

The Department is issuing and publishing these final results and this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act.

Dated: July 30, 2015.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-520-803]

#### **Polyethylene Terephthalate Film, Sheet, and Strip From the United Arab Emirates: Negative Final Determination of Circumvention of the Antidumping Duty Order**

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

**SUMMARY:** On May 7, 2015, the Department of Commerce (the Department) published the negative preliminary determination of circumvention of the antidumping duty order<sup>1</sup> on polyethylene terephthalate film, sheet, and strip (PET film) from the United Arab Emirates (UAE).<sup>2</sup> We continue to determine that imports of PET film produced by JBF Bahrain S.P.C. (JBF Bahrain) in the Kingdom of Bahrain (Bahrain) are not circumventing the *Order*, pursuant to section 781(b) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.225(h).

**DATES:** Effective date: August 7, 2015.

**FOR FURTHER INFORMATION CONTACT:** Andrew Huston, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4261.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On July 29, 2014, the Department initiated an anti-circumvention inquiry of the antidumping duty order on PET

film from the UAE, pursuant to section 781(b) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.225(h).<sup>3</sup> On May 7, 2015, the Department published the *Preliminary Determination* in the **Federal Register**. The Department invited interested parties to comment on the *Preliminary Determination*. On June 8, 2015, Polyplex USA LLC and FLEX USA, Inc. (Domestic Parties) and JBF Bahrain submitted timely case briefs. On June 10, 2015, the Department sent a letter to Domestic Parties, noting certain deficiencies in Domestic Parties' submission, and requesting that Domestic Parties resubmit their case brief. Domestic Parties timely resubmitted their case brief on June 11, 2015. On June 15, 2015, Domestic Parties, and DuPont Teijin Films, Mitsubishi Polyester Film Inc., and SKC, Inc. (collectively, Petitioners), filed timely rebuttal briefs. On June 18, 2015, JBF Bahrain submitted a timely rebuttal brief. On July 9, 2015, pursuant to 19 CFR 351.310, the Department held a public hearing, following a timely request by Domestic Parties.

##### **Scope of the Order**

The products covered by the order are all gauges of raw, pre-treated, or primed polyethylene terephthalate film, whether extruded or co-extruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer more than 0.00001 inches thick. Also excluded is roller transport cleaning film which has at least one of its surfaces modified by application of 0.5 micrometers of SBR latex. Tracing and drafting film is also excluded. Polyethylene terephthalate film is classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States (HTSUS). While HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

##### **Scope of the Anti-Circumvention Inquiry**

This anti-circumvention inquiry covers PET film produced in Bahrain by JBF Bahrain from inputs (PET chips and silica chips) manufactured in the UAE, and that is subsequently exported from Bahrain to the United States.

<sup>3</sup> See *Polyethylene Terephthalate Film, Sheet, and Strip from the United Arab Emirates: Initiation of Anti-Circumvention Inquiry on Antidumping Duty Order*, 79 FR 44006 (July 29, 2014).

##### **Analysis of Comments Received**

All issues raised in the comments by parties in this proceeding are addressed in the Issues and Decision Memorandum.<sup>4</sup> A list of the issues which the parties raised, to which the Department has responded in the Issues and Decision Memorandum is attached to this notice as Appendix 1. The Issues and Decision Memorandum 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 in 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.

##### **Negative Final Determination of Circumvention**

In the *Preliminary Determination*, the Department preliminarily determined that the process of completion or assembly of PET film produced by JBF Bahrain in Bahrain is not minor or insignificant, within the meaning of section 781(b)(2) of the Act. After reviewing comments from interested parties, we continue to find that the process of completion or assembly is not minor or insignificant. Therefore the Department determines that PET film produced by JBF Bahrain, exported from Bahrain to the United States, is not circumventing the *Order*.

##### **Notification Regarding Administrative Protective Orders**

This notice is the only reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the 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 or destruction of APO materials, or conversion to

<sup>4</sup> See Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, "Polyethylene Terephthalate Film, Sheet, and Strip from the United Arab Emirates: Decision Memorandum for the Final Determination of Anti-Circumvention Inquiry of the Antidumping Duty Order" (Issues and Decision Memorandum), dated concurrently with this determination and hereby adopted by this notice.

<sup>1</sup> See *Polyethylene Terephthalate Film, Sheet, and Strip From Brazil, the People's Republic of China and the United Arab Emirates: Antidumping Duty Orders and Amended Final Determination of Sales at Less Than Fair Value for the United Arab Emirates*, 73 FR 66595 (November 10, 2008) (*Order*).

<sup>2</sup> See *Preliminary Negative Determination of Circumvention of the Antidumping Order on Polyethylene Terephthalate Film, Sheet, and Strip from the United Arab Emirates*, 80 FR 26229 (May 7, 2015) (*Preliminary Determination*), and the accompanying Preliminary Decision Memorandum.

judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This negative final circumvention determination is published in accordance with section 781(b) of the Act and 19 CFR 351.225.

Dated: July 31, 2015.

**Ronald K. Lorentzen**

*Acting Assistant Secretary for Enforcement and Compliance.*

## Appendix 1

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

Comment 1: Whether JBF Bahrain has taken deliberate action to circumvent the *Order*

Comment 2: Whether JBF Bahrain's process of completion or assembly is substantial or significant under Section 781(b)(2) of the Act

Comment 3: Whether the value of the merchandise produced in the order country is a significant portion of the total value of the merchandise exported to the United States under Section 781(b)(1)(D) of the Act

Comment 4: Completion by JBF Bahrain from parts or components produced in the UAE under Section 781(b)(1)(B) of the Act

Comment 5: Whether record evidence shows that Domestic Parties are interested parties

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-985]

#### Xanthan Gum From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2013-2014

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

**SUMMARY:** The Department of Commerce ("the Department") is conducting an administrative review of the antidumping duty order on xanthan gum from the People's Republic of China ("PRC"). The period of review ("POR") is July 19, 2013, through June 30, 2014.<sup>1</sup> The Department initiated this

<sup>1</sup> The POR for this administrative review begins on July 19, 2013, the date the International Trade Commission ("ITC") published its final determination of threat of material injury in the underlying investigation and the date from which merchandise subject to the antidumping duty order on xanthan gum from the PRC remains suspended from liquidation pursuant to the underlying investigation. The ITC's finding was not accompanied by a finding that injury would have

review with respect to eight companies, two of which have been collapsed with a mandatory respondent. The two collapsed mandatory respondents are: Deosen Biochemical Ltd./Deosen Biochemical (Ordos) Ltd. ("Deosen") and Neimenggu Fufeng Biotechnologies Co., Ltd. (aka Inner Mongolia Fufeng Biotechnologies Co., Ltd.)/Shandong Fufeng Fermentation Co., Ltd./Xinjiang Fufeng Biotechnologies Co., Ltd. ("Fufeng"). The Department preliminarily finds that the mandatory respondent Deosen sold subject merchandise in the United States at prices below normal value ("NV") during the POR, but that Fufeng did not. Interested parties are invited to comment on these preliminary results.

**DATES:** Effective date: August 7, 2015.

#### FOR FURTHER INFORMATION CONTACT:

Brandon Farlander or Erin Kearney, AD/CVD Operations, Office IV, Enforcement & Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-0182 or (202) 482-0167, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Scope of the Order

The scope of the order covers dry xanthan gum, whether or not coated or blended with other products. Further, xanthan gum is included in this order regardless of physical form, including, but not limited to, solutions, slurries, dry powders of any particle size, or unground fiber. Merchandise covered by the scope of this order is classified in the Harmonized Tariff Schedule of the United States at subheading 3913.90.20. This tariff classification is provided for convenience and customs purposes; however, the written description of the scope is dispositive.<sup>2</sup>

##### Preliminary Determination of No Shipments

Based on an analysis of U.S. Customs and Border Protection ("CBP")

resulted but for the imposition of suspension of liquidation. See *Xanthan Gum From Austria and China*, 78 FR 43226 (July 19, 2013). Accordingly, merchandise subject to the investigation remains suspended from liquidation beginning on July 19, 2013, the date the ITC published its final determination, see *Xanthan Gum From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 78 FR 43143, 43144 (July 19, 2013), and this date serves as the first day of the POR for this administrative review.

<sup>2</sup> For a complete description of the Scope of the Order, see "Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Xanthan Gum from the People's Republic of China," ("Preliminary Decision Memorandum"), dated concurrently with this notice.

information, and questionnaire responses provided by A.H.A. International Co., Ltd. ("AHA") and Deosen, the Department preliminarily determines that AHA did not have any reviewable transactions during the POR. For additional information regarding this determination, see the Preliminary Decision Memorandum.

Consistent with an announced refinement to its assessment practice in non-market economy ("NME") cases, the Department is not rescinding this review for AHA, but intends to complete the review and issue appropriate instructions to CBP based on the final results of the review.<sup>3</sup>

##### Preliminary Affiliation and Single Entity Determination

Based on record evidence, the Department preliminarily finds that Deosen Biochemical Ltd. and Deosen Biochemical (Ordos) Ltd. are affiliated pursuant to section 771(33)(G) of the Tariff Act of 1930, as amended (the "Act") and should be treated as a single entity for AD purposes pursuant to 19 CFR 351.401(f). Furthermore, based on record evidence, the Department preliminarily finds that Neimenggu Fufeng Biotechnologies Co., Ltd. (aka Inner Mongolia Fufeng Biotechnologies Co., Ltd.), Shandong Fufeng Fermentation Co. Ltd., and Xinjiang Fufeng Biotechnologies Co., Ltd. are affiliated pursuant to section 771(33)(F) of the Act and should be treated as a single entity for AD purposes pursuant to 19 CFR 351.401(f). For additional information, see the Preliminary Decision Memorandum.

##### Separate Rates

The Department preliminarily determines that information placed on the record by the mandatory respondents Deosen and Fufeng, as well as by the separate rate applicants CP Kelco (Shandong) Biological Company Limited and Shanghai Smart Chemicals Co. Ltd., demonstrates that these companies are entitled to separate rate status. Hebei Xinhe Biochemical Co. Ltd., which did not claim that it made no shipments of subject merchandise during the POR, failed to submit a separate rate application or separate rate certification. Therefore, this company is not eligible for separate rate status.<sup>4</sup>

<sup>3</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694, 65694-95 (October 24, 2011) and the "Assessment Rates" section, below.

<sup>4</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 79 FR 51548, 51549 (August 29, 2014) ("All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME