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**DEPARTMENT OF COMMERCE****International Trade Administration**

[C-714-001]

**Phosphate Fertilizers From the Kingdom of Morocco: Amended Preliminary Determination of Countervailing Duty Investigation**

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

**SUMMARY:** The Department of Commerce (Commerce) is amending the preliminary affirmative countervailing duty determination on phosphate fertilizers from the Kingdom of Morocco (Morocco) to correct a significant ministerial error.

**DATES:** Applicable December 29, 2020.

**FOR FURTHER INFORMATION CONTACT:** Robert Palmer or Samuel Glickstein, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-9068 or (202) 482-5307, respectively.

**SUPPLEMENTARY INFORMATION:****Background**

In accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.205(b), on November 30, 2020, Commerce published its preliminary affirmative

<sup>12</sup> Because we only had one respondent with a calculated rate, this rate is used for the review-specific rate.

<sup>13</sup> Shrimp produced and exported by Devi Sea Foods Limited (Devi) was excluded from the order effective February 1, 2009. See *Certain Frozen Warmwater Shrimp from India: Final Results of the Antidumping Duty Administrative Review, Partial Rescission of Review, and Notice of Revocation of Order in Part*, 75 FR 41813, 41814 (July 19, 2010). Accordingly, we initiated this administrative review with respect to Devi only for shrimp produced in India where Devi acted as either the manufacturer or exporter (but not both).

<sup>14</sup> In past reviews, Commerce has treated these companies as a single entity. See, e.g., *Certain Frozen Warmwater Shrimp from India: Final Results of Antidumping Duty Administrative Review; 2016-2017*, 83 FR 32835 (July 16, 2018). Absent information to the contrary, we continue to treat these companies as a single entity for purposes of this administrative review.

<sup>15</sup> On August 27, 2010, Srikanth International was found to be the successor-in-interest to NGR Aqua International. See *Certain Warmwater Shrimp from India: Final Results of Antidumping Duty Changed Circumstances Review*, 75 FR 52718 (August 27, 2010). Therefore, we did not initiate a separate administrative review with respect to NGR Aqua International.

countervailing duty determination on phosphate fertilizers from Morocco.<sup>1</sup> On November 30, 2020, we received timely ministerial error allegations from the petitioner<sup>2</sup> and OCP S.A. (OCP) that Commerce made significant ministerial errors in the Preliminary Determination with respect to OCP's subsidy rate.<sup>3</sup>

**Period of Investigation**

The period of investigation (POI) is January 1, 2019 through December 31, 2019.

**Scope of the Investigation**

The products covered by this investigation are phosphate fertilizers from Morocco. For a complete description of the scope of this investigation, see Appendix.

**Analysis of Significant Ministerial Error Allegations**

Commerce will analyze any comments received and, if appropriate, correct any significant ministerial error by amending the preliminary determination according to 19 CFR 351.224(e). A ministerial error is defined in 19 CFR 351.224(f) as "an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial."<sup>4</sup> A significant ministerial error is defined as a ministerial error, the correction of which, singly or in combination with other errors, would result in: (1) A change of at least five absolute percentage points in, but not less than 25 percent of, the countervailing duty rate calculated in the original preliminary determination; or (2) a difference between a countervailing duty rate of zero (or *de minimis*) and a countervailing duty rate greater than *de minimis*, or vice versa.<sup>5</sup>

**Amended Preliminary Determination**

Pursuant to 19 CFR 351.224(e) and (g)(1), Commerce is amending the *Preliminary Determination* to reflect the correction of one ministerial error made in the calculation of the countervailable

<sup>1</sup> See *Phosphate Fertilizers from the Kingdom of Morocco: Preliminary Affirmative Countervailing Duty Determination*, 85 FR 76522 November 30, 2020 (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum.

<sup>2</sup> The petitioner in this investigation is The Mosaic Company.

<sup>3</sup> See Petitioner's letter, "Ministerial Error Comments on the Preliminary Determination," dated November 30, 2020 (Petitioner's Clerical Error Comments); and OCP's letter, "Ministerial Error Comments," dated November 30, 2020 (OCP's Ministerial Error Comments).

<sup>4</sup> See section 705(e) of the Act.

<sup>5</sup> See 19 CFR 351.224(g).

subsidy rate for OCP.<sup>6</sup> Specifically, when applying the benchmark interest rate to calculate OCP's benefit under the loan guarantee program, we inadvertently failed to convert the number into a useable percentage format. Commerce finds that this ministerial error is a significant ministerial error within the meaning of 19 CFR 351.224(g), because correction of this error decreases OCP's countervailing subsidy rate from 23.46 to 16.88 percent, which is a change that is at least five absolute percentage points in, but not less than 25 percent of, the subsidy rate calculated for OCP in the original *Preliminary Determination*. Furthermore, as OCP's subsidy rate is the only calculated subsidy rate in this investigation and as such is also the all-others subsidy rate,<sup>7</sup> Commerce is amending the preliminary all-others subsidy rate accordingly. For a complete discussion of the alleged ministerial errors, see the Preliminary Ministerial Error Memo.

**AMENDED PRELIMINARY DETERMINATION**

Company	Subsidy rate (percent)
OCP S.A. <sup>8</sup> .....	16.88
All-Others .....	16.88

**Amended Cash Deposits and Suspension of Liquidation**

The collection of cash deposits and suspension of liquidation will be revised according to the rates calculated in this amended preliminary determination. Because the amended rates for OCP and all others result in decreased cash deposits, they will be effective retroactively to November 30, 2020, the date of publication of the *Preliminary Determination*. Parties will be notified of this determination, in accordance with section 703(d) and (f) of the Act.

**Disclosure**

We intend to disclose the calculations performed to parties in this proceeding within five days after public

<sup>6</sup> See Memorandum, "Countervailing Duty Investigation of Phosphate Fertilizers from the Kingdom of Morocco: Allegations of Significant Ministerial Errors in the Preliminary Determination," dated concurrently with this notice (Preliminary Ministerial Error Memo).

<sup>7</sup> See *Preliminary Determination* at 85 FR 76522, 76523.

<sup>8</sup> As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross-owned with OCP S.A.: Jorf Fertilizers Company I, Jorf Fertilizers Company II, Jorf Fertilizers Company III, Jorf Fertilizers Company IV, Jorf Fertilizers Company V, and Maroc Phosphore.

announcement of the amended preliminary determination, in accordance with 19 CFR 351.224.

### International Trade Commission Notification

In accordance with section 703(f) of the Act, we will notify the International Trade Commission of our amended preliminary determination.

### Notification to Interested Parties

This amended preliminary determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.224(e).

Dated: December 21, 2020.

**Joseph A. Laroski Jr.,**

*Deputy Assistant Secretary for Policy and Negotiations.*

### Appendix

#### Scope of the Investigation

The merchandise covered by this investigation is phosphate fertilizers in all physical forms (*i.e.*, solid or liquid form), with or without coating or additives such as anti-caking agents. Phosphate fertilizers in solid form are covered whether granular, prilled (*i.e.*, pelletized), or in other solid form (*e.g.*, powdered).

The covered merchandise includes phosphate fertilizers in the following forms: Ammonium dihydrogenorthophosphate or monoammonium phosphate (MAP), chemical formula  $\text{NH}_4\text{H}_2\text{PO}_4$ ; diammonium hydrogenorthophosphate or diammonium phosphate (DAP), chemical formula  $(\text{NH}_4)_2\text{HPO}_4$ ; normal superphosphate (NSP), also known as ordinary superphosphate or single superphosphate, chemical formula  $\text{Ca}(\text{H}_2\text{PO}_4)_2 \cdot \text{CaSO}_4$ ; concentrated superphosphate, also known as double, treble, or triple superphosphate (TSP), chemical formula  $\text{Ca}(\text{H}_2\text{PO}_4)_2 \cdot \text{H}_2\text{O}$ ; and proprietary formulations of MAP, DAP, NSP, and TSP.

The covered merchandise also includes other fertilizer formulations incorporating phosphorous and non-phosphorous plant nutrient components, whether chemically-bonded, granulated (*e.g.*, when multiple components are incorporated into granules through, *e.g.*, a slurry process), or compounded (*e.g.*, when multiple components are compacted together under high pressure), including nitrogen, phosphate, sulfur (NPS) fertilizers, nitrogen, phosphorous, potassium (NPK) fertilizers, nitric phosphate (also known as nitrophosphate) fertilizers, ammoniated superphosphate fertilizers, and proprietary formulations thereof that may or may not include other nonphosphorous plant nutrient components. For phosphate fertilizers that contain non-phosphorous plant nutrient components, such as nitrogen, potassium, sulfur, zinc, or other non-phosphorous components, the entire article is covered, including the non-phosphorous content, provided that the phosphorous content (measured by available diphosphorous pentoxide, chemical formula  $\text{P}_2\text{O}_5$ ) is at least 5% by actual weight.

Phosphate fertilizers that are otherwise subject to this investigation are included when commingled (*i.e.*, mixed or blended) with phosphate fertilizers from sources not subject to this investigation. Phosphate fertilizers that are otherwise subject to this investigation are included when commingled with substances other than phosphate fertilizers subject to this investigation (*e.g.*, granules containing only non-phosphate fertilizers such as potash or urea). Only the subject component of such commingled products is covered by the scope of this investigation. The following products are specifically excluded from the scope of this investigation:

(1) ABC dry chemical powder preparations for fire extinguishers containing MAP or DAP in powdered form;

(2) industrial or technical grade MAP in white crystalline form with available  $\text{P}_2\text{O}_5$  content of at least 60% by actual weight;

(3) industrial or technical grade diammonium phosphate in white crystalline form with available  $\text{P}_2\text{O}_5$  content of at least 50% by actual weight;

(4) liquid ammonium polyphosphate fertilizers;

(5) dicalcium phosphate, chemical formula  $\text{CaH}_2\text{P}_2\text{O}_7$ ;

(6) monocalcium phosphate, chemical formula  $\text{CaH}_4\text{P}_2\text{O}_8$ ;

(7) trisodium phosphate, chemical formula  $\text{Na}_3\text{PO}_4$ ;

(8) sodium tripolyphosphate, chemical formula  $\text{Na}_5\text{P}_3\text{O}_{10}$ ;

(9) prepared baking powders containing sodium bicarbonate and any form of phosphate;

(10) animal or vegetable fertilizers not containing phosphate fertilizers otherwise covered by the scope of this investigation;

(11) phosphoric acid, chemical formula  $\text{H}_3\text{PO}_4$ .

The Chemical Abstracts Service (CAS) numbers for covered phosphate fertilizers include, but are not limited to: 7722-76-1 (MAP); 7783-28-0 (DAP); and 65996-95-4 (TSP). The covered products may also be identified by Nitrogen-Phosphate-Potash composition, including but not limited to: NP 11-52-0 (MAP); NP 18-46-0 (DAP); and NP 0-46-0 (TSP).

The covered merchandise is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings 3103.11.0000; 3103.19.0000; 3105.20.0000; 3105.30.0000; 3105.40.0010; 3105.40.0050; 3105.51.0000; and 3105.59.0000. Phosphate fertilizers subject to this investigation may also enter under subheadings 3103.90.0010, 3105.10.0000, 3105.60.0000, 3105.90.0010, and 3105.90.0050. Although the HTSUS subheadings and CAS registry numbers are provided for convenience and customs purposes, the written description of the scope is dispositive.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-895]

#### Low Melt Polyester Staple Fiber From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2018-2019

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

**SUMMARY:** The Department of Commerce (Commerce) determines that the sole producer/exporter subject to this administrative review made sales of subject merchandise at less than normal value during the period of review (POR), February 1, 2018 through July 31, 2019.

**DATES:** Applicable December 29, 2020.

**FOR FURTHER INFORMATION CONTACT:** Alice Maldonado or Melissa Kinter, 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) 482-4682 or (202) 482-1413, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

The review covers one producer and exporter of the subject merchandise, Toray Advanced Materials Korea, Inc. (TAK).<sup>1</sup>

On June 23, 2020, Commerce published the *Preliminary Results*.<sup>2</sup> Although we invited parties to comment on the preliminary results of the review,<sup>3</sup> no interested party submitted comments. Accordingly, no decision memorandum accompanies this **Federal Register** notice.<sup>4</sup> On July 21, 2020, Commerce tolled all deadlines in administrative reviews by an additional 60 days.<sup>5</sup> The deadline for the final results of this review is now December 21, 2020.

Commerce conducted this administrative review in accordance

<sup>1</sup> On August 28, 2019, Commerce determined that TAK is the successor-in-interest to Toray Chemical Korea, Inc. See *Low Melt Polyester Staple Fiber from the Republic of Korea: Notice of Final Results of Antidumping Duty Changed Circumstances Review*, 84 FR 45129 (August 28, 2019).

<sup>2</sup> See *Low Melt Polyester Staple Fiber from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2018-2019*, 85 FR 37627 (June 23, 2020) (*Preliminary Results*).

<sup>3</sup> *Id.*, 85 FR at 37628.

<sup>4</sup> For further details of the issues addressed in this proceeding, see *Preliminary Results* and accompanying Preliminary Decision Memorandum.

<sup>5</sup> See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews," dated July 21, 2020.