



A-533-810  
Administrative Review  
POR: 2/1/19-1/31/20  
**Public Document**  
E&C/OI: Team

February 18, 2021

**MEMORANDUM TO:** Christian Marsh  
Acting Assistant Secretary  
for Enforcement and Compliance

**FROM:** James Maeder  
Deputy Assistant Secretary  
for Antidumping and Countervailing Duty Operations

**SUBJECT:** Decision Memorandum for the Preliminary Results of  
Antidumping Duty Administrative Review: Stainless Steel Bar  
from India: 2019-2020

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## I. SUMMARY

The Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty (AD) order on stainless steel bar (SS Bar) from India, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).<sup>1</sup> The period of review (POR) is February 1, 2019, through January 31, 2020. For this administrative review, Commerce selected as the sole mandatory respondent one exporter of the subject merchandise, *i.e.*, Precision Metals, and its affiliated companies including Venus Wire Industries Pvt. Ltd., Hindustan Inox, Precision Metals and Sieves Manufacturers (India) Pvt. Ltd. (collectively, the Venus Group). Commerce preliminarily assigned a dumping margin to the Venus Group based upon the application of adverse facts available (AFA).

If these preliminary results are adopted in the final results of this review, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of subject merchandise during the POR. We invite interested parties to comment on these preliminary results of review. Unless the deadline is extended pursuant to section 751(a)(3)(A) the Act, we will issue the final results of review no later than 120 days after the publication of these preliminary results of review.

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<sup>1</sup> See *Antidumping Duty Orders: Stainless Steel Bar from Brazil, India and Japan*, 60 FR 9661 (February 21, 1995) (Order).



## II. BACKGROUND

On February 3, 2020, Commerce published a notice of opportunity to request an administrative review of the *Order*.<sup>2</sup> On February 24, 2020, the Venus Group, and its individual members, Venus Wire Industries Pvt. Ltd., Precision Metals, Hindustan Inox Ltd., and Sieves Manufacturers (India) Pvt. Ltd., self-requested an administrative review.<sup>3</sup> On February 26, 2020, Ambica Steels Limited (Ambica) self-requested an administrative review.<sup>4</sup>

On February 28, 2020, Carpenter Technology Corporation; Crucible Industries LLC; Electralloy, a Division of G.O. Carlson, Inc.; North American Stainless; Universal Stainless & Alloy Products, Inc.; and Valbruna Slater Stainless, Inc. (collectively, the petitioners), domestic producers of SS Bar, requested an administrative review of Ambica and the Venus Group, and its individual members, Venus Wire Industries Pvt. Ltd., Precision Metals, Hindustan Inox Ltd., and Sieves Manufacturers (India) Pvt. Ltd., Indian producers or exporters of subject merchandise.<sup>5</sup>

On April 8, 2020, Commerce initiated the administrative review of the *Order* for the POR February 1, 2019, through January 31, 2020,<sup>6</sup> with respect to the six producers or exporters of subject merchandise for which a review was requested. In the *Initiation Notice*, Commerce stated that in the event Commerce limits the number of respondents for individual examination, it intended to select respondents based on U.S. Customs and Border Protection (CBP) data for entries of SS Bar from India during the POR. Accordingly, on May 20, 2020, Commerce placed CBP data on the record and invited interested parties to comment on the data and respondent selection.<sup>7</sup> On May 27, 2020, the petitioners timely submitted comments on the CBP data, requesting that Commerce select Precision Metals and Ambica as mandatory respondents for this administrative review.<sup>8</sup>

On June 2, 2020 Commerce selected Precision Metals, the exporter or producer that accounted for the largest volume of subject merchandise, to be the mandatory respondent in this administrative review.<sup>9</sup> On June 23, 2020, Commerce sent the initial questionnaire to Precision Metals.<sup>10</sup> The Venus Group timely submitted its response to sections A and C of the

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<sup>2</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 85 FR 5938 (February 3, 2020).

<sup>3</sup> See Venus Group's Letter, "Stainless Steel Bar from India - Request for Administrative Review" dated February 24, 2020.

<sup>4</sup> See Ambica's Letter, "Stainless Steel Bars from India: Request for Administrative Review of Anti-Dumping Duty of Ambica Steels Limited" dated February 26, 2020.

<sup>5</sup> See Petitioners' Letter, "Stainless Steel Bar from India - Petitioners' Request for 2019/20 Administrative Review," dated February 28, 2020.

<sup>6</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 85 FR 19730 (April 8, 2020) (*Initiation Notice*).

<sup>7</sup> See Memorandum, "Release of Customs and Border Protection (CBP) Data," dated May 20, 2020.

<sup>8</sup> See Petitioners' Letter, "Stainless Steel Bar from India -- Petitioners' Comments Regarding CBP Entry Data," dated May 27, 2020.

<sup>9</sup> See Memorandum "Antidumping Duty Administrative Review Stainless Steel Bar from India 2019-2020; Respondent Selection" dated June 2, 2020.

<sup>10</sup> See Commerce's Letter dated June 23, 2020 (Commerce's June 23, 2020 AD Questionnaire).

questionnaire on July 27, 2020, and August 13, 2020, respectively.<sup>11</sup> For further information on submission of the section B and D responses, *see* section IV below.

On April 24, 2020, and July 21, 2020, Commerce tolled all deadlines in administrative reviews by 50 days and 60 days, respectively, thereby extending the deadline for these preliminary results until February 18, 2021.<sup>12</sup>

### **III. SCOPE OF THE ORDER**

The merchandise subject to the order is SS Bar. SS Bar means articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. SS Bar includes cold-finished SS bars that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut-to-length flat-rolled products (*i.e.*, cut-to-length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes, and sections.

Imports of these products are currently classifiable under subheadings 7222.11.00, 7222.19.00, 7222.20.00, 7222.30.00 of the Harmonized Tariff Schedule (HTS). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

### **IV. APPLICATION OF FACTS AVAILABLE AND ADVERSE INFERENCES**

#### Application of Facts Available

Sections 776(a)(1) and 776(a)(2)(A)-(D) of the Act provide that, if necessary information is not available on the record, or if an interested party: (1) withholds information requested by Commerce; (2) fails to provide such information by the deadlines for submission of the information, or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782 of the Act; (3) significantly impedes a proceeding; or (4) provides such information but the information cannot be verified as provided in section 782(i) of the Act, Commerce shall use,

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<sup>11</sup> *See* Venus Group's Letters, "Antidumping Duty Investigation of Stainless Steel Bar from India: Venus Group's Response to Section A of the Department's Questionnaire," July 27, 2020, "Antidumping Duty Investigation of Stainless Steel Bar from India: Venus Group's Response to Section C of the Department's Questionnaire," dated August 13, 2020.

<sup>12</sup> *See* Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID-19," dated April 24, 2020; *see also* Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews," dated July 21, 2020.

subject to section 782(d) of the Act, facts otherwise available in reaching the applicable determination.

Section 782(c)(1) of the Act states that Commerce shall consider the ability of an interested party to provide information upon a prompt notification by that party that it is unable to submit the information in the form and manner required, and that party also provides a full explanation for the difficulty and suggests an alternative form in which the party is able to provide the information. Section 782(e) of the Act states further that Commerce shall not decline to consider submitted information if all of the following requirements are met: (1) the information is submitted by the established deadline; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability; and (5) the information can be used without undue difficulties.

Finally, where Commerce determines that a response to a request for information does not comply with the request, section 782(d) of the Act provides that Commerce will so inform the party submitting the response and will, to the extent practicable, provide that party an opportunity to remedy or explain the deficiency. If the party fails to remedy or satisfactorily explain the deficiency within the applicable time limits, subject to section 782(e) of the Act, Commerce may disregard all or part of the original and subsequent responses, as appropriate.

We preliminarily determine that necessary information is not available on the record because the Venus Group withheld information requested by Commerce and failed to provide such information by the deadlines for submission of the information. Thus, the Venus Group significantly impeded the proceeding.

On June 23, 2020, Commerce issued the standard market-economy AD questionnaire to the Venus Group.<sup>13</sup> On July 28, 2020, the Venus Group requested 14- and 21-day extensions of the deadline to file its sections B and D responses, respectively; we granted 14 days for both sections.<sup>14</sup> On August 11, 2020, the Venus Group requested 11- and 14-day extensions of the deadlines to file its sections B and D responses, respectively; we granted seven days for both sections.<sup>15</sup> On August 18, 2020, the Venus Group requested another seven-day extension of the deadline to file its section D response, its third request; we denied the request on the basis that the Venus Group had already been given 58 days to file its questionnaire response.<sup>16</sup> On August 19, 2020, the Venus Group requested that we reconsider the denial of its extension request.<sup>17</sup> We continued to deny the request, noting that we had previously stated that “future requests for an

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<sup>13</sup> See Commerce’s June 23, 2020 AD Questionnaire.

<sup>14</sup> See Venus Group’s Letter “Antidumping Duty Investigation of Stainless Steel Bar from India: Section B-D Questionnaire Responses First Extension Request” dated July 28, 2020.

<sup>15</sup> See Venus Group’s Letter “Antidumping Duty Investigation of Stainless Steel Bar from India: Section B and D Questionnaire Responses Second Extension Request” dated August 11, 2020.

<sup>16</sup> In accordance with 19 CFR 351.302(b) Venus Group was provided 37 days and a total of 21 additional days in response to its multiple requests for an extension of the deadline.

<sup>17</sup> See Venus Group’s Letter “Antidumping Duty Investigation of Stainless Steel Bar from India: Venus Group’s Request for Reconsideration of the Department’s Denial of Third Extension Request for Section D Response” dated August 19, 2020.

extension of time should be submitted with the understanding that the request may be denied in part or in whole.”<sup>18</sup>

On August 20, 2020, the Venus Group submitted its combined partial sections B and D response on the specified deadline, along with a letter stating that the section D response was incomplete and that it would provide a response “to the remainder of the questionnaire when it is accurate and complete.”<sup>19</sup>

The Venus Group’s August 20 section D response was incomplete.<sup>20</sup> Specifically, the Venus Group omitted critical data and information: (1) per-unit cost of production; (2) cost reconciliations; (3) narrative explaining its accounting methodologies; and (4) 11 of 16 exhibits that should have accompanied its narrative as supporting documentation. The Venus Group stated in its cover letter that it would place the missing information on the record as soon as it was available and requested that this forthcoming submission be categorized as “evidence submitted in response to questionnaires,” pursuant to 19 CFR 351.102(b).<sup>21</sup> On August 26, 2020, the Venus Group submitted data files initially omitted, but the submission did not include any narrative, cover letter, or statements of certification. On August 27, 2020, the Venus Group submitted the cover letter, certification, and narrative of its remaining section D response.

Pursuant to 19 CFR 351.303(b)(1), a document must be filed in its entirety by the established deadline to be considered timely. In this case, the respondent acknowledged that its response was not filed in its entirety by the deadline: “Venus Group intends to submit a response to the remainder of the questionnaire when it is accurate and complete.”<sup>22</sup>

Adherence to Commerce’s administrative deadlines is necessary for Commerce to provide all interested parties with a reasonable timeframe in which to submit information and to complete the administrative review within the statutory deadline specified in section 751(a)(3)(A) of the Act.<sup>23</sup> In addition, the Court of Appeals for the Federal Circuit (CAFC) has explained that it is not up to the parties to establish Commerce’s deadlines or to dictate to Commerce whether and when Commerce actually needs the information.<sup>24</sup> While the Venus Group submitted complete responses to sections A and C of the questionnaire by their respective deadlines, it failed to

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<sup>18</sup> See Commerce’s Letter “Antidumping Duty Investigation of Stainless Steel Bar from India: Venus Group’s Request for Reconsideration of the Commerce’s Denial of Third Extension Request for Section D Response” dated August 20, 2020; *see also* Commerce’s Letter “Administrative Review of the Antidumping Duty Order on Stainless Steel Bar from India: Reconsideration of Second Extension Request for the Section A Questionnaire Response” dated July 23, 2020.

<sup>19</sup> See Venus Group’s August 20, 2020 Section B-D Questionnaire Response (Venus Group’s August 20, 2020 AQR).

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

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

<sup>23</sup> See *Maverick Tube Corp. v. United States*, 107 F.Supp.3d 1318, 1331 (Ct. Int’l Trade 2015) (holding that; *Dongtai Peak Honey Industries Co., Ltd. v. United States*, 777 F.3d 1343, 1352 (Fed. Cir. 2015); *Bebitz Flanges Works Private Ltd. v. United States*, 433 F. Supp. 3d 1297, 1305 (Ct. Int’l Trade 2020); and *PSC VSMPO-Avisma Corp. v. United States*, 688 F.3d 751, 760-1 (Fed. Cir. 2012) (holding that it is “fully within Commerce’s discretion to ‘set and enforce deadlines{,}’”).

<sup>24</sup> See *Dongtai Peak Honey Industries Co., Ltd. v. United States*, 777 F.3d 1343, 1352 (Fed. Cir. 2015); *see also* *Bebitz Flanges Works Private Ltd. v. United States*, 433 F. Supp. 3d 1297, 1305 (Ct. Int’l Trade 2020).

submit a complete response to section D of the standard questionnaire by the deadline. Sections B and D came in together in a combined submission. As such, because the Venus Group failed to file the section D response in its entirety on the due date, as required by 19 CFR 351.303(b), the combined sections B and D questionnaire response was rejected as untimely filed.<sup>25</sup>

As a result, we find that necessary information is not available on the record, that the Venus Group failed to provide information by the applicable deadlines and in the form and manner requested, in accordance with sections 776(a)(1) and (2)(B) of the Act. Therefore, we preliminarily determine that the application of facts available is warranted, pursuant to sections 776(a)(1) and (2)(B) of the Act.

### Use of Adverse Inference

Section 776(b) of the Act provides that, if Commerce finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information, Commerce may use an inference adverse to the interests of that party in selecting from the facts otherwise available.<sup>26</sup> In doing so, Commerce is not required to determine, or make any adjustments to, a weighted-average dumping margin based on any assumptions about information an interested party would have provided if the interested party had complied with the request for information.<sup>27</sup> In addition, the Statement of Administrative Action accompanying the Uruguay Round Agreements Act (SAA) explains that Commerce may employ an adverse inference “to ensure that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully.”<sup>28</sup> Furthermore, affirmative evidence of bad faith on the part of a respondent is not required before Commerce may make an adverse inference in selecting from the facts available.<sup>29</sup>

It is Commerce’s practice to consider, in employing adverse facts available (AFA), the extent to which a party may benefit from its own lack of cooperation.<sup>30</sup> The CAFC, in *Nippon Steel*, provided an explanation of the meaning of failure to act to “the best of its ability,” stating that the ordinary meaning of “best” means “one’s maximum effort,” and that “ability” refers to “the

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<sup>25</sup> See Commerce’s Letter “Administrative Review of the Antidumping Duty Order on Stainless Steel Bar from India: Rejection of Untimely Filed Submissions”, dated September 30, 2020.

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

<sup>27</sup> See section 776(b)(1)(B) of the Act.

<sup>28</sup> See SAA, H.R. Doc. 103-316, Vol. 1 (1994) at 870; and *Certain Polyester Staple Fiber from Korea: Final Results of the 2005-2006 Antidumping Duty Administrative Review*, 72 FR 69663, 69664 (December 10, 2007).

<sup>29</sup> See, e.g., *Nippon Steel Corp. v. United States*, 337 F.3d 1373, 1382-83 (Fed. Cir. 2003) (*Nippon Steel*); *Notice of Final Determination of Sales at Less Than Fair Value: Circular Seamless Stainless Steel Hollow Products from Japan*, 65 FR 42985 (July 12, 2000); and *Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27340 (May 19, 1997).

<sup>30</sup> See, e.g., *Steel Threaded Rod from Thailand: Preliminary Determination of Sales at Less Than Fair Value and Affirmative Preliminary Determination of Critical Circumstances*, 78 FR 79670 (December 31, 2013), and accompanying Preliminary Decision Memorandum (PDM) at 4, unchanged in *Steel Threaded Rod from Thailand: Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances*, 79 FR 14476 (March 14, 2014).

quality or state of being able.”<sup>31</sup> Thus, the statutory mandate that a respondent act to the “best of its ability” requires the respondent to do the maximum that it is able to do.<sup>32</sup> The CAFC acknowledged, however, that while there is no willfulness requirement, “deliberate concealment or inaccurate reporting” would certainly be sufficient to find that a respondent did not act to the best of its ability, although it indicated that inadequate inquiries to respond to agency questions may suffice as well.<sup>33</sup> Hence, compliance with the “best of its ability” standard is determined by assessing whether a respondent has put forth its maximum effort to provide Commerce with full and complete answers to all inquiries in a segment of a proceeding.<sup>34</sup> As noted above, the Venus Group was provided a total of 58 days, inclusive of an additional 21 days from the original 37-day deadline, to timely respond to the initial questionnaire, and failed to do so even when it was notified that future requests for an extension of time may be denied in part or in whole.<sup>35</sup>

Further, the Venus Group has participated in numerous prior reviews of this long-standing *Order* as a mandatory respondent, including the two most recent administrative reviews,<sup>36</sup> and, therefore, is familiar with Commerce’s reporting requirements. Additionally, given its experience and the history of the *Order*, the Venus Group was well-aware that it may be selected as a mandatory respondent when it submitted its request for review in January 2020 and when the results of the CBP data inquiry were released in May 2020. Further, the Venus Group was selected as a respondent on June 2, 2020. Thus, notwithstanding the conditions imposed by the COVID-19 lockdown, which have been in place for several months, we find that the Venus Group knew or should have known that it would be required to complete the initial multi-part questionnaire and begin to prepare its response within a limited timeframe. With this understanding, we find that the Venus Group failed to cooperate to the best of its ability in filing a timely and complete response to the questionnaire.

Finally, because Commerce cannot conduct its full dumping analysis and calculate a valid dumping margin without the information included in the Venus Group’s sections B and D submissions, we must apply total facts otherwise available. Further, because the Venus Group has not acted to the best of its ability to submit a complete and timely response, total AFA is warranted in calculating the dumping margin. Therefore, Commerce preliminarily finds that the Venus Group has not acted to the best of its ability to comply with Commerce’s requests for information pursuant to section 776(b) of the Act.

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<sup>31</sup> See *Nippon Steel*, 337 F.3d at 1382.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.* at 1380.

<sup>34</sup> *Id.* at 1382.

<sup>35</sup> See Commerce’s Letter “Administrative Review of the Antidumping Duty Order on Stainless Steel Bar from India: Reconsideration of Second Extension Request for the Section A Questionnaire Response” dated July 23, 2020.

<sup>36</sup> See *Stainless Steel Bar from India: Preliminary Results of Antidumping Duty Administrative Review; and Rescission of Review in Part; 2018–2019*, 85 FR 59287 (March 3, 2020), and accompanying PDM; see also *Stainless Steel Bar from India: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018*, 85 FR 59287 (April 16, 2019), and accompanying PDM.

### Preliminary Estimated Weighted-Average Dumping Margin Based on AFA

Pursuant to section 776(b)(2) of the Act, when employing an adverse inference, Commerce may rely upon information derived from the petition, the final determination from the less-than-fair-value investigation, a previous administrative review, or any other information placed on the record.<sup>37</sup> In selecting a rate based on AFA, Commerce selects a rate that is sufficiently adverse to ensure that the uncooperative party does not obtain a more favorable result by failing to cooperate than if it had fully cooperated.<sup>38</sup> Sections 776(d)(1)(B) and (2) of the Act provide that in selecting among the facts otherwise available when applying adverse inferences Commerce may select any dumping margin from any segment of the proceeding under the applicable AD order, and that this includes the highest such rate. Accordingly, we have selected the dumping margin of 30.92 percent, as calculated for Mukand, Ltd in the final results of the 2010-2011 administrative review, as the AFA rate, which is the highest calculated dumping margin from any segment of the proceeding.<sup>39</sup>

Pursuant to section 776(c)(2) of the Act, Commerce is not required to corroborate any dumping margin applied in a separate segment of the same proceeding. Because the 30.92 percent rate was applied in a separate segment of this proceeding,<sup>40</sup> Commerce need not corroborate the rate in this review.

### Rate for Non-Selected Companies

The statute and Commerce's regulations do not directly address the establishment of a rate to be applied to individual companies not selected for examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Commerce's practice in calculating a rate for non-examined companies in administrative reviews involving limited selection based on exporters or producers accounting for the largest volumes of trade has been to look to section 735(c)(5) of the Act for guidance, which provides instructions for calculating the all-others rate in investigations.<sup>41</sup> Section 735(c)(5)(B) of the Act also provides that, where all rates are zero, *de minimis*, or based entirely on facts available, we may use "any reasonable method" for assigning the rate to all other respondents.

Consistent with the CAFC's decision in *Albemarle*,<sup>42</sup> in this review, we preliminarily determine that a reasonable method for determining the rate for the only non-selected company, Ambica, is to pull forward the dumping margin applied to Ambica in the most recently completed administrative review.<sup>43</sup> As the CAFC recognized, the facts of this case present a "situation in which there {is} consistency with respect to the dumping margins of the individually examined

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<sup>37</sup> See 19 CFR 351.308(c).

<sup>38</sup> See SAA at 870.

<sup>39</sup> See *Stainless Steel Bar from India: Final Results of Administrative Review of the Antidumping Duty Order; 2017– 2018*, 77 FR 39467 (July 3, 2012).

<sup>40</sup> *Id.*

<sup>41</sup> See, e.g., *Longkou Haimeng Mach. Co. v. United States*, 581 F. Supp. 2d 1344, 1357-60 (CIT 2008).

<sup>42</sup> See *Albemarle Corp. v. United States*, 821 F. 3d 1345 (Fed. Cir. 2016) (*Albemarle*).

<sup>43</sup> See *Stainless Steel Bar from India: Final Results of Antidumping Duty Administrative Review; 2018-2019*, 85 FR 74985 (November 24, 2020) (*SS Bar 2018-2019 Final*).



respondents throughout the reviews.”<sup>44</sup> In reviews where it has been individually examined over the last ten years, Ambica has consistently received a zero percent dumping margin.<sup>45</sup> Furthermore, this rate is the most accurate and current possible rate which Commerce may assign in light of the lack of data on this record.<sup>46</sup> Ambica’s assigned rate reflects the most recently completed administrative review based on data specific to Ambica in that review. Also, applying the AFA-based dumping margin applied to the sole mandatory respondent in the instant review, the Venus Group, would not be reasonably reflective of Ambica’s actual dumping margin.<sup>47</sup> Accordingly, we preliminarily assign to Ambica the dumping margin of zero percent.<sup>48</sup>

## V. RECOMMENDATION

We recommend applying the above methodology for these preliminary results.

☒

Agree

☐

Disagree

2/18/2021

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Signed by: CHRISTIAN MARSH

Christian Marsh  
Acting Assistant Secretary  
for Enforcement and Compliance

<sup>44</sup> See *Albemarle*, 821 F.3d at 1357.

<sup>45</sup> See *SS Bar 2018-2019 Final*; see also *Stainless Steel Bar from India: Final Results of Antidumping Duty Administrative Review; 2014-2015*, 81 FR 62086 (September 8, 2016); *Stainless Steel Bar from India: Final Results of Antidumping Duty Administrative Review; 2012-2013*, 79 FR 43712 (July 28, 2014); and *Stainless Steel Bar From India: Final Results of Antidumping Duty Administrative Review; 2011-2012*, 78 FR 34337 (June 7, 2013).

<sup>46</sup> See *Albemarle*, 821 F.3d at 1354 (citing *Allegheny Ludlum Corp. v. United States*, 346 F.3d 1368, 1373 (Fed. Cir. 2003)).

<sup>47</sup> See SAA at 873 (allowing for Commerce to use “other reasonable methods” in cases where the expected method would result in margins that would “not be reasonably reflective of potential dumping margins.”).

<sup>48</sup> See *SS Bar 2018-2019 Final*.