

Background

On December 19, 2014, Commerce and the signatory producers/exporters accounting for substantially all imports of sugar from Mexico signed the Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico (AD Agreement).¹ Subsequent to this date, 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 all of 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 the amendment to the AD Agreement on June 30, 2017, and it was subsequently published in the **Federal Register**.²

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.³ Specifically, CSC Sugar argued that Commerce failed to memorialize and include in the record *ex parte* communications 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).⁴

The CIT agreed with CSC Sugar and ordered Commerce to supplement the administrative record with any *ex parte* communications regarding the *AD Amendment*.⁵ 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.⁶

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

Termination of AD Amendment

Consistent with the CIT's ruling in *GSC Sugar II*, Commerce is terminating the *AD Amendment* prospectively.¹⁰ Accordingly, as of December 7, 2019, the unamended AD Agreement¹¹ is in force and effective, and the *AD Amendment* has no force or effect.

Dated: December 6, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019-26802 Filed 12-10-19; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

SUMMARY: The Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping duty (AD) and countervailing duty (CVD) orders and findings with October anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

DATES: Applicable December 11, 2019.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-4735.

SUPPLEMENTARY INFORMATION:

⁶ See *CSC Sugar II* at 4.

⁷ *Id.* at 11-12.

⁸ *Id.* at 12.

⁹ *Id.*

¹⁰ Commerce is terminating the *AD Amendment*, effective December 7, 2019. Because suspension of liquidation does not occur while the AD Agreement is in force, termination of the *AD Amendment* shall be prospective in effect. Accordingly, the AD Agreement, as signed on December 19, 2014, applies to all contracts for sugar from Mexico exported from Mexico on or after December 7, 2019.

¹¹ See AD Agreement.

Background

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various AD and CVD orders and findings with October anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (POR), it must notify Commerce within 30 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at <http://access.trade.gov> in accordance with 19 CFR 351.303.¹ Such submissions are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on Commerce's service list.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the POR. We intend to place the CBP data on the record within five days of publication of the initiation notice and to make our decision regarding respondent selection within 30 days of publication of the initiation **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted within seven days after the placement of the CBP data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments within five days after the deadline for the initial comments.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act, the following guidelines regarding collapsing of companies for purposes of respondent selection will apply. In general, Commerce has found that

¹ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

¹ See *Sugar From Mexico: Suspension of Antidumping Duty Investigation*, 79 FR 78039 (December 29, 2014) (AD Agreement).

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

³ See *CSC Sugar II* at 4.

⁴ *Id.*

⁵ *Id.* (citing *CSC Sugar LLC v. United States*, 317 F. Supp. 3d 1334, 1345 (CIT 2018)).

determinations concerning whether particular companies should be “collapsed” (e.g., 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, Commerce will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this AD proceeding (e.g., investigation, administrative review, new shipper review, or changed circumstances review). For any company subject to this review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (Q&V) Questionnaire for purposes of respondent selection, in general, each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of a particular market situation (PMS) for purposes of

constructed value under section 773(e) of the Act.² Section 773(e) of the Act states that “if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.” When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial responses to section D of the questionnaire.

Separate Rates

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is Commerce’s policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

² See Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on Commerce’s website at <http://enforcement.trade.gov/nme/nme-sep-rate.html> on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the “Instructions for Filing the Certification” in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding³ should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,⁴ should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Application will be available on Commerce’s website at <http://enforcement.trade.gov/nme/nme-sep-rate.html> on the date of publication of this **Federal Register** notice. In responding to the Separate Rate

³ Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (e.g., an ongoing administrative review, new shipper review, etc.) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

⁴ Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

Application, refer to the instructions contained in the application. Separate Rate Applications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase

and export subject merchandise to the United States.

For exporters and producers who submit a Separate Rate Application or Certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate rate status unless they respond to all parts of the

questionnaire as mandatory respondents.

Initiation of Reviews:

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following AD and CVD orders and findings. We intend to issue the final results of these reviews not later than October 31, 2020.

	Period to be reviewed
AD proceedings	
AUSTRALIA: Hot-Rolled Steel Flat Products, A-602-809 BlueScope Steel Americas, Inc. BlueScope Steel, Ltd. SSAB Enterprises, LLC. Steel Dynamics, Inc. Steelscape LLC. United States Steel Corporation.	10/1/18-9/30/19
BRAZIL: Hot-Rolled Steel Flat Products, A-351-845 AG Royce Metal Marketing. Aperam South America. Companhia Siderurgica Nacional. Companhia Siderurgica Suape. Cummins Inc. Erico Incorporated. Gautier Steel Limited. Gerdau Acominas S.A. Mahle Engine Components USA Inc. Mahle Metal Leve S.A. Marcegaglia do Brasil. Modine do Brasil Sistemas Termicos. Nvent do Brasil Eletrometalurgica Ltda. Nvent Erico. Optimus Steel Inc. Ternium Brasil Ltda. Ternium Mexico S.A. de C.V. Usinas Siderurgicas de Minas Gerais S.A. (Usiminas).	10/1/18-9/30/19
INDIA: Stainless Steel Flanges, A-533-877 Arien Global. Armstrong International Pvt. Ltd. Avinimetal. Balkrishna Steel Forge Pvt. Ltd. Bebitz Flanges Works Private Limited. Bee Gee Enterprises. Bsl Freight Solutions Pvt., Ltd. CD Industries (Prop. Kisaan Engineering Works Pvt. Ltd). Chandan Steel Limited. Chandan Steel Ltd. Cipriani Harrison Valves Pvt. Ltd. CTL Logistics (India) Pvt. Ltd. Echjay Forgings Private Limited. Echjay Forgings Private Ltd. Fivebros Forgings Pvt. Ltd. Fluid Controls Pvt. Ltd. Geodis Oversea Pvt., Ltd. Globelink WW India Pvt., Ltd. Goodluck India Ltd. Hilton Metal Forging Limited. Jai Auto Pvt. Ltd. JAY JAGDAMBA FORGINGS PRIVATE LIMITED. JAY JAGDAMBA LIMITED. JAY JAGDAMBA PROFILE PRIVATE LIMITED. Jay Jagdamba Ltd. Kisaan Die Tech. Kunj Forgings Pvt. Ltd. Montane Shipping Pvt., Ltd. Noble Shipping Pvt. Ltd. Paramount Forge. Pashupati Tradex Pvt., Ltd. Peekay Steel Castings Pvt. Ltd. Pradeep Metals Limited.	3/28/18-9/30/19

	Period to be reviewed
Pradeep Metals Ltd. R D Forge Pvt., Ltd. Roxel Fittings India Pvt. Ltd. Rollwell Forge Pvt. Ltd. Safewater Lines (I) Pvt. Ltd. Saini Flange Pvt. Ltd. SAR Transport Systems. Shilpan Steelcast Pvt. Ltd. SHREE JAY JAGDAMBA FLANGES PRIVATE LIMITED. Shree Jay Jagdamba Flanges Pvt. Ltd. Teamglobal Logistics Pvt. Ltd. Technical Products Corporation. Technocraft Industries India Ltd. Transworld Global. VEEYES Engineering Pvt. Ltd. Vishal Shipping Agencies Pvt. Ltd. Yusen Logistics (India) Pvt. Ltd.	
JAPAN: Certain Hot-Rolled Steel Flat Products, A-588-874	10/1/18-9/30/19
Hanwa Co., Ltd. Higuchi Manufacturing America, LLC. Higuchi Seisakusho Co., Ltd. Hitachi Metals, Ltd. Honda Trading Canada, Inc. JFE Steel Corporation. JFE Shoji Trade America. JFE Shoji Trade Corporation. Kanematsu Corporation. Kobe Steel, Ltd. Metal One Corporation. Mitsui & Co., Ltd. Miyama Industry Co., Ltd. Nakagawa Special Steel Inc. Nippon Steel Corporation. Nippon Steel & Sumitomo Metal Corporation. Nippon Steel & Sumikin Logistics Co., Ltd. Nisshin Steel Co., Ltd. Okaya & Co., Ltd. Panasonic Corporation. Saint-Gobain K.K. Shinsho Corporation. Sumitomo Corporation. Suzukaku Co., Ltd. Tokyo Steel Manufacturing Co., Ltd. Toyota Tsusho Corporation Nagoya.	
MEXICO: Carbon and Certain Alloy Steel Wire Rod, A-201-830	10/1/18-9/30/19
ArcelorMittal Las Truchas, S.A. de C.V. Deacero S.A.P.I. de C.V. Grupo Villacero S.A. de C.V. Talleres y Aceros S.A. de C.V. Ternium Mexico S.A. de C.V.	
TAIWAN: Steel Concrete Reinforcing Bar, A-583-859	10/1/18-9/30/19
Power Steel Co., Ltd.	
REPUBLIC of KOREA: Certain Hot-Rolled Steel Flat Products, A-580-883	10/1/18-9/30/19
Hyundai Steel Company. POSCO. POSCO Daewoo Corporation. Dongbu Steel Co., Ltd. Dongkuk Industries Co., Ltd. Dongkuk Steel Mill Co., Ltd. Marubeni-Itochu Steel Korea Ltd 8. Soon Hong Trading Co. Snp Ltd. Sungjin Co., Ltd.	
The NETHERLANDS: Hot-Rolled Steel Flat Products, A-421-813	10/1/18-9/30/19
Tata Steel Ijmuiden BV.	
The PEOPLE'S REPUBLIC of CHINA: Electrolytic Manganese Dioxide, A-570-919	10/1/18-9/30/19
Duracell (China) Limited.	
The PEOPLE'S REPUBLIC of CHINA: Polyvinyl Alcohol, A-570-879	10/1/18-9/30/19
Sinopec Sichuan Vinylon Works. Sinopec Chongqing SVW Chemical Co., Ltd.	
The PEOPLE'S REPUBLIC OF CHINA: Steel Wire Garment Hangers, A-570-918	10/1/1A-9/30/19
Shanghai Wells Hanger Co., Ltd. Hong Kong Ltd. Hong Kong Wells Ltd.	

	Period to be reviewed
Hangzhou Qingqing Mechanical Co., Ltd. Hangzhou Yingqing Material Co., Ltd. Shaoxing Dingli Metal Clotheshorse. Shaoxing Lishi Metal Products Co., Ltd. Shaoxing Maosheng Metal Products Co., Ltd. Shaoxing Shunji Metal Clotheshorse Co., Ltd. Shaoxing Yongnuo Metal Products Co., Ltd. Zhejiang Lucky Cloud Hanger Co., Ltd.	
TURKEY: Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes, A-489-824 Cag Celik Demir ve Celik Endustri A.S. ⁵ Noksel Celik Boru Sanayi A.S. ⁶ Ozdemir Boru Profil San. ve Tic. Ltd Sti ⁷	9/1/18-8/31/19
TURKEY: Hot-Rolled Steel Flat Products, A-489-826 Agir Haddecilik A.S. Cag Celik Demir ve Celik. Colakoglu Dis Ticaret A.S. Colakoglu Metalurji, A.S. Ereqli Demir ve Celik Fabrikalari T.A.S. Gazi Metal Mamulleri Sanayi Ve Ticaret A.S. Habas Industrial and Medical Gases Production Industries Inc. Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi. Iskenderun Iron & Steel Works Co. MMK Atakas Metalurji. OzkanIron and Steel Ind. Seametal San ve Dis Tic. Tosyali Holding (Toscelik Profile and Sheet Ind. Co., Toscelik Profil ve Sac).	10/1/18-9/30/19
CVD proceedings	
BRAZIL: Hot-Rolled Steel Flat Products, C-351-846 Aperam South America. Companhia Siderurgica Nacional. Companhia Siderurgica Suape. Gerdau Acominas S.A. Mahle Metal Leve S.A. Marcegaglia do Brasil. Modine do Brasil Sistemas Termicos. Nvent do Brasil Eletrometalurgica Ltda. Ternium Brasil Ltda. Usinas Siderurgicas de Minas Gerais S.A. (Usiminas).	1/1/18-12/31/18
INDIA: Stainless Steel Flanges, C-533-878 Arien Global. Armstrong International Pvt. Ltd. Avinimetal. Balkrishna Steel Forge Pvt. Ltd. Bebitz Flanges Works Private Limited. Bee Gee Enterprises. Bsl Freight Solutions Pvt., Ltd. CD Industries (Prop. Kisaan Engineering Works Pvt. Ltd). Chandan Steel Limited. Chandan Steel Ltd. Cipriani Harrison Valves Pvt. Ltd. CTL Logistics (India) Pvt. Ltd. Echjay Forgings Private Limited. Fivebros Forgings Pvt. Ltd. Fluid Controls Pvt. Ltd. Geodis Oversea Pvt., Ltd. Globelink WW India Pvt., Ltd. Goodluck India Ltd. Hilton Metal Forging Limited. Jai Auto Pvt. Ltd. Jay Jagdamba Forgings Private Limited. Jay Jagdamba Limited. Jay Jagdamba Profile Private Limited. Kisaan Die Tech. Kunj Forgings Pvt. Ltd. Montane Shipping Pvt., Ltd. Noble Shipping Pvt. Ltd. Paramount Forge. Pashupati Tradex Pvt., Ltd. Peekay Steel Castings Pvt. Ltd. Pradeep Metals Limited. Pradeep Metals Ltd. R D Forge Pvt., Ltd.	1/23/18-12/31/18

	Period to be reviewed
Rolex Fittings India Pvt. Ltd. Rollwell Forge Pvt. Ltd. Safewater Lines (I) Pvt. Ltd. Saini Flange Pvt. Ltd. SAR Transport Systems. Shilpan Steelcast Pvt. Ltd. SHREE JAY JAGDAMBA FLANGES PRIVATE LIMITED. Shree Jay Jagdamba Flanges Pvt. Ltd. Teamglobal Logistics Pvt. Ltd. Technical Products Corporation. Technocraft Industries India Ltd. Transworld Global. VEEYES Engineering Pvt. Ltd. Vishal Shipping Agencies Pvt. Ltd. Yusen Logistics (India) Pvt. Ltd.	
REPUBLIC OF KOREA: Certain Hot-Rolled Steel Flat Products, C-580-884 DCE Inc. Dong Chuel America Inc. Dong Chuel Industrial Co., Ltd. Dongbu Incheon Steel Co., Ltd. Dongbu Steel Co., Ltd. Dongkuk Industries Co., Ltd. Dongkuk Steel Mill Co., Ltd. Hyewon Sni Corporation (H.S.I.). Hyundai Steel Company* 10. JFE Shoji Trade Korea Ltd. POSCO. POSCO Coated & Color Steel Co., Ltd. POSCO Daewoo Corporation. Soon Hong Trading Co., Ltd. Sung-A Steel Co., Ltd.	1/1/18-12/31/18
TURKEY: Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes, C-489-825 Cag Celik Demir ve Celik Endustri A.S. ⁸ Noksel Celik Boru Sanayi A.S. ⁹	1/1/18-12/31/18
Suspension Agreements	
RUSSIA: Uranium, A-821-802	10/1/18-9/30/19

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an AD order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after

⁵ Commerce misspelled the name of this company in the initiation notice that published on November 12, 2019 (84 FR 61011).

⁶ Commerce misspelled the name of this company in the initiation notice that published on November 12, 2019 (84 FR 61011).

⁷ In the initiation notice that published on November 12, 2019 (84 FR 61011), Commerce failed to specify that subject merchandise both produced and exported by Ozdemir Boru Profil San. ve Tic. Ltd Sti. (Ozdemir) is excluded from the antidumping duty order. *See Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Korea, Mexico, and the Republic of Turkey: Antidumping Duty Orders*, 81 FR 62865 (September 13, 2016) at 62866. Thus, Ozdemir's inclusion in this administrative review is limited to entries for which Ozdemir was not both the exporter and producer of the subject merchandise.

⁸ Commerce misspelled the name of this company in the initiation notice that published on November 12, 2019 (84 FR 61011).

⁹ Commerce misspelled the name of this company in the initiation notice that published on November 12, 2019 (84 FR 61011).

sunset review), Commerce, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether AD duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant "gap" period of the order (*i.e.*, the period following the expiry of provisional measures and before definitive measures were put into place), if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under

administrative protective orders in accordance with the procedures outlined in Commerce's regulations at 19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.*, the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Factual Information Requirements

Commerce's regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)-(iv). These regulations require any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being

submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the *Final Rule*,¹⁰ available at <http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt>, prior to submitting factual information in this segment.

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information using the formats provided at the end of the *Final Rule*.¹¹ Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable certification requirements.

Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by Commerce.¹² In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) Q&V questionnaires. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be

considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This policy also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. Please review the *Final Rule*, available at <http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>, prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: December 5, 2019.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2019-26671 Filed 12-10-19; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-201-846]

Sugar From Mexico: Notice of Termination of Amendment to the Agreement Suspending the Countervailing 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. 17-00214, Slip Op. 19-131 (CIT October 18, 2019) (*CSC Sugar II*), vacating the 2017 amendment to the Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico. Commerce is now terminating the amendment consistent with the Court's order.

DATES: Applicable December 7, 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 Government of Mexico (GOM) signed the Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico (CVD Agreement).¹ Subsequent to this date, between June 2016 and June 2017, Commerce and the GOM held consultations to address concerns raised by the domestic industry and to ensure that the CVD Agreement met all of 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 GOM signing the amendment to the CVD Agreement on June 30, 2017, and it was subsequently published in the **Federal Register**.²

CSC Sugar LLC (CSC Sugar) challenged Commerce's determination to amend the CVD Agreement by contending that Commerce did not meet its obligation to file a complete administrative record.³ Specifically, CSC Sugar argued that Commerce failed to memorialize and include in the record *ex parte* communications 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).⁴

The CIT agreed with CSC Sugar and ordered Commerce to supplement the administrative record with any *ex parte* communications regarding the *CVD Amendment*.⁵ 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.⁶

The CIT found that Commerce's failure to follow the recordkeeping requirements of Section 777 of the Act cannot be described as "harmless."⁷

¹ See *Sugar From Mexico: Suspension of Countervailing Duty Investigation*, 79 FR 78044 (December 29, 2014) (CVD Agreement).

² See *Sugar From Mexico: Amendment to the Agreement Suspending the Countervailing Duty Investigation*, 82 FR 31942 (July 11, 2017) (CVD Amendment).

³ See *CSC Sugar II* at 4.

⁴ *Id.*

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

⁶ See *CSC Sugar II* at 4.

⁷ *Id.* at 11-12.

¹⁰ See *Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also the frequently asked questions regarding the *Final Rule*, available at http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

¹¹ See section 782(b) of the Act; see also *Final Rule*; and the frequently asked questions regarding the *Final Rule*, available at http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

¹² See 19 CFR 351.302.