



DEPARTMENT OF COMMERCE

**International Trade Administration**

[A-533-885]

**Polyester Textured Yarn from India: Preliminary Results of Antidumping Duty**

**Administrative Review; 2022**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that polyester textured yarn (yarn) from India was not sold in the United States at less than normal value (NV) during the period of review (POR) January 1, 2022, through December 31, 2022.

We invite interested parties to comment on these preliminary results of review.

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

**FOR FURTHER INFORMATION CONTACT:** Samantha Kinney, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-2285.

**SUPPLEMENTARY INFORMATION:**

Background

On January 10, 2020, Commerce published in the *Federal Register* the antidumping duty (AD) order on polyester textured yarn from India.<sup>1</sup> On January 3, 2023, Commerce published in the *Federal Register* a notice of opportunity to request an administrative review of the *Order*.<sup>2</sup>

On March 14, 2023, based on a timely request for review, in accordance with 19 CFR

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<sup>1</sup> See *Polyester Textured Yarn from India and the People's Republic of China: Amended Final Antidumping Duty Determination for India and Antidumping Duty Orders*, 85 FR 1298 (January 10, 2020) (*Order*).

<sup>2</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review and Join Annual Inquiry Service List*, 88 FR 45 (January 3, 2023).

351.221(c)(1)(i), Commerce initiated an AD administrative review of the *Order*, covering one producer/exporter, Reliance Industries Limited (Reliance).<sup>3</sup>

Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), on September 11, 2023, Commerce extended the deadline for the preliminary results of this review until January 31, 2024.<sup>4</sup> For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.<sup>5</sup>

### Scope of the *Order*

The merchandise covered by the *Order* is polyester textured yarn from India. For a complete description of the scope of the *Order*, *see* the Preliminary Decision Memorandum.

### Methodology

Commerce is conducting this administrative review in accordance with section 751(a) of the Act. Export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix 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>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

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<sup>3</sup> *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 15642, 15649 (March 14, 2023). We have preliminarily determined that Reliance and its affiliate, Alok Industries Limited (AIL), should be collapsed and treated as a single entity, Reliance/AIL. *See* Memorandum, "Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Polyester Textured Yarn from India; 2022," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum), at the section entitled, "Affiliation and Single Entity Treatment."

<sup>4</sup> *See* Memorandum, "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated September 11, 2023.

<sup>5</sup> *See* Preliminary Decision Memorandum.

## Preliminary Results of Review

We preliminarily determine that the following estimated weighted-average dumping margin exists for the period January 1, 2022, through December 31, 2022:

<b>Exporter/ \Producer</b>	<b>Weighted-Average Dumping Margin (percent)</b>
Reliance Industries Limited; Alok Industries Limited	0.00 ( <i>de minimis</i> )

## Disclosure and Public Comment

Commerce intends to disclose the calculations and analysis performed to interested parties for these preliminary results within five days of any public announcement or if there is no public announcement, within five days after the date of publication of this notice in the *Federal Register*.<sup>6</sup> Interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of this notice.<sup>7</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the deadline for filing case briefs.<sup>8</sup> Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.<sup>9</sup>

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.<sup>10</sup> Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision

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<sup>6</sup> See 19 CFR 351.224(b).

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

<sup>8</sup> See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

<sup>9</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>10</sup> We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).<sup>11</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. If a request for a hearing is made, Commerce intends to hold a hearing at a time and date to be determined.<sup>12</sup> Parties should confirm the date, time and location of the hearing two days before the scheduled date.

#### Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act, upon completion of the final results of this administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise covered by this review.<sup>13</sup> If the weighted-average dumping margin for Reliance/AIL is not zero or *de minimis* (*i.e.*, less than 0.5 percent) in the final results of this review, Commerce intends to calculate an importer-specific *ad valorem* antidumping duty assessment rate based on the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales, in accordance with 19 CFR 351.212(b)(1).<sup>14</sup> We intend to instruct CBP to assess antidumping

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<sup>11</sup> See *APO and Service Final Rule*, 88 FR at 67069.

<sup>12</sup> See 19 CFR 351.310(d).

<sup>13</sup> See 19 CFR 351.212(b).

<sup>14</sup> See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101, 8103 (February 14, 2012).

duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis* (*i.e.*, 0.50 percent). If the weighted-average dumping margin for Reliance/AIL or an importer-specific *ad valorem* assessment rate is zero or *de minimis* in the final results of review, we intend to instruct CBP to liquidate entries without regard to antidumping duties.<sup>15</sup> The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.<sup>16</sup>

Where we do not have entered values for all U.S. sales to a particular importer, we will calculate a per-unit assessment rate by aggregating the antidumping duties due for all U.S. sales to that importer and dividing this amount by the total quantity sold to that importer.<sup>17</sup>

For entries of subject merchandise during the POR produced by Reliance/AIL for which it did not know that the merchandise was destined for the United States, we intend to instruct CBP to liquidate unreviewed entries at the all-others rate (*i.e.*, 13.50) in the less-than-fair-value (LTFV) investigation<sup>18</sup> if there is no rate for the intermediate company(ies) involved in the transaction.<sup>19</sup>

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this administrative review in the *Federal Register*. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication in the *Federal*

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<sup>15</sup> *Id.*, 77 FR at 8102-03; *see also* 19 CFR 351.106(c)(2).

<sup>16</sup> *See* section 751(a)(2)(C) of the Act.

<sup>17</sup> *See* 19 CFR 351.212(b)(1).

<sup>18</sup> *See Order*, 85 FR at 1300.

<sup>19</sup> For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

*Register* of the notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Reliance/AIL will be equal to the weighted-average dumping margin established in the final results of this administrative review, except if the rate is less than 0.50 percent, and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for merchandise exported by a company not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific cash deposit rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review, or a previous segment, but the producer is, then the cash deposit rate will be the rate established in the completed segment for the most recent period for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 13.50 percent, the all-others rate established in the LTFV investigation.<sup>20</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Final Results of Review

Unless the deadline is otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised by interested parties in any case and rebuttal briefs, within 120 days after the date of publication of these preliminary results in the *Federal Register*.<sup>21</sup>

#### Notification to Importers

This notice 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 and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to

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<sup>20</sup> See *Order*, 85 FR at 1300.

<sup>21</sup> See section 751(a)(3)(A) of the Act; see also 19 CFR 351.213(h).

comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of doubled antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: January 19, 2024.

**Abdelali Elouaradia,**  
*Deputy Assistant Secretary  
for Enforcement and Compliance.*

## Appendix

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

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Affiliation and Single Entity Treatment
- V. Discussion of the Methodology
- VI. Currency Conversion
- VII. Recommendation

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