

Commerce, 1401 Constitution Ave. NW, Room 22004, Washington, DC 20230.

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**Giancarlo Cavallo,**

*Deputy Director, Office of Africa.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–557–828]

#### **Ferrosilicon From Malaysia: Amended Preliminary Determination of Sales at Less Than Fair Value and Amended Preliminary Negative Determination of Critical Circumstances**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) is amending the preliminary affirmative determination in the less-than-fair-value (LTFV) investigation of ferrosilicon from Malaysia to correct significant ministerial errors. The period of investigation (POI) is January 1, 2023, through December 31, 2023.

**DATES:** Applicable December 11, 2024.

**FOR FURTHER INFORMATION CONTACT:**

Jacob Waddell, 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) 482–1369.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On November 6, 2024, Commerce published in the *Federal Register* its preliminary affirmative determination in the LTFV investigation of ferrosilicon from Malaysia.<sup>1</sup> On November 8 and 12, 2024, the petitioners<sup>2</sup> timely alleged that Commerce made significant ministerial errors in the *Preliminary Determination* with respect to calculation of the preliminary weighted-average dumping margins for OM Materials Sarawak Sdn. Bhd (OMSA) and Pertama Ferroalloys Sdn. Bhd (Pertama),<sup>3</sup> respectively.

##### **Scope of the Investigation**

The product covered by this investigation is ferrosilicon from Malaysia. For a complete description of the scope of this investigation, see the *Preliminary Determination*.

##### **Legal Framework**

Pursuant to 19 CFR 351.224(e), Commerce will correct any significant ministerial error by amending the preliminary determination. A ministerial error is defined as including errors “in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which {Commerce} considers ministerial.”<sup>4</sup> A ministerial error is considered to be “significant” if its correction, either singly or in combination with other errors, would result in: (1) a change of at least five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin calculated in the preliminary determination; or (2) a difference between a weighted-average dumping margin of zero (or *de minimis*) and a weighted-average dumping margin of greater than *de minimis* or vice versa.<sup>5</sup>

##### **Analysis of Significant Ministerial Errors**

In the *Preliminary Determination*, Commerce made significant ministerial errors within the meaning of section 735(3) of the Act and 19 CFR 35.224(f)–

(g) in calculating the weighted-average dumping margins for OMSA and Pertama. Specifically, for OMSA, we included an incorrect currency conversion for OMSA’s home market costs.<sup>6</sup> For Pertama, an error in our aggregation of five third-country market databases resulted in a distortion of the results of the arm’s-length test in the comparison market program.<sup>7</sup>

We find that these errors meet the definition of “ministerial errors,” and that the corrections of the errors for OMSA and Pertama result in a change that is at least five absolute percentage points in, and not less than 25 percent of, the margins calculated for OMSA and Pertama in the *Preliminary Determination*. As such, they constitute significant errors within the meaning of 19 CFR 351.224(g). Accordingly, pursuant to 19 CFR 224(e), Commerce is amending the *Preliminary Determination* to correct these significant ministerial errors by revising the rates for OMSA, Pertama, and all other producers and/or exporters.<sup>8</sup>

For a complete discussion of the alleged ministerial errors, see the Preliminary Ministerial Error Memorandum.

##### **Amended Preliminary Negative Determination of Critical Circumstances**

Because we have revised the rates calculated for OMSA, Pertama, and all other producers and/or exporters, we have also amended our preliminary analysis of critical circumstances. In accordance with section 733(e) of the Act and 19 CFR 351.206, Commerce preliminarily finds that critical circumstances do not exist for OMSA, Pertama, and all other companies not individually examined. For a full description of the results of Commerce’s critical circumstances analysis, see the Ministerial Error Memorandum.

##### **Amended Preliminary Determination**

As a result of correcting the significant ministerial errors, Commerce determines the following estimated weighted-average dumping margins exist:

<sup>1</sup> See *Ferrosilicon from Malaysia: Preliminary Affirmative Determination of Sales at Less than Fair Value, Preliminary Negative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures*, 89 FR 88010 (November 6, 2024) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> The petitioners are CC Metals and Alloys, LLC and Ferrolobe USA, TNC.

<sup>3</sup> See Petitioners’ Letter, “Ministerial Error Allegation Pertaining to OMSA in the Preliminary

Determination,” dated November 8, 2024 (Petitioners’ OMSA Ministerial Error Allegation); see also “Ministerial Error Allegation Pertaining to Pertama in the Preliminary Determination,” dated November 12, 2024 (Petitioners’ Pertama Ministerial Error Allegation).

<sup>4</sup> See section 735(e) of the Tariff Act of 1930, as amended (the Act); see also 19 CFR 351.224(f).

<sup>5</sup> See 19 CFR 351.224(g).

<sup>6</sup> See Petitioners’ OMSA Ministerial Error Allegation; see also Commerce’s Memorandum,

“Preliminary Analysis Memorandum for OM Materials Sarawak Sdn. Bhd.,” dated October 31, 2024.

<sup>7</sup> See Petitioners’ Pertama Ministerial Error Allegation; see also Commerce’s Memorandum, “Preliminary Analysis Memorandum for Pertama Ferroalloys Sdn. Bhd.,” dated October 31, 2024.

<sup>8</sup> See Memorandum, “Analysis of Ministerial Error Allegations,” dated concurrently with, and hereby adopted by, this notice (Ministerial Error Memorandum).

Exporter/producer	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets(s)) (percent)
OM Sarawak Sdn. Bhd .....	19.48	18.80
Pertama Ferroalloys Sdn. Bhd .....	38.19	37.91
All Others .....	27.73	27.17

**Disclosure**

We intend to disclose the calculations performed for this amended preliminary determination to parties within five days after public announcement or, if there is no public announcement, within five days of the date of publication of this notice, in accordance with 19 CFR 351.224.

**Amended Cash Deposits and Suspension of Liquidation**

The collection of cash deposits and suspension of liquidation will be revised according to the rates calculated in this amended preliminary determination, in accordance with section 733(d) of the Act. Because this amended preliminary determination results in increased cash deposit rates, these rates will be effective on the date of publication of this notice in the **Federal Register**. These suspension of liquidation instructions will remain in effect until further notice.

**Notification of U.S. International Trade Commission**

In accordance with section 703(f) of the Act, we intend to notify the U.S. International Trade Commission of our amended preliminary determination.

**Notification to Interested Parties**

This notice is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: December 5, 2024.

**Abdelali Elouaradia,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-523-810]

**Polyethylene Terephthalate Resin From the Sultanate of Oman: Final Results of Antidumping Duty Administrative Review; 2022-2023**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that

the sole producer/exporter under administrative review, OCTAL SAOC FZC (OCTAL), did not sell subject merchandise at less than normal value during the period of review (POR), May 1, 2022, through April 30, 2023.

**DATES:** Applicable December 11, 2024.  
**FOR FURTHER INFORMATION CONTACT:** Jeff Pedersen, 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) 482-2769.

**SUPPLEMENTARY INFORMATION:**

**Background**

On June 5, 2024, Commerce published the *Preliminary Results* in the **Federal Register**.<sup>1</sup> For a complete description of the events that occurred since Commerce issued the *Preliminary Results*, see the Issues and Decision Memorandum.<sup>2</sup> Commerce conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

**Scope of the Order**<sup>3</sup>

The merchandise covered the *Order* is polyethylene terephthalate resin (PET resin) from the Sultanate of Oman (Oman). For a full description of the scope of the *Order*, see the Issues and Decision Memorandum.

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs that interested parties filed in this administrative review are listed in the in the appendix to this notice and addressed in the Issues and Decision Memorandum. The Issues and

<sup>1</sup> See *Polyethylene Terephthalate Resin from the Sultanate of Oman: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2022-2023*, 89 FR 48153 (June 5, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See Memorandum, “Issues and Decision Memorandum for the Final Results of the 2022-2023 Administrative Review of the Antidumping Duty Order on Polyethylene Terephthalate Resin From the Sultanate of Oman,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>3</sup> See *Certain Polyethylene Terephthalate Resin from Canada, the People’s Republic of China, India, and the Sultanate of Oman: Amended Final Affirmative Antidumping Determination (Sultanate of Oman) and Antidumping Duty Orders*, 81 FR 27979 (May 6, 2016) (*Order*).

Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Services System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be assessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Changes Since the Preliminary Results**

Based on our review of the record and interested parties’ comments on the *Preliminary Results*, we revised certain language in the program that we used to calculate OCTAL’s dumping margin to accurately reclassify certain sales as constructed export price sales. For a discussion of these changes, see the Issues and Decision Memorandum.

**Final Results of Review**

Commerce determines that the following estimated weighted-average dumping margin exists for the period, May 1, 2022, through April 30, 2023:

Producer or exporter	Weighted-average dumping margin (percent)
OCTAL SAOC FZC .....	0.00

**Disclosure**

Commerce intends to disclose its calculations and analysis performed in these final results of review to parties to the proceeding within five days after the date of any public announcement of the final results or, if there is no public announcement of the final results, within five days after the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

**Assessment Rates**

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce has determined the antidumping duty assessment rate on all appropriate entries of subject merchandise during the POR. Because OCTAL’s *ad valorem* weighted-average dumping margin is zero, we will instruct U.S. Customs and Border