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April 21, 2014

MEMORANDUM TO: Paul Piquado
Assistant Secretary
for Enforcement and Compliance

FROM: James Maeder
Director, Office II
Antidumping and Countervailing Duty Operations

SUBJECT: Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review and New Shipper Review of Freshwater Crawfish Tail Meat from the People's Republic of China; 2011-2012

Summary

We analyzed the case and rebuttal briefs of interested parties[1] in the administrative review and new shipper review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (PRC) covering the period September 1, 2011, through August 31, 2012 for the administrative review, and the period September 1, 2011, through September 30, 2012 for the new shipper review. The only issue raised in CPA's case brief concerns the selection of an appropriate surrogate value for crawfish shell. As a result of our analysis, we made changes in the margin calculations. We recommend that you approve the position we developed in the "Discussion of the Issue" section of this memorandum.

[1] *See* the case brief from the petitioner, Crawfish Processors Alliance (CPA), dated January 14, 2014, and rebuttal briefs from Xiping Opeck Food Co., Ltd. (Xiping Opeck) dated January 21, 2014, Deyan Aquatic Products and Food Co., Ltd. (Deyan Aquatic) dated January 22, 2014, and Yancheng Hi-King Agriculture Developing Co., Ltd. (Yancheng Hi-King) dated January 22, 2014. Deyan Aquatic is the sole respondent in the new shipper review. Nanjing Gemsen International Co., Ltd. (Nanjing Gemsen) did not comment.

Background

On October 3, 2013, we published the preliminary results of these reviews.[2] On January 24, 2014, we issued a memorandum extending the time limit for the final results of these reviews to April 21, 2014.[3]

Surrogate Country

In the *Preliminary Results*, we treated the PRC as a non-market economy (NME) country and, therefore, we calculated normal value in accordance with section 773(c) of the Tariff Act of 1930, as amended (the Act). We selected Thailand as the primary surrogate country, pursuant to section 773(c)(4) of the Act, because it is a significant producer of merchandise comparable to subject merchandise and is at a level of economic development comparable to the PRC.[4] For these final results, we continued to treat the PRC as an NME country and used the same primary surrogate country, Thailand. However, for the valuation of crawfish shell or scrap for these final results we used the 2001 Indonesian price quote. *See* "Discussion of the Issue" section below for further discussion.

Affiliation

In the *Preliminary Results*, we stated that Yancheng Hi-King and its affiliates, Yancheng Seastar Seafood Co., Ltd., Wuhan Hi-King Agriculture Development Co., Ltd., Yancheng Hi-King Frozen Food Co., Ltd., Jiangxi Hi-King Poyang Lake Seafood Co., Ltd., and Yancheng Hi-King Aquatic Growing Co., Ltd., should be treated as a single entity for the purpose of calculating an antidumping duty margin.[5] For these final results, we continue to find that Yancheng Hi-King and its affiliates are a single entity for the purpose of calculating an antidumping duty margin.

Separate Rates

In proceedings involving NME countries, the Department of Commerce (the Department) begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

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[2] *See Freshwater Crawfish Tail Meat From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and New Shipper Review; 2011-2012*, 78 FR 61331 (October 3, 2013) (*Preliminary Results*). Also, on February 12, 2013, in accordance with 19 CFR 351.214(j)(3), the Department aligned the new shipper review with the administrative review. *See* Memorandum to the File from Dustin Ross, Case Analyst, "Alignment of New Shipper Review of Freshwater Crawfish Tail Meat from the People's Republic of China with the concurrent administrative review of Freshwater Crawfish Tail Meat from the People's Republic of China" dated February 12, 2013.

[3] *See* Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, "Freshwater Crawfish Tail Meat from the People's Republic of China: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review and New Shipper Review; 2011-2012" dated January 24, 2014.

[4] *See Preliminary Results,* and accompanying Preliminary Decision Memorandum at 5-6.

[5] *Id.*, at 4-5.

In the *Preliminary Results*, we found that Xiping Opeck, Yancheng Hi-King, Deyan Aquatic, and Nanjing Gemsen demonstrated their eligibility for separate rates. For these final results, we continue to find that Xiping Opeck, Yancheng Hi-King, Deyan Aquatic, and Nanjing Gemsen are eligible for separate rates.

Discussion of the Issue

Selection of Surrogate Value for Crawfish Shell

CPA argues that the Department should not continue to use Thai import statistics to value the respondents' crawfish shell or scrap for the final results. Rather, CPA contends that the Department should base the surrogate value for crawfish shell on either the 2001 Indonesian price quote that it used in previous reviews or a value derived from data submitted by Thai Union Frozen Products Co., Ltd (TUF) in *Shrimp from the PRC*.[6]

Citing *Crawfish from the PRC 1999*,[7] CPA argues that the Department previously found import statistics to be unsuitable to value crawfish shell, not only because they do not exactly match the factor but also because they tend to create a scrap credit that is excessive relative to the value of the crawfish tail meat. Thus, according to CPA, the values under the harmonized tariff schedule (HTS) category for "Shells of Molluscs, Crustaceans or Echinoderms" were an inappropriate surrogate value for crawfish shells.

Citing *Crawfish from the PRC 2002*,[8] CPA explains that the Department found a price quote from an Indonesian seller of "wet crab and shrimp shells" (2001 Indonesian price quote). CPA argues that while the 2001 Indonesian price quote was not perfect, it solved most of the problems with the highly contentious, long-fought battle over scrap valuation in previous reviews. According to CPA, since the Department began using the 2001 Indonesian price quote, it has been used in each review, until the preliminary results of the instant reviews, because it has proven to be better than any available alternative. CPA claims that interested parties consented to the use of the 2001 Indonesian price quote despite the age of the quote.

CPA comments that in the most recently completed administrative review,[9] the Department used the 2001 Indonesian price quote again and adjusted it to account for inflation. CPA asserts that the resulting surrogate value for crawfish shell was 704.80304 rupiah per kilogram, or \$0.0365 per pound, at the average exchange rates for the period of that review (POR). CPA argues that in contrast, the surrogate value used for crawfish shell in the *Preliminary Results*, 10.1229 Thai baht per kilogram, is about \$0.1478 per pound at the average exchange rates for the current

[6] *See Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results of Administrative Review; 2011-2012*, 78 FR 56209 (September 12, 2013) (*Shrimp from the PRC*).
[7] *See Notice of Preliminary Results of Antidumping Duty Administrative Review and New Shipper Reviews, Partial Rescission of the Antidumping Duty Administrative Review, and Rescission of the New Shipper Review for Yancheng Baolong Biochemical Products, Co. Ltd.: Freshwater Crawfish Tail Meat From the People's Republic of China*, 64 FR 55236, 55242 (October 12, 1999) (*Crawfish from the PRC 1999*).
[8] *See Notice of Preliminary Results of Antidumping Duty New Shipper Reviews: Freshwater Crawfish Tail Meat from the People's Republic of China*, 67 FR 52442, 52446 (August 12, 2002) (*Crawfish from the PRC 2002*).
[9] *See Freshwater Crawfish Tail Meat From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Partial Rescission; 2010-2011*, 78 FR 22228 (April 15, 2013).

reviews, resulting in a "gratuitous 305.7 percent increase in their scrap credit." CPA contends that it is intuitively obvious that the value of scrap from shellfish processing should be quite low relative to the value of the portion of the input that is retained for processing and sale as finished product.

Additionally, CPA argues that the Department concluded in previous reviews that the HTS classification for "Shells of Molluscs, Crustaceans or Echinoderms" is for shells, not scrap. According to CPA, the HTS category includes decorative shells of various kinds, including shells of starfish (a species of echinoderm) which contain no chitin, the substance that gives crustacean scrap its value. For these reasons, CPA argues, there is no suitable HTS category for crawfish scrap. CPA argues further that, as evident in its November 22, 2013, letter containing relevant classification decisions made by U.S. Customs and Border Protection (CBP), the HTS category in question includes decorative shells and starfish shells.

CPA contends that in the case brief provided by the petitioner (ASPA) in the *Shrimp from the PRC* case, it pointed out some, but not all of the flaws in the choice of the Thai tariff category and urged the Department to use the 2001 Indonesian price quote instead. According to CPA, ASPA did not mention in its case brief that imports under an older Indian version of the same HTS category had been specifically rejected by the Department as unsuitable in previous reviews under the crawfish antidumping order due to its inclusion of non-chitin containing echinoderms and decorative shells. CPA asserts that ASPA instead argued that the quantities imported during the relevant POR were too small to be reliable and, more importantly, that the scrap value derived from those imports should not be used because the scrap price would be 86 percent of the price of the finished product. CPA contends that the problem with ASPA's affirmative argument in the *Shrimp from the PRC* case is that ASPA had not established that the scrap value was, in fact, 86 percent of the shrimp input value, in the Department's view.

CPA asserts that because Indonesia nevertheless remains as one of the countries named by the Office of Policy (OP) as a suitable source of surrogate values, the 2001 Indonesian price quote can be used in the current reviews, even though Indonesia is not the primary surrogate country in the current reviews.

CPA argues that, since the Department previously found that processing wastes of crawfish and shrimp are comparable, the Department may use the per-unit shrimp scrap revenue offset reported by TUF in *Shrimp from the PRC* as the surrogate value for crawfish shell in these reviews. CPA explains that neither the 2001 Indonesian price quote nor the TUF data satisfy the Department's usual preferences for surrogate values. CPA claims that the TUF data are more preferable to the 2001 Indonesian price quote because it is contemporaneous with the POR and from the primary surrogate country in the current reviews. However, it contends that the 2001 Indonesian price quote that pertains to crustacean scrap is far preferable to the Thai import value for decorative shells used in the *Preliminary Results*.

Xiping Opeck, Deyan Aquatic, and Yancheng Hi-King all argue that the Department should continue to use the Thai import data used in the *Preliminary Results* to value crawfish shell for these final results of review. Xiping Opeck argues that CPA's contention that the 2001 Indonesian price quote used in a previous review is better than all other proposed alternatives is neither supported by law, the Department's practice, nor evidence on the record. Citing *Crawfish from the PRC 2012*,[10] Xiping Opeck argues that when selecting surrogate values, it is the Department's practice to use period-wide price averages that are contemporaneous with the POR, and public data preferably derived from an official source. Xiping Opeck argues that a single, private-sector price quote from 2001 meets none of these fundamental criteria. Conversely, according to Xiping Opeck, the Thai import statistics the Department used in the *Preliminary Results* to value crawfish shell or scrap meet all of the criteria.

Yancheng Hi-King adds that the Department's general practice is to use import statistics because they tend to meet the criteria for selecting surrogate values that are: (1) an average non-export value, (2) representative of a range of prices within the POR or closest in time to the POR, (3) product specific, and (4) tax exclusive. Citing *Pencils from the PRC*,[11] Yancheng Hi-King argues that the Department previously selected an import statistics basket category over price quotes because, it argues, the import statistics were more representative of a range of prices.

Deyan Aquatic and Yancheng Hi-King argue that the Department should value the factors of production (FOPs) "based on the best available information" regarding the values of such factors in Thailand in accordance with section 773(c)(1) of the Act. Citing, *inter alia*, *Garlic from the PRC*,[12] Deyan Aquatic explains that the Department generally considers contemporaneity in selecting surrogate values. It states that the Department values FOPs using publicly available data from a single country in accordance with 19 CFR 351.408(c)(2) and searches a broad base, not just a single source, to find the most representative data. Deyan Aquatic explains that the import data at issue: (1) are from Thailand, which is the selected primary surrogate country; (2) correspond to the POR, whereas the Indonesian price quote dates back to 2001; and (3) represent a range of prices, unlike the Indonesian price quote and data derived from the single Thai shrimp producer, TUF. Deyan Aquatic adds further that the Department selected Thailand over Indonesia as the primary surrogate country because Thailand provides publicly available data for valuing most of the FOPs and the petitioner has not challenged the selection of Thailand.

Xiping Opeck asserts that the tariff number applicable to the Thai data specifically covers "Other Shells of Mollusks, Crustaceans or Echinoderms." Xiping Opeck argues that crawfish are crustaceans and, therefore, given the plain language of the tariff number description, crawfish shells are specifically covered by this exact tariff number. Thus, according to Xiping Opeck, for purposes of the current reviews, it is the Thai data that are, as the Department determined in the *Preliminary Results*, the best information for valuing the involved input. Xiping Opeck asserts that CBP's classification decisions cited by CPA refer to U.S. Customs rulings, not Thai customs rulings, and, thus, have nothing to do with the Thai customs data used by the Department to value crawfish shell. Thus, according to Xiping Opeck, there is no evidence on the record to indicate that the 2011-2012 Thai trade data used by the Department for valuing the shell is inaccurate or inappropriate for such use.

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[10] *See Freshwater Crawfish Tail Meat From the People's Republic of China: Antidumping Duty Administrative Review; 2010-2011*, 77 FR 61383 (October 9, 2012) (*Crawfish from the PRC 2012*).
[11] *See Certain Cased Pencils from the People's Republic of China; Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 71 FR 38366 (July 6, 2006) (*Pencils from the PRC*).
[12] *See Fresh Garlic From the People's Republic of China: Final Results of Antidumping Duty New Shipper Review*, 67 FR 72139 (December 4, 2002) (*Garlic from the PRC*).

With regard to the HTS categories, Yancheng Hi-King asserts that the petitioner's argument that the Department rejected the use of the Indian HTS category for shells in *Crawfish from the PRC 1999* and, therefore, should reject the Thai HTS category for shells in these administrative reviews, is unsubstantiated and irrelevant. Yancheng Hi-King argues that CPA provides no analysis of the Indian and Thai tariff headings or import data. Without such analysis, Yancheng Hi-King explains, the Department cannot determine the relevancy of CPA's argument or discredit the Thai import statistics based on record evidence. Yancheng Hi-King argues further that CPA's claim that the Department should not use a basket category merely because it does not specifically match the description of the input in question is inaccurate. Citing *Sebacic Acid from the PRC*[13] and *Potassium Permanganate from the PRC,*[14] Yancheng Hi-King asserts that the Department previously rejected the argument that basket categories are unrepresentative. Yancheng Hi-King argues that it is the Department's responsibility to determine which HTS category is most representative of the input to be valued based on the best available information and, it states, the petitioner failed to demonstrate why the Thai import statistics are not the best available information for scrap valuation in this administrative review.

Xiping Opeck rebuts CPA's contention that the value of crawfish shell should be low compared to the value of whole crawfish. It contends that there is no evidence on the record to indicate that the shell is of low value and there is no evidence on the record to indicate that the shell is not of high value, perhaps commanding high prices driven by surging demand. Xiping Opeck argues that CPA's statement that use of the Thai data provides respondents with a "completely gratuitous 305.7 percent increase in their scrap credit" is not relevant. It argues further that CPA cites no statute, regulation, or case precedent indicating that changes in surrogate values are improper.

Yancheng Hi-King asserts that the Department rejected the objections made regarding the use of Thai import statistics to value scrap in *Shrimp from the PRC.* It explains that while the Department recognized that the scrap value was significantly higher than in the prior POR, the petitioners failed to demonstrate in that review that the value was higher than other potential surrogate countries. For that reason, Yancheng Hi-King argues, the Department found it insufficient to determine that Thai scrap values were unreasonably high by merely comparing one POR to next. In the instant review, Yancheng Hi-King asserts that the Department should also reject CPA's argument that scrap values based on the Thai import statistics are unreasonably high.

Regarding CPA's proposed alternative source, TUF's data from *Shrimp from the PRC,* Deyan Aquatic and Yancheng Hi-King contend that CPA's recommended surrogate values are flawed. According to Deyan Aquatic, CPA concedes that the 2001 Indonesian price quote is not a perfect value, the weight of scrap in the TUF data is not public, and an article containing 1991 data and published in 1995 needs to be used to construct TUF's scrap value. Deyan Aquatic contends that CPA has not (1) demonstrated that the Thai import data at issue are less representative of Deyan

[13] *See Sebacic Acid From the People's Republic of China: Final results of Antidumping Duty Administrative Review,* 69 FR 75303 (December 16, 2004) (*Sebacic Acid from the PRC*).
[14] *See Potassium Permanganate From the People's Republic of China: Notice of Final Results of Antidumping Duty Administrative Review,* 66 FR 46775 (September 7, 2001) (*Potassium Permanganate from the PRC*).

Aquatic's experience and/or (2) explained how the TUF data are representative of Deyan Aquatic's experience. Similarly, Yancheng Hi-King states that the TUF data are not a proper surrogate value source for scrap because the data are only from one company and, therefore, cannot be considered representative of a range of scrap prices. Yancheng Hi-King asserts that the Department should reject CPA's proposal to use the TUF data to value scrap, consistent with *Shrimp from the PRC*.

Yancheng Hi-King also states that the TUF data are inappropriate to value scrap because the information provided by CPA does not include the total quantity of shrimp scrap produced or sold by TUF. Instead, Yancheng Hi-King argues, CPA provided TUF's shrimp scrap revenue and total quantity of finished product. Without record evidence regarding TUF's production and sales of shrimp scrap, Yancheng Hi-King asserts, there is no basis for determining that TUF's experience with shrimp production is comparable to Chinese producers' experiences with crawfish production. For this reason, Yancheng Hi-King argues, it would be inappropriate to use the TUF data to value crawfish shell in the current reviews.

Department's Position: We used the 2001 Indonesian price quote, adjusted for inflation, during the period leading up to the POR to value crawfish scrap or shell for the final results of these reviews. In the current reviews, neither CPA nor the respondents placed any data on the record from the preferred surrogate country that is more suitable than the 2001 Indonesian price quote to value crawfish shell or scrap. Thus, when suitable data are not available from the preferred surrogate country, as in the instant reviews, we look to other sources. In the current reviews, Indonesia has been identified as a country economically comparable to the PRC by OP and it is a significant producer of comparable merchandise. Thus, we find the 2001 Indonesian price quote to be a reasonable option for valuing crawfish scrap.[15] For these reasons, we used the 2001 Indonesian price quote, adjusted for inflation, during the period leading up to the POR to value crawfish shell for the final results of review. We recognize that the 2001 Indonesian price quote is more than ten years old and we continue to encourage interested parties to place contemporaneous sources to value crawfish shell or scrap in subsequent reviews so that we may consider them.

In the *Preliminary Results*, we found Thailand to be the most appropriate surrogate country because it is at a level of economic development comparable to that of the PRC, it is a significant producer of merchandise comparable to the subject merchandise and the availability of factor values in Thailand relative to other economically comparable countries as identified by the OP is persuasive.[16] As a result of our selection of Thailand as the primary surrogate country, we used Thai import statistics to value most of the respondents' inputs including crawfish shell or scrap.

In selecting the best available information for valuing the FOPs in accordance with section 773(c)(1) of the Act, our general practice is to select, to the extent practicable, information from the primary surrogate country that is publicly available; product-specific; representative of broad

[15] *See* memorandum, "*Freshwater Crawfish Tail Meat from the People's Republic of China: Selection of a Surrogate Country*" dated September 26, 2013, at 4.
[16] *Id.*

market average prices; contemporaneous with the POR; and free of taxes and duties.[17] While we recognize that our practice is to use contemporaneous data to value respondents' inputs from the primary surrogate country, after careful consideration of our past decisions in this proceeding regarding our selection of surrogate value for the crawfish by-product or scrap and the facts on the record of the current review, we reconsidered our preliminary decision to use Thai import statistics to value crawfish shell or scrap.

The record of this case indicates that HTS number 5080020002 ("Other Shells of Molluscs, Crustaceans or Echinoderms") that we used in the *Preliminary Results* to value the crawfish by-product or scrap is a basket category that includes non-chitin containing echinoderms and decorative shells of various kinds and does not appear to include the shells comparable to the crawfish shell or scrap produced as a by-product from processing crawfish tail meat.[18] In previous reviews, we faced the same issue and found it appropriate to look for an alternative source to value the crawfish by-product or scrap.[19] Thus, in segments of this proceeding since 2002, we used the 2001 Indonesian price quote to value crawfish by-product or scrap because it has been the only appropriate source available to us. In prior reviews, we indicated that the Indonesian price quote is an appropriate alternative for valuing crawfish scrap relative to using import statistics because it is public information taken from a seller from a country that we found to be economically comparable to the PRC, and represents a price on a wet-weight basis, which is consistent with how Chinese exporters export their crawfish scrap.[20]

Because the information placed on the record from *Shrimp from the PRC*[21] appears to be incomplete, we do not find the TUF data to be a more suitable option for valuing crawfish shell or scrap. Specifically, record evidence does not (1) include the total quantity of shrimp scrap produced or sold by TUF, and (2) otherwise indicate that TUF's experience producing shrimp is comparable to the respondents' experiences producing crawfish. Thus, we agree with the respondents that the TUF data are not a more suitable alternative to value the crawfish by-product or scrap.

With regard to Xiping Opeck's argument that the CBP classification rulings cited by CPA are not relevant to Thai customs because they were determined by U.S. customs, we disagree. In reviewing Thai HTS number 5080020002 for chapter 5 ("Other Shells of Molluscs, Crustaceans or Echinoderms"), and comparing it to the U.S. HTS number of the same category, we find that the article descriptions in both HTS schedules are identical. Thus, we find no evidence that the Thai HTS category includes the crawfish by-product or scrap whereas the U.S. HTS category would not.[22]

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[17] *See Frontseating Service Valves From the People's Republic of China; 2010–2011 Antidumping Duty Administrative Review; Final Results*, 77 FR 67334 (November 9, 2012), and accompanying Issues and Decision Memorandum at Comment 2.
[18] *See* CPA's November 22, 2013, submission, at exhibits 5-6.
[19] *See Crawfish from the PRC 1999*, 64 FR at 55242.
[20] *See Crawfish from the PRC 2002*, 67 FR at 52446, unchanged in *Freshwater Crawfish Tail Meat from the People's Republic of China; Notice of Final Results of Antidumping Duty New Shipper Review, and Final Rescission of Antidumping Duty New Shipper Review*, 68 FR 1439 (January 10, 2003).
[21] *See Shrimp from the PRC*, and accompanying Issues and Decision Memorandum at Comment 4.
[22] *See* Xiping Opeck's analysis memorandum dated April 21, 2014 at attachment E.

With regard to Yancheng Hi-King's argument that the Department previously rejected the argument that basket categories are unrepresentative, we find as a general matter that each administrative review is a separate reviewable segment of the proceeding involving different sales, adjustments, and underlying facts. What transpired in previous reviews or in other cases is not binding precedent in later reviews or other cases and thus, each administrative review or case must stand alone.[23] As explained above, we agree with the respondents that our general practice is to select, to the extent practicable, information from the primary surrogate country that is publicly available; product-specific; representative of broad market average prices; contemporaneous with the POR; and free of taxes and duties. However, as we stated above, the HTS category for crawfish shell does not appear to include the actual input, which is the crawfish by-product or scrap and it appears to include non-chitin containing echinoderms and decorative shells of various kinds. Thus, we find in this case that the 2001 Indonesian price quote, properly inflated, is the best available information to value the crawfish by-product or scrap in accordance with section 773(c)(1) of the Act.

With regard to Yancheng Hi-King's argument that the Department's general practice is to use import statistics because they tend to meet the criteria for selecting surrogate values, we find that while it may be true that we often use import statistics for the reasons Yancheng Hi-King outlines, as a general matter, we do not automatically prefer the use of import statistics without considering the record evidence as a whole.[24] Thus, we have no automatic preference for import statistics where other alternative data are the best information to value a particular input. We consider all potential surrogate data equally and make a determination on which data are the best information available on the record to value a particular input. For the reasons outlined above, we find that in this case, the 2001 Indonesian price quote is the best information available to value the crawfish by-product or scrap.

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[23] *See Shandong Huarong Mach. Co. v. United States*, 29 CIT 484 (2005) ("As Commerce points out each administrative review is a separate segment of proceedings with its own unique facts."); *Fresh Garlic From the People's Republic of China: Final Results of Antidumping Administrative Review and Rescission of New Shipper Review*, 67 FR 11283 (March 13, 2002), and accompanying Issues and Decision Memorandum at Comment 3 ("What transpired in previous reviews is not binding precedent in later reviews.").

[24] *See Notice of Final Determination of Sales at Less Than Fair Value: Circular Welded Non-Alloy Steel Pipe From Romania*, 61 FR 24274 (May 14, 1996), and accompanying Issues and Decision Memorandum at Comment 2 ("Third, there is no fixed policy preference for import statistics over all other sources in NME cases.").

RECOMMENDATION

Based on our analysis of the comments received, we recommend adopting the above position. If this recommendation is accepted, we will publish the final results of the review in the *Federal Register*.

✓
Agree

Disagree

Paul Piquado
Assistant Secretary
for Enforcement and Compliance

21 APRIL 2014
Date