

The respondent, Downhole Pipe, a Chinese producer of subject merchandise, subsequently challenged the ITC's final injury determination in *Downhole Pipe v. United States*, CIT No. 11-00080, and the ITC reversed its injury determination on remand, finding no material injury or threat thereof. On November 10, 2014, the CIT affirmed the ITC's remand and entered judgment in the case.<sup>2</sup> Therefore, there is now a final CIT decision in the case sustaining the ITC's negative injury determination concerning drill pipe from the PRC. The November 10, 2014, decision by the CIT in *Downhole Pipe* constitutes a final CIT decision that is not in harmony with the ITC's original affirmative injury determination.

#### Statutory Notice

In its decision in *Timken Co. v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990), the Court of Appeals for the Federal Circuit (CAFC) held that, pursuant to section 516A of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not "in harmony" with an ITC determination and must suspend liquidation of entries pending a "conclusive" court decision.<sup>3</sup> The November 10, 2014, decision by the CIT in *Downhole Pipe* constitutes a final CIT decision that is not in harmony with the ITC's original affirmative injury determination on drill pipe from the PRC. Thus, this notice is published in fulfillment of the publication requirement in *Timken* and section 516A of the Act.

Accordingly, the Department intends to issue instructions to U.S. Customs and Border Protection (CBP) to suspend liquidation of all unliquidated entries of subject merchandise which are entered, or withdrawn from warehouse, for consumption after November 20, 2014, which is ten days after the court's decision in accordance with section 516A of the Act. Pursuant to *Timken*, all entries entered, or withdrawn from warehouse, for consumption after November 20, 2014, that remains unliquidated, will be suspended during the pendency of the appeals process so that they may be liquidated in accordance with the "conclusive" court decision.

#### Revocation of the Antidumping and Countervailing Duty Orders and Discontinuation of Countervailing Duty Administrative Review

The ITC published notice of its negative determination in the **Federal Register**, pursuant to sections 705(d) and 735(d) of the Tariff Act of 1930, as amended (the Act).<sup>4</sup> See *International Trade Commission, Investigation Nos. 701-TA-474 and 731-TA-1176 (Final Remand): Drill Pipe and Drill Collars from China*, 79 FR 75592 (December 18, 2014); sections 705(d) and 735(d) of the Act ("... the Commission . . . shall publish notice of its determination in the **Federal Register**.").

Pursuant to sections 705(c)(2) and 735(c)(2) of the Act, "the investigation shall be terminated upon publication of that negative determination" and the Department shall "terminate the suspension of liquidation" and "release any bond or other security, and refund any cash deposit." Sections 705(c)(2)(A) and (B) of the Act; sections 735(c)(2)(A) and (B) of the Act. As a result of the ITC's publication, the Department is hereby revoking the antidumping and countervailing duty orders and releasing any bonds or other security and refunding cash deposits.

While sections 705(c)(2)(A) and 735(c)(2)(A) of the Act instruct the Department to terminate suspension of liquidation, here, because suspension of liquidation must continue during the pendency of the appeals process (in accordance with *Timken* and as discussed above), we will instruct CBP at this time to (A) continue suspension at a cash deposit rate of 0.0 percent until instructed otherwise; and (B) release any bond or other security, and refund any cash deposit made pursuant to *Drill Pipe from the People's Republic of China: Antidumping Duty Order*, 76 FR 11757 (March 3, 2011); *Drill Pipe from the People's Republic of China: Countervailing Duty Order*, 76 FR 11758 (March 3, 2011). In the event the court's ruling in *Downhole Pipe* is not appealed, or if appealed and upheld by the CAFC, the Department will instruct CBP to terminate the suspension of liquidation and to liquidate those entries of subject merchandise without regard to antidumping or countervailing duties. Notwithstanding the continued suspension described above, the antidumping and countervailing duty orders on drill pipe from the PRC are hereby revoked. As a result of this revocation, the Department is discontinuing the ongoing

administrative review of the countervailing duty order covering the period January 1, 2013, through December 31, 2013,<sup>5</sup> and will not initiate any new administrative reviews of the antidumping and countervailing duty orders.

This notice is published pursuant to section 516A of the Act. See sections 516A(c)(1) and (e).

Dated: December 18, 2014.

**Ronald K. Lorentzen**,  
Acting Assistant Secretary for Enforcement and Compliance.

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#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A-821-811]

#### Solid Fertilizer Grade Ammonium Nitrate From the Russian Federation: Rescission of Antidumping Duty Administrative Review; 2013-2014

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

**DATES:** *Effective Date:* December 29, 2014.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Eastwood or David Crespo, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3874 and (202) 482-3693, respectively.

#### Background:

On April 1, 2014, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" of the antidumping duty order on solid fertilizer grade ammonium nitrate (ammonium nitrate) from the Russian Federation (Russia) covering the period of review of April 1, 2013, through March 31, 2014.<sup>1</sup> During the anniversary month of April 2014, the Department received a timely request, in accordance with section 751(a) of the

<sup>5</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 79 FR 24398 (April 30, 2014). The Department received a request to conduct a countervailing duty administrative review from Shanxi Yida Special Steel Imp. & Exp. Co., Ltd., a Chinese exporter of drill pipe.

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 79 FR 18260 (April 1, 2014).

<sup>2</sup> See *Downhole Pipe v. United States*, CIT No. 11-00080, Slip Op. 14-130 (November 10, 2014).

<sup>3</sup> See sections 516A(c)(1) and (e) of the Act.

<sup>4</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374, 1381-82 (Fed. Cir. 2010).

Tariff Act of 1930, as amended (the Act), for an administrative review from the petitioners, CF Industries, Inc. and El Dorado Chemical Company, for the following companies: (1) JSC Acron/JSC Dorogobuzh (collectively, “Acron”); and (2) MCC EuroChem/OJSC NAK Azot/OJSC Nevinnomyssky (collectively, “EuroChem”). On May 29, 2014, the Department published in the **Federal Register** a notice of initiation of administrative review with respect to these companies.<sup>2</sup>

On August 20, 2014, the petitioners withdrew their request for an administrative review for Acron and EuroChem.

#### 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 the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. The petitioners withdrew their request for review by the 90-day deadline. Therefore, we are rescinding the administrative review of the antidumping duty order on ammonium nitrate from Russia covering the period April 1, 2013, through March 31, 2014.

#### Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. 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 15 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.

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Review*, 79 FR 30809 (May 29, 2014).

#### 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 return/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 issued and published in accordance with section 751 of the Act and 19 CFR 351.213(d)(4).

Dated: December 19, 2014.

#### Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

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### DEPARTMENT OF COMMERCE

#### International Trade Administration

[A–201–845]

#### Sugar From Mexico: Suspension of Antidumping Investigation

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

**DATES:** *Effective Date:* December 19, 2014.

**SUMMARY:** The Department of Commerce (“the Department”) has suspended the antidumping duty investigation on sugar from Mexico. The basis for this action is an agreement between the Department and signatory producers/exporters accounting for substantially all imports of sugar from Mexico, wherein each signatory producer/exporter has agreed to revise its prices to eliminate completely the injurious effects of exports of the subject merchandise to the United States.

**FOR FURTHER INFORMATION CONTACT:** Sally Craig Gannon or Judith Wey Rudman at (202) 482–0162 or (202) 482–0192, respectively; Bilateral Agreements Unit, Office of Policy, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue NW., Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### Background

On April 17, 2014, the Department initiated an antidumping duty investigation under section 732 of the

Tariff Act of 1930, as amended (“the Act”), to determine whether imports of sugar from Mexico are being, or are likely to be, sold in the United States at less than fair value (“LTFV”). See *Sugar from Mexico: Initiation of Antidumping Duty Investigation*, 79 FR 22795 (April 24, 2014). On October 24, 2014, the Department preliminarily determined that sugar from Mexico is being, or is likely to be, sold in the United States at LTFV, as provided in section 733 of the Act, and postponed the final determination in this investigation until no later than 135 days after the date of publication of the preliminary determination in the **Federal Register**. See *Sugar from Mexico: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 79 FR 65189 (November 3, 2014) (“*Preliminary Determination*”).

On October 27, 2014, the Department and a representative of the signatory producers/exporters initialed a proposed agreement to suspend the antidumping investigation on sugar from Mexico. After initialing the proposed agreement, consistent with 734(e)(1) of the Act, the Department notified and consulted with the petitioners (*i.e.*, the American Sugar Coalition and its individual members: American Sugar Cane League, American Sugar Refining, Inc., American Sugarbeet Growers Association, Florida Sugar Cane League, Hawaiian Commercial and Sugar Company, Rio Grande Valley Sugar Growers, Inc., Sugar Cane Growers Cooperative of Florida, and United States Beet Sugar Association) concerning its intention to suspend the antidumping investigation on sugar from Mexico. The Department also notified the other parties to the investigation and the International Trade Commission (“ITC”) of the proposed agreement, consistent with 734(e)(1) of the Act. Also on October 27, 2014, we invited interested parties to provide written comments on the proposed suspension agreement by no later than the close of business on November 10, 2014. See “Memorandum to All Interested Parties” and “Draft Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico,” dated October 27, 2014. On October 30, 2014, the Department issued a memorandum titled “Proposed Scope Clarification” and requested comments from interested parties. On November 7, 2014, we extended the deadline to submit comments on the draft suspension agreement and the proposed scope clarification until November 18, 2014. See memorandum titled “Sugar