

**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-570-924, A-520-803]

**Polyethylene Terephthalate Film, Sheet and Strip From the People's Republic of China and the United Arab Emirates: Final Results of the Expedited Second Sunset Reviews of the Antidumping Duty Orders**

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

**SUMMARY:** As a result of these expedited (120-day) sunset reviews, the Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) orders would be likely to lead to the continuation or recurrence of dumping at the levels indicated in the "Final Results of Review" section of this notice.

**DATES:** Applicable May 6, 2020.

**FOR FURTHER INFORMATION CONTACT:** Kathryn Turlo, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3870.

**SUPPLEMENTARY INFORMATION:****Background**

On November 10, 2008, Commerce issued the *Orders* on polyethylene terephthalate film, sheet, and strip (PET film) from the People's Republic of China (China) and the United Arab Emirates (UAE).<sup>1</sup> On July 1, 2019, Commerce published the *Notice of Initiation* of the second sunset reviews of the *Orders* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).<sup>2</sup> On January 13 and 15, 2020, Commerce received notices of intent to participate from the petitioners<sup>3</sup> and Terphane LLC (Terphane), respectively.<sup>4</sup> Each filing was timely

<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) (the *Orders*).

<sup>2</sup> See *Initiation of Five-Year (Sunset) Reviews*, 85 FR 67 (January 2, 2020) (*Notice of Initiation*).

<sup>3</sup> The petitioners are DuPont Teijin Films; Mitsubishi Polyester Film, Inc.; SKC, Inc.; and Toray Plastics (America), Inc.

<sup>4</sup> See Petitioners' Letter, "Polyethylene Terephthalate (PET) Film, Sheet, and Strip from the People's Republic of China: Notice of Intent to Participate in Sunset Review," dated January 13, 2020; see also Petitioners' Letter, "Polyethylene

submitted within the 15-day deadline specified in 19 CFR 351.218(d)(1)(i). The petitioners and Terphane each claimed interested party status under section 771(9)(C) of the Act as a producer of the domestic like product in the United States.

On January 31 and February 3, 2020, Commerce received adequate substantive responses to the *Notice of Initiation* from the petitioners and Terphane, respectively, within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).<sup>5</sup> We received no substantive responses from respondent interested parties with respect to either of the orders covered by these sunset reviews.

On February 24, 2020, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.<sup>6</sup> As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce has conducted expedited (120-day) sunset reviews of the *Orders*.

**Scope of the Orders**

The products covered by the *Orders* is PET film and is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 3920.62.00.90. A full description of the scope of the *Orders* is contained in the accompanying Issues and Decision Memorandum.<sup>7</sup>

Terephthalate (PET) Film, Sheet, and Strip from the United Arab Emirates: Notice of Intent to Participate in Sunset Review," dated January 15, 2020; Terphane's Letter, "Five-Year ("Sunset") Review Of Antidumping Order On Polyethylene Terephthalate (PET) Film, Sheet, And Strip From The People's Republic of China: Notice Of Intent To Participate," dated January 15, 2020; and Terphane's Letter, "Five-Year ("Sunset") Review Of Antidumping Order On Polyethylene Terephthalate (PET) Film, Sheet, And Strip from The United Arab Emirates: Notice Of Intent To Participate," dated January 15, 2020.

<sup>5</sup> See Petitioners' Letter, "Polyethylene Terephthalate (PET) Film, Sheet, and Strip from the People's Republic of China: Substantive Response to the Notice of Initiation," dated January 31, 2020; see also Petitioners' Letter, "Polyethylene Terephthalate (PET) Film, Sheet, and Strip from the United Arab Emirates: Substantive Response to the Notice of Initiation," dated January 31, 2020; and Terphane's Letter, "Five-Year ("Sunset") Review Of Antidumping Orders On Polyethylene Terephthalate (PET) Film, Sheet, And Strip From China And The United Arab Emirates: Terphane's Substantive Response," dated February 3, 2020.

<sup>6</sup> See Commerce's Letter, "Sunset Review Initiation on January 2, 2020," dated February 24, 2020.

<sup>7</sup> See Memorandum, "Issues and Decision Memorandum for the Final Results of the Second Expedited Sunset Reviews of the Antidumping Duty Orders on Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of

**Analysis of Comments Received**

All issues raised in these sunset reviews are addressed in the Issues and Decision Memorandum. The issues discussed in the Issues and Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the *Orders* were revoked. 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>. A list of topics discussed in the Issues and Decision Memorandum is included as an appendix to this notice. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at <http://enforcement.trade.gov/frn>. The signed and electronic version of the Issues and Decision Memorandum are identical in content.

**Final Results of Reviews**

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, Commerce determines that revocation of the AD orders on PET film from China and the UAE would be likely to lead to the continuation or recurrence of dumping at weighted-average dumping margins up to 76.72 percent for China and 4.05 percent for the UAE.

**Administrative Protective Order**

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

**Notification to Interested Parties**

We are issuing and publishing these final results and this notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218.

China and the United Arab Emirates," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Dated: April 30, 2020.

**Joseph Laroski,**

*Deputy Assistant Secretary for Policy and Negotiations.*

## Appendix

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

- I. Summary
- II. Background
- III. Scope of the Orders
- IV. History of the Orders
- V. Legal Framework
- VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Margin of Dumping Likely To Prevail
- VII. Final Results of Sunset Reviews
- VIII. Recommendation

[FR Doc. 2020-09671 Filed 5-5-20; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-939]

#### Tow-Behind Lawn Groomers and Certain Parts Thereof From the People's Republic of China: Final Results of the Expedited Second Sunset Review of the Antidumping Duty Order

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

**SUMMARY:** The Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on tow-behind lawn groomers and certain parts thereof from the People's Republic of China (China) would be likely to lead to continuation or recurrence of dumping, at the level indicated in the "Final Results of Sunset Review" section of this notice.

**DATES:** Applicable May 6, 2020.

**FOR FURTHER INFORMATION CONTACT:** Dakota Potts, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0223.

#### SUPPLEMENTARY INFORMATION:

#### Background

After publication of the notice of initiation of this sunset review of the AD order on tow-behind lawn groomers and certain parts thereof from China,<sup>1</sup>

<sup>1</sup> See *Initiation of Five-Year (Sunset) Reviews*, 85 FR 67 (January 2, 2020); see also *Antidumping Duty Order: Certain Tow Behind Lawn Groomers and Certain Parts Thereof from the People's Republic of China*, 74 FR 38395 (August 3, 2009) (*Order*).

pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), Agri-Fab, Inc. (domestic interested party) filed with Commerce a timely and complete notice of intent to participate in the sunset review,<sup>2</sup> and a timely and adequate substantive response.<sup>3</sup> Commerce did not receive a substantive response from any respondent interested party. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the *Order*.<sup>4</sup>

#### Scope of the Order

The merchandise covered by the order is certain non-motorized tow-behind lawn groomers, manufactured from any material, and certain parts thereof, from China. The lawn groomers that are the subject of this order are currently classifiable in the Harmonized Tariff schedule of the United States ("HTSUS") statistical reporting numbers 8432.41.0000, 8432.42.0000, 8432.80.0000, 8432.80.0010, 8432.90.0060, 8432.90.0081, 8479.89.9496, 8479.90.9496, and 9603.50.0000. These HTSUS provisions are given for reference and customs purposes only, and the description of merchandise is dispositive for determining the scope of the product included in this order.<sup>5</sup>

#### Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of dumping in the event of revocation of the *Order* and the magnitude of the dumping margins likely to prevail if the *Order* were to be revoked, is provided in the accompanying Issues and Decision Memorandum.<sup>6</sup> A list of the topics

<sup>2</sup> See Domestic Interested Party's Letter, "Second Five-Year ("Sunset") Review of Antidumping Duty Order on Certain Tow-Behind Lawn Groomers and Certain Parts Thereof from The People's Republic of China; Notice of Intent to Participate," dated January 16, 2020.

<sup>3</sup> See Domestic Interested Party's Letter, "Second Five-Year ("Sunset") Review of Antidumping Duty Order on Certain Tow-Behind Lawn Groomers and Certain Parts Thereof from The People's Republic of China; Agri-Fab's Response to Notice of Initiation," dated January 31, 2020 (Substantive Response).

<sup>4</sup> For a complete description of the background of this sunset review of the *Order*, see Memorandum, "Issues and Decision Memorandum for the Expedited Second Sunset Review of the Antidumping Duty Order on Certain Tow-Behind Lawn Groomers and Certain Parts Thereof from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>5</sup> The full scope of the *Order* is included in the Issues and Decision Memorandum.

<sup>6</sup> *Id.*

discussed in the Issues and Decision Memorandum is attached as an appendix to this notice. 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>. In addition, a complete version of the Issues and Decision Memorandum can be accessed on the internet at <http://enforcement.trade.gov/frn/>. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

#### Final Results of Sunset Review

Pursuant to sections 751(c)(1), 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 386.28 percent.

#### Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective, orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

#### Notification to Interested Parties

We are issuing and publishing these results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218 and 19 CFR 351.221(c)(5)(ii).

Dated: April 30, 2020.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

## Appendix

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