

remanded the *Final Determination*, at Commerce's request, to re-examine the separate rates assigned to four respondents, including Sumec Hardware.<sup>3</sup> On remand, Commerce determined that Sumec Hardware did not meet the criteria for a separate rate and found it to be part of the China-wide entity.<sup>4</sup>

While that litigation was pending before the CIT, in response to World Trade Organization (WTO) dispute settlement findings, and at the direction of the United States Trade Representative, Commerce implemented final determinations under Section 129 of the Uruguay Round Agreements Act (URAA) in several investigations, including the AD investigation of certain solar cells from China.<sup>5</sup> Pursuant to the Section 129 Implementation, Commerce revised Sumec Hardware's cash deposit rate to 13.18 percent for entries made on or after August 2, 2015, the effective date of the Section 129 Implementation. Commerce issued corresponding cash deposit instructions to CBP in October 2015.

On October 5, 2015, the CIT issued a confidential opinion sustaining Commerce's Remand Results in the *Jiangsu Jiasheng* litigation, including Commerce's determination assigning Sumec Hardware the China-wide rate.<sup>6</sup> Commerce published the *Timken* Notice following the final CIT judgment in *Jiangsu Jiasheng III* on November 23, 2015.<sup>7</sup> In the amended final determination, Commerce set the cash deposit rate for Sumec Hardware, now part of the China-wide entity, at 238.95 percent.<sup>8</sup> Commerce set the effective date for the *Timken* Notice as October 15, 2015, which was the tenth day after the CIT's decision.<sup>9</sup>

<sup>3</sup> *Jiangsu Jiasheng Photovoltaic Tech. Co. v. United States*, 28 F. Supp. 3d 1317, 1338–43 (Ct. Int'l Trade 2014) (*Jiangsu Jiasheng*).

<sup>4</sup> See *Final Results of Redetermination Pursuant to Court Order, Jiangsu Jiasheng Photovoltaic Technology Co., Ltd. v. United States*, Consol. Court No. 13–00012 (April 20, 2015) (Remand Results).

<sup>5</sup> See *Implementation of Determinations Under Section 129 of the URAA*, 80 FR 48812 (August 14, 2015) (Section 129 Implementation).

<sup>6</sup> *Jiangsu Jiasheng Photovoltaic Tech. Co. v. United States*, 121 F. Supp. 3d 1263 (Ct. Int'l Trade 2015) (*Jiangsu Jiasheng III*). The CIT issued the public version of its decision on December 22, 2015. See the CIT's website, "Slip Opinions—2015" (<https://www.cit.uscourts.gov/SlipOpinions/SlipOps-2015.html>).

<sup>7</sup> *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Determination of Investigation and Notice of Amended Final Determination of Investigation Pursuant to Court Decision*, 80 FR 72950 (November 23, 2015) (*Timken* Notice).

<sup>8</sup> *Id.*; see also Section 129 Implementation, 80 FR at 48818.

<sup>9</sup> *Id.*; see also section 516A(e) of the Tariff Act of 1930, as amended (the Act).

On December 30, 2015, in accordance with *Jiangsu Jiasheng III* and the associated *Timken* Notice, Commerce issued amended cash deposit instructions to CBP, notifying CBP that Sumec Hardware was no longer eligible for a separate rate. Commerce instructed CBP to collect cash deposits at the China-wide entity rate, 238.95 percent, for shipments of subject merchandise produced by Phono Solar Technology Co., Ltd. and exported by Sumec Hardware that entered, or were withdrawn from warehouse, for consumption on or after "10/15/2015," the tenth day after the Court's October 5, 2015 decision in *Jiangsu Jiasheng III*.

On March 14, 2016, because no party requested a review of the China-wide entity or of Sumec Hardware for the period December 1, 2014 through November 30, 2015, Commerce issued automatic liquidation instructions to CBP. Commerce instructed CBP to liquidate entries during the specified period at the cash deposit in effect on the date of entry. For Sumec Hardware, this rate was 238.95 percent (*i.e.*, the rate that resulted from this Court's decision in *Jiangsu Jiasheng III*).

On September 6, 2019, in a separate challenge—*Sumecht NA, Inc. v. United States*—the CIT held that Commerce erred in setting the effective date of the *Timken* Notice, amended cash deposit instructions, and automatic instructions to thirty-nine days before publication of the *Timken* Notice.<sup>10</sup> The CIT directed Commerce to "reliquidate" Sumec Hardware's entries in a manner consistent with its opinion.<sup>11</sup>

#### Implementation of Court Decision

Consistent with the CIT's final judgment in *Sumecht*, Commerce intends to instruct CBP to liquidate shipments of crystalline silicon photovoltaic cells, whether or not assembled into modules, from the China produced by Phono Solar Technology Co., Ltd., exported by Sumec Hardware Tools Co., Ltd., and imported by Sumecht NA, doing business as Sumec North America, which were entered, or withdrawn from warehouse, for consumption on or after October 15, 2015 through November 22, 2015, at the separate rate implemented with respect to the AD investigation, as revised by

<sup>10</sup> *Sumecht NA, Inc. v. United States*, 399 F. Supp. 3d 1370, 1379 (Ct. Int'l Trade 2019) (*Sumecht*).

<sup>11</sup> *Id.* CBP has not yet liquidated the affected entries. The liquidation of the entries has been enjoined as a result of an injunction that is in place with respect to litigation before the CIT involving a corresponding countervailing duty proceeding. See *Sumecht Hardware & Tools Co., Ltd. v. United States*, Court No. 18–00186.

the Section 129 Implementation, *i.e.*, 13.18 percent.

Dated: December 17, 2019.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[Application No. 11–1A001]

#### Export Trade Certificate of Review

**ACTION:** Notice of issuance of an amended Export Trade Certificate of Review to Latin American Multichannel Advertising Council, Inc. ("LAMAC"), Application No. 11–1A001.

**SUMMARY:** The Secretary of Commerce, through the Office of Trade and Economic Analysis ("OTEA"), issued an amended Export Trade Certificate of Review Certificate to LAMAC on December 20, 2019.

**FOR FURTHER INFORMATION CONTACT:**

Joseph Flynn, Director, OTEA, International Trade Administration, by telephone at (202) 482–5131 (this is not a toll-free number) or email at [etca@trade.gov](mailto:etca@trade.gov).

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001–21) ("the Act") authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. The regulations implementing Title III are found at 15 CFR part 325. OTEA is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Secretary of Commerce to publish a summary of the certification in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

#### Description of Certified Conduct

LAMAC's Export Trade Certificate of Review was amended as follows:

1. The following companies were added as new Members of the Certificate within the meaning of section 325.2(l) of the Regulations (15 CFR 325.2(l)):

- NBCUniversal Networks International Spanish Latin America, LLC
- MTV Networks Latin America Inc.
- AMC Networks Latin America LLC
- Lifetime Latin America, LLC

2. The following company was deleted as a Member of the Certificate:

- E! Entertainment Television Latin America Partners, L.P.

3. The names of the following Members of the Certificate were changed:

- From NGC Networks Latin America, LLC to NGC Network Latin America, LLC
- From Turner Broadcasting System Latin America, Inc. to Turner International Latin America, Inc.
- From History Channel Latin America, LLC to The History Channel Latin America, LLC
- From Fox Latin American Channel, Inc. to Fox Latin American Channel LLC

LAMAC's Membership under the amended Export Trade Certificate of Review is as follows:

1. Discovery Latin America, LLC
2. Fox Latin American Channel LLC
3. NGC Network Latin America, LLC
4. Turner International Latin America, Inc.
5. A&E Mundo, LLC
6. The History Channel Latin America, LLC
7. NBCUniversal Networks International Spanish Latin America, LLC
8. MTV Networks Latin America Inc.
9. AMC Networks Latin America LLC
10. Lifetime Latin America, LLC

The effective date of the amended certificate is October 3, 2019, the date on which LAMAC's application to amend was deemed submitted.

Dated: December 20, 2019.

**Amanda Reynolds,**

*International Economist, Office of Trade and Economic Analysis, International Trade Administration, U.S. Department of Commerce.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-839]

#### Polyester Staple Fiber From Korea; Rescission of Antidumping Duty Administrative Review; 2018-2019

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

**SUMMARY:** The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty (AD) order on polyester staple fiber from Korea for the period of review (POR) May 1, 2018 through April 30, 2019, based on the timely withdrawal of the requests for review.

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

**FOR FURTHER INFORMATION CONTACT:** Theodore Pearson, 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) 482-2631.

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 1, 2019, Commerce published a notice of opportunity to request an administrative review of the AD order on polyester staple fiber from Korea for the POR of May 1, 2018, through April 30, 2018.<sup>1</sup> On May 31, 2019, Commerce received timely-filed requests from DAK Americas LLC and Auriga Polymers, Inc. (the petitioners)<sup>2</sup> for administrative reviews of Huvis Corporation (Huvis) and Toray Chemical Korea, Inc. (Toray) and from Huvis<sup>3</sup> for administrative review of itself, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b). Commerce received no other requests for administrative review.

On July 15, 2019, pursuant to these requests and in accordance with 19 CFR 351.221(c)(1)(i), Commerce published a notice initiating an administrative review of the antidumping duty order on polyester staple fiber from Korea.<sup>4</sup> On July 18, 2019, the petitioners withdrew their request for an

administrative review of Toray.<sup>5</sup> On August 1, 2019, the petitioners withdrew their request for an administrative review of Huvis.<sup>6</sup> On August 2, 2019, Huvis withdrew its request for an administrative review of itself.<sup>7</sup>

##### Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if a party that requested a review withdraws the request within 90 days of the publication date of the notice of initiation of the requested review. The petitioners and Huvis withdrew their requests within 90 days of the publication date of the notice of initiation. No other parties requested an administrative review of the order. Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding this review in its entirety.

##### Assessment

Commerce intends to instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of polyester staple fiber from Korea. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping 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 the date of publication of this notice in the **Federal Register**.

##### Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to all 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, 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 subject to sanction.

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 84 FR 18479 (May 1, 2019).

<sup>2</sup> See the petitioners' Letter, "Polyester Staple Fiber—Review Request," dated May 31, 2019.

<sup>3</sup> See Huvis's Letter, "Certain Polyester Staple fiber from Korea; Request for Administrative Review for 2018-2019 Period," dated May 31, 2019.

<sup>4</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 84 FR 33739 (July 15, 2019).

<sup>5</sup> See the petitioners' Letter, "Polyester Staple Fiber from Korea—Withdrawal of Review Request for Toray Chemical Korea," dated July 18, 2019.

<sup>6</sup> See the petitioners' Letter, "Polyester Staple Fiber from Korea—Withdrawal of Review Request for Huvis Corporation," dated August 1, 2019.

<sup>7</sup> See Huvis's Letter, "Certain Polyester Staple Fiber from Korea; Withdrawal of Request for Administrative Review for 2018-2019 Period," dated August 2, 2019.