Final Results of the Review

As a result of this review, we determine that, for the period July 1, 2016, through June 30, 2017, the following dumping margins exist:

<table>
<thead>
<tr>
<th>Producer and/or exporter</th>
<th>Weighted-average dumping margin (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oman Fasteners LLC</td>
<td>0.00</td>
</tr>
<tr>
<td>Overseas International Steel Industry LLC</td>
<td>0.00</td>
</tr>
<tr>
<td>Oman Fasteners LLC</td>
<td>154.33</td>
</tr>
<tr>
<td>Industry LLC/Overseas Distribution Services</td>
<td></td>
</tr>
</tbody>
</table>

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this review.

Duty Assessment

Commerce shall determine and Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries. For Oman Fasteners, because its weighted-average dumping margin is zero or de minimis (i.e., less than 0.5 percent), Commerce has not calculated importer-specific antidumping duty assessment rates. Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the importer-specific assessment rate is zero or de minimis. Because we calculated a zero margin for Oman Fasteners in the final results of this review, we intend to instruct CBP to liquidate the appropriate entries without regard to antidumping duties. For entries of the subject merchandise from OISI and ODS, we will instruct CBP to assess antidumping duties at the AFA rate of 154.33 percent.

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce’s presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the 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.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: November 9, 2018.

Christian Marsh,
Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Final IDM

I. Summary
II. List of Issues
III. Background
IV. Scope of the Order
V. Discussion of the Issues

Comment 1: Whether Astrotech’s financial statement is a better source than Amatei for calculating CV profit and indirect selling expenses
Comment 2: Whether Commerce made certain errors in its calculation of CV profit and indirect selling expenses
Comment 3: Whether Oman Fasteners is affiliated with a U.S. customer via a close supplier relationship
Comment 4: Whether Oman Fasteners’s U.S. sales are CEP sales because the terms of sale were agreed to or established by the Atlanta office
Comment 5: Whether Commerce should impute interest for a related party loan
Comment 6: Whether Commerce should base CV Profit on Omani rates or capped if based on third-country sources
Comment 7: Whether Commerce’s differential pricing methodology is unlawful

VI. Recommendation

[FR Doc. 2018–25145 Filed 11–16–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–098, C–533–886]

Polyester Textured Yarn From India and the People’s Republic of China: Initiation of Countervailing Duty Investigations

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


FOR FURTHER INFORMATION CONTACT: Janae Martin at (202) 482–0238 (India) and Robert Palmer at (202) 482–9068
Supplemental to Volume I Relating to General
and the People’s Republic of China—Petitioners’ Commerce, “Polyester Textured Yarn from India
dated October 30, 2018; Petitioners’ Letter to
October 29, 2018 Supplemental Questionnaire,”
Textured Yarn from the People’s Republic of
Volume III of the Petitions Relating to
and India: Supplemental Questionnaire Regarding
and Countervailing Duties on Imports of Polyester
Supplemental Questions,” dated October 29, 2018,
\{Polyester Textured Yarn
Imposition of Countervailing Duties on Imports of
all dated October 22, 2018, “Petition for the
Polyester Textured Yarn: Supplemental Questions,”
Imposition of Antidumping and Countervailing
Supplemental Questions,” “Petitions for the
Countervailing Duties on Imports of Polyester
Supplemental Questions” (General Issues
Imposition of Antidumping and Countervailing
dated October 18, 2018 (the Petitions).

The CVD Petitions were
petitioners), domestic producers of
polyester textured yarn (yarn). The CVD Petitions were
accompanied by antidumping duty (AD)
petitions concerning imports of yarn
from India and China. During the period October 22 through
November 1, 2018, we requested information from the petitioners
pertaining to the scope of the investigations and certain allegations
contained within the Petitions. The petitioners filed additional information
between October 26, and November 2, 2018.\footnote{See Petitioners’ Letter, “Polyester Textured Yarn
from India and the People’s Republic of China,” dated October 18, 2018 (the Petitions).}

Supplementary Information:
The Petition
On October 18, 2018, the U.S. Department of Commerce (Commerce) received countervailing duty (CVD)
petitions concerning imports of polyester textured yarn (yarn) from
India and China, filed in proper form on behalf of Unifi Manufacturing, Inc. and
Nan Ya Plastics Corp., America (the petitioners), domestic producers of
yarn. The CVD Petitions were accompanied by antidumping duty (AD)
petitions concerning imports of yarn from India and China.\footnote{See Volumes II and IV of the Petitions.}

During the period October 22 through November 1, 2018, we requested information from the petitioners
pertaining to the scope of the investigations and certain allegations
contained within the Petitions.\footnote{See Commerce’s Letters, “Petitions for the
Imposition of Antidumping and Countervailing Duties on Imports of Polyester Textured Yarn from the People’s Republic of China: Supplemental Questions” (General Issues
Supplemental), “Petition for the Imposition of Countervailing Duties on Imports of Polyester Textured Yarn from the People’s Republic of China: Supplemental Questions,” “Petition for the

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that the Governments of China and India (GOC, and GOI, respectively) are providing countervailable subsidies, within the meaning of sections 701 and 771(S) of the Act, to producers of yarn in China and India and that imports of such products are materially injuring, or threatening material injury to, the domestic yarn industry in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating CVD investigations, the Petitions are accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed the Petitions on behalf of the
domestic industry because the petitioners are interested parties as
defined in section 771(9)(C) of the Act. Commerce also finds that the petitioners demonstrated sufficient industry support necessary for the initiation of the requested CVD investigations.\footnote{See 19 CFR 351.102(b)(21) (defining “factual
information”).}

Period of Investigations
Because the Petitions were filed on October 18, 2018, the period of
investigation is January 1, 2017, through December 31, 2017 for each
investigation.

Scope of the Investigations
The product covered by these investigations is yarn from China and
India. For a full description of the scope of these investigations, see the
Appendix to this notice.

Comments on the Scope of the Investigations
During our review of the Petitions, we contacted the petitioners regarding
the proposed scope to ensure that the scope language in the Petitions is an accurate
reflection of the products for which the
domestic industry is seeking relief.\footnote{See 19 CFR 351.303(b).}
As a result, the scope of the Petitions was modified to clarify the description of
merchandise covered by the Petitions.

The description of the merchandise covered by these investigations, as
described in the Appendix to this notice, reflects these clarifications.

As discussed in the Preamble to Commerce’s regulations, we are setting
aside a period for interested parties to
raise issues regarding product coverage (scope).\footnote{See Antidumping Duties; Countervailing Duties, Final Rule, 62 FR 27296, 27343 (May 19, 1997) (Preamble).}
Commerce will consider all comments received from interested
parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary
determination. If scope comments include factual information, all such
factual information should be limited to
public information. To facilitate
preparation of its questionnaires,
Commerce requests that all interested
parties submit such comments by 5:00 p.m. Eastern Time (ET) on November 27, 2018, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on December 7, 2018, which is 10 calendar days from the initial comments deadline.\footnote{See 19 CFR 351.303(b).}
Commerce requests that any factual information parties consider relevant to
the scope of the investigation be
submitted during this period. However, if a party subsequently finds that
additional factual information pertaining to the scope of the investigation may be relevant, the party
may contact Commerce and request permission to submit the additional
information. All such submissions must
be filed on the records of the concurrent
AD and CVD investigations.

Filing Requirements
All submissions to Commerce must be
filed electronically using Enforcement and
Compliance’s Antidumping Duty and Countervailing Duty Centralized
Electronic Service System (ACCESS). An electronically filed document must be
received successfully in its entirety by
the time and date it is due.
Documents exempted from the electronic submission requirements
must be filed manually (i.e., in paper
form) with Enforcement and
Compliance’s APO/Dockets Unit, Room 76 FR 69046 (November 20, 2014) for
details of Commerce’s electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at
https://access.trade.gov/help/ and a handbook
handbook on Electronic Filing Procedures, Administrative Protective Order Procedures, 76 FR 39263 (July 6, 2011). See also Enforcement and Compliance: Change of Electronic Filing System Name, 79 FR 69046 (November 20, 2014) for
details of Commerce’s electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at
https://access.trade.gov/help/ and a handbook %20d0%20%20Electronic%20 Filing%20Procedures.pdf
like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product, they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce’s determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.14

Section 771(10) of the Act defines the domestic like product as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.” Thus, the reference point from which the domestic like product analysis begins is “the article subject to an investigation” (i.e., the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations.15 Based on our analysis of the information submitted on the record, we have determined that polyester textured yarn, as defined in the scope, constitutes a single domestic like product, and we have analyzed industry support in terms of that domestic like product.16

In determining whether the petitioners have standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the “Scope of the Investigations,” in the Appendix to this notice. To establish industry support, the petitioners provided their own production of the domestic like product in 2017, as well as the 2017 production of companies that support the Petitions.17 The petitioners compared the production of the supporters of the Petitions to the estimated total production of the domestic like product for the entire domestic industry.18 We relied on data provided by the petitioners for purposes of measuring industry support.19

Our review of the data provided in the Petitions, the General Issues Supplement, and other information readily available to Commerce indicates that the petitioners have established industry support for the Petitions.20 First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (e.g., polling).21 Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.22 Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the “industry.”

Section 771(4)(A) of the Act defines the “industry” as the producers, as a whole, of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether “the domestic industry” has been injured, must also determine what constitutes a domestic industry.23 Commerce finds that the petitioners filed the Petitions on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) of the Act, and they have demonstrated sufficient industry support with respect to the antidumping and countervailing duty investigations that they are requesting that Commerce initiate.24

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15 For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, see Countervailing Duty Investigation Initiation Checklist: Polyester Textured Yarn from the People’s Republic of China (China CVD Initiation Checklist), at Attachment III, Analysis of Industry Support for the Antidumping and Countervailing Duty Petition Covering Polyester Textured Yarn from the People’s Republic of China and India (Attachment II); see also Countervailing Duty Investigation Initiation Checklist: Polyester Textured Yarn from India (India CVD Initiation Checklist), at Attachment II. These checklists are designed concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.
Injury Test

Because China and India are “Subsidies Agreement Countries” within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to these investigations. Accordingly, the ITC must determine whether imports of the subject merchandise from China and/or India materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioners allege that imports of the subject merchandise are benefiting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act. In CVD petitions, section 771(24)(B) of the Act provides that imports of subject merchandise from developing and least developed countries must exceed the negligibility threshold of four percent. The petitioners also demonstrate that subject imports from India, which has been designated as a least developed country under section 771(36)(B) of the Act, exceed the negligibility threshold of four percent.

The petitioners contend that the industry’s injured condition is illustrated by a significant and increasing volume of subject imports; reduced market share; underselling and price depression or suppression; decline in the domestic industry’s production, capacity utilization, and U.S. commercial shipments; decline in the domestic industry’s financial performance; lost sales and revenues; and closures of U.S. production facilities. We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as cumulation, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.

Initiation of CVD Investigation

Based on the examination of the Petitions, we find that the Petitions meet the requirements of section 702 of the Act. Therefore, we are initiating CVD investigations to determine whether imports of yarn from China and India benefit from countervailable subsidies conferred by the GOC and GOI, respectively. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 65 days after the date of this investigation.

China

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on 19 of the 20 alleged programs, and to partially initiate on the remaining program. For a full discussion of the basis for our decision to initiate on each program, see China CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

India

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on 40 of the 43 alleged programs, and to partially initiate on one of the 43 programs. For a full discussion of the basis for our decision to initiate on each program, see India CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Respondent Selection

In the Petitions, the petitioners named 51 companies in China as producers/exporters of yarn. Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in these investigations. In the event Commerce determines that the number of companies is large and it cannot individually examine each company based upon Commerce’s resources, where appropriate, Commerce intends to select mandatory respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of yarn from China and India during the POI under the appropriate Harmonized Tariff Schedule of the United States numbers listed in the “Scope of the Investigation,” in the Appendix. On November 6, 2018, Commerce released CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment regarding the CBP data and respondent selection must do so within three business days of the publication date of the notice of initiation of these CVD investigations. Commerce will not accept rebuttal comments regarding the CBP data or respondent selection.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Commerce’s website at http://enforcement.trade.gov/apo.

Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the date noted above. We intend to finalize our decisions regarding respondent selection within 20 days of publication of this notice.

Distribution of Copies of the Petition

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), copies of the public versions of the Petitions have been provided to the GOC and GOI via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of yarn from China and India are materially injuring, or threatening material injury to, a U.S. industry. A negative ITC determination will result in the investigation being terminated.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information. Parties must use the certification formats provided in 19 CFR 351.303(g). Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). On January 22, 2008, Commerce published Antidumping and Countervailing Duty Provisions: Documents Submission Procedures; APO Procedures, 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (e.g., the filing of letters of appearance as discussed at 19 CFR 351.103(d)). Instructions for filing such applications may be found on Commerce’s website at http://enforcement.trade.gov/apo.

This notice is issued and published pursuant to sections 702 and 777(i) of the Act and 19 CFR 351.203(c).

Dated: November 7, 2018.

P. Lee Smith,
Deputy Assistant Secretary for Policy and Negotiations.

Appendix

Scope of the Investigations

The merchandise covered by these investigations, polyester textured yarn, is synthetic multifilament yarn that is manufactured from polyester (polyethylene terephthalate). Polyester textured yarn is produced through a texturing process, which imparts special properties to the filaments of the yarn, including stretch, bulk, strength, moisture absorption, insulation, and the appearance of a natural fiber. This scope includes all forms of polyester textured yarn, regardless of surface texture or appearance, yarn density and thickness (as measured in denier), number of filaments, number of plies, finish (luster), cross section, color, dye method, texturing method, or packing method (such as spindles, tubes, or beams).

The merchandise subject to these investigations is properly classified under subheadings 5402.33.3000 and 5402.33.6000 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 is dispositive.

Market Risk Advisory Committee

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of meeting.

SUMMARY: The Commodity Futures Trading Commission (CFTC) announces that on December 4, 2018, from 9:30 a.m. to 4:00 p.m., the Market Risk Advisory Committee (MRAC) will hold a public meeting in the Conference Center at the CFTC’s Washington, DC, headquarters. At this meeting, the MRAC will discuss: (1) The current state of clearinghouse risk management and governance and what lies ahead, (2) the management of non-default losses by clearinghouses in recovery and resolution, (3) recent reports and discussion papers on central clearing by global standard setting bodies, and (4) the oversight of third-party service providers/vendor risk management.

DATES: The meeting will be held on December 4, 2018, from 9:30 a.m. to 4:00 p.m. Members of the public who wish to submit written statements in connection with the meeting should submit them by December 11, 2018.

ADDRESSES: The meeting will take place in the Conference Center at the CFTC’s headquarters, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. You may submit public comments, identified by “Market Risk Advisory Committee,” by any of the following methods:
- CFTC website: http://comments.cftc.gov. Follow the instructions for submitting comments through the Comments Online process on the website.
- Mail: Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Center, 1155 21st Street NW, Washington, DC 20581.
- Hand Delivery/Courier: Same as Mail, above.