

Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status component described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Volkswagen from customs duty payments on the foreign-status components used in export production. On its domestic sales, for the foreign-status component noted below, Volkswagen would be able to choose the duty rate during customs entry procedures that applies to passenger motor vehicles (duty rate—2.5%). Volkswagen would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The component sourced from abroad is gas springs (duty rate—3.9%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: [ftz@trade.gov](mailto:ftz@trade.gov). The closing period for their receipt is December 30, 2019.

A copy of the notification will be available for public inspection in the "Reading Room" section of the Board's website, which is accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz).

For further information, contact Christopher Wedderburn at [Chris.Wedderburn@trade.gov](mailto:Chris.Wedderburn@trade.gov) or (202) 482-1963.

Dated: November 13, 2019.

**Andrew McGilvray,**  
Executive Secretary.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-885]

#### Polyester Textured Yarn From India: Final Determination of Sales at Less Than Fair Value

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

**SUMMARY:** The Department of Commerce (Commerce) determines that imports of polyester textured yarn (yarn) from India are being, or are likely to be, sold in the United States at less than fair value (LTFV).

**DATES:** Applicable November 19, 2019.

**FOR FURTHER INFORMATION CONTACT:** Katherine Johnson or Michael Bowen,

AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4929 or (202) 482-0768, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 1, 2019, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of yarn from India and invited parties to comment.<sup>1</sup> A summary of the events that occurred since Commerce published the *Preliminary 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 <https://access.trade.gov> and is available to all parties in the Central Records Unit, 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/fn>. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

##### Period of Investigation

The period of investigation is October 1, 2017 through September 30, 2018.

##### Scope of the Investigation

The product covered by this investigation is polyester textured yarn from India. For a complete description of the scope of this investigation, see Appendix I.

##### Scope Comments

During the course of this investigation and the concurrent countervailing duty (CVD) investigation of yarn from India, and concurrent antidumping duty (AD) and CVD investigations of yarn from the People's Republic of China, certain

<sup>1</sup> See *Polyester Textured Yarn from India: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Postponement of Final Determination and Extension of Provisional Measures*, 84 FR 31301 (July 1, 2019) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Polyester Textured Yarn from India," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

interested parties commented on the scope of the investigations as it appeared in the *Initiation Notice*.<sup>3</sup> Commerce addressed these comments in the *Preliminary Determination*, wherein Commerce preliminarily modified the scope language as it appeared in the *Initiation Notice* to exclude bulk continuous filament yarn.<sup>4</sup> No interested parties commented on the preliminary exclusion of bulk continuous filament yarn. Thus, we have made no changes to the scope language from the *Preliminary Determination* with regard to bulk continuous filament yarn.

In the *Preliminary Determination*, we also noted that on May 2, 2019, the petitioners<sup>5</sup> requested that Commerce include an additional Harmonized Tariff Schedule of the United States (HTSUS) subheading in the scope language.<sup>6</sup> We stated our intent to address this request in the final determinations of this and the above-referenced concurrent investigations. Specifically, the petitioners requested that Commerce add HTSUS 5402.52.00 covering twisted yarn to the scope of the investigations.<sup>7</sup> As no interested parties rebutted the petitioners' request to add this HTSUS subheading, and Commerce finds the petitioners' request is reasonable, we have revised the scope of the investigations to include HTSUS 5402.52.00. See Appendix I for the final scope of the investigation.

##### Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice at Appendix II.

##### Verification

As provided for in section 782(i) of the Tariff Act of 1930, as amended (the Act), in July and August 2019, we conducted verification of the sales and cost information submitted by Reliance Industries Limited (Reliance) for use in our final determination. We used standard verification procedures, including an examination of relevant

<sup>3</sup> See *Polyester Textured Yarn from India and the People's Republic of China: Initiation of Less-Than-Fair-Value Investigations*, 83 FR 58223, 58233 (November 19, 2018) (*Initiation Notice*).

<sup>4</sup> See *Preliminary Determination*, 84 FR at 31302.

<sup>5</sup> Unifi Manufacturing, Inc. and Nan Ya Plastics Corporation, America are collectively the petitioners.

<sup>6</sup> See *Preliminary Determination*, 84 FR at 31302.

<sup>7</sup> See the Petitioners' Comments, "Request to Include HTSUS Subheading 5402.52 in the Scope of These Investigations, dated May 2, 2019.

accounting and production records, and original source documents provided by Reliance.<sup>8</sup>

**Changes Since the Preliminary Determination**

Based on our analysis of the comments received and our findings at verification, we made certain changes to the margin calculations for Reliance. For a discussion of these changes, see the “Margin Calculations” section of the Issues and Decision Memorandum.

**Use of Adverse Facts Available**

The respondent JBF Industries Limited (JBF) failed to cooperate in this investigation. Therefore, in the *Preliminary Determination*, pursuant to sections 776(a) and (b) of the Act, Commerce assigned JBF a rate based on adverse facts available (AFA). There is

no new information on the record that would cause us to revisit our determination to apply AFA to JBF. Accordingly, we continue to find that the application of AFA pursuant to sections 776(a) and (b) of the Act is warranted with respect to JBF. Commerce has assigned to JBF’s exports of the subject merchandise the rate of 47.51 percent, which is Reliance’s highest transaction-specific margin.<sup>9</sup> Because this rate is not secondary information, but rather is based on information obtained in the course of the investigation, Commerce need not corroborate this rate pursuant to section 776(c) of the Act.

**All-Others Rate**

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other

producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis*, or determined entirely under section 776 of the Act. Commerce assigned a rate based entirely on facts available to JBF. Therefore, the only rate that is not zero, *de minimis*, or based entirely on facts otherwise available is the rate calculated for Reliance. Consequently, the rate calculated for Reliance is also assigned as the rate for all other producers and exporters.

**Final Determination**

The final estimated weighted-average dumping margins are as follows:

Exporter or producer	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offset(s))
JBF Industries Limited .....	47.51	43.38
Reliance Industries Limited .....	17.62	13.49
All Others .....	17.62	13.14

**Disclosure**

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

**Continuation of Suspension of Liquidation**

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of yarn from India, as described in Appendix I of this notice, which are entered, or withdrawn from warehouse, for consumption on or after July 1, 2019, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination*.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin as follows: (1) The cash deposit rate for the respondents listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in

this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension-of-liquidation instructions will remain in effect until further notice.

In the event that a CVD order is issued, and suspension of liquidation is resumed in the companion CVD investigation on yarn from India, Commerce will instruct CBP to require cash deposits adjusted by the amount of export subsidies, as appropriate.<sup>10</sup> These adjustments are reflected in the final column of the rate chart, above. Until such suspension of liquidation is resumed in the companion CVD investigation, and so long as suspension of liquidation continues under this AD investigation, the cash deposit rates for this AD investigation will be the rates identified in the estimated weighted-average dumping margin column in the rate chart, above.

**International Trade Commission Notification**

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because Commerce’s final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to 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 yarn no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded. If the ITC determines that such injury does exist, Commerce will issue an AD order directing CBP to assess, upon further instruction by Commerce, 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, as discussed above in the “Continuation of Suspension of Liquidation” section.

<sup>8</sup> For a discussion of our verification findings, see the following memoranda: “Verification of the Cost Response of Reliance Industries Limited, (RIL) in the Antidumping Duty Investigation of Polyester Textured Yarn from India,” dated September 9,

2019; and “Verification of the Sales Response of Reliance Industries Limited in the Antidumping Investigation of Polyester Textured Yarn from India,” dated September 16, 2019.

<sup>9</sup> See Issues and Decision Memorandum.

<sup>10</sup> See Memorandum, “Calculation of Export Subsidy Adjustments for the Final Determination,” dated November 13, 2019.

### Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the 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 written notification of return or 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.

### Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: November 13, 2019.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix I—Scope of the Investigation

The merchandise covered by this investigation, 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).

Excluded from the scope of the investigation is bulk continuous filament yarn that: (a) Is polyester synthetic multifilament yarn; (b) has denier size ranges of 900 and above; (c) has turns per meter of 40 and above; and (d) has a maximum shrinkage of 2.5 percent.

The merchandise subject to this investigation is properly classified under subheadings 5402.33.3000 and 5402.33.6000 of the Harmonized Tariff Schedule of the United States (HTSUS). Merchandise subject to this investigation may also enter under HTSUS subheading 5402.52.00. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

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

- I. Summary
- II. Background
- III. Changes from the Preliminary Determination
- IV. Discussion of the Issues  
*Reliance*

1. Whether Adverse Facts Available (AFA) is Warranted for Reliance
2. Affiliated Party Purchases
3. Technical Services Adjustment
4. Level of Trade (LOT) Adjustment
5. Sales Made Outside the Ordinary Course of Trade  
*JBF*
6. Whether AFA is Warranted for *JBF*
7. Selection of the Appropriate AFA Rate for *JBF*
8. Adjustment to Cash Deposit Rates for Export Subsidies
- V. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-098]

#### Polyester Textured Yarn From the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination of Critical Circumstances

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

**SUMMARY:** The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of polyester textured yarn (yarn) from the People's Republic of China (China).

**DATES:** Applicable November 19, 2019.

**FOR FURTHER INFORMATION CONTACT:** Joseph Dowling or Robert Palmer, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1646 or (202) 482-9068, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

On May 3, 2019, Commerce published in the *Federal Register* the *Preliminary Determination*.<sup>1</sup> The selected mandatory respondents in this investigation are Fujian Billion Polymerization Fiber Technology Industrial Co., Ltd. (Fujian Billion), Suzhou Shenghong Fiber Co., Ltd. (Shenghong Fiber), and Suzhou Shenghong Garmant Development Co. (Garmant). In the *Preliminary Determination*, in accordance with

<sup>1</sup> See *Polyester Textured Yarn from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Final Antidumping Duty Determination*, 84 FR 19040 (May 3, 2019) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

section 705(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(b)(4), Commerce aligned the final countervailing duty (CVD) determination with the final antidumping duty (AD) determination. The revised deadline for the final determination of this investigation is now November 13, 2019. On August 22, 2019, Commerce issued its Post-Preliminary Analysis.<sup>2</sup>

A summary of the events that occurred since Commerce published 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>3</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 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.

#### Period of Investigation

The period of investigation (POI) is January 1, 2017 through December 31, 2017.

#### Scope of the Investigation

The products covered by this investigation are yarn from China. For a complete description of the scope of this investigation, see the "Scope of the Investigation" in Appendix I.

#### Scope Comments

During the course of this investigation and the concurrent AD investigation of yarn from China, and concurrent AD and CVD investigations of yarn from India, certain interested parties commented on the scope of the investigations as it appeared in the *Initiation Notice*.<sup>4</sup> Commerce addressed

<sup>2</sup> See Memorandum, "Post-Preliminary Analysis of Countervailing Duty Investigation of Polyester Textured Yarn from India," dated August 22, 2019 (Post-Preliminary Analysis).

<sup>3</sup> See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination of the Countervailing Duty Investigation of Polyester Textured Yarn from the People's Republic of China," dated concurrently with, and hereby adopted by this notice (Issues and Decision Memorandum).

<sup>4</sup> See *Polyester Textured Yarn from India and the People's Republic of China: Initiation of Less-Than-*

Continued