



BILLING CODE: 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-114]

### **Certain Glass Containers from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation**

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

**DATES:** Applicable October 15, 2019.

**FOR FURTHER INFORMATION CONTACT:** Maisha Cryor or Karine Gziryan, 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) 482-5831 or (202) 482-4081, respectively.

### **SUPPLEMENTARY INFORMATION:**

#### The Petition

On September 25, 2019, the U.S. Department of Commerce (Commerce) received an antidumping duty (AD) petition (Petition) concerning imports of certain glass containers (glass containers) from the People's Republic of China (China), filed in proper form on behalf of the American Glass Packaging Coalition (the petitioner).<sup>1</sup> The AD Petition was accompanied by a countervailing duty (CVD) Petition concerning imports of glass containers from China.

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<sup>1</sup> See Petitioner's Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties on Certain Glass Containers from the People's Republic of China," dated September 25, 2019 (the Petition).

On September 30, 2019, Commerce requested supplemental information pertaining to certain aspects of the Petition.<sup>2</sup> The petitioner filed responses to these requests on October 4, 2019.<sup>3</sup> On October 8, 2019 and October 9, 2019, Commerce had phone conversations with the petitioner requesting that it address certain issues.<sup>4</sup> The petitioner filed responses to these requests on October 10, 2019.<sup>5</sup>

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of glass containers from China are being, or are likely to be, sold in the United States at less-than-fair value (LTFV) within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing glass containers in the United States. Consistent with section 732(b)(1) of the Act, the Petition is accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed this Petition on behalf of the domestic industry, because the petitioner is an interested party, as defined in sections 771(9)(C) and (E) of the Act.

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<sup>2</sup> See Commerce's Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Glass Containers from the People's Republic of China: Supplemental Questions," dated September 30, 2019; see also Commerce's Letter, "Petition for the Imposition of Antidumping Duties on Imports of Certain Glass Containers from the People's Republic of China: Supplemental Questions," dated September 30, 2019.

<sup>3</sup> See Petitioner's Letter, "Certain Glass Containers from the People's Republic of China: Responses to First Supplemental Questions on General Issues Volume I of the Petition," dated October 4, 2019; see also Petitioner's Letter, "Certain Glass Containers from the People's Republic of China: Responses to First Supplemental Questions on China AD Volume II of the Petition," dated October 4, 2019 (AD Supplement).

<sup>4</sup> See Memoranda, "Petition for the Imposition of Antidumping Duties on Imports of Certain Glass Containers from the People's Republic of China: Phone call with Counsel to the Petitioner," dated October 8, 2019 and October 9, 2019.

<sup>5</sup> See Petitioner's Letters, "Certain Glass Containers from the People's Republic of China: Responses to First Supplemental Questions on General Issues Volume I of the Petition," dated October 10, 2019 and "Certain Glass Containers from the People's Republic of China: Responses to Second Supplemental Questions on China AD Volume II of the Petition," dated October 10, 2019 (Second AD Supplement).

Commerce also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the requested AD investigation.<sup>6</sup>

#### Period of Investigation

Because China is a non-market economy (NME) country, pursuant to 19 CFR 351.204(b)(1), and because the Petition was filed on September 25, 2019, the period of investigation (POI) is January 1, 2019 through June 30, 2019.

#### Scope of the Investigation

The merchandise covered by this investigation is glass containers from China. For a full description of the scope of this investigation, *see* the Appendix to this notice.

#### Comments on Scope of the Investigation

During our review of the Petition, we contacted the petitioner regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.<sup>7</sup> As a result, the scope of the Petition was modified to clarify the description of the merchandise covered by the Petition. The description of the merchandise covered by this investigation in the Appendix to this notice reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope).<sup>8</sup> Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments

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<sup>6</sup> See "Determination of Industry Support for the Petition" section, *infra*.

<sup>7</sup> See AD Supplement Vol. I, at 1-4 and Exhibits I-Supp-2 through I-Supp-4; *see also* Memorandum, "Petition for the Imposition of Antidumping Duties on Imports of Certain Glass Containers from the People's Republic of China: Phone Call with Counsel to the Petitioner," dated October 8, 2019.

<sup>8</sup> See *Antidumping Duties; Countervailing Duties*, 62 FR 27296, 27323 (May 19, 1997).

include factual information,<sup>9</sup> all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit scope comments by 5:00 p.m. Eastern Time (ET) on November 4, 2019, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on November 14, 2019, which is 10 calendar days from the initial comment deadline.<sup>10</sup>

Commerce requests that any factual information the parties consider relevant to the scope of the investigation be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact Commerce and request permission to submit the additional information. All such comments must also be filed on the record of the concurrent AD and CVD investigations.

### Filing Requirements

All submissions to Commerce must be filed electronically using Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).<sup>11</sup> An electronically filed document must be received successfully in its entirety by the time and date it is due. Documents exempted from the electronic submission requirements must be filed manually (*i.e.*, in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue,

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<sup>9</sup> See 19 CFR 351.102(b)(21) (defining "factual information").

<sup>10</sup> See 19 CFR 351.303(b).

<sup>11</sup> See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); see also *Enforcement and Compliance; Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at <https://access.trade.gov/help.aspx> and a handbook can be found at <https://access.trade.gov/help/Handbook%20on%20Electronic%20Filing%20Procedures.pdf>.

NW, Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

#### Comments on Product Characteristics for AD Questionnaires

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of glass containers to be reported in response to Commerce's AD questionnaire. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors of production (FOPs) accurately, as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they believe are relevant to the development of an accurate list of physical characteristics. In order to consider the suggestions of interested parties in developing and issuing the AD questionnaire, all comments must be filed by 5:00 p.m. Eastern Time (ET) on November 4, 2019, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on November 14, 2019, which is 10 calendar days from the initial comment deadline.<sup>12</sup> All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of this AD investigation.

#### Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or

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<sup>12</sup> See 19 CFR 351.303(b).

opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the “industry.”

Section 771(4)(A) of the Act defines the “industry” as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether “the domestic industry” has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,<sup>13</sup> they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce’s determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.<sup>14</sup>

Section 771(10) of the Act defines the domestic like product as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.” Thus, the reference point from which the domestic like product

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<sup>13</sup> See section 771(10) of the Act.

<sup>14</sup> See *USEC, Inc. v. United States*, 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F. Supp. 639, 644 (CIT 1988), *aff’d* 865 F.2d 240 (Fed. Cir. 1989)).

analysis begins is “the article subject to an investigation” (*i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the Petition.<sup>15</sup> Based on our analysis of the information submitted on the record, we have determined that glass containers, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.<sup>16</sup>

In determining whether the petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the “Scope of the Investigation,” in the Appendix to this notice. To establish industry support, the petitioner provided data on its own 2018 production of the domestic like product, as well as data on the 2018 production of the company that supports the Petition.<sup>17</sup> The petitioner compared the total production of the supporters of the Petition to the estimated total production of the domestic like product for the entire domestic industry.<sup>18</sup> We relied on data provided by the petitioner for purposes of measuring industry support.<sup>19</sup>

Our review of the data provided in the Petition, the AD Supplement Vol. I, and other information readily available to Commerce indicates that the petitioner has established industry

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<sup>15</sup> See Volume I of the Petition, at 15-17 and Exhibit I-15; *see also* AD Supplement Vol. I, at 7.

<sup>16</sup> For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, *see* Antidumping Duty Initiation Checklist: Certain Glass Containers from the People’s Republic of China (AD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Glass Containers from the People’s Republic of China (Attachment II). This checklist is dated concurrently with this notice and on file electronically via ACCESS. Documents filed via ACCESS are also available in the Central Records Unit, Room B8024 of the main Commerce building.

<sup>17</sup> See Volume I of the Petition, at 2-3 and Exhibits I-3 and I-4; *see also* AD Supplement Vol. I, at 6 and Exhibit I-Supp-7.

<sup>18</sup> See Volume I of the Petition, at 2-3 and Exhibits I-2 through I-4; *see also* AD Supplement Vol. I, at 4-6 and Exhibits I-Supp-5 through I-Supp-7.

<sup>19</sup> See Volume I of the Petition, at 2-3 and Exhibits I-2 through I-4; *see also* AD Supplement Vol. I, at 4-6 and Exhibits I-Supp-5 through I-Supp-7. For further discussion, *see* AD Initiation Checklist, at Attachment II.

support for the Petition.<sup>20</sup> First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (e.g., polling).<sup>21</sup> Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.<sup>22</sup> Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.<sup>23</sup> Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

#### Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.<sup>24</sup>

The petitioner contends that the industry's injured condition is illustrated by a significant and increasing volume of subject imports; reduced market share; underselling and price depression or suppression; lost sales and revenues; declining financial performance; a decline in

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<sup>20</sup> See AD Initiation Checklist, at Attachment II.

<sup>21</sup> See section 732(c)(4)(D) of the Act; see also AD Initiation Checklist, at Attachment II.

<sup>22</sup> See AD Initiation Checklist, at Attachment II.

<sup>23</sup> *Id.*

<sup>24</sup> See Volume I of the Petition, at 19 and Exhibit I-13.

the domestic industry's production, capacity utilization, and U.S. shipments; shuttered manufacturing facilities; and an adverse impact on employment variables.<sup>25</sup> We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.<sup>26</sup>

#### Allegations of Sales at Less Than Fair Value

The following is a description of the allegation of sales at LTFV upon which Commerce based its decision to initiate an AD investigation of imports of glass containers from China. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the AD Initiation Checklist.

#### Export Price

The petitioner based export price (EP) on sales offers to customers in the United States for the sale of glass containers produced in and exported from China.<sup>27</sup> In order to calculate ex-factory U.S. prices, where appropriate, the petitioner made deductions from U.S. prices for foreign inland freight, foreign brokerage and handling, ocean freight, unrebated value-added tax, wharfage, U.S. port charges, U.S. brokerage and handling, and U.S. inland freight.<sup>28</sup>

#### Normal Value

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<sup>25</sup> *Id.* at 13, 17-34 and Exhibits I-13 and I-17 through I-33.

<sup>26</sup> *See* AD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Glass Containers from the People's Republic of China (Attachment III).

<sup>27</sup> *See* Volume II of the Petition, at 2-6 and Exhibits II-1 and II-3; *see also* AD Supplement, at 1-2 and Exhibits II-Supp-1 through II-Supp-3.

<sup>28</sup> *See* Volume II of the Petition, at 7-12 and Exhibits II-6, II-7A, II-7B, II-8A, II-9, II-10, II-11, and II-12B; *see also* AD Supplement, at 1-3 and Exhibits II-Supp-3, II-Supp-4, II-Supp-5A, and II-Supp-5B.

Commerce considers China to be a non-market economy (NME) country.<sup>29</sup> In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by Commerce. Therefore, we continue to treat China as an NME country for purposes of the initiation of this investigation. Accordingly, NV in China is appropriately based on FOPs valued in a surrogate market economy country, in accordance with section 773(c) of the Act.<sup>30</sup>

The petitioner claims that Mexico is an appropriate surrogate country for China, because it is a market economy country that is at a level of economic development comparable to that of China and it is a significant producer of comparable merchandise.<sup>31</sup> The petitioner provided publicly available information from Mexico to value all FOPs except limestone, for which it used Trade Monitor Import Data for Turkey. Based on the information provided by the petitioner, we determine that it is appropriate to use Mexico as a surrogate country, but rely on the import data from Turkey for the limestone input, for initiation purposes.<sup>32</sup>

Interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.

#### Factors of Production

Because information regarding the volume of inputs consumed by the Chinese

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<sup>29</sup> See *Antidumping Duty Investigation of Certain Aluminum Foil from the People's Republic of China: Affirmative Preliminary Determination of Sales at Less-Than-Fair Value and Postponement of Final Determination*, 82 FR 50858, 50861 (November 2, 2017), and accompanying decision memorandum, *China's Status as a Non-Market Economy*, unchanged in *Certain Aluminum Foil from the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 83 FR 9282 (March 5, 2018).

<sup>30</sup> See AD Initiation Checklist.

<sup>31</sup> See Volume II of the Petition, at 14-15 and Exhibits II-13 and II-14.

<sup>32</sup> See AD Initiation Checklist.

producer/exporter was not reasonably available, the petitioner used the product-specific consumption rates of a U.S. glass container producer as a surrogate to estimate the Chinese manufacturer's FOPs.<sup>33</sup> The petitioner valued the estimated FOPs using surrogate values from Mexico, except for one input as noted above.<sup>34</sup> The petitioner calculated factory overhead, selling, general and administrative expenses, and profit based on the experience of a Mexican producer of glass containers.<sup>35</sup>

#### Fair Value Comparisons

Based on the data provided in the Petition, there is reason to believe that imports of glass containers from China are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP to NV, in accordance with sections 772 and 773 of the Act, the estimated dumping margins for glass containers from China range from 40.45 percent to 255.68 percent.<sup>36</sup>

#### Initiation of LTFV Investigation

Based upon the examination of the Petition on glass containers from China, we find that the Petition meets the requirements of section 732 of the Act. Therefore, we are initiating an AD investigation to determine whether imports of glass containers from China are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 140 days after the date of this initiation.

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<sup>33</sup> *Id.* at 20-21 and Exhibits II-1, II-5, and II-17.

<sup>34</sup> *Id.* at 22 and Exhibits II-21A and II-21B; *see also* Second AD Supplement, at Exhibits II-Supp-1 through II-Supp-6, *see also* Second AD Supplement at Exhibit II-Supp. 2-2A.

<sup>35</sup> *See* Volume II of the Petition, at 26-27 and Exhibit II-18 and Exhibit II-26; *see also* AD Supplement, at 5-8 and Exhibits II-Supp-11 through II-Supp-12.

<sup>36</sup> *See* AD Initiation Checklist.

## Respondent Selection

The petitioner named 75 companies in China as producers/exporters of glass containers.<sup>37</sup> In AD investigations involving NME countries, Commerce selects respondents based on quantity and value (Q&V) questionnaires in cases where it has determined that the number of companies is large and it cannot individually examine each company based upon its resources. After considering the large number of producers and exporters identified in the Petition, and considering the resources that must be used by Commerce to send Q&V questionnaires to all of these companies, Commerce has determined that it does not have sufficient administrative resources to send Q&V questionnaires to all 75 identified producers and exporters. Therefore, Commerce has determined to limit the number of Q&V questionnaires that it will send out to exporters and producers based on U.S. Customs and Border Protection (CBP) data for U.S. imports of glass containers during the POI under the appropriate Harmonized Tariff Schedule of the United States numbers listed in the “Scope of the Investigation,” in the Appendix. Accordingly, Commerce will send Q&V questionnaires to the largest producers and exporters that are identified in the CBP data for which there is address information on the record.

On October 10, 2019, Commerce released CBP data on imports of glass containers from China under administrative protective order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment on the CBP data must do so within three business days of the publication date of the notice of initiation of this investigation.<sup>38</sup> We further stated that we will not accept rebuttal comments.

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<sup>37</sup> See Volume I of the Petition, at Exhibit I-14.

<sup>38</sup> See Memorandum, “Antidumping Duty Investigation of Certain Glass Containers From the People’s Republic of China: AD Petition: Release of U.S. Customs and Border Protection Data;” dated October 10, 2019.

Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above. Commerce intends to finalize its decisions regarding respondent selection within 20 days of publication of this notice.

In addition, Commerce will post the Q&V questionnaire along with filing instructions on Enforcement and Compliance's website at <http://www.trade.gov/enforcement/news.asp>. In accordance with the standard practice for respondent selection in AD cases involving NME countries, Commerce intends to base respondent selection on the responses to the Q&V questionnaire that it receives.

Producers/exporters of glass containers from China that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Enforcement & Compliance's website. The Q&V questionnaire response must be submitted by the relevant China exporters/producers no later than October 30, 2019. All Q&V questionnaire responses must be filed electronically via ACCESS.

### Separate Rates

In order to obtain separate-rate status in an NME investigation, exporters and producers must submit a separate-rate application.<sup>39</sup> The specific requirements for submitting a separate-rate application in a China investigation are outlined in detail in the application itself, which is available on Commerce's website at <http://enforcement.trade.gov/nme/nme-sep-rate.html>. The separate-rate application will be due 30 days after publication of this initiation notice.<sup>40</sup>

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<sup>39</sup> See Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation involving Non-Market Economy Countries (April 5, 2005), available at <http://enforcement.trade.gov/policy/bull05-1.pdf> (Policy Bulletin 05.1).

<sup>40</sup> Although in past investigations this deadline was 60 days, consistent with 19 CFR 351.301(a), which states that "the Secretary may request any person to submit factual information at any time during a proceeding," this deadline

Exporters and producers who submit a separate-rate application and have been selected as mandatory respondents will be eligible for consideration for separate-rate status only if they respond to all parts of Commerce’s AD questionnaire as mandatory respondents. Commerce requires that companies from China submit a response to both the Q&V questionnaire and the separate-rate application by the respective deadlines in order to receive consideration for separate-rate status. Companies not filing a timely Q&V questionnaire response will not receive separate rate consideration.

#### Use of Combination Rates

Commerce will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

{w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME Investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of “combination rates” because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question and produced by a firm that supplied the exporter during the period of investigation.<sup>41</sup>

#### Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the government of China via ACCESS.

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is now 30 days.

<sup>41</sup> See Policy Bulletin 05.1, at 6 (emphasis added).

Furthermore, to the extent practicable, Commerce will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

#### ITC Notification

Commerce will notify the ITC of its initiation, as required by section 732(d) of the Act.

#### Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of glass containers from China are materially injuring or threatening material injury to a U.S. industry.<sup>42</sup> A negative ITC determination will result in the investigation being terminated.<sup>43</sup> Otherwise, this investigation will proceed according to statutory and regulatory time limits.

#### Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Any party, when submitting factual information, must specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted<sup>44</sup> and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the

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<sup>42</sup> See section 733(a) of the Act.

<sup>43</sup> *Id.*

<sup>44</sup> See 19 CFR 351.301(b).

information already on the record that the factual information seeks to rebut, clarify, or correct.<sup>45</sup> Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Please review the regulations prior to submitting factual information in this investigation.

### Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances Commerce will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013), available at <http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>, prior to submitting extension requests or factual information in this investigation.

### Certification Requirements

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<sup>45</sup> See 19 CFR 351.301(b)(2).

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.<sup>46</sup> Parties must use the certification formats provided in 19 CFR 351.303(g).<sup>47</sup> Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

#### Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Instructions for filing such applications may be found on the Commerce website at <http://enforcement.trade.gov/apo>.

On January 22, 2008, Commerce published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures*, 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (*e.g.*, the filing of letters of appearance as discussed in 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: October 15, 2019.

**Jeffrey I. Kessler,**

*Assistant Secretary*

*for Enforcement and Compliance.*

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<sup>46</sup> See section 782(b) of the Act.

<sup>47</sup> See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*). Answers to frequently asked questions regarding the *Final Rule* are available at [http://enforcement.trade.gov/tlei/notices/factual\\_info\\_final\\_rule\\_FAQ\\_07172013.pdf](http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf).

## Appendix

### Scope of the Investigation

The merchandise covered by this investigation is certain glass containers with a nominal capacity of 0.059 liters (2.0 fluid ounces) up to and including 4.0 liters (135.256 fluid ounces) and an opening or mouth with a nominal outer diameter of 14 millimeters up to and including 120 millimeters. The scope includes glass jars, bottles, flasks and similar containers; with or without their closures; whether clear or colored; and with or without design or functional enhancements (including, but not limited to, handles, embossing, labeling, or etching).

Excluded from the scope of the investigation are: (1) glass containers made of borosilicate glass, meeting United States Pharmacopeia requirements for Type 1 pharmaceutical containers; (2) glass containers without “mold seams,” “joint marks,” or “parting lines;” and (3) glass containers without a “finish” (*i.e.*, the section of a container at the opening including the lip and ring or collar, threaded or otherwise compatible with a type of closure to seal the container’s contents, including but not limited to a lid, cap, or cork).

Glass containers subject to this investigation are specified within the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 7010.90.5005, 7010.90.5009, 7010.90.5015, 7010.90.5019, 7010.90.5025, 7010.90.5029, 7010.90.5035, 7010.90.5039, 7010.90.5045, 7010.90.5049, and 7010.90.5055. The HTSUS subheadings are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

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