

December 5, 2011

MEMORANDUM TO: Paul Piquado
Assistant Secretary
for Import Administration

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

CASE: Pure Magnesium from the People's Republic of China

SUBJECT: Issues and Decision Memorandum for the Final Results of the
2009-2010 Administrative Review

SUMMARY:

On June 8, 2011, the Department¹ published in the *Federal Register* its *Preliminary Results* of the antidumping duty administrative review of pure magnesium from the PRC.² On June 21, 2011, the Department determined that it would rely on a single surrogate country to value labor, and would use labor data from ILO Yearbook Chapter 6A as its primary data source.³ On July 12, 2011, the Department placed Chapter 6A Indian labor cost data and a new surrogate wage rate on the record for this review.⁴

On June 28, 2011, Petitioner and TMI submitted publicly available SV data to value TMI's FOPs.⁵ On July 8, 2011, both Petitioner and TMI submitted rebuttal comments concerning valuation of FOPs.⁶ Pursuant to a bifurcated briefing schedule issued by the Department,⁷ Petitioner and TMI timely submitted briefs concerning issues other than wage rate and calculation of financial ratios.⁸ Subsequently, the Department received briefs from both parties concerning issues related to wage rate and the calculation of financial ratios.⁹

¹ Following our discussion of the issues are short cite tables, respectively, for: (1) acronyms and abbreviations; (2) litigation cites; (3) *Federal Register* notices; and, (4) cites to unpublished letters, submissions and memoranda. All short cites are alphabetized by short cite in their respective lists. We are addressing the following issues in this memorandum.

² See *Pure Magnesium/PRC AD Prelim* (06/08/2011) ("*Preliminary Results*").

³ See *Labor Methodologies/NME* (06/10/2011) ("*Labor Methodologies*").

⁴ See Wage Rate Memorandum.

⁵ See Petitioner's Post-Preliminary SV Submission; TMI's Post-Prelim SV Submission.

⁶ See Petitioner's Post-Preliminary Rebuttal SV Submission; TMI's Post-Prelim Rebuttal SV Submission.

⁷ See Memorandum to the File, "Submission of Information to Value Factor of Production and Briefing Schedule," dated June 21, 2011.

⁸ See Petitioner's Post-Preliminary SV Submission; TMI's Post-Prelim SV Submission; TMI's Post-Prelim SV

On September 20, 2011, the Department rejected two of Petitioner's submissions because the Department determined that they were untimely filed.¹⁰ On September 23, 2011, Petitioner requested that the Department reject certain content in TMI's August 15, 2011, rebuttal brief, claiming that the content was an affirmative argument, rather than a rebuttal to Petitioner's Case Brief, and thus untimely.¹¹ TMI filed a response to Petitioner's claim on September 26, 2011.¹² On September 27, 2011, the Department declined to reject the information because it determined that TMI's argument rebuts an argument raised by Petitioner in its case brief in accordance with the Department's regulations.¹³

On September 16, 2011, the Department extended the deadline for the final results of review to November 21, 2011.¹⁴ On September 27, 2011, the Department held a public hearing.¹⁵ Following the time period for case and rebuttal briefs, the Department discovered that it inadvertently omitted the underlying data used in making its preliminary determination of the surrogate value for truck freight as well as the financial statements of an Indian company. To remedy this oversight, the Department subsequently placed the data on the record¹⁶ and afforded interested parties an opportunity to submit rebuttal factual information and comment on the data.¹⁷ Subsequently, the Department extended the deadline of the final results to December 5, 2011.¹⁸

Comment 1: Whether the Department Should Apply Partial Adverse Facts Available to TMI

Comment 2: Whether the Department Should Continue to Treat the Identity of TMI's Supplier and the Supplier's Business Operation as Business Proprietary Information

Comment 3: Wage Rate

Comment 4: Whether the Department Should Treat Retorts as a Direct Material

Comment 5: Selection of Surrogate Financial Statements and Calculation of Financial Ratios

Comment 6: Whether the Department Should Grant TMI By-Product Offsets for Magnesium Waste and Cement Clinker

Comment 7: Valuation of Dolomite

Comment 8: The Source of the Surrogate Value for Truck Freight

Addenda Submission.

⁹ See Petitioner's Post-Preliminary Rebuttal SV Submission; TMI's Post-Prelim SV Submission.

¹⁰ See Memorandum to the File, "Rejection of Certain Untimely Submitted Information from the Record of this 2009-2010 Administrative Review of Pure Magnesium From the People's Republic of China," dated September 20, 2011.

¹¹ See Petitioner's submission, "Pure Magnesium From the People's Republic Of China: US Magnesium Objections To An Untimely Argument Contained In TMI's Labor And Financial Rebuttal Brief," dated September 23, 2011.

¹² See TMI's submission, "Section 751 Annual Review of the Antidumping Duty Order for Pure Magnesium from the People's Republic of China; A-570-832; Response of TMI Magnesium International Co., Ltd. To the Objection of the Petitioner," dated September 26, 2011.

¹³ See Memorandum to the File, "Petitioner's September 23, 2011 Request to Reject Certain Argument in Tianjin Magnesium International's ("TMI") August 15, 2011 Rebuttal Brief," dated September 27, 2011.

¹⁴ See *Pure Magnesium /PRC AD Extension* (09/23/2011).

¹⁵ See Petitioner's submission, "Pure Magnesium From The People's Republic of China: Petitioner's Request For A Hearing," dated July 8, 2011.

¹⁶ See Memorandum to the File, "The 2006-2007 Financial Statements for Madras Aluminum Company ("MALCO") and *Infobanc* Truck Freight Rate Data," dated October 4, 2011.

¹⁷ See Memorandum to the File, "Soliciting Comments on the 2006-2007 Financial Statements for Madras Aluminum Company ("MALCO") and *Infobanc* Truck Freight Rate Data," dated November 1, 2011.

¹⁸ See *Pure Magnesium /PRC AD Second Extension* (11/15/2011).

Comment 9: Ministerial Errors in the Preliminary Results
Comment 10: The Surrogate Value for Coal Tar
Comment 11: Valuation of Magnesium Waste
Comment 12: The Per-Unit Basis for Steel Bands
Comment 13: Valuation of Flux

DISCUSSION OF ISSUES

Comment 1: Whether the Department Should Apply Partial Adverse Facts Available to TMI

- Petitioner argues that application of partial AFA is warranted for TMI with regard to certain U.S. expenses.¹⁹ Petitioner asserts that evidence shows TMI failed to report the U.S. selling expenses incurred by TMI's U.S. sales agent, James Gammons.²⁰ To support its position, Petitioner cites *Isos/Spain AD Final* (05/10/2005), and IDM at Comment 4 and *Silicon Metal/Russia AD Prelim* (09/20/2002).
- TMI did not comment on this issue.

Department's Position: The Department disagrees with Petitioner's characterization of the issue concerning James Gammons and any potential expense associated with his activities. On April 25, 2011, Petitioner claimed that TMI had an active U.S.-based sales agent during the POR and proffered evidence in the form of: (1) a business card for "Jim Gammons," whose title was printed on the card as "President of Tianjian Magnesium International, Co., Ltd." and whose address was printed on the card as "Port clinton, Ohio" {sic}; (2) a March 30, 2005 article in which Jim Gammons of Erie Shore Marketing was identified as TMI's agent; and (3) a print-out of a die-casting organization's website where James Gammons, whose name appeared to be next to "Tianjin Magnesium," was listed as a member in Chapter 39 (Southwestern Michigan) of the organization.²¹ Petitioner asserted that the proffered evidence undermined TMI's statement that it had no U.S. sales agent and that it made all sales directly to its U.S. customers, and it also indicated that TMI failed to report expenses and commissions that should be deducted from the U.S. price.²²

In response to Petitioner's allegation contained in the April 25, 2011 submission, the Department issued a supplemental questionnaire to TMI, inquiring as to the activities undertaken by Mr. Gammons on behalf of TMI, and whether Mr. Gammons, or any affiliated party, took possession of TMI's subject merchandise, before sales to an unaffiliated entity in the United States.²³ The purpose of the questionnaire was to ascertain whether TMI made CEP sales during the POR and to identify Mr. Gammons' role in TMI's U.S. sales.

In its May 10, 2011 response to the questionnaire, TMI stated that no affiliated or other parties in the United States took possession of the subject merchandise sold by TMI during the POR prior

¹⁹ See TMI's Final Analysis Memo for a more detailed discussion (including BPI) of the alleged expense.

²⁰ See Petitioner's Case Brief.

²¹ See Petitioner's letter, "Pure Magnesium From the People's Republic of China: Rebuttal Factual Information Concerning TMI's Second Supplemental Response; Proposed Deficiency Questions Concerning An Unreported U.S. Sales Agent," dated April 25, 2011.

²² *Id.*

²³ See The Department's 3rd SQ.

to the transfer of title to the unaffiliated customer reported in this questionnaire response.²⁴ Additionally, in its response, TMI stated that it did not employ any employees or agents in the United States who were responsible for conducting sales and that Mr. Gammons was not an employee or an agent of TMI. TMI stated that Mr. Gammons provided only some ministerial type services (*e.g.*, contact with brokers, freight forwarders) for TMI. Further, TMI noted that the Department twice verified TMI's books and records and raised no questions about whether TMI's sales were EP sales. Lastly, TMI argued that because TMI's sales to the United States were all EP sales, the issue of a U.S. agent was irrelevant.²⁵

We find that the record contains no evidence that Mr. Gammons engaged in sales of the subject merchandise on behalf of TMI or took possession of the subject merchandise. Petitioner's proffered evidence: a business card, an article from well before the POR, and Mr. Gammons' membership in a die-casting organization with the name "Tianjin Magnesium" does not demonstrate that Mr. Gammons is an agent of TMI for purposes of selling subject merchandise. Thus, the pertinent issue is whether TMI's expenses on facilitation incurred in the U.S. (*e.g.*, hiring a facilitator to contact brokers, freight forwarders, truckers, warehouse companies) should be deducted from U.S. price as sales adjustments when TMI made no CEP sales. Under the Department's NME calculation methodology, if a respondent did not make CEP sales, it is not required to report selling expenses (*e.g.*, commission, selling agent, credit expenses, and etc.) incurred in the United States.²⁶ The reason for such treatment is that expenses incurred from those activities are generally treated as selling expenses that are captured in the surrogate financial ratios under the NME FOP methodology to calculate normal value for EP sales. Therefore, inclusion of these expenses, as argued by the Petitioner, will result in double-counting. Thus, we have not made any adjustments to U.S. prices for this item as suggested by Petitioner.

Comment 2: Whether the Department Should Continue to Treat the Identity of TMI's Supplier and the Supplier's Business Operation as Business Proprietary Information

- Petitioner argues that TMI's request for BPI treatment for the identity of its supplier and business operations was unwarranted and requests that the Department deny such treatment in the final results.²⁷
- Petitioner claims that TMI disclosed the name of its supplier in its public version of the response to a supplemental questionnaire.²⁸ Additionally, Petitioner argues, TMI's supplier's identity was stated in a source cited by Petitioner.
- Finally, Petitioner points out that TMI failed to correct these public disclosures in the time allowed by 19 CFR 351.304(c)(2).
- In response, TMI argues that it requested BPI treatment for its information which the Department granted.
- TMI, citing 19 CFR 351.304, argues that the Department should ignore Petitioner's request because the information at issue was submitted more than 30 days prior to the date that Petitioner objected.²⁹

²⁴ TMI's 3rd SQR, at page 3.

²⁵ *Id.*

²⁶ See the Department's Questionnaire, page C-21 to C-25.

²⁷ See Petitioner's Case Brief, section X.

²⁸ See TMI's Final Analysis Memo for a more detailed analysis of this BPI issue.

²⁹ See TMI's Rebuttal Brief, page 24.

Department's Position: We agree in part with Petitioner and in part with TMI. First, TMI incorrectly stated that Petitioner objected to the BPI treatment for the identity of TMI's supplier and business operations only during the briefing period for the final results. On the contrary, we find that Petitioner's request was timely as Petitioner made the same request prior to the publication of *Preliminary Results*, in a submission of rebuttal factual information concerning TMI's responses to the Department's supplemental questionnaire.³⁰

In reviewing the evidence, however, we find that the public version of the supplemental questionnaire response at issue did not reveal the name or the business operations of TMI's supplier in such a way that it divulged the identity of TMI's supplier. Further, we do not find that the source cited by Petitioner stating the name of TMI's supplier is sufficient to overcome the BPI protection because while it references the supplier, that information does not in any way associate the supplier with TMI and therefore does not constitute public knowledge of the supplier/customer relationship between the two parties. Accordingly, the Department declines Petitioner's request and continues to treat the information at issue as BPI.

Comment 3: Wage Rate

- Petitioner states that the ASI data that Petitioner placed on the record for purposes of calculating the SV for labor are the underlying source data for ILO Indian data. Petitioner argues that we should use the ASI data over the Chapter 6A data because the ASI data are more contemporaneous with the POR and specific to the subject merchandise.
- In addition, Petitioner argues that we should inflate the wage rate monthly instead of annually because monthly inflation yields more accurate values.
- TMI³¹ argues that the Department should not modify the labor SV value as Petitioner proposed because it is not clear that Petitioner's proposed use of a three-digit breakout is a better classification for the labor rate in this case.
- Further, TMI argues that departure from the methodology approved by the courts as satisfying the requirements of law may not pass muster.

Department's Position: The Department disagrees with TMI that it is unclear whether Petitioner's proposed use of a three-digit breakout is a better classification for the surrogate labor rate in this review. Record evidence shows that ASI is the underlying source for ILO Indian data.³² ILO data on the record of this administrative review appears to report data at the two-digit level of specificity, whereas the ASI industry-specific data on the record provide a three-digit level of specificity.³³ For example, for the industry of manufacture of basic metals to which the subject merchandise at issue is classified, ILO only reported the labor cost at a two-

³⁰ See Petitioner's submission, "Pure Magnesium From the People's Republic of China: Petitioner's Submission of Rebuttal Information Concerning TMI's First Supplemental Sections A-C And First Supplemental Section D Questionnaire Responses," dated February 25, 2011, page 3, footnote 3.

³¹ TMI claims that Petitioner improperly included facts not on the record in Petitioner's brief (*see* TMI's Labor and Financial Ratios Brief), but the Department disagrees with TMI's claim because analyses of data on the record are not new fact or new record.

³² See Petitioner's Post-Preliminary SV Submission, Exhibit 7-A, 7-B (page 8, "Data supplied to the ILO for publication").

³³ See Petitioner's Post-Preliminary SV Submission, Exhibit 7-A, 7-B.

digit level of specificity, namely sub-classification 27.³⁴ In comparison, the labor costs for sub-classification 27 reported by the ASI are divided into three sub-categories: 1) 271-manufacture of basic iron & steel; 2) 272-manufacture of basic precious and non-ferrous metals; and 3) 273-casting of metals. As stated by Petitioner, reconciliation of the ILO data for sub-classification of manufacture of basic metals with the ASI data only requires summarizing the reported labor cost data for the three-digit codes “271”, “272,” and “273” and dividing the total by the sum of the man-days worked for these same three codes. Because the three-digit ASI sub-category 272-manufacture of basic precious and non-ferrous metals closely correspond to the subject merchandise in this case, the Department agrees with Petitioner that use of the labor cost data reported for sub-category 272 in the ASI data in this review will eliminate the potential distortion incidental to capturing the other labor rates included in the two-digit “27” ILO sub-classification, *i.e.*, “271-Manufacture of basic iron and steel” and “273-casting of metals.”

We also disagree with TMI’s assertion that selection of the ASI data over the ILO data in this review is a departure from the methodology established in *Labor Methodologies/NME* (06/10/2011). First, consistent with the policy laid out in *Labor Methodologies/NME* (06/10/2011),³⁵ we continue to use data on industry-specific wages from a single country for valuing the labor input (*i.e.*, India, which is the primary surrogate country in this review). Second, record evidence supports that the ASI data pertaining to the basic metal industry is essentially the underlying source data for the ILO. TMI did not provide any evidence to the contrary. Hence, selection of ASI data in this review is consistent with the Department’s new methodology for valuing labor cost in an NME antidumping proceeding.

With regard to the inflation, the Department agrees with Petitioner that the Department should use monthly inflator data instead of annual inflator data when monthly WPI data are available using the same source.³⁶ Accordingly, the Department will use the ASI data to calculate the labor rate and inflate the wage rate monthly in the final results of this review.

Comment 4: Whether the Department Should Treat Retorts as a Direct Material

- Petitioner claims that TMI’s supplier treats retorts³⁷ as a direct input,³⁸ and argues that no precedent exists to ignore a producer’s own classification of material inputs when the Department identifies the FOPs.
- Petitioner argues that the four-factor test applied in *OTR Tires/PRC AD Final* (07/15/2008), and IDM at Comment 27 shows that retorts should be treated as a direct material. In particular:
 - direct material inputs are inputs that are essential to production and used in significant quantities, despite those inputs not being physically incorporated into the final product;
 - retorts are significant to the production process because retorts have the same application as graphite molds, citing *Diamond Sawblades/PRC AD Final*

³⁴ See Wage Rate Memorandum, Attachment I.

³⁵ See *Labor Methodologies/NME* (06/10/2011), 76 FR at 36093.

³⁶ See *Electric Golf Cars/ Poland* (03/25/1992), and IDM at Comment 6.

³⁷ Retorts are steel tubes inside furnaces and under vacuum.

³⁸ See Petitioner’s Case Brief, page 5.

(05/22/2006), as both hold the materials being produced, and both deteriorate over a relatively short period;

- retorts contribute significantly to production costs;
- retorts are generally treated as direct materials in the industry when magnesium is produced using the Pidgeon process.³⁹ Petitioner relies on several Indian and one Malaysian magnesium producers' statements to support this claim.
- Petitioner argues that the fact that a company rents a product or service does not necessarily mean that the expense should be classified as manufacturing overhead.
- TMI argues that a retort is like a furnace because a retort is "an enclosed structure in which material can be heated to very high temperatures, e.g., for smelting metals," which is how Merriam-Webster Unabridged Dictionary defines a furnace.
- TMI states that a retort is also known as a "reducing vessel" or "reduction vessel," the terms which the Department used in the original determination where retorts were found to be overhead in the first antidumping review of pure magnesium, citing *Pure Magnesium/PRC AD Final* (01/21/1998). TMI argues, citing *Hot-Rolled Carbon Steel Flat Products/PRC AD Prelim* (05/03/2001) and *Cold-Rolled Steel Flat Products/PRC AD Prelim* (05/09/2002), that retorts should not be treated as a direct material because they are used to hold materials during the production process in the same way that vessels or pots are used during the production of steel or aluminum, and the Department never found vessels used in the production of steel or aluminum to be direct materials. In response to Petitioner's challenge that retorts are not reusable equipment, TMI argues that retorts are reusable equipment because they are regularly returned to the providers for recycling, although TMI's producer itself did not reuse retorts only because the producer rented retorts from providers.
- TMI argues that retorts should not be a direct material because retorts are rented and rental costs are considered to be overhead under GAAP in the PRC.
- Finally, TMI pointed out that in *Pure Magnesium/PRC AD Final* (01/21/1998), the Department removed the cost of direct materials for retorts and added it to the factory overhead when it determined that retorts were overhead notwithstanding the fact that the 1994-1995 financial statements of Southern Magnesium listed retorts as a direct material.

Department's Position: We agree with TMI. First, the Department does not agree with Petitioner's characterization that TMI's supplier treats retorts as a direct input in the supplier's books and records. For a detailed discussion of the BPI related to this issue, see TMI's Final Analysis Memo.

Second, the four-factor test cited by Petitioner is not an authoritative statement of the Department's full practice. Rather, the Department's practice is to evaluate various criteria to distinguish direct or indirect materials on a case-by-case basis. In *Bridgestone* (CIT 2010), the Court found that the Xugong's characterization of the Department's the four-prong criteria as a hard and fast standard was inappropriate. Further, the Court interpreted that the "standard" was

³⁹ Pidgeon process is a primary process of manufacturing magnesium. In the Pidgeon process, first, dolomite is calcined in a kiln to obtain calcined dolomite; second, the calcined dolomite is mixed with ferrosilicon and fluorite powder and pressed into balls; third, the balls are placed into a reduction furnace which, under vacuum and at high temperature, produces magnesium crown; see TMI's submission, "Pure Magnesium from the People's Republic of China; A-570-832; see response to the Sections C& D by Tianjin Magnesium International, Co. Ltd." dated August 27, 2010, page D-3.

“merely a survey of various criteria taken into consideration in different past determinations to distinguish direct materials.”⁴⁰ Here, similar to Xugong’s characterization of the four-prong standard, Petitioner’s declaration of the four factor test as being the new test to determine whether an input is a direct material by the Department is inaccurate.

The Department has broad discretion in determining which criteria are most relevant to a particular case when evaluating overhead.⁴¹ The Department is not required to examine every possible factor to make its determination in each case, but rather is required to provide a rational explanation for the criteria on which it focuses. In *Bridgestone* (CIT 2010), the Department’s final decision, upheld by the Court, was based only on two factors: (1) physical incorporation and (2) essential usage.⁴²

Generally, whether an item is a direct or indirect material is decided on a case-by-case basis in accordance with section 773(c)(1) of the Act.⁴³ The Department has established that the distinction between direct and indirect materials lies in whether the costs are incurred with respect to a particular product.⁴⁴ Indirect materials are usually: (1) items used in the production process, but not traceable to a particular product; or (2) items that are added directly to products, but whose cost is so small that the effort of tracing that cost to individual products would be greater than the benefit of accuracy.⁴⁵

As in the *Preliminary Results*, we continue to find retorts to be properly classified as overhead because they are not physically incorporated into the final product and are replaced too infrequently to be a direct material. Unlike the copper wire in *Mushrooms/PRC AD Final* (09/14/2005) (where copper wire became part of the can covered by the scope of the order)⁴⁶ or graphite molds in *Diamond Sawblades/PRC AD Final* (05/22/2006) (where a portion of the graphite molds was absorbed into the finished segment), retorts in this review are not consumed and incorporated into the final product. Furthermore, the Department found that graphite molds were replaced regularly enough to represent a direct material rather than overhead.⁴⁷ In *Diamond Sawblades/ PRC AD Final* (05/22/2006), the producer used both graphite and steel molds to produce the final product and the Department reached different conclusions as to whether each kind of mold was a direct material. While the Department found graphite molds to be a direct material, it found steel molds to be overhead. In addition to considering the fact that steel molds were not absorbed into the final product, the Department reasoned that steel molds were replaced less frequently than graphite molds. Thus, even if retorts served a similar role in holding materials for further production of pure magnesium as molds in holding materials in *Diamond Sawblades/PRC AD Final* (05/22/2006), as Petitioner argues,⁴⁸ the Department finds that retorts are more like steel molds and are considered overhead, than graphite molds, because retorts are not consumed into the final product and are replaced too infrequently to be a direct material.⁴⁹

⁴⁰ *Id.*

⁴¹ See *Magnesium Corp.* (Fed. Cir. 1999), 166 F.3d at 1372.

⁴² See *Bridgestone Remand* (CIT 2009); *Bridgestone* (CIT 2010).

⁴³ See *Malleable Iron Pipe Fittings/PRC AD Final* (06/29/2006), and IDM at Comment 19.

⁴⁴ See *Polyvinyl Alcohol/PRC AD Final* (08/11/2003), and IDM at Comment 7.

⁴⁵ *Id.*; see also *Persulfates/PRC AD Final* (02/09/2005), and IDM at Comment 4.

⁴⁶ See *Mushrooms/PRC AD Final* (09/14/2005), and IDM at Comment 15.

⁴⁷ See *Diamond Sawblades /PRC AD Final* (05/22/2006).

⁴⁸ See Petitioner’s Case Brief, at page 12 (where an extensive analogy was made between retorts’ functionality and graphite molds functionality).

⁴⁹ See TMI’s Final Analysis Memo for more discussion.

In this review, no record evidence indicates that the retorts are traceable to specific magnesium products. In fact, Petitioner conceded that retorts are not physically incorporated into the final product.⁵⁰ Rather, record evidence shows that retorts are steel tubes inside furnaces and under vacuum, where mixtures of finely ground calcined dolomite and ferrosilicon formed into briquettes react to form magnesium vapors which are then condensed and later re-melted into ingots.⁵¹ For these reasons, the Department considers retorts to be an indirect material.

Although the Department may consider the relative cost to determine whether certain items should be attributed to overhead, this consideration is not determinative or considered alone.⁵² Further, in determinations where cost has played a large role, the cost has not been related to factory equipment. For example, in *Urea/Russia AD Final* (02/21/2003), the items were catalysts. In *Silicomanganese /PRC AD Final* (05/18/2000), the electrode paste was a “consumable” used up during production. In this review, retorts are not an input added into the production process; rather, they are manufacturing equipment, like an oven or crucible, all of which are necessary components of the production line to produce pure magnesium.

Finally, the Department finds that evidence placed by Petitioner on the record that purports to show that the magnesium industry treats retorts as a direct material is inconclusive. In reviewing the record evidence about India, we find that Petitioner’s argument that Southern Magnesium, an Indian producer of magnesium that ceased production approximately ten years prior, treated retorts as direct materials is speculative and not persuasive. First, Petitioner provided non-contemporaneous financial statements for this company covering the fiscal years 1994-1995 through 2000-2001. None of these financial statements, except the 1994-1995 financial statements, list retorts as a direct material. Petitioner attempted to persuade the Department that retorts were in fact included in the “others” subcategory of “direct materials” by comparing the ratio of “others” direct material to total direct material costs. While Petitioner asserts that the ratio remained fairly constant over time and thus supports its conclusions, we do not agree. Rather, we discern that the ratio of “others” direct material to total direct material costs associated with each reporting period is not constant, and the difference among some of those ratios is quite significant.⁵³ Moreover, we find that without any discussion within the financial statements as to what is included in the “others” direct materials category or the indirect materials or overhead categories, that any conclusion as to where retorts are specifically included would be based only on speculation, not factual evidence. In fact, if anything, the fact that the financial statements ceased to report retorts as a direct material input would militate toward a finding that the company was no longer treating retorts as a direct input. With regard to Petitioner’s claim that a Malaysian producer treated retorts as “raw materials,” the Department finds that an individual company’s treatment is insufficient to show that the magnesium industry as a whole treats retorts as direct material when most of the other industry financial statements available on the record (*i.e.*, those of the Indian producer) did not list retorts as direct material.

⁵⁰ See Petitioner’s Case Brief, page 6.

⁵¹ See TMI’s 1st SQR Section D, Exhibit SD-2B.

⁵² See *Urea/Russia AD Final* (02/21/2003), and IDM at Comment 5 and *Silicomanganese/PRC AD Final* (05/18/2000), and IDM at Comment IV.1.

⁵³ For example, in the 1994-1995 period the ratio was 36.45%, whereas in the 1999-2000 period the ratio was 47.15%; see Petitioner’s Case Brief, Exhibit 4.

Comment 5: Selection of Surrogate Financial Statements and Calculation of Financial Ratios

- Petitioner argues that the Department should revise its surrogate financial ratios calculation because the surrogate statement used for the *Preliminary Results*, Bharat received countervailable subsidies during the reporting period.
- Petitioner argues, however, that because Bharat, Hindustan Zinc, and NALCO meet all the other surrogate producer selection criteria, if the Department should continue to use Bharat's financial statement it also should use Hindustan Zinc's and NALCO's financial statements.
- Alternatively, Petitioner argues, if the Department rejects Bharat's, NALCO's, and Hindustan Zinc's financial statements, the Department should use MALCO's 2006/2007 financial statements to determine financial ratios.
- TMI argues the Department should not use the financial statements of NALCO because NALCO received a countervailable subsidy (EPCGS) during the POR and it has captive mines. In addition, TMI argues that NALCO's financial statement is incomplete as it does not contain complete information regarding consumption of raw materials.⁵⁴
- TMI argues that the Department should not use the financial statements of Hindustan Zinc because it received subsidies and it produced zinc, which is not comparable merchandise. Additionally, Hindustan Zinc is part of a vertically integrated entity with captive mines in the third countries and was traded on the London Stock Exchange.
- TMI argues that the Department should not use MALCO's 2006/2007 financial statements because it is not contemporaneous and the company received countervailable subsidies.⁵⁵ In addition, TMI argues that the Department should not have used MALCO's financial statements because MALCO has captive mines. TMI claims that ownership of captive mines represents a countervailable subsidy.⁵⁶ Further, TMI argues that MALCO is an integrated producer and will not accurately represent TMI's production.
- TMI argues the Department should use the financial statement of Hindalco if it determines to use data of primary producers because Hindalco's financial statement is contemporaneous and it does not appear that Hindalco received any countervailable subsidy.
- Finally, TMI argues that the Department should use the financial statements of secondary aluminum producers as they represent the best available information on the record for the following reasons:
 - The Department never determined that the production of aluminum extrusion products is not comparable to magnesium.⁵⁷
 - The primary aluminum process is quite different from the magnesium producer in terms of inputs and energy sources used for products. The secondary production process used by secondary aluminum producers is essentially the same as the secondary magnesium production process in the PRC.

⁵⁴ *Pure Magnesium/PRC AD Final* (12/16/2008), and IDM at Comment 6.

⁵⁵ See *PET Film/India CVD Final* (12/12/2008), and IDM at Comment 8; *PET Film/India CVD Final* (02/10/2010).

⁵⁶ See *Hot-Rolled Carbon Steel Flat Products/India CVD Final* (07/14/2008), and IDM at Comment 25.

⁵⁷ See *Magnesium Metal/PRC AD Final* (10/25/2010).

Department's Position: When selecting financial statements for purposes of calculating surrogate financial ratios, the Department's policy is to use data from market-economy surrogate companies based on the "specificity, contemporaneity, and quality of the data."⁵⁸ In accordance with 19 CFR 351.408(c)(4), the Department normally will use non-proprietary information gathered from producers of identical or comparable merchandise in the surrogate country to value manufacturing overhead, general expenses, and profit.⁵⁹ In light of Petitioner's and TMI's arguments, and after examining the 11 financial statements on the record,⁶⁰ the Department is reversing its preliminary decision of relying on Bharat's financial statements to determine TMI's overhead, SG&A expenses, and profit. For purposes of the final results, the Department finds the 2009-2010 audited financial statements of Hindalco to be the best information available for calculating the surrogate financial ratios because Hindalco produced primary aluminum, which the Department has found to be comparable to primary magnesium production.⁶¹ Record evidence shows Hindalco's primary aluminum production accounted for two thirds of the company's total metal production by tonnage.⁶² Additionally, there is no evidence to indicate that Hindalco received subsidies during the POR, which the Department has determined to be countervailable. Hindalco was also profitable during the POR. Further, its audited financial statements are complete and are sufficiently detailed to disaggregate materials, labor, overhead, and SG&A expenses. Thus, we conclude that the financial statements for Hindalco are the best information available for calculating TMI's financial ratios in the final results. We find that the remaining financial statements on the record are not suitable for calculating surrogate ratios because they are from companies that do not produce comparable merchandise, have received subsidies that the Department has found to be countervailable, or are non-contemporaneous. We discuss each financial statement below.

Midhani, Hindustan Copper

The Department declines to use the financial statements of Midhani, Hindustan Copper, Sudal, Century, Bhoruka, and Gujurat because these companies did not produce products that the Department has determined to be comparable to the subject merchandise. Midhani produced three principal products: alloy steel, titanium, and molybdenum, none of which the Department has determined to be comparable to pure magnesium. Hindustan Copper produced copper, the production process of which the Department has determined is not comparable to that of the subject merchandise.⁶³

Sudal, Century, Bhoruka, and Gujurat

We also find that the secondary primary magnesium producers (*i.e.*, Sudal, Century, Bhoruka, and Gujurat), proposed by TMI, do not produce comparable merchandise. As in the *Preliminary Results*, the Department continues to prefer financial statements from a producer of primary

⁵⁸ See *Lined Paper/PRC AD Final* (09/08/2006), and IDM at Comment 1.

⁵⁹ See *Shrimp/PRC AD Final* (09/12/2007), and IDM at Comment 2.

⁶⁰ After the *Preliminary Results*, TMI also placed on the record 2005-2006 financial statements of Southern Magnesium for purposes of determining financial ratios, however, no parties argue for the use of the financial statements. Because the company has ceased to produce magnesium since the period of 2000-2001, the Department declines to use the financial statements.

⁶¹ See *Pure Magnesium/PRC AD Prelim* (10/23/1997), confirmed in *Pure Magnesium/PRC AD Final* (01/21/1998).

⁶² See TMI's SV Submission, Exhibit SV-13, page 82.

⁶³ See *Pure Magnesium/PRC AD Final* (12/23/2010), and IDM at Comment 2.

aluminum, which the Department has found to be comparable to the subject merchandise. None of these four companies produced aluminum by a primary production process. According to TMI, the secondary production process used by these secondary aluminum producers is essentially the same as the secondary magnesium production process used in the PRC by some companies to produce merchandise that is within the scope of this *Order*.⁶⁴ TMI's argument, however, is inapposite to this issue because TMI's producer in this review did not utilize secondary magnesium production, which begins by melting magnesium scraps, to produce the subject merchandise. Rather, TMI's producer manufactured pure magnesium through a primary process, which begins by calcining dolomite with chemicals to produce magnesium.⁶⁵ Hence, the production experience of these secondary producers is different from that of TMI's producer.

Hindustan Zinc, NALCO, and Bharat

Further, the Department continues not to rely on the financial statements for Hindustan Zinc, NALCO, and now Bharat as well. The Department has a well-established practice of disregarding financial statements where there is evidence that the company received subsidies that the Department has previously found to be countervailable during the POR, and where there are alternative, sufficient, reliable, and representative data on the record to calculate the surrogate financial ratios.⁶⁶ Hindustan Zinc received benefits from the EPCGS,⁶⁷ a subsidy that the Department has determined to be countervailable.⁶⁸ Both NALCO and Bharat also received an EPCG subsidy during the POR.⁶⁹

Finally, the Department declines to use the 2006-2007 financial statements for MALCO because the financial statements of MALCO are from three years prior to the POR. One of the Department's criteria for choosing surrogate companies to determine financial ratios is the availability of contemporaneous financial statements, in addition to comparability to the producer's experience.⁷⁰ Based on the availability of contemporaneous financial statements that also otherwise meet the Department's criteria, MALCO's financial statements are not the best information available for calculating the financial ratios for these final results of review.

Comment 6: Whether the Department Should Grant TMI By-Product Offsets for Magnesium Waste and Cement Clinker

- Petitioner claims that the Department erred in the *Preliminary Results* when it granted TMI by-product offsets for waste magnesium and cement clinker because TMI has not met its burden of proof by demonstrating that the by-products have commercial value. Petitioner argues that TMI has not met its burden because it submitted no more proof of commercial value for waste magnesium and waste clinker than it submitted in past reviews where the Department denied TMI by-product offsets for these materials.

⁶⁴ See TMI's Wage Rate Rebuttal Brief, at page 20.

⁶⁵ See TMI's C&DQR, page C-3.

⁶⁶ See *Pure Magnesium/PRC AD Final* (12/23/2010), and IDM at Comment 2; *Steel Nails/PRC AD Final* (06/17/2010), and IDM at Comment 4; *OTR Tires/PRC AD Final* (07/15/2008) IDM at Comment 17.A.

⁶⁷ Petitioner's SV Comments, Exhibit 10, financial statements of Hindustan Zinc, at 86.

⁶⁸ See *Hot-Rolled Carbon Steel Flat Products/India CVD Final* (07/26/2010), and IDM at Comment 2.

⁶⁹ See Petitioner's SV Comments, Exhibit 8, financial statements of NALCO at 70; Exhibit 9, financial statements of Bharat, Notes 4.

⁷⁰ See *Isos/PRC AD Final* (05/10/2005), and IDM at Comment 5.

- Petitioner further argues that the Department cannot rely on the absence of verification as the distinguishing factor that differentiates the circumstances of this segment from previous ones where the by-product offsets were denied. Petitioner argues that it requested verification for good cause, yet the Department determined not to verify.
- TMI did not comment on this issue.

Department's Position: The Department disagrees with Petitioner's assertion that TMI did not meet its burden of proof regarding demonstrating there is a commercial value for two by-products, magnesium waste and cement clinker in this review. Each segment of an administrative review contains its own independent record and is considered a separate and distinct proceeding.⁷¹ The Department verified TMI's books and records during the two immediately preceding reviews. The Department successfully verified TMI's response in the immediately preceding review (the 2008-2009 review), aside from the by-product offset issue. During the verification in the 2008-2009 review, the Department found that TMI's producer attempted to support its by-product offset with the same voucher book that the Department found to be unreliable in the 2007-2008 verification; thus the Department denied TMI's by-product offsets.⁷²

In the current review, however, no evidence indicates that TMI's supporting documents (*e.g.*, by-product warehouse-in slips, by-product invoices, and by-product receipts⁷³) for the by-product offsets are similarly unreliable. The documents submitted in this review recorded transactions between TMI and its purchasers of by-products that occurred during the current POR. In addition to responding to the Department's original questionnaire concerning the by-product offset, TMI timely submitted further documentation after the Department issued a supplemental questionnaire to request it.⁷⁴ In particular, in the supplemental questionnaire, we asked TMI to provide supporting documentation issued by third parties (*e.g.*, freight transporters or cement factories). In response, TMI provided sales agreements for the sales of cement clinker and magnesium waste. These agreements were between TMI's supplier, their freight providers and cement companies, as requested. While some of the freight providers were the same as those involved in previous reviews, Petitioner has not identified any specific evidence that demonstrates that these documents are false or unreliable. While the Department recognizes there are limitations to an antidumping review in the sense that such proceedings are not fraud investigations, the Department's antidumping determination in each segment of proceeding is based upon the record before it. In this review, there is no evidence of fabricated documents or a scheme to manipulate the process for purposes of antidumping duties. In light of the original information submitted (discussed above), the additional information provided (the sales agreements), and the lack of any evidence as to the unreliability of such documents, the Department is granting TMI the by-product offset in this review.

⁷¹ See *Shandong Huarong Mach. Co. v. United States*, 29 C.I.T. 484, 491 (2005); *Folding Metal Tables/PRC AD Final* (01/18/2011), and IDM at Comment 3; *Wooden Bedroom Furniture/PRC AD Final* (08/17/2009), and IDM at Comment 32.

⁷² See Petitioner's submission, "Pure Magnesium From The People's Republic Of China: Request For Verification Based On Good Cause," dated October 12, 2010, Exhibit 2 (the verification report of the 2008-2009 pure magnesium antidumping duty review, pages 33-35).

⁷³ See TMI's C&DQR, Exhibit D-9, D-10, and D-11.

⁷⁴ See TMI's 2nd SQR (*e.g.*, agreement of suppliers, Exhibit 2S-5).

Comment 7: Valuation of Dolomite

- Petitioner argues record evidence supports that there are multiple grades of dolomite and the type characterized as unsuitable for international trade is lower-value dolomite used in construction/cement applications.
- Petitioner contends record evidence supports that there is a significant difference, both in chemical composition and relative prices, between low-value dolomite used in construction/cement applications and higher-value dolomite used in industrial/metallurgical applications.
- Petitioner asserts that the chemical composition of the dolomite consumed by TMI's producer is comparable to the industrial/metallurgical grades used by the steel industry.
- Petitioner claims that the record demonstrates that steel plants used two different forms of dolomite—calcined and uncalcined dolomite. Thus, the financial statements of steel companies are not specific with respect to the dolomite used by TMI's supplier. In addition, the financial statements do not provide any indication of whether the dolomite values are freight-exclusive, while the Indian import statistics (*i.e.*, GTA) are freight-exclusive and are specific to uncalcined dolomite.
- Petitioner argues that the GTA data meet the Department's criteria for SVs because they refer specifically to uncalcined dolomite, which TMI's producer used. The data are net of taxes and import duties and are a period-wide, country-wide price averages.
- Petitioner contends that the fact that the dolomite business segment of Bisra Stone Lime (one of the four companies the Department relied on to determine the surrogate value of dolomite in the *Preliminary Results*) operated at a loss during the POR rendered sales values for dolomite from that company unreliable.
- In response to TMI's proposed use of financial statements of an additional five steel companies reporting consumption of dolomite, Petitioner argues that these statements are deficient and inappropriate.
- TMI contends that the Department should not value dolomite using GTA data because the largest imports of dolomite to India in the GTA data were from Greece (54 percent) and Italy (35 percent), both of which, TMI claims, are noted for architectural stone and thus are not representative of the crude dolomite at issue.
- TMI argues that the GTA data is distorted because it does not show the substantial shipments of dolomite exported from Bhutan to India shown in the Bhutan Trade Statistics.
- TMI argues that the Department has traditionally found in previous reviews that the price of domestically produced dolomite from Indian company data is the best information available, which is consistent with the fact that the volume of imports is small compared to the very large amount produced domestically.
- While conceding that subsidies and captive mines may be relevant for the financial ratio calculation, TMI contends that they may be ignored for the direct material valuation. Therefore, TMI argues, the Department should consider the financial statements of the additional five Indian consumers of dolomite that TMI put on the record.

Department's Position: It is the Department's preference to rely on data that are representative of a broad-market average, publicly available, contemporaneous with the POR, and exclusive of

taxes and duties.⁷⁵ The Department has found that GTA data meet those criteria and prefers to use these data when possible.

The Department also prefers to rely on data that are specific to the input being valued. We agree with Petitioner that record evidence shows that the chemical composition of TMI's dolomite is comparable to the dolomite used in industrial/metallurgical applications, rather than the type used for construction/agricultural purposes.⁷⁶ In particular, the magnesium oxide content in TMI's dolomite is within the range of the industrial/metallurgical dolomite. Further, the import statistics for subheading HTS 2518.10 are more specific to the input than the financial statements of Indian steel producers because they represent values for uncalcined dolomite, the type that TMI's producer consumed. In comparison, record evidence shows that the type of dolomite consumed by steel companies is not necessarily limited to uncalcined product.⁷⁷ Thus, it would be inappropriate for the Department to continue to rely on financial statements of cement or steel companies for purposes of determining the SVs for dolomite in the final results of review.

We further note that the import quantities of dolomite reported by the GTA data during the POR are greater than that in previous reviews where we found that the quantities were so small that they may not represent commercial quantities.⁷⁸ Regarding TMI's concern that the GTA data do not include import statistics from Bhutan, we note that the period covered by the Bhutan export data presented by TMI does not fully overlap the period for which we used GTA data. Finally, the fact that Greece and Italy might be traditionally associated with the use of architectural stone is not compelling with regard to the type of dolomite these two countries export and thus does not serve to support a conclusion that the GTA data reporting Greek and Italian imports into India are not reliable as a SV for dolomite. Therefore, the Department has relied on the GTA data under HTS 2518.10 as the SV for dolomite for the final results of this review.

Comment 8: The Source of the Surrogate Value for Truck Freight

- Petitioner argues that the Department should reject *Infobanc* freight rates because they are flawed, as the underlying sources and basic price terms for the data are unknown and significantly below cost and thus are not reflective of commercial reality.
- Petitioner asserts that *Infobanc* truck freight rates are unreliable because the rates decreased significantly during the POR, while Indian diesel fuel costs increased significantly over the same period.⁷⁹
- Petitioner contends that the Department recently, in *Wooden Bedroom Furniture/PRC AD Final* (08/11/2011), used World Bank data to determine truck freight rates.
- Petitioner argues that if the Department prefers to determine the truck freight surrogate freight value by using data from multiple sources, it should also include the rates published by Gati Ltd. ("Gati"), an actual Indian freight company, in addition to the World Bank data.

⁷⁵ See, e.g., *Pencils/PRC AD Final* (07/13/2009), and IDM at Comment 4; *Honey/PRC AD Final* (10/04/2001), and IDM at Comment 4; *Shrimp/PRC AD Final* (08/19/2011), and IDM at Comment 4.

⁷⁶ See TMI's 1st SQR, page 18, Exhibit SD-7b (where TMI stated the chemical composition of its dolomite); the Indian Yearbook covering 2009 provides that the industrial/metallurgical dolomite contains the minimum MgO content ranging from 18 to 22 percent, see TMI's C&DQR, at Exhibit SD-7B.

⁷⁷ See TMI's SV Submission for dolomite.

⁷⁸ See *Pure Magnesium/PRC AD Final* (10/17/2006), and IDM at Comment 1.

⁷⁹ See Petitioner's Freight Rate Comments.

- Petitioner argues, alternatively, if the Department rejects World Bank data, it should use the rates published by Gati because Gati is an actual, profitable freight company operating in India.
- TMI asserts that *Infobanc* data represent an average per-unit cost to transport merchandise by truck within India and measure the per-unit shipping costs for one hundred pairs of cities on a monthly basis. The data also cover multitude of truck routes through a variety of cities, citing *Pure Magnesium/PRC AD Final* (12/23/2010), and IDM at Comment 11.
- In response to Petitioner’s challenge that *Infobanc*’s “posted amounts are teaser rates designed to attract a potential customer, with substantial cost add-ons eventually being applicable once actual terms and conditions become apparent,” TMI argues that the Department has found, citing *Wooden Bedroom Furniture/PRC AD Final* (08/18/2010), and IDM at Comment 12, that *Infobanc* data represent actual transaction prices. Lastly, TMI argues that the Department should not use the rates listed by Gati when country-wide data are available.

Department’s Position: The Department, as in the last two reviews of this order, continues to find that *Infobanc* data are the best information available to determine the truck freight in this review. It is the Department’s practice, when selecting possible SVs for use in an NME proceeding, to use, where possible, a publicly available value which is: (1) an average non-export value; (2) representative of a range of prices within the POR or most contemporaneous with the POR; (3) product-specific; and (4) duty and tax-exclusive.⁸⁰ *Infobanc* data meets all those criteria. *Infobanc* data are contemporaneous, country-wide, and identify the relevant time period, distances, and weights.⁸¹ For these reasons, the Department has traditionally relied on truck freight data published by *Infobanc* to determine the SV for inland freight when India was the surrogate country.⁸²

The Department disagrees with Petitioner’s assertion that truck freight from the World Bank data (derived from the *Trading Across Borders In India Survey Results*) represents the best information available for determining truck freight rates in India. Petitioner purported to extract the cost of “inland transportation and handling” pertaining to the export segment from a survey for which the data collection was completed in June 2009⁸³ and argued that such cost is representative of domestic inland freight costs in India. After reviewing the record, the Department finds that the cost of inland transportation is a part of the total cost for “domestic business in India to export and import a standardized cargo of goods by ocean transport.”⁸⁴ It is unclear what type of transportation mode the companies that responded to the survey used to transport goods from a sea port to a final destination or from the origin of the goods to a sea port. The survey that compiled the data to construct the cost of inland transportation and handling asked those surveyed to select one of the three modes for inland transport, *i.e.*, train, truck, or barge/boat,⁸⁵ and to report the total cost of inland transportation and handling.⁸⁶ However, the

⁸⁰ See *Wooden Bedroom Furniture/PRC AD Final* (11/17/2004).

⁸¹ *Id.*

⁸² See *Coated Paper/PRC AD Prelim* (05/06/2010); *Wooden Bedroom Furniture/PRC AD Final* (08/18/2010); *OTR Tires/PRC AD Prelim* (10/19/2010); *Magnesium Metal/PRC AD Final* (10/25/2010); *Aluminum Extrusions/PRC AD Prelim* (11/12/2010); *Pure Magnesium/PRC AD Final* (12/23/2010).

⁸³ See Petitioner’s SV Comments, Exhibit 7.

⁸⁴ See *id.* Exhibit 7A, page 1.

⁸⁵ See *id.* Exhibit 7E, Section III, question ix.

survey only published the average cost of inland transport and handling and did not reveal the respective costs of inland transportation associated with each individual transportation mode. It is conceivable that companies surveyed used different transportation modes for inland transportation, which would render the use of such data for purposes of calculating a surrogate truck freight rate less reliable because TMI specifically identified the transportation mode for its FOPs as trucks.⁸⁷

Additionally, it is unclear why Petitioner chose the cost of “inland transportation and handling” pertaining to the export segment over the cost of “inland transportation and handling” pertaining to the import segment. Petitioner did not provide any explanations for its choice. The fact that the prices of the costs of “inland transportation and handling” for the export and import segments differ suggests that the proposed cost for inland freight by Petitioner is unreliable and arbitrary for purposes of determining the surrogate value for truck freight in this review.

Additionally, the survey from which Petitioner derived the cost of “inland transportation and handling” did not identify any distance in its calculation. Rather, the survey merely asked the companies surveyed to indicate the sea port used by traders in the most populous city, and it did not publish the result of the question. Instead, Petitioner arbitrarily constructed a “conservative distance” by selecting the city of Mumbai and used an estimated travel distance within Mumbai (64 kilometers) to calculate the cost of inland freight per kilometer.

Petitioner misconstrued the Department’s reason for selecting freight rates published by the World Bank’s *Doing Business in the Philippines* instead of *Infobanc* truck freight data in *Wooden Bedroom Furniture/PRC AD Final* (08/11/2011). First, in that review, the Department only agreed with the petitioner in part.⁸⁸ While the petitioner in that review similarly attacked *Infobanc* data as being unreliable and undervalued, the Department did not necessarily agree with those assertions. In *Wooden Bedroom Furniture/PRC AD Final* (08/11/2011), the surrogate country was the Philippines, not India. *Infobanc* data are only limited to truck freight in India, no such data are compiled and published in the Philippines. The available record data, for purpose of calculating inland freight in *Wooden Bedroom Furniture*, included only Indian *Infobanc* data and the Philippines’ freight rates published by the World Bank group. As stated in the final results of that review, because the Department preferred valuing all factors, except labor (a practice which has since changed), in a single country (in that case the Philippines), the Department chose the freight rates from the *Doing Business in the Philippines*. Thus, if the surrogate country had been India in *Wooden Bedroom Furniture/PRC AD Final* (08/11/2011), it is not clear if the Department would have selected freight rates published by the World Bank group over the *Infobanc* truck freights.

We also disagree with Petitioner’s assertion that *Infobanc* truck freight rates are not reliable because the reported rates decreased during the POR, but Indian diesel fuel costs increased over the same period. To support its assertion that Indian diesel fuel costs increased significantly, Petitioner cited *Aluminum Extrusion/PRC AD Prelim* (11/12/2010), in which the Department inflated the price of diesel. However, Petitioner misconstrues the circumstances in that case. Petitioner omitted the fact that the Department’s reason for inflating the price of diesel was

⁸⁶ See *id.* Exhibit 7E, Section IV, question 2.

⁸⁷ See TMI’s SV Submission, Exhibit D-16.

⁸⁸ See *Wooden Bedroom Furniture/PRC AD Final* (08/11/2011), and IDM at Comment 21.

because no contemporaneous price data for the POR was available. It is the Department's general practice to inflate the price of an input using the surrogate country's wholesale WPI when the surrogate value used for that input is not available for the POR and the WPI for the surrogate country is positive.⁸⁹ Thus, the assertion that *Infobanc* rates are not reliable because we inflated prices of diesel in a different administrative review, with different facts, is not persuasive. Moreover, the Department disagrees with Petitioner's assertion that *Infobanc* rates are deficient because the terms associated with the rates remain unknown and overland truck shipment involves numerous different activities (e.g., loading and unloading).⁹⁰ Under the NME methodology for calculating inland freight, e.g., from point A to point B, the Department assumes the surrogate truck freight rate used includes all costs associated with activities relating to truck freight, absent evidence to the contrary. While it is unclear whether the *Infobanc* truck rate data on the record include costs associated with those activities, we continue to find *Infobanc* to be the best information available for the reasons mentioned above.

Lastly, the Department declines to use an individual company's rates when country-wide data are available. It is the Department's preference to use publicly-available data that reflects numerous transactions between many buyers and sellers because the experience of a single producer is less representative of the cost of an input in the surrogate country.⁹¹ Accordingly, the Department continues to use truck freight from *Infobanc* for calculating SV for truck freight in the final.

Comment 9: Ministerial Errors in the Preliminary Results

- Petitioner pointed out that TMI reported that it incurred expenses for INLFWPU, INVENTORY and WHHANDLING but the Department did not include the fields in its calculation of net U.S. Price.
- TMI argues that the Department can ignore insignificant errors pursuant to section 777A(a)(2) of the Act, and should do so here.

Department's Position: In reviewing the record, the Department agrees with Petitioner that we failed to include these three expenses in the SAS programming in the *Preliminary Results*. Further, TMI's reliance on 777A(a)(2) is misplaced, as this provision relates to the Department's discretion in taking into account minor adjustments, while in this instance the Department has already determined to include these adjustments, but inadvertently failed to do so in its margin calculation program. Thus, the Department will include them in the programming in the final.

Comment 10: The Surrogate Value for Coal Tar

- Petitioner states that in the *Preliminary Results*, the Department used TMI's proposed SV for the coal tar by-product: HTS subheading 2706.00 ("Tar distilled from coal, from lignit or from peat and other mineral tars, whether or not dehydrated or partially distilled, including reconstituted tars"), instead of the HTS subheading 2706.00.10 ("Coal tar"). Petitioner argues that the Department should have used the latter because TMI

⁸⁹ See *Magnesium Metal/PRC AD Final* (10/25/2010); *Aluminum Extrusions/PRC AD Prelim* (11/12/2010).

⁹⁰ See Petitioner's Freight Rate Comments, page 5.

⁹¹ See *Steel Concrete Reinforcing Bars/PRC AD Final* (06/22/2001), and IDM at Comment 5; *Honey/PRC AD Final* (10/31/2003), and IDM at Comment 2.

specifically described the coal tar by-product as “coal tar” and thus it is inappropriate to value the factor using the former HTS subheading as that subheading includes tars from lignite, peat, and/or other minerals.

- In response, TMI argues that the Department should not change the HTS subheading from 2706.00 to 2706.00.10 because the Department used the HTS subheading 2706.00 in the last review.

Department’s Position: We agree with Petitioner that we should value TMI’s by-product of coal tar using 2706.00.10 (“Coal tar”). Other than noting that we used the broader category in the prior review, TMI has not provided any evidence or argument that the broader category is a more accurate reflection of its producer’s by-product in the instant review. Record evidence supports a conclusion that the subheading used in the *Preliminary Results*, and here proposed by TMI, is not as specific to the by-product described by TMI, as it includes materials other than coal tar, while the subheading proposed by Petitioner refers solely to coal tar, which is how TMI itself described the by-product. Accordingly, we will use the more specific subheading, 2706.00.10 (“Coal tar”), for valuating coal tar in the final results.

Comment 11: Valuation of Magnesium Waste

- TMI argues the Department should use HTS 8104.20 to value waste magnesium in the final results of review because this category most specifically describes the by-product. Further, TMI argues that the by-product contains magnesium and is derived from the manufacture of the metal magnesium and thus may not be classified as general slag, ash and residues.
- Petitioner argues that the waste cannot be valued with HTS 8104.20, rather it should be valued with HTS 2620.40 (ash residues containing mainly aluminum), citing the Department’s determination in *2006/2007 Pure Mag Remand* (CIT 09-00012). Alternatively, Petitioner asserts, the Department should use HTS 2620.99 to value the waste.

Department’s Position: The Department agrees with Petitioner that TMI’s magnesium waste should not be valued under Chapter 81 of the HTS. Record evidence shows that the magnesium waste by-product contained only between three to five percent magnesium with the flux and other impurities.⁹² Furthermore, the explanatory notes to HTS 8104 explicitly state that the heading excludes “slag, ash and residues from the manufacture of magnesium.”⁹³ Thus, the Department finds that HTS 8104 is inappropriate to value the waste by-product. Because GTA data did not report Indian import statistics under HTS 2620.40 during the POR, we are unable to apply that HTS in deriving a SV for magnesium waste in this review. Accordingly, we agree with Petitioner that the data under HTS subheading 2620.99 (ash residues containing others metals or metallic compounds, Nes) is the most appropriate data to value the waste magnesium because the data is contemporaneous and more specific to TMI’s waste by-product.

⁹² See TMI’s 1st SQR Section D, page 2.

⁹³ See TMI’s Rebuttal Surrogate Value Submission, Exhibit 14.

Comment 12: The Per-Unit Basis for Steel Bands

- TMI claimed that in the *Preliminary Results*, the Department erroneously calculated the FOP for steel bands by treating the FOP for steel bands as metric tons when TMI reported it in kilograms.
- Petitioner asserts that the Department correctly calculated the FOP for steel bands in the *Preliminary Results*.

Department's position: We disagree with TMI. The margin calculation program for the *Preliminary Results*, as well as these final results, applied kilogram as the unit of measure for the steel bands reported by TMI. See Attachment I of the Analysis Memorandum for the *Preliminary Results*.

Comment 13: Valuation of Flux

- Petitioner argues that the Department should not use *Chemical Weekly* to value the components of flux. According to Petitioner, those data do not represent actual prices. To support its position, Petitioner cited email communications between Petitioner and a special correspondent employed by *Chemical Weekly* from Mumbai who replied to Petitioner's solicited questions.
- Petitioner argues that the Department should have instead relied on GTA data for those inputs.
- TMI argues that the Department should continue to rely on *Chemical Weekly* because the data of *Chemical Weekly* is well supported and has been used regularly by the Department.
- TMI asserts that the *Chemical Weekly* data is publicly available and contemporaneous, and the periodical is well-respected in the Indian chemical business community. Further, TMI argues the *Chemical Weekly* data is specific to TMI's inputs and representative of prices throughout India.
- TMI argues that *Chemical Weekly* data value all three salts that are components of flux and, therefore, are preferable because surrogate values for all three salts originate from the same source. TMI asserts that the GTA import statistics list only minimal imports and are not the best information available to value flux.
- Finally, TMI questions the credibility and accuracy of the correspondence between Petitioner and the special correspondent. TMI argues that the correspondence is not "publicly available," cannot stand for *Chemical Weekly's* official statement, and is inherently subject to possible manipulation.

Department's Position: The Department continues to find that *Chemical Weekly* data are the best information available to determine the SVs for flux, which consists of three salts (magnesium chloride, potassium chloride, and sodium chloride). The Department has determined in numerous cases that price data from the Indian publication *Chemical Weekly* constituted the best available information to value certain inputs because these data represent multiple prices over time, are representative of prices during the POR in the primary surrogate country, India, are product-specific, and can be made tax-exclusive.⁹⁴ We also generally

⁹⁴ See, e.g., *Glycine/PRC AD Final* (08/14/2009), and IDM at Comment 3; and *Isos/PRC AD Prelim* (06/08/2009), unchanged in the final results, see *Isos/PRC AD Final* (12/14/2009).

consider import statistics, such as GTA data, to be a reliable source for determining SVs. However, in this review *Chemical Weekly* data are superior because they are more product-specific to the three salts that are components of TMI's flux. In particular, GTA data do not report import statistics for one of the three salts, sodium chloride. Petitioner proposes to use HTS 2501.00.90 (other salts) to determine the surrogate value for sodium chloride.

We continue not to rely on the email communications between Petitioner and the special correspondent from *Chemical Weekly*. The Department did not rely on the correspondence in the immediately preceding segment of this antidumping duty proceeding either,⁹⁵ noting:

We disagree with Petitioner that the correspondence it placed on the record between itself and a representative of *Chemical Weekly* indicates that the data are unsuitable for the determination of the SV for flux in the context of this review. Specifically, the information presented in the email represents a string of private correspondence between Petitioner and an employee of *Chemical Weekly*. Given the private nature of the email correspondence, it is not possible to ascertain the level of authority of the employee and/or whether the correspondence reflects the official policy of *Chemical Weekly*. *Pure Magnesium/PRC AD Final* (12/23/2010), and IDM at Comment 10.

In this review, in an attempt to respond to the Department's concerns, Petitioner submitted a copy of the contents page of *Chemical Weekly* where the name and the title (*i.e.*, special correspondent from Mumbai) of the employee were identified. Petitioner argues that the contents page cannot be ignored as a "private communication" and asserts that the employee is unequivocally in a position to know how the pricing data are collected. Further, Petitioner, advances that the reason the Department has used *Chemical Weekly* in the past is based on the assumption that the prices reflect actual sales prices throughout all of India, which it claims its correspondence disproves.⁹⁶

The Department disagrees with Petitioner's characterization of our practice. Section 773(c)(1) of the Act provides that the Department shall determine NV using an FOP methodology if the merchandise is exported from an NME country and the available information does not permit the calculation of NV using home-market prices, third-country prices, or constructed value under section 773(a) of the Act. When selecting possible SVs in an NME proceeding, the Department's preference is to use, where possible, a publicly available value that is: (1) an average non-export value; (2) representative of a range of prices within the POR or most contemporaneous with the POR; (3) product-specific; and (4) duty and tax-exclusive.⁹⁷ As stated above, price data from *Chemical Weekly* represent multiple prices over time are representative of prices during the POR in India, are product-specific, and can be made tax-exclusive.

As in the last review, we are concerned that the communications between Petitioner and the employee do not represent the policy of *Chemical Weekly*. To further illuminate our concern, it

⁹⁵ Petitioner submitted the same email communications between Petitioner and the special correspondent; *see* Petitioner's Case Brief, Exhibit 6 and *Pure Magnesium/PRC AD Final* (12/23/2010), and IDM at Comment 10. Petitioner stated that it intended to respond to the Department's concern about relying on the forging correspondence in the 2008-2009 review of this antidumping duty order.

⁹⁶ *See* Petitioner's Case Brief, page 59.

⁹⁷ *See CVP-23/PRC AD Final* (11/17/2004), and IDM at Comment 3.

is worth describing the context of the communications. On April 5, 2009, Petitioner contacted *Chemical Weekly*, soliciting information on how prices reported in *Chemical Weekly* were determined, after stating that the purpose of the solicitation was for an ongoing antidumping review.⁹⁸ On April 18, 2009, the employee replied, listing the prices of the three salts and cautioning that the prices were indicative and may not reflect the actual prices prevailing in the market. On April 20, 2009, Petitioner asked why prices (for example, magnesium chloride from Mumbai) had not changed in several years. The employee replied that non-movement in prices was possible and provided a plausible explanation. However, Petitioner seems to narrowly focus on the employee's language attacking *Chemical Weekly* prices as unreliable because they do not reflect actual sales prices for purpose of determining SV. The Department is not persuaded by Petitioner's characterization of *Chemical Weekly* data. When considering the communications in context, the employee merely offered some possible explanation to the narrow question as to why prices of some goods did not change over time. Thus, while the employee's narrative provided interesting commentary on hypothetical market situations with regard to a single product, there was no extensive discourse on the full set of procedures that *Chemical Weekly* uses to collect and report data.

Accordingly, the Department continues to determine that the information proffered by Petitioner is not sufficient to undermine our confidence in the reliability of the *Chemical Weekly* data. Therefore, for these final results, we have continued to rely on these data to determine the SV for the three salts that comprise TMI's producer's flux.

Recommendation

Based on our analysis of the comments received, we recommend adopting all of the above positions. If accepted, we will publish the final results of this review and the final weighted-average dumping margins in the *Federal Register*.

Agree _____ Disagree _____

Paul Piquado
Assistant Secretary
for Import Administration

Date _____

⁹⁸ See Petitioner's Case Brief, Exhibit 6.

Short Cite Tables

<i>List Of Abbreviations And Acronyms Used In This Memorandum</i> <i>All cites in this table are listed alphabetically by short cite</i>	
Acronym/Abbreviation	Full Name
Act	Tariff Act of 1930, as amended
AFA	Adverse Facts Available
ASI	Indian Annual Survey of Industries
Bharat	Bharat Aluminum Co., Ltd
Bisra Stone Lime	The Bisra Stone Lime Company Ltd.
Bhoruka	Bhoruka Aluminum
BPI	Business Proprietary Information
Century	Century Extrusions, Ltd.
CEP	Constructed Export Price
CFR	Code of Federal Regulations
CIT	Court of International Trade
CVD	Countervailing Duty
Department	Department of Commerce
EP	Export Price
EPCGS	Export Promotion Capital Goods Scheme
FOP(s)	Factor(s) of production
GAAP	Generally Acceptable Accounting Principles
GTA	Global Trade Atlas
Gujurat	Gujurat Foils Limited
Hindalco	Hindalco Industries, Ltd.
Hindustan Copper	Hindustan Copper Limited
Hindustan Zinc	Hindustan Zinc Limited
HTS	Harmonized Tariff System
IDM	Issues and Decision Memorandum
ILO	International Labor Organization
<i>Infobanc</i>	http://www.infobanc.com/logistics/logtruck.htm
MALCO	Madras Aluminum Company Limited
Midhani	Midhani Dhatu Nigam Limited

<i>List Of Abbreviations And Acronyms Used In This Memorandum</i>	
<i>All cites in this table are listed alphabetically by short cite</i>	
Acronym/Abbreviation	Full Name
NALCO	National Aluminum Company Limited
NME	Non-market economy
NV	Normal value
Petitioner	U.S. Magnesium LLC
POR	Period of Review
PRC	People’s Republic of China
respondent	Tianjin Magnesium International Co., Ltd. (“TMI”)
SG&A	Selling, General And Administrative Expenses
Southern Magnesium	Southern Magnesium and Chemicals Limited
Sudal	Sudal Industries, Ltd.
SV	Surrogate Value
TMI	Tianjin Magnesium International Co., Ltd.
WPI	Wholesale Price Index

<i>Short Cite Table For Litigation</i>	
<i>All cites in this table are listed alphabetically by short cite</i>	
Short-Cite	Full Cite
<i>2006/2007 Pure Mag Remand (CIT 09-00012)</i>	Final Results of Redetermination Pursuant to Court Remand <i>Tianjin Magnesium International Co., Ltd. v. United States and US Magnesium LLC</i> , Court No. 09-00012; Slip Op. 10-87 (CIT 2010)
<i>Aluminum Extrusion/PRC AD Prelim (11/12/2010)</i>	<i>Aluminum Extrusions from the People’s Republic of China: Notice of Preliminary Determination of Sales at Less Than Fair Value, and Preliminary Determination of Targeted Dumping</i> , 75 FR 690403 (November 12, 2010)
<i>Bridgestone (CIT 2010)</i>	<i>Bridgestone v. United States</i> , 710 F. Supp. 2d 1359 (CIT 2010)
<i>Bridgestone Remand (CIT 2009)</i>	Final Results of Redetermination Pursuant to Court Remand <i>Bridgestone v. United States and Xuzhou Xugong Tyres Co.</i> , Court No. 08-00256; Slip Op. Slip Op. 09-79 (CIT 2009)
<i>Magnesium Corp. (Fed. Cir. 1999)</i>	<i>Magnesium Corp. of America v. United States</i> , 166 F.3d 1364 (Fed. Cir. 1999)

Antidumping/Countervailing Duty Proceeding Federal Register Cite Table

All cites in this table are listed alphabetically by short cite

Short Cite	Full Cite
<i>Coated Paper/PRC AD Prelim (05/06/2010)</i>	<i>Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from the People's Republic of China ("PRC"): Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination, 75 FR 24892 (May 6, 2010)</i>
<i>Cold-Rolled Steel Flat Products/PRC AD Prelim (05/09/2002)</i>	<i>Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From the People's Republic of China, 67 FR 31235 (May 9, 2002)</i>
<i>CVP-23/PRC AD Final (11/17/2004)</i>	<i>Notice of Final Determination of Sales at Less Than Fair Value: Carbazole Violet Pigment 23 from the People's Republic of China, 69 FR 67304 (November 17, 2004) and accompanying Issues and Decision Memorandum</i>
<i>Diamond Sawblades/PRC AD Final (05/22/2006)</i>	<i>Final Determination of Sales at Less Than Fair Value and Final Partial Affirmative Determination of Critical Circumstances: Diamond Sawblades and Parts Thereof from the People's Republic of China, 71 FR 29303 (May 22, 2006) and accompanying Issues and Decision Memorandum</i>
<i>Electri Golf Cars/Poland (03/25/1992)</i>	<i>Electric Golf Cars From Poland; Final Results of Antidumping Duty Administrative Review ACTION: Notice of final results of antidumping duty administrative review, 57 FR 10334 (March 25, 1992)</i>
<i>Folding Metal Tables/PRC AD Final (01/18/2011)</i>	<i>Folding Metal Tables and Chairs From the People's Republic of China: Final Results of 2007-2008 Deferred Antidumping Duty Administrative Review and Final Results of 2008-2009 Antidumping Duty Administrative Review, 76 FR 2883 (January 18, 2011)</i>
<i>Glycine/PRC AD Final (08/14/2009)</i>	<i>Glycine From the People's Republic of China: Final Results of Antidumping Duty Administrative Review, 74 FR 41121 (August 14, 2009)</i>
<i>Honey/PRC AD Final (10/04/2001)</i>	<i>Notice of Final Determination of Sales at Less Than Fair Value; Honey From the People's Republic of China, 66 FR 50608 (October 4, 2001)</i>

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All cites in this table are listed alphabetically by short cite

Short Cite	Full Cite
<i>Honey/PRC AD Final</i> (10/31/2003)	<i>Notice of Final Results of Antidumping Duty New Shipper Review: Honey from the People's Republic of China</i> , 68 FR 62053 (October 31, 2003) and accompanying Issues and Decision Memorandum
<i>Hot-Rolled Carbon Steel Flat Products/India CVD Final</i> (07/14/2008)	<i>Certain Hot-Rolled Carbon Steel Flat Products from India: Final Results of Countervailing Duty Administrative Review</i> , 73 FR 40295 (July 14, 2008) and accompanying Issues and Decision Memorandum
<i>Hot-Rolled Carbon Steel Flat Products/India CVD Final</i> (07/26/2010)	<i>Certain Hot-Rolled Carbon Steel Flat Products from India: Final Results of Countervailing Duty Administrative Review</i> , 75 FR 43488 (July 26, 2010) and accompanying Issues and Decision Memorandum
<i>Hot-Rolled Carbon Steel Flat Products/PRC AD Prelim</i> (05/03/2001)	<i>Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products from the People's Republic of China</i> , 69 FR 22183 (May 3, 2001)
<i>Isos/Spain AD Final</i> (05/10/2005)	<i>Chlorinated Isocyanurates from Spain: Notice of Final Determination of Sales at Less Than Fair Value</i> , 70 FR 24506 (May 10, 2005) and accompanying Issues and Decision Memorandum
<i>Isos/PRC AD Final</i> (05/10/2005)	<i>Notice of Final Determination of Sales at Less Than Fair Value: Chlorinated Isocyanurates from the People's Republic of China</i> , 70 FR 24502 (May 10, 2005) and accompanying Issues and Decision Memorandum
<i>Isos/PRC AD Prelim</i> (06/08/2009)	<i>Chlorinated Isocyanurates from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review</i> , 74 FR 27104 (June 8, 2009)
<i>Isos/PRC AD Final</i> (12/14/2009)	<i>Chlorinated Isocyanurates from the People's Republic of China: Final Results of Antidumping Duty Administrative Review</i> , 74 FR 66087 (December 14, 2009)
<i>Labor Methodologies/NME</i> (06/10/2011)	<i>Antidumping Methodologies in Proceedings Involving Non-Market Economies: Valuing the Factor of Production: Labor</i> , 76 FR 36092 (June 10, 2011)
<i>Lined Paper/PRC AD Final</i> (09/08/2006)	<i>Notice of Final Determination of Sales at Less Than Fair Value, and Affirmative Critical Circumstances, In Part: Certain Lined Paper Products from the People's Republic of China</i> , 71 FR 53079 (September 8, 2006) and accompanying Issues and Decision Memorandum

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All cites in this table are listed alphabetically by short cite

Short Cite	Full Cite
<i>Magnesium Metal/PRC AD Final (10/25/2010)</i>	Magnesium Metal from the People's Republic of China: Final Results of the 2008-2009 Antidumping Duty Administrative Review of the Antidumping Duty Order, 75 FR 65450 (October 25, 2010) and accompanying Issues and Decision Memorandum
<i>Malleable Iron Pipe Fittings/PRC AD Final (06/29/2006)</i>	<i>Malleable Iron Pipe Fittings from the People's Republic of China: Final Results of Antidumping Duty Administrative Review, 71 FR 37051 (June 29, 2006) and accompanying Issues and Decision Memorandum</i>
<i>Mushrooms/PRC AD Final (09/14/2005)</i>	<i>Final Results and Final Rescission in Part, of Antidumping Duty Administrative Review: Certain Preserved Mushrooms from the People's Republic of China, 70 FR 54361 (September 14, 2005) and accompanying Issues and Decision Memorandum</i>
<i>OTR Tires/PRC AD Final (07/15/2008)</i>	<i>Certain New Pneumatic Off-The-Road Tires from the People's Republic of China: Final Affirmative determination of Sales at less Than fair Value and Partial Affirmative Determination of Critical Circumstances, 73 FR 40485 (July 15, 2008) and accompanying Issues and Decision Memorandum</i>
<i>OTR Tires/PRC AD Prelim (10/19/2010)</i>	<i>Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review, 75 FR 64259 (October 19, 2010)</i>
<i>Pencils/PRC AD Final (07/13/2009)</i>	<i>Certain Cased Pencils from the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review, 74 FR 33406 (July 13, 2009) and accompanying Issues and Decision Memorandum</i>
<i>Persulfates/PRC AD Final (02/09/2005)</i>	<i>Persulfates from the People's Republic of China: Final Results of Antidumping Duty Administrative Review, 70 FR 6836 (February 9, 2005) and accompanying Issues and Decision Memorandum</i>
<i>PET Film/India CVD Final (12/12/2008)</i>	<i>Polyethylene Terephthalate Film, Sheet, and Strip from India: Final Results of Countervailing Duty Administrative Review, 73 FR 75672 (December 12, 2008) and accompanying Issues and Decision Memorandum</i>
<i>PET Film/India CVD Final (02/10/2010)</i>	<i>Polyethylene Terephthalate Film, Sheet, and Strip from India: Final Results of Countervailing Duty Administrative Review, 75 FR 6634 (February 10, 2010) and accompanying Issues and Decision Memorandum</i>

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All cites in this table are listed alphabetically by short cite

Short Cite	Full Cite
<i>Polyvinyl Alcohol/PRC AD Final (08/11/2003)</i>	<i>Notice of Final Determination of Sales at Less Than Fair Value: Polyvinyl Alcohol from the People's Republic of China, 68 FR 47538 (August 11, 2003) and accompanying Issues and Decision Memorandum</i>
<i>Pure Magnesium/PRC AD Prelim (10/23/1997)</i>	<i>Pure Magnesium From the People's Republic of China: Preliminary Results of Antidumping Duty New Shipper Administrative Review, 62 FR 55215 (October 23, 1997)</i>
<i>Pure Magnesium/PRC AD Final (01/21/1998)</i>	<i>Pure Magnesium from the People's Republic of China: Final Results of Antidumping Duty New Shipper Administrative Review, 63 FR 3085 (January 21, 1998)</i>
<i>Pure Magnesium/PRC AD Final (10/17/2006)</i>	<i>Pure Magnesium from the People's Republic of China: Final Results of 2004-2005 Antidumping Duty Administrative Review, 71 FR 61019 (October 17, 2006) and accompanying Issues and Decision Memorandum</i>
<i>Pure Magnesium/PRC AD Final (12/16/2008)</i>	<i>Pure Magnesium from the People's Republic of China: Final Results of Antidumping Duty Administrative Review, 73 FR 76336 (December 16, 2008) and accompanying Issues and Decision Memorandum</i>
<i>Pure Magnesium/PRC AD Final (12/23/2010)</i>	<i>Pure Magnesium from the People's Republic of China: Final Results of the 2008-2009 Antidumping Duty Administrative Review of the Antidumping Duty Order, 75 FR 80791 (December 23, 2010) and accompanying Issues and Decision Memorandum</i>
<i>Pure Magnesium/PRC AD Prelim (06/08/2011)</i>	<i>Pure Magnesium From the People's Republic of China: Preliminary Results of the 2009-2010 Antidumping Duty Administrative Review, 76 FR 33194 (June 8, 2011)</i>
<i>Pure Magnesium/PRC AD Extension (09/23/2011)</i>	<i>Pure Magnesium From the People's Republic of China: Extension of Time for the Final Results of the Antidumping Duty Administrative Review, 76 FR 59111 (September 23, 2011)</i>
<i>Pure Magnesium/PRC AD Second Extension (11/15/2011)</i>	<i>Pure Magnesium From the People's Republic of China: Second Extension of Time for the Final Results of the Antidumping Duty Administrative Review, 76 FR 70709 (November 15, 2011)</i>
<i>Shrimp/PRC AD Final (09/12/2007)</i>	<i>Certain Frozen Warmwater Shrimp from the People's Republic of China: Notice of Final Results and Rescission, in Part, of 2004/2006 Antidumping Duty Administrative and New Shipper Reviews 72 FR 52049 (September 12, 2007) and accompanying Issues and Decision Memorandum</i>

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All cites in this table are listed alphabetically by short cite

Short Cite	Full Cite
<i>Shrimp/PRC AD Final (08/19/2011)</i>	<i>Administrative Review of Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review, 76 FR 51940 (August 19, 2011) and accompanying Issues and Decision Memorandum</i>
<i>Silicomanganese/PRC AD Final (05/18/2000)</i>	<i>Silicomanganese From the People's Republic of China: Notice of Final Results of Antidumping Duty Administrative Review, 65 FR 31514(May 18, 2000)</i>
<i>Silicon Metal/Russia AD Prelim (09/20/2002)</i>	<i>Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Silicon Metal From the Russian Federation, 67 FR 59253 (September 20, 2002)</i>
<i>Steel Concrete Reinforcing Bars/PRC AD Final (06/22/2001)</i>	<i>Final Determination of Sales at Less Than Fair Value: Steel Concrete Reinforcing Bars from the People's Republic of China, 66 FR 33522 (June 22, 2001) and accompanying Issues and Decision Memorandum</i>
<i>Steel Nails/PRC AD Final (06/17/2010)</i>	<i>Certain Steel Nails from the People's Republic of China: Final Results of the First New Shipper Review, 75 FR 34424 (June 17, 2010) and accompanying Issues and Decision Memorandum</i>
<i>Urea/Russia AD Final (02/21/2003)</i>	<i>Notice of Final Determination of Sales at Less Than Fair Value: Urea Ammonium Nitrate Solutions from the Russian Federation, 68 FR 9977 (February 21, 2003) and accompanying Issues and Decision Memorandum</i>
<i>Wooden Bedroom Furniture/PRC AD Final (08/17/2009)</i>	<i>Wooden Bedroom Furniture from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and New Shipper Reviews, 74 FR 41374 (August 17, 2009) and accompanying Issues and Decision Memorandum</i>
<i>Wooden Bedroom Furniture/PRC AD Final (08/18/2010)</i>	<i>Wooden Bedroom Furniture from the People's Republic of China: Final Results and Final Rescission in Part, 75 FR 50992 (August 18, 2010) and accompanying Issues and Decision Memorandum</i>
<i>Wooden Bedroom Furniture/PRC AD Final (11/17/2004)</i>	<i>Final Determination of Sales at Less Than Fair Value: Wooden Bedroom Furniture from the People's Republic of China, 69 FR 67313 (November 17, 2004) and accompanying Issues and Decision Memorandum</i>
<i>Wooden Bedroom Furniture/PRC AD Final (08/11/2011)</i>	<i>Wooden Bedroom Furniture From the People's Republic of China: Final Results and Final Rescission in Part, 76 FR 49729 (August 11, 2011) and accompanying Issues and Decision Memorandum</i>

<i>Unpublished Letters And Memoranda</i>	
<i>All cites in this table are listed alphabetically by short cite</i>	
Acronym/Abbreviation	Full Name
Department's Questionnaire	Letter from the Department, ""2009-2010 Administrative Review of the Antidumping Duty Order on Pure Magnesium from the People's Republic of China: Questionnaire," dated June 30, 2011
Department's 3 rd SQ	Letter from the Department, "Pure Magnesium from the People's Republic of China: Tianjin Magnesium International Co., Ltd: Third Supplemental Questionnaire for TMI's Response," dated May 5, 2011
Petitioner's Case Brief	Letter from US Magnesium, "Pure Magnesium From the People's Republic of China: Case Brief Of US Magnesium," dated July 15, 2011
Petitioner's Post-Preliminary SV Submission	Letter from Petitioner, "Pure Magnesium from the People's Republic of China: US Magnesium's Post-Preliminary Results Submission Concerning Valuation Of The Factors Of Production," dated June 28, 2011 (2 volumes)
Petitioner's SV Comments	Letter from Petitioner, "Pure Magnesium from the People's Republic of China (A-570-832); Surrogate Value Information," dated December 7, 2010
Petitioner's Post-Preliminary Rebuttal SV Submission	Letter from Petitioner, "Pure Magnesium from the People's Republic of China: US Magnesium's Submission of Information to Rebut, Clarify, or Correct Information Contained in TMI's Post-Preliminary Results Surrogate Values," dated July 8, 2011
Petitioner's Freight Rate Comments	Letter from Petitioner, "Pure Magnesium From The People's Republic Of China: Comments Regarding <i>Infobanc</i> Truck Freight Rate Data," dated November 3, 2011
TMI's 1st SQR	Letter from TMI, "Pure Magnesium from the People's Republic of China; A-570-832; Response to First Supplemental Questionnaire by Tianjin Magnesium International, Co., Ltd.," dated February 03, 2011
TMI's 1 st SQR Section D	TMI's submission, "Pure Magnesium from the People's Republic of China; A-570-832; Response to the First Supplemental Questionnaire for Section D by Tianjin Magnesium International, Co., Ltd.," dated February 15, 2011
TMI's 2 nd SQR	Letter from TMI, "Pure Magnesium from the People's Republic of China; A-570-832; Response of Tianjin Magnesium International, Co., Ltd. to Second Supplemental Questionnaire ," dated April 13, 2011

<i>Unpublished Letters And Memoranda</i>	
<i>All cites in this table are listed alphabetically by short cite</i>	
Acronym/Abbreviation	Full Name
TMI's 3 rd SQR	Letter from TMI, "Pure Magnesium from the People's Republic of China; A-570-832; Response to the Third Supplemental Questionnaire by Tianjin Magnesium International, Co., Ltd.," dated May 10, 2011
TMI's C&DQR	Letter from TMI, "Pure Magnesium from the People's Republic of China; A-570-832; Response to Section C &D by Tianjin Magnesium International, Co., Ltd.," dated August 27, 2010
TMI's Final Analysis Memo	Analysis Memorandum for the Final Results of the 2009-2010 Administrative Review of Pure Magnesium from the People's Republic of China: Tianjin Magnesium International Co., Ltd. ("TMI"), dated December 5, 2011
TMI's Labor and Financial Ratios Brief	Letter from TMI, "Pure Magnesium from the People's Republic of China; A-570-832; Supplemental Case Brief of Tianjin Magnesium International, Ltd. Regarding Labor and Financial Ratios Calculation," dated August 08, 2011.
TMI's Post-Prelim Rebuttal SV Submission	Letter from TMI, "Pure Magnesium from the People's Republic of China A-570-832; Rebuttal Surrogate Value Information for the Final Results," dated July 8, 2011
TMI's Post-Prelim SV Submission	Letter from TMI, "Pure Magnesium from the People's Republic of ChinaA-570-832; Surrogate Value Information for the Final Results," dated June 28, 2011
TMI's Post-Prelim SV Addenda Submission	Letter from TMI, "Pure Magnesium from the People's Republic of China; A-570-832; Addenda to Surrogate Value Information Submitted for the Final Results by Tianjin Magnesium International Co., Ltd.," dated June 29, 2011
TMI's Rebuttal Brief	Letter from TMI, "Pure Magnesium from the People's Republic of China; A-570-832; Rebuttal Brief of Tianjin Magnesium International, Ltd.," dated July 22, 2011
TMI's Rebuttal Surrogate Value Submission	Letter from TMI, "Pure Magnesium from the People's Republic of China (A-570-832); Reply by Tianjin Magnesium International Co., Ltd. to Rebut, Clarify and Correct Information Supplied by U.S. Magnesium LLC on December 17, 2010 ," dated December 17, 2010

<i>Unpublished Letters And Memoranda</i>	
<i>All cites in this table are listed alphabetically by short cite</i>	
Acronym/Abbreviation	Full Name
TMI's SV Submission	Letter from TMI, "Pure Magnesium from the People's Republic of China (A-570-832); Surrogate Value Information," dated December 7, 2010
TMI's Wage Rate Rebuttal Brief	Letter from TMI, "Pure Magnesium from the People's Republic of China; A-570-832; Supplemental Case Brief of Tianjin Magnesium International, Ltd. Regarding Labor and Financial Ratios Calculation," dated August 8, 2011
Wage Rate Memorandum	Letter from the Department, "2009-2010 Administrative Review of Antidumping Duty Order on Pure Magnesium from the People's Republic of China: Industry-Specific Surrogate Wage Rate and Surrogate Financial Ratio Adjustments," dated July 12, 2011