

Exporter Certification(s)
Issue 4: Whether Salvi's Value Added was Calculated Incorrectly
Issue 5: Whether the Production in India is Minor or Insignificant
Issue 6: Whether AICO Acted to the Best of its Ability in this Anti-Circumvention Inquiry

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-987]

Hardwood and Decorative Plywood From the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigation

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: David Lindgren, Lingjun Wang or Toni Page, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3870, (202) 482-2316 and (202) 482-1398, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 17, 2012, the Department of Commerce (the Department) initiated the countervailing duty (CVD) investigation of hardwood and decorative plywood, from the People's Republic of China.¹ Currently, the preliminary determination for this investigation is due no later than December 24, 2012. The Department originally extended the deadline for this preliminary determination from December 21, 2012 until December 23, 2012. As explained in the memorandum from the Assistant Secretary for Import Administration, the Department exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 29, through October 30, 2012.² Therefore, the due date for the preliminary determination was extended to Sunday,

December 23, 2012. However, it is the Department's long-standing practice to make a determination on the next business day when the statutory deadline falls on a weekend, federal holiday, or any other day when the Department is closed.³ Accordingly, the preliminary determination is currently Monday, December 24, 2012.

Postponement of Due Date for the Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires the Department to issue the preliminary determination in a CVD investigation within 65 days after the date on which the Department initiated the investigation. However, section 703(c)(1)(A) of the Act permits the Department to postpone making the preliminary determination until no later than 130 days after the date on which it initiated the investigation if the petitioner makes a timely request for an extension. In the instant investigation, the Coalition for Fair Trade of Hardwood Plywood and its individual members (Petitioners), made a timely request on November 28, 2012 that we postpone the preliminary CVD determination.⁴

The Department finds no compelling reason to deny the request. Therefore, pursuant to section 703(c)(1)(A) of the Act, we are extending the due date for the preliminary determination to no later than 130 days after the date on which this investigation was initiated, *i.e.*, to February 24, 2013. However, as discussed above, the Department is tolling all deadlines an additional two days due to the closing of the Federal Government in late October. Thus, the new deadline for the preliminary determination in this case will be February 26, 2013.

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: December 4, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

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¹ See *Hardwood and Decorative Plywood From the People's Republic of China: Initiation of Countervailing Duty Investigation*, 77 FR 64955 (October 24, 2012).

² See Memorandum to the Record from Paul Piquado, Assistant Secretary for Import Administration, regarding "Tolling of Administrative Deadlines as a Result of the Government Closure During Hurricane Sandy," dated October 31, 2012.

³ See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

⁴ See Petitioners' November 28, 2012 letter requesting postponement of the preliminary determination.

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-924]

Polyethylene Terephthalate Film, Sheet, and Strip From the People's Republic of China: Preliminary Results of Administrative Review; 2010-2011

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In response to requests from interested parties, the Department of Commerce (the "Department") is conducting the third administrative review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip ("PET film") from the People's Republic of China ("PRC"), covering the period November 1, 2010, through October 31, 2011. The Department has preliminarily determined that during the period of review ("POR") respondents in this proceeding have made sales of subject merchandise at less than normal value ("NV").

DATES: Effective Date: December 10, 2012.

FOR FURTHER INFORMATION CONTACT: Thomas Martin or Jonathan Hill, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3936 and (202) 482-3518 respectively.

SUPPLEMENTARY INFORMATION:

Scope of Order

The products covered by the order are all gauges of raw, pre-treated, or primed PET film, whether extruded or co-extruded.¹ PET film is classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Methodology

The Department has conducted this review in accordance with section

¹ See Memorandum from Gary Taverman, Senior Advisor for Antidumping and Countervailing Duty Operations to Ronald K. Lorentzen, Acting Assistant Secretary for Import Administration "Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China," dated December 3, 2012 ("Preliminary Decision Memorandum") for a full description of the Scope of the Order.

751(a)(1)(A) of the Tariff Act of 1930, as amended (the “Act”). Export prices and constructed export prices were calculated in accordance with section 772 of the Act. Because the PRC is a nonmarket economy within the meaning of section 771(18) of the Act, NV has been calculated in accordance with section 773(c) of the Act. Specifically, the respondents’ factors of production have been valued in Indonesian prices, which is economically comparable to the PRC and is a significant producer of comparable merchandise.

For a full description of the methodology underlying our conclusions, please see the Preliminary Decision Memorandum, dated concurrently with these results and hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Import Administration’s Antidumping and Countervailing Duty Centralized Electronic Service System (“IA ACCESS”). IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at <http://www.trade.gov/ia/>. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

The Department has determined that the following preliminary dumping margins exist:

Exporter	Margin (percent)
DuPont Teijin China Limited	2.95
Shaoxing Xiangyu Green Packaging Co., Ltd	0.00
Fuwei Films (Shandong) Co., Ltd	2.95
Tianjin Wanhua Co., Ltd.	
Sichuan	2.95
Dongfang Insulating Material Co., Ltd	2.95

Disclosure and Public Comment

The Department will disclose calculations performed for these preliminary results to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Interested parties may submit written comments no later than 30 days after the date of publication of these preliminary results of review.² Rebuttals to written comments may be

filed no later than five days after the written comments are filed.³

Any interested party may request a hearing within 30 days of publication of this notice.⁴ Hearing requests should contain the following information: (1) The party’s name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.⁵

The Department intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in any such comments, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act.

Deadline for Submission of Publicly Available Surrogate Value Information

In accordance with 19 CFR 351.301(c)(3)(ii), the deadline for submission of publicly available information to value factors of production under 19 CFR 351.408(c) is 20 days after the date of publication of the preliminary results. In accordance with 19 CFR 351.301(c)(1), if an interested party submits factual information less than ten days before, on, or after (if the Department has extended the deadline) the applicable deadline for submission of such factual information, an interested party may submit factual information to rebut, clarify, or correct the factual information no later than ten days after such factual information is served on the interested party. However, the Department generally will not accept in the rebuttal submission additional or alternative surrogate value information not previously on the record, if the deadline for submission of surrogate value information has passed.⁶ Furthermore, the Department generally will not accept business proprietary information in either the surrogate value submissions or the rebuttals thereto, as the regulation regarding the submission of surrogate values allows only for the

submission of publicly available information.⁷

Assessment Rates

Upon issuing the final results of the review, the Department shall determine, and U.S. Customs and Border Protection (“CBP”) shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review. For any individually examined respondents whose weighted-average dumping margin is above *de minimis*, we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer’s examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).⁸

We will instruct CBP to assess antidumping 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*. Where either the respondent’s weighted-average dumping margin is zero or *de minimis*, or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The Department recently announced a refinement to its assessment practice in NME cases. Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. In addition, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter’s case number (*i.e.*, at that exporter’s rate) will be liquidated at the PRC-wide rate.⁹

The final results of this 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.

² See 19 CFR 351.301(c)(3).

³ In these preliminary results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

⁴ For a full discussion of this practice, see *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

⁵ See 19 CFR 351.309(d).

⁶ See 19 CFR 351.310(c).

⁷ See 19 CFR 351.310(d).

⁸ See, e.g., *Glycine from the People’s Republic of China: Final Results of Antidumping Duty Administrative Review and Final Rescission*, in *Part*, 72 FR 58809 (October 17, 2007), and accompanying Issues and Decision Memorandum at Comment 2.

⁹ See 19 CFR 351.309(c).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative 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 section 751(a)(2)(C) of the Act: (1) For the DuPont Group, Green Packing, Dongfang, Fuwei Films, and Wanhua, which have separate rates, the cash deposit rate will be that established in the final results of this review (except, if the rate is zero or *de minimis*, 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 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 the PRC-wide rate of 76.72 percent;¹⁰ 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 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 this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213.

Dated: December 3, 2012.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

1. Separate Rates
2. Rate for Non-Selected Companies

¹⁰ See *Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 73 FR 55039, 55041 (September 24, 2008).

3. Non-Market Economy Country Status
4. Surrogate Country
5. Date of Sale
6. Fair Value Comparisons
7. U.S. Price
8. Normal Value
9. Targeted Dumping
10. Factor Valuations
11. Currency Conversion

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-552-813]

Steel Wire Garment Hangers From the Socialist Republic of Vietnam: Preliminary Affirmative Determination of Critical Circumstances

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) has preliminarily determined that critical circumstances exist with respect to imports of steel wire garment hangers from the Socialist Republic of Vietnam (Vietnam) with the exception of imports from the Hamico Companies.¹

DATES: *Effective Date:* December 10, 2012.

FOR FURTHER INFORMATION CONTACT:

Robert Copyak, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, Room CC114, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202-482-2209.

SUPPLEMENTARY INFORMATION:

Case History

On December 29, 2011, the Department received a countervailing duty (CVD) petition concerning imports of garment hangers from Vietnam filed in proper form by M&B Metal Products Company, Inc., Innovative Fabrication LLC/Indy Hanger, and US Hanger Company, LLC (collectively, Petitioners).² This investigation was initiated on January 18, 2012.³ The

¹ The Hamico Companies are the South East Asia Hamico Export Joint Stock Company, Nam A Hamico Export Joint Stock Company, and Linh Sa Hamico Company Limited.

² See Petition for the Imposition of Countervailing Duties (Petition). A public version of the Petition and all other public documents and public versions for this investigation are available on the public file in the Central Records Unit (CRU), Room 7046 of the main Department of Commerce building.

³ See *Steel Wire Garment Hangers From the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigation*, 77 FR 3737

affirmative preliminary determination was published on June 4, 2012.⁴

On July 10, 2012, Petitioners alleged that critical circumstances exist with respect to imports of steel wire garment hangers from Vietnam and submitted U.S. Census Data in support of their allegation.⁵ On July 23, 2012, the Department requested from the two mandatory respondents—the Hamico Companies and the Infinite Companies⁶—monthly shipment data of subject merchandise to the United States for the period August 2011 through May 2012.

On July 31, 2011, the Hamico Companies submitted to the Department their monthly shipment data of subject merchandise to the United States for the period August 2011 through May 2012.⁷ At verification, the Department officials confirmed the accuracy of the Hamico Companies' shipment data.⁸ The Infinite Companies did not submit their monthly shipment data of subject merchandise to the United States for the period August 2011 through May 2012. On August 3, 2012, the Infinite Companies withdrew from the investigation.⁹

Period of Investigation

The period for which we are measuring subsidies, or the period of investigation (POI), is calendar year 2011.

Scope of Investigation

The merchandise subject to the investigation is steel wire garment hangers, fabricated from carbon steel wire, whether or not galvanized or painted, whether or not coated with latex or epoxy or similar gripping

(January 25, 2011), and accompanying Initiation Checklist.

⁴ See *Certain Steel Wire Garment Hangers from the Socialist Republic of Vietnam: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination with Final Antidumping Duty Determination*, 77 FR 32930 (June 4, 2012) (*Preliminary Determination*).

⁵ See Petitioners' Critical Circumstances Allegation (July 10, 2012), at Attachment 1.

⁶ The Infinite Companies are Infinite Industrial Hanger Limited and Supreme Hanger Company Limited.

⁷ See the Hamico Companies' critical circumstances questionnaire response (July 31, 2012).

⁸ See the Department's September 24, 2012, verification report titled "Verification of South East Asia Hamico Export Joint Stock Company (SEA Hamico), Nam A Hamico Export Joint Stock Company (Nam A Hamico) and Linh Sa Hamico Company Limited (Linh Sa Hamico) (collectively SEA Hamico)" at 5 (filed on IA ACCESS on September 26, 2012).

⁹ See the Infinite Companies' August 3, 2012 letter titled "Steel Wire Garment Hangers from the Socialist Republic of Vietnam: Withdrawal from Investigation."