplies of sugar in the U.S. market, and that effective monitoring was practicable. The consultations resulted in Commerce and the signatory producers/exporters accounting for substantially all imports of sugar from Mexico signing an amendment to the AD Agreement on June 30, 2017, which was subsequently published in the **Federal Register**.<sup>2</sup>

CSC Sugar LLC (CSC Sugar) challenged Commerce's determination to amend the AD Agreement by contending that Commerce did not meet its obligation to file a complete administrative record.<sup>3</sup> Specifically, CSC Sugar argued that Commerce failed to memorialize and include in the record *ex parte* communications

<sup>1</sup> See *Sugar From Mexico: Suspension of Antidumping Duty Investigation*, 79 FR 78039 (December 29, 2014).

<sup>2</sup> See *Sugar From Mexico: Amendment to the Agreement Suspending the Antidumping Duty Investigation*, 82 FR 31945 (July 11, 2017) (*AD Amendment*).

<sup>3</sup> See *CSC Sugar II* at 4.

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation: Opportunity to Request Administrative Review*, 84 FR 31295 (July 1, 2019).

<sup>2</sup> See Petitioner's Letter, "Circular Welded Carbon Quality Steel Pipe from The People's Republic of China: Request for Administrative Review," dated July 31, 2019.

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 84 FR 47242 (September 9, 2019).

<sup>4</sup> See Petitioner's Letter, "Circular Welded Carbon Quality Steel Pipe from The People's Republic of China: Withdrawal of Request for Administrative Review," dated October 17, 2019.

between Commerce officials and interested parties (including the domestic sugar industry and representatives of Mexico) as required by section 777(a)(3) of the Tariff Act of 1930, as amended (the Act).<sup>4</sup>

The CIT agreed with CSC Sugar and ordered Commerce to supplement the administrative record with any *ex parte* communications regarding the *AD Amendment*.<sup>5</sup> CSC Sugar subsequently filed a motion for judgment on the agency record arguing that Commerce's failure, during the consultations period, to maintain contemporaneous *ex parte* communication memoranda, in accordance with section 777(a)(3) of the Act, could not be adequately remedied by Commerce's delayed and incomplete supplementation of the record.<sup>6</sup>

The CIT found that Commerce's failure to follow the recordkeeping requirements of Section 777 of the Act cannot be described as "harmless."<sup>7</sup> The CIT found that this recordkeeping failure substantially prejudiced CSC Sugar.<sup>8</sup> On that basis, the CIT stated that the *AD Amendment* must be vacated.<sup>9</sup>

The *AD Amendment* remains in force until Commerce takes action to implement the CIT's ruling. The CIT's rules establish an automatic 30-day stay of proceedings to enforce a judgment.<sup>10</sup> Accordingly, Commerce intends to implement the CIT's ruling by November 18, 2019.<sup>11</sup>

Dated: October 25, 2019.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2019-23769 Filed 10-29-19; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-900]

#### **Diamond Sawblades and Parts Thereof From the People's Republic of China: Preliminary Affirmative Determination of Circumvention**

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that Protech Diamond Tools Inc. (Protech) is circumventing the antidumping duty order on diamond sawblades and parts thereof (diamond sawblades) from the People's Republic of China (China).

**DATES:** Applicable October 30, 2019.

**FOR FURTHER INFORMATION CONTACT:** Yang Jin Chun, AD/CVD Operations Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5760.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On May 3, 2019, in response to a request from the Diamond Sawblades Manufacturers' Coalition (the petitioner), Commerce published the initiation of the anti-circumvention inquiry to determine whether certain imports of diamond sawblades comprised of cores and segments produced in China and joined into diamond sawblades in, and exported from, Canada by Protech are circumventing the antidumping duty order on diamond sawblades from China.<sup>1</sup>

##### **Scope of the Order**

The products subject to the order are diamond sawblades. The diamond sawblades subject to the order are currently classifiable under subheadings 8202 to 8206 of the Harmonized Tariff Schedule of the United States (HTSUS), and may also enter under subheading 6804.21.00. The HTSUS subheadings are provided for convenience and customs purposes. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.<sup>2</sup> The written description is dispositive.

<sup>1</sup> See *Diamond Sawblades and Parts Thereof from the People's Republic of China: Initiation of Anti-Circumvention Inquiry*, 84 FR 19043 (May 3, 2019) (*Initiation Notice*).

<sup>2</sup> See Memorandum, "Diamond Sawblades and Parts Thereof from the People's Republic of China:

##### **Scope of the Anti-Circumvention Inquiry**

We initiated this anti-circumvention inquiry to cover diamond sawblades produced in Canada by Protech with cores and segments produced in China and subsequently exported from Canada by Protech to the United States.<sup>3</sup>

##### **Methodology**

Commerce is conducting this anti-circumvention inquiry in accordance with section 781(b) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.225(h). Because Protech did not respond to our request for information, we made the affirmative preliminary determination based on adverse facts available in accordance with section 776(a)-(b) of the Act. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. The Preliminary Decision Memorandum 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 to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

##### **Preliminary Determination**

As detailed in the Preliminary Decision Memorandum, Commerce preliminarily determines that diamond sawblades produced by Protech in Canada using cores and segments from China and exported from Canada by Protech to the United States are circumventing the antidumping duty order on diamond sawblades from China. We therefore preliminarily determine that it is appropriate to include this merchandise within the antidumping duty order on diamond sawblades from China and to instruct U.S. Customs and Border Protection (CBP) to suspend entries of merchandise produced using Chinese cores and Chinese segments by Protech in Canada

Decision Memorandum for Preliminary Affirmative Determination of Circumvention," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum) at 2-3.

<sup>3</sup> See *Initiation Notice*, 84 FR at 19043 ("This anti-circumvention inquiry covers diamond sawblades produced in Canada using cores and segments of Chinese origin and exported from Canada to the United States by Protech.").

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* (citing *CSC Sugar LLC v. United States*, 317 F. Supp. 3d 1322, 1326 (CIT 2018)).

<sup>6</sup> See *CSC Sugar II* at 4.

<sup>7</sup> *Id.* at 11-12.

<sup>8</sup> *Id.* at 12.

<sup>9</sup> *Id.*

<sup>10</sup> See CIT Rule 62(a) ("Except as stated in this rule or as otherwise ordered by the court, no execution may issue on a judgment, nor may proceedings be taken to enforce it, until 30 days have passed after its entry.").

<sup>11</sup> See CIT Rule 6(a)(1). In this case, the 30th day after October 18 is Sunday, November 17.