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DEPARTMENT OF COMMERCE
International Trade Administration
[A–469–822]

Methionine From Spain: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of methionine from Spain are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation July 1, 2019, through June 30, 2020. Further, Commerce determines that critical circumstances exist for the sole mandatory respondent Adisseo España S.A. (Adisseo España) and for all other producers and exporters.


SUPPLEMENTARY INFORMATION:

Background

On March 4, 2021, Commerce published in the Federal Register the preliminary affirmative determination in the LTFV investigation of methionine from Spain, in which we also postponed the final determination until July 19, 2021.1 Commerce invited interested parties to comment on the Preliminary Determination. A summary of the events that occurred since Commerce published the Preliminary Determination, may be found in the Issues and Decision Memorandum.2

Scope of the Investigation

The product covered by this investigation is methionine from Spain. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

During the course of this investigation, Commerce received no scope comments from interested parties. Therefore, Commerce is not modifying the scope language as it appeared in the Preliminary Determination. See Appendix I for the final scope of the investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice as Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Anti-dumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at https://access.trade.gov. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at http://enforcement.trade.gov/frn.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).3

Changes Since Preliminary Determination

Based on our analysis of the comments received and our findings related to our request for information in lieu of verification, we made certain changes to the margin calculations with respect to Adisseo España, the sole mandatory respondent in this investigation. In light of these changes to the margin calculations and the resulting revised estimated weighted average dumping margin for Adisseo España, we have also revised the all-others rate. For a discussion of these changes, see the Issues and Decision Memorandum.

Final Affirmative Determination of Critical Circumstances

In accordance with section 733(e) of the Act and 19 CFR 351.206, Commerce preliminarily determined that critical circumstances did not exist for Adisseo España or for all others.4 Commerce did not receive any comments in response to its preliminary determination with respect to critical circumstances. However, for this final determination, Commerce determines that critical circumstances exist, within the meaning of section 735(a)(3) of the Act and 19 CFR 351.206, for imports of methionine from Spain exported and/or produced by Adisseo España and imports of methionine from Spain produced and/or exported by all other companies. For a full description of methodology and results of Commerce’s final affirmative critical circumstances analyses, see Issues and Decision Memorandum.

Product Characteristics

Commerce preliminary identified three criteria for the physical characteristics of the subject merchandise: (1) Type; (2) form; and (3) concentration level of methionine content.5 For this final determination, we made no changes to physical characteristics in our analysis. However, because Commerce made a change with respect to packaging characteristics in


See Memorandum, “Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Methionine from Spain,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).


For a full description of the methodology and results of Commerce’s critical circumstances analysis, see Preliminary Determination Memorandum at 4.

See Commerce’s Letter, “Product Characteristics for Use in Sections B and C Questionnaire Responses of Methionine from Spain,” dated September 25, 2020; see also Preliminary Determination PDM at 12.


For a full description of the methodology and results of Commerce’s critical circumstances analyses, see Preliminary Determination Memorandum at 4.
the final determination of Methionine from Japan, if Commerce were to issue an antidumping duty order in this case, we expect to reexamine this issue during the first administrative review conducted in this proceeding.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, de minimis, or determined entirely under section 776 of the Act. Pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, de minimis or determined based entirely on facts otherwise available, Commerce may use any reasonable method to establish the estimated weighted-average dumping margin for all other producers or exporters.

Commerce calculated an individual estimated weighted-average dumping margin for the sole mandatory respondent, Adisseo España. Therefore, for the purposes of determining the all-others rate, and pursuant to section 735(c)(5)(A) of the Act, we are using the dumping margin calculated for Adisseo España, which is not zero, de minimis, or determined entirely under section 776 of the Act. For a full description of the methodology underlying Commerce’s analysis, see the Issues and Decision Memorandum.

Final Determination

Pursuant to section 735 of the Act, the final estimated weighted-average dumping margins are as follows:

<table>
<thead>
<tr>
<th>Exporter and/ or producer</th>
<th>Estimated weighted-average dumping margin (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adisseo España S.A.</td>
<td>37.53</td>
</tr>
<tr>
<td>All Others</td>
<td>37.53</td>
</tr>
</tbody>
</table>

Disclosure

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of methionine from Spain, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after March 4, 2021, the date of publication in the Federal Register of the affirmative Preliminary Determination.

Pursuant to section 735(c)(4) of the Act, suspension of liquidation shall continue to apply to unliquidated entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the later of: (a) The date which is 90 days before the date on which the suspension of liquidation was first ordered; or (b) the date on which notice of initiation of the investigation was published. As noted above, Commerce finds that critical circumstances exist for imports of subject merchandise produced and/or exported by Adisseo España and by all other producers and exporters. Therefore, in accordance with section 735(c)(4) of the Act, suspension of liquidation shall continue to apply to unliquidated entries of subject merchandise produced and/or exported by Adisseo España and by all other producers and exporters that were, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, which is 90 days before the date of publication of the Preliminary Determination in the Federal Register.

These suspension of liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of this final affirmative determination of sales at LTFV. Because Commerce’s final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of methionine from Spain no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, all cash deposits posted will be refunded, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the “Continuation of Suspension of Liquidation” section.

Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the 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). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(d).

Dated: July 19, 2021.

Christian Marsh,
Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is methionine and dl-Hydroxy analogue of dl-methionine, also known as 2-

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6 See Methionine from Japan: Final Affirmative Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances (Methionine from Japan), and the accompanying Issues and Decision Memorandum at Comment 6.
Hydroxy 4-(Methylthio) Butanoic acid (HMTBa), regardless of purity, particle size, grade, or physical form. Methionine has the chemical formula C₉H₁₈NO₃S, liquid HMTBa has the chemical formula C₉H₁₆O₃S, and dry HMTBa has the chemical formula (C₉H₁₆O₃S)ₐCa.

Subject merchandise also includes methionine processed in a third country including, but not limited to, refining, converting from liquid to dry or dry to liquid form, or any other processing that would not otherwise remove the merchandise from the scope of this investigation if performed in the country of manufacture of the in-scope methionine or di-Hydroxy analogue of dl-methionine.

The scope also includes methionine that is commingled (i.e., mixed or combined) with methionine from sources not subject to this investigation. Only the subject component of such commingled products is covered by the scope of this investigation.

Excluded from this investigation is United States Pharmacopeia (USP grade) methionine. In order to qualify for this exclusion, USP grade methionine must meet or exceed all of the chemical, purity, performance, and labeling requirements of the United States Pharmacopeia and the National Formulary for USP grade methionine.

Methionine is currently classified under subheadings 2920.90.46.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Excluded from this investigation is United States Pharmacopeia (USP) grade methionine.

V. Discussion of the Issues:

A. Comment 1: Whether To Grant a Constructed Export Price Offset
B. Comment 2: Whether Certain Sales Are Outside the Normal Course of Trade
C. Comment 3: Whether To Recalculate Indirect Selling Expenses (ISE)
D. Comment 4: Whether To Apply Adverse Facts Available (AFA) on Certain U.S. Sales Fields
E. Discussion of the Issues

VI. Recommendation

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

[RTID 0648–XB258]
Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council’s Mackerel, Squid, and Butterfish (MSB) Committee and MSB Advisory Panel will hold a joint public meeting.

DATES: The meeting will be held on Friday, August 6, 2021, from 9 a.m. to 2 p.m. For agenda details, see SUPPLEMENTARY INFORMATION.

ADDRESSES: The meeting will be held via webinar. Webinar connection, agenda items, and any additional information will be available at www.mafmc.org/council-events.


FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is for the MSB Committee and MSB Advisory Panel to provide recommendations regarding Atlantic mackerel, potentially including: 2021/22 emergency action, future specifications, and/or rebuilding plan modifications and options.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Collins at the Council Office, (302) 526–5253, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 et seq.

Dated: July 20, 2021.

Tracey L. Thompson,
Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–15714 Filed 7–22–21; 8:45 am]

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

[RTID 0648–XB261]
Caribbean Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Caribbean Fishery Management Council (CFMC) will hold the 175th public meeting (virtual) to address the items contained in the tentative agenda included in the SUPPLEMENTARY INFORMATION.

DATES: The 175th CFMC public meeting (virtual) will be held on August 11, 2021, from 9 a.m. to 5 p.m. The meeting will be at AST (U.S. Caribbean time, presently same as EST).

ADDRESSES: You may join the 175th CFMC public meeting (virtual) via Zoom, from a computer, tablet or smartphone by entering the following address:

Join Zoom Meeting
https://us02web.zoom.us/j/83060685915?pwd=VmvSc1orSUtKck8xYk1XOXNDY1ErZa09
Meeting ID: 830 6068 5915
Passcode: 995658

One Tap Mobile
+17879451488,83060685915#,......,0#,.995658# Puerto Rico
+17879667727,83060685915#,......,0#,.995658# Puerto Rico

Dial by Your Location
+1 787 945 1488 Puerto Rico
+1 787 966 7727 Puerto Rico
+1 939 945 0244 Puerto Rico

Meeting ID: 830 6068 5915
Passcode: 995658

In case there are problems and we cannot reconnect via Zoom, the meeting will continue using GoToMeeting.


FOR FURTHER INFORMATION CONTACT:
Miguel A. Rolon, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903, telephone: (787) 398–3717.