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International Trade Administration  
Washington, D.C. 20230

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Investigation  
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DATE: May 15, 2014

MEMORANDUM TO: Ronald K. Lorentzen  
Acting Assistant Secretary  
for Enforcement and Compliance

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

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SUBJECT: Decision Memorandum for the Preliminary Determination in the  
Less-Than-Fair-Value Investigation of Non-Oriented Electrical  
Steel from Sweden

### Summary

The Department of Commerce ("Department") preliminarily determines that non-oriented electrical steel ("NOES") from Sweden is being, or is likely to be, sold in the United States at less than fair value ("LTFV"), as provided in section 733 of the Tariff Act of 1930, as amended ("the Act"). The Department also preliminarily determines that critical circumstances exist for the mandatory respondent Surahammars Bruks AB ("Surahammars Bruks") and for the non-individually examined companies receiving the "all others" rate. The period of investigation ("POI") is July 1, 2012, through June 30, 2013.

### Background

On September 30, 2013, the Department received an antidumping ("AD") petition concerning imports of NOES from Sweden, among other countries, filed in proper form by AK Steel



Corporation (“Petitioner”).<sup>1</sup> The Department published the Initiation Notice of this investigation on November 18, 2013.<sup>2</sup>

Because the Petition named Surahammars Bruks as the only known producer and/or exporter, and we knew of no additional exporters or producers of the merchandise under consideration from Sweden, we identified Surahammars Bruks as the sole respondent in this investigation.

On November 29, 2013, the Department issued its AD questionnaire to Surahammars Bruks. On December 20, 2013, Surahammars Bruks notified the Department that it would not participate in this investigation.<sup>3</sup>

In November 2013, and January and February 2014, the Department received comments regarding the scope of this investigation. For details see the “Scope Comments” section of this memorandum below.

On December 2, 2013, the U.S. International Trade Commission (“ITC”) preliminarily determined that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of NOES from the People’s Republic of China, Germany, Japan, the Republic of Korea, Sweden, and Taiwan.<sup>4</sup>

On March 6, 2014, Petitioner alleged that critical circumstances exist with respect to imports of NOES from Sweden.<sup>5</sup> Subsequently, Surahammars Bruks submitted rebuttal comments and timely filed new factual information regarding Petitioner’s critical circumstances allegation.<sup>6</sup> For details see the “Critical Circumstances” section of this memorandum below.

In response to a request from Petitioner and in accordance with section 733(c)(1)(A) of the Act, the Department postponed the deadline for the preliminary determination by fifty days.<sup>7</sup> Therefore, the new deadline for issuing this preliminary determination is May 15, 2014.

The Department is conducting this investigation in accordance with section 733(b) the Act.

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<sup>1</sup> See Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Non-Oriented Electrical Steel From the People's Republic of China, Germany, Japan, the Republic of Korea, Sweden, and Taiwan, dated September 30, 2013 (“Petition”).

<sup>2</sup> See Non-Oriented Electrical Steel from the People's Republic of China, Germany, Japan, the Republic of Korea, Sweden, and Taiwan: Initiation of Antidumping Duty Investigations, 78 FR 69041 (November 18, 2013) (“Initiation Notice”).

<sup>3</sup> See Letter to the Secretary from Surahammars Bruks AB and Cogent Power Inc. regarding, “Non-Oriented Electrical Steel from Sweden: Notification of Intent Not to Participate,” dated December 20, 2013 (stating, inter alia, that “...the market for Swedish NOES cannot justify the internal cost and external expense of this investigation”).

<sup>4</sup> See Non-Oriented Electrical Steel from China, Germany, Japan, Korea, Sweden, and Taiwan; Determinations, 78 FR 73562 (December 6, 2013).

<sup>5</sup> See Petitioner’s March 6, 2014, submission to the Department.

<sup>6</sup> See Surahammars Bruks’ March 14, 2014, submission to the Department (“Surahammars Bruks Comments”).

<sup>7</sup> See Non-Oriented Electrical Steel from the People's Republic of China, Germany, Japan, the Republic of Korea, Sweden and Taiwan: Postponement of Preliminary Determinations of Antidumping Duty Investigations, 79 FR 13987 (March 12, 2014).

## Period of Investigation

The POI is July 1, 2012, through June 30, 2013. This period corresponds to the four most recent fiscal quarters prior to the month of the filing of the Petition, which was September 2013.<sup>8</sup>

## Scope Comments

In the Initiation Notice,<sup>9</sup> the Department invited interested parties to “to raise issues regarding product coverage.”

On November 22, and 26, 2013, Petitioner requested that the Department clarify the scope by lowering the minimum silicon content from 1.25 percent to 1.00 percent, removing altogether the maximum silicon content, and including language regarding surface oxide coating.<sup>10</sup> On January 28, 2014, POSCO/DWI,<sup>11</sup> a respondent in the companion LTFV investigation of NOES from the Republic of Korea, filed scope comments with the Department in which it requested that the Department clarify whether laminations and cores, downstream products fabricated from NOES, and certain NOES specifications with silicon content less than the percentage identified in the scope of NOES investigations contained in the Initiation Notice, are covered by this and the companion investigations.<sup>12</sup> On February 4, 2014, Petitioner responded to POSCO/DWI’s comments, stating (1) that laminations and cores are out of the scope of the investigations to the extent that exclusion only covers products that are suitable for use (without further processing) as a drop-in part of a core; and (2) that the Department should promptly implement the changes to the scope of the investigations relating to silicon content described in Petitioner’s Proposed Scope Changes, and clarify for POSCO/DWI the data that it should report to the Department.<sup>13</sup>

After analyzing the scope comments regarding silicon content and surface oxide coatings, the Department has decided to lower the minimum silicon content identified in the scope from 1.25 percent to 1.00 percent and to include language regarding surface oxide coating in the scope. However, the Department has decided not to eliminate the maximum silicon content in the scope. For a complete discussion of these decisions see the memorandum to Christian Marsh, Deputy

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<sup>8</sup> See 19 CFR 351.204(b)(1).

<sup>9</sup> See Initiation Notice, 78 FR at 69042.

<sup>10</sup> See Letter from Petitioner to the Secretary of Commerce, “Petitions for the Imposition of Antidumping and Countervailing Duties against Non-Oriented Electrical Steel from China, Germany, Japan, Korea, Sweden, Taiwan/Petition Amendment to Clarify the Proposed Scope Definition,” dated November 22, 2013 (“Petitioner’s Proposed Scope Changes”); and Letter from Petitioner, “Non-Oriented Electrical Steel from China, Germany, Japan, Korea, Sweden, Taiwan: Petitioner’s Comments on the Scope of Investigations,” dated November 26, 2013.

<sup>11</sup> On January 23, 2014, POSCO and Daewoo International Corporation (DWI) filed a joint response in the concurrent LTFV investigation of NOES from Korea. The Department has preliminarily found these two companies to be a single entity in the LTFV investigation. See the memorandum from Senior Advisor Gary Taverman to Assistant Secretary Paul Piquado entitled “Decision Memorandum for the Preliminary Affirmative Determination in the Less-Than-Fair-Value Investigation of Non-Oriented Electrical Steel from the Republic of Korea” dated May 15, 2014. The Department will refer to the single entity as POSCO/DWI in this preliminary determination memorandum.

<sup>12</sup> See Letter from POSCO/DWI to the Secretary of Commerce, “Scope Clarification Requests,” dated January 28, 2014.

<sup>13</sup> See Letter from Petitioner to the Secretary of Commerce, “Re: Non-Oriented Electrical Steel from China, Germany, Japan, Korea, Sweden and Taiwan/Petitioner’s Response to POSCO’s Scope Clarification Requests,” dated February 4, 2014.

Assistant Secretary for Antidumping and Countervailing Duty Operations from Robert Bolling, Program Manager for AD/CVD Operations, Office IV, regarding “Scope Modification Requests,” dated April 10, 2014, and hereby incorporated by reference into this memorandum. The scope language below reflects these decisions.

With respect to the issue involving laminations and cores, POSCO/DWI described laminations as products that are cut from NOES into their finished shape by a punch and die or, when in smaller quantities, by laser or wire erosion.<sup>14</sup> The laminations are subsequently assembled together to form laminated transformer cores or electric motor stator and rotor parts.<sup>15</sup> POSCO/DWI commented that it understands that laminations and cores manufactured from NOES are products not subject to these investigations because NOES is manufactured in sheet or strip form, either in coils or in straight lengths, and any subsequent processing is not simply an extension of the NOES production process, but, instead, processing performed by the end user or by a fabricator that sells to the end user.<sup>16</sup> POSCO/DWI commented that NOES is consumed exclusively in the production of laminated cores for transformers as well as stators and rotors for motors, and generators.<sup>17</sup> Depending on the design requirements of an end user, the standard lamination products are cut “E,” “I,” or “U,” or varying combinations thereof, while highly complex lamination products are customized with numerous sides, curved edges, or numerous punched holes.<sup>18</sup> POSCO/DWI commented that the process of converting NOES coil or strip into laminations or cores constitutes a substantial transformation into products with end uses and customer expectations different from those for NOES.<sup>19</sup>

In its reply to POSCO/DWI’s scope clarification request, Petitioner stated that it agrees with POSCO/DWI that laminations and cores are outside the intended scope of the NOES investigations.<sup>20</sup> Petitioner commented that to the extent the term “laminations” is used as a substitute for the term laminated “cores,” Petitioner likewise agrees that laminations that are ready for assembly into cores are excluded from the intended scope of the NOES investigations.<sup>21</sup> Petitioner commented that it does not agree with POSCO/DWI that the production process for NOES necessarily ends with slitting; because the scope definition covers NOES “whether or not in coils,” simply cutting to length or cutting blanks from a coil (whether slit or not) does not take such products out of the scope.<sup>22</sup> Petitioner commented that it agrees

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<sup>14</sup> See Letter from POSCO/DWI to the Secretary of Commerce, “Scope Clarification Requests,” dated January 28, 2014, at 3.

<sup>15</sup> *Id.*, at 3-4.

<sup>16</sup> POSCO refers to the production process for NOES described in the petitions and in the International Trade Commission’s preliminary determination that POSCO understands to mean that the NOES production process ends with slitting. *Id.*, at 4.

<sup>17</sup> See Letter from POSCO/DWI to the Secretary of Commerce, “Scope Clarification Requests,” dated January 28, 2014, at 3-4.

<sup>18</sup> *Id.*, at 4-5.

<sup>19</sup> *Id.*, at 5.

<sup>20</sup> See Letter from Petitioner to the Secretary of Commerce, “Non-Oriented Electrical Steel from China, Germany, Japan, Korea, Sweden and Taiwan/Petitioner’s Response to POSCO’s Scope Clarification Requests,” dated February 4, 2014, at 2.

<sup>21</sup> See *id.* Referring to POSCO/DWI’s Scope Comments, Petitioner interprets POSCO/DWI’s statement, that POSCO/DWI uses the terms laminations and cores interchangeably in the normal course of business, to mean that laminations are a substitute for cores.

<sup>22</sup> *Id.*

nevertheless with POSCO/DWI that laminations cut from NOES to their finished shape and are otherwise suitable for use, without further processing, as a drop-in part of the core, are outside the intended scope of the NOES investigations.<sup>23</sup>

On the basis of Petitioner's statements that it is not seeking relief from laminations and cores made from NOES, we have modified the scope to reflect this exclusion.<sup>24</sup>

We invite interested parties to comment on this proposed addition to the scope language in their briefs so that the finalized scope of the investigation can be adopted in the final determination.

### **Scope of the Investigation**

The merchandise subject to this investigation consists of non-oriented electrical steel (NOES), which includes cold-rolled, flat-rolled, alloy steel products, whether or not in coils, regardless of width, having an actual thickness of 0.20 mm or more, in which the core loss is substantially equal in any direction of magnetization in the plane of the material. The term "substantially equal" means that the cross grain direction of core loss is no more than 1.5 times the straight grain direction (*i.e.*, the rolling direction) of core loss. NOES has a magnetic permeability that does not exceed 1.65 Tesla when tested at a field of 800 A/m (equivalent to 10 Oersteds) along (*i.e.*, parallel to) the rolling direction of the sheet (*i.e.*, B<sub>800</sub> value). NOES contains by weight more than 1.00 percent of silicon but less than 3.5 percent of silicon, not more than 0.08 percent of carbon, and not more than 1.5 percent of aluminum. NOES has a surface oxide coating, to which an insulation coating may be applied.

NOES is subject to this investigation whether it is fully processed (*i.e.*, fully annealed to develop final magnetic properties) or semi-processed (*i.e.*, finished to final thickness and physical form but not fully annealed to develop final magnetic properties). Fully processed NOES is typically made to the requirements of ASTM specification A 677, Japanese Industrial Standards (JIS) specification C 2552, and/or International Electrotechnical Commission (IEC) specification 60404-8-4. Semi-processed NOES is typically made to the requirements of ASTM specification A 683. However, the scope of this investigation is not limited to merchandise meeting the ASTM, JIS and IEC specifications noted immediately above.

NOES is sometimes referred to as cold-rolled non-oriented (CRNO), non-grain oriented (NGO), non-oriented (NO), or cold-rolled non-grain oriented (CRNGO) electrical steel. These terms are interchangeable.

Excluded from the scope of this investigation are flat-rolled products not in coils that, prior to importation into the United States, have been cut to a shape and undergone all punching, coating, or other operations necessary for classification in Chapter 85 of the Harmonized Tariff Schedule

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<sup>23</sup> *Id.*

<sup>24</sup> See Letter from Petitioner to the Secretary of Commerce, "Non-Oriented Electrical Steel from The People's Republic of China, Germany, Japan, The Republic of Korea, Sweden, and Taiwan: Scope Clarification Language," dated May 12, 2014.

of the United States (HTSUS) as a part (*i.e.*, lamination) for use in a device such as a motor, generator, or transformer.

The subject merchandise is provided for in subheadings 7225.19.0000, 7226.19.1000, and 7226.19.9000 of the HTSUS. Subject merchandise may also be entered under subheadings 7225.50.8085, 7225.99.0090, 7226.92.5000, 7226.92.7050, 7226.92.8050, 7226.99.0180 of the HTSUS. Although HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope is dispositive.

### **Comments on Physical Characteristics and Model Matching Hierarchy**

The Department set aside a period of time for parties to comment on the physical characteristics and model matching hierarchy for use in the AD questionnaire.<sup>25</sup> On November 20, 2013, Petitioner and POSCO submitted timely comments regarding the physical characteristics and model matching hierarchy,<sup>26</sup> and on November 27, 2013, Petitioner and POSCO submitted timely rebuttal comments regarding the physical characteristics and model matching hierarchy.<sup>27</sup>

After analyzing the comments, the Department set forth the physical characteristics and model matching hierarchy in the AD questionnaire.<sup>28</sup> We established these physical characteristics to define models of the subject merchandise and the foreign like product, and, when necessary, to identify identical and similar merchandise sold in the comparison market for this investigation. The Department identified the following physical characteristics for defining subject merchandise and the foreign like product: Maximum Core Loss, Nominal Thickness, Processing Level, Coating, Form, and Nominal Width. These criteria were included in the AD questionnaire issued to the mandatory respondent in this investigation, as well as the mandatory respondents in the concurrent NOES investigations.

### **Application of Facts Available and Use of Adverse Inference**

As noted above, Surahammars Bruks informed the Department that it would not participate in this investigation. For the reasons stated below, we determine that the use of facts otherwise available with an adverse inference is appropriate for the preliminary determination with respect to Surahammars Bruks.

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<sup>25</sup> See Initiation Notice, 78 FR at 69042.

<sup>26</sup> See Letter from POSCO to the Department, "Re: Non-Oriented Electrical Steel from the People's Republic of China, Germany, Japan, the Republic of Korea, Sweden, and Taiwan: Model Match Comments," dated November 20, 2013; See Letter from Petitioner, "Re: Non-Oriented Electrical Steel from China, Germany, Japan, Korea, Sweden, And Taiwan: Petitioner's Comments On Product Characteristics For Use In The Antidumping Duty Questionnaire," dated November 20, 2013.

<sup>27</sup> See Letter from Petitioner to the Department, "Re: Non-Oriented Electrical Steel from China, Germany, Japan, Korea, Sweden, And Taiwan: Petitioner's Rebuttal Comments Concerning Product Characteristics For Use In The Antidumping Duty Questionnaire," dated November 27, 2013; See Letter from POSCO, "Re: Non-Oriented Electrical Steel from China, Germany, Japan, South Korea, Sweden, and Taiwan: Rebuttal Model Match Comments," dated November 27, 2013.

<sup>28</sup> See, e.g., Letter from Robert Bolling, Program Manager, Office IV, AD/CVD Operations, Enforcement and Compliance to Surahammars Bruks, dated December 16, 2013, at Attachment I.

#### A. Application of Facts Available

Sections 776(a)(1) and 776(a)(2)(A)-(D) of the Act provide that, if necessary information is not available on the record, or an interested party withholds information requested by the Department; fails to provide such information by the deadlines for submission of the information, or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782 of the Act; significantly impedes a proceeding; or provides such information but the information cannot be verified as provided in section 782(i) of the Act, the Department shall use, subject to section 782(d) of the Act, facts otherwise available in reaching the applicable determination. Section 782(c)(1) of the Act states that the Department shall consider the ability of an interested party to provide information upon a prompt notification by that party that it is unable to submit the information in the form and manner required, and that party also provides a full explanation for the difficulty and suggests an alternative form in which the party is able to provide the information. Section 782(e) of the Act states further that the Department shall not decline to consider submitted information if all of the following requirements are met: (1) the information is submitted by the established deadline; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability; and (5) the information can be used without undue difficulties.

In this investigation, Surahammars Bruks did not respond to our questionnaire. As a result, we preliminarily find that necessary information is not available on the record, and Surahammars Bruks withheld information requested by the Department, failed to provide information by the specified deadlines, and significantly impeded the proceeding.<sup>29</sup> Moreover, because Surahammars Bruks failed to provide any information in response to our questionnaire, section 782(e) of the Act is inapplicable. Accordingly, pursuant to sections 776(a)(1) and 776(a)(2)(A), (B), and (C) of the Act, we are relying upon facts otherwise available for Surahammars Bruks' preliminary estimated weighted-average dumping margin.

#### B. Use of Adverse Inference

Section 776(b) of the Act provides that, if the Department finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information, the Department may use an inference adverse to the interests of that party in selecting the facts otherwise available.<sup>30</sup> In addition, the Statement of Administrative Action accompanying the Uruguay Round Agreements Act ("SAA") explains that the Department may employ an adverse inference "to ensure that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully."<sup>31</sup> Furthermore, affirmative evidence of bad faith on the part of a

<sup>29</sup> See sections 776(a)(1) and 776(a)(2)(A), (B), and (C) of the Act.

<sup>30</sup> See also 19 CFR 351.308(a); Notice of Final Results of Antidumping Duty Administrative Review: Stainless Steel Bar from India, 70 FR 54023, 54025-26 (September 13, 2005); and Notice of Final Determination of Sales at Less Than Fair Value and Final Negative Critical Circumstances: Carbon and Certain Alloy Steel Wire Rod from Brazil, 67 FR 55792, 55794-96 (August 30, 2002).

<sup>31</sup> See H.R. Doc. 103-316, Vol. 1 (1994) at 870; Certain Polyester Staple Fiber from Korea: Final Results of the 2005-2006 Antidumping Duty Administrative Review, 72 FR 69663, 69664 (December 10, 2007).

respondent is not required before the Department may make an adverse inference.<sup>32</sup> It is the Department's practice to consider, in employing adverse inferences, the extent to which a party may benefit from its own lack of cooperation.<sup>33</sup>

We preliminarily find that Surahammars Bruks has not acted to the best of its ability in providing requested information because Surahammars Bruks failed to respond to the Department's questionnaire. The failure of Surahammars Bruks to respond to the Department's questionnaire has precluded the Department from performing the necessary analysis and verification of its questionnaire responses, as required by section 782(i)(1) of the Act. Accordingly, the Department concludes that Surahammars Bruks failed to cooperate to the best of its ability to comply with a request for information by the Department, in accordance with section 776(b) of the Act and 19 CFR 351.308(a). Based on the above, the Department preliminarily determines to use an adverse inference when selecting from among the facts otherwise available.<sup>34</sup>

### C. Preliminary Estimated Weighted-Average Dumping Margin Based on Adverse Facts Available

Section 776(b) of the Act states that the Department, when employing an adverse inference, may rely upon information derived from the Petition, the final determination from the LTFV investigation, a previous administrative review, or any other information placed on the record.<sup>35</sup> In selecting a rate based on adverse facts available ("AFA"), the Department selects a rate that is sufficiently adverse to ensure that the uncooperative party does not obtain a more favorable result by failing to cooperate than if it had fully cooperated.<sup>36</sup> The Department's practice is to select, as an AFA rate, the higher of: (1) the highest dumping margin alleged in the Petition, or (2) the highest calculated rate of any respondent in the investigation.<sup>37</sup> In this investigation, the highest petition dumping margin is 126.72 percent, and no rate was calculated for an individually-examined respondent.<sup>38</sup> Thus, consistent with our practice, we have selected the highest dumping margin alleged in the Petition as the AFA rate applicable to Surahammars Bruks.

<sup>32</sup> See, e.g., Nippon Steel Corp. v. United States, 337 F.3d 1373, 1382-83 (Fed. Cir. 2003); Notice of Final Determination of Sales at Less Than Fair Value: Circular Seamless Stainless Steel Hollow Products from Japan, 65 FR 42985 (July 12, 2000); Preamble, 62 FR at 27340.

<sup>33</sup> See, e.g., Steel Threaded Rod From Thailand: Preliminary Determination of Sales at Less Than Fair Value and Affirmative Preliminary Determination of Critical Circumstances, 78 FR 79670 (December 31, 2013), and accompanying Issues and Decision Memorandum at page 4, unchanged in Steel Threaded Rod From Thailand: Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances, 79 FR 14476 (March 14, 2014).

<sup>34</sup> See, e.g., Notice of Final Determination of Sales at Less Than Fair Value: Circular Seamless Stainless Steel Hollow Products from Japan, 65 FR at 42985, 42986 (July 12, 2000) (where the Department applied total AFA when the respondent failed to respond to the antidumping questionnaire).

<sup>35</sup> See also 19 CFR 351.308(c).

<sup>36</sup> See SAA at 870.

<sup>37</sup> See Certain Stilbenic Optical Brightening Agents From the People's Republic of China: Final Determination of Sales at Less Than Fair Value, 77 FR 17436, 17438 (March 26, 2012).

<sup>38</sup> See Letter from Petitioners to The Honorable Penny S. Pritzker, "Re: Non-Oriented Electrical Steel from Sweden: Petitioner's Response to the Questions Regarding the Petition," dated October 28, 2013, at Exhibits S-7 ("Supplement to the Petition"); See also "Antidumping Duty Investigation Initiation Checklist: Non-Oriented Electrical Steel from Sweden," dated November 6, 2013 ("Initiation Checklist") at 11.

#### D. Corroboration of Secondary Information

When using facts otherwise available, section 776(c) of the Act provides that, where the Department relies on secondary information (such as information in the petition) rather than information obtained in the course of an investigation, it must corroborate, to the extent practicable, information from independent sources that are reasonably at its disposal.<sup>39</sup> Secondary information is defined as “information derived from the petition that gave rise to the investigation or review, the final determination concerning the subject merchandise, or any previous review under section 751 of the Act concerning the subject merchandise.”<sup>40</sup> Thus, because the 126.72 percent AFA rate applied to Surahammars Bruks is derived from the Petition and, consequently, is based upon secondary information, the Department must corroborate it to the extent practicable.

The SAA clarifies that “corroborate” means that the Department will satisfy itself that the secondary information to be used has probative value.<sup>41</sup> The SAA and the Department’s regulations explain that independent sources used to corroborate such evidence may include, for example, published price lists, official import statistics and customs data, and information obtained from interested parties during the particular investigation.<sup>42</sup> To corroborate secondary information, the Department will, to the extent practicable, determine whether the information used has probative value by examining the reliability and relevance of the information.<sup>43</sup>

We determined that the Petition margin of 126.72 percent is reliable where, to the extent appropriate information was available, we reviewed the adequacy and accuracy of the information in the Petition during our pre-initiation analysis and for purposes of this preliminary determination.<sup>44</sup>

We examined evidence supporting the calculations in the Petition to determine the probative value of the dumping margins alleged in the Petition for use as AFA for purposes of this preliminary determination. During our pre-initiation analysis, we also examined the key elements of the export price (“EP”) and normal value (“NV”) calculations, including the constructed value calculations used in the Petition to derive NV and the alleged dumping margins. During our pre-initiation analysis, we also examined information (to the extent that such information was reasonably available) from various independent sources provided either in the Petition or, on our request, in the supplements to the Petition that corroborates some of the elements of the EP and NV calculations used in the Petition to derive the dumping margins alleged in the Petition.

<sup>39</sup> See also 19 CFR 351.308(d).

<sup>40</sup> See SAA at 870; see also 19 CFR 351.308(c)(1).

<sup>41</sup> See SAA at 870; see also 19 CFR 351.308(d).

<sup>42</sup> See SAA at 870; see also 19 CFR 351.308(d).

<sup>43</sup> See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews, 61 FR 57391, 57392 (November 6, 1996), unchanged in Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Final Results of Antidumping Duty Administrative Reviews and Termination in Part, 62 FR 11825 (March 13, 1997).

<sup>44</sup> See Initiation Checklist.

Based on our examination of the information, as discussed in detail in the Initiation Checklist, we consider the Petitioner's EP and NV calculations to be reliable. Because we obtained no other information that calls into question the validity of the sources of information or the validity of the information supporting the U.S. price or NV calculations provided in the Petition, based on our examination of the aforementioned information, we preliminarily consider the EP and NV calculations from the Petition to be reliable. Because we confirmed the accuracy and validity of the information underlying the derivation of the dumping margins alleged in the Petition by examining source documents and affidavits, as well as publicly available information, we preliminarily determine that the dumping margins alleged in the Petition are reliable for the purposes of this investigation.

In making a determination as to the relevance aspect of corroboration, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render a rate not relevant. The courts acknowledge that the consideration of the commercial behavior inherent in the industry is important in determining the relevance of the selected AFA rate to the uncooperative respondent by virtue of it belonging to the same industry.<sup>45</sup> No information has been placed on the record to indicate that the rates in the Petition are unreflective of commercial practices of the NOES industry and, as such, we find these rates relevant to the uncooperative respondent.<sup>46</sup> As such, we find these rates relevant to Surahammars Bruks. Furthermore, as there are no participating respondents in this investigation, we relied upon the rates found in the Petition, which is the only information regarding the NOES industry reasonably at the Department's disposal.

Accordingly, the Department preliminarily determines that the highest dumping margin alleged in the petition has probative value and has corroborated the AFA rate of 126.72 percent to the extent practicable within the meaning of section 776(c) of the Act by demonstrating that the rate: 1) was determined to be reliable in the pre-initiation stage of this investigation (and we have no information indicating otherwise); and 2) is relevant to the uncooperative respondent.<sup>47</sup>

#### All Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated "all others" rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or de minimis, margins, and any margins determined entirely under section 776 of the Act. Pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, de minimis or determined entirely under section 776 of the Act, the Department may use any reasonable method to establish the estimated weighted-average dumping margin for all other producers or exporters.

<sup>45</sup> See, e.g., Ferro Union, Inc. v. United States, 44 F. Supp. 2d 1310, 1334 (CIT 1999).

<sup>46</sup> See Initiation Checklist.

<sup>47</sup> See section 776(c) of the Act and 19 CFR 351.308(c) and (d); Final Determination of Sales at Less Than Fair Value and Affirmative Determination of Critical Circumstances, in Part: Light-Walled Rectangular Pipe and Tube from the People's Republic of China, 73 FR 35652, 35653 (June 24, 2008), and accompanying Issues and Decision Memorandum at Comment 1.

As noted above, Surahammars Bruks is the sole mandatory respondent in this investigation, and its estimated weighted-average dumping margin is determined entirely under section 776 of the Act. Consequently, the only available dumping margins for this preliminary determination are those alleged in the Petition. Pursuant to section 735(c)(5)(B) of the Act, the Department's practice under these circumstances has been to calculate the all others rate as a simple average of these rates from the petition.<sup>48</sup> In this investigation, a simple average of the dumping margins alleged in the Petition (i.e., 62.17 percent, 90.18 percent, 114.78 percent and 126.72 percent) yields a rate of 98.46 percent for entities not individually examined.<sup>49</sup> Consequently, and consistent with its practice, the Department has assigned an all others rate of 98.46 percent to entities not individually examined in this investigation.

### **Critical Circumstances**

On March 6, 2014, Petitioner alleged that critical circumstances exist with respect to imports of NOES from Sweden.<sup>50</sup> Specifically, Petitioner contends that (1) U.S. importers of NOES from Sweden knew, or should have known, that exporters were dumping NOES based on the dumping margins of 62.17 percent to 126.72 percent alleged in the Petition<sup>51</sup> and (2) that the dumped imports were likely causing material injury based on the ITC's preliminary injury determination. Petitioner also alleges massive imports of Swedish NOES over a relatively short period because U.S. import data show approximately a 39 percent increase in subject imports from Sweden in the three months following the filing of the Petition (i.e., October – December 2013) when compared to the three months preceding the filing of the Petition (i.e., July - September 2013). Taken together, Petitioner concludes that there is a reasonable basis to believe or suspect that critical circumstances exist with regards to imports of NOES from Sweden.

On March 14, 2014, Surahammars Bruks rebutted Petitioner's critical circumstances allegation.<sup>52</sup> Surahammars Bruks argues that the Department should not initiate a critical circumstances investigation because imports are not massive within the meaning of 19 CFR 351.206(h). Noting that 19 CFR 351.206(h)(1)(ii) requires the Department to take into account seasonal trends, *inter alia*, when determining whether imports have been massive within the meaning of the Act, Surahammars Bruks argues that the increase in imports of NOES from Sweden in the three-month period following the filing of the Petition is the result of a seasonal trend. Surahammars Bruks states that U.S. monthly import data covering 2011, 2012, and 2013 indicate that import volumes differ considerably between the third and fourth quarters of each calendar year. In support of its argument, Surahammars Bruks notes that between third and fourth quarters NOES import volumes increased by 36 percent in 2011, decreased by approximately 20 percent in 2012, and increased by approximately 39 percent in 2013. According to Surahammars Bruks, these

<sup>48</sup> See, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany, 73 FR 21909, 21912 (April 23, 2008), unchanged in Notice of Final Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany, 73 FR 38986, 38987 (July 8, 2008), and accompanying Issues and Decision Memorandum at Comment 2.

<sup>49</sup> See, e.g., Supplement to the Petition, dated October 28, 2013, at Exhibit S-7.

<sup>50</sup> See Letter from Petitioner to the Department, "Non-Oriented Electrical Steel From Sweden: Petitioner's Critical Circumstances Allegation," dated March 6, 2013.

<sup>51</sup> Petitioner notes that the Department imputes knowledge of dumping where margins are 15 percent or more for constructed export price sales and 25 percent or more for export price sales. See *id.*, at 2-3.

<sup>52</sup> Surahammars Bruks is joined in its rebuttal comments by Cogent Power Inc.

data reflect the cyclical nature of the markets serviced by Swedish NOES. Further, Surahammars Bruks argues that the fact that fourth quarter imports in 2013 were at or below total import levels for comparable periods in 2011 and 2012 indicates that imports are not massive. Moreover, Surahammars Bruks states that recently-released NOES import data for January 2014 also demonstrate that imports were not massive. Additionally, Surahammars Bruks argues that the Department should not include October 2013 in the comparison period because this month includes imports that could not have been influenced by the filing of the Petition on September 30, 2013. Surahammars Bruks states that NOES is shipped by boat from Sweden, and that the time in transit for such shipments generally takes a month. Thus, avers Surahammars Bruks, the Department's analysis should take transit time into account and exclude October 2013 data from the comparison period, and that the result of such an analysis would show that imports have not been massive. In light of the foregoing arguments, Surahammars Bruks maintains that any increase in import volumes in excess of 15 percent may not be considered massive.

In accordance with 19 CFR 351.206(c)(2)(i), when a critical circumstances allegation, such as that submitted by Petitioner, is submitted more than 20 days before the scheduled date of the preliminary determination, the Department issues a preliminary finding whether there is a reasonable basis to believe or suspect that critical circumstances exist no later than the date of the preliminary determination.

A. Legal Framework

Section 733(e)(1) of the Act provides that upon receipt of a timely allegation of critical circumstances, the Department will determine whether there is a reasonable basis to believe or suspect that: (1) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or the person by whom, or for whose account, the merchandise was imported knew, or should have known, that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales; and (2) there were massive imports of the subject merchandise over a relatively short period.

B. Analysis

Below we address the issues of whether importers had, or should have had, knowledge of dumping and material injury and whether there were massive imports.

1. Whether Importers Had, or Should Have Had, Knowledge of Dumping and Material Injury
  - a. Section 733(e)(1)(A)(i) of the Act: History of Dumping and Material Injury By Reason of Dumped Imports in the United States or Elsewhere of the Subject Merchandise

In determining whether a history of dumping and material injury exists, the Department generally considers current or previous AD orders on subject merchandise from the country in question in the United States and current orders in any other country on imports of subject

merchandise.<sup>53</sup> Petitioner did not address this criterion. No parties have made claims regarding completed AD proceedings for NOES from Sweden, and the Department is not aware of the existence of active AD orders on NOES from Sweden in other countries. As a result, the Department does not find that there is a history of injurious dumping of NOES from Sweden pursuant to section 733(e)(1)(A)(i) of the Act.

- b. Section 733(e)(1)(A)(ii) of the Act: Whether the Person by Whom, or for Whose Account, the Merchandise Was Imported Knew or Should Have Known That the Exporter Was Selling the Subject Merchandise at Less Than Its Fair Value and That There Was Likely to be Material Injury By Reason of Such Sales

The Department normally considers dumping margins of 25 percent or more for EP sales and 15 percent or more for constructed export price sales sufficient to impute importer knowledge of sales at LTFV.<sup>54</sup> For Surahammars Bruks, we preliminarily are assigning a rate of 126.72 percent, and for “all other” producers and exporters we preliminarily are assigning a rate of 98.46 percent. Accordingly, the preliminary estimated weighted-average dumping margins exceed the threshold sufficient to impute knowledge of dumping. Thus, these rates provide a sufficient basis for imputing knowledge of sales of subject merchandise at LTFV to the importers.

In determining whether an importer knew, or should know, that there was likely to be material injury caused by reason of such imports, the Department normally will look to the preliminary injury determination of the ITC.<sup>55</sup> If the ITC finds a reasonable indication of material injury to the relevant U.S. industry, the Department will determine that a reasonable basis exists to impute knowledge of likely material injury by reason of such imports.<sup>56</sup> Here, the ITC found that “there is a reasonable indication that an industry in the United States is materially injured by reason of imports from China, Germany, Japan, Korea, Sweden, and Taiwan of non-oriented electrical steel, provided for in subheadings 7225.19.00 and 7226.19.10, and 7226.19.90 of the

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<sup>53</sup> See, e.g., Notice of Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances: Circular Welded Carbon Quality Steel Pipe from the People's Republic of China, 73 FR 31970, 31972 (June 5, 2008) (“Carbon Steel Pipe Final Determination”); see also Final Determination of Sales at Less Than Fair Value and Affirmative Determination of Critical Circumstances: Small Diameter Graphite Electrodes from the People's Republic of China, 74 FR 2049 (January 14, 2009) (“SDGE Final Determination”).

<sup>54</sup> See, e.g., Carbon and Alloy Steel Wire Rod From Germany, Mexico, Moldova, Trinidad and Tobago, and Ukraine: Preliminary Determination of Critical Circumstances, 67 FR 6224, 6225 (February 11, 2002) (“Steel Wire Rod Preliminary Determination”), unchanged in Notice of Final Determination of Sales at Less Than Fair Value: Carbon and Certain Alloy Steel Wire Rod from Moldova, 67 FR 55790 (August 30, 2002) (“Steel Wire Rod Moldova Final Determination”); Affirmative Preliminary Determination of Critical Circumstances: Magnesium Metal from the People's Republic of China, 70 FR 5606, 5607 (February 3, 2005) (“Magnesium Metal Preliminary Determination”), unchanged in Final Determination of Sales at Less Than Fair Value and Affirmative Critical Circumstances: Magnesium Metal From the People's Republic of China, 70 FR 9037 (February 24, 2005) (“Magnesium Metal Final Determination”).

<sup>55</sup> See, e.g., Certain Potassium Phosphate Salts from the People's Republic of China: Preliminary Affirmative Determination of Critical Circumstances in the Antidumping Duty Investigation, 75 FR 24572, 24573 (May 5, 2010), unchanged in Certain Potassium Phosphate Salts from the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Termination of Critical Circumstances Inquiry, 75 FR 30377 (June 1, 2010).

<sup>56</sup> See, e.g., Steel Wire Rod Preliminary Determination, unchanged in Steel Wire Rod Moldova Final Determination; Magnesium Metal Preliminary Determination, unchanged in Magnesium Metal Final Determination.

Harmonized Tariff Schedule of the United States ....”<sup>57</sup> Therefore, the ITC’s preliminary injury determination in this investigation is sufficient to impute knowledge of material injury to importers.

3. Section 733(e)(1)(B) of the Act: Whether There Have Been Massive Imports of the Subject Merchandise Over a Relatively Short Period

a. Surahammars Bruks

In determining whether imports of the subject merchandise were “massive,” the Department normally will examine the volume and value of the imports, seasonal trends, and the share of domestic consumption accounted for by the imports.<sup>58</sup> Unless the imports during the relatively short period have increased by at least 15 percent over the imports during an immediately preceding period of comparable duration, the Department will not consider the imports to be massive.<sup>59</sup> The Department’s regulations define “relatively short period” generally as the period starting on the date the proceeding begins (i.e., the date the petition is filed) and ending at least three months later (i.e., the comparison period).<sup>60</sup>

It is the Department’s practice to conduct its massive imports analysis with respect to the mandatory respondents based their reported monthly shipment data.<sup>61</sup> However, as noted above, Surahammars Bruks did not respond to our request for information. Therefore, the Department preliminarily determines that the use of facts otherwise available with an adverse inference is warranted. Accordingly, we preliminarily find that there were massive imports of subject merchandise from Surahammars Bruks, pursuant to our practice.<sup>62</sup>

b. Non-Individually Examined Respondents

In keeping with recent determinations, we did not impute the adverse inferences of massive imports that we applied to the mandatory respondents to the non-individually examined companies receiving the “all others” rate.<sup>63</sup> Rather, we examined data for total imports of the subject merchandise during the comparison period relative to a base period, to determine whether

<sup>57</sup> See Non-Oriented Electrical Steel from China, Germany, Japan, Korea, Sweden, and Taiwan; Determinations, 78 FR 73562 (December 6, 2013).

<sup>58</sup> See 19 CFR 351.206(h)(1).

<sup>59</sup> See 19 CFR 351.206(h)(2).

<sup>60</sup> See 19 CFR 351.206(i).

<sup>61</sup> See, e.g., Notice of Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances: Circular Welded Carbon Quality Steel Pipe from the People's Republic of China, 73 FR 31970, 31972 (June 5, 2008); see also Final Determination of Sales at Less Than Fair Value and Affirmative Determination of Critical Circumstances: Small Diameter Graphite Electrodes from the People's Republic of China, 74 FR 2049, 2052 (January 14, 2009) (“SDGE Final Determination”).

<sup>62</sup> See SDGE, 74 FR at 2052-2053.

<sup>63</sup> See Steel Threaded Rod From Thailand: Preliminary Determination of Sales at Less Than Fair Value and Affirmative Preliminary Determination of Critical Circumstances, 78 FR 79670 (December 31, 2013) and accompanying Preliminary Decision Memorandum (noting that where mandatory respondents receive AFA we do not impute “massive imports” to companies receiving the “all others” rate) unchanged in Steel Threaded Rod From Thailand: Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances, 79 FR 14476 (March 14, 2014).

imports were massive with respect to these companies. The Department typically determines whether to include the month in which a party had reason to believe that a proceeding was likely in the base or comparison period depending on whether the event that gave rise to the belief occurred in the first half (included in the comparison period) or second half (included in the base period) of the month.<sup>64</sup> Moreover, it is the Department's practice to base its critical circumstances analysis on all available data, using base and comparison periods of no less than three months.<sup>65</sup> Based on these practices, we chose to compare the base period May 2013 through September 2013 (parties had knowledge of the proceeding when the Petition was filed on September 30, 2013), with the comparison period October 2013 through February 2014 in order to determine whether imports of subject merchandise were massive. These base and comparison periods satisfy the regulatory provisions that the comparison period be at least three months long and the base period have a comparable duration. We relied upon U.S. import statistics as reported by Global Trade Atlas to determine whether there were massive imports of subject merchandise in the comparison period.<sup>66</sup>

These data demonstrate that there was an increase in imports of more than 15 percent during a "relatively short period" of time, in accordance with 19 CFR 351.206(h) and (i). Specifically, these data demonstrate that imports increased by 21.39 percent during the comparison period.<sup>67</sup> Therefore, we preliminarily find there to be massive imports for all non-individually reviewed companies, pursuant to section 733(e)(1)(B) of the Act and 19 CFR 351.206(c)(2)(i).

We disagree with Surahammars Bruks' contention that the increase in imports following the filing of the Petition was not massive. As explained above, our preliminary finding that imports are massive for Surahammars Bruks is based on AFA. Typically, with regard to mandatory respondents, the Department bases its critical circumstances analysis upon each respondent's company-specific shipment data.<sup>68</sup> However, due to Surahammars Bruks non-cooperation in this proceeding, the Department lacks the information needed to perform a company-specific critical circumstances analysis.

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<sup>64</sup> See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination and Affirmative Preliminary Determination of Critical Circumstances, 77 FR 31309, 31312 (May 25, 2012).

<sup>65</sup> See, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Affirmative Preliminary Determination of Critical Circumstances: Certain Frozen and Canned Warmwater Shrimp from India, 69 FR 47111, 47118-47119 (August 4, 2004), unchanged in Notice of Final Determination of Sales at Less Than Fair Value and Negative Determination of Critical Circumstances: Certain Frozen and Canned Warmwater Shrimp From India, 69 FR 76916 (December 23, 2004); and Notice of Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances: Certain Color Television Receivers From the People's Republic of China, 69 FR 20594 (April 16, 2004), and accompanying Issues and Decision Memorandum at Comment 3.

<sup>66</sup> See Memorandum, from Drew Jackson, International Trade Analyst, AD/CVD Operations, Office IV, to the File "U.S. Import Data Considered in Critical Circumstances Analysis", dated concurrently with this memorandum.

<sup>67</sup> *Id.*

<sup>68</sup> See Steel Threaded Rod from Thailand: Preliminary Determination of Sales at Less Than Fair Value and Affirmative Preliminary Determination of Critical Circumstances, 78 FR 79670 (December 31, 2013) and accompanying Preliminary Decision Memorandum. ("It is the Department's practice to conduct its massive imports analysis based on the experience of investigated companies, using the reported monthly shipment data for the base and comparison periods.") (unchanged in Steel Threaded Rod From Thailand: Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances, 79 FR 14476 (March 14, 2014).

Further, the monthly U.S. import data as reported by the ITC Dataweb provided by Surahammars Bruks do not support its argument that the increase in imports between the base and comparison periods is the result of a seasonal trend that impacts NOES import volumes between the third and fourth quarters of each fiscal year. Specifically, we note that while NOES import volumes increased between the third and fourth quarters of 2011 and 2013, the import volume of NOES *decreased* between the third and fourth quarters of 2012.<sup>69</sup> Thus, the Department finds no evidence of a seasonal trend in the NOES market as alleged by Surahammars Bruks.

We do not agree with Surahammars Bruks' arguments that a comparison of U.S. import data for the fourth quarter of 2013 with the fourth quarters of 2011 and 2012, as well as a comparison of U.S. import data for January 2014 with January 2011, 2012, and 2013, demonstrate that imports were not massive during the comparison period at issue. As explained above, in accordance with 19 CFR 351.206(h) and (i), the Department determines whether imports have been massive over a "relatively short period of time" by comparing the volume of imports during a base period to the volume of imports during the comparison period. Analyzing the import data for the fourth quarter in 2013 relative to the import data for the fourth quarter in two prior years, or the import data for January 2014 relative to the import data for January in prior years does not comport with the comparative analysis described in 19 CFR 351.206(h)(2). Surahammars Bruks has not presented sufficient cause for the Department to deviate from its normal practice in determining whether massive imports exist.

We also disagree with Surahammars Bruks' argument that the Department should include October 2013 in the base period rather than the comparison period. Including October 2013 in the comparison period is consistent with our practice as the Department typically determines whether to include the month in which a party had reason to believe that a proceeding was likely in the base or comparison period depending on whether the event that gave rise to the belief occurred in the first half (included in the comparison period) or second half (included in the base period) of the month.<sup>70</sup> In this case, the Petition was filed on September 30, 2013.<sup>71</sup> Therefore, we have included October 2013 in the comparison period. Apart from an unsupported statement that the petition was "unexpected," Surahammars Bruks has not provided any evidence supporting its position that we should treat the first month of the comparison period in this case differently from other cases that involves overseas shipping.<sup>72</sup> Further, there is no evidence that shipments to a single port are reflective of the shipping times to the multiple ports where subject merchandise enters. In addition, we do not find that the information Surahammars Bruks' submitted demonstrates that the Petition could not have influenced October 2013 imports.

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<sup>69</sup> See Letter from Surahammars Bruks and Cogent Power Inc., "Non-Oriented Electrical Steel From Sweden: Cogent Comments Regarding Petitioner's Critical Circumstances Allegation," dated March 14, 2014, at Exhibit 1.

<sup>70</sup> See, e.g., Frontseating Service Valves From the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances, 74 FR 10886 (March 13, 2009) and the accompanying Issues and Decision Memorandum at Comment 7. ("The Department normally determines that the comparison period to begin on the date that the proceeding began (i.e., the date the petition was filed) and to end at least three months later. . . . Since the Department typically uses monthly import/shipment data in its analysis, if a petition is filed in the first half of the month, the Department's practice has generally been to consider the month in which the petition was filed as part of the comparison period.")

<sup>71</sup> See Petition.

<sup>72</sup> See Letter from Surahammars Bruks and Cogent Power Inc., "Non-Oriented Electrical Steel From Sweden: Cogent Comments Regarding Petitioner's Critical Circumstances Allegation," dated March 14, 2014, at 3.

Specifically, Surahammars Bruks submitted shipment data from a single port showing a range of shipping times from Sweden for March 2014, but their data provide no additional details that would establish its relevance to the entries at issue.<sup>73</sup>

**Conclusion**

We recommend applying the above methodologies for this preliminary determination.

✓

\_\_\_\_\_  
Agree

\_\_\_\_\_  
Disagree

*Ronald K. Lorentzen*

Ronald K. Lorentzen  
Acting Assistant Secretary  
for Enforcement and Compliance

*May 15, 2014*  
\_\_\_\_\_  
(Date)

<sup>73</sup> Id., at Exhibit 3.