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Sunset Reviews
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MEMORANDUM TO: Ronald K. Lorentzen
Acting Assistant Secretary
for Import Administration

FROM: John M. Andersen
Acting Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: Issues and Decision Memorandum for the Expedited Sunset
Reviews of the Antidumping Duty Orders on Polyethylene Retail
Carrier Bags from the People's Republic of China, Malaysia, and
Thailand

SUMMARY:

We have analyzed the substantive responses of the interested parties in the sunset reviews of the antidumping duty orders on polyethylene retail carrier bags (PRCBs) from the People's Republic of China (PRC), Malaysia, and Thailand. We recommend that you approve the positions developed in the *Discussion of the Issues* section of this memorandum. Below is a complete list of the issues in these sunset reviews for which we received substantive responses:

1. Likelihood of continuation or recurrence of dumping
2. Likelihood of the margin likely to prevail

History of the Orders

On June 18, 2004, the Department of Commerce (the Department) published its final affirmative determinations of sales at less than fair value (LTFV) in the *Federal Register* with respect to imports of PRCBs from the PRC, Malaysia, and Thailand.¹ On July 15, 2004, the Department published its amended final determinations for the investigations concerning PRCBs from the PRC and Thailand in response to the petitioners' allegations of ministerial errors in the

¹ *Notice of Final Determination of Sales at Less Than Fair Value: Polyethylene Retail Carrier Bags from the People's Republic of China*, 69 FR 34125 (June 18, 2004), *Notice of Final Determination of Sales at Less Than Fair Value: Polyethylene Retail Carrier Bags from Malaysia*, 69 FR 34128 (June 18, 2004), and *Notice of Final Determination of Sales at Less Than Fair Value: Polyethylene Retail Carrier Bags from Thailand*, 69 FR 34122 (June 18, 2004).

calculations of dumping margins.² In the final determinations, as amended, the Department found the following antidumping duty margins:

<u>Country</u>	<u>Company</u>	<u>Weighted-Average Margin (Percent)</u>
<i>PRC</i>	Hang Lung Plastic Manufactory, Ltd. (excluded)	0.24
	Dongguan Huang Jiang United Wah Plastic Bag Factory (also known as Dongguan Nozawa Plastics Ltd. and United Power Packaging, Ltd.)	23.22
	Nantong Huasheng Plastic Products Co., Ltd. (excluded)	0.01
	Rally Plastics Company, Ltd.	23.85
	Shanghai Glopack Packing Company, Ltd., and Sea Lake Polyethylene Enterprise, Ltd.	19.79
	Xiamen Ming Pak Plastics Company, Ltd.	35.58
	Zhongshan Dongfeng Hung Wai Plastic Bag Manufactory	41.28
	Beijing Lianbin Plastics and Printing Company, Ltd.	25.69
	Dongguan Maruman Plastic Packaging Co., Ltd. (formerly Dongguan Zhongqiao Combine Plastic bag factory)	25.69
	Good-in Holdings, Ltd.	25.69
	Guangdong Esquel Packaging Co., Ltd.	25.69
	Nan Sing Plastics, Ltd.	25.69
	Ningbo Fanrong Plastics Products Co., Ltd.	25.69
	Ningbo Huansen Plastics Co., Ltd.	25.69
	Rain Continent Shanghai Company, Ltd.	25.69
	Shanghai Dazhi Enterprise Development Company, Ltd.	25.69
	Shanghai Fangsheng Coloured Packaging Company, Ltd.	25.69
	Shanghai Jingtai Packaging Material Company, Ltd.	25.69
	Shanghai Light Industrial Products Import and Export Corporation	25.69
	Shanghai Minmetals Development, Ltd.	25.69
	Shanghai New Ai Lian Import and Export Company, Ltd.	25.69
	Shanghai Overseas International Trading Company, Ltd.	25.69
	Shanghai Yafu Plastics Industries Company, Ltd.	25.69
	Weihai Weiquan Plastic and Rubber Products Company, Ltd.	25.69
	Xiamen Xingyatai Industry Company, Ltd.	25.69

² Notice of Amended Final Determination of Sales at Less Than Fair Value: Polyethylene Retail Carrier Bags From the People's Republic of China, 69 FR 42419 (July 15, 2004), and Notice of Amended Final Determination of Sales at Less Than Fair Value: Polyethylene Retail Carrier Bags From Thailand, 69 FR 42419 (July 15, 2004).

	Xinhui Henglong	25.69
	PRC-wide Rate	77.57
<i>Malaysia</i>	Bee Lian Plastic Industries Sdn. Bhd. (excluded)	0.91
	Teong Chuan Plastic and Timber Sdn. Bhd.	101.74
	Brandpak Industries Sdn. Bhd.	101.74
	Gants Pac Industries	101.74
	Sido Bangun Sdn. Bhd.	101.74
	Zhin Hin/Chin Hin Plastic Manufacturer Sdn. Bhd.	101.74
	All Others	84.94
<i>Thailand</i>	Thai Plastic Bags Industries Co., Ltd.	2.26
	Universal Polybags Co. Ltd./Advance Polybags Inc./ Alpine Plastics Inc./API Enterprises Inc.	5.35
	TRC Polypack	122.88
	Champion Paper Polybags Ltd.	122.88
	Zip-Pac Co., Ltd.	122.88
	All Others	2.80

Following the publication of the Department's final determinations, the International Trade Commission (ITC) found that the U.S. industry was materially injured by reason of the imports of subject merchandise.³ On August 9, 2004, the Department published the antidumping duty orders on PRCBs from the PRC, Malaysia, and Thailand.⁴

Administrative Reviews

PRC

Since the publication of the antidumping duty order, the Department has completed three administrative reviews of the antidumping duty order on PRCBs from the PRC.⁵ The Department is in the process of conducting the fourth administrative review and has initiated the

³ *Polyethylene Retail Carrier Bags from PRC, Malaysia, and Thailand*, Invs. 731-TA-1043-1045, Publication No. 3710 (August 2004); *Polyethylene Retail Carrier Bags from PRC, Malaysia, and Thailand*, 69 FR 47957 (August 6, 2004) (collectively, *ITC Determinations*).

⁴ *Antidumping Duty Order: Polyethylene Retail Carrier Bags from the People's Republic of China*, 69 FR 48201 (August 9, 2004); *Antidumping Duty Order: Polyethylene Retail Carrier Bags from Malaysia*, 69 FR 48203 (August 9, 2004); *Antidumping Duty Order: Polyethylene Retail Carrier Bags from Thailand*, 69 FR 48204 (August 9, 2004).

⁵ *Polyethylene Retail Carrier Bags from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 72 FR 12762 (March 19, 2007), amended in *Polyethylene Retail Carrier Bags from the People's Republic of China: Amended Final Results of Antidumping Duty Administrative Review*, 72 FR 26336 (May 9, 2007) (PRC 2004-2005 Final Results); *Polyethylene Retail Carrier Bags from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Partial Rescission of Review*, 73 FR 14216 (March 17, 2008) (PRC 2005-2006 Final Results); *Polyethylene Retail Carrier Bags from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 74 FR 6857 (February 11, 2009) (PRC 2006-2007 Final Results).

fifth administrative review.⁶ In the completed administrative reviews, the Department found that the producers/exporters continued to dump subject merchandise from the PRC with the order in place.

Malaysia

Since the publication of the antidumping duty order, the Department has completed one administrative review of the antidumping duty order on PRCBs from Malaysia for the 2005-2006 period of review.⁷ The Department is currently in the process of conducting the administrative review for the 2007-2008 period of review and has initiated the 2008-2009 review.⁸ In the completed administrative reviews, the Department found that the producers/exporters continued to dump subject merchandise from Malaysia with the order in place.

Thailand

Since the publication of the antidumping duty order, the Department has completed three administrative reviews of the antidumping duty order on PRCBs from Thailand.⁹ Currently, the Department is in the process of conducting the fourth administrative review and has initiated the fifth administrative review.¹⁰ In the completed administrative reviews, the Department found that the producers/exporters continued to dump subject merchandise from Thailand with the order in place.

Deposit rates remain in effect for imports of subject merchandise from the PRC, Malaysia, and Thailand.

Duty-Absorption Findings, Changed-Circumstances Reviews, Scope Inquiries

There have been no changed-circumstances reviews concerning the antidumping duty orders on PRCBs from the PRC, Malaysia, and Thailand.

⁶ *Polyethylene Retail Carrier Bags from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review*, 74 FR 37694 (July 29, 2009) (PRC 2007-2008 Preliminary Results); *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 74 FR 48224 (September 22, 2009) (2008-2009 PRCB Initiation).

⁷ *Polyethylene Retail Carrier Bags from Malaysia: Final Results of Antidumping Duty Administrative Review*, 72 FR 44825 (August 9, 2007) (Malaysia 2005-2006 Final Results).

⁸ *Polyethylene Retail Carrier Bags from Malaysia: Preliminary Results of Antidumping Duty Administrative Review*, 74 FR 32880 (July 9, 2009) (Malaysia 2007-2008 Preliminary Results); 2008-2009 PRCB Initiation.

⁹ *Polyethylene Retail Carrier Bags from Thailand: Final Results of Antidumping Duty Administrative Review*, 72 FR 1982 (January 17, 2007) (Thailand 2004-2005 Final Results); *Polyethylene Retail Carrier Bags from Thailand: Final Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review*, 72 FR 64580 (November 16, 2007) (Thailand 2005-2006 Final Results); *Polyethylene Retail Carrier Bags from Thailand: Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 74 FR 2511 (January 15, 2009) (Thailand 2006-2007 Final Results).

¹⁰ *Polyethylene Retail Carrier Bags from Thailand: Preliminary Results of Antidumping Duty Administrative Review*, 74 FR 39928 (August 10, 2009) (Thailand 2007-2008 Preliminary Results); 2008-2009 PRCB Initiation.

PRC

Since the publication of the antidumping duty order, the Department made one affirmative duty-absorption determination concerning PRCBs from the PRC with respect to Dongguan Nozawa Plastics Ltd. and United Power Packaging, Ltd. (collectively, Nozawa)¹¹ on all U.S. sales made through its affiliated importers in the 2005-2006 Review. See PRC 2005-2006 Review.

There have been numerous scope rulings with respect to PRCBs from the PRC:

- May 9, 2005 – Polyethylene sample bags are covered by the order. See *Notice of Scope Rulings*, 70 FR 55110 (September 20, 2005).
- September 29, 2005 – Bags with molded handles and a snapping closure are covered by the order. See *Notice of Scope Rulings*, 70 FR 70785 (November 23, 2005).
- June 5, 2006 – Thirty-five of 58 plastic bags from Consolidated Packaging LLP are not covered by the order. See *Notice of Scope Rulings*, 71 FR 42807 (July 28, 2006).
- October 2, 2006 – Twenty-three plastic bags imported by Consolidated Packaging LLP are not covered by the order. See *Notice of Scope Rulings*, 72 FR 5677 (February 7, 2007).
- November 15, 2007 – Certain hospital patient-belongings bags are not covered by the order. See *Notice of Scope Rulings*, 73 FR 9294 (February 20, 2008).
- January 8, 2008 – Certain MABIS Healthcare hospital bags are not covered by the order. See *Notice of Scope Rulings*, 73 FR 29739 (May 22, 2008).
- May 8, 2008 – Six of the hospital patient-belongings bags and surgical kit bags in question are covered by the order while four are not. See *Notice of Scope Rulings*, 73 FR 49418 (August 21, 2008).
- July 3, 2008 – Sealable polyethylene plastic bag is not covered by the order. See *Notice of Scope Rulings*, 73 FR 72771 (December 1, 2008).
- July 14, 2008 – A certain polyethylene bag is covered by the order. *Id.*
- September 2, 2008 – Against All Odds Tee and Jacket Bags are covered by the order. *Id.*
- October 2, 2008 – A certain promotional bag is covered by the order. See *Notice of Scope Rulings*, 74 FR 14521 (March 31, 2009).
- November 19, 2008 – Certain gift bags are not covered by the order. *Id.*
- January 9, 2009 – Certain additional sealable security bags are not covered by the order. See January 9, 2009, memorandum to Gary Taverman entitled “Polyethylene Retail Carrier Bags from the People’s Republic of China – Final Scope Determination on Request from Best Buy.”
- July 7, 2009 – Sixty-eight of the 120 bags in question are not covered by the order. See the July 7, 2009, memorandum to John M. Andersen entitled “Polyethylene Retail Carrier Bags from the People’s Republic of China – Final Scope Determination on Request from Majestic International, LLC.”

¹¹ While known as Dongguan Huang Jiang United Wah Plastic Bag Factory, subsequent reviews indicate that the firm and its affiliates are also known by the following names: Dongguan Nozawa Plastics, Dongguan Nozawa Plastic Co., Ltd., Dong Guan (Dong Wan) Nozawa Plastic Co., Ltd., Dongguan Nozawa Plastic Products Co., Ltd., United Power Packaging, and United Power Packaging Limited. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 70 FR 56631, 56633 (September 28, 2005), unchanged in PRC 2004-2005 Final Results.

- July 17, 2009 – Certain hospital patient-belonging bags are covered by the order. See the July 17, 2009, memorandum to John M. Andersen entitled “Polyethylene Retail Carrier Bags from the People’s Republic of China - Final Determination on the Scope Request from Care Line Industries, Inc.”

Malaysia

Since the publication of the antidumping duty order, the Department has made no duty-absorption determinations concerning PRCBs from Malaysia.

There have been numerous scope rulings with respect to PRCBs from Malaysia:

- May 9, 2005 – Polyethylene sample bags are covered by the order. See *Notice of Scope Rulings*, 70 FR 55110 (September 20, 2005).
- September 29, 2005 – Bags with molded handles and a snapping closure are covered by the order. See *Notice of Scope Rulings*, 70 FR 70785 (November 23, 2005).
- November 15, 2007 – Certain hospital belongings bags are covered by the order. See *Notice of Scope Rulings*, 73 FR 9294 (February 20, 2008).
- January 8, 2008 – Certain MABIS Healthcare hospital bags are not covered by the order. See *Notice of Scope Rulings*, 73 FR 29739 (May 22, 2008).
- May 8, 2008 – Six of the hospital patient-belongings bags and surgical kit bags in question are covered by the order while four are not. See *Notice of Scope Rulings*, 73 FR 49418 (August 21, 2008).

Thailand

Since the publication of the antidumping duty order, the Department has made one affirmative duty-absorption determination concerning PRCBs from Thailand with respect to UPC/API on all U.S. sales in the 2005-2006 Review. See Thailand 2005-2006 Final Results.

There have been numerous scope rulings with respect to PRCBs from Thailand:

- May 9, 2005 – Polyethylene sample bags are covered by the order. See *Notice of Scope Rulings*, 70 FR 55110 (September 20, 2005).
- November 15, 2007 – Certain hospital belongings bags are not covered by the order. See *Notice of Scope Rulings*, 73 FR 9294 (February 20, 2008).
- January 8, 2008 – Certain MABIS Healthcare hospital bags are not covered by the order. See *Notice of Scope Rulings*, 73 FR 29739 (May 22, 2008).
- May 8, 2008 – Six hospital patient-belongings bags and surgical kit bags in question are covered by the order while four are not. See *Notice of Scope Rulings*, 73 FR 49418 (August 21, 2008).

Sunset Reviews

On July 1, 2009, the Department initiated sunset reviews of the antidumping duty orders on PRCBs from the PRC, Malaysia, and Thailand 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) (*Notice of Initiation*). The Department invited parties to comment.

On July 13, 2009, the Department received requests for recognition as an interested party from the domestic interested parties, the Polyethylene Retail Carrier Bag Committee and its individual members, Hilex Poly Co., LLC, Superbag Corporation, Unistar Plastics LLC, Command Packaging, Roplast Industries Inc., and Genpack LLC (collectively, the Committee).

On July 16, 2009, the Department received notices of intent to participate from the Committee within the deadline specified in 19 CFR 351.218(d)(1)(i). The Committee claimed interested-party status under section 771(9)(E) of the Act as a trade or business association, a majority of whose members manufacture, produce, or wholesale a domestic like product in the United States.

On July 31, 2009, the Department received complete substantive responses to the *Notice of Initiation* from the domestic interested party within the 30-day period specified in 19 CFR 351.218(d)(3)(i). The Committee and its members were the petitioners in the original investigations and participated actively in each administrative review of the orders on subject merchandise from the PRC, Malaysia, and Thailand. The Department received no substantive responses from respondent interested parties. As a result, pursuant to section 751(c)(3)(B) of the Act, the Department is conducting expedited (120-day) sunset reviews of the antidumping duty orders on PRCBs from the PRC, Malaysia, and Thailand.

Discussion of the Issues

In accordance with section 751(c)(1) of the Act, the Department is conducting these sunset reviews to determine whether revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping. Sections 752(c)(1)(A) and (B) of the Act provide that, in making these determinations, the Department shall consider both the weighted-average dumping margins determined in the investigations and subsequent reviews and the volume of imports of the subject merchandise for the period before and after the issuance of the antidumping duty orders. In addition, section 752(c)(3) of the Act provides that the Department shall provide to the ITC the magnitude of the margins of dumping likely to prevail if the orders were revoked. Below we address the comments of the interested party, which is submitted in its July 9, 2009, substantive responses.

1. Likelihood of Continuation or Recurrence of Dumping

Interested-Party Comments

PRC

The Committee argues that revocation of the antidumping duty order on PRCBs from the PRC would likely lead to a continuation or recurrence of dumping by the manufacturers/producers and exporters of the subject merchandise.

The Committee states that dumping has continued at levels above *de minimis* since the order was issued for subject merchandise from the PRC. According to the Committee, the Department has consistently found high margins of dumping of PRCBs from PRC. Specifically, the Committee continues, the Department has found that every company in every review period engaged in

dumping at margins exceeding the *de minimis* threshold. Thus, the Committee concludes, the Department should determine that revocation of the order would likely result in a continuation or recurrence of dumping, pursuant to the Statement of Administrative Action accompanying the URAA, H.R. Doc. 103-316, Vol. 1 (1994) (SAA), at 890 and the Department's normal practice.

Malaysia

The Committee argues that revocation of the antidumping duty order on PRCBs from Malaysia would likely lead to a continuation or recurrence of dumping by the manufacturers/producers and exporters of the subject merchandise. According to the Committee, the exporters subject to the original order have never demonstrated they are entitled to any margins less than those calculated in the original investigation. The Committee asserts that these exporters have all either continued to dump at the margins calculated during the investigation or have completely ceased shipping PRCBs to the United States.

The Committee explains that, originally subject to the 84.94 percent all-others rate, Euro Plastics Malaysia Sdn. Bhd. (Euro Plastics) demonstrated its inability to export significant quantities of PRCBs without dumping. The Committee asserts that Euro Plastics exported a miniscule quantity during the second review period (2005-2006) and ceased shipping altogether during the third review period (2006-2007). After Euro Plastics had received in August 2007 a deposit rate of zero percent, the Committee explains, it increased its exports to the United States. Because Euro Plastics shipped extensively in the 2007-2008 period, the Committee concludes, Euro Plastics has demonstrated it is unable to ship significant quantities of PRCBs to the United States without dumping.

The Committee argues that, because producers and/or exporters of subject merchandise from Malaysia have demonstrated that they cannot ship significant volumes to the United States without dumping, it is reasonable to assume that dumping would continue were the order revoked, pursuant to the SAA at 889-90.

Thailand

The Committee argues that revocation of the antidumping duty order on PRCBs from Thailand would likely lead to a continuation or recurrence of dumping by the manufacturers/producers and exporters of the subject merchandise. The Committee claims that, in the administrative reviews conducted to date on PRCBs from Thailand, the Department has consistently found high dumping margins on subject merchandise. Specifically, the Committee explains, the Department has found that every company in each review was found to have engaged in dumping at levels above the *de minimis* threshold.

The Committee argues that it is not feasible to determine the trend in import volumes after issuance of the original order because the Harmonized Tariff Schedule (HTS) subheading for subject merchandise did not come into existence until July 2005. Despite this, the Committee continues, the Department's practice is to make an affirmative finding in sunset reviews where, pursuant to the SAA at 890, dumping continued after issuance of the order, citing *Malleable Cast Iron Pipe Fittings from the People's Republic of China: Final Results of Expedited Sunset*

Review of Antidumping Duty Order, 74 FR 10239 (March 10, 2009), and the accompanying Issues and Decision Memorandum (I&D Memo) at Comment 1, and *Freshwater Crawfish Tail Meat from the People's Republic of China: Final Results of the Expedited Second Sunset Review of the Antidumping Duty Order*, 73 FR 65832 (November 5, 2008), and accompanying I&D Memo at Comment 1.

Department's Position:

Drawing on the guidance provided in the legislative history accompanying the Uruguay Round Agreements Act (URAA), specifically the SAA, the House Report, H. Rep. No. 103-826, pt. 1, (1994) (House Report), and the Senate Report, S. Rep. No. 103-412 (1994) (Senate Report), the Department's determinations of likelihood will be made on an order-wide basis for each case.¹² In addition, the Department will normally determine that revocation of an antidumping duty order is likely to lead to continuation or recurrence of dumping if one or more of the following factors are met: (a) dumping continued at any level above *de minimis* after the issuance of the orders; (b) imports of the subject merchandise ceased after the issuance of the orders; (c) dumping was eliminated after the issuance of the orders and import volumes for the subject merchandise declined significantly.¹³ In addition, pursuant to section 752(c)(1)(B) of the Act, in order to determine whether revocation of an antidumping duty order would be likely to lead to a continuation of dumping, the Department considers the volume of imports of the subject merchandise for the period before and after the issuance of the antidumping duty order.

Although no respondent interested party filed a statement of waiver pursuant to 19 CFR 351.218(d)(2) in these sunset reviews, the Department did not receive any substantive response from any respondent interested party pursuant to 19 CFR 351.218(d)(3). Accordingly, the Department finds that respondent interested parties have decided not to participate in the Department's sunset reviews. Section 751(c)(4)(B) of the Act provides that, in a sunset review in which an interested party declines to participate, the Department shall conclude that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping with respect to that interested party. Pursuant to section 752(c)(1)(A) of the Act, the Department considered the weighted-average dumping margins determined in the respective investigations.

The records of the orders show that dumping has persisted since the issuance of these orders. Since the publication of the orders, the Department has conducted several administrative reviews for subject merchandise from the PRC, Malaysia, and Thailand. In those reviews, the

¹² See SAA at 879 and House Report at 56. See also *Refined Brown Aluminum Oxide from the People's Republic of China: Final Results of Expedited Sunset Review*, 74 FR 4138 (January 23, 2009), and the accompanying I&D Memo at 3, and *Freshwater Crawfish Tail Meat from the People's Republic of China: Final Results of the Expedited Second Sunset Review of the Antidumping Duty Order*, 73 FR 65832 (November 5, 2008), and the accompanying I&D Memo at 3 (*Crawfish Tail Meat – PRC*).

¹³ See SAA at 889-890, House Report at 63-64, and Senate Report at 52. See also *Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Notice of Final Results of Expedited Sunset Review of Antidumping Duty Order*, 74 FR 5819 (February 2, 2009), and the accompanying I&D Memo at 3, *Crawfish Tail Meat – PRC*, and *Folding Gift Boxes from the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 72 FR 16765 (April 5, 2007), and the accompanying I&D Memo at 5.

Department found that dumping has continued at margins exceeding *de minimis*. See *supra* footnotes 5-7. Because the HTS subheading for subject merchandise did not come into existence until July 2005, it is not feasible to determine the trend in import volumes from the period before through the period after issuance of the orders. Despite this, because dumping of the subject merchandise continues at margins above *de minimis* and because no party argued or submitted any evidence to the contrary, the Department determines that dumping is likely to continue if the orders are revoked.

2. Magnitude of the Margin Likely to Prevail

Interested-Party Comments

Citing *Policies Regarding the Conduct of Five-year (“Sunset”) Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18771, 18873, section II.B.1, and the SAA at 890, the domestic interested parties request that the Department report to the ITC the antidumping duty margins that were determined in the respective original investigations because, they argue, those margins best represent the behavior of these producers and exporters in the absence of an antidumping duty order. Thus, the domestic interested parties recommend that the Department report the antidumping duty margins for PRCBs from the PRC, Malaysia, and Thailand as follows:

<u>Country</u>	<u>Company</u>	<u>Recommended Weighted-Average Margin (Percent)</u>
PRC	Dongguan Nozawa Plastics Products Co., Ltd. and United Power Packaging, Ltd. (formerly Dongguan Huang Jiang United Wah Plastic Bag Factory)	23.22
	Rally Plastics Company, Ltd.	23.85
	Shanghai Glopack Packing Company, Ltd., and Sea Lake Polyethylene Enterprise, Ltd.	19.79
	Xiamen Ming Pak Plastics Company, Ltd.	35.58
	Zhongshan Dongfeng Hung Wai Plastic Bag Manufactory	41.28
	Beijing Lianbin Plastics and Printing Company, Ltd.	25.69
	Dongguan Maruman Plastic Packaging Co., Ltd. (formerly Dongguan Zhongqiao Combine Plastic bag factory)	25.69
	Good-in Holdings, Ltd.	25.69
	Guangdong Esquel Packaging Co., Ltd.	25.69
	Nan Sing Plastics, Ltd.	25.69
	Ningbo Fanrong Plastics Products Co., Ltd.	25.69
	Ningbo Huansen Plastics Co., Ltd.	25.69
	Rain Continent Shanghai Company, Ltd.	25.69
	Shanghai Dazhi Enterprise Development Company, Ltd.	25.69
	Shanghai Fangsheng Coloured Packaging Company,	

	Ltd.	25.69
	Shanghai Jingtai Packaging Material Company, Ltd.	25.69
	Shanghai Light Industrial Products Import and Export Corporation	25.69
	Shanghai Minmetals Development, Ltd.	25.69
	Shanghai New Ai Lian Import and Export Company, Ltd.	25.69
	Shanghai Overseas International Trading Company, Ltd.	25.69
	Shanghai Yafu Plastics Industries Company, Ltd.	25.69
	Weihai Weiquan Plastic and Rubber Products Company, Ltd.	25.69
	Xiamen Xingyatai Industry Company, Ltd.	25.69
	Xinhui Henglong	25.69
	PRC-wide Rate	77.57
<i>Malaysia</i>	Teong Chuan Plastic and Timber Sdn. Bhd.	101.74
	Brandpak Industries Sdn. Bhd.	101.74
	Gants Pac Industries	101.74
	Sido Bangun Sdn. Bhd.	101.74
	Zhin Hin/Chin Hin Plastic Manufacturer Sdn. Bhd.	101.74
	All Others	84.94
<i>Thailand</i>	Thai Plastic Bags Industries Co., Ltd.	2.26
	Universal Polybags Co. Ltd./Advance Polybags Inc./Alpine Plastics Inc./API Enterprises Inc.	5.35
	TRC Polypack	122.88
	Champion Paper Polybags Ltd.	122.88
	Zip-Pac Co., Ltd./King Pac Industrial Co., Ltd./King Pak/Zippac/Dpac Industrial/Kingbag/KP ¹⁴	122.88
	All Others	2.80

Department's Position:

Section 752(c)(3) of the Act provides that the Department will report to the ITC the magnitude of the margin of dumping that is likely to prevail if the orders were revoked. The Department will normally provide to the ITC the company-specific margin from the investigation for each company. See SAA at 890 and *Eveready Battery Co., Inc. v. United States*, 77 F. Supp. 2d 1327, 1333 (CIT 1999). For companies not investigated specifically or for companies that did not begin shipping until after the order was issued, the Department normally will provide a margin

¹⁴ While referred to as Zip-Pac Co., Ltd., in the LTFV investigation, subsequent administrative reviews demonstrated that Zip-Pac Co., Ltd., is affiliated with King Pac Industrial Co., Ltd. (also known as King Pak Industrial Co., Ltd.), Dpac Industrial, Kingbag, and KP. See *Polyethylene Retail Carrier Bags from Thailand: Preliminary Results of Antidumping Duty Administrative Review*, 71 FR 53405 (September 11, 2006), unchanged in Thailand 2004-2005 Final Results, and *Polyethylene Retail Carrier Bags from Thailand: Preliminary Results of Antidumping Duty Administrative Review and Intent to Rescind in Part*, 72 FR 37718 (July 11, 2007), unchanged in Thailand 2005-2006 Final Results.

based on the all-others rate from the investigation. See *Certain Hot-Rolled Carbon Steel Flat Products from Argentina, et al.: Final Results of Expedited Sunset Reviews of the Antidumping Duty Orders*, 71 FR 70506 (December 5, 2006), and the accompanying I&D memo at 20.

The Department’s preference for selecting a margin from the investigation is based on the fact that it is the only calculated rate that reflects the behavior of manufacturers, producers, and exporters without the discipline of an order or suspension agreement in place. *Id.* at 20-21; see SAA at 890 and House Report at 64. Under certain circumstances, the Department may select a more recently calculated margin to report to the ITC. See section 752(c)(3) of the Act and *Final Results of Full Sunset Review: Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide From the Netherlands*, 65 FR 65294 (November 1, 2000), and the accompanying I&D Memo at “Magnitude of the Margin Likely to Prevail,” Comment 3 (citing SAA at 890-91 and House Report at 64).

The Department does not find any indication that the margins calculated in subsequent reviews of the orders on PRCBs from the PRC, Malaysia, and Thailand are more probative of behaviors of manufacturers, producers, and exporters without the discipline of the orders. Every administrative review of the orders on PRCBs from the PRC, Malaysia, and Thailand has demonstrated that dumping has continued at levels above *de minimis*. Given that dumping continued following the issuance of the orders and given the absence of argument and evidence to the contrary, the Department finds that the margins calculated in the original investigations are probative of the behavior of producers and exporters of subject merchandise from the PRC, Malaysia, and Thailand if these orders were revoked. Consistent with section 752(c) of the Act, the Department will report to the ITC company-specific and all-others rates from the investigations as indicated in the “Final Results of Reviews” section of this memorandum.

Final Results of Reviews

The Department determines that revocation of the antidumping duty orders on PRCBs from the PRC, Malaysia, and Thailand would be likely to lead to a continuation or recurrence of dumping at the following weighted-average percentage margins:

<u>Country</u>	<u>Company</u>	<u>Recommended Weighted-Average Margin (Percent)</u>
<i>PRC</i>	Dongguan Nozawa Plastics Products Co., Ltd. and United Power Packaging, Ltd. (formerly Dongguan Huang Jiang United Wah Plastic Bag Factory)	23.22
	Rally Plastics Company, Ltd.	23.85
	Shanghai Glopac Packing Company, Ltd., and Sea Lake Polyethylene Enterprise, Ltd.	19.79
	Xiamen Ming Pak Plastics Company, Ltd.	35.58
	Zhongshan Dongfeng Hung Wai Plastic Bag Manufactory	41.28
	Beijing Lianbin Plastics and Printing Company, Ltd.	25.69
	Dongguan Maruman Plastic Packaging Co., Ltd.	

	(formerly Dongguan Zhongqiao Combine Plastic bag factory)	25.69
	Good-in Holdings, Ltd.	25.69
	Guangdong Esquel Packaging Co., Ltd.	25.69
	Nan Sing Plastics, Ltd.	25.69
	Ningbo Fanrong Plastics Products Co., Ltd.	25.69
	Ningbo Huansen Plastics Co., Ltd.	25.69
	Rain Continent Shanghai Company, Ltd.	25.69
	Shanghai Dazhi Enterprise Development Company, Ltd.	25.69
	Shanghai Fangsheng Coloured Packaging Company, Ltd.	25.69
	Shanghai Jingtai Packaging Material Company, Ltd.	25.69
	Shanghai Light Industrial Products Import and Export Corporation	25.69
	Shanghai Minmetals Development, Ltd.	25.69
	Shanghai New Ai Lian Import and Export Company, Ltd.	25.69
	Shanghai Overseas International Trading Company, Ltd.	25.69
	Shanghai Yafu Plastics Industries Company, Ltd.	25.69
	Weihai Weiquan Plastic and Rubber Products Company, Ltd.	25.69
	Xiamen Xingyatai Industry Company, Ltd.	25.69
	Xinhui Henglong	25.69
	PRC-wide Rate	77.57
<i>Malaysia</i>	Teong Chuan Plastic and Timber Sdn. Bhd.	101.74
	Brandpak Industries Sdn. Bhd.	101.74
	Gants Pac Industries	101.74
	Sido Bangun Sdn. Bhd.	101.74
	Zhin Hin/Chin Hin Plastic Manufacturer Sdn. Bhd.	101.74
	All Others	84.94
<i>Thailand</i>	Thai Plastic Bags Industries Co., Ltd.	2.26
	Universal Polybags Co. Ltd./Advance Polybags Inc./Alpine Plastics Inc./API Enterprises Inc.	5.35
	TRC Polypack	122.88
	Champion Paper Polybags Ltd.	122.88
	Zip-Pac Co., Ltd./King Pac Industrial Co., Ltd./King Pak/Zippac/Dpac Industrial/Kingbag/KP	122.88
	All Others	2.80

Recommendation

Based on our analysis of the responses received, we recommend adopting all of the above positions. If these recommendations are accepted, we will publish the final results of reviews in the *Federal Register*.

Agree X

Disagree _____

 /S/RKL
Ronald K. Lorentzen
Acting Assistant Secretary
for Import Administration

 October 6, 2009
Date