

**Use of Facts Otherwise Available**

For the final determination, the Department continues to find as we did in the *Preliminary Determination* that Thai Shinkong Industry Corporation, Ltd. did not act to the best of its abilities and failed to provide the information requested by the Department. Therefore, the Department continues to find that the use of adverse facts available is warranted under section 776 of the Act. See Memorandum to Barbara E. Tillman, "Final Determination of Polyethylene Terephthalate ("PET") Resin from Thailand: *Corroboration Memorandum*" dated March 15, 2005.

**Verification**

As provided in section 782(i)(1) of the Act, we verified the COP information submitted by Bangkok Polyester from November 8 to 12, 2004, and the sales information from December 13 to 16, 2004. We used standard verification procedures, including examination of relevant accounting and production records, as well as original source documents provided by Bangkok Polyester.

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs submitted by petitioner and Bangkok Polyester are addressed in the Memorandum to Joseph A. Spetrini, "Issues and Decision Memorandum for the Final Determination of the Antidumping Duty Investigation of Bottle-Grade Polyethylene Terephthalate Resin from Thailand" dated March 14, 2005 ("*Decision Memorandum*"), which is hereby adopted by this notice. Attached to this notice as an appendix is a list of the issues which petitioner and Bangkok Polyester have raised and to which we have responded in the *Decision Memorandum*. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in this public memorandum, which is on file in the Department's Central Records Unit, room B099. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at <http://ia.ita.doc.gov> or <http://ia.ita.doc.gov/frn/index.html>. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

**Fair Value Comparisons**

We calculated export price and normal value for Bangkok Polyester using the same methodology as described in the *Preliminary Determination*, with the exceptions

noted in the "Margin Calculations" section of the *Decision Memorandum*.

**Currency Conversions**

We made currency conversions into United States dollars in accordance with section 773(a) of the Act based on exchange rates in effect on the dates of the United States sales as certified by the Federal Reserve.

**Continuation of Suspension of Liquidation**

In accordance with section 735(c)(1)(B) of the Act, we are directing United States Customs and Border Protection ("CBP") to continue to suspend liquidation of all entries of PET resin from Thailand that are entered, or withdrawn from warehouse, for consumption on or after the date of October 28, 2004, the date of publication of the *Preliminary Determination* in the **Federal Register**. CBP shall continue to require a cash deposit or the posting of a bond equal to the weighted-average dumping margin as indicated in the chart below. These instructions suspending liquidation will remain in effect until further notice. The weighted-average dumping margins are as follows:

Producer/exporter	Weighted-average margin (percentage)
Bangkok Polyester Public Company, Ltd .....	24.83
Thai Shinkong Industry Corporation, Ltd .....	41.28
All Others .....	24.83

**Disclosure**

The Department will disclose calculations performed within five days of the date of publication of this notice to the parties in this proceeding in accordance with 19 CFR 351.224(b).

**International Trade Commission Notification**

In accordance with section 735(d) of the Act, we have notified the International Trade Commission ("ITC") of the Department's final determination. As our final determination is affirmative, the ITC will, within 45 days, determine whether these imports are materially injuring, or threaten material injury to, the United States industry. If the ITC determines that material injury, or threat of material injury, does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury

does exist, the Department will issue an antidumping order.

**Notification Regarding Administrative Protective Order**

This notice also serves 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. Timely notification of return or destruction of APO materials, or conversation to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of APO is a sanctionable violation.

This determination is issued and published pursuant to sections 735(d) and 777(I)(1) of the Act.

Dated: March 14, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

**Appendix—List of Comments and Issues in the Decision Memorandum**

- Comment 1: Cost Verification Minor Correction.
- Comment 2: Capitalized Asset Costs.
- Comment 3: Cost Reconciliation Items.
- Comment 4: General and Administrative Expense Ratio.
- Comment 5: Financial Expense Ratio.
- Comment 6: Direct Selling Expenses for Sample United States Sale.
- Comment 7: Bank Charges for Export Sales.
- Comment 8: Duty Drawback.
- Comment 9: United States Packing.
- Comment 10: Unreported United States Sale.
- Comment 11: Dumping Margin Program and Printout for the Preliminary Determination.
- Comment 12: Home Market Packing.
- Comment 13: Indirect Selling Expense.
- Comment 14: Brokerage and Handling.
- Comment 15: Offsets for Non-Dumped Sales.

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-583-840]

**Notice of Final Determination of Sales at Not Less Than Fair Value: Bottle-Grade Polyethylene Terephthalate (PET) Resin From Taiwan**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

*Final Determination:* We determine that PET Resin from Taiwan is not being, nor is likely to be, sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (the Act).

**DATES:** *Effective Date:* March 21, 2005.

**FOR FURTHER INFORMATION CONTACT:** Daniel O'Brien or Ashleigh Batton, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-1376 and (202) 482-6309, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

Since the publication of the preliminary results of this review (*See Notice of Preliminary Determination of Sales at Less Than Fair Value: Bottle-Grade Polyethylene Terephthalate (PET) Resin from Taiwan*, 69 FR 62868, October 28, 2004. (*Preliminary Determination*)), in which the Department announced an extension of the time limit for the final determination in the antidumping duty investigation to no later than March 14, 2005, in accordance with section 735(A)(2) of the Act, the following events have occurred:

In November 2004, we verified the questionnaire response of Far Eastern Textile, Ltd. (Far Eastern). The cost and sales verification reports were issued on January 4, 2005, and January 18, 2005, respectively. *See* Memorandum from Christopher Zimpo, Accountant, to Neal M. Halper, Director, Office of Accounting, Re: Verification of the Cost of Production and Constructed Value Data Submitted by Far Eastern Textile in the Investigation of PET Resin from Taiwan, dated January 18, 2005, and Memorandum from Ashleigh Batton, International Trade Compliance Analyst, to Susan Kuhbach, Director, Office 1, Re: Verification of the Sales Response of Far Eastern Textile in the Investigation of PET Resin from Taiwan, dated January 4, 2005. These reports are on file in the Central Records Unit, Room B-099 of the main Department building (CRU).

On January 26, 2005, we received case briefs from the United States PET Resin Producers Coalition (the petitioner), and Far Eastern.

On January 31, 2005, we received rebuttal briefs from the petitioner and Far Eastern.

**Scope of Investigation**

The merchandise covered by this investigation is polyethylene terephthalate (PET) bottle-grade resin, defined as having an intrinsic viscosity of at least .68 deciliters per gram but not more than .86 deciliters per gram. The scope includes bottle-grade PET resin that contains various additives

introduced in the manufacturing process. The scope does not include post-consumer recycle (PCR) or post-industrial recycle (PIR) PET resin; however, included in the scope is any bottle-grade PET resin blend of virgin PET bottle-grade resin and recycled PET (RPET). Waste and scrap PET are outside the scope of the investigation. Fiber-grade PET resin, which has an intrinsic viscosity of less than .68 deciliters per gram, is also outside the scope of the investigation.

The merchandise subject to this investigation is properly classified under subheading 3907.60.0010 of the Harmonized Tariff Schedule of the United States (HTSUS); however, merchandise classified under HTSUS subheading 3907.60.0050 that otherwise meets the written description of the scope is also subject to this investigation. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

**Period of Investigation**

The period of investigation (POI) is January 1, 2003, through December 31, 2003. This period corresponds to the four most recent fiscal quarters prior to the filing of the petition on March 24, 2004.

**Verification**

As provided in section 782(i) of the Act, we conducted verification of the sales and cost information submitted by Far Eastern. We used standard verification procedures, including examination of the relevant sales, cost, and financial records.

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs by parties to this review are addressed in the Issues and Decision Memorandum from Barbara E. Tillman, Acting Deputy Assistant Secretary for Import Administration, to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, dated March 14, 2005 (*Decision Memorandum*), which is hereby adopted by this notice. Attached to this notice as an appendix is a list of the issues which parties have raised and to which we have responded in the *Decision Memorandum*. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Department's CRU. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/>. The paper copy and electronic version

of the *Decision Memorandum* are identical in content.

**Changes Since the Preliminary Determination**

Based on our findings at verification and our analysis of comments received, we have made adjustments to the preliminary determination calculation methodologies in calculating the final dumping margin for Far Eastern. These adjustments are discussed in the *Decision Memorandum*.

**Suspension of Liquidation**

Pursuant to section 733(b)(3) of the Act, because the estimated weighted-average dumping margin<sup>1</sup> for the examined company is *de minimis*, we are not directing CBP to suspend liquidation of entries of PET resin from Taiwan. The weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average margin percentage
Far Eastern .....	0.10
All Others .....	0.10

**ITC Notification**

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination.

This notice also serves as the only reminder to parties subject to the 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), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of return/destruction of APO material or conversion to judicial protective order is hereby requested. Failure to comply with the regulation and the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

<sup>1</sup> Section 735(c)(5)(B) states that, if the estimated weighted average dumping margins established for all exporters and producers individually investigated are zero or *de minimis* margins, or are determined entirely under section 776, the administering authority may use any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted average dumping margins determined for the exporters and producers individually investigated. In this case we have used the one calculated margin as the all others rate.

Dated: March 14, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

**Appendix I—List of Comments in the Issues and Decision Memorandum**

*General Comments*

Comment 1: Re-Allocation of Additive Costs  
 Comment 2: Unreported U.S. Sale  
 Comment 3: Home Market Rebates  
 Comment 4: Domestic Inland Freight  
 Comment 5: Indirect Selling Expense  
 Comment 6: U.S. Packing Expenses  
 Comment 7: General and Administrative and Financial Expense Ratios  
 Comment 8: Major Input Valuation  
 Comment 9: Nitrogen Gas From an Affiliate  
 Comment 10: Sales Reconciliation

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-560-817]

**Notice of Final Determination of Sales at Less Than Fair Value: Bottle-Grade Polyethylene Terephthalate (PET) Resin From Indonesia**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

*Final Determination:* The Department of Commerce (“the Department”) determines that PET resin from Indonesia is being, or is likely to be, sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (“the Act”). The final weighted-average dumping margins are listed below in the section entitled “Continuation of Suspension of Liquidation.”

**DATES:** *Effective Date:* March 21, 2005.

**FOR FURTHER INFORMATION CONTACT:** Andrew McAllister or Scott Holland, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-1174 and (202) 482-1279, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

Since the publication of the preliminary results of this review (see *Notice of Preliminary Determination of Sales at Less Than Fair Value: Bottle-Grade Polyethylene Terephthalate (PET) Resin from Indonesia*, 69 FR 62861 (October 28, 2004) (“*Preliminary Determination*”), the following events have occurred:

On November 3, 2004, the Department published in the **Federal Register** an extension of the time limit for the final determination in the antidumping duty investigation to no later than March 14, 2005, in accordance with the Act. See *Notice of Postponement of Final Antidumping Duty Determination: Bottle-Grade Polyethylene Terephthalate (PET) Resin from Indonesia*, 69 FR 64026 (November 3, 2004).

In October and November 2004, we conducted verifications of the sales and cost of production (“COP”) questionnaire responses submitted by P.T. Indorama Synthetics Tbk (“Indorama”). The sales and cost verification reports were issued on January 6 and 7, 2005, respectively. See Memoranda to the File, “Verification of the Sales Responses of P.T. Indorama Synthetics, Tbk in the Antidumping Duty Investigation of Bottle-Grade Polyethylene Terephthalate (“PET”) Resin from Indonesia,” (“Indorama SVR”) dated January 6, 2005; and “Verification Report on the Cost of Production and Constructed Value Data Submitted by P.T. Indorama Synthetics, Tbk,” (“Indorama CVR”) dated January 7, 2005. These reports are on file in the Central Records Unit, Room B-099 of the main Department building (“CRU”). On January 25, 2005, we received case briefs from the United States PET Resin Producers Coalition (“the petitioner”) and Indorama. On January 31, 2005, we received rebuttal briefs from the petitioner and Indorama. At the request of interested parties, the Department held a public hearing on February 3, 2005.

**Scope of Investigation**

The merchandise covered by this investigation is polyethylene terephthalate (“PET”) bottle-grade resin, defined as having an intrinsic viscosity of at least 0.68 deciliters per gram but not more than 0.86 deciliters per gram. The scope includes bottle-grade PET resin that contains various additives introduced in the manufacturing process. The scope does not include post-consumer recycle (“PCR”) or post-industrial recycle (“PIR”) PET resin; however, included in the scope is any bottle-grade PET resin blend of virgin PET bottle-grade resin and recycled PET (“RPET”). Waste and scrap PET are outside the scope of the investigation. Fiber-grade PET resin, which has an intrinsic viscosity of less than 0.68 deciliters per gram, is also outside the scope of the investigations.

The merchandise subject to this investigation is properly classified under subheading 3907.60.0010 of the

Harmonized Tariff Schedule of the United States (“HTSUS”); however, merchandise classified under HTSUS subheading 3907.60.0050 that otherwise meets the written description of the scope is also subject to these investigations. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

**Period of Investigation**

The period of investigation (“POI”) is January 1, 2003, through December 31, 2003. This period corresponds to the four most recent fiscal quarters prior to the filing of the petition on March 24, 2004.

**Verification**

As provided in section 782(i) of the Act, we conducted verification of the sales and cost information submitted by Indorama. We used standard verification procedures, including examination of the relevant sales, cost, and financial records.

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs by parties to this review are addressed in the “Issues and Decision Memorandum for the Final Determination in the Antidumping Duty Investigation of Bottle-Grade Polyethylene Terephthalate (PET) Resin from Indonesia” from Barbara E. Tillman, Acting Deputy Assistant Secretary for Import Administration, to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, dated March 14, 2005 (“*Decision Memorandum*”), which is hereby adopted by this notice. Attached to this notice as an appendix is a list of the issues which parties have raised and to which we have responded in the *Decision Memorandum*. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in this public memorandum which is on file in the Department’s CRU. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/index.html>. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

**Facts Otherwise Available**

For the final determination, the Department continues to find that P.T. SK Keris (“SK Keris”) and P.T. Polypet Karyapersada (“Polypet”), both producers/exporters of PET resin from Indonesia, and mandatory respondents in these proceedings, did not act to the