

fittings from Taiwan.<sup>4</sup> Therefore, in accordance with section 735(c)(2) of the Act, we are issuing this antidumping duty order. Because the ITC determined that imports of forged steel fittings from Taiwan are materially injuring a U.S. industry, unliquidated entries of such merchandise from Taiwan entered, or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of forged steel fittings from Taiwan. Antidumping duties will be assessed on unliquidated entries of forged steel fittings from Taiwan entered, or withdrawn from warehouse for consumption, on or after May 17, 2018, the date of publication of the *Preliminary Determination*.<sup>5</sup>

**Continuation of Suspension of Liquidation**

In accordance with section 735(c)(1)(B) of the Act, we will instruct CBP to continue to suspend liquidation on all relevant entries of forged steel fittings from Taiwan. These instructions suspending liquidation will remain in effect until further notice.

We will also instruct CBP to require cash deposits equal to the amounts as indicated below. Accordingly, effective on the date of publication of the ITC's final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit equal to the estimated weighted-average dumping margins listed below.<sup>6</sup> The relevant all-others rate applies to all producers or exporters not specifically listed.

**Provisional Measures**

Section 733(d) of the Act states that instructions issued pursuant to an affirmative preliminary determination may not remain in effect for more than four months except where exporters representing a significant proportion of exports of the subject merchandise request Commerce to extend that four-month period to no more than six months. However, Commerce did not

extend the four-month period in the underlying investigation. In the underlying investigation, Commerce published the *Preliminary Determination* on May 17, 2018. Thus, the four-month period beginning on the date of the publication of the *Preliminary Determination* ended on September 13, 2018. Furthermore, section 737(b) of the Act states that definitive duties are to begin on the date of publication of the ITC's final injury determination.

Therefore, in accordance with section 733(d) of the Act and our practice, we will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of forged steel fittings from Taiwan entered, or withdrawn from warehouse for consumption, on or after September 14, 2018, the date the provisional measures expired, and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**.

**Estimated Dumping Margins**

Commerce determines that the estimated final weighted-average dumping margins are as follows:

Exporter/producer	Weighted-average dumping margins (percent)
Both Well Steel Fittings Co., Ltd	116.17
Luchu Shin Yee Works Co., Ltd	116.17
All-Others .....	116.17

**Notification to Interested Parties**

This notice constitutes the antidumping duty order with respect to forged steel fittings from Taiwan pursuant to section 736(a) of the Act. Interested parties can find a list of antidumping duty orders currently in effect at <http://enforcement.trade.gov/stats/iastats1.html>.

This order is published in accordance with section 736(a) of the Act and 19 CFR 351.211(b).

Dated: September 19, 2018.

**Christian Marsh,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

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**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-535-905]

**Polyethylene Terephthalate Resin From Pakistan: Final Determination of Sales at Less Than Fair Value**

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

**SUMMARY:** The Department of Commerce (Commerce) determines that imports of polyethylene terephthalate (PET) resin from Pakistan 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).

**DATES:** Applicable September 24, 2018.

**FOR FURTHER INFORMATION CONTACT:** Mark Hoadley or Lauren Caserta, 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) 482-3148 or (202) 482-4737, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 4, 2018, Commerce published in the **Federal Register** the preliminary determination of sales at LTFV in the antidumping duty (AD) investigation of PET resin from Pakistan.<sup>1</sup> Commerce invited comments from interested parties on the *Preliminary Determination*.<sup>2</sup> The petitioners<sup>3</sup> and Novatex Limited (Novatex) filed case and rebuttal briefs.<sup>4</sup> A summary of the

<sup>1</sup> See *Polyethylene Terephthalate Resin from Pakistan: Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 83 FR 19689 (May 4, 2018) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> See Memorandum, "Antidumping Duty Investigation of Polyethylene Terephthalate Resin from Pakistan: Schedule for Submission of Case and Rebuttal Briefs," dated June 14, 2018 (Case Brief Schedule); see also Memorandum, "Antidumping Duty Investigation of Polyethylene Terephthalate Resin from Pakistan: Revised Schedule for Submission of Case and Rebuttal Briefs," dated June 19, 2018 (Revised Case Brief Schedule).

<sup>3</sup> DAK Americas, LLC Indorama Ventures USA, Ind., M&G Polymers USA, LLC, and Nan Ya Plastics Corporation, America (collectively, the petitioners).

<sup>4</sup> See Petitioners' Case Brief, "Polyethylene Terephthalate Resin from Pakistan: Petitioners' Case Brief for Novatex Limited," dated June 22, 2018 (Petitioners' Case Brief), and Novatex's Case Brief, "Polyethylene Terephthalate Resin from Pakistan: Novatex's Case Brief," dated June 25, 2018 (Novatex's Case Brief); see also Petitioners' Rebuttal Brief, "Polyethylene Terephthalate Resin from Pakistan: Petitioners' Rebuttal Brief for Novatex."

Continued

<sup>4</sup> See ITC Notification.

<sup>5</sup> See *Forged Steel Fittings from Taiwan: Affirmative Preliminary Determination of Sales at Less Than Fair Value*, 83 FR 22957 (May 17, 2018) (*Preliminary Determination*).

<sup>6</sup> See section 736(a)(3) of the Act.

events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by interested parties for this final determination, may be found in the Issues and Decision Memorandum.<sup>5</sup> 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 it is available to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

**Scope of the Investigation**

The product covered by this investigation is polyethylene terephthalate (PET) resin from Pakistan. Commerce did not receive any scope comments subsequent to the *Preliminary Determination* and, therefore, the scope has not been updated since the *Preliminary Determination*. See the scope in Appendix I to this notice.

**Period of Investigation**

The POI is July 1, 2016, through June 30, 2017.

**Verification**

As provided in section 782(i) of the Act, we conducted the sales verification in Washington, DC, between May 7, 2018, and May 11, 2018.<sup>6</sup> We used standard verification procedures, including an examination of relevant

<sup>5</sup> Dated July 6, 2018 (Petitioners' Rebuttal Brief) and Novatex's Rebuttal Brief, "Polyethylene Terephthalate Resin from Pakistan: Novatex's Rebuttal Brief," dated July 6, 2018 (Novatex's Rebuttal Brief).

<sup>6</sup> See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination in the Antidumping Duty Investigation of Polyethylene Terephthalate Resin from Pakistan," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum (IDM)).

<sup>7</sup> In accordance with the timely travel advisory issued by the U.S. Department of State discouraging travel within Pakistan, and following consultations with U.S. Embassy personnel in Islamabad, Commerce determined that Novatex's sales verification would be held at an alternate location in Washington, DC. This determination was made after receiving confirmation from the respondent that necessary company personnel would be in attendance, sufficient physical documentation would be shipped to the alternate site, and that Commerce would be provided with adequate remote access to Novatex's electronic systems.

accounting and production records, and original source documents provided by the respondents. Commerce determined that the cost databases provided by Novatex were unusable and cancelled the cost verification associated with this investigation on June 13, 2018.<sup>7</sup>

**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, which is hereby adopted by this notice. A list of the issues raised is attached to this notice as Appendix II.

**Use of Facts Available and Adverse Facts Available**

For purposes of this final determination, Commerce relied on facts available with adverse inferences when calculating the margin for Novatex Limited pursuant to sections 776(a)(1), 776(a)(2)(B)–(C) and 776(b) of the Act. For further information, see the Issues and Decision Memorandum.

**Changes Since the Preliminary Determination**

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

**All-Others Rate**

Sections 735(c)(1)(B)(i)(II) and 735(c)(5)(A) of the Act provide that 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. However, when the estimated weighted-average dumping margins for all exporters and producers individually investigated are zero or *de minimis*, or determined entirely under section 776 of the Act, Commerce shall use any reasonable method to establish the all-others rate, including averaging the estimated weighted-average dumping margins for the exporters and producers individually investigated.

In this investigation, Commerce based Novatex's rate entirely on facts

<sup>7</sup> See Commerce's Letter, "Cancellation of Cost Verification in the Antidumping Duty Investigation of Polyethylene Terephthalate (PET) Resin from Pakistan," dated June 13, 2018 (Cost Verification Cancellation Letter).

otherwise available. Accordingly, we will use any reasonable method to establish the estimated all-others rate. Commerce's practice, in such situations, is to base the all-others rate on an average of the petition rates.<sup>8</sup> We followed that practice here.

**Final Determination Margins**

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

Exporter/producer	Estimated weighted-average dumping margin (percent)
Novatex Limited <sup>9</sup> .....	59.92
All-Others .....	43.81

**Disclosure**

We will disclose any calculations performed within five days of any public announcement of this notice in accordance with 19 CFR 351.224(b).

**Continuation of Suspension of Liquidation**

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of PET resin from Pakistan, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after May 4, 2018, the date of publication of the *Preliminary Determination*.

Furthermore, pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), Commerce will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows:

<sup>8</sup> See, e.g., *Notice of Preliminary Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany*, 73 FR 21909, 21912 (April 23, 2008), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany*, 73 FR 38986, 38987 (July 8, 2008), and accompanying Issues and Decision Memorandum at Comment 2; see also *Notice of Final Determination of Sales at Less Than Fair Value: Raw Flexible Magnets from Taiwan*, 73 FR 39673, 39674 (July 10, 2008); *Steel Threaded Rod from Thailand: Preliminary Determination of Sales at Less Than Fair Value and Affirmative Preliminary Determination of Critical Circumstances*, 78 FR 79670, 79671 (December 31, 2013), unchanged in *Steel Threaded Rod from Thailand: Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances*, 79 FR 14476, 14477 (March 14, 2014), 82 FR 47697, 47698.

<sup>9</sup> Commerce has determined that Novatex Limited and Gatron Industries Limited are a single entity. See Issues and Decision Memorandum.

(1) The cash deposit rate for the respondent listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final 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 respondent-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.

### International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2)(B) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of PET resin no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, 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, as discussed above in the "Continuation of Suspension of Liquidation" section.

### Notification Regarding Administrative Protective Orders

This notice will serve as the only reminder to parties, subject to administrative protective order (APO), of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction or 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.

### Notification to Interested Parties

We are issuing and publishing this determination and notice in accordance

with sections 735(d) and 777(i) of the Act and 19 CFR 351.210(c).

Dated: September 17, 2018.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the 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 70, but not more than 88, milliliters per gram (0.70 to 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 scope excludes PET-glycol resin, also referred to as PETG. PET-glycol resins are manufactured by replacing a portion of the raw material input monoethylene glycol (MEG) with one of five glycol modifiers: Cyclohexanedimethanol (CHDM), diethylene glycol (DEG), neopentyl glycol (NPG), isosorbide, or spiro glycol. Specifically, excluded PET-glycol resins must contain a minimum of 10 percent, by weight, of CHDM, DEG, NPG, isosorbide or spiro glycol, or some combination of these glycol modifiers. Unlike subject PET resin, PET-glycol resins are amorphous resins that are not solid-stated and cannot be crystallized or recycled.

The merchandise subject to this investigation is properly classified under subheadings 3907.61.0000 and 3907.69.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by this investigation is dispositive.

### Appendix II

#### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Investigation
- IV. Changes Since the Preliminary Determination
- V. Use of Facts Otherwise Available and Adverse Inferences
- VI. Discussion of the Issues
  - Comment 1: Whether Commerce Should Verify Novatex's Reported Costs
  - Comment 2: Whether Commerce Should Apply Adverse Facts Available to Novatex
  - Comment 3: Whether Commerce is Justified in Denying Novatex a Duty Drawback Adjustment in Its Final Determination
- VII. Recommendation

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**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-896]

### Polyethylene Terephthalate Resin From the Republic of Korea: Affirmative Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part

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

**SUMMARY:** The Department of Commerce (Commerce) determines that imports of polyethylene terephthalate (PET) resin from the Republic of Korea 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).

**DATES:** Applicable September 24, 2018.

**FOR FURTHER INFORMATION CONTACT:** Sean Carey or Mark Hoadley, 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) 482-3964 or (202) 482-3148, respectively.

#### SUPPLEMENTARY INFORMATION:

#### Background

On May 4, 2018, Commerce published in the *Federal Register* the preliminary determination of sales at LTFV in the antidumping duty (AD) investigation of PET resin from the Republic of Korea.<sup>1</sup> Commerce invited comments from interested parties on the *Preliminary Determination*.<sup>2</sup> The petitioners<sup>3</sup> and SK Chemicals Co., Ltd. (SK Chemicals) filed case and rebuttal briefs.<sup>4</sup> A

<sup>1</sup> See *Polyethylene Terephthalate Resin from the Republic of Korea: Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 83 FR 19694 (May 4, 2018) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> *Id.* at 19694; see also Memorandum, "Briefing Schedule in the Antidumping Duty Investigation of Polyethylene Terephthalate Resin from the Republic of Korea," dated August 10, 2018.

<sup>3</sup> DAK Americas, LLC Indorama Ventures USA, Ind., M&G Polymers USA, LLC, and Nan Ya Plastics Corporation, America (collectively, the petitioners).

<sup>4</sup> See Petitioners' submission, "Polyethylene Terephthalate Resin from South Korea; Petitioners' Case Brief" dated August 17, 2018 (Petitioners' Case Brief); also SK Chemicals' submission, "Polyethylene Terephthalate Resin from the Republic of Korea, Case Brief of SK Chemicals," dated August 17, 2018 (SK Chemicals' Case Brief); also Petitioners' submission, "Polyethylene Terephthalate Resin from South Korea; Petitioners' Rebuttal Brief" dated August 22, 2018 (Petitioners' Rebuttal Brief).

Continued