



BILLING CODE: 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-905]

Certain Polyester Staple Fiber from the People's Republic of China: Preliminary Results and Partial Rescission of the Antidumping Duty Administrative Review; 2015-2016

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

SUMMARY: The Department of Commerce (the Department) preliminary determines that the sole remaining mandatory respondent under review does not qualify for a separate rate and is, therefore, considered a part of the People's Republic of China (PRC)-Wide Entity for its exports of subject merchandise exported to the United States during the period of review (POR), June 1, 2015, through May 31, 2016. If these preliminary results are adopted in the final results, the Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of subject merchandise during the POR. Interested parties are invited to comment on these preliminary results.

DATES: EFFECTIVE [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*.]

FOR FURTHER INFORMATION CONTACT: Julia Hancock or Courtney Canales, 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) 482-1394 or (202) 482-4997, respectively.

## SUPPLEMENTARY INFORMATION:

### *Background*

On August 11, 2016, the Department published in the *Federal Register* the notice of initiation of an administrative review of the antidumping duty (AD) order on certain polyester staple fiber (PSF) from the PRC for the period of review June 1, 2015, through May 31, 2016.<sup>1</sup>

On September 20, 2016, DAK Americas, LLC (Petitioner) withdrew its request for an administrative review of Cixi Sansheng.<sup>2</sup> The other mandatory respondent, Hangzhou Huachuang, did not respond to the Department's AD questionnaire.

### *Scope of the Order*

The product covered by the order is certain polyester staple fiber. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) numbers 5503.20.0045 and 5503.20.0065. Although the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope of the order remains dispositive.<sup>3</sup>

### *Partial Rescission of Administrative Review*

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party or parties that requested a review withdraws the request within 90 days of the publication date of the notice of initiation of the requested review. As noted above, Petitioner withdrew its request for an administrative review of Cixi Sansheng within 90 days of the publication date of the notice of initiation. No other parties requested an administrative

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<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 81 FR 53121 (August 11, 2016) (*Initiation Notice*).

<sup>2</sup> See Petitioner's September 20, 2016, submission.

<sup>3</sup> For a full description of the scope of the *Order*, see Memorandum from Gary Taverman, Associate Deputy Assistant Secretary, AD/CVD Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, entitled, "Certain Polyester Staple Fiber from the People's Republic of China: Decision Memorandum for the Preliminary Results of the 2015-2016 Antidumping Duty Administrative Review," (Preliminary Decision Memorandum) dated concurrently with, and hereby adopted by, this notice.

review of the order. Therefore, in accordance with 19 CFR 351.213(d)(1), the Department is rescinding this review of the AD order on PSF from the PRC with respect to Cixi Sansheng.

### *Methodology*

The Department is conducting this review in accordance with sections 751(a)(1)(B) and 751(a)(2)(A) of the Tariff Act of 1930, as amended (the Act). In making our findings, because Hangzhou Huachuang did not respond to our AD questionnaire and is not receiving a separate rate, we are preliminarily treating Hangzhou Huachuang as part of the PRC-wide entity. For a full description of the methodology underlying our preliminary conclusions, *see* the Preliminary Decision Memorandum.

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum. A list of topics included in the Preliminary Decision Memorandum is included as Appendix I 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 Department of 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.

### *Preliminary Results of Review*

The Department preliminarily determines that the following weighted-average dumping margins exist for the period June 1, 2015, through May 31, 2016:

Exporter	Estimated Weighted-Average Margin (percent)
PRC-Wide Entity <sup>4</sup>	44.30

*Disclosure*

Normally, the Department discloses to interested parties the calculations performed in connection with a preliminary determination within five days of its 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). However, because the Department preliminarily determined that the sole remaining respondent under review, Hangzhou Huachuang, is part of the PRC-wide entity, there are no calculations to disclose.

*Public Comment*

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 50 days after the date of publication of the preliminary determination<sup>4</sup>, unless the Secretary alters the time limit. 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>5</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

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<sup>4</sup> The PRC-wide entity includes mandatory respondent, Hangzhou Huachuang Co., Ltd., (Hangzhou Huachuang).

<sup>5</sup> See 19 CFR 351.309; see also 19 CFR 351.303 (for general filing requirements).

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, the Department 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.

The Department intends to issue the final results of this administrative review, which will include the results of our analysis of all issues raised in the case briefs, within 120 days of publication of these preliminary results in the *Federal Register*, pursuant to section 751(a)(3)(A) of the Act.

#### *Assessment Rates*

Upon issuance of the final results, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.<sup>6</sup> The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review.

For any individually examined respondent whose weighted average dumping margin is above *de minimis* (*i.e.*, 0.50 percent) in the final results of this review, the Department will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of sales, in accordance with 19 CFR 351.212(b)(1). Where an importer- (or customer-) specific *ad valorem* rate is greater than *de minimis*, the Department will instruct CBP to collect the appropriate duties at the time of liquidation.<sup>7</sup> Where either a respondent's weighted average dumping margin is zero or *de minimis*, or an importer- (or customer-) specific *ad valorem* is zero or *de minimis*, the

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<sup>6</sup> See 19 CFR 351.212(b).

<sup>7</sup> See 19 CFR 351.212(b)(1).

Department will instruct CBP to liquidate appropriate entries without regard to antidumping duties.<sup>8</sup>

#### *Cash Deposit Requirements*

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For the companies listed above that have a separate rate, the cash deposit rate will be that established in the final results of this review (except, if the rate is zero or *de minimis*, then zero cash deposit will be required); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC -wide entity; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

#### *Notification to Importers*

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

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<sup>8</sup> See 19 CFR 351.106(c)(2).

This preliminary determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 27, 2017

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Ronald K. Lorentzen  
Acting Assistant Secretary  
for Enforcement and Compliance

## Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum:

1. Summary
2. Background
3. Scope of the Order
4. Discussion of the Methodology
  - a. Partial Rescission
  - b. NME Country Status
  - c. Separate Rates
5. Recommendation

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