

Materials and May Participate in the Certification Process  
V. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free Trade Agreement (NAFTA), Article 1904 Binational Panel Review: Notice of Request for Panel Review

**AGENCY:** United States Section, NAFTA Secretariat, International Trade Administration, Department of Commerce.

**ACTION:** Notice of NAFTA Request for Panel Review in the matter of 100- to 150-Seat Large Civil Aircraft from Canada: Final Affirmative Countervailing Duty Determination (Secretariat File Number: USA-CDA-2018-1904-01).

**SUMMARY:** Requests for Panel Review were filed with the United States Section of the NAFTA Secretariat on behalf of Bombardier Inc. and C Series Aircraft Limited Partnership, the Government of Canada, and the Government of Québec on January 19, 2018, as well as on behalf of the Government of the United Kingdom and the European Commission on January 24, 2018, pursuant to NAFTA Article 1904. Panel Review was requested of the Department of Commerce's final countervailing duty determination regarding 100- to 150-Seat Large Civil Aircraft from Canada. The final determination was published in the *Federal Register* on December 27, 2017 (82 FR 61,252). The NAFTA Secretariat has assigned case number USA-CDA-2018-1904-01 to this request.

**FOR FURTHER INFORMATION CONTACT:** Paul E. Morris, United States Secretary, NAFTA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, (202) 482-5438.

**SUPPLEMENTARY INFORMATION:** Chapter 19 of Article 1904 of NAFTA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to review the trade remedy determination being challenged and issue a binding Panel Decision. There are established NAFTA Rules of Procedure for Article 1904 Binational Panel Reviews, which were adopted by the three governments for panels

requested pursuant to Article 1904(2) of NAFTA which requires Requests for Panel Review to be published in accordance with Rule 35. For the complete Rules, please see <https://www.nafta-sec-alena.org/Home/Texts-of-the-Agreement/Rules-of-Procedure/Article-1904>.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is February 20, 2018);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is March 5, 2018); and

(c) The panel review shall be limited to the allegations of error of fact or law, including challenges to the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and to the procedural and substantive defenses raised in the panel review.

Dated: February 2, 2018.

**Paul E. Morris,**

*U.S. Secretary, NAFTA Secretariat.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-825]

#### Polyethylene Terephthalate Film, Sheet, and Strip From India: Final Results of Countervailing Duty Administrative Review; 2015

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

**SUMMARY:** The Department of Commerce (Commerce) determines that Jindal Poly Films Limited of India (Jindal) and SRF Limited (SRF), exporters of polyethylene terephthalate film, sheet, and strip (PET film) from India, received countervailable subsidies during the period of review (POR) January 1, 2015, through December 31, 2015.

**DATES:** Effective February 8, 2018.

**FOR FURTHER INFORMATION CONTACT:** Elfi Blum, AD/CVD Operations, Office VII, Enforcement and Compliance, U.S.

Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0197.

#### SUPPLEMENTARY INFORMATION:

##### Background

Commerce published the preliminary results of this administrative review of PET film from India on August 3, 2016.<sup>1</sup> We invited interested parties to comment on the *Preliminary Results 2015*. On November 27, 2017, Commerce postponed the final results of review until January 30, 2018. On September 5, 2017, Commerce received a timely filed case brief from Jindal, and on September 18, 2017, Commerce received timely filed case briefs from the Government of India (GOI) and from SRF. On September 25, 2017, Commerce received timely rebuttal comments from the petitioners, DuPont Teijin Films, Mitsubishi Polyester Film, Inc., and SKC, Inc. (collectively, the petitioners). Based on an analysis of the comments received, Commerce has made no changes to the subsidy rate determined for respondents. The final subsidy rates are listed in the "Final Results of Administrative Review" section below.

Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through 22, 2018. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the final results of this review is now February 2, 2018.<sup>2</sup>

##### Scope of the Order

For the purposes of the order, the products covered are all gauges of raw, pretreated, or primed polyethylene terephthalate film, sheet and strip, whether extruded or coextruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer of more than 0.00001 inches thick. Imports of PET film are classifiable in the Harmonized Tariff Schedule of the United States

<sup>1</sup> See *Polyethylene Terephthalate Film, Sheet and Strip from India: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review; 2015*, 82 FR 36124 (August 3, 2016) (*Preliminary Results 2015*).

<sup>2</sup> See Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, "Deadlines Affected by the Shutdown of the Federal Government" (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

(HTSUS) under item number 3920.62.00.90. HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the order is dispositive.

#### Analysis of Comments Received

The issues raised by the GOI, SRF, and Jindal in their case briefs and the petitioners' issues raised in their rebuttal brief are addressed in the Issues and Decision Memorandum.<sup>3</sup> The issues are identified in the Appendix to this notice. The Issues and 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 <http://access.trade.gov> and in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at <http://trade.gov/enforcement/frn/index.html>. The signed Issues and Decision Memorandum and electronic versions of the Issues and Decision Memorandum are identical in content.

#### Changes Since the Preliminary Results

Based on the comments received from the GOI, Jindal, and SRF, and the rebuttal comments received from the petitioners, we made no changes to our rate calculations. For a discussion of these issues, see the Issues and Decision Memorandum.

#### Methodology

Commerce conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we find that there is a subsidy, *i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>4</sup> For a description of the methodology

<sup>3</sup> See Memorandum from James Maeder, Senior Director, performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance: "Issues and Decision Memorandum for the Final Results in the Countervailing Duty Administrative Review of Polyethylene Terephthalate Film, Sheet and Strip from India," dated concurrently with this determination and hereby adopted by this notice (Issues and Decision Memorandum).

<sup>4</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

underlying all of Commerce's conclusions, see the Issues and Decision Memorandum.

#### Final Results of Administrative Review

In accordance with section 777A(e)(1) of the Act and 19 CFR 351.221(b)(5), we determine the total estimated net countervailable subsidy rates for the period January 1, 2015, through December 31, 2015 to be:

Manufacturer/exporter	Subsidy rate (percent <i>ad valorem</i> )
Jindal Poly Films of India Limited .....	5.26
SRF Limited .....	5.79

#### Assessment and Cash Deposit Requirements

In accordance with 19 CFR 351.212(b)(2), Commerce intends to issue appropriate instructions to U.S. Customs and Border Protection (CBP) 15 days after publication of the final results of this review. Commerce will instruct CBP to liquidate shipments of subject merchandise produced and/or exported by the companies listed above, entered or withdrawn from warehouse, for consumption from January 1, 2015, through December 31, 2015, at the percent rates, as listed above for each of the respective companies, of the entered value.

Commerce intends also to instruct CBP to collect cash deposits of estimated countervailing duties, in the amounts shown above for each of the respective companies shown above, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most-recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Administrative Protective Order

This notice also serves as a final reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of proceeding. Timely written notification of the return/destruction of

APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 2, 2018.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

#### Appendix I

##### Issues and Decision Memorandum

- I. Summary
- II. Scope of the Order
- III. Period of Review
- IV. Subsidies Valuation Information
  - A. Allocation Period
  - B. Attribution of Subsidies
  - C. Benchmarks Interest Rates
  - D. Denominator
- V. Analysis of Programs
  - A. Programs Determined To Be Countervailable
  - B. Programs Determined To Be Not Used
  - C. Programs Determined To Be Terminated
- VI. Final Results of Review
- VII. Analysis of Comments

Comment 1: Whether Commerce may disregard loans from certain banks with government ownership in its benchmark calculations.

Comment 2: Whether the Export Promotion Capital Goods Scheme (EPCGS) is a countervailable export subsidy, pursuant to the SCM Agreement.

Comment 3: Whether the exemption from duties and taxes in a Special Economic Zone (SEZ) constitutes a financial contribution.

Comment 4: Whether the benefits SRF received under the SEZ program are tied to the export sales of polyester film from the Packaging Film Business (PFB) located in the SEZ.

Comment 5: Whether the GOI has a verification system in place for the Advance Authorization Scheme (AAS) that is effective and reasonable.

Comment 6: Whether Commerce needs to adjust the dates in the preliminary draft cash deposit instructions for the final results.

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