

751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: December 7, 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**

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- II. Background
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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-570-905]

**Certain Polyester Staple Fiber From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Antidumping Duty Administrative Review and Notice of Amended Final Results of Antidumping Duty Administrative Review**

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

**SUMMARY:** On November 30, 2018, the United States Court of International Trade (CIT or the Court) sustained the final results of redetermination pertaining to the antidumping duty (AD) administrative review of certain polyester staple fiber (PSF) from the People's Republic of China (China) for the period of review (POR) June 1, 2010, through May 31, 2011. The Department of Commerce (Commerce) is notifying the public that the final judgment in this case is not in harmony with the final results of the AD administrative review of the antidumping duty order on PSF from China and that Commerce is amending the final results with respect to the AD cash deposit rate assigned to

Zhaoqing Tifo New Fibre Co., Ltd (Zhaoqing Tifo).

**DATES:** Applicable December 10, 2018.

**FOR FURTHER INFORMATION CONTACT:** Jerry Huang, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482-4047.

**SUPPLEMENTARY INFORMATION:**

**Background**

On January 11, 2013, Commerce published its *Final Results* of the 2010–2011 AD administrative review of PSF from China.<sup>1</sup> On April 7, 2015, the CIT remanded the *Final Results* to Commerce to reconsider the dumping margin calculation for Zhaoqing Tifo and to consider any potential for double counting of energy inputs by the inclusion of coal as a factor of production (FOP), as alleged by Zhaoqing Tifo.<sup>2</sup> In its First Remand Redetermination, Commerce relied upon a different set of financial statements that allowed Commerce to more accurately calculate Zhaoqing Tifo's dumping margin while also addressing any concerns of double counting of energy inputs.<sup>3</sup> On August 30, 2017, the Court remanded this issue to Commerce a second time, finding that Commerce's selection of financial statements was not timely challenged by any party and was, thus, beyond the scope of the remand in *Zhaoqing Tifo I*.<sup>4</sup> Therefore, the Court instructed Commerce to reconsider how the surrogate financial ratios originally used in *Final Results* account for energy sources and whether the inclusion of coal in the FOP database results in double-counting.<sup>5</sup> In its Second Remand Redetermination, under respectful protest,<sup>6</sup> Commerce relied on the financial statements used in the *Final Results*,<sup>7</sup> and removed coal as a factor of

<sup>1</sup> See *Certain Polyester Staple Fiber from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2010–2011*, 78 FR 2366 (January 11, 2013) (*Final Results*) and accompanying Issues and Decision Memorandum (IDM).

<sup>2</sup> See *Zhaoqing Tifo New Fibre Co., Ltd. v. United States*, 60 F. Supp. 3d 1328 (CIT 2015) (*Zhaoqing Tifo I*).

<sup>3</sup> See *Final Results of Redetermination Pursuant to Zhaoqing Tifo New Fibre Co., Ltd. v. United States*, Court No. 13-00044, Slip Op. 15-31 (April 9, 2015), dated July 9, 2015 (First Remand Redetermination).

<sup>4</sup> See *Zhaoqing Tifo New Fibre Co., Ltd. v. United States*, 256 F. Supp. 3d 1314, 1334 (CIT 2017) (*Zhaoqing II*).

<sup>5</sup> *Id.*, 256 F. Supp. 3d at 1337.

<sup>6</sup> See *Viraj Grp, Ltd. v. United States*, 343 F.3d 1371, 1376 (Fed. Cir. 2003).

<sup>7</sup> *Final Results*, 78 FR at 2368, and accompanying IDM at Comment 2.

production from the dumping margin calculation to address the Court's concern over potential double counting of energy inputs.<sup>8</sup> On November 30, 2018, the CIT sustained Commerce's Second Remand Redetermination.<sup>9</sup>

**Timken Notice**

In its decision in *Timken*,<sup>10</sup> as clarified by *Diamond Sawblades*,<sup>11</sup> the Court of Appeals for the Federal Circuit (CAFC) held that, pursuant to section 516A of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision that is not "in harmony" with a Commerce determination and must suspend liquidation of entries pending a "conclusive" court decision.<sup>12</sup> The CIT's November 30, 2018, final judgment affirming the Second Remand Redetermination constitutes a final decision of the Court that is not in harmony with Commerce's *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken* and section 516A of the Act.

**Amended Final Results**

Because there is now a final court decision, Commerce is amending its *Final Results*. Commerce finds that the revised AD dumping margin for Zhaoqing Tifo is as follows:

Producer/exporter	Weighted-average dumping margin (percent)
Zhaoqing Tifo New Fiber Co., Ltd .....	0.00

Accordingly, Commerce will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the Court's ruling is not appealed or, if appealed, upheld by the CAFC, Commerce will instruct U.S. Customs and Border Protection to assess antidumping duties on unliquidated entries of subject merchandise exported

<sup>8</sup> See *Final Results of Redetermination Pursuant to Court Remand Zhaoqing Tifo New Fibre Co., Ltd. v. United States*, Court No. 13-00044, Slip Op. 17-118 (CIT August 30, 2017), dated November 6, 2017 (Second Remand Redetermination).

<sup>9</sup> See *Zhaoqing Tifo New Fibre Co., Ltd. v. United States*, Court No. 13-00044, Slip Op. 18-168 (CIT November 30, 2018).

<sup>10</sup> See *Timken Co., v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>11</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

<sup>12</sup> See Sections 516A(c) and (e) of the Act.

by Zhaoqing Tifo using the assessment rate calculated by Commerce listed above.

**Cash Deposit Requirements**

Because cash deposit rate for Zhaoqing Tifo has been superseded by cash deposit rates calculated in intervening administrative reviews of the AD order on PSF from China, we will not alter the cash deposit rate for Zhaoqing Tifo.

**Notification to Interested Parties**

This notice is issued and published in accordance with sections 516A(e), 751(a)(1), and 777(i)(1) of the Act.

Dated: December 10, 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.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-570-900]

**Diamond Sawblades and Parts Thereof From the People’s Republic of China: Final Results of Antidumping Duty Administrative Review; 2016–2017**

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

**SUMMARY:** The Department of Commerce (Commerce) finds that certain companies covered by this administrative review made sales of diamond sawblades and parts thereof (diamond sawblades) from the People’s Republic of China (China) at less than normal value during the period of review (POR) November 1, 2016, through October 31, 2017.

**DATES:** Applicable December 14, 2018.

**FOR FURTHER INFORMATION CONTACT:** Yang Jin Chun or Joshua Poole, AD/CVD

Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5760 and (202) 482-1293, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 10, 2018, Commerce published the preliminary results of the administrative review of the antidumping duty order on diamond sawblades from China covering the period of review (POR) November 1, 2016, through October 31, 2017.<sup>1</sup> We received case and rebuttal briefs with respect to the *Preliminary Results*. The deadline for the final results of this review is December 10, 2018.<sup>2</sup> We conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

**Scope of the Order**

The merchandise subject to the order is diamond sawblades. The diamond sawblades subject to the order are currently classifiable under subheadings 8202 to 8206 of the Harmonized Tariff Schedule of the United States (HTSUS) and may also enter under subheading 6804.21.00. The HTSUS subheadings are provided for convenience and customs purposes. A full description of the scope of the order is contained in the Issues and Decision Memorandum.<sup>3</sup> The written description is dispositive.

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to this notice as an appendix. 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 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 on the Enforcement and Compliance website at <http://enforcement.trade.gov/frn/index.html>.

**Final Determination of No Shipments**

We preliminarily found that Danyang Hantronic Import & Export Co., Ltd., Danyang Tsunda Diamond Tools Co., Ltd., Jiangsu Huachang Tools Manufacturing Co., Ltd., Shanghai Starcraft Tools Company Limited, Weihai Xiangguang Mechanical Industrial Co., Ltd., and Wuhan Wanbang Laser Diamond Tools Co., Ltd., which have been eligible for separate rates in previous segments of the proceeding and are subject to this review, did not have any reviewable entries of subject merchandise during the POR.<sup>4</sup> After the *Preliminary Results*, we received no comments or additional information with respect to these six companies. Therefore, for the final results, we continue to find that these six companies did not have any reviewable entries of subject merchandise during the POR. Consistent with our practice, we will issue appropriate instructions to U.S. Customs and Border Protection (CBP) based on our final results.

**Separate Rates**

Commerce preliminarily determined that 14 respondents are eligible to receive separate rates in this review.<sup>5</sup> We made no changes to these determinations for the final results.

**Changes Since the Preliminary Results**

We made no revisions to the *Preliminary Results*.

**Final Results of the Review**

As a result of this administrative review, we determine that the following weighted-average dumping margins exist for the period November 1, 2016, through October 31, 2017:

Company	Margin (percent)
Chengdu Huifeng New Material Technology Co., Ltd <sup>6</sup> .....	82.05
Danyang Weiwang Tools Manufacturing Co., Ltd .....	82.05

<sup>1</sup> See *Diamond Sawblades and Parts Thereof from the People’s Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2016–2017*, 83 FR 39673 (August 10, 2018) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See *Notice of Clarification: Application of “Next Business Day” Rule for Administrative*

*Determination Deadlines Pursuant to the Tariff Act of 1930, as Amended*, 70 FR 24533 (May 10, 2005). The statutory deadline for the final results of this review is Saturday, December 8, 2018.

<sup>3</sup> See the Memorandum, “Issues and Decision Memorandum for the Administrative Review of the Antidumping Duty Order on Diamond Sawblades and Parts Thereof from the People’s Republic of

China,” (Issues and Decision Memorandum) dated concurrently with and hereby adopted by this notice at 2–3.

<sup>4</sup> See *Preliminary Results*, 83 FR at 39673, n.2, and accompanying Preliminary Decision Memorandum at 3.

<sup>5</sup> *Id.* at 39673, n.6, and accompanying Preliminary Decision Memorandum at 4–8.