

after the date of publication of the final results of review in the **Federal Register**. Consistent with Commerce's assessment practice in non-market economy cases, if Commerce determines that an exporter under review had no shipments of subject merchandise, any suspended entries that entered under the exporter's case number (*i.e.*, at that exporter's rate) will be liquidated at the China-wide rate.<sup>13</sup>

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For previously investigated or reviewed Chinese and non-Chinese 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 published for the most-recently completed segment of this proceeding in which the exporter was reviewed; (2) for all Chinese exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be that established for the China-wide entity, which is 86.01 percent; and (3) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter with the subject merchandise. These deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties and/or countervailing duties occurred and the subsequent assessment of doubled antidumping duties.

<sup>13</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

### Notification to Interested Parties Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition 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 the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

### Notification to Interested Parties

We are issuing and publishing notice of these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and sections 351.213(h) and 351.221(b)(5) of Commerce's regulations.

Dated: October 11, 2019.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Issues
  - Comment:* Houztek's Separate Rate Eligibility
- V. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-469-819]

### Acetone From Spain: Final Determination of Sales at Less Than Fair Value, and Final Determination of No Shipments

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

**SUMMARY:** The Department of Commerce (Commerce) determines that acetone from Spain is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2018 through December 31, 2018.

**DATES:** Applicable October 21, 2019.

**FOR FURTHER INFORMATION CONTACT:** Preston Cox, AD/CVD Operations,

Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5041.

### SUPPLEMENTARY INFORMATION:

#### Background

On August 5, 2019, Commerce published the *Preliminary Determination* in the **Federal Register**.<sup>1</sup> The petitioner in this investigation is the Coalition for Acetone Fair Trade. Commerce individually examined CEPESA Quimica, S.A. (CEPSA) in this investigation. We provided interested parties an opportunity to comment on the *Preliminary Determination*. We received no comments. Commerce conducted this investigation in accordance with section 731 of the Tariff Act of 1930, as amended (the Act).

#### Scope of the Investigation

The merchandise covered by this investigation is all grades of liquid or aqueous acetone. Acetone is also known under the International Union of Pure and Applied Chemistry (IUPAC) name propan-2-one. In addition to the IUPAC name, acetone is also referred to as  $\beta$ -ketopropane (or beta-ketopropane), ketone propane, methyl ketone, dimethyl ketone, DMK, dimethyl carbonyl, propanone, 2-propanone, dimethyl formaldehyde, pyroacetic acid, pyroacetic ether, and pyroacetic spirit. Acetone is an isomer of the chemical formula  $C_3H_6O$ , with a specific molecular formula of  $CH_3COCH_3$  or  $(CH_3)_2CO$ .

The scope covers both pure acetone (with or without impurities) and acetone that is combined or mixed with other products, including, but not limited to, isopropyl alcohol, benzene, diethyl ether, methanol, chloroform, and ethanol. Acetone that has been combined with other products is included within the scope, regardless of whether the combining occurs in third countries.

The scope also includes acetone that is commingled with acetone from sources not subject to this investigation.

For combined and commingled products, only the acetone component is covered by the scope of this investigation. However, when acetone is combined with acetone components from sources not subject to this

<sup>1</sup> See *Acetone From Spain: Preliminary Affirmative Determination of Sales at Less Than Fair Value, and Preliminary Determination of No Shipments*, 84 FR 37990 (August 5, 2019) (*Preliminary Determination*), and accompanying memorandum, "Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Acetone from Spain" (PDM).

investigation, those third country acetone components may still be subject to other acetone investigations.

Notwithstanding the foregoing language, an acetone combination or mixture that is transformed through a chemical reaction into another product, such that, for example, the acetone can no longer be separated from the other products through a distillation process (e.g., methyl methacrylate (MMA) or Bisphenol A (BPA)), is excluded from this investigation.

A combination or mixture is excluded from these investigations if the total acetone component (regardless of the source or sources) comprises less than 5 percent of the combination or mixture, on a dry weight basis.

The Chemical Abstracts Service (CAS) registry number for acetone is 67-64-1.

The merchandise covered by this investigation is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 2914.11.1000 and 2914.11.5000. Combinations or mixtures of acetone may enter under subheadings in Chapter 38 of the HTSUS, including, but not limited to, those under heading 3814.00.1000, 3814.00.2000, 3814.00.5010, and 3814.00.5090. The list of items found under these HTSUS subheadings is non-exhaustive. Although these HTSUS subheadings and CAS registry number are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

#### Scope Comments

Commerce did not receive any additional scope comments and has not updated the scope of the investigation since the *Preliminary Determination*.

#### Verification

Because the mandatory respondent in this investigation did not provide necessary information requested by Commerce, we did not conduct verification.

#### Changes Since the Preliminary Determination and Use of Adverse Facts Available

Commerce has made no changes to the *Preliminary Determination* and hereby adopts the determinations therein for purposes of our final determination. We therefore continue to find that the application of facts available with an adverse inference with respect to the examined respondent, *i.e.*, CEPSPA, was warranted, in accordance with sections 776(a)(1), 776(a)(2)(A)-(C), and 776(b) of the Act.<sup>2</sup>

<sup>2</sup> See *Preliminary Determination*, 84 FR at 37991; see also PDM at 3-8.

#### Final Determination of No Shipments

In our *Preliminary Determination*, we found that Industrias Quimicas del Oxido de Etileno, S.A. (IQOXE) had no sales or shipments of subject merchandise during the POI, and, therefore, we determined not to further examine IQOXE as part of this investigation.<sup>3</sup> Commerce received no comments regarding this issue after the *Preliminary Determination*. Thus, for this final determination, we continue to find that IQOXE had no sales of subject merchandise during the POI. As such, any entries of subject merchandise exported by IQOXE will be subject to the all-others rate.

#### All-Others Rate

As discussed in the *Preliminary Determination*, Commerce based the selection of the all-others rate on the simple average of the two dumping margins calculated for subject merchandise from Spain alleged in the petition,<sup>4</sup> in accordance with section 735(c)(5)(B) of the Act, and determined a rate of 137.39 percent. No parties commented on this issue and we made no changes to the all-others rate for this final determination.<sup>5</sup>

#### Final Determination

The final estimated weighted-average dumping margins are as follows:

| Exporter/producer        | Estimated dumping margin (percent) |
|--------------------------|------------------------------------|
| CEPSA Quimica, S.A ..... | 171.81                             |
| All Others .....         | 137.39                             |

#### Disclosure

The estimated weighted-average dumping margin assigned to CEPSPA in this investigation in the *Preliminary Determination* was based on adverse facts available, and Commerce described the method it used to determine the adverse facts available rate in the *Preliminary Determination*. As we have made no changes to this margin and continue to apply adverse facts available in determining the rate for CEPSPA, no disclosure of calculations is necessary for this final determination.

<sup>3</sup> See *Preliminary Determination*, 84 FR at 37991; see also PDM at 3.

<sup>4</sup> See Petitioner's Letter, "Petitions for the Imposition of Antidumping on Imports of Acetone from Belgium, Korea, Saudi Arabia, Singapore, South Africa and Spain," dated February 19, 2019 (the Petition) at Volume VII; see also Petitioner's Letter, "Acetone from Spain: Response to Questionnaire on Antidumping Petition," dated February 26, 2019; and the Spain Initiation Checklist, dated March 11, 2019.

<sup>5</sup> See *Preliminary Determination*, 84 FR at 37991; see also PDM at 8-9.

#### Continuation of Suspension of Liquidation

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct U.S. Customs and Border Protection (CBP) to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin as follows: (1) The cash deposit rate for the respondent listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

#### International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation of acetone from Spain no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated, and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce intends to issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

#### Notification Regarding Administrative Protective Orders

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance

with 19 CFR 351.305(a)(3). Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

#### Notification to Interested Parties

These determinations are issued and published in accordance with sections 735(d) and 777(i) of the Act and 19 CFR 351.210(c).

Dated: October 15, 2019.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-115]

#### Certain Glass Containers From the People's Republic of China: Initiation of Countervailing Duty Investigation

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

**DATES:** Applicable October 15, 2019.

**FOR FURTHER INFORMATION CONTACT:** Maliha Khan or Eli Lovely, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0895 or (202) 482-1593, respectively.

#### SUPPLEMENTARY INFORMATION:

##### The Petition

On September 25, 2019, the U.S. Department of Commerce (Commerce) received a countervailing duty (CVD) petition (Petition) concerning imports of certain glass containers (glass containers) from the People's Republic of China (China) filed in proper form on behalf of the American Glass Packaging Coalition (the petitioner).<sup>1</sup> The CVD Petition was accompanied by an antidumping duty (AD) Petition concerning imports of glass containers from China.

On September 30, 2019, Commerce requested supplemental information pertaining to certain aspects of the

<sup>1</sup> See Petitioner's Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties on Certain Glass Containers from the People's Republic of China," dated September 25, 2019 (the Petition).

Petition.<sup>2</sup> The petitioner filed responses to this request on October 4, 2019.<sup>3</sup>

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that the Government of China (GOC) is providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of glass containers in China, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing glass containers in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating a CVD investigation, the Petition is accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed this Petition on behalf of the domestic industry because the petitioner is an interested party as defined in sections 771(9)(C) and (E) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the requested CVD investigation.<sup>4</sup>

##### Period of Investigation

Because the Petition was filed on September 25, 2019, the period of investigation (POI) is January 1, 2018 through December 31, 2018.<sup>5</sup>

##### Scope of the Investigation

The merchandise covered by this investigation is glass containers from China. For a full description of the scope of this investigation, see the Appendix to this notice.

##### Comments on Scope of the Investigation

During our review of the Petition, we contacted the petitioner regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the

<sup>2</sup> See Commerce's Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Glass Containers from the People's Republic of China: Supplemental Questions," dated September 30, 2019; see also Commerce's Letter, "Petition for the Imposition of Countervailing Duties on Imports of Certain Glass Containers from the People's Republic of China: Supplemental Questions," dated September 30, 2019.

<sup>3</sup> See Petitioner's Letters, "Certain Glass Containers from the People's Republic of China: Responses to First Supplemental Questions on General Issues Volume I of the Petition," dated October 4, 2019; and "Certain Glass Containers from the People's Republic of China: Responses to First Supplemental Questions on China CVD Volume III of the Petition," dated October 4, 2019.

<sup>4</sup> See "Information Relating to the Degree of Industry Support for the Petition" section, *infra*.

<sup>5</sup> See 19 CFR 351.204(b)(1).

domestic industry is seeking relief.<sup>6</sup> As a result, the scope of the Petition was modified to clarify the description of the merchandise covered by the Petition. The description of the merchandise covered by this investigation, as described in the Appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope).<sup>7</sup> Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information,<sup>8</sup> all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit scope comments by 5:00 p.m. Eastern Time (ET) on November 4, 2019, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on November 14, 2019, which is 10 calendar days from the initial comment deadline.<sup>9</sup>

Commerce requests that any factual information the parties consider relevant to the scope of the investigation be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact Commerce and request permission to submit the additional information. All such comments must also be filed on the record of the concurrent AD and CVD investigations.

##### Filing Requirements

All submissions to Commerce must be filed electronically using Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).<sup>10</sup>

<sup>6</sup> See AD Supplement Vol. I, at 1-4 and Exhibits I-Supp-2 through I-Supp-4; see also Memorandum, "Phone Call with Counsel to the Petitioner," dated October 8, 2019.

<sup>7</sup> See *Antidumping Duties; Countervailing Duties*, 62 FR 27296, 27323 (May 19, 1997).

<sup>8</sup> See 19 CFR 351.102(b)(21) (defining "factual information").

<sup>9</sup> See 19 CFR 351.303(b).

<sup>10</sup> See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); see also *Enforcement and Compliance; Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at <https://access.trade.gov/help.aspx> and a handbook can be found at <https://>