

Decision Memorandum are identical in content.

Preliminary Results of the Review ⁵

In accordance with 19 CFR 351.221(b)(4)(i), we calculated an individual subsidy rate for DSM, the firm subject to the administrative review. For the period January 1, 2014, through December 31, 2014, we preliminarily determine the total net countervailable subsidy rate for DSM is 0.01 percent which is *de minimis*. We preliminarily determine that the net countervailable subsidy rate for Hyundai Steel, the firm subject to the NSR, is 0.23 percent *ad valorem*, which is *de minimis*.

Disclosure and Public Comment

The Department intends to disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.⁶ Interested parties may submit written arguments (case briefs) within 30 days of publication of the preliminary results and rebuttal comments (rebuttal briefs) within five days after the time limit for filing the case briefs.⁷ Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) Statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Interested parties who wish to request a hearing 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.⁸ Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing, which will be held at the

U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined.⁹ Parties should confirm by telephone the date, time, and location of the hearing.

Parties are reminded that briefs and hearing requests are to be filed electronically using ACCESS and that electronically filed documents must be received successfully in their entirety by 5:00 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, the Department will issue the final results of this administrative review, including the results of our analysis of the issues raised by parties in their comments, within 120 days after issuance of these preliminary results.

Assessment Rates

The Department intends to issue assessment instructions to U.S. Customs and Border Protection (CBP) 15 days after the date of publication of the final results of this review. If the final results remain the same as these preliminary results, the Department will instruct CBP to liquidate without regard to CVDs all shipments of subject merchandise produced by DSM and Hyundai Steel entered or withdrawn from warehouse, for consumption from January 1, 2014, through December 31, 2014.

Cash Deposit Instructions

The Department also intends to instruct CBP to collect cash deposits of zero percent on shipments of the subject merchandise produced and/or exported by DSM and Hyundai Steel entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: March 4, 2016.

Paul Piquado,
Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum:

1. Summary
2. Background

⁹ See 19 CFR 351.310.

3. Scope of the Order
4. Attribution of Subsidies
5. Analysis of Programs
 - A. Programs Preliminarily Determined to be Countervailable
 - B. Programs Preliminarily Determined Not To Confer a Benefit
 - C. Additional Programs Preliminarily Determined That Were not Used During the POR
6. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-024]

Certain Polyethylene Terephthalate Resin From the People's Republic of China: Final Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (the Department) determines that imports of certain polyethylene terephthalate resin (PET resin) from the People's Republic of China (PRC) are being sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The final weighted-average dumping margins of sales at LTFV are listed in the "Final Determination Margins" section, *infra*.

DATES: *Effective Date:* March 14, 2016.

FOR FURTHER INFORMATION CONTACT: Steve Bezirgianian or Tyler Weinhold, 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) 482-1131 or (202) 482-1121, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2015, the Department of Commerce (Department) published in the **Federal Register** the preliminary determination in the LTFV investigation of PET resin from the PRC.¹ For a

¹ See *Certain Polyethylene Terephthalate Resin From the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 80 FR 62024 (October 15, 2015) (*Preliminary Determination*). We later published a correction to that notice, which corrected errors in the weighted-average margin chart appearing in the *Preliminary Determination* (see *Certain Polyethylene Terephthalate Resin From the People's Republic of China: Notice of Correction to Preliminary Affirmative Less Than Fair Value Determination*, 80 FR 69643 (November 10, 2015)).

⁵ As explained in the memorandum from the Acting Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll all administrative deadlines due to the recent closure of the Federal Government. See Memorandum to the Record from Ron Lorentzen, Acting A/S for Enforcement & Compliance, regarding "Tolling of Administrative Deadlines As a Result of the Government Closure During Snowstorm Jonas," dated January 27, 2016. All deadlines in this segment of the proceeding have been extended by four business days. The revised deadline for the preliminary determination of this administrative review and NSR is now March 4, 2016.

⁶ See 19 CFR 351.224(b).

⁷ See 19 CFR 351.309(c)(1)(ii); 351.309(d)(1); and 19 CFR 351.303 (for general filing requirements).

⁸ See 19 CFR 351.310(c).

description of the events that have occurred since the *Preliminary Determination*, see the Issue and Decision Memorandum, which is hereby adopted by this notice.² The Issues and 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 <http://access.trade.gov> and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov>. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

As explained in the memorandum from the Acting Assistant Secretary for Enforcement & Compliance, the Department has exercised its discretion to toll all administrative deadlines due to the recent closure of the Federal Government because of snowstorm "Jonas." All deadlines in this segment of the proceeding have been extended by four business days. The revised deadline for the final determination of this investigation is now March 4, 2016.

Period of Investigation

The period of investigation (POI) is July 1, 2014, through December 31, 2014.

Scope of the Investigation

The merchandise covered by this investigation is certain PET resin from the PRC. For a full description of the scope of the investigation, see Appendix I to this notice.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum accompanying this notice. A list of the issues raised and to which the Department responded is attached to this notice as Appendix II.

Changes to the Margin Calculations Since the Preliminary Determination

Based on the Department's analysis of the comments received and our findings at verification, we made certain changes to our margin calculations. For a discussion of these changes, see the Issues and Decision Memorandum.

Combination Rates

In the *Initiation Notice*,³ the Department stated that it would calculate combination rates for the respondents that are eligible for a separate rate in this investigation. *Policy Bulletin 05.1* describes this practice.⁴

Separate Rate

Under section 735(c)(5)(A) of the Act, the rate for all other companies that have not been individually examined is normally 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 on the basis of facts available. In this final determination, the Department has calculated rates for both mandatory respondents that are not zero, *de minimis*, or based entirely on facts available. Therefore, the Department has assigned to the companies that have not been individually examined but have

demonstrated their eligibility for a separate rate a margin of 114.47 percent, which is the weighted-average of Xingyu's and FEIS's margins using publicly-ranged quantities for their sales of subject merchandise.⁵

PRC-Wide Rate

In our *Preliminary Determination*, we found that certain PRC exporters and/or producers of the merchandise under consideration during the POI did not respond to the Department's quantity and value questionnaire. As a result, we preliminarily determined to calculate the PRC-wide rate on the basis of adverse facts available (AFA). For the final determination, we have determined to use, as the AFA rate applied to the PRC-wide entity, 126.58 percent, the highest CONNUM-specific dumping margin calculated in this final determination. Consistent with our practice, the Department selected Xingyu's highest CONNUM-specific margin, as AFA, because this rate is higher than the other rates in this investigation and therefore, sufficiently adverse to serve the purposes of facts available.⁶ Furthermore, there is no need to corroborate the selected margin because it is based on information submitted by Xingyu in the course of this investigation, *i.e.*, it is not secondary information.⁷

Final Determination Margins

The Department determines that the final weighted-average dumping margins, and cash deposit rates reflecting adjustments to the weighted-average dumping margins to account for export subsidies and estimated domestic subsidy pass-through (*see below for additional explanation*), are as follows:

Exporter	Producer	Weighted-average margin ¹ (percent)	Cash deposit rate (percent)
Far Eastern Industries (Shanghai) Ltd. or Oriental Industries (Suzhou) Limited. ⁸	Far Eastern Industries (Shanghai) Ltd. or Oriental Industries (Suzhou) Limited.	104.98	99.29

² See Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, "Issues and Decision Memorandum for the Final Determination of the Antidumping Duty Investigation of Certain Polyethylene Terephthalate Resin From the People's Republic of China," dated concurrently with this notice (Issues and Decision Memorandum).

³ See *Certain Polyethylene Terephthalate Resin From Canada, the People's Republic of China, India, and the Sultanate of Oman: Initiation of Less-Than-Fair-Value Investigations*, 80 FR 18376 (April 6, 2015) (*Initiation Notice*).

⁴ See Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, "Separate-Rates

Practice and Application of Combination Rates in Antidumping Investigations Involving Non-Market Economy Countries," (April 5, 2005) (Policy Bulletin 05.1), available on the Department's Web site at <http://enforcement.trade.gov/policy/bull05-1.pdf>.

⁵ See Memorandum to the File entitled "Final Determination of the Investigation of Certain Polyethylene Terephthalate Resin from the People's Republic of China: Calculation of the Final Margin for Separate Rate Companies," dated concurrently with this notice. With two respondents, we normally calculate: (A) A weighted-average of the dumping margins calculated for the mandatory respondents; (B) a simple average of the dumping margins calculated for the mandatory respondents; and (C) a weighted-average of the dumping margins

calculated for the mandatory respondents using each company's publicly-ranged values for the merchandise under consideration. We compare (B) and (C) to (A) and select the rate closest to (A) as the most appropriate rate for all other companies. See *Ball Bearings and Parts Thereof From France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part*, 75 FR 53661, 53663 (September 1, 2010).

⁶ See Issues and Decision Memorandum for a detailed discussion.

⁷ See 19 CFR 351.308(c) and (d) and section 776(c) of the Act.

Exporter	Producer	Weighted-average margin (percent)	Cash deposit rate (percent)
Jiangyin Xingyu New Material Co., Ltd. or Jiangsu Xingye Plastic Co., Ltd. or Jiangyin Xingjia Plastic Co., Ltd. or Jiangyin Xingtai New Material Co., Ltd. or Jiangsu Xingye Polytech Co., Ltd. ⁹	Jiangyin Xingyu New Material Co., Ltd. or Jiangsu Xingye Plastic Co., Ltd. or Jiangyin Xingjia Plastic Co., Ltd. or Jiangyin Xingtai New Material Co., Ltd. or Jiangsu Xingye Polytech Co., Ltd.	118.32	114.25
Dragon Special Resin (XIAMEN) Co., Ltd	Dragon Special Resin (XIAMEN) Co., Ltd	114.47	100.90
Hainan Yisheng Petrochemical Co., Ltd	Hainan Yisheng Petrochemical Co., Ltd	114.47	105.75
Shanghai Hengyi Polyester Fiber Co., Ltd	Shanghai Hengyi Polyester Fiber Co., Ltd	114.47	105.75
Zhejiang Wankai New Materials Co., Ltd	Zhejiang Wankai New Materials Co., Ltd	114.47	105.75
PRC-Wide Entity	126.58	125.75

⁸ In the *Preliminary Determination*, we collapsed Oriental Industries (Suzhou) Limited with FEIS. No parties challenged those findings, and we are continuing to collapse those firms in this final determination.

⁹ In the *Preliminary Determination*, we collapsed four firms (Jiangsu Xingye Plastic Co., Ltd., Jiangyin Xingjia Plastic Co., Ltd., Jiangyin Xingtai New Material Co., Ltd., and Jiangsu Xingye Polytech Co., Ltd.) with Xingyu. No parties challenged those findings, and we are continuing to so collapse those firms in this final determination.

Disclosure

We intend to disclose to parties in this proceeding the calculations performed for this final determination within five days of the date of public announcement of our final determination, in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act, the Department will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of PET resin from the PRC, which were entered, or withdrawn from warehouse, for consumption on or after October 15, 2015, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination*. Further, pursuant to section 735(c)(1)(B)(ii) of the Act, the Department will instruct CBP to require a cash deposit¹⁰ equal to the weighted-average amount by which the normal value exceeds U.S. price, adjusted where appropriate for export subsidies and estimated domestic subsidy pass-through,¹¹ as follows: (1) For the exporter/producer combination listed in the table above, the cash deposit rate will be equal to the dumping margin which the Department determined in this final determination; (2) for all combinations of PRC exporters/producers of merchandise under consideration which have not received their own separate rate above, the cash deposit rate will be equal to the dumping margin established for the PRC-wide entity; and (3) for all non-PRC

exporters of merchandise under consideration which have not received their own separate rate above, the cash deposit rate will be equal to the cash deposit rate applicable to the PRC exporter/producer combination that supplied that non-PRC exporter. The suspension of liquidation instructions will remain in effect until further notice.

Consistent with the *Preliminary Determination* and as noted above, where the product under investigation is also subject to a concurrent countervailing duty investigation, we instruct CBP to require a cash deposit less the amount of the countervailing duty determined to constitute any export subsidies or domestic subsidy pass through. Therefore, in the event that countervailing duty order is issued and suspension of liquidation is resumed in the companion countervailing duty investigation on PET resin from the PRC, the Department will instruct CBP to require cash deposits adjusted by the amount of export subsidies and domestic subsidy pass through, as appropriate. These adjustments are reflected in the final column of the rate chart, above.¹² Until such suspension of liquidation is resumed in the companion countervailing duty investigation, and so long as suspension of liquidation continues under this antidumping duty investigation, the cash deposit rates for this antidumping duty investigation will be the rates identified in the weighted-average margin column in the rate chart, above.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of our final determination. As our final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will determine within 45 days whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. If the ITC determines that such injury exists, the Department will issue an antidumping duty order directing CBP to assess, upon further instruction by the Department, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Return or Destruction of Proprietary Information

This notice will serve as a 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 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.

We are issuing and publishing this determination and notice in accordance with sections 735(d) and 777(i) of the Act.

¹⁰ See *Modification of Regulations Regarding the Practice of Accepting Bonds During the Provisional Measures Period in Antidumping and Countervailing Duty Investigations*, 76 FR 61042 (October 3, 2011).

¹¹ See sections 772(c)(1)(C) and 777A(f) of the Act, respectively.

¹² For details regarding the calculation of these adjustments, see the March 4, 2016, memorandum to the File entitled "Certain Polyethylene Terephthalate Resin From the People's Republic of China: Final Double Remedies Calculation Memorandum."

Dated: March 4, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The merchandise covered by this investigation is polyethylene terephthalate (PET) resin having an intrinsic viscosity of at least 0.70, but not more than 0.88, deciliters per gram. The scope includes blends of virgin PET resin and recycled PET resin containing 50 percent or more virgin PET resin content by weight, provided such blends meet the intrinsic viscosity requirements above. The scope includes all PET resin meeting the above specifications regardless of additives introduced in the manufacturing process. The merchandise subject to this investigation is properly classified under subheading 3907.60.00.30 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

Appendix II—Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Investigation
- IV. Changes Since the Preliminary Determination
- V. Use of Adverse Facts Available
- VI. Description of the Issues
 - Comment 1: PTA Value
 - Comment 2: Brokerage and Handling Expense Source of Valuation
 - Comment 3: Brokerage and Handling Expense Denominator's Cargo Load Volume
 - Comment 4: Brokerage and Handling Expense Letter of Credit Cost
 - Comment 5: Addition of Brokerage and Handling Expenses to FOP Surrogate Values
 - Comment 6: Inland Freight Expense Source of Valuation
 - Comment 7: Inland Freight Expense Denominator's Cargo Load Volume
 - Comment 8: Inland Freight Expense Denominator's Distance
 - Comment 9: Thai Labor Values
 - Comment 10: Irrecoverable VAT
 - Comment 11: FEIS Verification Minor Corrections
 - Comment 12: FEIS Chilled Water
 - Comment 13: FEIS Freight Distance for Factors of Production
 - Comment 14: FEIS International Freight Expense
 - Comment 15: FEIS U.S. Inland Freight Expense
 - Comment 16: Xingyu Indirect Labor
 - Comment 17: Xingyu IPA Consumption Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-533-862]

Countervailing Duty Investigation of Certain Polyethylene Terephthalate Resin From India: Final Affirmative Determination and Final Affirmative Critical Circumstances Determination, in Part

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

SUMMARY: The Department of Commerce (the Department) determines that countervailable subsidies are being provided to producers and exporters of certain polyethylene terephthalate (PET) resin from India as provided in section 705 of the Tariff Act of 1930, as amended (the Act). For information on the estimated subsidy rates, see the "Final Determination" section of this notice. The period of investigation is January 1, 2014, through December 31, 2014.

DATES: *Effective Date:* March 14, 2016.

FOR FURTHER INFORMATION CONTACT:

Yasmin Bordas or John Corrigan, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone (202) 482-3813 or (202) 482-7438, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department published the *Preliminary Determination* on August 14, 2015,¹ and placed the Post-Preliminary Memorandum on the record of this investigation on November 13, 2015.² A summary of the events that occurred since the post-preliminary determination, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.³ The Issues and Decision

¹ See *Countervailing Duty Investigation of Certain Polyethylene Terephthalate Resin From India: Preliminary Affirmative Determination, Preliminary Affirmative Critical Circumstances Determination, in Part, and Alignment of Final Determination With Final Antidumping Duty Determination*, 80 FR 48819 (August 14, 2015) (*Preliminary Determination*).

² See Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, "RE: Countervailing Duty (CVD) Investigation on Certain Polyethylene Terephthalate Resin from India—New Subsidy Allegations," dated November 13, 2015 (Post-Preliminary Memorandum).

³ See Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado,

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 <http://access.trade.gov>, and is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://trade.gov/enforcement>. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

As explained in the memorandum from the Acting Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll all administrative deadlines due to the recent closure of the Federal Government. All deadlines in this segment of the proceeding have been extended by four business days. The revised deadline for the final determination is now March 4, 2016.⁴

Scope of the Investigation

The merchandise covered by this investigation is PET resin. The merchandise subject to this investigation is properly classified under subheading 3907.60.00.30 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive. For a complete description of the scope of this investigation, see Appendix II.

The Department did not receive comments regarding the scope of this investigation.

Methodology

The Department is conducting this countervailing duty (CVD) investigation in accordance with section 701 of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we determine that there is a subsidy, *i.e.*, a financial contribution by an "authority" that

Assistant Secretary for Enforcement and Compliance, "Issues and Decision Memorandum for the Final Affirmative Determination in the Countervailing Duty Investigation of Certain Polyethylene Terephthalate Resin from India," dated concurrently with this notice (Issues and Decision Memorandum).

⁴ See Memorandum to the Record from Ron Lorentzen, Acting Assistant Secretary for Enforcement & Compliance, regarding "Tolling of Administrative Deadlines As a Result of the Government Closure During Snowstorm Jonas," dated January 27, 2016.