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**DATE:** August 2, 2013

**MEMORANDUM TO:** Paul Piquado  
Assistant Secretary  
for Import Administration

**FROM:** Christian Marsh   
Deputy Assistant Secretary  
for Antidumping and Countervailing Duty Operations

**SUBJECT:** Decision Memorandum for the Preliminary Results of the  
Antidumping Duty Administrative Review of Polyethylene  
Terephthalate Film, Sheet and Strip from Brazil: 2011-2012

## SUMMARY

In response to requests from respondent Terphane Ltda., and from DuPont Teijin Films, Mitsubishi Polyester Film, Inc., SKC, Inc., and Toray Plastics (America), Inc. (collectively, Petitioners), the Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on polyethylene terephthalate film, sheet and strip (PET film) from Brazil. The administrative review covers Terphane Ltda. and Terphane Inc. (collectively, Terphane) for the period of review (POR) November 1, 2011, through October 31, 2012. As we currently have no evidence of any reviewable entries, shipments or sales of subject PET film by Terphane during the POR, we are issuing a preliminary no shipment determination.

## BACKGROUND

Our initial customs data query showed numerous type 03 entries.<sup>1</sup> Terphane subsequently submitted a claim of no shipments on the basis of a scope ruling the Department had recently made.<sup>2</sup> Terphane explained that the entries at issue were all of their "copolymer surface films" which were, at the time of entry, subject to a pending scope inquiry.<sup>3</sup> In response to our requests for additional information, Terphane provided evidence that all of its type 03 entries of PET film had been liquidated as non-subject merchandise, with a refund of all tendered cash deposits.<sup>4</sup> We confirmed the last of these entries were, in fact, liquidated without regard to antidumping duties in a customs data run placed on the record on June 5, 2013.<sup>5</sup>

<sup>1</sup> See letter from Robert James to interested parties, dated January 31, 2013.

<sup>2</sup> See letter from Terphane to the Department entitled "Polyethylene Terephthalate (PET) Film, Sheet, And Strip From Brazil: No Shipment Certification For Terphane," dated February 28, 2013.

<sup>3</sup> *Id.*

<sup>4</sup> See Letter from Terphane, dated April 16, 2013.

<sup>5</sup> See Letter from Robert James, program manager, to all interested parties, dated June 5, 2013.



## SCOPE OF THE ORDER

The products covered by the order are all gauges of raw, pre-treated, or primed PET film, whether extruded or co-extruded. 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 more than 0.00001 inches thick. Also excluded is roller transport cleaning film which has at least one of its surfaces modified by application of 0.5 micrometers of SBR latex. Tracing and drafting film is also excluded. PET film is classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States (HTSUS). While HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

## PRELIMINARY DETERMINATION OF NO SHIPMENTS

Based on information Terphane submitted after the initiation of this administrative review and information collected from U.S. Customs and Border Protection (CBP), consistent with 19 C.F.R. 351.213(d)(3), the Department has preliminarily determined that Terphane had no reviewable entries, shipments or sales of the subject merchandise during the POR.

## RECOMMENDATION

We recommend adopting the above determination of no shipments for these preliminary results. In addition, we recommend not rescinding the review but, rather, we recommend completing this review and issuing appropriate instructions to CBP based on the final results of this review.<sup>6</sup>

Agree

Disagree

  
\_\_\_\_\_  
Paul Piquado  
Assistant Secretary  
for Import Administration

2 August 2013  
\_\_\_\_\_  
Date

<sup>6</sup> See, e.g., Certain Frozen Warmwater Shrimp From Thailand: Preliminary Results of Antidumping Duty Administrative Review and Intent To Revoke the Order (in Part); 2011-2012, 78 FR 15686 (March 12, 2013) and the accompanying Decision Memorandum at 7 to 8.