



A-357-822, A-301-804, A-729-804,
A-421-814, A-517-806, A-520-809

Investigations

POI: 4/1/2019 – 3/31/2020

Public Document

E&C/OV: MH

September 23, 2020

MEMORANDUM TO: Jeffrey I. Kessler
Assistant Secretary
for Enforcement and Compliance

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

RE: Decision Memorandum for the Preliminary Determinations in
Less-Than-Fair Value Investigations of Prestressed Concrete Steel
Wire Strand from Argentina, Colombia, Egypt, the Netherlands,
Saudi Arabia, and the United Arab Emirates

I. SUMMARY

The Department of Commerce (Commerce) preliminarily determines that imports of prestressed concrete steel wire strand (PC strand) from Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, and the United Arab Emirates (UAE) are being, or are likely to be, sold in the United States at less than fair value (LTFV) as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The preliminary estimated weighted-average dumping margins are shown in the “Preliminary Determinations” section of the accompanying *Federal Register* notice.¹

II. BACKGROUND

On April 16, 2020, Commerce received antidumping duty (AD) petitions covering imports of prestressed concrete steel wire strand (PC strand) from Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, and the UAE filed on behalf of Insteel Wire Products Company,

¹ Various documents are referenced in this preliminary decision memorandum. Documents pertaining only to one of the investigations covered by this preliminary decision memorandum are only on the record of that respective investigation.

Sumiden Wire Products Corporation, and Wire Mesh Corporation (collectively, the petitioners).² Commerce initiated these investigations on May 6, 2020.³

In the *Initiation Notice*, Commerce stated that it intended to individually examine all known producers/exporters in the investigations Argentina and the Netherlands because the petitioners identified only one known producer/exporter of PC strand from each country.⁴ For the remaining countries, Commerce notified the public that, in the event that Commerce determined that the number of companies subject to the specific investigation is large and Commerce could not individually examine each company based upon its resources, Commerce intended to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of PC strand from each respective country during the period of investigation (POI) under the appropriate Harmonized Tariff Schedule of the United States subheadings listed in the scope of the investigations.⁵

On May 4, 2020, Commerce released the CBP entry data for Colombia, Egypt, Saudi Arabia, and the UAE to all interested parties under an administrative protective order and requested comments regarding the data and respondent selection.⁶ On May 11, 2020, we received comments from the petitioners recommending that Commerce select Knight SAS as the sole mandatory respondent in Colombia.⁷ No interested party commented on the respondent selection process with regard to Egypt, Saudi Arabia, and the UAE.

From June 3 through June 10, 2020, Commerce selected for individual examination the following companies, representing the largest exporters by volume of PC strand in those countries during the POI: United Wires Company Elsewedy (Elsewedy) (Egypt);⁸ Knight SAS, (Colombia);⁹ National Metal Manufacturing & Casting Co. (National Metal Manufacturing)

² See Petitioners' Letter, "Prestressed Concrete Steel Wire Strand from Argentina, Colombia, Egypt, Indonesia, Italy, Malaysia, Netherlands, Saudi Arabia, South Africa, Spain, Taiwan, Tunisia, Turkey, Ukraine, and United Arab Emirates – Petition for the Imposition of Antidumping and Countervailing Duties," dated April 16, 2020 (the Petitions).

³ See *Prestressed Concrete Steel Wire Strand from Argentina, Colombia, Egypt, Indonesia, Italy, Malaysia, the Netherlands, Saudi Arabia, South Africa, Spain, Taiwan, Tunisia, the Republic of Turkey, Ukraine, and the United Arab Emirates: Initiation of Less-Than-Fair-Value Investigations*, 85 FR 28605 (May 13, 2020) (*Initiation Notice*).

⁴ *Id.*, 85 FR at 28609

⁵ *Id.*

⁶ See Memorandum, "Petition for the Imposition of Antidumping Duties on Imports of Prestressed Concrete Steel Wire Strand from Colombia: Release of Customs Data from U.S. Customs and Border Protection," dated May 4, 2020; Memorandum, "Petition for the Imposition of Antidumping Duties on Imports of Prestressed Concrete Steel Wire Strand from Egypt: Release of Customs Data from U.S. Customs and Border Protection," dated May 4, 2020; Memorandum, "Petition for the Imposition of Antidumping Duties on Imports of Prestressed Concrete Steel Wire Strand from Saudi Arabia: Release of Customs Data from U.S. Customs and Border Protection," dated May 4, 2020; and Memorandum, "Petition for the Imposition of Antidumping Duties on Imports of Prestressed Concrete Steel Wire Strand from the United Arab Emirates: Release of Customs Data from U.S. Customs and Border Protection," dated May 4, 2020.

⁷ See Petitioners' Letter, "PC Strand from Colombia – Petitioners' Comments on Respondent Selection," dated May 11, 2020.

⁸ See Memorandum, "Less-Than-Fair-Value Investigation of Prestressed Concrete Steel Wire Strand from Egypt: Respondent Selection" dated June 3, 2020.

⁹ See Memorandum, "Less-Than-Fair-Value Investigation of Prestressed Concrete Steel Wire Strand from Colombia: Respondent Selection," dated June 9, 2020.

(Saudi Arabia);¹⁰ and GSS International Trading FZE (GSS) and Gulf Steel Strands FZE (Gulf Steel) (the UAE).¹¹ Commerce issued the AD questionnaire to the companies in each of these investigations, as well as in the Argentina and Netherlands investigations, as noted below:

Argentina: Commerce issued the AD questionnaire to Acindar Industria De Sinal S.A. (Acindar) on May 20, 2020.¹² Commerce confirmed email delivery to Acindar on May 20, 2020.¹³ On June 8, 2020, Acindar notified Commerce of its intent to not participate in the investigation.¹⁴

Colombia: On June 10, 2020, Commerce issued the AD questionnaire to Knight SAS,¹⁵ uploaded the AD questionnaire into Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), e-mailed it to Knight SAS, and mailed a hard copy via Federal Express (FedEx), which was successfully delivered on June 16, 2020.¹⁶ Knight SAS did not respond to the questionnaire or otherwise communicate with Commerce.

Egypt: On June 4, 2020, Commerce issued the AD questionnaire to Elsewedy,¹⁷ uploaded it into ACCESS, e-mailed it to Elsewedy,¹⁸ and mailed a hard copy via FedEx, which was successfully delivered on June 9, 2020.¹⁹ Elsewedy did not respond to the questionnaire or otherwise communicate with Commerce.

The Netherlands: On May 20, 2020, Commerce issued the AD questionnaire to Nedri Spanstaal BV, uploaded it into ACCESS, e-mailed it to Nedri Spanstaal BV, and mailed a hard copy via FedEx, which was successfully delivered on May 25, 2020.²⁰ On July 6, 2020, Nedri Spanstaal BV informed Commerce that it was not able to answer Commerce's AD questions in the manner required by Commerce.²¹

Saudi Arabia: On June 11, 2020, Commerce issued the AD questionnaire to National Metal Manufacturing, uploaded it into ACCESS, and emailed the questionnaire to National Metal

¹⁰ See Memorandum, "Less-Than-Fair-Value Investigation of Prestressed Concrete Steel Wire Strand from Saudi Arabia: Respondent Selection," dated June 10, 2020.

¹¹ See Memorandum, "Less-Than-Fair-Value Investigation of Prestressed Concrete Steel Wire Strand from the United Arab Emirates: Respondent Selection," dated June 9, 2020.

¹² See Commerce's Letter, Antidumping Duty Questionnaire dated May 20, 2020.

¹³ See Memorandum, "Emailing Questionnaire," dated May 20, 2020.

¹⁴ See Acindar's Letter, "Antidumping Investigation of Prestressed Concrete Steel Wire from Argentina," dated June 8, 2020.

¹⁵ See Commerce's Letter, Antidumping Duty Questionnaire, dated June 10, 2020.

¹⁶ See Memorandum, "FedEx Delivery Confirmation of Antidumping Questionnaire to Knight S.A.S.," dated July 6, 2020.

¹⁷ See Commerce's Letter, Antidumping Duty Questionnaire, dated June 4, 2020.

¹⁸ See Memorandum, "Emailing Questionnaire," dated June 4, 2020.

¹⁹ See Memorandum, "FedEx Delivery Confirmation of Antidumping Questionnaire to United Wires Company Elsewedy," dated July 20, 2020.

²⁰ See Commerce's Letter, Antidumping Duty Questionnaire, dated May 20, 2020; and Memorandum, "FedEx Delivery Confirmation of Antidumping Questionnaire to Nedri Spanstaal BV," dated June 12, 2020.

²¹ See Memorandum, "Correspondence with Nedri Spanstaal BV concerning participation in AD investigation," dated July 6, 2020.

Manufacturing.²² Additionally, on June 11, 2020, Commerce mailed a hard copy of the AD questionnaire via FedEx to National Metal Manufacturing, which was received on June 16, 2020.²³ National Metal Manufacturing did not respond to the questionnaire or otherwise communicate with Commerce.

The UAE: On June 11, 2020, Commerce issued the AD questionnaires to GSS²⁴ and Gulf Steel²⁵ and uploaded them into ACCESS. Additionally, on June 11, 2020, Commerce mailed hard copies of the AD questionnaires via FedEx to GSS and Gulf Steel, which were delivered on June 15, 2020.²⁶ GSS and Gulf Steel did not respond to the questionnaires or otherwise communicate with Commerce.

In the *Initiation Notice*, Commerce notified parties of an opportunity to comment on the scope of these investigations, as well as the appropriate physical characteristics of PC strand to be reported in response to Commerce's AD questionnaire.²⁷ In June 2020, the petitioners and several respondents in the companion PC strand investigations from various countries submitted comments regarding the physical characteristics of the subject merchandise.²⁸

On June 8, 2020, the U.S. International Trade Commission (ITC) determined that there is reasonable indication that imports of PC strand from Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, and the UAE are materially injuring the United States industry.²⁹

²² See Commerce's Letter, Antidumping Duty Questionnaire, dated June 11, 2020; and Memorandum, "Emailing Questionnaire," dated June 15, 2020.

²³ See Memorandum, "FedEx Delivery Confirmation of Antidumping Questionnaire to National Metal Manufacturing & Casting Co.," dated August 5, 2020.

²⁴ See Commerce's Letter, Antidumping Duty Questionnaire, dated June 11, 2020.

²⁵ See Commerce's Letter, Antidumping Duty Questionnaire, dated June 11, 2020.

²⁶ See Memorandum, "Antidumping Duty Questionnaire Delivery," dated July 21, 2020.

²⁷ See *Initiation Notice*, 85 FR at 28606.

²⁸ See Petitioners' Letter, "Prestressed Concrete Steel Wire Strand from Argentina, Colombia, Egypt, Indonesia, Italy, Malaysia, Netherlands, Saudi Arabia, South Africa, Spain, Taiwan, Tunisia, Turkey, Ukraine, and United Arab Emirates – Petitioners' Comments on the Important Product Characteristics and Product Matching Hierarchy," dated June 2, 2020; CB Trafalati Acciai S.p.A.'s Letter, "Prestressed Concrete Steel Wire Strand from Italy: Scope and Product Characteristic Comments," dated June 2, 2020; PJSC PA Stalkanat-Silur's Letter, "Prestressed Concrete Steel Wire Strand from Argentina. Colombia. Egypt, Indonesia, Italy, Malaysia. Netherlands, Saudi Arabia. South Africa, Spain, Taiwan. Tunisia. Turkey, Ukraine, and United Arab Emirates. Comments on Product Characteristics and Product Matching Hierarchy," dated June 2, 2020; Petitioners' Letter, "Prestressed Concrete Steel Wire Strand from Argentina, Colombia, Egypt, Indonesia, Italy, Malaysia, Netherlands, Saudi Arabia, South Africa, Spain, Taiwan, Tunisia, Turkey, Ukraine, and United Arab Emirates – Petitioners' Rebuttal Comments on the Important Product Characteristics and Product Matching Hierarchy," dated June 12, 2020; and Global Special Steel Products S.A.U. (dba, TYCSA)'s Letter, "Prestressed Concrete Steel Wire Strand from Argentina, Colombia, Egypt, Indonesia, Italy, Malaysia, Netherlands, Saudi Arabia, South Africa, Spain, Taiwan, Tunisia, Turkey, Ukraine, and United Arab Emirates: Rebuttal Comments on Product Characteristics and Product-Matching Hierarchy," dated June 12, 2020.

²⁹ See *Prestressed Concrete Steel Wire Strand from Argentina, Colombia, Egypt, Indonesia, Italy, Malaysia, Netherlands, Saudi Arabia, South Africa, Spain, Taiwan, Tunisia, Turkey, Ukraine, and United Arab Emirates: Investigation Nos. 701-TA-646 and 731-TA-1502-1516 (Preliminary) (June 2019)*; *Prestressed Concrete Steel Wire Strand from Argentina, Colombia, Egypt, Indonesia, Italy, Malaysia, Netherlands, Saudi Arabia, South Africa, Spain, Taiwan, Tunisia, Turkey, Ukraine, and United Arab Emirates*, 85 FR 34648 (June 5, 2020) (*ITC Preliminary Determination*).

We are conducting these investigations in accordance with section 733(b) of the Act.

III. PERIOD OF INVESTIGATION

The POI is April 1, 2019 through March 31, 2020. This period corresponds to the four most recent fiscal quarters prior to the month of the filing of the petition, which was April 2020.³⁰

IV. SCOPE OF THE INVESTIGATIONS

The product covered by these investigations is PC strand from Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, and the UAE respectively. For a full description of the scope of these investigations, *see* the accompanying preliminary determination *Federal Register* notice of these investigations at Appendix I.

V. APPLICATION OF FACTS AVAILABLE, USE OF ADVERSE INFERENCES, AND CALCULATION OF ALL-OTHERS RATE

As noted above, Acindar was selected as the sole mandatory respondent in the investigation of PC strand from Argentina; Knight SAS was selected as the sole mandatory respondent in the investigation of PC strand from Colombia; Elsewedy was selected as the sole mandatory respondent in the investigation of PC strand from Egypt; Nedri Spanstaal BV was selected as the sole mandatory respondent in the investigation of PC strand from the Netherlands; National Metal Manufacturing was selected as the sole mandatory respondent in the investigation of PC strand from Saudi Arabia; and GSS and Gulf Steel were selected as the mandatory respondents in the investigation of PC strand from the UAE. These companies received Commerce's market economy AD investigation questionnaires in the respective investigations, but they did not submit responses. For the reasons stated below, we determine that the use of an adverse inference when selecting from among the facts otherwise available is appropriate for these preliminary determinations with respect to Acindar, Knight SAS, Elsewedy, Nedri Spanstaal BV, National Metal Manufacturing, GSS, and Gulf Steel.

A. Application of Facts Available

Sections 776(a)(1) and 776(a)(2)(A)-(D) of the Act provide that, if necessary information is not available on the record, or 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, 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

³⁰ See 19 CFR 351.204(b)(1).

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.

Acindar, in the investigation covering PC strand from Argentina, Knight SAS, in the investigation covering PC strand from Colombia; Elsewedy, in the investigation covering PC strand from Egypt; Nedri Spanstaal BV, in the investigation covering PC strand from the Netherlands; National Metal Manufacturing, in the investigation covering PC strand from Saudi Arabia; and GSS and Gulf Steel, in the investigation covering PC strand from the UAE, did not respond to our original questionnaire or otherwise participate in these investigations. As a result, we preliminarily find that the necessary information is not available on the records of these investigations, that Acindar, Knight SAS, Elsewedy, Nedri Spanstaal BV, National Metal Manufacturing, GSS, and Gulf Steel each withheld information Commerce requested, that they failed to provide information by the specified deadlines, and that they significantly impeded the proceedings. Moreover, because Acindar, Knight SAS, Elsewedy, Nedri Spanstaal BV, National Metal Manufacturing, GSS, and Gulf Steel each failed to provide any information, section 782(e) of the Act is not applicable. Accordingly, pursuant to section 776(a)(1) and sections 776(a)(2)(A), (B), and (C) of the Act, we are relying upon facts otherwise available to determine Acindar's, Knight SAS's, Elsewedy's, Nedri Spanstaal BV's, National Metal Manufacturing's, GSS's, and Gulf Steel's preliminary dumping margins.

B. 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 the facts otherwise available.³¹ 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.³² 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."³³ 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

³¹ See 19 CFR 351.308(a); *Notice of Final Results of Antidumping Duty Administrative Review: Stainless Steel Bar from India*, 70 FR 54023, 54025-26 (September 13, 2005); and *Notice of Final Determination of Sales at Less Than Fair Value and Final Negative Critical Circumstances: Carbon and Certain Alloy Steel Wire Rod from Brazil*, 67 FR 55792, 55794-96 (August 30, 2002).

³² See section 776(b)(1)(B) of the Act.

³³ 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).

the facts available.³⁴ 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.³⁵

We preliminarily find that Acindar, Knight SAS, Elsewedy, Nedri Spanstaal BV, National Metal Manufacturing, GSS, and Gulf Steel have not acted to the best of their ability to comply with Commerce's requests for information because each respondent failed to respond to Commerce's original AD questionnaire. The failure of these companies to participate in the relevant investigation and to respond to Commerce's questionnaires has precluded Commerce from performing the necessary analysis to calculate a weighted-average dumping margin for each based on its own data, as is otherwise required by the Act. Accordingly, Commerce concludes that Acindar, Knight SAS, Elsewedy, Nedri Spanstaal BV, National Metal Manufacturing, GSS, and Gulf Steel failed to cooperate to the best of their abilities to comply with a request for information by Commerce. Based on the above, in accordance with section 776(b) of the Act and 19 CFR 351.308(a), Commerce preliminarily determines to use an adverse inference when selecting from among the facts otherwise available.³⁶

C. Preliminary Estimated Weighted-Average Dumping Margin Based on AFA

Section 776(b) of the Act states that Commerce, when employing an adverse inference, may rely upon information derived from the petition, the final determination from the LTFV investigation, a previous administrative review, or any other information placed on the record.³⁷ 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.³⁸ Commerce's practice is to select, as an AFA rate, the higher of: (1) the highest dumping margin alleged in the petition, or (2) the highest calculated rate of any respondent in the investigation.³⁹

With respect to the investigations covering PC strand from Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, and the UAE, the only dumping margins alleged for subject

³⁴ See, e.g., *Nippon Steel Corp. v. United States*, 337 F.3d 1373, 1382-83 (Fed. Cir. 2003); *Notice of Final Determination of Sales at Less Than Fair Value: Circular Seamless Stainless Steel Hollow Products from Japan*, 65 FR 42985 (July 12, 2000); and *Preamble*, 62 FR at 27340.

³⁵ See, e.g., *Steel Threaded Rod from Thailand: Preliminary Determination of Sales at Less Than Fair Value and Affirmative Preliminary Determination of Critical Circumstances*, 78 FR 79670 (December 31, 2013), and accompanying Issues and Decision Memorandum (IDM) 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).

³⁶ See, e.g., *Non-Oriented Electrical Steel from Germany, Japan, and Sweden: Preliminary Determinations of Sales at Less Than Fair Value, and Preliminary Affirmative Determinations of Critical Circumstances, in Part*, 79 FR 29423 (May 22, 2014), and accompanying Preliminary Decision Memorandum (PDM) at pages 7-11, unchanged in *Non-Oriented Electrical Steel from Germany, Japan, the People's Republic of China, and Sweden: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determinations of Critical Circumstances, in Part*, 79 FR 61609 (October 14, 2014); and *Notice of Final Determination of Sales at Less Than Fair Value: Circular Seamless Stainless Steel Hollow Products from Japan*, 65 FR at 42986 (July 12, 2000) (where Commerce applied total AFA when the respondent failed to respond to the AD questionnaire).

³⁷ See 19 CFR 351.308(c).

³⁸ See SAA at 870.

³⁹ See *Welded Stainless Pressure Pipe from Thailand: Final Determination of Sales at Less Than Fair Value*, 79 FR 31093 (May 30, 2014), and accompanying IDM at Comment 3.

merchandise in the Petitions are 60.40 percent;⁴⁰ 86.09 percent;⁴¹ 29.72 percent;⁴² 30.86 percent;⁴³ 194.40 percent;⁴⁴ and 170.65 percent;⁴⁵ respectively. In addition, because none of the mandatory respondents in any of the aforementioned investigations responded to our requests for information, there are no rates calculated for any individually-examined respondents. Thus, consistent with our practice, we have selected the only dumping margins for merchandise from Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, and the UAE, respectively, alleged in the Petitions as the AFA rates applicable to Acindar in the investigation of PC strand from Argentina, Knight SAS in the investigation of PC strand from Colombia, Elsewedy in the investigation of PC strand from Egypt, Nedri Spanstaal BV in the investigation of PC strand from the Netherlands, National Metal Manufacturing in the investigation of PC strand from Saudi Arabia, and GSS and Gulf Steel in the investigation of PC strand from the UAE.⁴⁶

D. Corroboration of Secondary Information

When using facts otherwise available, section 776(c) of the Act provides that, where Commerce relies on secondary information (such as in the petition) rather than information obtained in the course of an investigation, it must corroborate, to the extent practicable, information from independent sources that are reasonably at its disposal. Secondary information is defined as information derived from the petition that gave rise to the investigation, the final determination concerning the subject merchandise, or any previous review under section 751 of the Act concerning the subject merchandise.⁴⁷ The SAA clarifies that “corroborate” means that Commerce will satisfy itself that the secondary information to be used has probative value;⁴⁸ however, under the Trade Preferences Extension Act of 2015 (TPEA), Commerce is not required to corroborate any dumping margin applied in a separate segment of the same proceeding.⁴⁹ To corroborate secondary information, Commerce will, to the extent practicable, examine the reliability and relevance of the information to be used, although under the TPEA, Commerce is not required to estimate what the dumping margin would have been if the interested party failing to cooperate had cooperated or to demonstrate that the dumping margin reflects an “alleged commercial reality” of the interested party.⁵⁰ Finally, under the new section 776(d) of the Act,

⁴⁰ See *Initiation Notice*; and AD Investigation Initiation Checklist: Prestressed Concrete Steel Wire Strand from Argentina, (May 6, 2020) (AD Investigation Initiation Checklist: Argentina).

⁴¹ See *Initiation Notice*; and AD Investigation Initiation Checklist: Prestressed Concrete Steel Wire Strand from Colombia, (May 6, 2020) (AD Investigation Initiation Checklist: Colombia).

⁴² See *Initiation Notice*; and AD Investigation Initiation Checklist: Prestressed Concrete Steel Wire Strand from Egypt, (May 6, 2020) (AD Investigation Initiation Checklist: Egypt).

⁴³ See *Initiation Notice*; and AD Investigation Initiation Checklist: Prestressed Concrete Steel Wire Strand from the Netherlands, (May 6, 2020) (AD Investigation Initiation Checklist: the Netherlands).

⁴⁴ See *Initiation Notice*; and AD Investigation Initiation Checklist: Prestressed Concrete Steel Wire Strand from Saudi Arabia (May 6, 2020) (AD Investigation Initiation Checklist: Saudi Arabia).

⁴⁵ See *Initiation Notice*; and AD Investigation Initiation Checklist: Prestressed Concrete Steel Wire Strand from the United Arab Emirates, (May 6, 2020) (AD Investigation Initiation Checklist: UAE).

⁴⁶ See *Certain Polyethylene Terephthalate Resin from India: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances*, 81 FR 13327 (March 14, 2016), and accompanying IDM at Comment 14.

⁴⁷ See SAA at 870.

⁴⁸ *Id.*; and 19 CFR 351.308(d).

⁴⁹ See section 776(c)(2) of the Act; and section 502(2) of the TPEA.

⁵⁰ See, e.g., *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from Japan, and Tapered Roller*

Commerce may use any dumping margin from any segment of a proceeding under an AD order when applying an adverse inference, including the highest of such margins.⁵¹

Thus, because the AFA rates applied to Acindar, Knight SAS, Elsewedy, Nedri Spanstaal BV, National Metal Manufacturing, GSS, and Gulf Steel are derived from the Petitions, and consequently, are based upon secondary information, Commerce must corroborate the rates to the extent practicable.

For Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, and the UAE, we determined that the petition margins are reliable where, to the extent appropriate information was available, we reviewed the adequacy and accuracy of the information in the Petitions during our pre-initiation analysis and for purposes of this preliminary determination.⁵²

Specifically, we examined evidence supporting the calculations in the Petitions to determine the probative value of the dumping margins alleged in the Petitions for use as AFA for purposes of these preliminary determinations. During our pre-initiation analysis, we also examined the key elements of the export price (EP) and normal value (NV) calculations, and the alleged dumping margins.⁵³ During our pre-initiation analysis, we also examined information from various independent sources provided either in the Petitions or, on our request, in the supplements to the Petitions that corroborates key elements of the EP and NV calculations used in the Petitions to derive the dumping margins alleged in the Petitions.⁵⁴

Based on our examination of the information, as discussed in detail in the Country-Specific Initiation Checklists, we consider the petitioners' EP and NV calculations to be reliable. Because we obtained no other information that calls into question the validity of the sources of information or the validity of the information supporting the EP and NV calculations provided in the Petitions, based on our examination of the aforementioned information, we preliminarily consider the EP and NV calculations from the Petitions to be reliable. Because we confirmed the accuracy and validity of the information underlying the derivation of the dumping margins alleged in the Petitions by examining source documents and affidavits, as well as publicly-available information, we preliminarily determine that the dumping margins alleged in the Petitions are reliable for the purpose of these investigations.

In making a determination as to the relevance aspect of corroboration, Commerce will consider information reasonably at its disposal to determine whether there are circumstances that would render a rate not relevant. In accordance with new section 776(d)(3) of the Act, when selecting an AFA margin, Commerce is not required to estimate what the dumping margin would have

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

⁵¹ See section 776(d)(1)-(2) of the Act; and section 502(3) of the TPEA.

⁵² See Country-Specific Initiation Checklists.

⁵³ *Id.*

⁵⁴ *Id.*

been if the interested party failing to cooperate had cooperated or to demonstrate that the dumping margin reflects an “alleged commercial reality” of the interested party. Because there are no other participating cooperative respondents in these investigations, we relied upon the dumping margins alleged in the Petitions, which is the only information regarding the PC strand industry reasonably at Commerce’s disposal. Furthermore, as noted in *GOES from China*, in which the sole mandatory respondent also received AFA, “there was no need to review any additional documentation outside of what was submitted in the Petition considering such sources of information fulfill our requirements for corroboration of secondary information.”⁵⁵

Accordingly, with respect to the respondent Acindar in the investigation of PC strand from Argentina, Commerce preliminarily determines that the only dumping margin alleged in the Petitions has probative value and has corroborated the AFA rate of 60.40 percent to the extent practicable within the meaning of section 776(c) of the Act by demonstrating that the rate: (1) was determined to be reliable in the pre-initiation stage of this investigation (and we have no information indicating otherwise); and (2) is relevant.⁵⁶

With respect to the respondent Knight SAS in the investigation of PC strand from Colombia, Commerce preliminarily determines that the only dumping margin alleged in the Petitions has probative value and has corroborated the AFA rate of 86.09 percent to the extent practicable within the meaning of section 776(c) of the Act by demonstrating that the rate: (1) was determined to be reliable in the pre-initiation stage of this investigation (and we have no information indicating otherwise); and (2) is relevant.⁵⁷

With respect to the respondent Elsewedy in the investigation of PC strand from Egypt, Commerce preliminarily determines that the only dumping margin alleged in the Petitions has probative value and has corroborated the AFA rate of 29.72 percent to the extent practicable within the meaning of section 776(c) of the Act by demonstrating that the rate: (1) was determined to be reliable in the pre-initiation stage of this investigation (and we have no information indicating otherwise); and (2) is relevant.⁵⁸

With respect to the respondent Nedri Spanstaal BV in the investigation of PC strand from the Netherlands, Commerce preliminarily determines that the only dumping margin alleged in the Petitions has probative value and has corroborated the AFA rate of 30.86 percent to the extent practicable within the meaning of section 776(c) of the Act by demonstrating that the rate: (1) was determined to be reliable in the pre-initiation stage of this investigation (and we have no

⁵⁵ See *Grain-Oriented Electrical Steel from the People’s Republic of China: Final Determination of Sales at Less Than Fair Value*, 79 FR 59226 (October 1, 2014) (*GOES from China*), and accompanying IDM at 20; and *KYD, Inc. v. United States*, 607 F.3d 760, 765 (Fed. Cir. 2010) (agreeing with Commerce that price quotes and third-party affidavits used in the petition to calculate estimated margins were independent information not requiring additional corroboration and stating that “{t}he relevant inquiry focuses on the nature of the information, not on whether the source of the information was referenced in or included with the petition”).

⁵⁶ See section 776(c) of the Act; 19 CFR 351.308(c) and (d); *Final Determination of Sales at Less Than Fair Value and Affirmative Determination of Critical Circumstances, in Part: Light-Walled Rectangular Pipe and Tube from the People’s Republic of China*, 73 FR 35652, 35653 (June 24, 2008), and accompanying IDM at Comment 1; and Country-Specific Initiation Checklists.

⁵⁷ *Id.*

⁵⁸ *Id.*

information indicating otherwise); and (2) is relevant.⁵⁹

With respect to the respondent National Metal Manufacturing in the investigation of PC strand from Saudi Arabia, Commerce preliminarily determines that the only dumping margin alleged in the Petitions has probative value and has corroborated the AFA rate of 194.40 percent to the extent practicable within the meaning of section 776(c) of the Act by demonstrating that the rate: (1) was determined to be reliable in the pre-initiation stage of this investigation (and we have no information indicating otherwise); and (2) is relevant.⁶⁰

With respect to the respondents GSS and Gulf Steel in the investigation of PC strand from the UAE, Commerce preliminarily determines that the only dumping margin alleged in the Petitions has probative value and has corroborated the AFA rate of 170.65 percent to the extent practicable within the meaning of section 776(c) of the Act by demonstrating that the rate: (1) was determined to be reliable in the pre-initiation stage of this investigation (and we have no information indicating otherwise); and (2) is relevant.⁶¹

E. All-Others Rate

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

As we indicated above, Acindar is the sole mandatory respondent in the investigation of PC strand from Argentina, and its estimated dumping margin is determined entirely under section 776 of the Act. Pursuant to section 735(c)(5)(B) of the Act, Commerce’s practice under these circumstances has been to assign, as the “all-others” rate, a simple average of the petition rates.⁶² However, because the petitions here contained only one estimated dumping margin pertaining to PC strand from Argentina, there are no additional dumping margins pertaining to PC strand from Argentina available to include in the “all-others” rate. Consequently, and consistent with its practice, Commerce is using the dumping margin alleged in the Petitions of 60.40 percent as the “all-others” rate applicable to entities not individually examined in the investigation of PC strand from Argentina.⁶³

As stated above, Knight SAS is the sole mandatory respondent in the investigation of PC strand from Colombia, and its estimated dumping margin is determined entirely under section 776 of

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² See, e.g., *Notice of Final Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany*, 73 FR 38986, 38987 (July 8, 2008), and accompanying IDM at Comment 2 (*Sodium Nitrite from Germany LTFV Final*).

⁶³ See AD Investigation Initiation Checklist: Argentina.

the Act. Pursuant to section 735(c)(5)(B) of the Act, Commerce's practice under these circumstances has been to assign, as the "all-others" rate, a simple average of the petition rates.⁶⁴ However, because the petitions here contained only one estimated dumping margin pertaining to PC strand from Colombia, there are no additional dumping margins pertaining to PC strand from Colombia available to include in the "all-others" rate. Consequently, and consistent with its practice, Commerce is using the dumping margin alleged in the Petitions of 86.09 percent as the "all-others" rate applicable to entities not individually examined in the investigation of PC strand from Colombia.⁶⁵

As stated above, Elsewedy is the sole mandatory respondent in the investigation of PC strand from Egypt, and its estimated dumping margin is determined entirely under section 776 of the Act. Pursuant to section 735(c)(5)(B) of the Act, Commerce's practice under these circumstances has been to assign, as the "all-others" rate, a simple average of the petition rates.⁶⁶ However, because the petitions here contained only one estimated dumping margin pertaining to PC strand from Egypt, there are no additional dumping margins pertaining to PC strand from Egypt available to include in the "all-others" rate. Consequently, and consistent with its practice, Commerce is using the dumping margin alleged in the Petitions of 29.72 percent as the "all-others" rate applicable to entities not individually examined in this investigation of PC strand from Egypt.⁶⁷

As stated above, Nedri Spanstaal BV is the sole mandatory respondent in the investigation of PC strand from the Netherlands, and its estimated dumping margin is determined entirely under section 776 of the Act. Pursuant to section 735(c)(5)(B) of the Act, Commerce's practice under these circumstances has been to assign, as the "all-others" rate, a simple average of the petition rates.⁶⁸ However, because the petitions here contained only one estimated dumping margin pertaining to PC strand from the Netherlands, there are no additional dumping margins pertaining to PC strand from the Netherlands available to include in the "all-others" rate. Consequently, and consistent with its practice, Commerce is using the dumping margin alleged in the Petitions of 30.86 percent as the "all-others" rate applicable to entities not individually examined in this investigation of PC strand from the Netherlands.⁶⁹

As stated above, National Metal Manufacturing is the sole mandatory respondent in the investigation of PC strand from Saudi Arabia, and its estimated dumping margin is determined entirely under section 776 of the Act. Pursuant to section 735(c)(5)(B) of the Act, Commerce's practice under these circumstances has been to assign, as the "all-others" rate, a simple average of the petition rates.⁷⁰ However, because the petitions here contained only one estimated dumping margin pertaining to PC strand from Saudi Arabia, there are no additional dumping margins pertaining to PC strand from Saudi Arabia available to include in the "all-others" rate. Consequently, and consistent with its practice, Commerce is using the dumping margin alleged in the Petitions of 194.4 percent as the "all-others" rate applicable to entities not individually

⁶⁴ See, e.g., *Sodium Nitrite from Germany LTFV Final*.

⁶⁵ See AD Investigation Initiation Checklist: Colombia.

⁶⁶ See, e.g., *Sodium Nitrite from Germany LTFV Final*.

⁶⁷ See AD Investigation Initiation Checklist: Egypt.

⁶⁸ See, e.g., *Sodium Nitrite from Germany LTFV Final*.

⁶⁹ See AD Investigation Initiation Checklist: the Netherlands.

⁷⁰ See, e.g., *Sodium Nitrite from Germany LTFV Final*.

examined in this investigation of PC strand from Saudi Arabia.⁷¹

As stated above, GSS and Gulf Steel are the mandatory respondents in the investigation of PC strand from the UAE, and their estimated dumping margins are determined entirely under section 776 of the Act. Pursuant to section 735(c)(5)(B) of the Act, Commerce's practice under these circumstances has been to assign, as the "all-others" rate, a simple average of the petition rates.⁷² However, because the petitions here contained only one estimated dumping margin pertaining to PC strand from the UAE, there are no additional dumping margins pertaining to PC strand from the UAE available to include in the "all-others" rate. Consequently, and consistent with its practice, Commerce is using the dumping margin alleged in the Petitions of 170.65 percent as the "all-others" rate applicable to entities not individually examined in this investigation of PC strand from the UAE.⁷³

VI. PRELIMINARY CRITICAL CIRCUMSTANCES FINDINGS

On August 24, 2020, the petitioners timely filed critical circumstances allegations, pursuant to section 733(e)(1) of the Act and 19 CFR 351.206(c)(1), alleging that critical circumstances exist with respect to imports of the subject merchandise from Colombia, Egypt and the Netherlands.⁷⁴ On August 28, 2020, Commerce requested that the petitioners file an addendum to their critical circumstances allegation to provide additional U.S. import data.⁷⁵ In response, the petitioners filed an addendum with the requested data.⁷⁶ We received no rebuttal information from interested parties. The petitioners did not file critical circumstances allegations with respect to Argentina, Saudi Arabia, or the UAE.

A. Legal Framework

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

Section 733(e)(1) of the Act provides that Commerce, upon receipt of a timely-filed allegation of critical circumstances, will preliminarily determine that critical circumstances exist in AD investigations if there is a reasonable basis to believe or suspect that: (A)(i) there is a history of

⁷¹ See AD Investigation Initiation Checklist: Saudi Arabia.

⁷² See, e.g., *Sodium Nitrite from Germany LTFV Final*.

⁷³ See AD Investigation Initiation Checklist: UAE.

⁷⁴ See Petitioners' Letter, "Prestressed Concrete Steel Wire Strand from Colombia, Egypt, and Netherlands – Petitioners' Allegation of Critical Circumstances," dated August 24, 2020 (Critical Circumstances Allegation).

⁷⁵ See Commerce's Letter dated August 28, 2020. Commerce asked the petitioners to provide U.S. import data for subject merchandise from Colombia, Egypt, and the Netherlands for February 2020 through April 2020, as the base period, and import data for May 2020 through July 2020, as the comparison period; Commerce also provided an opportunity for interested parties other than the petitioners to submit factual information to rebut, clarify, or correct factual information in the addendum.

⁷⁶ See Petitioners' Letter, "Prestressed Concrete Steel Wire Strand from Colombia, Egypt, the Netherlands, Taiwan and Turkey – Petitioners' Updated Import Volume Data for Their Critical Circumstances Allegations," dated September 8, 2020.

dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at LTFV and that there was likely to be material injury by reason of such sales, and (B) there have been massive imports of the subject merchandise over a relatively short period.

Section 351.206(h)(2) of Commerce's regulations provides that, generally, imports must increase by at least 15 percent during the "relatively short period" to be considered "massive," and section 351.206(i) defines a "relatively short period" as normally being the period beginning on the date the proceeding begins (*i.e.*, the date the petition is filed)⁷⁷ and ending at least three months later.⁷⁸ Commerce's regulations also provide, however, that, if Commerce finds that importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, Commerce may consider a period of not less than three months from that earlier time.⁷⁹

B. Critical Circumstances Allegation

In its allegation, the petitioners contend that, based on the dumping margin alleged in the Petitions for Colombia, Egypt, and the Netherlands, importers of PC strand from these countries knew, or should have known, that the merchandise under consideration was being sold at LTFV.⁸⁰ The petitioners also contend that, based on the preliminary determination of injury by the ITC, there is a reasonable basis to impute importers' knowledge that material injury is likely by reason of such imports.⁸¹ Finally, the petitioners contend that, because verifiable shipment data do not exist because of the respondents' failure to cooperate in these investigations, an adverse inference can be made that imports were massive during the relevant time period.⁸²

C. Critical Circumstances Analysis

Commerce's normal practice in determining whether critical circumstances exist pursuant to the statutory criteria under section 733(e) of the Act has been to examine evidence available to Commerce, such as: (1) the evidence presented in petitioners' critical circumstances allegation, (2) import statistics released by the ITC, and (3) shipment information submitted to Commerce by the respondents selected for individual examination.⁸³

⁷⁷ See 19 CFR 351.102(b)(40) (providing that a proceeding begins on the date of the filing of a petition).

⁷⁸ See 19 CFR 351.206(h)(2) and (i).

⁷⁹ See 19 CFR 351.206(i).

⁸⁰ See Critical Circumstances Allegation at 5-6.

⁸¹ *Id.* at 6.

⁸² *Id.* at 8.

⁸³ See, e.g., *Certain Carbon and Alloy Steel Wire Rod from the Russian Federation and the United Arab Emirates: Affirmative Preliminary Determinations of Sales at Less Than Fair Value, and Affirmative Preliminary Determination of Critical Circumstances for Imports of Certain Carbon and Alloy Steel Wire Rod from the Russian Federation*, 82 FR 42794 (September 12, 2017), and accompanying PDM at 11, unchanged in *Certain Carbon and Alloy Steel Wire Rod from the Russian Federation and the United Arab Emirates: Affirmative Final Determinations of Sales at Less Than Fair Value, and Partial Affirmative Finding of Critical Circumstances*, 82 FR 56214 (November 28, 2017); and *Notice of Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances: Circular Welded Carbon Quality Steel Pipe from the People's Republic of China*, 73 FR 31970, 31972-73 (June 5, 2008) (*CWP from China*).

Use of Facts Available with Adverse Inferences

As discussed in the “Application of Facts Available, Use of Adverse Inferences, and Calculation of All-others Rate” section above, because the mandatory respondents in these investigations (*i.e.*, Knight SAS in the investigation of PC strand from Colombia; Elsewedy in the investigation of PC strand from Egypt; and Nedri Spanstaal BV in the investigation of PC strand from the Netherlands) have not provided necessary information, we preliminarily find that necessary information is not on the record, pursuant to section 776(a)(1) of the Act. Furthermore, because these respondents are not participating in the investigations, we also preliminarily find that they withheld information that was requested by Commerce, significantly impeded these proceedings, and failed to provide information within the deadlines established, pursuant to sections 776(a)(2)(A), (B), and (C) of the Act, respectively. Therefore, we have made these preliminary determinations of critical circumstances on the basis of the facts otherwise available.

Section 776(b) of the Act 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. Further, section 776(b)(2) of the Act 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. Because these respondents determined not to participate in these investigations, we find that they did not cooperate to the best of their abilities in these investigations, pursuant to section 776(b) of the Act. Therefore, we find that adverse inferences are warranted in selecting from the facts otherwise available regarding certain aspects of these preliminary determinations of critical circumstances. We detail our use of adverse inferences in selecting from among the facts otherwise available below.

History of Dumping and Material Injury/Knowledge of Sales Below Fair Value and Material Injury

To determine whether there is a history of dumping pursuant to section 733(e)(1)(A)(i) of the Act, Commerce generally considers current or previous U.S. AD orders on the subject merchandise from the country in question and current AD orders imposed by other countries with regard to imports of the same merchandise.⁸⁴ In this case, the current investigations of the subject merchandise mark the first instance that Commerce has examined whether sales of the subject merchandise have been made at LTFV in the United States from the countries in question. Accordingly, Commerce previously has not imposed an AD order on the subject merchandise from Colombia, Egypt, and the Netherlands. Moreover, Commerce is not aware of any AD order on the subject merchandise from Colombia, Egypt, and the Netherlands in another country. Therefore, Commerce finds no history of injurious dumping of the subject merchandise pursuant to section 733(e)(1)(A)(i) of the Act.

To determine whether importers knew or should have known that exporters were selling the subject merchandise at less than fair value, pursuant section 733(e)(1)(A)(ii) of the Act, we

⁸⁴ See, *e.g.*, *CWP from China*, 73 FR at 31972-73; and *Final Determination of Sales at Less Than Fair Value and Affirmative Determination of Critical Circumstances: Small Diameter Graphite Electrodes from the People's Republic of China*, 74 FR 2049, 2052-53 (January 14, 2009).

typically consider the magnitude of dumping margins, including margins alleged in the petition.⁸⁵ Commerce has found margins of 15 percent or more (for constructed export price sales) to 25 percent or more (for EP sales) to be sufficient for this purpose.⁸⁶ Commerce initiated these AD investigations based on the following estimated dumping margins: Colombia – 86.09 percent; Egypt – 29.72 percent; and the Netherlands – 30.86 percent.⁸⁷ Because the mandatory respondents in the Colombia, Egypt, and Netherlands investigations were uncooperative, we are assigning, as AFA, these margins from the petition which have been corroborated to the extent practicable, as explained above. Therefore, because each of these margins is above the 15 to 25 percent threshold, we preliminarily conclude that importers knew or should have known that exporters in all three countries were selling subject merchandise at LTFV, satisfying the criteria

⁸⁵ See, e.g., *Antidumping and Countervailing Duty Investigations of Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea, and Taiwan: Preliminary Determinations of Critical Circumstances*, 80 FR 68504 (November 5, 2015) (*CORE Critical Circumstances Prelim*); *Certain Corrosion-Resistant Steel Products from India: Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances*, 81 FR 35329 (June 2, 2016) (*India Final*); *Certain Corrosion-Resistant Steel Products from Italy: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part*, 81 FR 35320 (June 2, 2016) (*Italy Final*); *Certain Corrosion-Resistant Steel Products from the Republic of Korea: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part*, 81 FR 35303 (June 2, 2016) (*Korea Final*); *Certain Corrosion-Resistant Steel Products from the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Final Affirmative Critical Circumstances Determination, in Part*, 81 FR 35316 (June 2, 2016) (*China Final*); *Certain Corrosion-Resistant Steel Products from Taiwan: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part*, 81 FR 35313 (June 2, 2016) (*Taiwan Final*); *Countervailing Duty Investigation of Certain Corrosion-Resistant Steel Products from the People's Republic of China: Final Affirmative Determination, and Final Affirmative Critical Circumstances Determination, in Part*, 81 FR 35308 (June 2, 2016) (*China CVD Final*); *Countervailing Duty Investigation of Certain Corrosion-Resistant Steel Products from Taiwan: Final Negative Countervailing Duty Determination*, 81 FR 35299 (June 2, 2016) (*Taiwan CVD Final*); *Countervailing Duty Investigation of Certain Corrosion-Resistant Steel Products from Italy: Final Affirmative Determination and Final Affirmative Critical Circumstances, in Part*, 81 FR 35326 (June 2, 2016) (*Italy CVD Final*); *Countervailing Duty Investigation of Certain Corrosion-Resistant Steel Products from the Republic of Korea: Final Affirmative Determination, and Final Affirmative Critical Circumstances Determination, in Part*, 81 FR 35310 (June 2, 2016) (*Korea CVD Final*); *Notice of Preliminary Determinations of Critical Circumstances: Certain Cold-Rolled Carbon Steel Flat Products from Australia, the People's Republic of China, India, the Republic of Korea, the Netherlands, and the Russian Federation*, 67 FR 19157, 19158 (April 18, 2002), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Australia*, 67 FR 47509 (July 19, 2002); *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from the People's Republic of China*, 67 FR 62107 (October 3, 2002); *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from India*, 67 FR 47518 (July 19, 2002); *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Korea*, 67 FR 62124 (October 3, 2002); *Notice of Final Determination of Sales at Less Than Fair Value and Critical Circumstances: Certain Cold-Rolled Carbon Steel Flat Products from the Netherlands*, 67 FR 62112 (October 3, 2002); and *Notice of the Final Determination Sales at Less Than Fair Value and Critical Circumstances: Certain Cold-Rolled Carbon Steel Flat Products from the Russian Federation*, 67 FR 62121 (October 3, 2002).

⁸⁶ *Id.*; *Preliminary Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China*, 62 FR 31972, 31978 (June 11, 1997), unchanged in *Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China*, 62 FR 61964 (November 20, 1997); and *Notice of Preliminary Determination of Sales at Less Than Fair Value, Negative Preliminary Determination of Critical Circumstances and Postponement of Final Determination: Certain Frozen and Canned Warmwater Shrimp from the Socialist Republic of Vietnam*, 69 FR 42672 (July 16, 2004), unchanged in *Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp from the Socialist Republic of Vietnam*, 69 FR 71005 (December 8, 2004).

⁸⁷ See *Initiation Notice*, 85 FR at 28608.

under section 733(e)(1)(A)(ii) of the Act.

To determine whether importers knew or should have known that there was likely to be material injury caused by reason of such imports pursuant to section 733(e)(1)(A)(ii) of the Act, Commerce normally will look to the preliminary injury determination of the ITC.⁸⁸ If the ITC finds a reasonable indication of material injury (rather than the threat of injury) to the relevant U.S. industry, Commerce will normally determine that a reasonable basis exists to impute to importers sufficient knowledge of injury by such imports. In the AD investigations for each of these countries, the ITC found that there is a “reasonable indication” of material injury to the domestic industry because of the imported subject merchandise.⁸⁹ Therefore, the ITC’s preliminary injury determination in these investigations is sufficient to impute knowledge of the likelihood of material injury to importers. Thus, we preliminarily determine that importers knew, or should have known, that there was likely to be material injury caused by reason of such imports, pursuant to section 733(e)(1)(A)(ii) of the Act.

Massive Imports

In determining whether imports of subject merchandise from Colombia, Egypt, and the Netherlands were “massive” over a relatively short period, pursuant to section 733(e)(1)(B) of the Act and 19 CFR 351.206(h), Commerce normally compares the import volumes of the subject merchandise for at least three months immediately preceding the filing of the petition (*i.e.*, the “base period”) to a comparable period of at least three months following the filing of the petition (*i.e.*, the “comparison period”). Imports will normally be considered massive when imports during the comparison period have increased by 15 percent or more compared to imports during the base period.

As discussed above, we are applying AFA in reaching our findings for certain aspects of this preliminary determination of critical circumstances. We do not have information regarding import volumes for the mandatory respondents in Colombia, Egypt, and the Netherlands, based on their non-participation in these investigations. We preliminarily find, on the basis of AFA, that these mandatory respondents had massive imports of subject merchandise over a relatively short period, satisfying the criteria under section 733(e)(1)(B) of the Act and 19 CFR 351.206(h). Thus, we preliminarily determine that critical circumstances exist regarding imports of PC strand from Colombia shipped by Knight SAS, imports of PC strand from Egypt shipped by Elsewedy, and imports of PC strand from the Netherlands shipped by Nedri Spanstaal BV, pursuant to section 733(e) of the Act and 19 CFR 351.206.

To determine massive imports for all other companies in these investigations, Commerce’s normal practice is to subtract shipments reported by the cooperating mandatory respondents from shipment data of subject merchandise compiled by the ITC.⁹⁰ However, in these investigations,

⁸⁸ See, *e.g.*, *Certain Potassium Phosphate Salts from the People’s Republic of China: Preliminary Affirmative Determination of Critical Circumstances in the Antidumping Duty Investigation*, 75 FR 24572, 24573 (May 5, 2010), unchanged in *Certain Potassium Phosphate Salts from the People’s Republic of China: Final Determination of Sales at Less Than Fair Value and Termination of Critical Circumstances Inquiry*, 75 FR 30377 (June 1, 2010).

⁸⁹ See *ITC Preliminary Determination*.

⁹⁰ See, *e.g.*, *CORE Critical Circumstances Prelim, India Final, Italy Final, Korea Final, China Final, Taiwan Final, China CVD Final, Taiwan CVD Final, Italy CVD Final, and Korea CVD Final*.

because we do not have cooperating mandatory respondents, Commerce relied on data on the record which demonstrate that the volume of PC strand from Colombia and the Netherlands did not increase massively (*i.e.*, by 15 percent or more) in the three month period May 2020 through July 2020 when compared to the prior three-month period; and the volume of PC strand from Egypt increased massively in the three month period May 2020 through July 2020 when compared to the prior three-month period.⁹¹

Accordingly, with respect to Egypt, we preliminarily find that all other companies have massive imports of subject merchandise over a relatively short period and, thus, critical circumstances exist regarding imports of PC strand produced and/or exported by all other companies, pursuant to section 733(e) of the Act and 19 CFR 351.206.

With respect to Colombia and the Netherlands, we preliminarily find that all other companies do not have massive imports of subject merchandise over a relatively short period and, thus, critical circumstances do not exist regarding imports of PC strand produced and/or exported by all other companies, pursuant to section 733(e) of the Act and 19 CFR 351.206.

Based on the criteria and findings discussed above, we preliminarily determine that critical circumstances exist with respect to imports of PC strand shipped by certain producers/exporters. Our findings are summarized as follows:

Country	Case Number	Preliminary Affirmative Critical Circumstances Determinations	Preliminary Negative Critical Circumstances Determinations
Colombia	A-301-804	Knight SAS	All-Other Producers/Exporters
Egypt	A-729-804	United Wires Company Elsewedy All-Other Producers/Exporters	
The Netherlands	A-421-814	Nedri Spanstaal BV	All-Other Producers/Exporters

D. Final Critical Circumstances Determinations

We will issue our final determinations concerning critical circumstances when we issue our final LTFV determinations. All interested parties will have the opportunity to address these preliminary determinations regarding critical circumstances in case briefs.

⁹¹ See Memorandum, “Calculations for Preliminary Determinations of Critical Circumstances in the Antidumping Duty Investigations of Prestressed Concrete Steel Wire Strand from Colombia, Egypt, and the Netherlands,” dated concurrently with the accompanying *Federal Register* notice.

VII. CONCLUSION

We recommend applying the above methodology for these preliminary determinations.

☒

☐

Agree

Disagree

9/23/2020

X



Signed by: JEFFREY KESSLER
Jeffrey I. Kessler
Assistant Secretary
for Enforcement and Compliance