

Other Sugar¹² is tested for polarity by a laboratory approved by CBP upon entry into the United States and that the importers of record report the polarity test results for each entry to Commerce within 30 days of entry.¹³

After reviewing the information received from the respondent companies in their questionnaire and supplemental questionnaire responses, we preliminarily determine that the respondents adhered to the terms of the *AD Agreement* during the POR and that the *AD Agreement* is functioning as intended. Further, we preliminarily determine that the *AD Agreement* continued to meet the statutory requirements under sections 734(c) and (d) of the Act during the POR.

We were not able to complete our review of one respondent for one aspect of the *AD Agreement*, the requirement in Section VI to eliminate at least 85 percent of the dumping found in the investigation, and we therefore intend to address this issue in a post-preliminary analysis. We find that we require additional information in order to complete our examination. Therefore, we will continue our examination after the issuance of these preliminary results as to whether the respondents complied with the requirement to eliminate at least 85 percent of the dumping found in the investigation during the POR, and we intend to issue a post-preliminary analysis addressing the issue as soon as practicable.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. The 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 also addresses certain issues, which require discussion of business proprietary information, in separate memoranda which we incorporate into the Preliminary Decision Memorandum.¹⁴

Public Comment

Commerce intends to issue a post-preliminary analysis memorandum

¹² "Other Sugar" is defined Section II.F of the *AD Agreement*.

¹³ See *AD Agreement* at Section VII.C.6.

¹⁴ See Preliminary Decision Memorandum at 6–8 and fn. 47 and 59.

subsequent to the publication of this notice with respect to the requirement to eliminate at least 85 percent of the dumping found in the investigation. Thus, Commerce will announce the briefing schedule to interested parties at a later date. Interested parties may submit case briefs on the deadline that Commerce will announce. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.¹⁵ Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹⁶ As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹⁷ Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁸

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 ACCESS. 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. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system,

¹⁵ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023).

¹⁶ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁷ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹⁸ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule*, 88 FR 67069 (September 29, 2023).

ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.

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 20, 2023.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Agreement
- IV. Preliminary Results of Review
- V. Recommendation

[FR Doc. 2023–28492 Filed 12–26–23; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–201–846]

Agreement Suspending the Countervailing Duty Investigation on Sugar From Mexico; Preliminary Results of the 2022 Administrative Review

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that the signatory, the Government of Mexico (GOM), and the respondent companies selected for individual examination, respectively, *Compañía Industrial Azucarera S.A. de C.V.* and its affiliates and *Ingenio Presidente Benito Juárez S.A. de C.V.*, were in compliance with the Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico, as amended (*CVD Agreement*) during the period of review (POR). Commerce also preliminarily determines that the *CVD Agreement* met the applicable statutory requirements during the POR.

DATES: Applicable December 27, 2023.

FOR FURTHER INFORMATION CONTACT: Jill Buckles or Walter Schaub, Enforcement & Compliance, International Trade

Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-6230 or (202) 482-0907, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce and the GOM signed the *CVD Agreement* under section 704(c) of the Tariff Act of 1930, as amended (the Act), which suspended the underlying countervailing duty investigation on sugar from Mexico, on December 19, 2014, and which was subsequently amended on January 15, 2020.¹

On December 20, 2022, the American Sugar Coalition and its members (the petitioners)² filed a timely request for an administrative review of the *CVD Agreement*.³ On February 2, 2023, Commerce initiated an administrative review for the period January 1, 2022, through December 31, 2022.⁴

On March 31, 2023, Commerce selected two companies as mandatory respondents, listed in alphabetic order: Compañía Industrial Azucarera S.A. de C.V. and its affiliates and Ingenio Presidente Benito Juárez S.A. de C.V.⁵ 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 *CVD Agreement* is typically imported under the following subheadings 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,

¹ See *Agreement Suspending the Countervailing Duty Investigation of Sugar from Mexico*, 79 FR 78044 (December 29, 2014); see also *Sugar from Mexico: Amendment to the Agreement Suspending the Countervailing Duty Investigation*, 85 FR 3613 (January 22, 2020) (collectively, *CVD Agreement*).

² The members of the American Sugar Coalition are: 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.

³ See Petitioners' Letter, "Request for Administrative Review," dated December 20, 2022.

⁴ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 7060 (February 2, 2023).

⁵ See Memorandum, "Respondent Selection," dated March 31, 2023.

1701.99.5050, and 1702.90.4000.⁶ The tariff classification is provided for convenience and customs purposes; however, the written description of the scope of this *CVD Agreement* is dispositive.⁷

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.⁸ The GOM also agrees to other conditions including limits on exports of Refined Sugar⁹ and restrictions on shipping patterns for exports.¹⁰ The *CVD Agreement* also requires the GOM to issue contract-specific export licenses,¹¹ submit compliance monitoring reports to Commerce,¹² 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*).¹³

After reviewing the information received from the GOM and respondent companies in their questionnaire and supplemental questionnaire responses, we preliminarily determine that the GOM and respondent companies adhered to the terms of the *CVD Agreement* during the POR and that the *CVD Agreement* is functioning as intended. Further, we preliminarily determine that the *CVD Agreement* continued to meet the statutory requirements under sections 704(c) and (d) of the Act during the POR.

For a full description of the methodology underlying our

⁶ Prior to July 1, 2016, merchandise covered by the *AD Agreement* was also classified in the HTSUS under subheading 1701.99.1010. Prior to January 1, 2020, merchandise covered by the *AD Agreement* was also classified in the HTSUS under subheadings 1701.14.1000 and 1701.99.5010.

⁷ For a complete description of the Scope of the *CVD Agreement*, see Memorandum, "Decision Memorandum for the Preliminary Results of the 2022 Administrative Review: Sugar from Mexico," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁸ See *CVD Agreement* at Section V.

⁹ "Refined Sugar" is defined in Section II.L of the *CVD Agreement*.

¹⁰ *Id.* at Section V.C.

¹¹ *Id.* at Section VI and Appendix I.

¹² *Id.* at Section VIII.B.1 and Appendix II.

¹³ *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) (collectively, *AD Agreement*).

conclusions, see the Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary Decision Memorandum is included as the appendix to this notice. The 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>.

Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs to Commerce no later than 30 days from the publication of these preliminary results in the **Federal Register**. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.¹⁴ Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹⁵

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹⁶ Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁷

¹⁴ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Final Service Rule*).

¹⁵ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁶ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹⁷ See *APO and Final Service Rule*.

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 ACCESS. 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. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.

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 20, 2023.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
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DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-870]

Certain Oil Country Tubular Goods From the Republic of Korea: Notice of Court Decision Not in Harmony With the Results of Antidumping Duty Administrative Review; Notice of Amended Final Results

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

SUMMARY: On December 18, 2023, the U.S. Court of International Trade (the Court or CIT) issued its final judgment in *Hyundai Steel Company v. United States*, Consol. Court No. 22-00138, Slip Op. 23-183, sustaining the U.S. Department of Commerce's (Commerce)

remand results pertaining to the administrative review of the antidumping duty (AD) order on certain oil country tubular goods (OCTG) from the Republic of Korea (Korea) covering the period September 1, 2019, through August 31, 2020. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's *Final Results* of the administrative review, and that Commerce is amending the *Final Results* with respect to the dumping margin assigned to AJU Besteel Co., Ltd. (AJU Besteel), Husteel Co., Ltd. (Husteel), Hyundai Steel Company (Hyundai Steel), and NEXTEEL Co., Ltd. (NEXTEEL).

DATES: Applicable December 18, 2023.

FOR FURTHER INFORMATION CONTACT: Mike Heaney or Mark Flessner, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4475 or (202) 482-6312, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 8, 2022, Commerce published its *Final Results* in the 2019–2020 AD administrative review of OCTG from Korea.¹ In this administrative review, Commerce selected two mandatory respondents for individual examination: Hyundai Steel and SeAH Steel Corporation (SeAH). Commerce calculated weighted-average dumping margins of 19.54 percent for Hyundai Steel, 3.85 percent for SeAH, and 11.70 percent for the non-examined companies in the *Final Results*.² Hyundai Steel, AJU Besteel, Husteel, and NEXTEEL challenged the *Final Results* on multiple grounds.³

In its *Remand Order*, the Court sustained Commerce's determination with respect to three issues: the use of proprietary third-country sales information pertaining to SeAH in calculations related to Hyundai Steel;⁴ adjustments of reported general and administrative expenses of Hyundai Steel and its U.S. affiliate, Hyundai Steel USA, Inc.;⁵ and the application of neutral facts available to adjust Hyundai

Steel's reported further manufacturing costs to account for yield loss.⁶ However, the Court remanded three of Commerce's determinations for Commerce to reconsider the issues and reexamine the administrative record:

1. The calculation of Hyundai Steel's constructed export price (CEP) profit (for which Commerce requested a voluntary remand).⁷

2. The calculation of Hyundai Steel's constructed value (CV) profit and selling expenses.⁸

3. The calculation of Hyundai Steel's CV profit cap.⁹

In its final results of redetermination pursuant to the *Remand Order* issued on July 16, 2021, Commerce reconsidered the three determinations listed above.¹⁰ In the Redetermination, Commerce:

1. Revised the methodology of calculation of CEP profit to rely on Hyundai Steel's actual sales data.¹¹

2. Continued to use SeAH's third-country market sales to Kuwait in calculating the CV profit and selling expenses.¹²

3. Continued to use SeAH's third-country market sales to Kuwait in calculating the CV profit cap.¹³

As a result, Commerce recalculated the weighted-average dumping margin for Hyundai Steel, which changed from 19.54 percent to 9.63 percent.¹⁴ Consequently, the dumping margin applicable to the non-examined companies AJU Besteel, Husteel, and NEXTEEL changed from 11.70 percent to 6.74 percent.¹⁵

On December 18, 2023, the CIT issued its final judgment in *Hyundai Steel Company v. United States*, Consol. Court No. 22-00138, Slip Op. 23-183, fully sustaining Commerce's Redetermination.¹⁶

Timken Notice

In its decision in *Timken*,¹⁷ as clarified by *Diamond Sawblades*,¹⁸ the

⁶ *Id.* at 21–24.

⁷ *Id.* at 16.

⁸ *Id.*

⁹ *Id.*

¹⁰ See *Final Results of Redetermination Pursuant to Court Remand, Hyundai Steel Co. et al. v. United States*, Consolidated Court No. 22-00138, Slip Op. 23-87 (CIT June 9, 2023), dated August 15, 2023 (Redetermination).

¹¹ *Id.* at 7–10 and 20–21.

¹² *Id.* at 10–16 and 21–32.

¹³ *Id.* at 17–19 and 33–40.

¹⁴ *Id.* at 40.

¹⁵ *Id.*

¹⁶ See *Hyundai Steel Company v. United States*, Consol. Court No. 22-00138, Slip Op. 23-183 (CIT December 18, 2023).

¹⁷ See *Timken Co. v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

¹⁸ See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

¹ See *Certain Oil Country Tubular Goods from the Republic of Korea: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2019–2020*, 87 FR 20815 (April 8, 2022) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

² *Id.*, 87 FR at 20816.

³ See *Hyundai Steel Company v. United States*, 639 F. Supp. 3d 1325 (CIT 2023) (*Remand Order*).

⁴ *Id.* at 11–14.

⁵ *Id.* at 16–20.