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November 4, 2026

MEMORANDUM TO: Scot Fullerton
Acting Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

FROM: Erin Kearney
Acting Director, Office VI
Antidumping and Countervailing Duty Operations

SUBJECT: Less-than-Fair-Value Investigations of Polytetramethylene Ether Glycol from the People's Republic of China, the Republic of Korea, Taiwan, and the Socialist Republic of Vietnam: Preliminary Scope Decision Memorandum

I. SUMMARY

The U.S. Department of Commerce (Commerce) received scope comments from interested parties in the above-referenced less-than-fair-value (LTFV) investigations of polytetramethylene ether glycol (PTMEG) from the People's Republic of China (China), the Republic of Korea (Korea), Taiwan, and the Socialist Republic of Vietnam (Vietnam). Based on our analysis of the interested parties' comments, Commerce has preliminarily determined not to revise the scope of these investigations. Interested parties will have the opportunity to submit case and rebuttal briefs on this preliminary scope decision.

II. BACKGROUND

On April 8, 2026, BASF Corporation (the petitioner) filed petitions with Commerce concerning imports of PTMEG from China, Korea, Taiwan, and Vietnam.[1] On May 5, 2026, Commerce published the initiation notice of the LTFV investigations of PTMEG from China, Korea, Taiwan, and Vietnam.[2] On May 14, 2026, Commerce published a correction to the "Scope of the

[1] *See* Petitioner's Letter, "Petitions for the Imposition of Antidumping on Imports of Polytetramethylene Ether Glycol from China, South Korea, Taiwan, and Vietnam," dated April 8, 2026 (Petitions).
[2] *See Polytetramethylene Ether Glycol from the People's Republic of China, the Republic of Korea, Taiwan, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations*, 91 FR 24162 (May 5, 2026) (*Initiation Notice*).

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Investigations" as it appeared in the *Initiation Notice*.[3] The scope of the investigations as it appeared in the *Initiation Notice*, is as follows:

> The merchandise covered by the investigations is polytetramethylene ether glycol (PTMEG), which is a polymer consisting of linear diols (i.e., organic chemical compound that has two hydroxyl (- OH) functional groups) with a molecular backbone of repeating tetramethylene units (- CH2CH2CH2CH2-) interconnected through ether bonds (*i.e.*, a single oxygen atom bonded to two carbon atoms), with a chemical formula HO{(CH2)4}nOH. PTMEG is also referred to as Polytetrahydrofuran, PTHF, Polytetramethylene ether glycol, PTMG, and Polybutylene glycol. PTMEG is typically blended with butylated hydroxytoluene (BHT) or another stabilizer such as higher molecular weight hindered phenols or phosphoric acid. In addition to a stabilizer, PTMEG is sometimes blended with a modifier or additive, such as phosphoric acid or sulfuric acid. The scope includes all blends consisting of PTMEG and stabilizers, modifiers, and/or additives, where the stabilizers, modifiers, and/or additives collectively account for no more than two percent of the total weight of the PTMEG blend. PTMEG is normally associated with Chemical Abstracts Service (CAS) registry number 25190–06–1.
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> The scope includes all forms of PTMEG, regardless of physical form, purity, molecular weight, number of hydroxyls, number of acids, color, density, softening point, glass transition point, flash point, water content, viscosity, and packaging. PTMEG that has been blended with other products is included within this scope when such blends include constituent parts that have been intermingled but that have not been chemically reacted with each other to produce a different product. For such blends, only the PTMEG component of the mixture, inclusive of any stabilizers, modifiers, and/or additives collectively accounting for no more than two percent of the combined weight of the PTMEG component and the stabilizers, modifiers, and/or additives, is covered by the scope of the investigations.
>
> The scope includes merchandise matching the above description that has been processed in a third country, including by commingling, diluting, introducing, or removing stabilizers, modifiers, or additives, or performing any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the subject country. The scope also includes PTMEG that is commingled or blended with PTMEG from sources not subject to the investigation. Only the subject component of such commingled products is covered by the scope of the investigations.
>
> The subject merchandise is classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 3907.29.0000. Subject merchandise may also be imported under HTSUS subheadings 2932.11.0000 and 3404.91.5150.

[3] *See Polytetramethylene Ether Glycol from the People's Republic of China, the Republic of Korea, Taiwan, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations; Correction*, 91 FR 27266 (May 14, 2026). For ease of reference, we refer to the May 5, 2026, *Federal Register* publication and the May 14, 2026, publication, collectively, as the *Initiation Notice*.

> Although the HTSUS subheading and CAS registry number are provided for convenience and customs purposes, the written description of the scope is dispositive.

In accordance with the *Preamble* to Commerce's regulations,[4] Commerce set aside a period of time for parties to raise issues regarding product coverage and scope in the *Initiation Notice*.[5] Commerce provided this comment period so that it may be made aware of any areas in which the scope is unintentionally overinclusive, and, if appropriate, reconsider product coverage.[6]

III. SCOPE COMMENTS

On May 18, 2026, Commerce received timely scope comments from LYCRA Company LLC (LYCRA) concerning the scope of the investigations.[7] On May 28, 2026, the petitioner submitted timely rebuttal comments.[8] Below is a discussion of the issue raised by LYCRA and rebutted by the petitioner.

Comment: Whether 1800 Molecular Weight (MW) PTMEG Should be Excluded from the Scope

LYCRA's Scope Comments:

- The inclusion of 1800 MW PTMEG in the proposed scope raises significant questions concerning the intended product coverage of these investigations, as 1800 MW PTMEG is commercially and functionally distinct from the other PTMEG grades for which the domestic industry seeks relief.
- There is a lack of domestic availability for downstream producers of spandex fiber during the period of investigation is probative when considered alongside the petition and commercial realities. This raises the concern whether the petition's scope was properly intended to cover this specific grade as it might include a product that the domestic industry neither produces nor sells.

Petitioner's Rebuttal Comments:

- All grades of PTMEG fall within the plain language of the scope, and BASF opposes modifying the scope to exclude any PTMEG grades as they are used in the same range of end uses.
- No other producer has challenged the scope except LYCRA. BASF has the capacity and technical capability to manufacture all PTMEG grades, including 1800 MW PTMEG. BASF has in the past prior to the POI produced 1800 MW PTMEG and will produce again if BASF can compete against the imports.

[4] *See Antidumping Duties; Countervailing Duties*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).
[5] *See Initiation Notice*, 91 FR at 24162.
[6] *See Preamble*, 62 FR at 27323.
[7] *See* LYCRA's Letter, "Initial Scope Comments," dated May 18, 2026 (LYCRA's Scope Comments).
[8] *See* Petitioner's Letter, "Petitioner's Rebuttal Comments Regarding Scope Issues," dated May 28, 2026 (Petitioner's Rebuttal Comments).

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Commerce's Position: We agree with the petitioner and find no basis for excluding 1800 MW PTMEG from the scope of these investigations. While Commerce has the ultimate authority and responsibility for establishing the scope of a proceeding, Commerce's practice at the investigative stage of a proceeding is to provide ample deference to the petitioner to clarify and identify the products for which it seeks relief. The petitioner is in the best position to describe the products for which it seeks, or does not seek, relief through an antidumping duty and/or countervailing duty order.[9] Thus, while Commerce has a "large" amount of discretion to determine "the appropriate scope" of an investigation to ensure that any potential order will remedy any countervailable subsidies or dumping determined to exist during an investigation,[10] Commerce strives to craft a scope that both includes the specific products for which the purported injured party, the petitioner, requests relief, and excludes those products that would otherwise fall within the general physical description of products in the scope, but for which the petitioner does not seek relief.[11]

Absent a concern that a proposed scope cannot be effectively administered, that there is a potential for evasion or circumvention without amendment to the scope, or that the scope language is inconsistent with the intent of the petitioner or industry support, Commerce generally will accept the scope as defined in the petition of the investigation.[12] Thus, modifications to the scope may be appropriate in certain circumstances such as to ensure that the scope can be sufficiently administered and/or to prevent the scope from being susceptible to circumvention and evasion.[13] However, absent an overarching reason to modify the scope in the petition, Commerce accepts it, so as not to thwart the statutory mandate to provide the relief requested in the petition.[14]

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[9] *See, e.g.*, *Certain Steel Nails from the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances*, 73 FR 33977, 33979 (June 16, 2008).
[10] *See, e.g.*, *Mitsubishi Electric Corporation v. United States,* 700 F.Supp. 538, 556 (CIT 1988), *aff'd by Mitsubishi Electric Corp. v United States*, 898 F.2d 1577, 1583 (Fed. Cir. 1990) (finding that Commerce "has the authority to define and/or clarify what constitutes the subject merchandise to be investigated as set forth in the petition.… taking into consideration such factors as.… the known tactics of foreign industries attempting to avoid a countervailing duty order"); *see also* Senate Report on Trade Agreements Act of 1979, S. Rep. No. 96-249 (1979) at 45 (stating that "domestic petitioners and the administrators of the law have reasonable discretion to identify the most appropriate group of products for purposes of both the subsidy and injury investigations").
[11] *See Certain Softwood Lumber Products from Canada: Final Affirmative Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances,* 82 FR 51806 (November 8, 2017), and accompanying Issues and Decision Memorandum (IDM) at Comment 2.
[12] *See, e.g.*, *Circular Welded Austenitic Stainless Pressure Pipe from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 73 FR 51788, 51789 (September 5, 2008), unchanged in *Circular Welded Austenitic Stainless Pressure Pipe from the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 74 FR 4913 (January 28, 2009).
[13] *See, e.g.*, *Certain Steel Wheels from the People's Republic of China: Notice of Final Determination of Sales at Less Than Fair Value and Partial Affirmative Final Determination of Critical Circumstances*, 77 FR 17021 (March 23, 2012), and accompanying IDM at Comment 1.
[14] *See, e.g.*, *Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 75 FR 7244, 7247 (February 18, 2010), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China*, 75 FR 41808 (July 19, 2010); *see also Notice of Final Determination of Sales at Less Than Fair Value: Certain Softwood Lumber Products from Canada*, 67 FR 15539 (April 2, 2002), and accompanying IDM at "Scope Issues."

We have preliminarily determined that it would thwart the statutory mandate that directs Commerce (where appropriate) to provide the relief requested by the petitioner if we were to allow parties other than the petitioner to define the products for which relief was requested. It is the petitioner who is in the best position to identify the class or kind of merchandise that is allegedly being sold at LTFV. We preliminarily find LYCRA's assertion that 1800 MW PTMEG constitutes a separate class or kind of merchandise due to its use in the production of elastane unconvincing. The Petitions established that PTMEG is produced and sold as a spectrum of molecular weights ranging from 250 to 3000 MW and that 1000, 1800, and 2000 MW PTMEG account for the majority of global consumption.[15] The petitioner states that it intended for the scope to "cover the full continuum" of PTMEG grades without exemptions based on the narrow end use of the product.[16]

LYCRA argues that the alleged lack of domestic availability, considered together with the asserted technical and commercial distinctions of 1800 MW PTMEG, raises questions about whether this grade belongs within the class or kind of merchandise under investigation.[17] We also find this argument unconvincing. Commerce has previously held that it is not necessary for the petitioner to produce all types of products within a class or kind of merchandise in order to receive relief from LTFV imports on that entire class or kind of merchandise.[18]

In general, Commerce's scope language includes physical descriptions of the class or kind of merchandise covered by, and the types of products within the covered class or kind of merchandise that are excluded from, antidumping and/or countervailing duty proceedings. Thus, antidumping and/or countervailing duty proceedings cover certain classes or types of products rather than a specific list of products produced by the petitioner. LYCRA essentially argues the scope of these proceedings should omit only the PTMEG variety situated in the middle of a spectrum but which happens to be necessary for LYCRA's narrow business interest in the production of elastane, a downstream product of PTMEG. Such an application is inconsistent with Commerce's statutory mandate to provide the petitioner with relief with respect to unfairly traded classes or kinds of merchandise.

LYCRA questions whether the petitioner has an interest in producing or selling 1800 MW PTMEG in the United States, citing the alleged lack of domestic availability during the POI.[19] The petitioner disputes LYCRA's characterization of their ability and willingness to produce 1800 MW PTMEG, noting that it is fully capable of producing this product and intends to do so, based on the outcome of these LTFV investigations.[20] The petitioner's prior production of 1800 MW PTMEG and supply discussions with LYCRA further support its stated interest in producing and selling this grade, notwithstanding the alleged lack of domestic availability during the POI.[21]

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[15] *See* Petitions at 8.
[16] *See* Petitioner's Scope Rebuttal Brief at 2.
[17] *See* LYCRA's Scope Comments at 3-4.
[18] *See Thermal Paper from Japan: Final Affirmative Determination of Sales at Less than Fair Value*, 86 FR 54157 (September 30, 2021), and accompanying Memorandum, "Final Scope Decision," dated September 24, 2021.
[19] *See* LYCRA's Scope Comments at 3-6.
[20] *See* Petitioner's Scope Rebuttal Brief at 4-5.
[21] *Id*.

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Based on the above, we have preliminarily not revised the scope of these investigations to exclude 1800 MW PTMEG.

IV. PUBLIC COMMENT

Pursuant to 19 CFR 351.309(c)(2), interested parties may address this preliminary scope determination in scope case briefs, which may be submitted no later than **5:00 p.m. Eastern Time (ET) on November 12, 2026.** Scope rebuttal briefs, limited to issues raised in the scope case briefs, may be submitted no later than five days after the deadline for the scope case briefs, *i.e.*, **5:00 p.m. ET on November 17, 2026.**

There is only one briefing schedule for scope issues in these investigations. For all scope issues, parties must file separate and identical documents on the records of the concurrent LTFV investigations. No new factual information should be included in scope case briefs or rebuttal briefs, and no proprietary information should be submitted in the scope case briefs or rebuttal briefs. We request that interested parties provide at the beginning of their scope briefs a public, executive summary for each issue raised in their scope briefs.[22] Further, we request that interested parties limit their executive summary of each scope issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the final scope decision memorandum that will accompany the final determinations in these investigations. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[23]

V. RECOMMENDATION

We recommend that Commerce adopt the positions, as outlined above, concerning the scope of the LTFV investigations of PTMEG from China, Korea, Vietnam, and Taiwan. The scope language from the *Initiation Notice* remains unchanged.

☒ Agree ☐ Disagree

X

Signed by: SCOT FULLERTON
Scot Fullerton
Acting Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

[22] We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the final scope decision memorandum.
[23] *See* 19 CFR 351.309(c)(2); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023).