

aluminum extrusions from China.<sup>1</sup> On May 6, 2019, in response to a request from Air Master Awning LLC (Air Master), Commerce initiated anti-circumvention inquiries regarding the *Orders* with respect to aluminum window frame extrusions processed into aluminum jalousie shutters (jalousie shutters) in the Dominican Republic, and also self-initiated a scope inquiry to determine whether the jalousie shutters at issue are merchandise covered by the scope of the *Orders*.<sup>2</sup> On May 24, 2019, Commerce invited interested parties to submit comments on whether the jalousie shutters are merchandise covered by the scope of the *Orders*.<sup>3</sup> On June 11, 2019, we received comments from Aluvinsa Industrial SRL (Aluvinsa), a Dominican producer and exporter of jalousie shutters.<sup>4</sup> In June 2019, we received comments<sup>5</sup> and rebuttal comments<sup>6</sup> from Air Master. We also received letters in support of Air Master's submission from the Aluminum Extrusions Fair Trade Committee (the petitioner).<sup>7</sup> On October 15, 2019, Commerce issued a final scope ruling, in which it determined that the jalousie shutters processed in the Dominican Republic from Chinese

<sup>1</sup> See *Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order*, 76 FR 30650 (May 26, 2011); and *Aluminum Extrusions from the People's Republic of China: Countervailing Duty Order*, 76 FR 30653 (May 26, 2011) (collectively, the *Orders*).

<sup>2</sup> See *Aluminum Extrusions from the People's Republic of China: Initiation of Anti-Circumvention and Scope Inquiries on the Antidumping Duty and Countervailing Duty Orders*, 84 FR 19757 (May 6, 2019).

<sup>3</sup> See Commerce's Letter, "Aluminum Extrusions from the People's Republic of China: Initiation of Scope Inquiries on Window Frame Extrusions," dated May 24, 2019.

<sup>4</sup> See Aluvinsa's Letter, dated June 6, 2019. Due to filing deficiencies in Aluvinsa's submission, on September 30, 2019, we requested that Aluvinsa revise and resubmit its June 6, 2019, submission, consistent with Commerce's filing requirements. Aluvinsa resubmitted its comments on October 2, 2019, but we rejected these comments from the record because they contained new factual information. On October 2, 2019, Commerce again requested that Aluvinsa submit a revised version of its June 6, 2019, submission. Aluvinsa made that submission on October 8, 2019.

<sup>5</sup> See Air Master's Letter, "Aluminum Extrusions from the People's Republic of China, A-570-967 and C-570-968; Scope Inquiries on Window Frame Extrusions," dated June 13, 2019.

<sup>6</sup> See Air Master's Letter, "Aluminum Extrusions from the People's Republic of China, A-570-967 and C-570-968; Scope Inquiries on Window Frame Extrusions; Rebuttal Comments of Air Master Awning LLC," dated June 24, 2019.

<sup>7</sup> See Petitioner's Letters, "Aluminum Extrusions from the People's Republic of China: Letter in Support of Air Master Awning LLC's Comments in Scope Inquiries on Window Frame Extrusions," dated June 13, 2019, and "Aluminum Extrusions from the People's Republic of China: Letter in Support of Air Master Awning LLC's Rebuttal Comments," dated June 24, 2019.

aluminum extrusions are merchandise covered by the scope of the *Orders*.<sup>8</sup>

### Rescission of Circumvention Inquiries

In its final scope ruling, Commerce indicated that it intended to rescind the anti-circumvention inquiries as moot.<sup>9</sup> This determination is consistent with what Commerce has previously stated to be the purpose of an anti-circumvention inquiry. Specifically, Commerce has stated that "[t]he purpose of an anti-circumvention inquiry . . . is to determine whether a product that is outside the scope should be included within the scope because it was altered in form or appearance in minor respects."<sup>10</sup> Because we have determined that aluminum jalousie shutters processed in the Dominican Republic from aluminum extrusions produced in China are merchandise covered by the scope of the *Orders*, we are rescinding the anti-circumvention inquiries.

### Notification Regarding Administrative Protective Orders

This notice will serve as the only reminder to all parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/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 notice and determinations are issued and published in accordance with section 781 of the Tariff Act of 1930, as amended, and 19 CFR 351.225.

Dated: February 25, 2020.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

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<sup>8</sup> See Memorandum, "Final Scope Ruling on the Antidumping and Countervailing Duty Orders on Aluminum Extrusions from the People's Republic of China: Aluminum Jalousie Shutters," dated October 15, 2019, at 20.

<sup>9</sup> *Id.*

<sup>10</sup> See *Certain Uncoated Paper from Australia, Brazil, the People's Republic of China, Indonesia, and Portugal: Affirmative Final Determination of Circumvention of the Antidumping and Countervailing Duty Orders*, 82 FR 41610 (September 1, 2017), and accompanying Issues and Decision Memorandum at Comment 1.

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-523-813]

### Polyethylene Terephthalate Sheet From the Sultanate of Oman: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that polyethylene terephthalate sheet (PET sheet) from the Sultanate of Oman (Oman) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is July 1, 2018 through June 30, 2019. Interested parties are invited to comment on this preliminary determination.

**DATES:** Applicable March 3, 2020.

**FOR FURTHER INFORMATION CONTACT:** Matthew Renkey, 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) 482-2312.

### SUPPLEMENTARY INFORMATION:

#### Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on August 27, 2019.<sup>1</sup> On December 17, 2019, Commerce postponed the preliminary determination of this investigation and the revised deadline is now February 25, 2020.<sup>2</sup> For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.<sup>3</sup> A list of topics included in the Preliminary Decision

<sup>1</sup> See *Polyethylene Terephthalate Sheet from the Republic of Korea, Mexico, and the Sultanate of Oman: Initiation of Less-than-Fair-Value Investigations*, 84 FR 44854 (August 27, 2019) (*Initiation Notice*).

<sup>2</sup> See *Polyethylene Terephthalate Sheet from the Republic of Korea and the Sultanate of Oman: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations*, 84 FR 70941 (December 26, 2019).

<sup>3</sup> See Memorandum, "Decision Memorandum for the Preliminary Determination in the Less-than-Fair-Value Investigation of Polyethylene Terephthalate Sheet from Oman," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Memorandum is included as Appendix II to this notice.

The Preliminary 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 to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

**Scope of the Investigation**

The product covered by this investigation is PET Sheet from Oman. For a complete description of the scope of this investigation, see Appendix I.

**Scope Comments**

In accordance with the preamble to Commerce's regulations,<sup>4</sup> the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).<sup>5</sup> Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice*. For a summary of the product coverage comments and rebuttal responses submitted to the record for this preliminary determination, and accompanying discussion and analysis of all comments timely received, see the Preliminary Scope Decision Memorandum.<sup>6</sup> Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice*. See the scope in Appendix I to this notice.

**Methodology**

Commerce is conducting this investigation in accordance with section 733(b) of the Act. Commerce has calculated constructed export price in accordance with section 772(b) of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying the preliminary determination, see the Preliminary Decision Memorandum.

<sup>4</sup> See *Antidumping Duties; Countervailing Duties Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

<sup>5</sup> See *Initiation Notice*, 84 FR at 44855.

<sup>6</sup> See Memorandum, "Polyethylene Terephthalate Sheet from Oman and Korea: Preliminary Scope Decision Memorandum," dated concurrently with this preliminary determination (Preliminary Scope Decision Memorandum).

**All-Others Rate**

Section 733(d)(1)(ii) of the Act provides that, in the preliminary determination, Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This 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 and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

In this investigation, Commerce calculated an estimated weighted-average dumping margin for OCTAL SAOC—FZC (OCTAL) that is not zero, *de minimis*, or based entirely on facts otherwise available. Commerce determined the all-others rate using the estimated weighted-average dumping margin calculated for OCTAL, the sole respondent.

**Preliminary Determination**

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)
OCTAL SAOC—FZC (OCTAL) ..	2.78
All Others .....	2.78

**Suspension of Liquidation**

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondent listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this preliminary determination; (2) if the exporter is not identified above, but the producer is, then the cash deposit rate will be equal to the company-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.

**Disclosure**

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

**Verification**

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

**Public Comment**

Commerce is setting different deadlines for scope-related case and rebuttal briefs, and case and rebuttal briefs addressing all other issues.

Scope briefs may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the publication of the preliminary antidumping duty (AD) determinations for Korea and Oman in the **Federal Register**. Rebuttal scope briefs, limited to issues raised in the scope case briefs, may be submitted no later than three days after the deadline for the scope case briefs. These deadlines are based on publication in the **Federal Register** of the preliminary determinations in the AD investigations of PET sheet. There is only one briefing schedule for scope case and rebuttal briefs in the AD investigations. For all scope issues, parties must file separate and identical documents on the records of all of the ongoing AD PET sheet investigations. No new factual information should be included in scope case briefs or rebuttal scope briefs, and no proprietary information should be submitted in the scope case briefs and rebuttal scope briefs.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing on the revised scope, limited to issues raised in the scope case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, separate from the hearing on issues raised in case briefs, within five days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a

request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Scope comments may only be included in the scope case brief and scope rebuttal brief. Should this investigation result in an order, interested parties may submit requests for a scope ruling afterwards.

Case briefs or other non-scope written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.<sup>7</sup> Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

#### **Postponement of Final Determination and Extension of Provisional Measures**

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who

account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On February 12, 2020, pursuant to 19 CFR 351.210(b)(2)(ii) and 19 CFR 351.210(e)(2), OCTAL requested that, contingent upon an affirmative preliminary determination of sales at LTFV, Commerce postpone the final determination, and that provisional measures be extended to a period not to exceed six months. In addition, on February 14, 2020, the petitioners<sup>8</sup> requested that Commerce fully postpone the deadline for the final determination in this investigation. In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; (2) the requesting exporters account for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

#### **International Trade Commission (ITC) Notification**

In accordance with section 733(f) of the Act, Commerce will notify the ITC of this preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether subject imports are materially injuring, or threaten material injury to, the U.S. industry.

#### **Notification to Interested Parties**

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

Dated: February 25, 2020.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

#### **Appendix I**

##### **Scope of the Investigation**

The merchandise covered by this investigation is raw, pretreated, or primed polyethylene terephthalate sheet, whether extruded or coextruded, in nominal thicknesses of equal to or greater than 7 mil (0.007 inches or 177.8 μm) and not exceeding 45 mil (0.045 inches or 1143 μm) (PET sheet). The scope includes all PET sheet whether made from prime (virgin) inputs or recycled inputs, as well as any blends thereof. The scope includes all PET sheet meeting the above specifications regardless of width, color, surface treatment, coating, lamination, or other surface finish.

The merchandise subject to this investigation is properly classified under statistical reporting number 3920.62.0090 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS statistical reporting number is provided for convenience and customs purposes, the written description of the merchandise is dispositive.

#### **Appendix II**

##### **List of Topics Discussed in the Preliminary Decision Memorandum**

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Scope Comments
- V. Postponement of Final Determination and Extension of Provisional Measures
- VI. Discussion of the Methodology
- VII. Date of Sale
- VIII. Product Comparisons
- IX. Constructed Export Price
- X. Normal Value
- XI. Currency Conversion
- XII. Recommendation

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## **DEPARTMENT OF COMMERCE**

### **International Trade Administration**

#### **Notice of Scope Rulings**

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

**DATES:** Applicable March 3, 2020.

**SUMMARY:** The Department of Commerce (Commerce) hereby publishes a list of scope rulings and anti-circumvention determinations made during the period October 1, 2019 through December 31, 2019. We intend to publish future lists after the close of the next calendar quarter.

#### **FOR FURTHER INFORMATION CONTACT:**

Marcia E. Short, AD/CVD Operations, Customs Liaison Unit, Enforcement and

<sup>7</sup> See 19 CFR 351.309; see also 19 CFR 351.303 (for general filing requirements).

<sup>8</sup> The petitioners are Advanced Extrusion Inc., Ex-Tech Plastics, Inc., and Multi-Plastics Extrusions, Inc.