

should inform their customers that their contractual agreement to allow defect claim adjustments is limited in accordance with the Agreement, including:

\* Claims for adjustments must be supported by an unrestricted USDA inspection called for no more than eight hours from the time of arrival at the receiver and performed in a timely fashion thereafter.

\* The USDA inspection must find that the quality and/or condition defects exceed the thresholds outlined in Appendix D above.

\* Any price adjustments will be limited to the actual percentage of quality and/or condition defects as documented by a USDA inspection certificate.

\* The price adjustments will be limited to USDA inspection fees and the allocated freight expense attributable to the defective tomatoes calculated in accordance with Appendix D above.

\* The customer may not resell any DEFECTIVE tomatoes. Instead, they must be destroyed or returned. Signatories should provide a copy of the Agreement to any customer which may be unfamiliar with its terms or which has questions about those terms.

The process by which a Signatory could provide evidence to the PACA Division that its sales contracts were made subject to the terms of the Agreement including, in particular, those terms listed above is outlined below.

\* The Signatory should maintain written documentation demonstrating that it had informed its customers, and the customers accepted, that the sales were subject to the terms of the Agreement prior to issuing the invoice. A signed contract to that effect would be the best evidence of that fact; however, a purchase by the customer after being informed of the relevance of the Agreement is evidence of acceptance.

\* The Signatory should send letters to its customers via registered mail, return receipt requested, overnight mail, or email with a confirmation received from the recipient, informing the customers that, as a Signatory to the Agreement, all of the Signatory's sales are subject to the terms of the Agreement and that, by purchasing from them, the Buyer agrees to those terms. The letter should also indicate that the Signatory's sales personnel do not have authority to alter the terms of the Agreement.

\* In addition, the Signatory should include a statement on its order confirmation sheets that its contract with the buyer is subject to the terms of the Agreement as detailed in the Signatory's "pre-season" letter and maintain a copy of the order confirmations and fax receipts demonstrating that they were sent to the customer prior to making the sale. If the sale is to a first-time purchaser that did not receive a "pre-season" letter, a letter should be supplied to the buyer prior to making a sale.

PACA does not require any one particular form of written documentation but USDA officials have confirmed that, if Signatories maintain written evidence demonstrating that their customers were informed that their sales were made subject to the terms of the Agreement prior to sale, PACA will recognize those terms as part of the sales contract.

### Appendix H—Agreement Suspending The Antidumping Duty Investigation on Fresh Tomatoes From Mexico—Procedures for Reporting Alleged Violations or Circumvention of the Agreement

Appendix H enables persons with knowledge of suspected Violations<sup>52</sup> of the Agreement to inform Commerce by emailing the below form to Commerce officials. The form and any factual information provided will be placed on the record of the proceeding by Commerce officials. The person submitting the form and factual information to Commerce is, pursuant to 19 CFR 351.303(g), required to include a certification of factual information, and should use the applicable certification formats provided therein. All submissions, if business proprietary treatment for certain information is claimed under Commerce's regulations, must be accompanied by a public version, in accordance with the requirements of 19 CFR 351.304.

**NAME OF PERSON MAKING REPORT:**  
**COMPANY AFFILIATION:**  
**PHONE NUMBER:**  
**E-MAIL ADDRESS:**

**ALLEGED VIOLATION:**  
(Please attach any documents to this report and add blank pages if needed)

[FR Doc. 2019-20813 Filed 9-23-19; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-423-814]

#### Acetone From Belgium: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that acetone from Belgium is being, or is likely to be, sold in the United States at less than fair value. The period of investigation is January 1, 2018 through December 31, 2018.

**DATES:** Applicable September 24, 2019.

**FOR FURTHER INFORMATION CONTACT:** Alex Cipolla, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401

<sup>52</sup> See sections II.V and VIII.E of the Agreement.

Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4956.

### SUPPLEMENTARY INFORMATION:

#### Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on March 11, 2019.<sup>1</sup> On July 15, 2019, Commerce postponed the deadline for the preliminary determination of this investigation.<sup>2</sup> As a result, the revised deadline for the preliminary determination of this investigation is now September 17, 2019.

For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.<sup>3</sup> A list of topics included in the Preliminary Decision Memorandum is included as Appendix II 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>, and to all parties in the Central Records Unit, room B8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

#### Scope of the Investigation

The merchandise covered by this investigation is acetone from Belgium. For a complete description of the scope of this investigation, see Appendix I.

#### Scope Comments

In accordance with the preamble to Commerce's regulations,<sup>4</sup> the *Initiation Notice* set aside a period of time for parties to raise issues regarding product

<sup>1</sup> See *Acetone from Belgium, the Republic of Korea, the Kingdom of Saudi Arabia, Singapore, the Republic of South Africa, and Spain: Initiation of Less-Than-Fair-Value Investigations*, 84 FR 9766 (March 18, 2019) (*Initiation Notice*).

<sup>2</sup> See *Acetone from Belgium, the Republic of Korea, and the Republic of South Africa: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations*, 84 FR 33739 (July 15, 2019).

<sup>3</sup> See Memorandum, "Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Acetone from Belgium," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>4</sup> See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

coverage (*i.e.*, scope).<sup>5</sup> For a summary of the product coverage comments and rebuttal responses submitted to the record for this preliminary determination, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum. After evaluating the comments, Commerce is preliminarily modifying the scope language as it appeared in the *Initiation Notice* to clarify certain provisions and include a minimum acetone component of five percent. *See* the revised scope in Appendix I to this notice.

### Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated constructed export prices in accordance with section 772(b) of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

### All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act. Commerce calculated an individual estimated weighted-average dumping margin for INEOS Phenol Belgium NV and INEOS Europe AG (collectively, INEOS Europe, which we preliminarily determine to be a single entity), the only individually examined exporter/producer in this investigation.<sup>6</sup> Because the only individually calculated dumping margin is not zero, *de minimis*, or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for INEOS Europe is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

### Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)
INEOS Europe AG/INEOS Phenol Belgium NV (collectively, INEOS Europe) .....	28.17
All Others .....	28.17

### Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondent listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

### Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

### Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

### Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be

submitted no later than five days after the deadline date for case briefs.<sup>7</sup> Pursuant to 19 CFR 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.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

### Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On August 22, 2019, pursuant to 19 CFR 351.210(e), the petitioner requested that Commerce postpone the final determination until not later than 135 days after the publication of this preliminary determination.<sup>8</sup> On August 23, 2019, INEOS Europe requested that

<sup>7</sup> *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

<sup>8</sup> *See* Petitioner's Letter, "Acetone from Belgium, Korea, and South Africa: Petitioner's Consent to Postponement of Final Determination," dated August 22, 2019.

<sup>5</sup> *See* *Initiation Notice*.

<sup>6</sup> *See* Preliminary Decision Memorandum at 6–7.

Commerce postpone the final determination until not later than 135 days after the publication of this notice.<sup>9</sup> INEOS Europe also requested that Commerce extend provisional measures to a period not more than 6 months.<sup>10</sup> In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

### International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

### Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: September 17, 2019.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix I

#### Scope of the Investigation

The merchandise covered by this investigation is all grades of liquid or aqueous acetone. Acetone is also known under the International Union of Pure and Applied Chemistry (IUPAC) name propan-2-one. In addition to the IUPAC name, acetone is also referred to as  $\beta$ -ketopropane (or beta-ketopropane), ketone propane, methyl ketone, dimethyl ketone, DMK, dimethyl carbonyl, propanone, 2-propanone, dimethyl formaldehyde, pyroacetic acid, pyroacetic ether, and pyroacetic spirit. Acetone is an isomer of the chemical formula  $C_3H_6O$ , with

a specific molecular formula of  $CH_3COCH_3$  or  $(CH_3)_2CO$ .

The scope covers both pure acetone (with or without impurities) and acetone that is combined or mixed with other products, including, but not limited to, isopropyl alcohol, benzene, diethyl ether, methanol, chloroform, and ethanol. Acetone that has been combined with other products is included within the scope, regardless of whether the combining occurs in third countries.

The scope also includes acetone that is commingled with acetone from sources not subject to this investigation.

For combined and commingled products, only the acetone component is covered by the scope of this investigation. However, when acetone is combined with acetone components from sources not subject to this investigation, those third country acetone components may still be subject to other acetone investigations.

Notwithstanding the foregoing language, an acetone combination or mixture that is transformed through a chemical reaction into another product, such that, for example, the acetone can no longer be separated from the other products through a distillation process (e.g., methyl methacrylate (MMA) or Bisphenol A (BPA)), is excluded from this investigation.

A combination or mixture is excluded from these investigations if the total acetone component (regardless of the source or sources) comprises less than 5 percent of the combination or mixture, on a dry weight basis.

The Chemical Abstracts Service (CAS) registry number for acetone is 67-64-1.

The merchandise covered by this investigation is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 2914.11.1000 and 2914.11.5000. Combinations or mixtures of acetone may enter under subheadings in Chapter 38 of the HTSUS, including, but not limited to, those under heading 3814.00.1000, 3814.00.2000, 3814.00.5010, and 3814.00.5090. The list of items found under these HTSUS subheadings is non-exhaustive. Although these HTSUS subheadings and CAS registry number are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

### Appendix II

#### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Postponement of Final Determination and Extension of Provisional Measures
- V. Scope Comments
- VI. Single Entity Analysis
- VII. Discussion of the Methodology
- VIII. Date of Sale
- IX. Product Comparisons
- X. Export Price and Constructed Export Price
- XI. Particular Market Situation
- XII. Normal Value
- XIII. Currency Conversion
- XIV. Verification

### XV. Conclusion

[FR Doc. 2019-20562 Filed 9-23-19; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-858]

### Oil Country Tubular Goods From India: Final Results of the Expedited Sunset Review of the Countervailing Duty Order

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

**SUMMARY:** As a result of this expedited sunset review, the Department of Commerce (Commerce) finds that revocation of the countervailing duty order on oil country tubular goods (OCTG) from India would be likely to lead to continuation or recurrence of countervailable subsidies as indicated in the "Final Results of Sunset Review" section of this notice.

**DATES:** Applicable September 24, 2019.

**FOR FURTHER INFORMATION CONTACT:** Charlotte Baskin-Gerwitz, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4880.

#### SUPPLEMENTARY INFORMATION:

#### Background

On June 4, 2019, Commerce published the initiation of the five-year (sunset) review of the countervailing duty order on OCTG from India, pursuant to section 751(c) of the Tariff Act of 1930 (the Act), as amended.<sup>1</sup> Commerce received notices of intent to participate in this sunset review from United States Steel Corporation, Maverick Tube Corporation, Tenaris Bay City, Inc., Benteler Steel/Tube, Boomerang Tube, LLC, IPSCO Tubulars, Inc., Vallourec Star, LP, and Welded Tube USA Inc. (collectively, the domestic interested parties), within the 15-day period specified in 19 CFR 351.218(d)(1)(i). The domestic interested parties claimed interested party status under section 771(9)(C) of the Act as producers of the domestic like product.

Commerce received adequate substantive responses to the *Notice of Initiation* from the domestic interested parties within the 30-day period specified in 19 CFR 351.218(d)(3)(i). Commerce received no substantive

<sup>9</sup> See INEOS Europe's Letter, "Acetone from Belgium: Request for Postponement of Final Determination and Provisional Measures Period," dated August 23, 2019.

<sup>10</sup> *Id.*

<sup>1</sup> See *Initiation of Five-Year (Sunset) Review*, 84 FR 41967 (June 4, 2019) (*Notice of Initiation*).