

The Department has conducted this review in accordance with section 751(a)(1)(C) of the Act, which specifies that the Department 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 agreed that the subject merchandise would be subject to export limits as outlined in the CVD Agreement.¹⁷ The Government also agreed to other conditions including limits on Refined Sugar¹⁸ and the issuance of shipment-specific export licenses.¹⁹ In addition, in this review, the Department is reassessing whether suspension of the CVD Agreement is in the “public interest,” including the availability of supplies of sugar in the U.S. market, and whether “effective monitoring” is practicable.²⁰

After reviewing the information received to date from the respondent companies in their questionnaire responses, there is some indication that certain individual transactions of subject merchandise may not be in compliance with the CVD Agreement and that the CVD Agreement may no longer be meeting all of the statutory requirements, as set forth in sections 704(c) and (d) of the Tariff Act of 1930 (the Act). However, based on the Department’s review to date of the record information, we do not yet find a sufficient basis to make a reliable judgment as to whether the GOM and the Mexican respondent mills have adhered to the terms of the CVD Agreement and whether the CVD Agreement continues to meet the relevant requirements of the Act for such agreements. As detailed above, the Department found it necessary, late in the review, to seek additional information, *i.e.*, in supplemental questionnaires issued to the GOM and to its two selected mill respondents on November 18, 2016, in order to reach a determination as to whether the Agreement is functioning as intended, is in the public interest and whether it can be effectively monitored. For a full description of the methodology underlying our conclusions, see Preliminary Decision Memorandum, dated concurrently with these results and hereby adopted by this notice. The

¹⁷ See Agreement, 79 FR 78040, 78047 at Export Limits.

¹⁸ See *id.*, 79 FR 78046–78047 at Definitions and Export Limits.

¹⁹ See *id.*, 79 FR 78048 at Export Limits and Implementation.

²⁰ See Memorandum to Paul Piquado entitled “Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico: Existence of Extraordinary Circumstances, Public Interest, and Effective Monitoring Assessments” (December 19, 2014) at pages 3–5.

Preliminary Decision Memorandum is a public document and is made available via Enforcement & Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov> and in the Department’s Central Records Unit, located in Room 18022 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found on the Internet at <http://www.trade.gov/enforcement>. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Public Comment

As discussed above, the Department needs additional information before making a definitive preliminary finding. Therefore, absent the issuance of a revised suspension agreement, we intend to issue our post-preliminary finding on these issues as soon as practicable. The comment period on these preliminary results as well as the post-preliminary results will be stated with the release of the post-preliminary results. At that time interested parties will have the opportunity to submit case and rebuttal briefs.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by the Department’s electronic records system, ACCESS, by 5 p.m. Eastern Time within 30 days after the date of the issuance of the post-preliminary results. 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. Issues raised in the hearing will be limited to those raised in the respective case briefs. The Department 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.

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

Dated: November 29, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2016–29075 Filed 12–2–16; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–845]

Antidumping Duty Suspension Agreement on Sugar From Mexico; Administrative Review

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the Agreement Suspending the Antidumping Duty Investigation of Sugar from Mexico (the AD Agreement) for the period December 19, 2014, through November 30, 2015 (AD review). Based upon the current record of this review, there is some indication that certain individual transactions of subject merchandise may not be in compliance with the terms of the AD Agreement, and further, that the AD Agreement may no longer be meeting all of the statutory requirements, as set forth in sections 734(c) and (d) of the Tariff Act of 1930, as amended (the Act). The Department, therefore, needs to obtain additional information in order to confirm whether the Mexican signatories subject to individual examination in this review are in compliance with the terms of the AD Agreement, and whether the current AD Agreement continues to meet the relevant statutory requirements referenced above. The preliminary results are set forth in the section titled “Methodology and Preliminary Results,” *infra*. Absent the issuance of a revised suspension agreement, we intend to issue a post-preliminary finding addressing these issues as soon as practicable. In addition, we expect to issue the final results of review within 120 days after publication of these preliminary results in the **Federal Register**.

DATES: Effective December 5, 2016.

FOR FURTHER INFORMATION CONTACT: Sally C. Gannon or Julie H. Santoboni, Enforcement & Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–0162 or (202) 482–3063.

SUPPLEMENTARY INFORMATION:

Scope of Review

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, 1701.14.1000, 1701.14.5000, 1701.91.1000, 1701.91.3000, 1701.99.1010, 1701.99.1025, 1701.99.1050, 1701.99.5010, 1701.99.5025, 1701.99.5050, and 1702.90.4000. The tariff classification is provided for convenience and customs purposes; however, the written description of the scope of this AD Agreement is dispositive.¹

Methodology and Preliminary Results

On December 19, 2014, the Department signed an agreement under section 734(c) of the Act, with a representative of Mexican sugar producers/exporters accounting for substantially all imports of sugar from Mexico, suspending the antidumping duty investigation on sugar from Mexico.² On January 8, 2015, Imperial Sugar Company (Imperial) and AmCane Sugar LLC (AmCane) each notified the Department that they had petitioned the U.S. International Trade Commission (the ITC) to conduct a review to determine whether the injurious effects of imports of the subject merchandise are eliminated completely by the AD Agreement (a section 734(h) review).³ On January 16, 2015, Imperial and AmCane also submitted timely requests for continuation of the AD investigation.⁴ On March 19, 2015, in a unanimous vote, the ITC found that the AD Agreement eliminates completely the injurious effects of imports of sugar from Mexico.⁵ Subsequently, on April 24, 2015, the Department determined that AmCane and Imperial had standing to request continuation of this investigation and, as a result, published a continuation notice on May 4, 2015.⁶

¹ For a complete description of the Scope of the Order, see Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Carole Showers, Director, Office of Policy, "Decision Memorandum for Preliminary Results of Administrative Review of the Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico," dated concurrently with and adopted by this notice ("Preliminary Decision Memorandum").

² See *Sugar from Mexico: Suspension of Antidumping Duty Investigation*, 79 FR 78039 (December 29, 2014), at Attachment, "Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico" (the AD Agreement).

³ See *Sugar From Mexico: Continuation of Antidumping and Countervailing Duty Investigations*, 80 FR 25278, 25279 (May 4, 2015) (Continuation Notice).

⁴ See *id.*

⁵ See *id.*, at 25280.

⁶ See *id.*

On September 23, 2015, the Department issued a final affirmative determination in the AD investigation.⁷ On November 16, 2015, the ITC published its final affirmative finding that an industry in the United States is materially injured by reason of imports of sugar from Mexico.⁸ Because the ITC determined that such injury did exist, consistent with section 734(f)(3)(B) of the Act, the AD Agreement remained in force.⁹

On December 30, 2015, Imperial and AmCane submitted requests for an administrative review of the AD Agreement.¹⁰ On December 31, 2015, the American Sugar Coalition and its Members (Petitioners) filed a request for an administrative review of the AD Agreement.¹¹

The review of the AD Agreement was initiated on February 9, 2015, for the December 19, 2014 through November 30, 2015, period of review.¹² On June 2, 2016, the Department selected mandatory respondents,¹³ the two largest signatories, Central Motzorongo S.A. de C.V. and its affiliates (Motzorongo) and Fideicomiso Ingenio San Cristobal and its affiliates (San Cristobal).

The Department has conducted this review in accordance with section 751(a)(1)(C) of the Act, which specifies that the Department shall "review the current status of, and compliance with, any agreement by reason of which an investigation was suspended." Pursuant to the AD Agreement, each signatory producer/exporter individually agrees

⁷ See *Sugar from Mexico: Final Determination of Sales at Less Than Fair Value*, 80 FR 57341 (September 23, 2015) (*Final LTVF Determination*).

⁸ See *Sugar from Mexico* (Investigation Nos. 701-TA-513 and 731-TA-1249 (Final)), 80 FR 70833 (November 16, 2015).

⁹ See also *Final LTVF Determination*, 80 FR at 57342. Pursuant to section 734(f)(3)(B) of the Act, the AD Agreement remains in force the Department shall not issue an antidumping order so long as (1) the AD Suspension Agreement remains in force, (2) the AD Suspension Agreement continues to meet the requirements of subsections (c) and (d) of the Act, and (3) the parties to the AD Suspension Agreement carry out their obligations under the AD Suspension Agreement in accordance with its terms.

¹⁰ See Letter from Imperial, "Sugar from Mexico, Inv. No. A-201-845—Request for Administrative Review of the Agreement Suspending the Antidumping Duty Investigation," December 30, 2015; Letter from AmCane, "Sugar from Mexico: Request for Administrative Reviews," December 30, 2015.

¹¹ See Letter from American Sugar Coalition and its Members, "Sugar from Mexico: Request for Administrative Review," December 31, 2015.

¹² See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 81 FR 6832 (February 9, 2016).

¹³ See Department Memorandum, "First Administrative Review of the Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico: Questionnaire Issuance," June 2, 2016.

that it will not sell the subject merchandise at less than the reference prices established in Appendix I to the AD Agreement.¹⁴ Each signatory producer/exporter also individually agrees that, for each entry, 85 percent of the dumping determined in the investigation will be eliminated.¹⁵ In addition, in this review, the Department is reassessing whether suspension of the AD Agreement is in the "public interest," including the availability of supplies of sugar in the U.S. market, and whether "effective monitoring" is practicable.

After reviewing the information received to date from the respondent companies in their questionnaire responses, there is some indication that certain individual transactions of subject merchandise may not be in compliance with the terms of the AD Agreement, and further, that the AD Agreement may no longer be meeting all of the statutory requirements, as set forth in sections 734(c) and (d) of the Tariff Act of 1930 (the Act). However, based on the Department's review to date of the record information, we do not yet find a sufficient basis to make a reliable judgment as to whether the respondents have adhered to the terms of the AD Agreement and whether the AD Agreement continues to meet the relevant requirements of the Act for such agreements. As detailed above, the Department found it necessary, late in the review, to seek additional information, *i.e.*, in supplemental questionnaires issued to the two respondents on November 18, 2016, in order to reach a determination as to whether the Agreement is functioning as intended, is in the public interest and whether it can be effectively monitored. For a full description of the methodology underlying our conclusions, see Preliminary Decision Memorandum, dated concurrently with these results and hereby adopted by this notice. The Preliminary Decision Memorandum is a business proprietary document and a public version is made available via Enforcement & Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov> and in the Department's Central Records Unit, located in Room 18022 of the main Department of Commerce building. In addition, the public version of the Preliminary Decision Memorandum can be found on the Internet at <http://www.trade.gov/enforcement>. The signed

¹⁴ See Agreement, 79 FR 78040, 78041.

¹⁵ See *id.*, at 78042.

Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Public Comment

As discussed above, the Department needs additional information before making a definitive preliminary finding. Therefore, absent the issuance of a revised suspension agreement, we intend to issue our post-preliminary findings on these issues as soon as practicable. The comment period on these preliminary results as well as the post-preliminary results will be established at the release of the post-preliminary results. At that time interested parties will have the opportunity to submit case and rebuttal briefs, as well as to request a hearing pursuant to 19 CFR 351.310(c).

The Department 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.

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

Dated: November 29, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-201-843]

Prestressed Concrete Steel Rail Tie Wire From Mexico: Rescission of Antidumping Duty Administrative Review; 2015-2016

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

SUMMARY: The Department of Commerce (the Department) is rescinding the administrative review of the antidumping duty order on prestressed concrete steel rail tie wire from Mexico for the period June 1, 2015, through May 31, 2016.

DATES: Effective December 5, 2016.

FOR FURTHER INFORMATION CONTACT: Aqmar Rahman or Jesus Saenz, 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) 482-0768 and (202) 482-8184, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 2, 2016, the Department published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" of the antidumping duty order on prestressed concrete steel rail tie wire from Mexico for the period of June 1, 2015, through May 31, 2016.¹

On June 20, 2016, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), the Department received a timely request from Aceros Camesa, S.A. de C.V. (Camesa), a Mexican producer and exporter of the subject merchandise, to conduct an administrative review.² Camesa was the only party to request an administrative review in this segment of the proceeding.

On August 11, 2016, the Department published in the **Federal Register** a notice of initiation of an administrative review of the antidumping duty order on prestressed concrete steel rail tie wire from Mexico.³ On November 7, 2016, Camesa timely withdrew its request for review.⁴

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department 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 date of publication of the notice of initiation of the requested review. Camesa timely withdrew its review request before the 90-day deadline, and no other party requested an administrative review of the antidumping duty order. Therefore, in response to the timely withdrawal of the review request, the Department is rescinding in its entirety the administrative review of the antidumping duty order on prestressed concrete steel rail tie wire from Mexico covering the period June 1, 2015, through May 31, 2016.

¹ See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 81 FR 35301 (June 2, 2016).

² See Camesa's letter, "Prestressed Concrete Steel Rail Tie Wire from Mexico; Request for Administrative Review," dated June 20, 2016.

³ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 81 FR 53121 (August 11, 2016).

⁴ See Camesa's letter, "Prestressed Concrete Steel Rail Tie Wire from Mexico: Withdrawal of Camesa's Administrative Review Request," dated November 7, 2016.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of prestressed concrete steel rail tie wire from Mexico. 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). The Department intends to issue appropriate assessment instructions directly to CBP 41 days after the date of publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as the only 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 review period. Failure to comply with this requirement may result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Order

This notice serves as the only reminder to 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 the 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.

This notice is published in accordance with section 751 of the Act and 19 CFR 351.213(d)(4).

Dated: November 30, 2016.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

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