



A-122-855, A-570-024,
A-533-861, A-523-810
Sunset Reviews
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July 23, 2021

MEMORANDUM TO: Christian Marsh
Acting Assistant Secretary
for Enforcement and Compliance

FROM: James Maeder
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: Issues and Decision Memorandum for the Expedited First Sunset
Reviews of the Antidumping Duty Orders on Polyethylene
Terephthalate Resin from Canada, China, India, and Oman

I. SUMMARY

We have analyzed the substantive responses of the domestic interested parties, DAK Americas, LLC, Indorama Ventures USA Inc., Nan Ya Plastics Corporation America (collectively, domestic interested parties) in the first sunset reviews of the antidumping duty (AD) orders covering polyethylene terephthalate resin (PET resin) from Canada, the People's Republic of China (China), India, and the Sultanate of Oman (Oman).¹ No other interested party submitted an adequate substantive response.² Accordingly, we conducted expedited (120-day) sunset reviews pursuant to section 751(c)(3)(B) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.218(e)(1)(ii)(C)(2). We recommend that you approve the positions described in the "Discussion of the Issues" section of this memorandum. Below is the complete list of the issues in this sunset review for which we received a substantive response:

1. Likelihood of continuation or recurrence of dumping
2. Magnitude of the dumping margins likely to prevail

¹ See *Certain Polyethylene Terephthalate Resin from Canada, the People's Republic of China, India, and the Sultanate of Oman: Amended Final Affirmative Antidumping Determination (Sultanate of Oman) and Antidumping Duty Orders*, 81 FR 27979 (May 6, 2016) (*AD Orders*).

² On May 3, 2021, two respondent interested parties, CG Roxane LLC (CG Roxane) and Niagara Bottling LLC (Niagara) filed inadequate substantive responses. See Background section for details regarding these submissions.



II. BACKGROUND

On April 1, 2021, the Department of Commerce (Commerce) published the notice of initiation of the first sunset reviews of the *AD Orders*, pursuant to section 751(c) of the Act.³ In April 2021, Commerce received notices of intent to participate within the 15-day deadline specified in 19 CFR 351.218(d)(1)(i) from the domestic interested parties.⁴ The aforementioned parties claim interested party status under section 771(9)(C) of the Act, as each party is a U.S. producer of the domestic like product.

On April 30, 2021, Commerce received adequate substantive responses to the notice of initiation from domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3).⁵

On May 3, 2021, two respondent interested parties, CG Roxane and Niagara filed responses pursuant to 19 CFR 351.218(d)(3), to the records of the China and Oman sunset reviews.⁶ However, for the responses of respondent interested parties to be considered adequate under this regulation, the respondents must account for, on average, more than 50 percent (volume or value) of total exports during the preceding five-year period, pursuant to 19 CFR 351.218(e)(1)(ii)(A). CG Roxane and Niagara failed to demonstrate this and therefore Commerce determined that their responses are inadequate under the regulations.

On May 21, 2021, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.⁷ As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted expedited (120-day) sunset reviews of the *AD Orders*.

III. SCOPE OF THE ORDERS

The merchandise covered by these orders is PET resin having an intrinsic viscosity of at least 0.70, but not more than 0.88, deciliters per gram. The scope includes blends of virgin PET resin and recycled PET resin containing 50 percent or more virgin PET resin content by weight, provided such blends meet the intrinsic viscosity requirements above. The scope includes all PET resin meeting the above specifications regardless of additives introduced in the manufacturing process. The merchandise subject to these orders is properly classified under subheading 3907.60.00.30 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise covered by these orders is dispositive.

³ See *Initiation of Five-Year (Sunset) Reviews*, 86 FR 16701 (March 31, 2021).

⁴ See Domestic Interested Parties' Letter, "Domestic Interested Parties' Notice of Intent to Participate," dated April 15, 2021.

⁵ See Domestic Interested Parties' Letter, "Domestic Interested Parties' Substantive Response to Notice of Initiation," dated April 30, 2021 (Country-Specific Substantive Responses).

⁶ See CG Roxane's Letter, "Sunset Review of Polyethylene Terephthalate Resin from China and Oman: Response to Notice of Institution," dated May 3, 2021; *see also* Niagara's Letter, "Sunset Review of Polyethylene Terephthalate Resin from China: Response to Notice of Institution," dated May 3, 2021.

⁷ See Commerce's Letter, "Sunset Reviews Initiated on March 31, 2021," dated May 21, 2021.

IV. HISTORY OF THE *ORDERS*

On March 14, 2016, Commerce published its final determinations in the less-than-fair-value (LTFV) investigations of PET resin from Canada, China, India, and Oman.⁸ On May 6, 2016, Commerce published the *AD Orders*.⁹ Commerce found the following weighted-average dumping margins in the LTFV investigations:

Exporter or producer	Weighted-average dumping margin (percent)
Canada	
Selenis Canada	13.60
All Others	13.60
India	
Dhunseri Petrochem, Ltd	19.41
Ester Industries, Ltd	14.23
JBF Industries, Ltd	19.41
Reliance Industries, Ltd	8.03
All Others	11.13
Oman	
OCTAL SAOC-FZC (OCTAL)	7.62
All Others	7.62

Exporter	Producer	Weighted – average dumping margin (percent)
China		
Far Eastern Industries (Shanghai) Ltd. or Oriental Industries (Suzhou) Limited	Far Eastern Industries (Shanghai) Ltd. or Oriental Industries (Suzhou) Limited	104.98
Jiangyin Xingyu New Material Co., Ltd. or Jiangsu Xingye Plastic Co., Ltd. or Jiangyin Xingjia Plastic Co., Ltd. or Jiangyin Xingtai New Material Co., Ltd. or Jiangsu Xingye Polytech Co., Ltd	Jiangyin Xingyu New Material Co., Ltd. or Jiangsu Xingye Plastic Co., Ltd. or Jiangyin Xingjia Plastic Co., Ltd. or Jiangyin Xingtai New Material Co., Ltd. or Jiangsu Xingye Polytech Co., Ltd	118.32
Dragon Special Resin (XIAMEN) Co., Ltd	Dragon Special Resin (XIAMEN) Co., Ltd	114.47

⁸ See *Certain Polyethylene Terephthalate Resin from Canada: Final Determination of Sales at Less Than Fair Value*, 81 FR 13319 (March 14, 2016); see also *Certain Polyethylene Terephthalate Resin from the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 81 FR 13331 (March 14, 2016); *Certain Polyethylene Terephthalate Resin from India: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances*, 81 FR 13327 (March 14, 2016); and *Certain Polyethylene Terephthalate Resin from the Sultanate of Oman: Final Determination of Sales at Less Than Fair Value*, 81 FR 13336 (March 14, 2016).

⁹ See *Orders*, 81 FR 27979.

Hainan Yisheng Petrochemical Co., Ltd.	Hainan Yisheng Petrochemical Co., Ltd	114.47
Shanghai Hengyi Polyester Fiber Co., Ltd	Shanghai Hengyi Polyester Fiber Co., Ltd	114.47
Zhejiang Wankai New Materials Co., Ltd	Zhejiang Wankai New Materials Co., Ltd	114.47
China-Wide Entity		126.58

Since the publication of the *AD Orders*, Commerce has initiated four administrative reviews of the order on PET resin from Oman, two of which were rescinded.¹⁰ For the 2017-2018 administrative review period, Commerce determined that OCTAL did not make U.S. sales of PET resin at less than normal value during the period of review (POR).¹¹ Accordingly, Commerce assigned to the respondent, OCTAL SAOC-FZC (OCTAL), a weighted-average dumping margin of zero percent.¹² For the 2018-2019 review period, Commerce determined that OCTAL made U.S. sales of PET resin at less than normal value during the POR, and assigned a dumping margin of 0.75 percent.¹³

Since the publication of the *AD Orders*, Commerce has initiated, but rescinded, two administrative reviews of the AD order on PET resin from Canada.¹⁴ Commerce initiated, but rescinded, one administrative review of the order on PET resin from India.¹⁵ Commerce has not initiated any administrative reviews of the order on PET resin from China.

V. LEGAL FRAMEWORK

In accordance with section 751(c)(1) of the Act, Commerce is conducting these sunset reviews to determine whether revocation of the *AD Orders* would be likely to lead to a continuation or recurrence of dumping. Sections 752(c)(1)(A) and (B) of the Act provide that, in making this determination, Commerce shall consider the weighted-average dumping margins determined in the investigation and subsequent reviews as well as the volume of imports of the subject merchandise for the period before and the period after the issuance of the AD orders. In

¹⁰ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 82 FR 31292 (July 6, 2017) (*Initiation Notice 2016-2017*); see also *Polyethylene Terephthalate Resin from the Sultanate of Oman: Rescission of Antidumping Duty Administrative Review; 2015-2017*, 82 FR 50388 (October 31, 2017); *Polyethylene Terephthalate Resin from the Sultanate of Oman: Final Results of Antidumping Duty Administrative Review; 2017-2018*, 84 FR 64460 (November 22, 2019) (*Oman Final Results 2017-2018*); *Polyethylene Terephthalate Resin from the Sultanate of Oman: Final Results of Antidumping Duty Administrative Review; 2018-2019*, 86 FR 7361 (January 28, 2021) (*Oman Final Results 2018-2019*); and *Polyethylene Terephthalate Resin from the Sultanate of Oman: Rescission of 2019-2020 Antidumping Duty Administrative Review*, 86 FR 16191 (March 26, 2021).

¹¹ See *Oman Final Results 2017-2018*

¹² *Id.*

¹³ See *Oman Final Results 2018-2019*

¹⁴ See *Initiation Notice 2016-2017*; see also *Polyethylene Terephthalate Resin from Canada: Notice of Rescission of Antidumping Duty Administrative Review; 2015-2017*, 82 FR 48799 (October 20, 2017); *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 83 FR 32270 (July 12, 2018); and *Polyethylene Terephthalate Resin from Canada: Notice of Rescission of Antidumping Duty Administrative Review*, 83 FR 46143 (September 12, 2018).

¹⁵ See *Initiation Notice 2016-2017*; and *Certain Polyethylene Terephthalate Resin from India: Rescission of Antidumping Duty Administrative Review; 2015/2017*, 82 FR 43525 (September 18, 2017).

addition, section 752(c)(3) of the Act provides that Commerce shall provide to the ITC the magnitude of the margin of dumping likely to prevail if the order were revoked.

In accordance with the guidance provided in the legislative history accompanying the Uruguay Round Agreements Act, specifically the SAA,¹⁶ the House Report,¹⁷ and the Senate Report,¹⁸ Commerce's determinations of likelihood of recurrence will be made on an order-wide, rather than a company-specific, basis.¹⁹ In addition, Commerce normally determines that revocation of an AD order is likely to lead to continuation or recurrence of dumping when: (a) dumping continued at any level above *de minimis* after the issuance of the order; (b) imports of the subject merchandise ceased after the issuance of the order; or (c) dumping was eliminated after the issuance of the order and import volumes for the subject merchandise declined significantly.²⁰ Alternatively, Commerce normally will determine that revocation of an AD order is not likely to lead to continuation or recurrence of dumping where dumping was eliminated after issuance of the order and import volumes remained steady or increased.²¹

Furthermore, as a base period of import volume comparison, it is Commerce's practice to use the one-year period immediately preceding the initiation of the investigation, rather than the level of pre-order import volumes, as the initiation of the investigation may dampen import volumes and, thus, skew the comparison.²² When analyzing import volumes for second and subsequent sunset reviews, Commerce's practice is to compare import volumes during the year preceding initiation of the underlying investigation to import volumes since the issuance of the last continuation notice.²³

In addition, section 752(c)(3) of the Act states that Commerce shall provide to the ITC the magnitude of the margin of dumping that is likely to prevail if the order were revoked. Generally, Commerce selects the weighted-average dumping margins from the final determination in the original investigation, as these rates are the only calculated rates that reflect the behavior of exporters without the discipline of an order in place.²⁴ In certain circumstances, however, a more recently calculated rate may be more appropriate (e.g., "if dumping margins have declined over the life of an order and imports have remained steady or increased, {Commerce} may conclude that exporters are likely to continue dumping at the lower rates

¹⁶ See Statement of Administrative Action Accompanying the Uruguay Round Agreements Act, H.R. Doc. 103-316, vol 1 (1994) (SAA).

¹⁷ See H. Rep. No. 103-826, pt. 1 (1994), reprinted in 1994 U.S.C.A.N. 3773 (1994) (House Report).

¹⁸ See S. Rep. No. 103-412 (1994) (Senate Report).

¹⁹ See SAA at 879; see also House Report at 56.

²⁰ See SAA at 889-890; see also House Report at 63-64; Senate Report at 52; and *Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*; *Policy Bulletin*, 63 FR 18871, 18872 (April 16, 1998) (*Policy Bulletin*).

²¹ See SAA at 889-890; see also House Report at 64.

²² See *Stainless Steel Bar from Germany: Final Results of the Sunset Review of the Antidumping Duty Order*, 72 FR 56985 (October 5, 2007), and accompanying Issues and Decision Memorandum (IDM) at Comment 1.

²³ See *Ferrovaniadium from the People's Republic of China and the Republic of South Africa: Final Results of the Expedited Second Sunset Reviews of the Antidumping Duty Orders*, 79 FR 14216 (March 13, 2014), and accompanying IDM.

²⁴ See SAA at 890; see also *Persulfates from the People's Republic of China: Notice of Final Results of Expedited Second Sunset Review of Antidumping Duty Order*, 73 FR 11868 (March 5, 2008), and accompanying IDM at Comment 2.

found in a more recent review”).²⁵ Finally, pursuant to section 752(c)(4)(A) of the Act, a margin of dumping likely to prevail of “zero or *de minimis* shall not by itself require” Commerce to determine that revocation of an AD order would not be likely to lead to a continuation or recurrence of sales at LTFV.

Regarding the margin of dumping likely to prevail, in the *Final Modification for Reviews*, Commerce announced that in five-year (*i.e.*, sunset) reviews it will not rely on weighted-average dumping margins that were calculated using the zeroing methodology.²⁶ However, Commerce explained in the *Final Modification for Reviews* that it “retain{s} the discretion, on a case-by-case basis, to apply an alternative methodology, when appropriate” in both investigations and administrative reviews pursuant to section 777A(d)(1)(B) of the Act.²⁷ In the *Final Modification for Reviews*, Commerce stated that “only in the most extraordinary circumstances” would it rely on margins other than those calculated and published in prior determinations.²⁸ Commerce further stated that, apart from the “most extraordinary circumstances,” it would “limit its reliance to margins determined or applied during the five-year sunset period that were not determined in a manner found to be WTO-inconsistent” and that it “may also rely on past dumping margins that were not affected by the WTO-inconsistent methodology, such as dumping margins recalculated pursuant to Section 129 proceedings, dumping margins determined based on the use of adverse facts available, and dumping margins where no offsets were denied because all comparison results were positive.”²⁹

VI. DISCUSSION OF THE ISSUES

Below we address the comments of the domestic interested parties.

1. Likelihood of Continuation or Recurrence of Dumping

Interested Party Comments

Oman

With respect to Oman, the domestic interested parties state that dumping margins have remained at above *de minimis* levels since the imposition of the AD order and Omani imports of PET resin have significantly declined. Accordingly, the domestic interested parties argue that dumping would continue if the order were revoked.³⁰

With respect to the volume of imports from Oman, domestic interested parties assert that imports declined significantly after the issuance of the order in 2016.³¹ This is another reason that the

²⁵ See SAA at 890-91.

²⁶ See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101, 8102-3 (February 14, 2012) (*Final Modification for Reviews*).

²⁷ *Id.* at 8105-6.

²⁸ *Id.* at 8102-3 and 8107-10.

²⁹ *Id.*

³⁰ See Oman Substantive Response at 8.

³¹ *Id.* at 12.

domestic interested parties state that Commerce should conclude that dumping would continue if the order were revoked.

China

With respect to China, the domestic interested parties state that dumping margins have remained at above *de minimis* levels since the imposition of the AD order and that imports of PET resin have declined overall.³² Accordingly, the domestic interested parties argue that dumping would continue or reoccur if the order were revoked.³³

With respect to the volume of imports from China, domestic interested parties assert that imports declined significantly after the imposition of the antidumping order.³⁴ For this reason as well, the domestic interested parties state that Commerce should conclude that dumping would continue if the order were revoked.

Canada

With respect to Canada, the domestic interested parties assert that dumping margins have remained at above *de minimis* levels since the imposition of the AD order and that imports of PET resin have declined overall.³⁵ Accordingly, the domestic interested parties argue that dumping would continue or recur if the order were revoked.³⁶

With respect to the volume of imports from Canada, domestic interested parties assert that imports declined significantly after the imposition of the AD order.³⁷ Accordingly, the domestic interested parties argue that dumping would continue or recur if the order were revoked.³⁸

India

With respect to India, the domestic interested parties state that dumping margins have remained at above *de minimis* levels since the imposition of the AD order and that imports of PET resin have declined overall.³⁹ Accordingly, the domestic interested parties argue that dumping would continue if the order were revoked.⁴⁰

With respect to the volume of imports from India, the domestic interested parties assert that imports declined significantly after the imposition of the antidumping order.⁴¹ Accordingly, the

³² See China Substantive Response at 9-12.

³³ *Id.*

³⁴ *Id.* at 12-13.

³⁵ See Canada Substantive Response at 12-13.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.* at 13-14.

³⁹ See India Substantive Response at 8-12.

⁴⁰ *Id.*

⁴¹ *Id.*

domestic interested parties argue that dumping would continue or reoccur if the order were revoked.⁴²

Commerce's Position:

As explained in the “Legal Framework” section above, Commerce’s determination of whether the revocation of an order would likely lead to the continuation of dumping will be made on an order-wide basis.⁴³ In addition, Commerce normally will determine that revocation of an AD order is likely to lead to continuation or recurrence of dumping where: (a) dumping continued at any level above *de minimis* after the issuance of the order; (b) imports of the subject merchandise ceased after the issuance of the order; or (c) dumping was eliminated after the issuance of the order and import volumes for the subject merchandise declined significantly.⁴⁴ According to the SAA, existence of dumping margins after the order “is highly probative of the likelihood of continuation or recurrence of dumping. If companies continue to dump with the discipline of an order in place, it is reasonable to assume that dumping would continue if the discipline were removed. If imports cease after the order is issued, it is reasonable to assume that the exporters could not sell in the United States without dumping and that, to reenter the U.S. market, they would have to resume dumping.”⁴⁵ In addition, “declining import volumes accompanied by the continued existence of dumping margins after the issuance of the order may provide a strong indication that, absent an order, dumping would be likely to continue, because the evidence would indicate that the exporter needs to dump to sell at pre-order volumes.”⁴⁶ Alternatively, the legislative history provides that declining (or no) dumping margins accompanied by steady or increasing imports may indicate that foreign companies do not have to dump to maintain market share in the United States and that dumping is less likely to continue or recur if the order were revoked.

In the LTFV investigations for China, Canada, Oman, and India, Commerce found dumping at above *de minimis* levels and assigned weighted-average dumping margins of up to 13.60 percent for Canadian, 19.41 percent for Indian, 126.58 percent for Chinese, and 7.62 percent for Omani, exporters/producers. Commerce has not completed any administrative reviews of the China, Canada, and India orders, and calculated an above *de minimis* margin for the sole respondent in the most recently completed review of the Oman order. Thus, any entries of subject merchandise into the United States after the issuance of the *AD Orders* were subject to above *de minimis* AD rates. In the instances where dumping margins continue to exist and there is a significant decline in import volumes, “it is reasonable to assume that dumping would continue if the discipline of the order were removed.”⁴⁷

Additionally, we examined the statistics placed on the record by the domestic interested parties with respect to imports of the subject merchandise for the year prior to the initiation of the

⁴² *Id.* at 13-14.

⁴³ See SAA at 879.

⁴⁴ See SAA at 889-890; see also House Report at 63-64; and Senate Report at 52.

⁴⁵ See SAA at 890.

⁴⁶ *Id.* at 889; see also House Report at 63, and Senate Report at 52.

⁴⁷ See SAA at 890.

investigations, pursuant to section 752(c)(1)(B) of the Act.⁴⁸ These data show substantially decreased import volumes of PET resin from China, Canada, Oman, and India when comparing the import volumes during the relevant periods.⁴⁹

Specifically, with respect to India, prior to imposition of the the order on PET resin from India, the 2014 subject import volume was 102,439,309 pounds. After the order was imposed in 2016, subject import volume decreased to 27,677,628 pounds. During the post-order period (2016-2020), subject imports have averaged only 20,000,000 pounds per year, only 20 percent of the pre-order 2014 volume.⁵⁰

With respect to Oman, prior to the imposition of the order on PET resin from Oman, subject import volume in 2014 was 196,516,846 pounds. After the order was imposed in 2016, subject import volume decreased to 8,322,064 pounds, and then averaged approximately 46,000,000 pounds per year (2016-2020), only 23 percent of the 2014 pre-order volumes.⁵¹

With respect to China, prior to the imposition of the order on PET resin from China, in 2014, subject import volume was 323,058,081 pounds. After the order was imposed in 2016, the volume of subject imports decreased to 533,121 pounds. Since the order was imposed, imports have averaged 12,000,000 pounds per year, a 96 percent decline from the 2014 pre-order volumes.⁵²

With respect to Canada, prior to the imposition of the order on PET resin from Canada, subject import volume was 362,672,338 pounds in 2014. In the year after the order was imposed, subject imports decreased to 253,022,860 pounds. Imports have averaged 257 million pounds since the order was imposed, a 29 percent decrease from the 2014 pre-order volume.⁵³

Given the continued existence of above *de minimis* margins calculated without zeroing⁵⁴ since the imposition of the *AD Orders* and the overall decrease in the volume of imports, we determine that it is unlikely that producers of subject merchandise in China, Oman, Canada, and India would be able to sell at pre-order volumes without dumping.⁵⁵ Accordingly, pursuant to section 752(c)(1) of the Act, we determine that dumping would likely continue or recur if the *AD Orders* were revoked.

⁴⁸ See Oman Substantive Response at Attachment 1, China Substantive Response at Attachment 1, India Substantive Response at Attachment 1, and Canada Substantive response at Attachment 1.

⁴⁹ *Id.*

⁵⁰ See India Substantive Response at 12-13.

⁵¹ See Oman Substantive Response at 12-13.

⁵² See China Substantive Response at 13.

⁵³ See Canada Substantive Response at 14.

⁵⁴ Commerce announced it would cease zeroing in investigations on December 26, 2006. See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin During an Antidumping Investigation; Final Modification*, 71 FR 77722 (December 27, 2006). The LTFV investigations at issue here were initiated after this change in practice.

⁵⁵ See SAA at 889 (explaining that “declining import volumes accompanied by the continued existence of dumping margins after the issuance of an order may provide a strong indication that, absent an order, dumping would be likely to continue, because the evidence would indicate that the exporter needs to dump to sell at pre-order volumes”).

2. Magnitude of the Dumping Margins Likely to Prevail

Interested Party Comments⁵⁶

The domestic interested parties assert that, pursuant to the principles set forth in the SAA and *Policy Bulletin*, Commerce should report the margins of dumping determined in the LTFV investigations.⁵⁷

Commerce's Position:

Section 752(c)(3) of the Act provides that Commerce shall provide to the ITC the magnitude of the margin of dumping that is likely to prevail if the *AD Orders* were revoked. Commerce's preference is to select a rate from the investigation because it is the only calculated rate that reflects the behavior of manufacturers, producers, and exporters without the discipline of an order in place.⁵⁸ However, Commerce may provide a more recently calculated margin for a particular company, where declining (or zero or *de minimis*) dumping margins are accompanied by steady or increasing imports, which would reflect that the exporter is likely to dump at a lower rate found in a more recent review. Similarly, if an exporter chooses to increase dumping to increase or maintain market share, Commerce may provide the ITC with an increased margin that is more representative of that exporter's behavior in the absence of an order.⁵⁹ As indicated in the "Legal Framework" section *supra*, Commerce's current practice is to not rely on weighted average dumping margins calculated using the zeroing methodology, in accordance with the *Final Modification for Reviews*.⁶⁰

The rates calculated in the LTFV investigations were not calculated using zeroing and, thus, these dumping margins are consistent with the practice stipulated in the *Final Modification for Reviews*. Therefore, we determine that revocation of the *AD Orders* would likely lead to continuation or recurrence of dumping at the magnitude of weighted-average margins up to 13.60 percent for Canada, 19.41 percent for India, 126.58 percent for China, and 7.62 percent for Oman. Accordingly, pursuant to section 752(c)(3) of the Act, Commerce will provide the ITC with the margins from the final determinations as the margins of dumping likely to prevail if the *AD Orders* were revoked.

⁵⁶ See Oman Substantive Response at 13-16, China Substantive Response at 13-17, India Substantive Response at 13-16, and Canada Substantive response at 14-17.

⁵⁷ See SAA at 890; see also *Policy Bulletin*, 63 FR at 18873 (section II.B.1); and *Prestressed Concrete Steel Wire Strand from the People's Republic of China: Final Results of Expedited Sunset Review of the Antidumping Duty Order*, 80 FR 43063 (July 21, 2015), and accompanying IDM at Comment 2.

⁵⁸ See SAA at 890; see also *Policy Bulletin*, 63 FR at 18873 (section II.B.1); and *Prestressed Concrete Steel Wire Strand from the People's Republic of China: Final Results of Expedited Sunset Review of the Antidumping Duty Order*, 80 FR 43063 (July 21, 2015), and accompanying IDM at Comment 2.

⁵⁹ See section 752(c)(3) of the Act; see also *Clad Steel Plate from Japan: Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 83 FR 22008 (May 11, 2018), and accompanying IDM at Comment 2.

⁶⁰ See *Final Modification for Reviews*, 77 FR at 8103.

VII. FINAL RESULTS OF SUNSET REVIEWS

Commerce determines that revocation of the *AD Orders* would be likely to lead to the continuation or recurrence of dumping, and that the magnitude of the margins of dumping likely to prevail if the *AD Orders* were revoked would be margins up to 13.60 percent for Canada, 19.41 percent for India, 126.58 percent for China, and 7.62 percent for Oman.

VIII. RECOMMENDATION

Based on our analysis of the substantive responses received, we recommend adopting all of the above positions. If these recommendations are accepted, we will publish these final results of these expedited sunset reviews in the *Federal Register*.



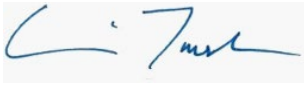
Agree



Disagree

7/23/2021

X



Signed by: CHRISTIAN MARSH

Christian Marsh
Acting Assistant Secretary
for Enforcement and Compliance