



C-533-872

Administrative Review

POR: 01/01/19 – 12/31/19

Public Document

E&C/OVI: MYS/NRH

August 31, 2021

MEMORANDUM TO: James Maeder
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

FROM: Dana Mermelstein
Director, Office VI
Antidumping and Countervailing Duty Operations

SUBJECT: Decision Memorandum for the Preliminary Results of the
Countervailing Duty Administrative Review of Finished Carbon
Steel Flanges from India; 2019

I. SUMMARY

The Department of Commerce (Commerce) is conducting an administrative review of the countervailing duty (CVD) order on finished carbon steel flanges (steel flanges) from India in response to requests from interested parties. The period of review (POR) is January 1, 2019, through December 31, 2019. We preliminarily determine that Norma (India) Ltd. (Norma) and R.N. Gupta & Co. Ltd. (RNG) benefitted from countervailable subsidies during the POR.

II. BACKGROUND

A. Initiation and Case History

On August 24, 2017, Commerce published in the *Federal Register* the CVD order on steel flanges from India.¹ On August 4, 2020, Commerce published a notice of opportunity to request an administrative review of the *Order*.² On August 31, 2020, Weldbend Corporation and Boltex

¹ See *Finished Carbon Steel Flanges from India: Countervailing Duty Order*, 82 FR 40138 (August 24, 2017) (*Order*).

² See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 85 FR 47167 (August 4, 2020).



Manufacturing Co., L.P. (the petitioners),³ requested a review of 38 producers and/or exporters of subject merchandise.⁴ Between August 27, 2020, and August 31, 2020, Norma,⁵ RNG, Bebitz Flanges Works Private Limited, Munish Forge Private Limited, Balkrishna Steel Forge Pvt. Ltd., Jai Auto Pvt. Ltd., and Aditya Forge Limited., foreign producers or exporters of subject merchandise, requested a review of the *Order* with respect to themselves.⁶

On October 6, 2020, we published a notice of initiation of this CVD review.⁷ Further, on November 5, 2020, we released the U.S. Customs and Border Protection (CBP) data to all interested parties under an administrative protective order, and we requested comments regarding the data and respondent selection.⁸ We did not receive any comments from interested parties regarding respondent selection.

We selected Norma and RNG as mandatory respondents on November 20, 2020,⁹ and issued the Initial CVD Questionnaire to the Government of India (GOI) on December 3, 2020.¹⁰ Both RNG and Norma submitted their affiliation questionnaire responses on December 17, 2020.¹¹ The GOI submitted its response to the Initial CVD Questionnaire on January 11, 2021.¹² On January 21 and 25, 2021, respectively, RNG and Norma submitted their responses to Section III

³ See *Finished Carbon Steel Flanges from India: Initiation of Countervailing Duty Investigation*, 81 FR 49625 (July 20, 2016).

⁴ See Petitioners' Letter, "Finished Carbon Steel Flanges from India: Request for Administrative Review," dated August 31, 2020; see also Memorandum, "Administrative Review of the Countervailing Duty Order on Finished Carbon Steel Flanges from India: Phone Call with the Petitioners' Counsel," dated July 6, 2021.

⁵ Norma requested a review of itself and its affiliates USK Export Private Limited (USK); Umashanker Khandelwal and Co. (UMA); and Bansidhar Chiranjilal (BCL).

⁶ See Norma's Letter, "Finished Carbon Steel Flanges from India: Request for entry of appearance in the Countervailing Duty Administrative Review for Norma (India) Limited, USK Export Private Limited, Umashanker Khandelwal and Co. and Bansidhar Chiranjilal," dated August 27, 2020; see also RNG's Letter, "Finished Carbon Steel Flanges from India: Request for Countervailing Duty Administrative Review," August 28, 2020; Bebitz Flanges Works Private Limited's Letter, "Finished Carbon Steel Flanges from India: Requests for Administrative Review," dated August 28, 2020; Munish Forge Private Limited's Letter, "Finished Carbon Steel Flanges from India: Request for Counter Vailing Duty Administrative Review," dated August 27, 2020; Balkrishna Steel Forge Pvt. Ltd.'s Letter, "Carbon Steel Flanges from India, Antidumping & Countervailing Duty," dated August 31, 2020; Jai Auto Pvt. Ltd.'s Letter, "Request for review of Countervailing Duty Administrative Review of Finished Carbon Steel Flanges from India," dated August 31, 2020; and Aditya Forge Limited's Letter, "Request for review of Countervailing Duty Administrative Review of Finished Carbon steel Flanges from India," dated August 31, 2020.

⁷ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 85 FR 63081, 63092-63093 (October 6, 2020).

⁸ See Memorandum, "Finished Carbon Steel Flanges from India: Release of U.S. Customs and Border Protection Import Data," dated November 5, 2020.

⁹ See Memorandum, "Countervailing Duty Administrative Review of Finished Carbon Steel Flanges from India: Respondent Selection," dated November 20, 2020.

¹⁰ See Commerce's Letter, "Administrative Review of the Countervailing Duty Order on Finished Carbon Steel Flanges from India: Initial Questionnaire," dated December 3, 2020 (Initial CVD Questionnaire).

¹¹ See RNG's Letter, "Initial Response to Section III of the Countervailing Duty Questionnaire – Identification of Affiliated Companies," dated December 17, 2020 (RNG AQR); see also Norma's Letter, "Finished Carbon Steel Flanges from India: Affiliation Response of Countervailing Duty Administrative Review of Norma Group," dated December 17, 2020 (Norma AQR).

¹² See GOI's Letter, "Administrative Review of the Countervailing Duty Order on Finished Carbon Steel Flanges from India: Response to Section II of the CVD Questionnaire," dated January 11, 2021 (GOI IQR).

of the Initial CVD Questionnaire.¹³ On March 2, 2021, the petitioners submitted comments regarding Norma, RNG and the GOI's responses to the Initial CVD Questionnaire.¹⁴ Between February 11, 2021, and August 11, 2021, Commerce issued additional supplemental questionnaires to Norma, RNG, and the GOI,¹⁵ and received timely responses.¹⁶

B. Extension of Time Limit for Preliminary Results

On April 19, 2021, Commerce extended the time period for issuing these preliminary results by 120 days, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), thereby extending the deadline for these results until August 31, 2021.¹⁷

¹³ See RNG's Letter, "Initial Response to Section III of Countervailing Duty Questionnaire of Finished Carbon Steel Flanges from India," dated January 21, 2021 (RNG IQR); *see also* Norma's Letter, "Finished Carbon Steel Flanges from India: Submission of Section III Response to Countervailing Duty Administrative Review of Norma India Limited UMA Shanker & Co. & Bansidhar Chiraniilal (Norma Group)," January 21, 2021 (Norma IQR); and Norma's Letter, "Finished Carbon Steel Flanges from India: Submission of Section III Response to Countervailing Duty Administrative Review of USK Export Private Limited (Norma Group)," dated January 25, 2021 (USK IQR).

¹⁴ See Petitioners' Letter, "Finished Carbon Steel Flanges from India: Petitioners' Comments on Norma, RNG, and Government of India's Questionnaire Responses," dated March 2, 2021.

¹⁵ See Commerce's Letters, "Countervailing Duty Administrative Review of Finished Carbon Steel Flanges from India: First (Affiliation) Supplemental Questionnaire for Norma (India) Limited," dated February 11, 2021; "Finished Carbon Steel Flanges from India Government of India First Supplemental Questionnaire," dated June 17, 2021 (GOI First Supplemental Questionnaire); "Countervailing Duty Administrative Review of Finished Carbon Steel Flanges from India: Second Supplemental Questionnaire for Norma (India) Ltd.," dated June 21, 2021; "Countervailing Duty Administrative Review of Finished Carbon Steel Flanges from India: Third Supplemental Questionnaire for Norma (India) Ltd.," dated June 30, 2021; "Countervailing Duty Administrative Review of Finished Carbon Steel Flanges from India: First Supplemental Questionnaire for R.N. Gupta & Co. Ltd.," dated June 30, 2021; "Countervailing Duty Administrative Review of Finished Carbon Steel Flanges from India: Second Supplemental Questionnaire for R.N. Gupta & Company Limited," dated July 15, 2021; "Countervailing Duty Administrative Review of Finished Carbon Steel Flanges from India: Fourth Supplemental Questionnaire for Norma (India) Ltd.," dated August 11, 2021; "Countervailing Duty Administrative Review of Finished Carbon Steel Flanges from India: Second Supplemental Questionnaire for the Government of India," dated August 11, 2021; and "Countervailing Duty Administrative Review of Finished Carbon Steel Flanges from India: Third Supplemental Questionnaire for R.N. Gupta & Company Limited," dated August 11, 2021.

¹⁶ See Norma's Letter, "Finished Carbon Steel Flanges from India: Response to 1st supplemental questionnaire of Countervailing Duty Administrative Review of Norma Group," dated February 18, 2021 (Norma 1SQR); *see also* RNG's Letter, "Resubmission of Affiliated Response to Section III of Countervailing Duty Questionnaire Identification of Affiliated Companies," dated July 2, 2021 (RNG 1SQR); Norma's Letter, "Finished Carbon Steel Flanges from India: Response to 3rd supplemental questionnaire of Countervailing Duty Administrative Review of Norma Group," dated July 2, 2021 (Norma 3SQR); Norma's Letter, "Finished Carbon Steel Flanges from India: Response to 2nd supplemental questionnaire of Countervailing Duty Administrative Review of Norma Group," dated July 8, 2021 (Norma 2SQR); GOI's Letter, "Finished Carbon Steel Flanges from India: Government of India First Supplemental Questionnaire – Section II," dated July 12, 2021 (GOI 1SQR); RNG's Letter, "2nd Supplemental Response of Section III of Countervailing Duty Questionnaire Finished Carbon Steel Flanges from India C-533-872 for the period of January 01, 2019 to December 31, 2019," dated August 2, 2021 (RNG 2SQR); RNG's Letter, "3rd Supplemental Response of Section III of Countervailing Duty Questionnaire Finished Carbon Steel Flanges from India C-533-872 for the period of January 01, 2019 to December 31, 2019," dated August 16, 2021 (RNG 3SQR); Norma's Letter, "Finished Carbon Steel Flanges from India: Response to 4th supplemental questionnaire of Countervailing Duty Administrative Review of Norma Group," dated August 16, 2021 (Norma 4SQR); and GOI's Letter, "Finished Carbon Steel Flanges from India: Government of India Second Supplemental Questionnaire – Section II," dated August 17, 2021 (GOI 2SQR).

¹⁷ See Memorandum, "Finished Carbon Steel Flanges from India: Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review; 2019," dated April 19, 2021.

III. SCOPE OF THE *ORDER*

The scope of the *Order* covers finished carbon steel flanges. Finished carbon steel flanges differ from unfinished carbon steel flanges (also known as carbon steel flange forgings) in that they have undergone further processing after forging, including, but not limited to, beveling, bore threading, center or step boring, face machining, taper boring, machining ends or surfaces, drilling bolt holes, and/or deburring or shot blasting. Any one of these post-forging processes suffices to render the forging into a finished carbon steel flange for purposes of this review. However, mere heat treatment of a carbon steel flange forging (without any other further processing after forging) does not render the forging into a finished carbon steel flange for purposes of this order.

While these finished carbon steel flanges are generally manufactured to specification ASME B16.5 or ASME B16.47 series A or series B, the scope is not limited to flanges produced under those specifications. All types of finished carbon steel flanges are included in the scope regardless of pipe size (which may or may not be expressed in inches of nominal pipe size), pressure class (usually, but not necessarily, expressed in pounds of pressure, *e.g.*, 150, 300, 400, 600, 900, 1500, 2500, *etc.*), type of face (*e.g.*, flat face, full face, raised face, *etc.*), configuration (*e.g.*, weld neck, slip on, socket weld, lap joint, threaded, *etc.*), wall thickness (usually, but not necessarily, expressed in inches), normalization, or whether or not heat treated. These carbon steel flanges either meet or exceed the requirements of the ASTM A105, ASTM A694, ASTM A181, ASTM A350 and ASTM A707 standards (or comparable foreign specifications). The scope includes any flanges produced to the above-referenced ASTM standards as currently stated or as may be amended. The term “carbon steel” under this scope is steel in which: (a) Iron predominates, by weight, over each of the other contained elements; (b) The carbon content is 2 percent or less, by weight; and (c) none of the elements listed below exceeds the quantity, by weight, as indicated:

- (i) 0.87 percent of aluminum;
- (ii) 0.0105 percent of boron;
- (iii) 10.10 percent of chromium;
- (iv) 1.55 percent of columbium;
- (v) 3.10 percent of copper;
- (vi) 0.38 percent of lead;
- (vii) 3.04 percent of manganese;
- (viii) 2.05 percent of molybdenum;
- (ix) 20.15 percent of nickel;
- (x) 1.55 percent of niobium;
- (xi) 0.20 percent of nitrogen;
- (xii) 0.21 percent of phosphorus;
- (xiii) 3.10 percent of silicon;
- (xiv) 0.21 percent of sulfur;
- (xv) 1.05 percent of titanium;
- (xvi) 4.06 percent of tungsten;
- (xvii) 0.53 percent of vanadium; or
- (xviii) 0.015 percent of zirconium.

Finished carbon steel flanges are currently classified under subheadings 7307.91.5010 and 7307.91.5050 of the Harmonized Tariff Schedule of the United States (HTSUS). They may also be entered under HTSUS subheadings 7307.91.5030 and 7307.91.5070. The HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope is dispositive.

IV. PERIOD OF REVIEW

The POR is January 1, 2019, through December 31, 2019.

V. SUBSIDIES VALUATION INFORMATION

A. Allocation Period

Commerce normally allocates the benefits from non-recurring subsidies over the average useful life (AUL) of renewable physical assets used in the production of subject merchandise.¹⁸ Commerce finds the AUL in this proceeding to be seven years, pursuant to 19 CFR 351.524(d)(2) and the U.S. Internal Revenue Service's 1977 Class Life Asset Depreciation Range System.¹⁹ Commerce notified the respondents of the 7-year AUL in the Initial CVD Questionnaire and requested data accordingly. No party in this proceeding disputed this allocation period.

Furthermore, for non-recurring subsidies, we applied the "0.5 percent test," as described in 19 CFR 351.524(b)(2). Under this test, we divide the value of subsidies approved under a given program in a particular year by the relevant sales value (*e.g.*, total sales or export sales) for the year in which the assistance was approved. If the value of the subsidies is less than 0.5 percent of the relevant sales value, the benefits are allocated to the year of receipt rather than over the AUL.

B. Attribution of Subsidies

In accordance with 19 CFR 351.525(b)(6)(i), Commerce normally attributes a subsidy to the products produced by the company that received the subsidy. However, 19 CFR 351.525(b)(6)(ii)-(v) provides additional rules for the attribution of subsidies received by respondents with cross-owned affiliates. Subsidies to the following types of cross-owned affiliates are covered in these additional attribution rules: (ii) producers of the subject merchandise; (iii) holding companies or parent companies; (iv) producers of an input that is primarily dedicated to the production of the downstream product; or (v) an affiliate producing non-subject merchandise that otherwise transfers a subsidy to a respondent.

According to 19 CFR 351.525(b)(6)(vi), cross-ownership exists between two or more corporations where one corporation can use or direct the individual assets of the other

¹⁸ See 19 CFR 351.524(b).

¹⁹ See U.S. Internal Revenue Service Publication 946 (2008), "How to Depreciate Property," at Table B-2: Table of Class Lives and Recovery Periods.

corporation(s) in essentially the same ways it can use its own assets. This section of Commerce's regulations states that this standard will normally be met where there is a majority voting ownership interest between two corporations or through common ownership of two (or more) corporations. The *CVD Preamble* to Commerce's regulations further clarifies cross-ownership standard. According to the *CVD Preamble*, relationships captured by the cross-ownership definition include those where:

{T}he interests of two corporations have merged to such a degree that one corporation can use or direct the individual assets (or subsidy benefits) of the other corporation in essentially the same way it can use its own assets (or subsidy benefits) . . . Cross-ownership does not require one corporation to own 100 percent of the other corporation. Normally, cross-ownership will exist where there is a majority voting ownership interest between two corporations or through common ownership of two (or more) corporations. In certain circumstances, a large minority voting interest (for example, 40 percent) or a "golden share" may also result in cross-ownership.²⁰

Thus, Commerce's regulations make clear that the agency must look at the facts presented in each case in determining whether cross-ownership exists. The U.S. Court of International Trade (CIT) upheld Commerce's authority to attribute subsidies based on whether a company could use or direct the subsidy benefits of another company in essentially the same way it could use its own subsidy benefits.²¹

Norma

Norma responded on behalf of itself and three affiliates involved in the production and sale of subject merchandise: UMA, USK, and BCL.²² We preliminarily determine that these companies are cross-owned within the meaning of 19 CFR 351.565(b)(6)(vi) because members of one family hold substantial ownership interests and board of director positions in all of these companies.²³

Norma stated that it is, and USK and UMA are, producers of subject merchandise and all three companies were engaged in sales and processing of subject merchandise.²⁴ Further, Norma, USK and UMA sold subject merchandise to one another and provided one another with inputs for the production of the subject merchandise produced by each of them.²⁵ Regarding BCL, Norma reported that BCL did not engage in the production, sale, development, or distribution of finished subject merchandise for sale to either the domestic or export markets during the POR.²⁶ Norma reported that BCL did not provide a primarily dedicated input, produce subject

²⁰ See *Countervailing Duties*, 63 FR 65348, 65401 (November 25, 1998) (*CVD Preamble*).

²¹ See *Fabrique de Fer de Charleroi S.A. v. United States*, 166 F. Supp. 2d 593, 603 (CIT 2001).

²² See Norma IQR at NIL-5.

²³ See Norma AQR at Exhibit 3 (b); see also Norma 3SQR at Exhibit S3-1 (page 10 and Exhibit 2 (b)); Norma IQR at NIL-9; and Norma 1SQR at Exhibit S1-2.

²⁴ See Norma IQR at NIL-5; see also Norma 3SQR at Exhibit S3-1, pages 6-7.

²⁵ See Norma 3SQR at Exhibit S3-1, pages 9 and 11; see also Norma 1SQR at S1-2 and Exhibits S1-4(a), S1-4(b), and S1-4(c).

²⁶ See Norma 1SQR at S1-6.

merchandise, make any sales of steel flanges or transfer a subsidy during the POR, and that BCL is not a parent or holding company of Norma or of USK and UMA; Norma also reported that BCL did not receive any subsidies during the POR or over the AUL.²⁷ As such, because Norma, USK, and UMA are corporations producing the same product, pursuant to 19 CFR 351.525(b)(6)(ii), we are attributing to the combined sales of UMA, USK, and Norma (less intercompany sales) all subsidies received by Norma, USK, and UMA.

RNG

RNG is a producer and exporter of the subject merchandise.²⁸ RNG did not export any subject merchandise produced by any other company during the POR.²⁹ RNG processed and exported subject semi-finished steel flanges purchased from unaffiliated producers prior to the POR during the AUL period.³⁰ However, consistent with our prior determinations in this proceeding, because there is no affiliation between RNG and its suppliers, we determine that further information regarding these unaffiliated producers is not required.³¹ RNG reported affiliation with certain companies during the POR.³² Based on our review of the information provided in its questionnaire responses, we did not find these companies to be cross-owned within the meaning of 19 CFR 351.525(b)(6)(vi). As such, pursuant to 19 CFR 351.525(b)(6)(i), we are attributing to RNG subsidies received by RNG.

C. Denominators

In accordance with 19 CFR 351.525(b)(1) – (5), Commerce considers the basis for the respondent's receipt of benefits under each program when attributing subsidies, e.g., to the respondent's export or total sales. The denominators we used to calculate the countervailable subsidy rates for the various subsidy programs are the respondent's export sales, as described

²⁷ See Norma 3SQR at Exhibit S3-1, pages 9-10 and Exhibit S3-2, pages 8-9 and 11.

²⁸ See RNG IQR at 1.

²⁹ See RNG 1SQR at 2-3.

³⁰ See RNG IQR at 10 and Exhibit 4(c).

³¹ See, e.g., *Finished Carbon Steel Flanges from India: Preliminary Affirmative Countervailing Duty Determination*, 81 FR 85928 (November 29, 2016) (*Carbon Steel Flanges from India Preliminary Determination*), and accompanying Preliminary Determination Memorandum (PDM) at 6; *Finished Carbon Steel Flanges from India: Final Affirmative Countervailing Duty Determination*, 82 FR 29479 (June 29, 2017) (*Carbon Steel Flanges from India Final Determination*), and accompanying Issues and Decision Memorandum (IDM) at 5 and Comment 7; *Finished Carbon Steel Flanges from India: Preliminary Results of Countervailing Duty Administrative Review, 2016-2017*, 84 FR 55141 (October 15, 2019) (*Carbon Steel Flanges from India 2016-2017 AR Preliminary Results*), and accompanying PDM at 9; *Finished Carbon Steel Flanges from India: Final Results of Countervailing Duty Administrative Review, 2016-2017*, 85 FR 18193 (April 1, 2020) (*Carbon Steel Flanges from India 2016-2017 AR Final Results*), and the accompanying IDM at 4; *Finished Carbon Steel Flanges from India: Preliminary Results of Countervailing Duty Administrative Review and Intent to Rescind, in Part; 2018*, 85 FR 79466 (December 10, 2020) (*Carbon Steel Flanges from India 2018 AR Preliminary Results*), and accompanying PDM at 7; and *Finished Carbon Steel Flanges From India: Final Results of Countervailing Duty Administrative Review and Partial Rescission, 2018*, 86 FR 22143 (April 27, 2021) (*Carbon Steel Flanges from India 2018 AR Final Results*), and the accompanying IDM at 4.

³² See RNG AQR at Exhibits 1 (a) and (b).

below, and which are also explained in further detail in the preliminary calculations memoranda prepared for these preliminary results.³³

VI. BENCHMARK INTEREST RATES AND DISCOUNT RATES

Section 771(5)(E)(ii) of the Act provides that the benefit for loans is the “difference between the amount the recipient of the loan pays on the loan and the amount the recipient would pay on a comparable commercial loan that the recipient could actually obtain on the market,” indicating that a benchmark must be a market-based rate. In addition, 19 CFR 351.505(a)(3)(i) stipulates that when selecting a comparable commercial loan that the recipient “could actually obtain on the market,” Commerce will normally rely on actual loans obtained by the firm. However, when there are no comparable commercial loans during the period, Commerce “may use a national average interest rate for comparable commercial loans,” pursuant to 19 CFR 351.505(a)(3)(ii). In addition, 19 CFR 351.505(a)(2)(ii) states that Commerce will not consider a loan provided by a government-owned special-purpose bank for purposes of calculating benchmark rates. Commerce has previously determined that the Industrial Development Bank of India (IDBI), the Industrial Finance Corporation of India (IFCI), and the Export-Import Bank of India (EXIM) are government-owned special-purpose banks. As such, Commerce does not use loans from the IDBI, the IFCI, or the EXIM as a basis for a commercial loan benchmark.³⁴ Also, in the absence of reported long-term loan interest rates, we use the above-discussed interest rates as discount rates for purposes of allocating non-recurring benefits over time pursuant to 19 CFR 351.524(d)(3)(i)(B).

RNG and Norma (and its cross-owned affiliates USK and UMA) received exemptions from import duties under the Export Promotion Capital Goods Scheme and the Status Holder Incentive Scheme, which we treat as non-recurring benefits and allocate over the AUL.³⁵ Pursuant to 19 CFR 351.524(d)(3), and consistent with past segments of this proceeding, we preliminarily determine that commercial loans identified by RNG and Norma are not comparable fixed-rate loans and cannot be used as discount rates for purposes of allocating the non-recurring benefits provided under the EPCGS and SHIS programs. Therefore, to allocate the non-recurring benefits, we have preliminarily used national average interest rates, pursuant to 19 CFR 351.505(a)(3)(ii). Specifically, we used the yearly average lending rate from the International Monetary Fund’s (IMF’s) *International Financial Statistics (IFS)* as discount rates.³⁶

³³ See Memoranda, “Preliminary Results Calculations for R.N. Gupta & Co. Ltd.,” (RNG Preliminary Calculation Memorandum); and “Preliminary Results Calculations for Norma (India) Ltd., USK Exports Private Limited, UMA Shanker Khandelwal & Co., and Bansidhar Chiranjilal,” (Norma Preliminary Calculation Memorandum), both dated concurrently with this memorandum.

³⁴ See *Final Results of the Countervailing Duty Administrative Review: Polyethylene Terephthalate Film, Sheet, and Strip from India*, 71 FR 7534 (February 13, 2006) (*PET Film from India 2003 AR Final Results*), and accompanying IDM at Comment 3; see also *Polyethylene Terephthalate Film, Sheet, and Strip from India: Final Results of Countervailing Duty Administrative Review*, 73 FR 7708 (February 11, 2018), and accompanying IDM at Benchmark Interest Rates and Discount Rates.

³⁵ See RNG IQR at 21, 42, Exhibit 11 (a), and Exhibit 17 (a); see also Norma IQR at NIL-31-NIL-32 and 18; and USK IQR at USK-27 and USK-44-45.

³⁶ See Memorandum, “Benchmark Rates Memorandum,” dated concurrently with this memorandum; see also Norma Preliminary Calculation Memorandum at Attachment II; and RNG Preliminary Calculation Memorandum at Attachment II.

VII. USE OF FACTS OTHERWISE AVAILABLE AND APPLICATION OF ADVERSE INFERENCES

Sections 776(a)(1) and (2) of the Act provide that Commerce shall, subject to section 782(d) of the Act, use the “facts otherwise available” in reaching the applicable determination if:

(1) necessary information is not on the record; or (2) an interested party or any other person (A) withholds information that has been requested; (B) fails to provide information within the deadlines established, or in the form and manner requested by Commerce, subject to subsections (c)(1) and (e) of section 782 of the Act; (C) significantly impedes a proceeding; or (D) provides information that cannot be verified as provided by section 782(i) of the Act.

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 with 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.

Section 776(b) of the Act further provides that Commerce may use an adverse inference in selecting from among the facts otherwise available when a party fails to cooperate by not acting to the best of its ability to comply with a request for information. In doing so, Commerce is not required to determine, or make any adjustments to, a countervailable subsidy rate based on any assumptions about information an interested party would have provided if the interested party had complied with the request for information.³⁷ Further, section 776(b)(2) states that an adverse inference may include reliance on information derived from the petition, the final determination from the investigation, a previous administrative review, or other information placed on the record.³⁸ When selecting an adverse facts available (AFA) rate from among the possible sources of information, Commerce’s practice is to ensure that the rate is sufficiently adverse “as to effectuate the statutory purposes of the adverse facts available rule to induce respondents to provide Commerce with complete and accurate information in a timely manner.”³⁹ Commerce’s practice also ensures “that the party does not obtain a more favorable result by failing than if it had cooperated fully.”⁴⁰

Section 776(c)(1) of the Act provides that, when Commerce relies on secondary information rather than on information obtained in the course of an investigation or review, it shall, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal.⁴¹ Secondary information is “information derived from the petition that gave rise to the investigation or review, the final determination concerning the subject merchandise, or any

³⁷ See section 776(b)(1)(B) of the Act.

³⁸ See 19 CFR 351.308(c).

³⁹ See, e.g., *Drill Pipe from the People’s Republic of China: Final Affirmative Countervailing Duty Determination, Final Affirmative Critical Circumstances Determination*, 76 FR 1971 (January 11, 2011); see also *Notice of Final Determination of Sales at Less Than Fair Value: Static Random Access Memory Semiconductors from Taiwan*, 63 FR 8909, 8932 (February 23, 1998).

⁴⁰ See Statement of Administrative Action Accompanying the Uruguay Round Agreements Act, H.R. Doc. 103-316, vol. I (1994) (SAA) at 870.

⁴¹ See 19 CFR 351.308(d).

previous review under section 751 concerning the subject merchandise.”⁴² It is Commerce’s practice to consider information to be corroborated if it has probative value.⁴³ In analyzing whether information has probative value, it is Commerce’s practice to examine the reliability and relevance of the information to be used.⁴⁴ However, the SAA emphasizes that Commerce need not prove that the selected facts available are the best alternative information.⁴⁵ Further, Commerce is not required to corroborate any countervailing duty applied in a separate segment of the same proceeding.⁴⁶

Finally, under section 776(d) of the Act, when applying an adverse inference, Commerce may use a countervailable subsidy rate applied for the same or similar program in a CVD proceeding involving the same country, or, if there is no same or similar program, use a countervailable subsidy rate for a subsidy program from a proceeding that the agency considers reasonable to use, including the highest of such rates.⁴⁷ Additionally, when using an adverse inference in selecting among the facts otherwise available, Commerce is not required, for purposes of section 776(c) of the Act, or any other purpose, to estimate what the countervailable subsidy rate would have been if the interested party had cooperated or to demonstrate that the countervailable subsidy rate reflects an “alleged commercial reality of the interested party.”⁴⁸

For purposes of these preliminary results, we are applying facts available (FA), including the use of an adverse inference in applying the facts otherwise available, in the instance outlined below.

A. Application of Adverse Facts Available: Government of India – Whether the Electricity Duty Exemption Under the State Government of Uttar Pradesh Investment Promotion Scheme/Infrastructure and Industrial Investment Policy is Specific

As discussed below, the GOI did not act to the best of its ability to provide complete information with respect to specificity for the electricity duty exemption under the State Government of Uttar Pradesh (SGUP) Investment Promotion Scheme, also known as Infrastructure and Industrial Investment Policy,⁴⁹ making it necessary to rely on AFA under section 776(b) of the Act in our preliminary analysis.

Initially, the GOI did not provide information required for our *de facto* specificity analysis. The GOI stated that the SGUP does not have centralized information regarding the amount of assistance approved for each mandatory respondent company; the amount of assistance approved for all companies; the total amount of assistance approved for each of the largest 50 recipients; the total number of companies that were approved for assistance; the total number of companies operating or established in the jurisdiction of the granting authority; the total number of

⁴² See SAA at 870.

⁴³ *Id.*

⁴⁴ *Id.* at 869.

⁴⁵ *Id.* at 869-870.

⁴⁶ See section 776(c)(2) of the Act.

⁴⁷ See sections 776(d)(1) and (2) of the Act.

⁴⁸ See section 776(d)(3) of the Act.

⁴⁹ See GOI IQR at 94; *see also* GOI ISQR at 23. The GOI confirmed that the “Investment Promotion Scheme” and the “Infrastructure and Industrial Investment Policy” from the SGUP are the same program.

corporate/business income tax filers within the jurisdiction of the granting authority; a complete listing of the industries that operate in the jurisdiction of the granting authority; the total amount of assistance approved for the industry in which the mandatory respondent companies operate, as well as the totals for every other industry in which companies were approved for assistance; and the total number of companies that applied for, but were denied, assistance under the program at issue.⁵⁰ We again requested the GOI to provide this information.⁵¹ In the event that the GOI did not have access to such information, we also requested that the GOI contact the relevant government agency and request such material.⁵² However, in response, the GOI repeated its claim that the SGUP does not have centralized information on the total amount of assistance approved for all companies; the total amount of assistance approved for each of the largest 50 recipients; the total number of companies that were approved for assistance; the total number of corporate/business income tax filers within the jurisdiction of the granting authority; the total amount of assistance approved for the industry in which the mandatory respondent companies operate, as well as the totals for every other industry in which companies were approved for assistance; and the total number of companies that applied for, but were denied assistance under the program at issue that USK reported using.⁵³

The SGUP program at issue does not appear to be an export or import substitution subsidy or otherwise appear to be *de jure* specific.⁵⁴ Thus, Commerce must examine whether this program is *de facto* specific. Because the GOI did not provide the requested information, the necessary information to determine the existence of *de facto* specificity is missing from the record.

Consequently, we preliminarily determine that necessary information is not available on the record and that the GOI has withheld information that was requested of it and significantly impeded this proceeding. Therefore, Commerce must rely on FA in making our preliminary determination, in accordance with sections 776(a)(1) and 776(a)(2)(A) and (C) of the Act.

Moreover, we preliminarily determine that the GOI failed to cooperate by not acting to the best of its ability to comply with our request for information. This finding is based on the fact that the GOI admitted that the information did exist in a decentralized manner and did not collect the data and submit it. As such, an adverse inference is warranted in the application of FA pursuant to section 776(b) of the Act. In drawing an adverse inference, we preliminarily find that the electricity duty exemption under the SGUP Investment Promotion Scheme/Infrastructure and Industrial Investment Policy is specific within the meaning of section 771(5A)(D)(iii) of the Act. For details on the calculation of the subsidy rate of USK, see *infra* at “Electricity Duty Exemption under the State Government of Uttar Pradesh Investment Promotion Scheme/Infrastructure and Industrial Investment Policy” under “Analysis of Programs.”

⁵⁰ See GOI IQR at 100-101.

⁵¹ See GOI First Supplemental Questionnaire at question 25.

⁵² *Id.*

⁵³ See GOI 1SQR at 25-27; see also USK IQR at USK-71.

⁵⁴ See GOI IQR at 94-102 and Exhibits SGUP-7-SGUP-9; see also GOI 1SQR at 23-28.

VIII. ANALYSIS OF PROGRAMS

A. Programs Preliminarily Determined to be Countervailable

1. Duty Drawback (DDB) Program

Commerce determined in the investigation that this program is countervailable.⁵⁵ Specifically, we found that the rebated duties provided through the DDB Program constitute a financial contribution, as defined under section 771(5)(D)(ii) of the Act, in the form of revenue forgone by the GOI.⁵⁶ We further determined that the program was available only to exporters, and therefore it is specific under sections 771(5A)(A) and (B) of the Act.⁵⁷ We also found that the GOI had not supported its claim that the DDB system is reasonable and effective in confirming which inputs, and in what amounts, are consumed in the production of the exported products.⁵⁸ Therefore we found that the entire amount of import duty rebate earned during the POI constitutes a benefit.⁵⁹

In this review, the GOI did not submit any new information or evidence of changed circumstances that warrants reconsideration of Commerce's prior determination in the investigation concerning the countervailability of the program.⁶⁰ Therefore, consistent with our practice not to revisit financial contribution and specificity determinations made in a prior segment of the proceeding, absent the presentation of new facts or evidence, we preliminarily continue to find that this program confers a financial contribution as provided under section 771(5)(D)(ii) of the Act and is specific, under section 771(5A)(A) and (B) of the Act.⁶¹ Furthermore, we preliminarily determine that the GOI did not submit any new information or argument regarding its claim that the DDB system is reasonable and effective in confirming which inputs, and in what amounts, are consumed in the production of the exported products.⁶² Accordingly, we preliminarily continue to find that the GOI has not supported its claim.

⁵⁵ See *Carbon Steel Flanges from India Preliminary Determination*, and accompanying PDM at 10-12, unchanged in *Carbon Steel Flanges from India Final Determination*; see also *Carbon Steel Flanges from India 2016-2017 AR Preliminary Results*, and accompanying PDM at 10-11, unchanged in *Carbon Steel Flanges from India 2016-2017 AR Final Results*; and *Carbon Steel Flanges from India 2018 AR Preliminary Results*, and accompanying PDM at 9-10, unchanged in *Carbon Steel Flanges from India 2018 AR Final Results*.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ See *Carbon Steel Flanges from India Preliminary Determination*, and accompanying PDM at 10-12, unchanged in *Carbon Steel Flanges from India Final Determination*; see also, e.g., *Certain Frozen Warmwater Shrimp from India: Preliminary Countervailing Duty Determination*, 78 FR 33344 (June 4, 2013) (*Shrimp from India Preliminary Determination*), and accompanying PDM at 16-18, unchanged in *Certain Frozen Warmwater Shrimp from India: Final Affirmative Countervailing Duty Determination*, 78 FR 50385 (August 19, 2013) (*Shrimp from India Final Determination*), and accompanying IDM at 12-14 (*Shrimp from India*); and *Countervailing Duty Investigation of Glycine from India: Affirmative Final Determination*, 84 FR 18482 (May 1, 2019) (*Glycine from India*), and accompanying IDM at Comment 4.

⁵⁹ *Id.*

⁶⁰ See GOI IQR at 21.

⁶¹ See *Magnola Metallurgy, Inc. v. United States*, 508 F. 3d 1349, 1353-1356 (CAFC 2007) (*Magnola*).

⁶² See *Magnola* at 1353-1356.

Therefore, under 19 CFR 351.519(a)(4), the entire amount of import duty rebate earned during the POR constitutes a benefit.⁶³ Our findings are consistent with prior India CVD proceedings.⁶⁴

Norma reported that Norma and its cross-owned affiliate USK, received duty rebates under this program, and RNG reported receiving duty rebates under this program.⁶⁵ The GOI explained that the DDB Program provides rebates for duty chargeable on any imported materials or excisable materials used in the manufacture of such goods for export.⁶⁶ Further, drawback is available to: (1) import duties on raw materials used in the manufacture of exports products; and (2) the reimbursement of excise duty paid on petroleum and tobacco products.⁶⁷

Exporters can claim duty drawback under the All Industry Rate (AIR) or Brand Rate.⁶⁸ The current AIR in force was notified by Notification No. 07/2020- Customs (N.T.) and amended by Notification No. 56/2020- Customs (N.T.).⁶⁹ The Brand Rate may be claimed on the basis of actual incidence of duties under “Rules 6 or 7 of Customs and Central Excise Duties Drawback Rules, 2017.”⁷⁰

Pursuant to 19 CFR 351.519(b)(1), we find that benefits from the DDB Program are conferred as of the date of exportation of the shipment for which the drawbacks are earned. We calculated the benefit on an as-earned basis upon export of subject merchandise because drawback under the program is provided as a percentage of the value of the exported merchandise on a shipment-by-shipment basis.⁷¹ As such, it is at this point that recipients know the exact amount of the benefit (*i.e.*, the value of the drawback).⁷²

We calculated the subsidy rate using the value of all DDB Program duty rebates that Norma and its cross-owned affiliate USK earned, and that RNG earned on U.S. sales during the POR. For Norma and USK, in accordance with 19 CFR 355.525(b)(6)(ii), we divided the total amount of the benefit received by the two companies by the combined total export sales made by Norma, USK, and UMA to the United States of subject merchandise during the POR. For RNG, we divided the total amount of the benefit received by RNG by its total sales of U.S. exports of subject merchandise during the POR. On this basis, we preliminarily determine a countervailable subsidy rate of 1.80 percent *ad valorem* for Norma, and 1.80 percent *ad valorem* for RNG.⁷³

⁶³ See *Carbon Steel Flanges from India Preliminary Determination* PDM at 10-12, unchanged in *Carbon Steel Flanges from India Final Determination*; see also, e.g., *Shrimp from India Preliminary Determination*, and accompanying PDM at 16-18, unchanged in *Shrimp from India Final Determination*; and *Glycine from India*, and accompanying IDM at Comment 4.

⁶⁴ See, e.g., *Glycine from India* IDM at Comment 4.

⁶⁵ See Norma IQR at NIL-23-NIL-26; see also USK IQR at USK-23-USK-27; and RNG IQR at 17-21 and Exhibit 10 (a).

⁶⁶ See GOI IQR at 18-19.

⁶⁷ *Id.* at 18-19.

⁶⁸ See GOI ISQR at 3 and Exhibit SUPP-1.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ See RNG IQR at 18-20 and Exhibit 10 (a); see also Norma IQR at NIL-23-NIL-26 and Exhibit NIL-12 (a).

⁷² See, e.g., Norma IQR at Exhibit NIL-12 (a); see also USK IQR at Exhibit USK-12 (a); and RNG IQR at Exhibit 10 (a) and Exhibit 10 (d).

⁷³ See Norma Preliminary Calculation Memorandum; see also RNG Preliminary Calculation Memorandum.

2. Export Promotion of Capital Goods Scheme (EPCGS) Program

Commerce determined in the investigation that this program is countervailable.⁷⁴ Specifically, we found that the EPCGS Program provides a financial contribution pursuant to section 771(5)(D)(ii) of the Act in the form of revenue forgone by the GOI for not collecting import duties.⁷⁵ We further determined that the program was available only to exporters, and therefore it is specific under sections 771(5A)(A) and (B) of the Act because it is contingent upon export performance.⁷⁶

In this review, the GOI did not submit any new information or evidence of changed circumstances that warrants reconsideration of Commerce's prior determination in the investigation concerning the countervailability of the program during the POR.⁷⁷ Therefore, consistent with our practice not to revisit financial contribution and specificity determinations made in a prior segment of the proceeding, absent the presentation of new facts or evidence, we preliminarily continue to find that this program confers a financial contribution as provided under section 771(5)(D)(ii) of the Act and is specific, under section 771(5A)(A) and (B) of the Act.⁷⁸ Our findings are consistent with prior India CVD proceedings.⁷⁹

Norma reported that USK received benefits under this program and RNG reported receiving benefits under this scheme.⁸⁰ The GOI reported that the EPCGS Program provides for a reduction of or exemption from customs duties and certain excise taxes on imports of capital goods used in pre-production, production, or post-production of exported products.⁸¹ Under this program, producers must commit to export, over a specific period of time, goods manufactured in relation to the imported capital goods for a value equal to a multiple of the duty value saved on such capital goods.⁸² If the company fails to meet the export obligation, the company is subject to payment of all or part of the duty reduction, depending on the extent of the shortfall in foreign currency earnings, in addition to an interest penalty.⁸³ When the company meets the export obligation, it is granted a final waiver of the duties.⁸⁴

Under the EPCGS Program, the exempted import duties would have to be paid to the GOI if the accompanying export obligations are not met. It is Commerce's practice to treat any balance on an unpaid liability that may be waived in the future as a contingent-liability interest-free loan,

⁷⁴ See *Carbon Steel Flanges from India Preliminary Determination* PDM at 12-15, unchanged in *Carbon Steel Flanges from India Final Determination*.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ See GOI ISQR at 5-6.

⁷⁸ See *Magnola* at 1353-1356.

⁷⁹ See, e.g., *Glycine from India* IDM at Comment 5.

⁸⁰ See USK IQR at USK-27-USK-39; see also RNG IQR at 21 and Exhibit 11 (a) Parts 1 and 2.

⁸¹ See GOI IQR at 23, 28-29, and Exhibit EPCG-2.

⁸² *Id.*; see also USK IQR at USK-28; and RNG IQR at 22-23.

⁸³ See GOI IQR at Exhibit EPCG-2.

⁸⁴ *Id.*; see also Exhibit EPCG-3.

pursuant to 19 CFR 351.505(d)(1).⁸⁵ Since the unpaid duties constitute a liability contingent on subsequent events, we treat the amount of unpaid duty liabilities as an interest-free contingent-liability loan. We find that the amount a respondent would have paid during the POR had it borrowed the full amount of the duty reduction or exemption at the time of importation to constitute the first benefit under the EPCGS Program. The second benefit arises based on the amount of duty finally waived by the GOI on imports of capital goods covered by those EPCGS licenses for which the export requirement has been met. With regard to licenses for which the GOI has acknowledged that the company has completed its export obligation and granted the final duty waiver, pursuant to 19 CFR 351.505(d)(2), we treat the import duty savings as grants received in the year in which the GOI waived the contingent liability on the import duty exemption. Further, in accordance with 19 CFR 351.524(c)(2)(iii) and past practice, we treat import duty exemptions on capital equipment as non-recurring benefits.

Norma reported that USK, in years prior to the POR, imported capital goods under the EPCGS Program with import duty exemptions.⁸⁶ Information provided by Norma indicates that at the time of bestowal, USK's EPCGS licenses were not tied to the production of any type of merchandise; therefore, we are attributing the EPCGS benefits received to total exports consistent with 19 CFR 351.525(b)(5).⁸⁷ Norma reported that USK met export requirements for all EPCGS licenses, and was granted the final waivers of duties.⁸⁸

RNG reported that it imported capital goods under the EPCGS Program in the years prior to the POR, and that for some of these imports, RNG had met the export obligations and the GOI granted the final waiver of duties, and that for other imports, the export obligations remain pending during the POR.⁸⁹ Consistent with the underlying investigation, we preliminarily find that all of RNG's EPCGS licenses benefit all of the company's export sales.⁹⁰ We are attributing the EPCGS benefits received to their total exports consistent with 19 CFR 351.525(b)(5).

To calculate the benefit received by RNG from the final waiver of import duties on capital equipment imports where its export obligation was met prior to the end of the POR, and by Norma from USK's final waiver of import duties on capital equipment imports where its export obligation was met prior to the end of the POR, we considered the total amount of duties waived, *i.e.*, the calculated duties payable less the duties actually paid in the year, net of required application fees, in accordance with section 771(6) of the Act, to be the benefit, and we treated these amounts as grants pursuant to 19 CFR 351.504. Further, consistent with the approach followed in previous investigations, we determine the year of receipt of the benefit to be the year in which the GOI finally waived the outstanding import duties.⁹¹ Next, we performed the "0.5

⁸⁵ See, e.g., *Polyethylene Terephthalate Film, Sheet, and Strip from India: Final Results of Countervailing Duty Administrative Review*; 2012, 80 FR 11163 (March 2, 2015) (*PET Film from India 2012 AR Final Results*), and accompanying IDM at 7-10.

⁸⁶ See USK IQR at Exhibit USK-13 (a).

⁸⁷ *Id.* at USK-27 and Exhibits USK-13 (a) through (c).

⁸⁸ See USK IQR at USK-28 – USK-29 and Exhibit USK-13 (a).

⁸⁹ See RNG IQR at Exhibit 11 (a) Parts 1 and 2; see also RNG 2SQR at 22-23.

⁹⁰ See *Carbon Steel Flanges from India Preliminary Determination* PDM at 13-14, unchanged in *Carbon Steel Flanges from India Final Determination*.

⁹¹ See *Notice of Final Affirmative Countervailing Duty Determination: Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) from India*, 67 FR 34905 (May 16, 2002), and accompanying IDM at Comment 5.

percent test,” as prescribed under 19 CFR 351.524(b)(2), for the total value of duties waived, for each year in which the GOI granted respondents an import duty waiver. For any years in which the value of the waived import duties was less than 0.5 percent of respondents’ total export sales, we expensed the value of the duty waived to the year of receipt. For years in which the value of the waivers exceeded 0.5 percent of respondents’ total export sales in that year, we allocated the value of the waivers using over the seven-year AUL period, in accordance with 19 CFR 351.524(d)(2),⁹² using the appropriate discount rate for the year in which the GOI officially waived the import duties.⁹³

As noted above, import duty reductions that RNG received on the imports of capital equipment for which it had not yet met export obligations may have to be repaid to the GOI if the obligations under the licenses are not met. Consistent with our practice and prior determinations, we are treating the unpaid import duty liability as an interest-free loan.

The amount of the unpaid duty liabilities to be treated as an interest-free loan is the amount of the import duty reduction or exemption for which the respondent applied, but that had not been officially waived by the GOI, as of the end of the POR. Accordingly, we find the benefit to be the interest that the respondent would have paid during the POR had it borrowed the full amount of the duty reduction or exemption at the time of importation.

As noted above, the time period for fulfilling the export requirement expires a certain number of years after importation of the capital good. As such, pursuant to 19 CFR 351.505(d)(1), the benchmark for measuring the benefit is a long-term interest rate because the event upon which repayment of the duties depends (*i.e.*, the date of expiration of the time period to fulfill the export commitment), occurs at a point in time that is more than one year after the date of importation of the capital goods. As the benchmark interest rate, we used the long-term interest rates as discussed in the “Benchmark Interest Rates and Discount Rates” section, above. We then multiplied the total amount of unpaid duties under each license by the long-term benchmark interest rate for the year in which the capital good was imported, and we summed the resulting amounts to determine the total benefit in the POR. For EPCGS licenses with duty free imports made during the POR, we calculated the benefit based on the appropriate long-term interest rate and the number of days the loan was outstanding during the POR, to arrive at the contingent liability benefit for those imports.

The benefit received under the EPCGS Program is the sum of: (1) the benefit attributable to the POR from the finally-waived duties for imports of capital equipment for which the respondents met export requirements by the end of the POR; and (2) the interest that would have been due had the respondents borrowed the full amount of the duty reduction or exemption at the time of importation for imports of capital equipment that have unmet export obligations during the POR. In accordance with 19 CFR 351.525(b)(6)(ii), we then divided the total benefits received by USK under the EPCGS Program by the combined total export sales of Norma, UMA, and USK during the POR, as described above. For RNG, we divided the total benefit received under the EPCGS Program by RNG’s total export sales. On this basis, we preliminarily determine a

⁹² See “Allocation Period” section, *supra*.

⁹³ See “Benchmark Interest Rates and Discount Rates” section, *supra*.

countervailable subsidy rate of 0.20 percent *ad valorem* for Norma, and 0.01 percent *ad valorem* for RNG.⁹⁴

3. Merchandise Export from India Scheme (MEIS)

Commerce determined in the investigation that this program is countervailable.⁹⁵ Specifically, we found that the scrips provided through the MEIS constitute a financial contribution, as defined under section 771(5)(D)(ii) of the Act, in the form of revenue forgone by the GOI, because the scrips provide exemptions for paying duties associated with the imported goods.⁹⁶ We further determined that because the eligibility to receive scrips under this program is contingent upon export, the MEIS was available only to exporters, and is therefore specific under sections 771(5A)(A) and (B) of the Act.⁹⁷

In this review, the GOI did not submit any new information or evidence of changed circumstances that warrants reconsideration of Commerce's prior determination in the investigation concerning the countervailability of the program.⁹⁸ Therefore, consistent with our practice not to revisit financial contribution and specificity determinations made in a prior segment of the proceeding, absent the presentation of new facts or evidence, we preliminarily continue to find that this program confers a financial contribution as provided under section 771(5)(D)(ii) of the Act and is specific, under section 771(5A)(A) and (B) of the Act.⁹⁹ Our findings are consistent with prior India CVD proceedings.¹⁰⁰

Norma reported receiving MEIS benefits during the POR and that USK received MEIS benefits during the POR.¹⁰¹ RNG also reported receiving MEIS benefits during the POR.¹⁰² The GOI explained that the MEIS was introduced in the Foreign Trade Policy (FTP) 2015-2020.¹⁰³ Its purpose is to "offset infrastructural inefficiencies and associated costs" in order to promote the manufacture and export of goods/products, especially those having high export intensity and employment potential thereby enhancing India's export competitiveness.¹⁰⁴ Under this program, the GOI issues a scrip worth either two, three, or five percent of the free on board (FOB) value of "exports in free foreign exchange, or on the FOB value of exports, as given on the shipping bills in free foreign exchange, whichever is less."¹⁰⁵ To receive the scrip, a recipient must file an electronic application and supporting shipping documentation for each port of export with the

⁹⁴ See Norma's Preliminary Calculation Memorandum; *see also* RNG's Preliminary Calculation Memorandum.

⁹⁵ See *Carbon Steel Flanges from India Preliminary Determination* PDM at 15-17, unchanged in *Carbon Steel Flanges from India Final Determination*.

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ See GOI IQR at 36.

⁹⁹ See *Magnola* at 1353-1356.

¹⁰⁰ See, e.g., *Certain Corrosion-Resistant Steel Products from India: Final Results of Countervailing Duty Administrative Review; 2015-2016*, 84 FR 11053 (March 25, 2019), and accompanying IDM at Comment 9.

¹⁰¹ See GOI IQR at Exhibit MEIS-1; *see also* Norma IQR at NIL-27 and Exhibit NIL-13 (a); and USK IQR at USK-40 and Exhibit S4-4.

¹⁰² See GOI IQR at Exhibit MEIS-1; *see also* RNG IQR at 34-38 and Exhibit 15 (a).

¹⁰³ See GOI IQR at 35.

¹⁰⁴ See GOI IQR at 35-36; *see also* Norma IQR at NIL-27.

¹⁰⁵ See GOI IQR at 36; *see also* GOI ISQR at 7; and RNG IQR at Exhibit 15 (c).

Director General of Foreign Trade (DGFT).¹⁰⁶ Each application can comprise a maximum of 50 shipping bills.¹⁰⁷ Scrip received under this program is usable for the payment of future customs duties for importing goods, and it is fully negotiable, *i.e.*, it can be transferred or sold to another company.¹⁰⁸

Norma reported that it and USK submitted applications and received approval under the MEIS. RNG also reported submitting applications and receiving approval under the MEIS. According to Norma, and RNG, each met the requirements of this program and obtained the scrips from the DGFT, which it can use for its own consumption or sell in the market. According to Norma, and RNG, the MEIS is a continuous program and thus, the benefits are recurring, in nature.¹⁰⁹

This program provides a recurring benefit because, unlike the scrips in the Status Holder Incentive Scheme (SHIS) scheme, the scrips provided under this program are not tied to capital assets.¹¹⁰ Furthermore, recipients can expect to receive additional subsidies under this same program on an ongoing basis from year to year, as described by 19 CFR 351.524(c)(2)(i).

We calculated the benefit to Norma and RNG to be the total value of scrips granted during the POR. Normally, in cases where the benefits are granted based on a percentage value of a shipment, Commerce calculates benefit as having been received as of the date of exportation;¹¹¹ however, because the amount of the MEIS benefit, *i.e.*, the scrip, is not automatic and is not known to the exporter until well after the exports are made, it is the MEIS licenses themselves, which contain the date of validity and the duty exemption amount as issued by the GOI, that are the best method to determine the amount and establish the timing of the receipt of the benefit.¹¹² For Norma, in accordance with 19 CFR 351.525(b)(6)(ii), we divided the total amount of the benefit received by Norma and USK (as recorded on MEIS licenses issued during the POR) by the combined total export sales made by Norma, UMA, and USK. For RNG, we divided the total benefit received on MEIS licenses during the POR by RNG's total export sales, as described above. On this basis, we preliminarily determine a countervailable subsidy rate of 3.06 percent *ad valorem*¹¹³ for Norma and 3.48 percent *ad valorem*¹¹⁴ for RNG.

¹⁰⁶ See GOI IQR at 37-38; *see also* RNG IQR at 37.

¹⁰⁷ *Id.*; *see also e.g.*, Norma IQR at NIL-29-NIL-30.

¹⁰⁸ See Norma IQR at NIL-28 and NIL-30; *see also* USK IQR at USK-42; and RNG IQR at 36.

¹⁰⁹ See Norma IQR at NIL-30; *see also* USK IQR at USK-42 and USK-44; and RNG IQR at 36-38.

¹¹⁰ See GOI IQR at 38.

¹¹¹ See 19 CFR 351.519(b)(1).

¹¹² See *Polyethylene Terephthalate Film, Sheet and Strip from India: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review; 2012*, 79 FR 50616 (August 25, 2014), and accompanying PDM at 4-5, unchanged in *PET Film from India 2012 AR Final Results; Polyethylene Terephthalate Film, Sheet, and Strip from India: Final Results of Countervailing Duty Administrative Review; 2013*, 81 FR 7753 (February 16, 2016) at Comment 2.

¹¹³ See Norma's Preliminary Calculation Memorandum.

¹¹⁴ See RNG's Preliminary Calculation Memorandum.

4. Interest Equalization Scheme (IES)

Commerce determined in the prior review that this program is countervailable.¹¹⁵ We determined that the IES provided reduced interest rates to exporters that used INR denominated pre-shipment or post-shipment export financing.¹¹⁶ Accordingly, we found that under the program, the GOI conferred a financial contribution within the meaning of section 771(5)(D) of the Act.¹¹⁷ Further, because the program is export contingent, we found that the IES program is specific within the meaning of section 771(5A)(B) of the Act.¹¹⁸

In this review, the GOI did not submit any new information or evidence of changed circumstances that warrants reconsideration of Commerce's prior determination concerning the countervailability of the program.¹¹⁹ Therefore, consistent with our practice not to revisit financial contribution and specificity determinations made in a prior segment of the proceeding, absent the presentation of new facts or evidence, we preliminarily continue to find that this program confers a financial contribution as provided under section 771(5)(D) of the Act and is specific, under section 771(5A)(B) of the Act.¹²⁰ Our findings are consistent with prior India CVD proceedings.¹²¹

RNG reported receiving benefits under this program during the POR.¹²² Norma reported that neither it nor its cross-owned companies used this program during the POR.¹²³ Because the IES is contingent upon exports, and provides a recurring benefit, we divided the total benefit received by RNG during the POR by the value of RNG's total exports during the POR. On this basis, we preliminarily determine a countervailable subsidy rate of 0.11 percent *ad valorem* for RNG.¹²⁴

5. Status Holder Incentive Scheme (SHIS)

Commerce determined in the investigation that this program is countervailable.¹²⁵ Specifically, as adverse facts available, we found that the GOI conferred a financial contribution and that SHIS is specific within the meaning of sections 771(5)(D) and 771(5A)(B) of the Act,

¹¹⁵ See *Carbon Steel Flanges from India 2018 AR Preliminary Results* at 16-17, unchanged in *Carbon Steel Flanges from India 2018 AR Final Results*.

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ See GOI IQR at 38.

¹²⁰ See *Magnola Metallurgy, Inc. v. United States*, 508 F. 3d 1349, 1353-1356 (CAFC 2007) (*Magnola*).

¹²¹ See, e.g., *Carbon and Alloy Steel Threaded Rod from India: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination*, 84 FR 36570 (July 29, 2019) (*Steel Threaded Rod from India*), and accompanying PDM at 23-24, unchanged in *Carbon and Alloy Steel Threaded Rod from India: Final Affirmative Countervailing Duty Determination*, 85 FR 8828 (February 18, 2020); and *Certain Lined Paper Products from India: Preliminary Results of Countervailing Duty Administrative Review; Calendar Year 2016*, 83 FR 50896 (October 10, 2018), and accompanying PDM at 19, unchanged in *Certain Lined Paper Products from India: Final Results of Countervailing Duty Administrative Review; 2016*, 84 FR 23765 (May 23, 2019).

¹²² See RNG IQR at 38; see also RNG 2SQR at Exhibit 16 (a).

¹²³ See Norma IQR at NIL-30 and 17; see also USK IQR at USK-44; and Norma 1SQR at S1-1.

¹²⁴ See RNG's Preliminary Calculation Memorandum.

¹²⁵ See *Carbon Steel Flanges from India Preliminary Determination* PDM at 18-19, unchanged in *Carbon Steel Flanges from India Final Determination*.

respectively.¹²⁶ In this review, we preliminarily determine that the GOI did not submit any new information or evidence of changed circumstances that warrants reconsideration of Commerce's prior determination in the investigation concerning the countervailability of the program.¹²⁷ Therefore, consistent with our practice not to revisit financial contribution and specificity determinations made in a prior segment of the proceeding, absent the presentation of new facts or evidence, we preliminarily continue to find that this program confers a financial contribution as provided under section 771(5)(D) of the Act and is specific, under section 771(5A)(B) of the Act.¹²⁸ Our findings are consistent with prior India CVD proceedings.¹²⁹

Norma reported that it, UMA, and USK used SHIS and RNG reported its use of SHIS in their respective questionnaire responses and provided certain supporting documentation.¹³⁰ The GOI claims that the SHIS ceased operation after March 31, 2013.¹³¹ However, the GOI provided no evidence demonstrating that this program has been terminated by an official government act, there has been no replacement program, or that there are no residual benefits provided.¹³² Pursuant to 19 CFR 351.526, without such evidence, we are unable to find the program to be terminated.

As explained in *Steel Threaded Rod from India*, a benefit is provided under the SHIS in accordance with section 771(5)(E) of the Act and 19 CFR 351.519 in the amount of exempted duties on imported capital equipment.¹³³ The SHIS scrip represents a non-recurring benefit that is not automatically received and the amount of which is known to the recipient only at the time of receipt of the scrip.¹³⁴ Although Commerce's regulations provide that we will normally consider this type of benefit as having been received as of the date of exportation, *see* 19 CFR 351.519(b)(1), because the SHIS benefit amount is not automatic and is not known to the exporter until well after the exports are made, the SHIS licenses themselves, which contain the date of validity and the duty exemption amount, as issued by the GOI, provide the documentation that allows us to determine the amount of the benefit and account for when it is received.¹³⁵

We performed the "0.5 percent test," as prescribed under 19 CFR 351.524(b)(2), for the total value of the exempted customs duties for the years in which Norma (and its cross-owned affiliates) and RNG received SHIS scrips and determined to allocate the benefits over the

¹²⁶ *Id.*

¹²⁷ *See* GOI IQR at 41; *see also* GOI 1SQR at 8.

¹²⁸ *See Magnola* at 1353-1356.

¹²⁹ *See, e.g., Polyethylene Terephthalate Film, Sheet, and Strip from India: Preliminary Results of Countervailing Duty Administrative Review; 2016*, 83 FR 39677 (August 10, 2018), and accompanying PDM at 9-11, unchanged in *Polyethylene Terephthalate Film, Sheet, and Strip from India: Final Results of Countervailing Duty Administrative Review; 2016*, 84 FR 10789 (March 22, 2019).

¹³⁰ *See, e.g.,* Norma IQR at NIL-31-NIL-32 and 18; USK IQR at USK-44-USK-45; and RNG IQR at 41-42 and Exhibits 17 (a) through (c).

¹³¹ *See* GOI IQR at 41; *see also* GOI 1SQR at 8.

¹³² *See* GOI IQR at 41 and Exhibit SHIS-1; *see also* GOI 2SQR at 3 and Exhibit SUPP-1.

¹³³ *See Steel Threaded Rod from India* PDM at 24-26.

¹³⁴ *Id.*

¹³⁵ Commerce determined and was upheld by the CIT in *Essar Steel v. United States*, 395 F. Supp. 2d 1275, 1278 (CIT 2005) (*Essar Steel*) in the similar but discontinued GOI program, the Duty Entitlement Passbook Scheme (DEPS), benefits were conferred when earned, rather than when the credits were used.

AUL.¹³⁶ We then determined the amount of the benefits allocated to the POR in accordance with 19 CFR 351.524(d)(1).

For Norma, in accordance with 19 CFR 351.525(b)(6)(ii), we divided the benefits allocated to the POR by the combined total exports of Norma, USK, and UMA (less intercompany sales); for RNG, we divided the benefits allocated to the POR by RNG's total exports. On this basis, we determine a countervailable subsidy of 0.19 percent *ad valorem* for Norma and 0.11 percent *ad valorem* for RNG.

6. Electricity Duty Exemption Under the State Government of Uttar Pradesh Investment Promotion Scheme/Infrastructure and Industrial Investment Policy¹³⁷

USK reported receiving the electricity duty exemption under the "Industrial Service Sector Investment Policy 2004."¹³⁸ The SGUP introduced the Industrial and Service Sector Investment Policy in 2004, which was later replaced by the Infrastructure and Industrial Policy.¹³⁹ The SGUP announced the Infrastructure and Industrial Investment Policy in order to attract investment in the state of Uttar Pradesh by providing incentives to industries.¹⁴⁰ Under the Infrastructure and Industrial Investment Policy, the electricity duty exemption is available to all new industrial units for a specified period.¹⁴¹ Specifically, pursuant to Notification No. 1705/24-3-2009-2000 (124)/09, any new industrial units and any new units identified as "pioneer" units shall be exempted from electricity duties for ten years and fifteen years, respectively, from January 21, 2010.¹⁴² Furthermore, in accordance with Notification No. 276/24-P-32018, all new industrial units and pioneer units, established from 2004 (*i.e.*, the announcement and enforcement of the Industrial and Service Sector Investment Policy 2004) and prior to January 21, 2010, shall also be exempted from electricity duties for ten years and fifteen years, respectively, from January 21, 2010.¹⁴³ This program is administered by the District Industries and Entrepreneurship Promotion Center, Uttar Pradesh, Electricity Safety Department which is a government agency under the SGUP.¹⁴⁴ After a company submits the required documentation including the first electricity bill, sales tax registration, list of machinery, *etc.*, to the administering agency, the SGUP verifies such documentation.¹⁴⁵ After the physical verification, a letter and electricity duty subsidy certificate are issued to the company who applied for this electricity duty exemption.¹⁴⁶ Subsequently, in accordance with Notification 276/24-P-32108, the electricity duties paid between January 21, 2010 to February 4, 2018 (*i.e.*, one day prior to the date of the notification) will be credited to the company.¹⁴⁷ Additionally, between

¹³⁶ See Norma's Preliminary Calculation Memorandum; see also RNG's Preliminary Calculation Memorandum.

¹³⁷ The GOI confirmed that the Investment Promotion Scheme and the Infrastructure and Industrial Investment Policy are the same program. See GOI ISQR at 23.

¹³⁸ See USK IQR at USK-71.

¹³⁹ See GOI IQR at 94.

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.* at Exhibit SGUP-9.

¹⁴³ *Id.* at 96 and Exhibits SGUP-7 (paragraph 3.4.2.9) and SGUP-9 (article 3).

¹⁴⁴ *Id.* at 95.

¹⁴⁵ *Id.* at 97-98 and 100.

¹⁴⁶ *Id.* at 98.

¹⁴⁷ *Id.* at Exhibit SGUP-9 (articles 5 and 7).

February 5, 2018 (*i.e.*, the date of the notification at issue) to January 21, 2020 (*i.e.*, the end date of the electricity duty exemption), the company receives the electricity duty exemptions at the time such duties are otherwise payable, *i.e.*, on their electricity bills.¹⁴⁸ After January 21, 2020, the credited amount, mentioned above, will be adjusted against the payment of electricity duties until the entire credited amount is used.¹⁴⁹ USK reported that it was qualified for the electricity duty exemption for ten years as a new industrial unit because it started its operation after 2004 but before January 21, 2010.¹⁵⁰

We preliminarily determine that this program provides a financial contribution in the form of revenue forgone under section 771(5)(D)(ii) of the Act. As stated above at the “Use of Facts Otherwise Available and Application of Adverse Inferences,” in the absence of responses from the GOI, as AFA, we preliminarily find that this program is specific under section 771(5A)(D)(iii) of the Act. We also preliminarily determine that this program confers a benefit equal to the amount of the electricity duty exemption, pursuant to section 771(5)(E) of the Act.

The GOI explained that, after initial authorization, a recipient company can expect to receive assistance under this program on an ongoing basis; the receipt of such assistance is automatic; and the subsidy is not tied to the capital structure or assets of the recipient firm.¹⁵¹ As such, we preliminarily find that this program provides a recurring benefit under 19 CFR 351.524(c). To calculate the benefit, we divided the electricity duty exemption USK actually received in the POR¹⁵² by the combined total sales of Norma, USK, and UMA (less intercompany sales). On this basis, we preliminarily find a countervailable subsidy rate of 0.10 percent *ad valorem* for Norma.

B. Programs Preliminarily Determined to be Not Used

We preliminarily determine that the respondents did not apply for or receive countervailable benefits during the POR under the following programs:

1. Focus Product Scheme
2. Advanced License Program
3. Advance Authorization Scheme
4. Duty Free Import Authorization Scheme
5. Market Development Scheme
6. Market Access Initiative
7. Government of India Loan Guarantees
8. Status Certificate Program
9. Steel Development Fund Loans
10. Incremental Export Incentivization Scheme
11. Pre-Shipment and Post-Shipment Export Financing

¹⁴⁸ *Id.* at Exhibit SGUP-9 (article 7).

¹⁴⁹ *Id.*

¹⁵⁰ See Norma 2SQR at S2-20 and S2-21; *see also* Norma 4SQR at S4-3.

¹⁵¹ See GOI 2SQR at 5-6.

¹⁵² See Norma Preliminary Calculation Memorandum; *see also* GOI 2SQR at Exhibit SGUP-8 (“Office Memo”).

12. Provision for Less Than Adequate Remuneration (LTAR) of Carbon Steel Inputs Provided by Steel Authority of India (SAIL) Used in the Production of Flanges

State Government of Maharashtra (SGOM) Subsidy Programs

13. Infrastructure Assistance for Mega Projects Under the Maharashtra Industrial Policy of 2013 and Other SGOM Industrial Promotion Policies to Support Mega Projects
14. Subsidies for Mega Projects under the Package Scheme of Incentives
15. Maharashtra Package Scheme of Incentives, 2013

Export Oriented Units

16. Duty-Free Importation of Capital Goods and Raw Materials
17. Reimbursements of Central Sales Tax (CST) Paid on Goods Manufactured in India
18. Duty Drawback on Fuel Procured from Domestic Oil Companies
19. Exemption from Payment of Central Excise Duty (CED) on Goods Manufactured in India and Procured from a Domestic Tariff Area

State Government of Uttar Pradesh (SGUP) Subsidies

20. Special Assistance for Mega Projects

State Government of Punjab (SGP) Subsidies

21. Punjab Fiscal Incentives for Industrial Promotion

C. Programs Preliminarily Determined Not to Confer a Benefit During the POR

1. Provident Fund Scheme

RNG reported that it participated in the Provident Fund Scheme during the AUL and POR in its questionnaire responses.¹⁵³ The Provident Fund Scheme is a social security scheme for employed persons that applies to every establishment that employs twenty employees or more.¹⁵⁴ Under this scheme, employees contribute 12 percent of their salary toward an Employee's Provident Fund (EPF) every month.¹⁵⁵ The employer is required to match the employees' contribution, and contributes 12 percent of the salary to the EPF.¹⁵⁶ RNG reported that it did not receive any financial benefit under the Provident Fund Scheme from the government during the POR or AUL period, other than what RNG received through the Pradhan Mantri Rojgar Protsahan Yojna (PMRPY) Scheme, where the GOI has covered the contribution made by the employer.¹⁵⁷ In a prior segment of this proceeding, Commerce found the PMRPY

¹⁵³ See RNG 2SQR at 36-37.

¹⁵⁴ See GOI 2SQR at 7.

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ See RNG 2SQR at 34, *see also* RNG 3SQR at 1.

Scheme not to be countervailable.¹⁵⁸ Based on information on the record of this review, we preliminarily determine that no benefit was received during the POR.

2. Employee State Insurance Scheme

RNG reported in its questionnaire responses that it participated in the Employee State Insurance Scheme during the AUL and POR.¹⁵⁹ The Employee State Insurance Scheme is a social security scheme that aims to deliver medical care and other benefits to employees who work in factories.¹⁶⁰ Prior to June 30, 2019, employers were required to contribute 4.75 percent of the total monthly salary payable to employees as an insurance premium, whereas employees contributed 1.75 percent of their monthly salary, as an insurance premium, on a monthly basis.¹⁶¹ Effective July 1, 2019, employers' contributions were reduced to 3.25 percent and employees' contributions was reduced to 0.75 percent.¹⁶² RNG reported that it did not receive any financial benefit under the Employee State Insurance Scheme from the government during the POR or AUL period.¹⁶³ Based on record information, we preliminarily determine that no benefit was received during the POR.

IX. RATE FOR NON-EXAMINED COMPANIES

The statute and Commerce's regulations do not address the methodology for the establishment of a rate to be applied to respondents not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(e)(2) of the Act. Generally, Commerce looks to section 705(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for respondents which we did not individually examine in an administrative review. Section 705(c)(5)(A) of the Act articulates a preference that we are not to calculate an all-others rate using rates which are zero, *de minimis*, or based entirely on facts available. Accordingly, Commerce's usual practice in determining the rate for non-examined respondents has been to weight average the countervailable subsidy rates for the selected companies, excluding rates that are zero, *de minimis*, or based entirely on facts available.¹⁶⁴ Section 705(c)(5)(A)(ii) 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 all-others rate, including averaging the estimated weighted-average countervailable subsidy rates determined for the exporters and producers individually examined.

As indicated in the accompanying *Federal Register* notice of the preliminary results, dated concurrently with this Preliminary Decision Memorandum, we preliminarily determine that Norma and RNG received countervailable subsidies that are above *de minimis*. Therefore, we are

¹⁵⁸ See *Carbon Steel Flanges from India 2018 AR Preliminary Results* at 19-20, unchanged in *Carbon Steel Flanges from India 2018 AR Final Results*. Commerce determined that the PMRPY Scheme is not countervailable.

¹⁵⁹ See RNG 2SQR at 40.

¹⁶⁰ See GOI 2SQR at 8.

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ See RNG 3SQR at 4.

¹⁶⁴ See, e.g., *Certain Pasta from Italy: Final Results of the 13th (2008) Countervailing Duty Administrative Review*, 75 FR 37386, 37387 (June 29, 2010).

applying to the non-selected companies the weighted average of the countervailable subsidy rates calculated for Norma and RNG using publicly ranged sales data submitted by the respondents.¹⁶⁵

X. RECOMMENDATION

We recommend applying the above methodology for these preliminary results.

☒

Agree

☐

Disagree

8/31/2021

X

James Maeder

Signed by: JAMES MAEDER

James Maeder
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

¹⁶⁵ See Memorandum, "Preliminary Results Calculations of Subsidy Rate for Non-Selected Companies Under Review," dated concurrently with this memorandum.