

submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the *Final Rule*,<sup>10</sup> available at <http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt>, prior to submitting factual information in this segment.

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information using the formats provided at the end of the *Final Rule*.<sup>11</sup> Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable certification requirements.

#### Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by Commerce.<sup>12</sup> In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) Q&V questionnaires. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be

considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This policy also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. Please review the *Final Rule*, available at <http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>, prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: December 5, 2019.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-201-846]

#### Sugar From Mexico: Notice of Termination of Amendment to the Agreement Suspending the Countervailing Duty Investigation

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

**SUMMARY:** On October 18, 2019, the United States Court of International Trade (CIT) issued a final judgment in *CSC Sugar LLC v. United States*, Ct. No. 17-00214, Slip Op. 19-131 (CIT October 18, 2019) (*CSC Sugar II*), vacating the 2017 amendment to the Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico. Commerce is now terminating the amendment consistent with the Court's order.

**DATES:** Applicable December 7, 2019.

**FOR FURTHER INFORMATION CONTACT:** Sally C. Gannon, Bilateral Agreements Unit, Office of Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0162.

**SUPPLEMENTARY INFORMATION:**

## Background

On December 19, 2014, Commerce and the Government of Mexico (GOM) signed the Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico (CVD Agreement).<sup>1</sup> Subsequent to this date, between June 2016 and June 2017, Commerce and the GOM held consultations to address concerns raised by the domestic industry and to ensure that the CVD Agreement met all of the statutory requirements for a suspension agreement, *e.g.*, that suspension of the investigation was in the public interest, including the availability of supplies of sugar in the U.S. market, and that effective monitoring was practicable. The consultations resulted in Commerce and the GOM signing the amendment to the CVD Agreement on June 30, 2017, and it was subsequently published in the **Federal Register**.<sup>2</sup>

CSC Sugar LLC (CSC Sugar) challenged Commerce's determination to amend the CVD Agreement by contending that Commerce did not meet its obligation to file a complete administrative record.<sup>3</sup> Specifically, CSC Sugar argued that Commerce failed to memorialize and include in the record *ex parte* communications between Commerce officials and interested parties (including the domestic sugar industry and representatives of Mexico), as required by section 777(a)(3) of the Tariff Act of 1930, as amended (the Act).<sup>4</sup>

The CIT agreed with CSC Sugar and ordered Commerce to supplement the administrative record with any *ex parte* communications regarding the *CVD Amendment*.<sup>5</sup> CSC Sugar subsequently filed a motion for judgment on the agency record arguing that Commerce's failure, during the consultations period, to maintain contemporaneous *ex parte* communication memoranda, in accordance with section 777(a)(3) of the Act, could not be adequately remedied by Commerce's delayed and incomplete supplementation of the record.<sup>6</sup>

The CIT found that Commerce's failure to follow the recordkeeping requirements of Section 777 of the Act cannot be described as "harmless."<sup>7</sup>

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

<sup>2</sup> See *Sugar From Mexico: Amendment to the Agreement Suspending the Countervailing Duty Investigation*, 82 FR 31942 (July 11, 2017) (CVD Amendment).

<sup>3</sup> See *CSC Sugar II* at 4.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* (citing *CSC Sugar LLC v. United States*, 317 F. Supp. 3d 1322, 1326 (CIT 2018)).

<sup>6</sup> See *CSC Sugar II* at 4.

<sup>7</sup> *Id.* at 11-12.

<sup>10</sup> See *Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also the frequently asked questions regarding the *Final Rule*, available at [http://enforcement.trade.gov/tlei/notices/factual\\_info\\_final\\_rule\\_FAQ\\_07172013.pdf](http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf).

<sup>11</sup> See section 782(b) of the Act; see also *Final Rule*; and the frequently asked questions regarding the *Final Rule*, available at [http://enforcement.trade.gov/tlei/notices/factual\\_info\\_final\\_rule\\_FAQ\\_07172013.pdf](http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf).

<sup>12</sup> See 19 CFR 351.302.

The CIT found that this recordkeeping failure substantially prejudiced CSC Sugar.<sup>8</sup> On that basis, the CIT stated that the *CVD Amendment* must be vacated.<sup>9</sup>

#### Termination of CVD Amendment

Consistent with the CIT's ruling in *CSC Sugar II*, Commerce is terminating the *CVD Amendment* prospectively.<sup>10</sup> Accordingly, as of December 7, 2019, the unamended CVD Agreement<sup>11</sup> is in force and effective, and the *CVD Amendment* has no force or effect.

Dated: December 6, 2019.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RTID 0648-XV141

#### Fishing Capacity Reduction Program for the Longline Catcher Processor Subsector of the Bering Sea and Aleutian Islands Non Pollock Groundfish Fishery

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

**ACTION:** Notice of fee rate adjustment.

**SUMMARY:** NMFS issues this notice to inform the public that there will be an increase of the fee rate required to repay the \$35,000,000 reduction loan financing the non-pollock groundfish fishing capacity reduction program. Effective January 1, 2020, NMFS is increasing the Loan A fee rate to \$0.021 per pound to ensure timely loan repayment. The fee rate for Loan B will remain unchanged at \$0.001 per pound.

**DATES:** The non-pollock groundfish program fee rate increase will begin with landings on January 1, 2020. The first due date for fee payments with the increased rate will be February 15, 2020.

<sup>8</sup> *Id.* at 12.

<sup>9</sup> *Id.*

<sup>10</sup> Commerce is terminating the *CVD Amendment*, effective December 7, 2019. Because suspension of liquidation does not occur while the CVD Agreement is in force, termination of the *CVD Amendment* shall be prospective in effect. Accordingly, the CVD Agreement, as signed on December 19, 2014, applies to all contracts for sugar from Mexico exported from Mexico on or after December 7, 2019.

<sup>11</sup> See CVD Agreement.

**ADDRESSES:** Send questions about this notice to Elaine Saiz, Chief, Financial Services Division, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3282.

**FOR FURTHER INFORMATION CONTACT:** Elaine Saiz, (301) 427-8752.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Sections 312(b)–(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861 *et seq.*) generally authorizes fishing capacity reduction programs. In particular, section 312(d) authorizes industry fee systems for repaying reduction loans which finance reduction program costs. Subpart L of 50 CFR part 600 is the framework rule generally implementing section 312(b)–(e). Sections 1111 and 1112 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1279f and 1279g) generally authorize reduction loans.

Enacted on December 8, 2004, section 219, Title II, of FY 2005 Appropriations Act, Public Law 104-447 (Act) authorizes a fishing capacity reduction program implementing capacity reduction plans submitted to NMFS by catcher processor subsectors of the Bering Sea and Aleutian Islands (“BSAI”) non-pollock groundfish fishery (“reduction fishery”) as set forth in the Act.

The longline catcher processor subsector (the “Longline Subsector”) is among the catcher processor subsectors eligible to submit to NMFS a capacity reduction plan under the terms of the Act. The longline subsector non-pollock groundfish reduction program's objective was to reduce the number of vessels and permits endorsed for longline subsector of the non-pollock groundfish fishery. All post-reduction fish landings from the reduction fishery are subject to the longline subsector non-pollock groundfish program's fee.

NMFS proposed the implementing notice on August 11, 2006 (71 FR 46364), and published the final notice on September 29, 2006 (71 FR 57696). NMFS allocated the \$35,000,000 reduction loan (A Loan) to the reduction fishery and this loan is repayable by fees from the fishery.

On September 24, 2007, NMFS published in the *Federal Register* (72 FR 54219), the final rule to implement the industry fee system for repaying the non-pollock groundfish program's reduction loan and established October 24, 2007, as the effective date when fee collection and loan repayment began.

The regulations implementing the program are located at § 600.1012.

NMFS published a final rule to implement a second \$2,700,000 reduction loan (B Loan) for this fishery in the *Federal Register* on September 24, 2012 (77 FR 58775). The loan was disbursed December 18, 2012 with fee collection of \$0.001 per pound to begin January 1, 2013. This fee is in addition to the A Loan fee.

##### II. Purpose

The purpose of this notice is to adjust the fee rate for the reduction fishery in accordance with the framework rule's § 600.1013(b). Section 600.1013(b) directs NMFS to recalculate the fee rate that will be reasonably necessary to ensure reduction loan repayment within the specified 30 year term.

NMFS has determined for the reduction fishery that the current fee rate of \$0.017 per pound is less than that needed to service the A Loan. Therefore, NMFS is increasing the Loan A fee rate to \$0.021 per pound which NMFS has determined is sufficient to ensure timely loan repayment. The fee rate for Loan B will remain \$0.001 per pound.

Subsector members may continue to use Pay.gov to disburse collected fee deposits at:

<http://www.pay.gov/paygov/>.

Please visit the NMFS website for additional information at: <https://www.fisheries.noaa.gov/national/funding-and-financial-services/longline-catcher-processor-subsector-bering-sea-and-aleutian-islands-non-pollock>.

##### III. Notice

The new fee rate for the non-pollock Groundfish fishery will begin on January 1, 2020.

From and after this date, all subsector members paying fees on the non-pollock groundfish fishery shall begin paying non-pollock groundfish fishery program fees at the revised rate.

Fee collection and submission shall follow previously established methods in § 600.1013 of the framework rule and in the final fee rule published in the *Federal Register* on September 24, 2007 (72 FR 54219).

**Authority:** 16 U.S.C. 1861 *et seq.*; Pub. L. 108-447.

Dated: December 5, 2019.

**Brian T. Pawlak,**

*Chief Financial Officer/Chief Administrative Officer, Director, Office of Management and Budget, National Marine Fisheries Service.*

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