

entity, we will instruct CBP to apply a per-unit assessment rate of 105.80 percent to all entries of subject merchandise during the POR which were produced or exported by those companies. Pursuant to a refinement in our non-market economy practice, for sales that were not reported in the U.S. sales data submitted by companies individually examined during this review, we will instruct CBP to liquidate entities associated with those sales at the rate for the China-wide entity. Furthermore, where we found that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.*, at that exporter's cash deposit rate) will be liquidated at the rate for the China-wide entity.<sup>21</sup>

#### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For the companies identified in the chart above, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review; (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that have received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific cash deposit rate published for the completed segment of the most recent period; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity; and (4) for all non-Chinese exporters of subject merchandise which have not received their own separate rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers Regarding Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of

antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

#### Notification Regarding Administrative Protective Orders (APO)

This notice also serves as a final reminder to parties subject to APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or 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.

#### Notification to Interested Parties

We are issuing and publishing these final results of administrative review in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 30, 2021.

#### Ryan Majerus,

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

#### Appendix

##### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Changes Since the *Preliminary Results*
- V. Discussion of the Issues
  - Comment 1: Selection of Surrogate Country
  - Comment 2: HTS Classifications for Certain Material Inputs and By-Products
  - Comment 3: Ocean Freight
  - Comment 4: Double Remedies Adjustment
  - Comment 5: Sales to Foreign Trade Zones
  - Comment 6: Differential Pricing Methodology
  - Comment 7: Calculation of Zhongji's Margin
  - Comment 8: Separate Rate Margin
  - Comment 9: Selection of Individually Examined Respondents
  - Comment 10: Correction of Company Names
  - Comment 11: Review of Shanghai Huafon Aluminum Corporation
- VI. Recommendation

[FR Doc. 2022-00080 Filed 1-6-22; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-201-846]

#### Agreement Suspending the Countervailing Duty Investigation on Sugar From Mexico; Preliminary Results of the 2020 Administrative Review

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that the signatory, the Government of Mexico (GOM), and the respondent companies selected for individual examination, respectively, Impulsora Azucarera Del Tropico, S.A. de C.V. (Impulsora Del Tropico) and its affiliate and Ingenio Huixtla SA de C.V. (Ingenio Huixtla) and its affiliates are in compliance with the Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico, as amended (CVD Agreement), except for certain instances of inconsequential non-compliance. Commerce also preliminarily determines that the CVD Agreement continues to meet its statutory requirements under sections 704(c) and (d) of the Tariff Act of 1930, as amended (the Act), during the POR. However, Commerce intends to address certain issues identified in this review by discussing these issues with the GOM and Mexican producers/exporters, as appropriate. We may request consultations pursuant to the CVD Agreement, as necessary, to resolve these issues.

**DATES:** Applicable January 7, 2022.

**FOR FURTHER INFORMATION CONTACT:** Sally C. Gannon or David Cordell, Enforcement & Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-0162 or (202) 482-0408, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 19, 2014, Commerce signed an agreement under section 704(c) of the Act, with the GOM, suspending the countervailing duty (CVD) investigation on sugar from Mexico.<sup>1</sup> On January 15, 2020, the CVD Agreement was amended.<sup>2</sup>

<sup>1</sup> See *Agreement Suspending the Countervailing Duty Investigation of Sugar from Mexico*, 79 FR 78044 (December 29, 2014) (*CVD Agreement*).

<sup>2</sup> See *Sugar from Mexico: Amendment to the Agreement Suspending the Countervailing Duty Investigation*, 85 FR 3613 (January 22, 2020) (*CVD*

<sup>21</sup> For a full description of this practice, see *Assessment Practice Refinement*, 86 FR 65694.

On December 17, 2020, the American Sugar Coalition (ASC) and its members (petitioners)<sup>3</sup> filed a timely request for an administrative review of the CVD Agreement.<sup>4</sup> On February 4, 2021, Commerce initiated an administrative review for the period January 1, 2020, through December 31, 2020.<sup>5</sup>

On March 23, 2021, Commerce selected two companies as mandatory respondents, listed in alphabetic order: Impulsora Del Tropico and Ingenio Huixtla SA de C.V.<sup>6</sup> In addition, the review covered the GOM, which is the signatory to the CVD Agreement.

### Scope of the CVD Agreement

The product covered by this CVD Agreement is raw and refined sugar of all polarimeter readings derived from sugar cane or sugar beets. Merchandise covered by this AD Agreement is typically imported under the following headings of the HTSUS: 1701.12.1000, 1701.12.5000, 1701.13.1000, 1701.13.5000, 1701.14.1020, 1701.14.1040, 1701.14.5000, 1701.91.1000, 1701.91.3000, 1701.99.1015, 1701.99.1017, 1701.99.1025, 1701.99.1050, 1701.99.5015, 1701.99.5017, 1701.99.5025, 1701.99.5050, and 1702.90.4000.<sup>7</sup> The tariff classification is provided for convenience and customs purposes; however, the written description of the scope of this CVD Agreement is dispositive.<sup>8</sup>

*Amendment*) (collectively, as integrated into the CVD Agreement, amended CVD Agreement).

<sup>3</sup> The members of the American Sugar Coalition are as follows: American Sugar Cane League; American Sugarbeet Growers Association; American Sugar Refining, Inc.; Florida Sugar Cane League; Rio Grande Valley Sugar Growers, Inc.; Sugar Cane Growers Cooperative of Florida; and the United States Beet Sugar Association.

<sup>4</sup> See Petitioners' Letter, "Sugar from Mexico: Request for Administrative Review," dated December 17, 2020.

<sup>5</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 8166 (February 4, 2021).

<sup>6</sup> See Memorandum, "2019–2020 Administrative Review of the Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico As Amended; Respondent Selection," dated March 23, 2021.

<sup>7</sup> Prior to July 1, 2016, merchandise covered by the AD Agreement was classified in the HTSUS under subheading 1701.99.1010. Prior to January 1, 2020, merchandise covered by the AD Agreement was classified in the HTSUS under subheadings 1701.14.1000 and 1701.99.5010.

<sup>8</sup> For a complete description of the Scope of the CVD Agreement, see Memorandum, "Issues and Decision Memorandum for the Preliminary Results of the 2020 Administrative Review of the Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico, as Amended," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

### Methodology and Preliminary Results

Commerce has conducted this review in accordance with section 751(a)(1)(C) of the Act, which specifies that Commerce shall "review the current status of, and compliance with, any agreement by reason of which an investigation was suspended." Pursuant to the CVD Agreement, the GOM agrees that subject merchandise is subject to export limits.<sup>9</sup> The GOM also agrees to other conditions including limits on exports of Refined Sugar<sup>10</sup> and restrictions on shipping patterns for exports.<sup>11</sup> The CVD Agreement also requires the GOM to issue contract-specific export licenses,<sup>12</sup> submit compliance monitoring reports to Commerce,<sup>13</sup> and institute penalties for non-compliance with certain key terms of the CVD Agreement and the companion Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico, as amended (AD Agreement).<sup>14</sup>

After reviewing the information received to date from the GOM and respondent companies in their questionnaire and supplemental questionnaire responses, we preliminarily determine that the GOM and respondent companies have adhered to the terms of the CVD Agreement, except for certain instances of inconsequential non-compliance by the respondent companies, and that the CVD Agreement is functioning as intended. Further, we preliminarily determine that the CVD Agreement continues to meet the statutory requirements under sections 704(c) and (d) of the Act. However, Commerce is exploring additional measures to help prevent reporting and recordkeeping issues that may serve to diminish the effective monitoring and enforcement of the CVD Agreement. Commerce intends to address certain issues identified in this review by discussing these issues with the GOM and Mexican producers/exporters, as appropriate. We may request consultations pursuant to the CVD Agreement, as necessary, to resolve these issues. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. The

<sup>9</sup> See *amended CVD Agreement* at Section V.

<sup>10</sup> "Refined Sugar" is defined in Section III.L of the *amended CVD Agreement*.

<sup>11</sup> *Id.* at Section V.C.

<sup>12</sup> *Id.* at Section VI and Appendix I.

<sup>13</sup> *Id.* at Section VIII.B.1 and Appendix II.

<sup>14</sup> *Id.* at Section VIII.B.4; see also *Sugar from Mexico: Suspension of Antidumping Investigation*, 79 FR 78039 (December 29, 2014); and *Sugar from Mexico: Amendment to the Agreement Suspending the Antidumping Duty Investigation*, 85 FR 3620 (January 22, 2020).

Preliminary Decision Memorandum is a public document and 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 <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>. Commerce is also addressing proprietary issues concerning each of the respondents in separate memoranda which we incorporate into the Preliminary Decision Memorandum.<sup>15</sup>

### Verification

As provided in section 782(i)(3)(a) of the Act, Commerce verified the information relied upon in making its preliminary results. Normally, Commerce verifies information using standard procedures, including an on-site examination of original accounting, financial, and sales documentation. However, due to current travel restrictions in response to the global COVID-19 pandemic, Commerce is unable to conduct on-site verification in this review. Accordingly, we chose to verify the information relied upon in making the preliminary results through alternative means in lieu of an on-site verification. Commerce issued questionnaires in lieu of on-site verification to the GOM and each of the respondents in the review.<sup>16</sup> Any issues that arose are addressed in the Preliminary Decision Memorandum and in the accompanying proprietary memorandum for each respondent.

### Public Comment

Case briefs are due 30 days from the publication of these preliminary results in the **Federal Register**. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline date for case briefs.

Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>17</sup> Pursuant to 19 CFR

<sup>15</sup> See Preliminary Decision Memorandum at 9, n. 78 and 12, n. 87.

<sup>16</sup> See Commerce's Letters, "2020 Administrative Review of the Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico: In Lieu of On-Site Verification Questionnaire," dated November 12, 2021.

<sup>17</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 17006 (March 26, 2020); and *Temporary Rule Modifying AD/CVD Service Requirements Due to*

351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>18</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via Commerce's electric records system, ACCESS. An electronically filed request must be received successfully in its entirety by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.<sup>19</sup> Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined.<sup>20</sup> Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act, unless extended.

#### Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 30, 2021.

#### Ryan Majerus,

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2022-00077 Filed 1-6-22; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Public Comment on the Annotated Outline of the Fifth National Climate Assessment

**AGENCY:** Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric

Administration (NOAA), Department of Commerce, (DOC).

**ACTION:** Notice of request for public comment and public engagement on the Annotated Outlines for the Fifth National Climate Assessment.

**SUMMARY:** This notice sets forth the U.S. Global Change Research Program seeks public comment on the proposed themes and framework of the Fifth National Climate Assessment as indicated by the chapter annotated outlines linked here. Based on input received from this notice, chapter author teams will develop their draft chapters.

**DATES:** Comments must be submitted to the web address specified below and received by 45 days after the publication date of this FRN.

**ADDRESSES:** Comments from the public will be accepted electronically via <http://www.globalchange.gov/notices>. Instructions for submitting comments are available on the website. Submitters may enter text or upload files in response to this notice.

**FOR FURTHER INFORMATION CONTACT:**

Chris Avery, (202) 419-3474, [cavery@usgcrp.gov](mailto:cavery@usgcrp.gov), U.S. Global Change Research Program.

**SUPPLEMENTARY INFORMATION:** The U.S. Global Change Research Program (USGCRP) is mandated under the Global Change Research Act (GCRA) of 1990 to conduct a quadrennial National Climate Assessment. The most recent was completed in 2018 and delivered in two volumes: The Climate Science Special Report ([science2017.globalchange.gov](https://science2017.globalchange.gov)) and Impacts, Risks, and Adaptation in the United States ([nca2018.globalchange.gov](https://nca2018.globalchange.gov)).

In addition to these two volumes, other recent assessments by the U.S. Government will inform the Fifth National Climate Assessment (NCA5), including the Second State of the Carbon Cycle Report ([carbon2018.globalchange.gov](https://carbon2018.globalchange.gov)); the Impacts of Climate Change on Human Health in the United States ([health2016.globalchange.gov](https://health2016.globalchange.gov)); and Climate Change, Global Food Security, and the U.S. Food System (<https://www.usda.gov/oce/energy-and-environment/food-security>) As with all previous USGCRP assessments, NCA5 development will be transparent and inclusive, offering opportunities for public participation throughout the process. The production and review processes are designed to result in a report that is authoritative, timely, relevant, and policy neutral; valued by authors and users; accessible to the

widest possible audience; and fully compliant with the GCRA.

Background information, additional details, and instructions for submitting comments can be found at <http://www.globalchange.gov/notices>.

Responses to this Request for Comment can be entered via that website.

The U.S. Global Change Research Program seeks public comment on the Annotated Outlines of each chapter of the Fifth National Climate Assessment (NCA5), in particular on the scope and framing of chapter's proposed topic areas. Input received on proposed themes within each chapter's Annotated Outline will be used by chapter author teams to develop their draft chapters.

Authors of each chapter of NCA5 will develop chapter content structured around the topic areas proposed in the Annotated Outlines, highlighting the risk climate change poses to the things Americans value. All chapters are charged with focusing on scientific advancements since the last assessment was released in 2018. Because Chapter 1 is an overview summary of the final report, there is no Annotated Outline for Chapter 1 at this time.

Response to this Request for Comment is voluntary. Respondents need not reply to all questions or topics. Responses may be used by the U.S. Government for program planning on a non-attribution basis. NOAA therefore requests that no business proprietary information or copyrighted information be submitted in response to this Request for Comment. Please note that the U.S. Government will not pay for response preparation, or for the use of any information contained in the response.

The full list of NCA5 chapters is below and can also be found <https://www.globalchange.gov/nca5>. Chapter titles reflect the target topics or regions for the chapters. Final titles for the chapter may evolve as authors assess published literature.

#### Introduction and Summary

1. Overview (not included in this review)

#### Physical Sciences

2. Earth Systems Processes  
3. Climate Trends

#### National Topics

4. Water  
5. Energy  
6. Land Cover & Land-Use Change  
7. Forests  
8. Ecosystems  
9. Coastal Effects  
10. Oceans  
11. Agriculture, Food Systems, and Rural Communities

COVID-19; Extension of Effective Period, 85 FR 41363 (July 10, 2020).

<sup>18</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>19</sup> See 19 CFR 351.310(c).

<sup>20</sup> See 19 CFR 351.310(d).