

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC

Investigation No. TA-201-078

Fine Denier Polyester Staple Fiber

Institution of Investigation, Scheduling of Public Hearings, and Determination that the Investigation is Extraordinarily Complicated

AGENCY: United States International Trade Commission.

ACTION: Notice of institution of investigation and scheduling of public hearings.

SUMMARY: Following receipt of a petition for import relief, as filed on February 28, 2024, the Commission has instituted investigation No. TA-201-078 pursuant to section 202 of the Trade Act of 1974 (“the Act”) to determine whether fine denier polyester staple fiber (“fine denier PSF”) is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article. The Commission has deemed the petition to have been filed on February 28, 2024. The Commission has determined that this investigation is “extraordinarily complicated,” and will make its injury determination by July 9, 2024. The Commission will submit to the President the report required under section 202(f) of the Act within 180 days after the date on which the petition was filed, or by August 26, 2024.

EFFECTIVE DATE: February 28, 2024.

FOR FURTHER INFORMATION CONTACT: Kristina Lara (202-205-3386), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Hearing-impaired persons can obtain information on this matter by contacting the Commission’s TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background. – This investigation is being instituted, pursuant to section 202 of the Act (19 U.S.C. § 2252), in response to a petition, as filed on February 28, 2024, by Fiber Industries LLC d/b/a Darling Fibers (“Darling”), Nan Ya Plastics Corp, America (“Nan Ya”), and Sun Fiber LLC (“Sun Fiber”), producers of fine denier PSF in the United States. Darling, Nan Ya, and Sun Fiber allege that fine denier PSF is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, and the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article. The Commission must submit its report on this investigation to the President no later than 180 days after institution, which in this case falls on August 26, 2024. (19 U.S.C. § 2252(f)).

The imported article covered by this investigation is fine denier PSF, not carded or combed, measuring less than 3.3 decitex (3 denier) in diameter. The scope covers all fine denier PSF, whether coated or uncoated. The following products are not covered by this investigation:

- (1) PSF equal to or greater than 3.3 decitex (more than 3 denier, inclusive) currently imported under HTSUS statistical reporting numbers 5503.20.0045 and 5503.20.0065.

- (2) Low-melt PSF defined as a bicomponent polyester fiber having a polyester fiber component that melts at a lower temperature than the other polyester fiber component, which is currently imported under HTSUS statistical reporting number 5503.20.0015.

For Customs purposes, the fine denier PSF covered by the investigation is provided for under Harmonized Tariff Schedule of the United States (“HTSUS”) subheading 5503.20.0025. These HTSUS numbers are provided for convenience and the written description of the scope is dispositive.

Determination that investigation is extraordinarily complicated. – The Commission has determined that this investigation is “extraordinarily complicated” within the meaning of section 202(b)(2)(B) of the Act (19 U.S.C. § 2252(b)(2)(B)).

The Commission’s decision to designate this investigation “extraordinarily complicated” is based on the complexity of the issues, including the existence of antidumping and countervailing duty orders on certain imports covered by this investigation. Ordinarily, the Commission would have been required to make its injury determination within 120 days after the petition was filed, or by June 27, 2024. (19 U.S.C. §2252 (b)(2)(A)). The statute permits the Commission to take up to 30 additional days to make its injury determination in an investigation where it determines that the investigation is extraordinarily complicated. In this instance, the Commission intends to take additional days and make its injury determination by July 9, 2024.

Participation in the investigation and public service list. – Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission’s rules, not later than 21 days after publication of this notice in the *Federal Register*. The Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Limited disclosure of confidential business information (CBI) under an administrative protective order (APO) and CBI service list. – Pursuant to section 206.17 of the Commission’s rules, the Secretary will make CBI gathered in this investigation available to authorized applicants representing interested parties (as defined in 19 C.F.R. § 206.17(a)(3)(iii)) under the APO issued in the investigation, provided that the application is made not later than 21 days after the publication of this notice in the *Federal Register*. A separate service list will be maintained by the Secretary for those parties authorized to receive CBI under the APO.

The Commission may transmit CBI to the Office of the United States Trade Representative (USTR) and may include CBI in the report it sends to the President and USTR for use in decision-making related to this proceeding. Additionally, all information, including CBI, submitted in this investigation may be disclosed to and used by (i) the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel for cybersecurity purposes. The Commission will not otherwise disclose any CBI in a manner that would reveal the operations of the firm supplying the information.

Hearings on injury and remedy. – The Commission has scheduled separate hearings in connection with the injury and remedy phases of this investigation. The hearing on injury will be held beginning at 9:30 a.m. on June 4, 2024, at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. In the event that the Commission makes an affirmative injury determination or is equally divided on the question of injury in this investigation, a hearing on the question of remedy will be held beginning at 9:30 a.m. on July 23, 2024. Requests to appear at the hearings should be filed in writing with the Secretary to the Commission on or before May 24, 2024, for the injury hearing, and July 17, 2024, for the remedy hearing. A nonparty who has testimony that may aid the Commission’s deliberations may request permission to present a short statement at the hearings.

All parties and nonparties desiring to appear at the hearings and make oral presentations should participate in prehearing conferences to be held on May 31, 2024, for the injury hearing and July 19, 2024, for the remedy hearing, if deemed necessary. Parties shall file and serve written testimony and presentation slides in connection with their presentation at the hearing by no later than 4:00 p.m. on the business day prior to the hearing. Oral testimony and written materials to be submitted at the public hearings are governed by sections 201.6(b)(2) 201.13(f), and 206.5 of the Commission’s rules. Parties must submit any request to present a portion of their hearing testimony in camera no later than 7 business days prior to the date of the respective hearings.

Any requests to appear as a witness via videoconference must be included with your request to appear. Requests to appear via videoconference must include a statement explaining why the witness cannot appear in person; the Chairman, or other person designated to conduct the investigations, may in their discretion for good cause shown, grant such a request. Requests to appear as remote witness due to illness or a positive COVID-19 test result may be submitted by 3 p.m. the business day prior to the hearing. Further information about participation in the hearing will be posted on the Commission's website at <https://www.usitc.gov/calendarpad/calendar.html>.

Written submissions. – Each party who is an interested party may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of sections 201.8, 206.7, and 206.8 of the Commission's rules. The deadline for filing prehearing briefs on injury is May 28, 2024; that for filing prehearing briefs on remedy, including any commitments pursuant to 19 U.S.C. § 2252(a)(6)(B), is July 16, 2024. Parties may also file written testimony in connection with their presentation at the hearing, as provided in sections 201.13, 206.5, and 206.8 of the Commission's rules, and posthearing briefs, which must conform with the provisions of sections 201.8, 201.13, 206.7, and 206.8 of Commission's rules. The deadline for filing posthearing briefs for the injury phase of the investigation is June 11, 2024; the deadline for filing posthearing briefs for the remedy phase of the investigation, if any, is July 29, 2024.

No posthearing brief, either in the injury phase or any remedy phase, shall exceed fifteen (15) pages of textual material, double-spaced and single-sided, when printed out on pages measuring 8.5 x 11 inches. In addition, the presiding official may permit persons to file answers to questions or requests made by the Commission at the hearing for the injury phase, and at any hearing for the remedy phase, within a specified time. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the consideration of injury on or before June 11, 2024, and pertinent to the consideration of remedy on or before July 29, 2024. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain CBI must also conform with the requirements of sections 201.6 and 206.17 of the Commission's rules. The Commission's *Handbook on E-Filing*, available on the Commission's website at <https://edis.usitc.gov>, elaborates upon the Commission's rules with respect to electronic filing.

Any additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, will not be accepted unless good cause is shown for accepting such a submission, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with section 201.16(c) of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 206, subparts A and B (19 CFR part 206).

AUTHORITY: This investigation is being conducted under authority of section 202 of the Act; this notice is published pursuant to section 202(b)(3) of the Act.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', enclosed within a large, loopy oval flourish.

Lisa R. Barton
Secretary to the Commission

Issued: March 8, 2024