



<NOTICE>

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**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**[A-557-813]**

**Polyethylene Retail Carrier Bags from Malaysia: 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) has completed the administrative review of the antidumping duty order on polyethylene retail carrier bags from Malaysia for the period of review (POR) August 1, 2016, through July 31, 2017. We continue to find that Euro SME Sdn Bhd (Euro SME) did not have shipments of subject merchandise during the POR.

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

**FOR FURTHER INFORMATION CONTACT:** Alex Rosen or Brendan Quinn, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-7814 or (202) 482-5848, respectively.

## **SUPPLEMENTARY INFORMATION:**

### Background

On March 19, 2018, Commerce published the *Preliminary Results*.<sup>1</sup> We invited interested parties to comment on the *Preliminary Results*.<sup>2</sup> We received a case brief from the Polyethylene Retail Carrier Bag Committee and its individual members, Hilex Poly Co., LLC and Superbag Corp. (the petitioners).<sup>3</sup> No other parties submitted comments or rebuttal comments.

### Scope of the Order

The merchandise subject to this antidumping duty order is polyethylene retail carrier bags (PRCBs), which also may be referred to as t-shirt sacks, merchandise bags, grocery bags, or checkout bags. The subject merchandise is defined as non-sealable sacks and bags with handles (including drawstrings), without zippers or integral extruded closures, with or without gussets, with or without printing, of polyethylene film having a thickness no greater than 0.035 inch (0.889 mm) and no less than 0.00035 inch (0.00889 mm), and with no length or width shorter than 6 inches (15.24 cm) or longer than 40 inches (101.6 cm). The depth of the bag may be shorter than 6 inches (15.24 cm) but not longer than 40 inches (101.6 cm).

PRCBs are typically provided without any consumer packaging and free of charge by retail establishments, *e.g.*, grocery, drug, convenience, department, specialty retail, discount stores, and restaurants to their customers to package and carry their purchased products. The scope of this antidumping duty order excludes (1) PRCBs that are not printed with logos or store names and that are closeable with drawstrings made of polyethylene film and (2) PRCBs that are

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<sup>1</sup> See *Polyethylene Retail Carrier Bags from Malaysia: Preliminary Results of Antidumping Duty Administrative Review; 2016-2017*, 83 FR 11959 (March 19, 2018) (*Preliminary Results*).

<sup>2</sup> *Id.* at 11960.

<sup>3</sup> See letter from the petitioners, “Polyethylene Retail Carrier Bags from Malaysia: Case Brief,” dated April 11, 2018 (Petitioners’ Case Brief).

packed in consumer packaging with printing that refers to specific end-uses other than packaging and carrying merchandise from retail establishments, *e.g.*, garbage bags, lawn bags, trash-can liners.

Imports of merchandise included within the scope of this antidumping duty order are currently classifiable under statistical category 3923.21.0085 of the Harmonized Tariff Schedule of the United States (HTSUS). This subheading may also cover products that are outside the scope of this antidumping duty order. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this antidumping duty order is dispositive.

#### Comments Received

On April 11, 2018, the petitioners submitted a case brief which notes only that the 2.40 percent rate listed for all-other producers or exporters in the *Preliminary Results* notice is incorrect, and that the final results should reflect the 84.94 percent all-others rate established in the investigation of this order.<sup>4</sup> Because this issue is addressed *infra*, and no further issues were briefed in the instant proceeding, no decision memorandum accompanies this *Federal Register* notice.

#### Changes Since the Preliminary Results

The *Preliminary Results* stated that, “effective upon publication of the final results of this administrative review ... the cash deposit rate for all other producers or exporters is 2.40 percent.”<sup>5</sup> The 2.40 percent rate for all-other producers or exporters, as stated in the *Preliminary Results* notice, was a typographical error. Commerce agrees with the petitioners that it

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<sup>4</sup> See Petitioners’ Case Brief at 1, citing to *Preliminary Results*, 83 FR at 11959-60 and *Notice of Final Determination of Sales at Less Than Fair Value: Polyethylene Retail Carrier Bags from the People’s Republic of China*, 69 FR 34128, 34129 (June 18, 2004) (*Investigation*).

<sup>5</sup> See *Preliminary Results*, 83 FR at 11959-60.

determined an all-others rate of 84.94 percent in the *Investigation*,<sup>6</sup> that this all-others rate has not changed.<sup>7</sup> Thus, the correct rate applicable to all-other producers or exporters in this review continues to be 84.94 percent. Accordingly, we are correcting the all-others rate listed in the “Cash Deposit Requirements” section below to accurately reflect the 84.94 percent rate calculated in the *Investigation*.<sup>8</sup>

#### Final Determination of No Shipments

We found in the *Preliminary Results* that Euro SME had no shipments of subject merchandise during the POR,<sup>9</sup> and no party commented on this preliminary finding. As a result, this finding has not changed.<sup>10</sup> For further details of the issues addressed in this proceeding, see the *Preliminary Results*.<sup>11</sup>

#### Assessment Rates

Commerce determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise, where applicable, in accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b). Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of this review.

Regarding Euro SME, the exporter under review, which we determined had no shipments of the subject merchandise during the POR, for any suspended entries of subject merchandise for which Euro SME did not know its merchandise was destined for the United States, we will

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<sup>6</sup> See *Investigation*, 69 FR at 34129.

<sup>7</sup> See, e.g., *Polyethylene Retail Carrier Bags from Malaysia: Final Results of the Antidumping Duty Administrative Review; 2014-2015*, 81 FR 75378, 75379 (October 31, 2016).

<sup>8</sup> *Id.*

<sup>9</sup> See *Preliminary Results*, 83 FR at 11959.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

instruct CBP to liquidate these entries at the all-others rate if there is no rate for the intermediate company involved in the transaction.<sup>12</sup>

#### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice of final results of the administrative review, as provided by section 751(a)(2)(C) of the Act: (1) for Euro SME, which claimed no shipments, the cash deposit rate will remain unchanged from the rate assigned to Euro SME in the most recently completed review of the company; (2) for previously investigated or reviewed companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is a firm not covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters is 84.94 percent.<sup>13</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice serves as a final 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 this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

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<sup>12</sup> See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

<sup>13</sup> See *Investigation*, 69 FR at 34129.

Administrative Protective Order

This notice also serves as a reminder to 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(a)(3). Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these final results and this notice in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(5).

Dated: May 17, 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.*

<FRDOC> [FR Doc. 2018-11030 Filed 5-22-18; 8:45 am]  
<BILCOD> BILLING CODE 3510-DS-P  
[FR Doc. 2018-11030 Filed: 5/22/2018 8:45 am; Publication Date: 5/23/2018]