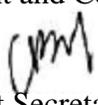




A-570-849  
Sunset Review  
**Public Document**  
ITA/EC/Office IV: JDH

DATE January 29, 2015

MEMORANDUM TO: Paul Piquado  
Assistant Secretary  
for Enforcement and Compliance

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

SUBJECT: Issues and Decision Memorandum for the Expedited Third Sunset  
Review of the Antidumping Duty Order on Certain Cut-to-Length  
Carbon Steel Plate from the People's Republic of China

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## Summary

In this sunset review, Evraz Oregon Steel (“Evraz Oregon”), Evraz Claymont Steel (“Evraz Claymont”), ArcelorMittal USA LLC (“ArcelorMittal USA”), Nucor Corporation (“Nucor”), and SSAB Enterprises LLC (“SSAB”) (collectively “Domestic Interested Parties”) submitted timely and complete notices of intent to participate as well as substantive responses. No respondent interested party submitted a substantive response. Accordingly, we conducted an expedited (120-day) sunset review. We recommend adopting the positions described below. The following is a complete list of issues in this sunset review for which we received substantive responses:

1. Likelihood of continuation or recurrence of dumping; and
2. Magnitude of the dumping margins likely to prevail.

## Background

On December 3, 1996, the Department of Commerce (the “Department”) initiated an antidumping duty (“AD”) investigation of Certain Cut-to-Length Carbon Steel Plate (“CTL Plate”) from the People’s Republic of China (“PRC”), Ukraine, the Russian Federation (“Russia”), and the Republic of South Africa.<sup>1</sup> On September 24, 1997, following the Department and the U.S. International Trade Commission’s (“ITC”) affirmative preliminary

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<sup>1</sup> See *Initiation of Antidumping Duty Investigations: Certain Cut-to-Length Carbon Steel Plate From the People’s Republic of China, Ukraine, the Russian Federation, and the Republic of South Africa*, 61 FR 64051 (December 3, 1996) (“Initiation”).



determination of sales at less than fair value (“LTFV”) and injury, respectively, the Department and the Government of the PRC, initialed a proposed agreement suspending the AD investigation. On October 24, 1997, the Department signed an agreement with the Government of the PRC suspending the antidumping investigation on CTL plate from the PRC.<sup>2</sup> The Department continued and completed the AD investigation in accordance with section 734(g) of the Tariff Act of 1930, as amended (the “Act”).<sup>3</sup> Following the first five-year review in 2003, the Department issued a continuation of the suspended AD investigations on imports of CTL Plate from the PRC, Russia and Ukraine.<sup>4</sup> The suspension agreement concerning imports of CTL Plate from the PRC was subsequently terminated and an AD order was imposed effective October 21, 2003.<sup>5</sup> After the second five-year review in 2009, the Department issued a continuation of the AD order on imports of CTL Plate from the PRC.<sup>6</sup>

On October 1, 2014, the Department published the notice of initiation of the sunset reviews of the AD orders on CTL Plate from the PRC, Russia and Ukraine, pursuant to section 751(c) of the Act.<sup>7</sup> On October 9, 15, and 16, 2014, pursuant to 19 CFR 351.218(d)(1), the Department received timely and complete notices of intent to participate in the sunset review from Domestic Interested Parties.<sup>8</sup> On October 31, 2014, pursuant to 19 CFR 351.218(d)(3), Domestic Interested Parties filed timely and adequate substantive responses within 30 days after the date of publication of the *Sunset Initiation*.<sup>9</sup> The Department did not receive substantive responses from any respondent interested party. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited (120-day) sunset review of the AD order on CTL Plate from the PRC.

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<sup>2</sup> See *Suspension of Antidumping Duty Investigation: Certain Cut-to-Length Carbon Steel Plate from the People’s Republic of China*, 62 FR 61773 (November 19, 1997).

<sup>3</sup> See *Final Determination of Sales at Less than Fair Value: Certain Cut-to-Length Carbon Steel Plate from the People’s Republic of China*, 62 FR 61964 (November 20, 1997); and *Amended Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate From the People’s Republic of China*, 63 FR 1821 (January 12, 1998) (“*Amended Final Determination*”).

<sup>4</sup> See *Continuation of Suspended Antidumping Duty Investigations: Cut-to-Length Carbon Steel Plate From the People’s Republic of China, the Russian Federation, and Ukraine*, 68 FR 54417 (September 17, 2003).

<sup>5</sup> See *Suspension Agreement on Certain Cut-to-Length Carbon Steel Plate from the People’s Republic of China; Termination of Suspension Agreement and Notice of Antidumping Duty Order*, 68 FR 60081 (October 21, 2003) (“*Order*”).

<sup>6</sup> See *Continuation of Antidumping Duty Order on Certain Cut-to-Length Carbon Steel Plate from the People’s Republic of China and Continuation of Suspended Antidumping Duty Investigations on Certain Cut-to-Length Carbon Steel Plate from the Russian Federation and Ukraine*, 74 FR 57994 (November 10, 2009).

<sup>7</sup> See *Initiation of Five-Year (“Sunset”) Review*, 79 FR 59216 (October 1, 2014) (“*Sunset Initiation*”).

<sup>8</sup> See letter regarding “Certain Cut-to-Length Carbon Steel Plate From China, Third Sunset Review” dated October 9, 2014; see also letter regarding “Certain Cut-to-Length Carbon Steel Plate From the People’s Republic of China: Five-Year (“3rd Sunset”) Review of Antidumping Duty Order – Notice of Intent To Participate,” dated October 15, 2014; see also letter regarding “Certain Cut-to-Length Carbon Steel Plate from the People’s Republic of China: Notice of Intent to Participate in Sunset Review,” dated October 16, 2014; see also letter regarding “Certain Cut-to-Length Carbon Steel Plate from the People’s Republic of China, Russian Federation, and Ukraine: Notice of Intent to Participate,” dated October 16, 2014.

<sup>9</sup> See Letter regarding, “Certain Cut-to-Length Carbon Steel Plate from the People’s Republic of China, the Russian Federation, and Ukraine: Substantive Response from Domestic Producers,” dated October 31, 2014; see also letter Domestic Interested Parties regarding “Certain Cut-to-Length Carbon Steel Plate From the People’s Republic of China: Five-Year (“3<sup>rd</sup> Sunset”) Review of Antidumping Duty Order,” dated October 31, 2014.

## History of the Order

On January 12, 1998, the Department published an amended final determination in the LTFV investigation of CTL Plate from the PRC.<sup>10</sup> Following the termination of the suspension agreement with the PRC, the Department published the AD order on imports of CTL Plate from the PRC.<sup>11</sup> The Department found the following weighted-average dumping margins in the LTFV investigation:

Exporter/Producer	Weighted-Average Percentage Margin
AISCO/Anshan International/Sincerely Asia Ltd.	30.68
Bao/Baoshan International Trade Corp/Bao Steel Metals Trading Corp.	30.51
China Metallurgical Import and Export Liaoning Co.	17.33
Shanghai Pudong Iron and Steel Company	38.16
Wuhan/International Economic and Trading Corp/Cheerwu Trader Ltd.	128.59
PRC-wide Rate	128.59

### *Administrative Reviews and New Shipper Reviews*

There have been four completed administrative reviews and no completed new shipper reviews of the order.

#### Administrative Review (POR 11/1/04 – 10/31/05)

On December 22, 2005, the Department initiated an administrative review of China Metallurgical Import & Export Liaoning Company (“Liaoning”) (requested by Nucor), and Angang New Steel Co., Ltd. and Angang Group Hong Kong Co. Limited, (collectively “Angang”) (self requested). The review covered the period November 1, 2004 to October 31, 2005.<sup>12</sup> The Department subsequently rescinded the review of Angang following Angang’s timely withdrawal of its review request.<sup>13</sup> The Department found that Liaoning failed to establish its eligibility for a separate rate because the information it provided was incomplete and unreliable. Therefore, the Department treated Liaoning as part of the PRC-wide entity.<sup>14</sup> The PRC-wide rate was 128.59 percent.

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<sup>10</sup> See Amended Final Determination.

<sup>11</sup> See Order.

<sup>12</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 70 FR 76024 (December 22, 2005).

<sup>13</sup> See *Certain Cut-to-Length Carbon Steel Plate from the People’s Republic of China: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review*, 71 FR 75710 (December 18, 2006).

<sup>14</sup> *Id.*

#### Administrative Review (POR 11/1/07-10/31/08)

On December 24, 2008, the Department initiated an administrative review of Anshan Iron & Steel Group (AISCO/Anshan International/Sincerely Asia Ltd.) (“Anshan”), Baoshan (Bao/Baoshan International Trade Corp./Bao Steel Metals Trading Corp., Shanghai Baosteel Group Corporation and Baoshan Iron and Steel Co., Ltd., Shanghai Pudong Steel & Iron Co.) (“Baoshan”), the Baosteel Group, and Hunan Valin Xiangtan Iron & Steel Co. (“Valin Xiangtan”). The review covered the period November 1, 2007 to October 31, 2008.<sup>15</sup>

ArcelorMittal USA Inc. requested the review of Anshan, Baoshan and Baosteel Group while Nucor requested the review of Valin Xiangtan. On August 10, 2009, the Department rescinded the review with respect to Anshan, Baoshan, and the Baosteel Group following ArcelorMittal USA Inc.’s timely withdrawal of its review request with respect to these companies.<sup>16</sup> The Department rescinded a new shipper review of Valin Xiangtan because it determined that the entry associated with the sale being examined in the new shipper review occurred during the 2007-2008 period of review. In the final results, the Department determined a zero dumping margin for Valin Xiangtan.<sup>17</sup>

#### Administrative Review (POR 11/1/10-10/31/11)

On December 30, 2011, the Department initiated an administrative review of Bao/Baoshan International Trade Corp./Bao Steel Metals Trading Corp. (“Baosteel”), Valin Xiangtan, Anshan, and Liaoning at the request of Nucor. The review covered the period November 1, 2010 to October 31, 2011.<sup>18</sup> In the final results, the Department determined that Baosteel and Valin Xiangtan did not have any reviewable transactions during the period of review. Thus, their cash deposit rates remained unchanged from the rates assigned to them in the most recently completed review of the companies.<sup>19</sup> The Department also determined that both Anshan and Liaoning failed to establish their eligibility for a separate rate and, therefore, treated both companies as part of the PRC-wide entity. The PRC-wide rate was 128.59 percent.

#### Administrative Review (POR 11/1/11-10/31/12)

On December 31, 2012, the Department initiated an administrative review of Valin Xiangtan, Shanghai Pudong Iron and Steel Co. (“Shanghai Pudong”), Shanghai Pudong, and Bao/Baoshan Iron and Steel Corp., Baoshan International Trade Corp. and Bao Steel Metals Trading Corp. (“Baosteel”).<sup>20</sup> The review covered the period from November 1, 2011 to October 31, 2012. In the final results, the Department determined that Valin Xiangtan did not have any reviewable

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<sup>15</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 73 FR 79055 (December 24, 2008).

<sup>16</sup> See *Certain Cut-to-Length Carbon Steel Plate from the People’s Republic of China: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review*, 74 FR 39921 (August 10, 2009).

<sup>17</sup> See *Certain Cut-to-Length Carbon Steel Plate from the People’s Republic of China: Final Results of the 2007-2008 Administrative Review of the Antidumping Duty*, 75 FR 8301 (February 24, 2010) (“2007-2008 Final Results”).

<sup>18</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 76 FR 82268 (December 30, 2011).

<sup>19</sup> See *Certain Cut-to-Length Carbon Steel Plate from the People’s Republic of China: Final Results of Antidumping Administrative Review 2010-2011*, 77 FR 73616 (December 11, 2012).

<sup>20</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 77 FR 77017 (December 31, 2012).

transactions during the period of review.<sup>21</sup> In addition, the Department determined that Baosteel and Shanghai Pudong failed to establish their eligibility for a separate rate and, therefore, treated both companies as part of the PRC-wide entity.<sup>22</sup> The PRC-wide rate was 128.59 percent.

### *Scope Inquiries, Changed Circumstances Reviews, and Duty Absorption*

There have been no scope inquiries, changed circumstances reviews or duty absorption findings in connection with this *Order*.

## **Discussion of the Issues**

### *Legal Framework*

In accordance with section 751(c)(1) of the Act, the Department is conducting this sunset review to determine whether revocation of the AD order would likely lead to continuation or recurrence of dumping. Sections 752(c)(1)(A) and (B) of the Act provide that, in making this determination, the Department shall consider both the weighted-average dumping margins determined in the investigation and subsequent reviews, and the volume of imports of the subject merchandise for the period before, and the period after, the issuance of the AD order.

As explained in the Statement of Administrative Action (“SAA”) accompanying the Uruguay Round Agreements Act, the Department normally determines that revocation of an AD order is likely to lead to continuation or recurrence of dumping when: (a) dumping continued at any level above *de minimis* after issuance of the order; (b) imports of the subject merchandise ceased after issuance of the order; or (c) dumping was eliminated after the issuance of the order and import volumes for the subject merchandise declined significantly. Alternatively, the Department normally will determine that revocation of an AD order is not likely to lead to continuation or recurrence of dumping where dumping was eliminated after issuance of the order and import volumes remained steady or increased.<sup>23</sup> In addition, as a base period for import volume comparison, it is the Department’s practice to use the one-year period immediately preceding the initiation of the investigation, rather than the level of pre-order import volumes, as the initiation of an investigation may dampen import volumes and, thus, skew the comparison.<sup>24</sup> Also, when analyzing import volumes for second and subsequent sunset reviews, the Department’s practice is to compare import volumes during the year preceding initiation of the underlying investigation to import volumes since the issuance of the last continuation notice.<sup>25</sup>

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<sup>21</sup> See *Certain Cut-to-Length Carbon Steel Plate From the People’s Republic of China: Final Results and Final No Shipments Determination of Antidumping Duty Administrative Review; 2011- 2012*, 78 FR 76279 (December 17, 2013).

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

<sup>23</sup> See SAA, H.R. Rep. No. 103-316, Vol. 1 (1994), at 889-90, reprinted at 1994 U.S.C.C.A.N. 4040, 4213-14.

<sup>24</sup> See, e.g., *Stainless Steel Bar from Germany; Final Results of the Sunset Review of the Antidumping Duty Order*, 72 FR 56985 (October 5, 2007), and accompanying Issues and Decision Memorandum at Comment 1.

<sup>25</sup> See *Ferrovaniadium From the People’s Republic of China and the Republic of South Africa: Final Results of the Expedited Second Sunset Reviews of the Antidumping Duty Orders*, 79 FR 14216 (March 13, 2014) and accompanying Issues and Decision Memorandum.

Further, section 752(c)(3) of the Act states that the Department shall provide to the ITC the magnitude of the margin of dumping likely to prevail if the order were revoked. Generally, the Department selects the margin(s) from the final determination in the investigation, as this is the only calculated rate that reflects the behavior of exporters without the discipline of an order in place.<sup>26</sup> However, in certain circumstances, a more recently calculated rate may be more appropriate (e.g., “if dumping margins have declined over the life of an order and imports have remained steady or increased, {the Department} may conclude that exporters are likely to continue dumping at the lower rates found in a more recent review.”).<sup>27</sup> Finally, pursuant to section 752(c)(4)(A) of the Act, a dumping margin of “zero or *de minimis* shall not by itself require” the Department to determine that revocation of an AD order would not be likely to lead to a continuation or recurrence of sales at less than fair value.<sup>28</sup>

In the *Final Modification for Reviews*, the Department announced that in five-year (“sunset”) reviews, it will not rely on weighted-average dumping margins that were calculated using the methodology determined by the Appellate Body to be World Trade Organization (WTO)-inconsistent.<sup>29</sup> The Department also noted that “*only in the most extraordinary circumstances* will the Department rely on margins other than those calculated and published in prior determinations.”<sup>30</sup> The Department further noted that it does not anticipate that it will need to recalculate the dumping margins in sunset determinations to avoid WTO inconsistency, apart from the “most extraordinary circumstances” provided for in its regulations.<sup>31</sup>

Below we address the comments submitted by the Domestic Interested Parties.

## 1. Likelihood of continuation or recurrence of dumping

### Domestic Interested Parties’ Comments

- Revocation of the *Order* would likely lead to the continuation or recurrence of sales at LTFV at margins equivalent to, or greater than, those found in the investigation. The record demonstrates that since the issuance of the order, (i) dumping has continued, and (ii) shipments of subject merchandise have decreased significantly; thus indicating that PRC exporters could not ship the subject merchandise under the discipline of the *Order*.

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<sup>26</sup> See SAA at 890; see, e.g., *Persulfates from the People’s Republic of China: Notice of Final Results of Expedited Second Sunset Review of Antidumping Duty Order*, 73 FR 11868 (March 5, 2008), and accompanying Issues and Decision Memorandum at Comment 2.

<sup>27</sup> See SAA, at 890-91.

<sup>28</sup> See *Folding Gift Boxes from the People’s Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 72 FR 16765 (April 5, 2007) (“*Folding Gift Boxes*”) and accompanying Issues and Decision Memorandum at Comment 1.

<sup>29</sup> See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101, 8103 (February 14, 2012) (“*Final Modification for Reviews*”).

<sup>30</sup> See *id.* (emphasis added); see also 19 CFR 351.218(e)(2)

<sup>31</sup> See *id.*

**Department’s Position:** As explained in the “Legal Framework” section above, the Department’s determination concerning whether revocation of an AD order would be likely to lead to continuation or recurrence of dumping is based, in part, upon guidance provided by the legislative history accompanying the Uruguay Round Agreements Act (*i.e.*, the SAA; House Report, H. Rep. No. 103-826, pt. 1 (1994) (“House Report”);<sup>32</sup> and Senate Report, S. Rep. No. 103-412 (1994)). Consistent with the SAA, the Department will make its likelihood determination on an order-wide basis.<sup>33</sup> Further, when determining whether revocation of the order would be likely to lead to continuation of dumping, sections 752(c)(1)(A) and (B) of the Act instruct the Department to consider: (1) the weighted-average dumping margins determined in the investigation and subsequent reviews; and (2) the volume of imports of the subject merchandise for the period before and after the issuance of the AD order. Thus, one consideration is whether the Department continued to find dumping above *de minimis* levels in administrative reviews subsequent to imposition of the AD order.<sup>34</sup> According to the SAA and the House Report, “if companies continue to dump with the discipline of an order in place, it is reasonable to assume that dumping would continue if the discipline were removed.”<sup>35</sup> For the reasons discussed below, we find that revocation of the *Order* would be likely to result in the continuation or recurrence of dumping in the United States.

Pursuant to section 752(c)(1)(A) of the Act, the Department first considered the weighted-average dumping margins determined in the investigation and any subsequent reviews. In the final determination, the Department calculated a weighted-average dumping margin of 30.68 percent for Anshan, 30.51 percent for Bao/Baoshan International Trade Corp/Bao Steel Metals Trading Corp., 17.33 percent for Liaoning, 38.16 percent for Shanghai Pudong, and 128.59 percent for Wuhan/International Economic and Trading Corp/Cheerwu Trader Ltd. Furthermore, the Department found that the PRC-wide entity failed to cooperate to the best of its ability and, as adverse facts available (“AFA”), assigned it the highest company-specific dumping margin, *i.e.*, 128.59 percent.<sup>36</sup> Since, the issuance of the *Order*, with the exception of the 11/1/07-10/31/08 administrative review, entries of subject merchandise were assessed at above *de minimis* AD rates.<sup>37</sup> Thus, there has been only one administrative review of the *Order* in which the Department calculated a *de minimis* rate for a respondent. However, as noted above, pursuant to section 752(c)(4)(A) of the Act, a dumping margin of “zero or *de minimis* shall not by itself require” the Department to determine that revocation of an AD order would not be likely to lead to a continuation or recurrence of sales at less than fair value.<sup>38</sup> The Department normally determines that revocation of an AD order would be likely to lead to continuation or recurrence of dumping when dumping continued at any level above *de minimis* after issuance of the order, which is true in this case.

In addition, pursuant to section 752(c)(1)(B) of the Act, the Department also considered the volume of imports of the subject merchandise in determining whether revocation of the AD order would be likely to lead to continuation or recurrence of dumping. As noted above, when

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<sup>32</sup> Reprinted at 1994 U.S.C.C.A.N. 3773.

<sup>33</sup> See SAA, at 879.

<sup>34</sup> *Id.* at 890.

<sup>35</sup> *Id.*; see also House Report, at 63-64.

<sup>36</sup> See Amended Final Determination.

<sup>37</sup> See 2007-2008 Final Results.

<sup>38</sup> See Folding Gift Boxes.

analyzing import volumes for second and subsequent sunset reviews, the Department's practice is to compare import volumes during the year preceding initiation of the underlying investigation (*i.e.*, 1996 for this sunset review) to import volumes since the issuance of the last continuation notice.<sup>39</sup> The last continuation notice for this sunset review was issued in November 2009.<sup>40</sup> Since the issuance of the last continuation notice for this sunset review, imports of CTL Plate into the United States from the PRC under the Harmonized Tariff Schedule of the United States ("HTSUS") numbers listed in the scope of the *Order* have declined significantly compared to imports in the year immediately preceding the initiation of the LTFV investigation (*i.e.*, 1996) and remain below pre-investigation levels. Specifically, the volume of U.S. imports of CTL Plate from the PRC since the last sunset review (*i.e.*, during calendar years 2010 through 2013) ranged from 0.94% to 2.06% of the total volume of U.S. imports during calendar year 1996, which covers 11 months of the year prior to initiation of the investigation on 12/03/1996. As noted above, the SAA explained that the Department normally determines that revocation of an AD order would be likely to lead to continuation or recurrence of dumping when, among other things, imports of the subject merchandise ceased after issuance of the order. While imports of CTL Plate from the PRC have not ceased, record evidence shows significantly lower imports over the four year period examined when compared to pre-initiation import volumes. This indicates that PRC exporters may not be able to maintain pre-investigation import levels without selling merchandise at dumped prices.<sup>41</sup>

Therefore, pursuant to section 752(c)(1) of the Act, because above *de minimis* dumping margins applied to post-order entries of subject merchandise, and the Department found dramatically lower import volumes in the four years examined in comparison to the import volumes prior to the initiation, we find that dumping would be likely to continue or recur if the *Order* were revoked.

## 2. Magnitude of the dumping margins likely to prevail

### Domestic Interested Parties' Comments

- The dumping margins from the investigation are the dumping margins likely to prevail in the event of a revocation of the *Order*.
- Because none of these dumping margins were calculated using zeroing, the *Final Modification for Reviews* has no effect on this conclusion.

**Department's Position:** Section 752(c)(3) of the Act provides that the administering authority shall provide to the ITC "the magnitude of the margin of dumping that is likely to prevail if the order is revoked or the suspended investigation is terminated." Normally, the Department will provide to the ITC the weighted-average dumping margin for each company from the

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<sup>39</sup> The Department notes that the record contains annual import data from 1996 which account for eleven months of the year prior to initiation of the investigation on December 3, 1996.

<sup>40</sup> See *Continuation of Antidumping Duty Order on Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China and Continuation of Suspended Antidumping Duty Investigations on Certain Cut-to-Length Carbon Steel Plate from the Russian Federation and Ukraine*, 74 FR 57994 (November 10, 2009).

<sup>41</sup> See, e.g., *Certain Activated Carbon From the People's Republic of China: Final Results of Expedited Sunset Review of the Antidumping Duty Order*, 77 FR 33420 (June 6, 2012), and accompanying Issues & Decision Memorandum at Comment 1.

investigation.<sup>42</sup> The Department's preference for selecting a rate from the investigation is based on the fact that it is the only calculated rate that reflects the behavior of manufacturers, producers, and exporters without the discipline of an order or suspension agreement in place.<sup>43</sup> Under certain circumstances, however, the Department may select a more recently calculated rate to report to the ITC. For companies not individually investigated, or for companies that did not begin shipping until after the order was issued, the Department will normally provide a rate based on the "All-Others" rate from the investigation. However, the Department considers the PRC to be a nonmarket economy country under section 771(18) of the Act, and thus the Department does not have an "All-Others" rate in PRC cases. Rather, in PRC cases, instead of an "All-Others" rate, the Department uses a rate established for the PRC-wide entity, which it applies to all imports from an exporter that has not established its eligibility for a separate rate.<sup>44</sup>

As indicated in the "Legal Framework" portion of this memorandum, the Department's practice is to not rely on weighted-average dumping margins calculated using the zeroing methodology that was modified in the *Final Modification for Reviews*.

We determine that the weighted-average AD margins established in the *Amended Final Determination* represent the margins of dumping most likely to prevail if the *Order* were revoked because these are the margins calculated without the discipline of an order. We further determine that these margins were not affected by the denial of offsets in accordance with the *Final Modification for Reviews*.<sup>45</sup> Specifically, the dumping margins determined in the investigation for the mandatory respondents are margins where no offsets were denied because all comparison results were positive. Furthermore, the final dumping margin determined in the investigation for the PRC-wide entity was based on total AFA and did not involve the denial of offsets. Accordingly, we find it appropriate to provide the ITC with the margins from the *Amended Final Determination*, because these margins best reflect the behavior of exporters without the discipline of an order. As a result, the Department will report to the ITC the range of margins of dumping likely to prevail listed in the "Final Results of Review" section below.

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<sup>42</sup> See *Eveready Battery Co., Inc. v. United States*, 77 F. Supp. 2d 1327, 1333 (CIT 1999).

<sup>43</sup> See SAA at 890.

<sup>44</sup> See *Paper Clips from the People's Republic of China: Final Results of Expedited Sunset Review of Antidumping Duty Order*, 76 FR 26242 (May 6, 2011), and accompanying Issues and Decision Memorandum at Comment 2; see also 19 CFR 351.107(d).

<sup>45</sup> See *Final Modification for Reviews*, 77 FR at 8103.

**Final Results of Review**

We determine that revocation of the *Order* on CTL plate from the PRC would be likely to lead to continuation or recurrence of dumping and that the magnitude of the margin of dumping likely to prevail would be weighted-average margins up to 128.59 percent.

**Recommendation**

Based on our analysis of the substantive responses received, we recommend adopting the above positions. If these recommendations are accepted, we will publish the final results of this expedited sunset review in the *Federal Register* and notify the ITC of the Department's determination.

✓  
Agree

\_\_\_\_\_  
Disagree

Pe Pj  
Paul Piquado  
Assistant Secretary  
for Enforcement and Compliance

28 January 2015  
Date

## **Attachment 1**

<b>Import Data for the PRC</b>		
<b>Year</b>	<b>Qty (short tons)</b>	<b>(% of total 1996 import volume)</b>
<b>1996 <i>Case Initiated 12/03/1996</i></b>	<b>301,652</b>	
2010	2,823	0.94%
2011	4,668	1.55%
2012	6,224	2.06%
2013	2,925	0.97%

Source: U.S. Bureau of Census import statistics, obtained from USITC Dataweb