Countervailing Duty Order

On November 2, 2009, the Department published its Preliminary Determination and instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of subject merchandise entered or withdrawn from warehouse, for consumption, on or after November 2, 2009. See Pre-Stressed Concrete Steel Wire Strand from the People’s Republic of China: Preliminary Affirmative Countervailing Duty Determination, 74 FR 56576 (November 2, 2009) (Preliminary Determination). In accordance with section 703(d) of the Act, which states that the suspension of liquidation pursuant to a preliminary determination may not remain in effect for more than four months, the Department terminated suspension of liquidation effective March 2, 2010.

On June 22, 2010, in accordance with section 705(d) of the Act, the ITC notified the Department of its final determination that the industry in the United States producing PC strand is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act by reason of subsidized imports of PC strand from the PRC. See ITC Final Determination Report. Therefore, in accordance with section 706 of the Act, the Department will direct CBP to reinstitute suspension of liquidation effective the date of publication of the ITC Final Determination in the Federal Register. See Pre-Stressed Concrete Steel Wire Strand from China: Determinations, 75 FR 36678 (June 28, 2010) (ITC Final Determination). The Department will also direct CBP to assess, upon further advice by the Department pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the amended net countervailable subsidy rates for the subject merchandise as noted above.

This notice constitutes the countervailing duty order with respect to PC strand from the PRC, pursuant to section 706(a) of the Act. Interested parties may contact the Department’s Central Records Unit, Room 1117 of the Commerce building, for copies of an updated list of countervailing duty orders currently in effect.

DEPARTMENT OF COMMERCE

International Trade Administration


Polyethylene Retail Carrier Bags From the People’s Republic of China, Malaysia, and Thailand: Continuation of Antidumping Duty Orders

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

SUMMARY: As a result of the determinations by the Department of Commerce (Department) and the International Trade Commission (ITC) that revocation of the antidumping duty orders on polyethylene retail carrier bags (PRCBs) from the People’s Republic of China (PRC), Malaysia, and Thailand would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing a notice of continuation of the antidumping duty orders.

DATES: Effective Date: July 7, 2010.

FOR FURTHER INFORMATION CONTACT:
Dustin Ross or Minoo Hatten, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0747 or (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 2009, the Department initiated and the ITC instituted sunset reviews of the antidumping duty orders on PRCBs from the PRC, Malaysia, and Thailand 1 pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). See Initiation of Five-year ("Sunset") Review, 74 FR 31412 (July 1, 2009); see also Polyethylene Retail Carrier Bags From China, Malaysia, and Thailand, 74 FR 31750 (July 2, 2009).

As a result of these sunset reviews, the Department determined that revocation of the antidumping duty orders on PRCBs from the PRC, Malaysia, and Thailand would be likely to lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the margins likely to prevail should the orders be revoked. See Polyethylene Retail Carrier Bags From the People’s Republic of China, Thailand, and Malaysia: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders, 74 FR 53470 (October 19, 2009).

On June 8, 2010, pursuant to section 752(a) of the Act, the ITC determined that revocation of the antidumping duty orders on PRCBs from the PRC, Malaysia, and Thailand would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. See Polyethylene Retail Carrier Bags From China, Malaysia, and Thailand; Determinations, 75 FR 36679 (June 28, 2010), and ITC Publication 4160 (June 2010) entitled Polyethylene Retail Carrier Bags from China, Malaysia, and Thailand: Inv. Nos. 731–TA–1043–1045 (Review).

Scopes of the Orders

The merchandise subject to the antidumping duty orders is PRCBs which may be referred to as t-shirt sacks, merchandise bags, grocery bags, or checkout bags. The subject merchandise is defined as nonsealable sacks and bags with handles (including drawstrings), without zippers or integral extruded closures, with or without

<table>
<thead>
<tr>
<th>Producer/Exporter</th>
<th>Original Subsidy Rate</th>
<th>Amended Subsidy Rate</th>
</tr>
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<tbody>
<tr>
<td>Xinhua Metal Products Company Ltd. (Xinhua), Xinyu Iron and Steel Joint Stock Limited Company (Xinyu), and Xingang Iron and Steel Joint Stock Limited Liability Company (Xingang) (Collectively the Xinhua Companies).</td>
<td>45.85 percent ad valorem</td>
<td>45.85 percent ad valorem</td>
</tr>
<tr>
<td>All Others</td>
<td>27.35 percent ad valorem</td>
<td>27.64 percent ad valorem</td>
</tr>
</tbody>
</table>

1 Petitioners are American Spring Wire Corp., Insteel Wire Products Company, and Sumiden Wire Products Corp.
gussets, with or without printing, of polyethylene film having a thickness no greater than 0.035 inch (0.889 mm) and no less than 0.00035 inch (0.00889 mm), and with no length or width shorter than 6 inches (15.24 cm) or longer than 40 inches (101.6 cm). The depth of the bag may be shorter than 6 inches but not longer than 40 inches (101.6 cm).

PRCBs are typically provided without any consumer packaging and free of charge by retail establishments, e.g., grocery, drug, convenience, department, specialty retail, discount stores, and restaurants, to their customers to package and carry their purchased products. The scopes of the orders exclude (1) polyethylene bags that are not printed with logos or store names and that are closeable with drawstrings made of polyethylene film and (2) polyethylene bags that are packed in consumer packaging with printing that refers to specific end-uses other than packaging and carrying merchandise from retail establishments, e.g., garbage bags, lawn bags, trash-can liners.

As a result of changes to the Harmonized Tariff Schedule of the United States (HTSUS), imports of the subject merchandise are currently classifiable under statistical category 3923.21.0085 of the HTSUS. Furthermore, although the HTSUS subheading is provided for convenience and customs purposes, the written descriptions of the scopes of the orders are dispositive.

**Continuation of the Orders**

As a result of the determinations by the Department and the ITC that revocation of these antidumping duty orders would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty orders on PRCBs from the PRC, Malaysia, and Thailand.

U.S. Customs and Border Protection will continue to collect antidumping duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of continuation of these orders will be the date of publication in the Federal Register of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of these orders not later than 30 days prior to the fifth anniversary of the effective date of continuation.

These five-year sunset reviews and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act.