

Decision Memorandum is appended to the notice.

### Final Determination Margins

The Department determines that the following weighted-average dumping margins exist for the period January 1, 2014, through December 31, 2014:

Exporter or producer	Weighted-average dumping margin (percent)
OCTAL SAOC-FZC .....	7.82
All-Others .....	7.82

### All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated “all-others” 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 or *de minimis* margins, and any margins determined entirely under section 776 of the Act. We based our calculation of the “all-others” rate on the margin calculated for OCTAL, the only mandatory respondent in this investigation.

### Disclosure

We will 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(“CBP”) to continue to suspend liquidation of all entries of certain PET resin from Oman which were entered, or withdrawn from warehouse, for consumption on or after October 15, 2015, the date of publication of the *Preliminary Determination*. We also will instruct CBP to require a cash deposit equal to the weighted-average amount by which normal value exceeds U.S. price, as follows: (1) The cash deposit rate for OCTAL will be equal to the estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a firm identified in this investigation but the producer is, the cash deposit rate will be equal to the estimated weighted-average dumping margin established for the producer of the subject merchandise; and (3) the cash deposit rate for all other producers or exporters will be 7.82 percent. The

instructions suspending liquidation will remain in effect until further notice.

### 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.

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—List of Topics in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Investigation
- IV. Discussion of the Issues:
  - Comment 1: Sale Type Classification
    - Export Price or Constructed Export Price
  - Comment 2: Indirect Selling Expenses Incurred in the United States
  - Comment 3: Affiliated Party Expenses
  - Comment 4: Ministerial Errors
  - Comment 5: Cost Data Revisions
- V. Recommendation

[FR Doc. 2016-05705 Filed 3-11-16; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-025]

### Countervailing Duty Investigation of Certain Polyethylene Terephthalate Resin From the People's Republic of China: Final Affirmative Determination

**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 the People's Republic of China (PRC) 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 Emily Maloof, 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) 482-5649, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

The Department published the *Preliminary Determination* on August 14, 2015.<sup>1</sup> A summary of the events that

<sup>1</sup> See *Countervailing Duty Investigation of Certain Polyethylene Terephthalate Resin From the People's Republic of China: Preliminary Affirmative Determination and Alignment of Final*

occurred since the Department submitted the *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.<sup>2</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 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.<sup>3</sup>

**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.

<sup>2</sup> *Determination With Final Antidumping Duty Determination*, 80 FR 48819 (August 14, 2015) (“*Preliminary Determination*”).

<sup>3</sup> See Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, “Countervailing Duty Investigation of Certain Polyethylene Terephthalate Resin from the People’s Republic of China: Issues & Decision Memorandum for the Final Determination,” dated concurrently with this notice (Issues and Decision Memorandum).

<sup>4</sup> 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.

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 gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>4</sup> For a full description of the methodology underlying our conclusions, see the Issues and Decision Memorandum.

**Analysis of Subsidy Programs and Comments Received**

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum. A list of the issues that parties raised, and to which we responded in the Issues and Decision Memorandum, is attached to this notice at Appendix I.

**Use of Facts Available, Including Adverse Inferences**

The Department notes that, in making this final determination, we relied, in part, on facts available and, because two respondents did not act to the best of their ability to respond to the Department’s requests for information, we drew an adverse inference where appropriate in selecting from among the facts otherwise available with respect to those respondents.<sup>5</sup> For further information, see the section “Use of Facts Otherwise Available and Adverse Inferences” in the accompanying Issues and Decision Memorandum.

**Changes Since the Preliminary Determination**

Based on our review and analysis of the comments received from parties and minor corrections presented at verification, we made certain changes to the respondents’ subsidy rate calculations since the *Preliminary Determination*. For a discussion of these changes, see the Issues and Decision Memorandum.

**Final Determination**

In accordance with section 705(c)(1)(B)(i) of the Act, we calculated a rate for Jiangyin Xingyu New Material

<sup>4</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

<sup>5</sup> See sections 776(a) and (b) of the Act.

Co., Ltd. (Xingyu) and Dragon Special Resin (Xiamen) Co., Ltd. (Dragon), the two individually investigated exporters/producers of the subject merchandise that participated in this investigation. In accordance with sections 705(c)(1)(B)(i)(I) and 705(c)(5)(A) of the Act, for companies not individually investigated, we will determine an “all-others” rate equal to the weighted-average countervailable subsidy rates established for exporters and producers individually investigated, excluding any zero and *de minimis* countervailable subsidy rates, and any rates determined entirely under section 776 of the Act. Notwithstanding the language of section 705(c)(5)(A)(i) of the Act, we have not calculated the “all-others” rate by weight-averaging the rates of the two individually investigated respondents, because doing so risks disclosure of proprietary information. Instead, we have calculated the all-others rate using a simple average of the final rates for the two mandatory company respondents. We intend to disclose to parties the calculations performed in this proceeding within five days of the public announcement of this final determination in accordance with 19 CFR 351.224(b).

Exporter/producer	Subsidy rate (percent)
Jiangyin Xingyu New Material Co., Ltd., Jiangsu Xingye Plastic Co., Ltd., Jiangyin Xingjia Plastic Co., Ltd., Jiangyin Xingtai New Material Co., Ltd., Jiangsu Xingye Polarization Co., Ltd., Jiangsu Sanfangxiang Group Co., Ltd., Jiangyin Hailun Petrochemicals Co., Ltd., Jiangyin Xinlun Chemical Fiber Co., Ltd., Jiangyin Huasheng Polymer Co., Ltd., Jiangsu SanFangxiang International Trading Co., Ltd., Jiangyin HuaYi Polymerization Co., Ltd., Jiangyin Xingsheng Plastic Co., Ltd., Jiangyin Chemical Fiber Co., Ltd., Jiangyin Huaxing Synthetic Co., Ltd., Jiangyin Bolun Chemical Fiber Co., Ltd., (collectively, Xingyu) .....	6.83

Exporter/producer	Subsidy rate (percent)
Dragon Special Resin (Xiamen) Co., Ltd.; Xiang Lu Petrochemicals Co., Ltd.; Xianglu Petrochemicals (Zhangzhou) Co., Ltd.; Xiamen Xianglu Chemical Fiber Company Limited; and Dragon Aromatics (Zhangzhou) Co., Ltd. (collectively, Dragon Group) .....	47.56
All-Others .....	27.20

### Continuation of Suspension of Liquidation

As a result of our affirmative *Preliminary Determination*, and pursuant to section 703(d) of the Act, we instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of merchandise under consideration from the PRC that were entered or withdrawn from warehouse, for consumption, on or after August 14, 2015, the date of publication of the *Preliminary Determination* in the **Federal Register**. In accordance with section 703(d) of the Act, we issued instructions to CBP to discontinue the suspension of liquidation for CVD purposes for subject merchandise entered, or withdrawn from warehouse, on or after December 12, 2015, but to continue the suspension of liquidation of all entries from August 14, 2015 through December 11, 2015.

If the U.S. International Trade Commission (the ITC) issues a final affirmative injury determination, we will issue a CVD order and will reinstate the suspension of liquidation under section 706(a) of the Act and will require a cash deposit of estimated CVDs for such entries of subject merchandise in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

### International Trade Commission Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either

publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Enforcement and Compliance.

### Notification Regarding Administrative Protective Orders

This notice serves as the only reminder to parties subject to an 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 return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act.

Dated: March 4, 2016.

### Paul Piquado,

*Assistant Secretary for Enforcement and Compliance.*

### Appendix I—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
  - A. Case History
  - B. Period of Investigation
- III. Scope of the Investigation
- IV. Application of the Countervailing Duty Law to Imports From the PRC
- V. List of Issues
- VI. Subsidies Valuation
  - A. Allocation Period
  - B. Attribution of Subsidies
  - C. Denominators
- VII. Benchmarks and Discount Rates
  - A. Short-Term RMB-Denominated Loans
  - B. Long-Term RMB-Denominated Loans
  - C. Foreign Currency-Denominated Loans
  - D. Discount Rates
  - E. MEG and PTA Benchmarks
  - F. Provision of Electricity for LTAR
- VIII. Use of Facts Otherwise Available and Adverse Inferences
  - Application of Facts Available
  - Application of Adverse Facts Available
  - Selection of the Adverse Facts Available Rate
  - Corroboration of Secondary Information
- IX. Analysis of Programs
  - A. Programs Preliminarily Determined To Be Countervailable
    1. Policy Loans to the PET Resin Industry
    2. Preferential Export Financing
    3. Export Seller's Credits
    4. Import Tariff and Value-Added (VAT) Exemptions on Imported Equipment in Encouraged Industries
    5. Provision of Imports for LTAR
      1. Provision of MEG and PTA for LTAR
      2. Provision of Electricity for LTAR
    6. Energy Savings Technology Reform
    7. VAT Refunds for FIEs Purchasing Domestically-Produced Equipment "Other Subsidies" Reported in Initial Questionnaire Response

8. 2013 Annual Incentive Funds Stable Foreign Trade Policy
9. Export Credit Insurance
10. Import/Export Credit Insurance/2013 Foreign Trade Policy Award
11. Transition Gold Support
12. Overseas Investment Discount (Jiangsu Province DOC)
13. Energy Saving
14. Technology Reform Interest Subsidy
15. 2012 and 2013 Refund of Land Use Tax
16. Income Tax Deduction for New High-Technology Enterprise (HNTE)
17. Project Subsidy From Haicang Bureau of Science and Technology "Other Subsidies" Reported by Dragon Group
  1. Other Subsidy: Bounty for Enterprise With Production and Sales Growth
  2. Other Subsidy: 2013 Enterprise Financing Subsidy
- B. Programs Preliminarily Determined Not To Be Used
  18. International Market Exploration Fund (SME Fund)
  19. City Construction Tax and Education Fees Exemptions for FIEs
  20. Xiamen Municipality Support for Pivotal Manufacturing Industries
  21. Xinghuo Development Zone Recycling Economic Construction Specialized Fund
  22. Science & Technology Awards
  23. Yangpu Economic Development Zone Preferential Tax Policies
  24. Xinghuo Development Zone Industrial Structural Adjustment Fund
  25. VAT Subsidies for FIEs
  26. Provision of Land for LTAR to Enterprises in Xinghuo Development Zone, Fengxian District, Shanghai Municipality
  27. Provision of Land for LTAR to Enterprises in Yangpu Economic Development Zone, Hainan Province
  28. Allowance for Increased Export
  - C. Programs With No Benefit in the POI
  29. GOC and Sub-Central Government Subsidies for the Development of Famous Brands and China World Top Brands
  30. Income Tax Deductions for Research and Development Expenses Under the Enterprise Income Tax Law
    - D. Final AFA Rates Determined for Programs Used by Xingyu
    - E. Final AFA Rates Determined for Programs Used by Dragon Group
  - X. Calculation of the All-Others Rate
  - XI. Analysis of Comments
  - XII. Recommendation

### Appendix II

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.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Western Pacific Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meetings.

**SUMMARY:** The Western Pacific Fishery Management Council (Council) will hold meetings of its Marine Planning and Climate Change Committee (MPCCC), Social Science Plan Committee (SSPC) and Protected Species Advisory Committee (PSAC) to review relevant sections of the draft 2015 annual reports for the Pacific Pelagic Fishery Ecosystem Plan (Pelagic FEP), American Samoa Archipelago FEP, Hawaii FEP, Mariana Archipelago FEP and Pacific Remote Island Areas (PRIA) FEP and related purposes. The committees will also receive updates on matters related to fishery management and may make recommendations on these topics.

**DATES:** The MPCCC meeting will be held between 8:30 a.m. and 5 p.m. on March 30–31, 2016. The SSPC will be held between 1 p.m. and 5 p.m. on April 1, 2016. The PSAC meeting will be held between 9 a.m. and 5 p.m. on April 7 and 8, 2016. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:** The MPCCC, SSPC and PSAC meetings will be held at the Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813; phone: (808) 522-8220.

**FOR FURTHER INFORMATION CONTACT:** Kitty M. Simonds, Executive Director, phone: (808) 522-8220.

**SUPPLEMENTARY INFORMATION:** Public comment periods will be provided throughout the agendas. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

#### Agenda for the MPCCC Meeting

8:30 a.m.–5 p.m., Wednesday, March 30, 2016

1. Welcome and Introductions
2. Approval of Agenda
3. Overview of Fishery Ecosystem Plans
  - A. Pelagic FEP Fisheries
  - B. Hawaii'i Archipelago and Pacific Remote Island Areas FEP Fisheries
  - C. Mariana Archipelago FEP Fisheries
  - D. American Samoa FEP Fisheries
  - E. Ecosystem Components
    - i. Protected Species
    - ii. Fishing Communities
    - iii. Oceanography and Climate Change
    - iv. Essential Fish Habitat
    - v. Marine Planning
4. Overview of 2015 Annual Report Components
  - A. Marine Planning Indicators
    - i. Pelagic
    - ii. Archipelagic
    - B. Climate Change Indicators
      - i. Pelagic
      - ii. Archipelagic
  5. Public Comment
  6. Discussion
  7. Recommendations

8:30 a.m.–5 p.m., Thursday, March 31, 2016

8. Pacific Islands Regional Planning Body Update
9. Marine Planning and Climate Change Community Workshops
  - A. Overview
  - B. Breakout Planning Sessions
    - i. American Samoa
    - ii. Hawaii
    - iii. Guam and Commonwealth of the Northern Mariana Islands (CNMI)
- A. Planning Session Reports
  - i. American Samoa
  - ii. Hawaii
  - iii. Guam and CNMI
10. Public Comment
11. Discussion
12. Recommendations
13. Old Business
  - A. MPCC Action Plan Update
  - B. Other
14. New Business
  - A. Pacific Islands Regional Action Plan for the NOAA Climate Science Strategy
  - B. NOAA Marine Fisheries Advisory Committee's Proposed Work Plan Resilience Working Group
  - C. 2016 Officer Nominations
  - D. Other
15. Public Comment
16. Discussion
17. Recommendations

#### Agenda for the SSPC Meeting

1 p.m.–5 p.m., Friday, April 1, 2016

1. Welcome and Introductions

2. Approval of Agenda
3. Status of the Previous Committee Meeting Recommendations
4. Council Human Dimensions Activities Update
  - A. 2015 Accomplishments
    1. Human Dimensions Elements in Stock Assessment and Fishery Evaluation (SAFE) Reports
    2. Guam Fishing Conflict Study
    3. Annual Catch Limit Social, Economic, Ecological, Management Uncertainty Process
  - B. 2016 Activities
    1. Fishing Community Profiles
    2. SAFE Report Data Gaps
    3. Linking up Human Communities Research Priorities, SAFE Reports, Fishing Community Profiles
  - C. Current and Upcoming Research
  5. Fishery Ecosystem Plans Annual/SAFE Report Review
    - A. Overview
    - B. Pelagic SAFE Report
    - C. Archipelagic SAFE Report
    - D. Chapter 3—Data Integration
  6. Public Comment
  7. Committee Discussion and Recommendations
  8. Other Business and Next Meeting

#### Agenda for the PSAC Meeting

9 a.m.–5 p.m., Thursday, April 7, 2016

1. Welcome and Introductions
2. Approval of Agenda
3. Status of the Second Protected Species Advisory Committee Meeting Recommendations
4. Fisheries and Protected Species Management Updates
  - A. Recent Council Actions
    - i. Pelagic fisheries actions
    - ii. Insular fisheries actions
    - iii. Discussion
  - B. Council Protected Species Activities Update
  - C. Endangered Species Act (ESA) Updates
    - i. Section 7 ESA consultations for pelagic and insular fisheries
    - ii. ESA listing and other related actions
    - iii. Discussion
  5. FEP Annual Report Review Part I
    - A. Overview of the Report Structure and Process
    - B. Overview of the Ecosystem Module
      - i. Climate, ecosystems and biological section
      - ii. Habitat section
      - iii. Human dimensions section
      - iv. Marine planning section
    - C. Longline Fishery Sections
      - i. Summary of relevant fishery data
      - ii. Protected species section
      - iii. Data analysis and related meetings
        - a. Leatherback interactions in the Hawaii deep-set longline fishery
        - b. Seabird interactions in the Hawaii deep-set longline fishery