

constituting the sides of the openings and integral junctions where the strands intersect. The scope includes products in which four-sided figures predominate whether or not they also contain additional strands intersecting the four-sided figures and whether or not the inside corners of the four-sided figures are rounded off or not sharp angles. As used herein, the term “integral” refers to strands and junctions that are homogenous with each other. The products covered have a tensile strength of greater than 5 kilonewtons per meter (“kN/m”) according to American Society for Testing and Materials (“ASTM”) Standard Test Method D6637/D6637M in any direction and average overall flexural stiffness of more than 100,000 milligram-centimeter according to the ASTM D7748/D7748M Standard Test Method for Flexural Rigidity of Geogrids, Geotextiles and Related Products, or other equivalent test method standards.

Subject merchandise includes material matching the above description that has been finished, packaged, or otherwise further processed in a third country, including by trimming, slitting, coating, cutting, punching holes, stretching, attaching to woven or non-woven fabric or sheet material, or any other finishing, packaging, or other further processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the biaxial integral geogrid.

The products subject to the scope are currently classified in the Harmonized Tariff Schedule of the United States (“HTSUS”) under the following subheading: 3926.90.9995. Subject merchandise may also enter under subheadings 3920.20.0050 and 3925.90.0000. The HTSUS subheadings set forth above are provided for convenience and U.S. Customs purposes only. The written description of the scope is dispositive.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-967; C-570-968]

#### Aluminum Extrusions From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision

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

**SUMMARY:** On January 20, 2016, the United States Court of International Trade (CIT or Court) sustained the Department of Commerce's (Department) third and final results of redetermination,<sup>1</sup> in which the

<sup>1</sup> See *Meridian LLC v. United States*, Court No. 13-00018, Slip Op. 16-5 (CIT January 20, 2016) (*Meridian V*), which sustained the Final Results of

Department determined, under protest, that certain refrigerator/freezer trim kits meet the description of excluded finished goods kits and are therefore not covered by the scope of the *Orders*,<sup>2</sup> pursuant to the CIT's remand order in *Meridian LLC v. United States*, Court No. 13-00018, Slip Op. 15-67 (CIT June 23, 2015) (*Meridian IV*).

Consistent with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken*,<sup>3</sup> as clarified by *Diamond Sawblades*,<sup>4</sup> the Department is notifying the public that the Court's final judgment in this case is not in harmony with the Department's Final Scope Ruling on Refrigerator Trim Kits and is therefore amending its final scope ruling.<sup>5</sup>

**DATES:** *Effective date:* January 30, 2016.

**FOR FURTHER INFORMATION CONTACT:** James Terpstra, AD/CVD Operations, Office III, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202-482-3965.

**SUPPLEMENTARY INFORMATION:** On December 17, 2012, the Department issued its Final Scope Ruling on Refrigerator Trim Kits in which it determined that the refrigerator/freezer trim kits imported by Meridian LLC (*Meridian*) did not meet the scope exclusions for “finished merchandise” and “finished goods kits.”<sup>6</sup> In particular, the Department held that because the trim kits at issue consisted of pieces of aluminum extrusions plus fasteners and extraneous materials, they

Redetermination Pursuant to Court Remand, *Meridian Products, LLC v. United States*, Court No. 13-00018, Slip. Op. 15-67 (Oct. 29, 2015) (Third Remand).

<sup>2</sup> See *Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order*, 76 FR 30650 (May 26, 2011) and *Aluminum Extrusions from the People's Republic of China: Countervailing Duty Order*, 76 FR 30653 (May 26, 2011) (*Orders*).

<sup>3</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>4</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

<sup>5</sup> See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, “Final Scope Ruling on Certain Refrigerator/Freezer Trim Kits,” (December 17, 2012) (Final Scope Ruling on Refrigerator Trim Kits).

<sup>6</sup> The finished goods kit exclusion states: “A finished goods kits is understood to mean a packaged combination of parts that contains, at the time of importation, all of the necessary parts to fully assemble a final finished good and requires no further finishing or fabrication, such as cutting or punching, and is assembled ‘as is’ into a finished product.” The scope further states that, “{a}n imported product will not be considered a ‘finished goods kit’ and therefore excluded from the scope of the investigation merely by including fasteners such as screws, bolts, etc. in the packaging with an aluminum extrusion product.”

did not meet either scope exclusion. Therefore, the Department found the products at issue to be within the scope of the *Orders*.<sup>7</sup>

As discussed in further detail in the Third Remand, the Court remanded the Final Scope Ruling on Refrigerator Trim Kits three times.<sup>8</sup> Most recently, in *Meridian IV*, the Court held that the Department's long-standing recognition of a “fasteners” exception to the “finished goods kit” exclusion is unreasonable, finding that “the inclusion of ‘fasteners’ or ‘extraneous materials’ is not determinative when qualifying a kit consistent of multiple parts which otherwise meets the exclusionary requirements, as a ‘finished goods kit.’”<sup>9</sup> Additionally, the Court explained that there is nothing in the scope language that indicates that the parts of a finished goods kit cannot consist entirely of aluminum extrusions.<sup>10</sup> The Court explained that “to qualify as a ‘finished goods kit’, a kit must contain every part required to assemble the final finished good, and it logically follows that if a kit is imported with all of the parts necessary to fully assemble the kit into its final finished form, then obviously (and necessarily) some of those ‘parts’ may be fasteners.”<sup>11</sup>

In the Third Remand, the Department found, in accordance with the Court's instructions in *Meridian IV*, under respectful protest, that *Meridian's* trim kits are excluded from the scope of the *Orders* as finished goods kits because at the time of importation, the kits contained all the parts necessary to assemble a final finished good—a complete trim kit.<sup>12</sup> In *Meridian V*, the Court sustained the Third Remand in its entirety.<sup>13</sup>

#### Timken Notice

In its decision in *Timken*<sup>14</sup> as clarified by *Diamond Sawblades*, the CAFC has held that, pursuant to sections 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not “in harmony” with a Department determination and must suspend liquidation of entries pending a “conclusive” court decision. The CIT's January 20, 2016, judgment in *Meridian V* sustaining the Department's decision in the Third Remand to find

<sup>7</sup> See Final Scope Ruling on Refrigerator Trim Kits at 11.

<sup>8</sup> See Third Remand at 6-10.

<sup>9</sup> See *Meridian IV*, Slip Op. 15-67 at 12-13.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 14 (emphasis omitted).

<sup>12</sup> See Third Remand at 14.

<sup>13</sup> See *Meridian V*, Slip Op. 16-5 at 4.

<sup>14</sup> See *Timken*, 893 F.2d at 341.

that Meridian's trim kits are excluded from the scope of the *Orders* constitutes a final decision of that court that is not in harmony with the Department's Final Scope Ruling on Refrigerator Trim Kits. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the trim kits at issue pending expiration of the period of appeal or, if appealed, pending a final and conclusive court decision.

In accordance with the Courts instructions in *Meridian IV*, we determine that Meridian's trim kits are excluded from the scope of the *Orders* as finished goods kits.

#### Amended Final Determination

Because there is now a final court decision with respect to the Final Scope Ruling on Refrigerator Trim Kits, the Department amends its final scope ruling. The Department finds that the scope of the *Orders* does not cover the products addressed in the Final Scope Ruling on Refrigerator Trim Kits. The Department will instruct U.S. Customs and Border Protection (CBP) that the cash deposit rate will be zero percent for the refrigerator/freezer trim kits imported by Meridian. In the event that the CIT's ruling is not appealed, or if appealed, upheld by the CAFC, the Department will instruct CBP to liquidate entries of Meridian's Refrigerator Trim Kits without regard to antidumping and/or countervailing duties, and to lift suspension of liquidation of such entries.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: February 8, 2016.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-824]

#### Polyethylene Terephthalate Film, Sheet, and Strip From India: Final Results of Antidumping Duty Administrative Review; 2013-2014

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

**SUMMARY:** For the final results of the administrative review of the antidumping duty (AD) order on

polyethylene terephthalate film, sheet, and strip (PET Film) from India, we find that Jindal Poly Films Limited (Jindal) and the four-non selected respondents made sales of subject merchandise at less than normal value; we also find that SRF Limited (SRF) did not make sales of subject merchandise at less than normal value. The period of review is July 1, 2013, through June 30, 2014.

**DATES:** *Effective date:* February 16, 2016.

#### FOR FURTHER INFORMATION CONTACT:

Myrna Lobo or Alexander Cipolla, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-2371 and (202) 482-4956, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 6, 2015, the Department of Commerce (the Department) published the *Preliminary Results*.<sup>1</sup> For a history of events that have occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.<sup>2</sup> 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 is available to all parties 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/login.aspx>. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

As explained in the memorandum from the Acting Assistant Secretary for Enforcement & Compliance, the Department has exercised its discretion to toll all administrative deadlines due to the recent closure of the Federal Government. All deadlines in this segment of the proceeding have been

<sup>1</sup> See *Polyethylene Terephthalate Film, Sheet, and Strip From India: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2013-2014*, 80 FR 46957 (August 6, 2015) (*Preliminary Results*).

<sup>2</sup> See Department Memorandum, "Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review: Polyethylene Terephthalate Film From India: 2013-2014 Administrative Review" (Issues and Decision Memorandum), dated concurrently with, and hereby adopted by, this notice.

extended by four business days. The revised deadline for the final results of this review is now February 8, 2016.<sup>3</sup>

#### Scope of the Order

The products covered by the AD order are all gauges of raw, pretreated, or primed PET Film, 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 currently classifiable in the Harmonized Tariff Schedule of the United States (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 AD order is dispositive.

#### Analysis of Comments Received

All issues raised in the case briefs are addressed in the Issues and Decision Memorandum. A list of issues raised and to which we respond in the Issues and Decision Memorandum is attached to this notice as an Appendix.

#### Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results*, we have made changes to SRF's and Jindal's calculations.<sup>4</sup> In addition, we have adjusted Jindal's reported U.S. prices to account for changes in its export subsidies in the final results of the companion countervailing duty administrative review.<sup>5</sup>

Additionally, for companies not selected for individual review, we have assigned the rate calculated for Jindal in the final results of this review, in accordance with section 735(c)(5) of the Act.

<sup>3</sup> See Memorandum to the Record from Ron Lorentzen, Acting A/S for Enforcement & Compliance, regarding "Tolling of Administrative Deadlines as a Result of the Government Closure During Snowstorm Jonas," dated January 27, 2016.

<sup>4</sup> See Memoranda to Thomas Gilgunn, Program Manager "Analysis Memorandum for the Final Results of the Antidumping Duty Administrative Review of Polyethylene Terephthalate Film, Sheet, and Strip from India: Jindal Poly Films Limited, and "Analysis Memorandum for the Final Results of the Antidumping Duty Administrative Review of Polyethylene Terephthalate Film, Sheet, and Strip from India: SRF Limited," both dated concurrently with these final results.

<sup>5</sup> See *Polyethylene Terephthalate Film, Sheet, and Strip From India: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review; 2013*, 80 FR 46956 (August 3, 2015). See also *Polyethylene Terephthalate Film, Sheet, and Strip from India: Final Results of Countervailing Duty Administrative Review; 2013* (signed February 2, 2016).