Appendix II

The products covered by the scope are certain biaxial integral geogrid products. Biaxial integral geogrid products are a polymer grid or mesh material (whether or not finished, slit, cut-to-length, attached to woven or non-woven fabric or sheet material, or packaged) in which four-sided openings in the form of squares, rectangles, rhomboids, diamonds, or other four-sided figures predominate. The products covered have integral strands that have been stretched to induce molecular orientation into the material (as evidenced by the strands being thinner in width toward the middle between the junctions than at the junctions themselves) 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, holed, 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 investigations 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. The period of investigation (POI) is July 1, 2015, through December 31, 2015. The period corresponds to the two most recent fiscal quarters prior to the month of the filing of the petition, which was January 2016. The products covered by this investigation are geogrids from the People’s Republic of China (PRC). Subject geogrids enter the United States through Harmonized Tariff Schedule of the United States (HTSUS) statistical subheading 3926.90.9995, but may also enter through HTSUS subheadings 3920.20.0050 and 3925.90.0000. While HTSUS subheadings are provided for convenience and Customs purposes, the written description of the scope of this investigation is dispositive. No interested party commented on the scope of this investigation. For a complete description of the scope of the investigation, see Appendix I to this notice.

Analysis of Comments Received

We addressed all issues raised by parties in case and rebuttal briefs in the Issues and Decision Memorandum. Appendix II to this notice includes a list of the issues which the parties raised and to which the Department responded in the Issues and Decision Memorandum. 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. The Issues and Decision Memorandum is available

2 See Memorandum from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Fiquadro, Assistant Secretary for Enforcement and Compliance, “Issues and Decision Memorandum for the Final Determination of the Antidumping Duty Investigation of Certain Biaxial Integral Geogrid Products from the People’s Republic of China,” dated concurrently with this notice (Issues and Decision Memorandum).
3 See 19 CFR 351.224(b)(1).
4 See Issues and Decision Memorandum.
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 is available at http://enforcement.trade.gov/frn/index.html. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Verification

As provided in section 782(i) of the Act, in September 2016, the Department conducted verification of the information submitted by BOSTD Geosynthetics Qingdao Ltd. (BOSTD) and Taian Modern Plastic Co., Ltd. (Taian Modern) for use in the final determination. We issued our verification reports on November 4, 2016, and November 14, 2016.5 The Department used standard verification procedures, including examination of relevant accounting and production records and original source documents provided by respondents.6

Changes Since the Preliminary Determination

Based on the Department’s analysis of the comments received and our findings at verification, we find that BOSTD and Taian Modern failed to cooperate by not acting to the best of their ability in this proceeding and, pursuant to section 776(b) of the Act and 19 CFR 351.308(a), we based BOSTD’s and Taian Modern’s respective dumping margins on total adverse facts available (AFA). For further discussion, see the Issues and Decision Memorandum.

Combination Rates

In the Initiation Notice,7 the Department stated that it would calculate combination rates for the respondents that are eligible for a separate rate, in this case, because neither respondent qualified for a separate rate, combination rates were not calculated.

Final Affirmative Determination of Critical Circumstances, in Part

For the Preliminary Determination, the Department found that critical circumstances existed with respect to imports of geogrids from the PRC produced or exported by Taian Modern and the PRC-wide entity, but not with respect to imports of geogrids from BOSTD.9 We are not modifying our final critical circumstances finding for the PRC-wide entity (which now includes Taian Modern and BOSTD). Thus, pursuant to section 735(a)(3) of the Act and 19 CFR 351.206, we find that critical circumstances exist with respect to all exports of subject merchandise in this investigation. For further discussion, see the Issues and Decision Memorandum at Comments 1, 9 and 13.

PRC-Wide Entity

In this final determination, as discussed above, we are applying a rate based entirely on adverse facts available to the PRC-wide entity (which now includes the two mandatory respondents). Additionally, as explained in the Preliminary Determination, the Department did not receive timely responses to its Q&V questionnaire or separate rate applications from the PRC exporters and/or producers of subject merchandise that were named in the petition and to which the Department issued Q&V questionnaires.10 As these non-responsive PRC companies did not demonstrate that they are eligible for separate rate status, the Department continues to consider them to be part of the PRC-wide entity.

PRC-Wide Rate

For the final determination, we assigned as the AFA rate for the PRC-wide entity the highest dumping margin from the petition, i.e., 372.81 percent. In selecting this AFA rate for the PRC-wide entity, the Department’s practice is to select a rate that is sufficiently adverse to ensure that the uncooperative party does not obtain a more favorable result by failing to cooperate than if it had fully cooperated.11 Specifically, it is the Department’s practice to select, as an AFA rate, the higher of: (a) The highest dumping margin alleged in the petition; or, (b) the highest calculated dumping margin of any respondent in the investigation.12 There are no calculated margins for any respondents in this investigation. Therefore, as AFA, the Department has assigned to the PRC-wide entity the rate of 372.81 percent, which is the highest dumping margin alleged in the petition. The dumping margin for the PRC-wide entity applies to all entries of the merchandise under investigation.13

Final Determination

The Department determines that the estimated final weighted-average dumping margins are as follows:

<table>
<thead>
<tr>
<th>Exporter</th>
<th>Producer</th>
<th>Weighted-average margin (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRC-Wide Entity</td>
<td>…………</td>
<td>372.81</td>
</tr>
</tbody>
</table>

14 As discussed above, the PRC-wide entity includes BOSTD and Taian Modern.

Disclosure

Because our final determination is based entirely on AFA, there are no calculations to disclose.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, the Department will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of geogrids from the PRC as described in the “Scope of the Investigation” section, which were entered, or withdrawn from warehouse, for consumption on or after August 22, 2016, the date of publication in the Federal Register of the Preliminary Determination. For entries made by Taian Modern and the PRC-wide entity, in accordance with section 735(c)(4)(A) of the Act, because we

11 See, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Purified Carboxymethylcellulose from Finland, 69 FR 77216 (December 27, 2004), unchanged in Notice of Final Determination of Sales at Less Than Fair Value: Purified Carboxymethylcellulose from Finland, 70 FR 28279 (May 17, 2005).

12 See, e.g., Certain Stilbenic Optical Brightening Agents from the People’s Republic of China: Final Determination of Sales at Less Than Fair Value, 77 FR 17436, 17438 (March 26, 2012); Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Flat-Rolled Carbon Quality Steel Products from the People’s Republic of China, 65 FR 34660 (May 31, 2000), and accompanying Issues and Decision Memorandum.

13 For a detailed discussion, see Issues and Decision Memorandum.
continue to find that critical circumstances exist, we will instruct CBP to continue to suspend liquidation of all appropriate entries of geogrids from the PRC which were entered, or withdrawn from warehouse, for consumption on or after May 24, 2016, which is 90 days prior to the date of publication in the Federal Register of the Preliminary Determination.

Provisional measures were not imposed retrospectively for BOSTD because of the Department’s preliminary negative critical circumstances determination with respect to it. However, the final affirmative critical circumstances determination now applies to BOSTD as it is now being treated as part of the PRC-wide entity. Accordingly, pursuant to section 735(c)(4)(C) of the Act, the Department will instruct CBP to suspend liquidation of all entries of geogrids from the PRC from BOSTD, which were entered, or withdrawn from warehouse, for consumption on or after 90-days prior to the date of publication of this final determination in the Federal Register.

Further, pursuant to section 735(c)(1)(B)(ii) of the Act, the Department will instruct CBP to suspend liquidation of all entries of geogrids from the PRC from BOSTD, which were entered, or withdrawn from warehouse, for consumption on or after 90-days prior to the date of publication of this final determination in the Federal Register.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.


Paul Piquado,
Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The products covered by the scope are certain biaxial integral geogrid products. Biaxial integral geogrid products are a polymer grid or mesh material (whether or not finished, slit, cut-to-length, attached to woven or non-woven fabric or sheet material, or packaged) in which four-sided openings in the form of squares, rectangles, rhomboids, diamonds, or other four-sided figures predominate. The products covered have integral strands that have been stretched to induce molecular orientation into the material (as evidenced by the strands being thinner in width toward the middle between the junctions than at the junctions themselves) constituting the sides of the four-sided 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 investigations 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.

Appendix II—Issues and Decision Memorandum

I. Summary
DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
RIN 0648–XF130

Endangered and Threatened Species; Take of Anadromous Fish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Application for one enhancement permit renewal.

SUMMARY: Notice is hereby given that NMFS has received, from the United States Bureau of Reclamation (Reclamation), a permit application (16608–2R) to enhance the propagation and survival of species listed under the Endangered Species Act (ESA) of 1973, as amended. Under permit application 16608–2R, Reclamation is requesting renewal of permit 16608, for a five year period, to continue implementation of the San Joaquin River Restoration Program (SJRRP) Steelhead Monitoring Program. The permit application may be viewed online at: https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm.

DATES: Comments or requests for a public hearing on the applications must be received at the appropriate address or fax number (see ADDRESSES) no later than 5 p.m. Pacific standard time on February 10, 2017.