UNITED STATES DEPARTMENT OF COMMERCE
International Trade Administration
Washington, D.C. 20230

A-570-042
Investigation
07/01/2015-12/31/2015
Public Document
E&C/VII: LW/TP

September 9, 2016

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

FROM: Gary Taverman
Associate Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: Decision Memorandum for the Preliminary Determination in the Antidumping Duty Investigation of Stainless Steel Sheet and Strip from the People's Republic of China

---

I. SUMMARY

The Department of Commerce (Department) preliminarily determines that stainless steel sheet and strip (stainless sheet and strip) from the People's Republic of China (PRC) is being, or is 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 estimated weighted-average dumping margins are shown in the "Preliminary Determination" section of the accompanying *Federal Register* notice. In accordance with section 733(e)(1)(A)(i) of the Act, we preliminarily determine that critical circumstances exist for the separate rate companies and the PRC-wide entity.[1]

II. BACKGROUND

On February 12, 2016, AK Steel Corporation, Allegheny Ludlum, LLC d/b/a ATI Flat Rolled Products, North American Stainless, and Outokumpu Stainless USA, LLC (collectively, Petitioners) filed a petition with the Department seeking the imposition of antidumping (AD) and countervailing (CVD) duties on stainless sheet and strip from the PRC.[2] On March 10, 2016, the Department published the initiation of an AD investigation on stainless sheet and strip from the PRC.[3]

---

[1] The Table of Authorities at the end of this document provides full citations for the items referenced in the footnotes below.
[2] *See* Petition.
[3] *See Initiation Notice.*

We stated in the Respondent Selection section of the *Initiation Notice* that we intended to base our selection of respondents for individual examination on responses to quantity and value (Q&V) questionnaires. On March 10, 2016, the Department issued Q&V questionnaires electronically *via* ACCESS.[4] In addition, the Department issued via mail the Q&V questionnaire to 148 companies that Petitioners identified as potential producers/exporters and provided complete address information.[5] Finally, the Department posted the Q&V on its website, and in the *Initiation Notice,* invited parties that did not receive a Q&V questionnaire by mail to file a Q&V response.[6]

On March 17, 2016, five companies submitted Q&V responses *via* ACCESS:[7] Shanxi Taigang Stainless Steel Co., Ltd. (Taigang), Tianjin Taigang Daming Metal Product Co., Ltd. (Daming), Taiyuan Ridetaixing Precision Stainless Steel Incorporated Co., Ltd. (Ridetaixing), Guanghan Tiancheng Stainless Steel Products Co., Ltd. (Tiancheng), and Zhangjiagang Pohang Stainless Steel Co., Ltd. (ZPSS). Shanghai STAL Precision Stainless Steel Co., Ltd. (STAL) reported no shipments during the period of investigation (POI).[8] On April 7, 2016, ZPSS untimely filed a Q&V response covering its shipments through an affiliated reseller.[9] On April 12, 2016, Petitioners argued that the Department should reject ZPSS's untimely submission to which ZPSS rebutted on April 13, 2016.[10] The Department rejected ZPSS's untimely filing on April 21, 2016.[11]

On April 18, 2016, based on the Q&V responses on the record, the Department selected Taigang and Daming as mandatory respondents.[12] On April 19 and 21, 2016, the Department issued its Non-Market Economy (NME) Questionnaire (AD Questionnaire) and a Double Remedies Questionnaire to Taigang and Daming.[13]

On May 17, 2016, Daming informed the Department that it would no longer participate in the AD and CVD investigations as a mandatory respondent.[14] On May 25, 2016, Petitioners submitted arguments that the Department should not select an additional mandatory respondent.[15]

Between May 13, 2016 and July 29, 2016, Taigang submitted responses to these questionnaires and requested to be exempted from reporting certain sales data and production information.[16]

[4] *See* Q&V Questionnaire.
[5] *See* the Department's April 15, 2016 Memorandum; *see also* Petition at Volume I at Exhibit GEN-5 and Updated Exhibit GEN-5.
[6] *See Initiation Notice*.
[7] Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). *See* Taigang's Q&V, Daming's Q&V, Ridetaixing's and ZPSS' Q&V, and Tiancheng's Q&V.
[8] *See* STAL's April 12, 2016 Letter.
[9] *See* ZPSS's April 7, 2016 Letter.
[10] *See* Petitioners' April 12, 2016 Letter and ZPSS' April 13, 2016 Letter.
[11] *See* the Department's April 21, 2016 Letter to ZPSS.
[12] *See* Respondent Selection Memorandum.
[13] *See* AD Questionnaire and Double Remedy Questionnaire.
[14] *See* Daming's May 17, 2016 Letter.
[15] *See* Petitioners' May 25, 2016 Letter.
[16] *See* Taigang's Section A Response, Taigang's Section C and D Responses, Taigang's Dbl Remedy Response, Taigang's May 26, 2016 Letter, and Taigang's June 23, 2016 Letter.

Between May 26, 2016 and August 3, 2016, Petitioners submitted deficiency comments regarding Taigang's AD Questionnaire responses and objected to those exemption requests.[17]

In response to the Separate Rates section of the *Initiation Notice*, four companies each filed a Separate Rate Application (SRA): Daming, Ridetaixing, Tiancheng, and ZPSS.[18] Petitioners submitted deficiencies comments on the SRAs of Ridetaixing, Tiancheng and ZPSS.[19] The Department issued a SRA supplemental questionnaire to Ridetaixing and Tiancheng, but only received a response from Ridetaixing.[20]

On April 21, 2016, the Department identified product characteristics to be used for the AD Questionnaire and invited comments.[21] Only Petitioners submitted comments.[22] After considering those comments, the Department determined product characteristics to be used for AD Questionnaire purposes.[23]

The Department placed on the record a list of potential surrogate countries, invited comments regarding surrogate country selection, and provided opportunities to submit publicly available information to value factors of production (FOPs) on April 21, 2016.[24] In response, between May 2, 2016 and August 10, 2016, Petitioners and Taigang each timely filed comments and publically available information to value FOPs.[25]

On May 6, 2016, Petitioners alleged critical circumstances exist and a request for expedited treatment. On June 9, 2016, Petitioners filed a supplement to the critical circumstances allegation.[26]

On July 7, 2016, in accordance with section 733(c)(1)(B) of the Act and 19 CFR 351.205(b)(2), the Department postponed the preliminary determination until September 9, 2016.[27]

Petitioners submitted comments for the Department to consider for the preliminary determination.[28] We have taken these comments into consideration for this preliminary determination.

[17] *See* Petitioners' Comments on Deficiencies in Taigang's AD Questionnaire Response, Petitioners' June 7, 2016 Letter, and Petitioners' July 1, 2016 Letter.
[18] *See* Daming's SRA, Tiancheng's SRA, Ridetaixing's SRA and ZPSS'SRA.
[19] *See* Petitioners' Comments on Deficiencies in SRAs.
[20] *See* SRA Supp. Qnaire. to Ridetaixing, SRA Supp. Qnaire. to Tiancheng, and Ridetaixing's SRA Supp. Response.
[21] *See* Product Characteristics.
[22] *See* Petitioners' Comments on Product Characteristics.
[23] *See* Product Characteristics.
[24] *See* Surrogate Country and Values.
[25] *See* Petitioners' Comments on Surrogate Country and Value, and Taigang's Comments on Surrogate Country and Value.
[26] *See* Critical Circumstances Allegation.
[27] *See Postponement Notice*.
[28] *See* Petitioners' Pre-Preliminary Comments.

III. PERIOD OF INVESTIGATION

The POI is July 1, 2015, through December 31, 2016; the two most recently completed fiscal quarters as of the month preceding February 2016 in which the petition was filed.[29]

IV. SCOPE COMMENTS

In response to the Scope section of the *Initiation Notice*, on March 23, 2016, Ta Chen International (TCI) submitted a comment, to which Petitioners rebutted and Crompion International LLC (Crompion) supported.[30] Petitioners requested to strike Crompion's supporting comment as untimely,[31] however we considered Crompion's supporting comments for the preliminary determination with respect to scope.

In its March 23, 2016 comments, TCI requested that a certain product be excluded from the scope because it was not produced in United States.[32] This exclusion request was supported by Crompion.[33] Petitioners filed rebuttal comments arguing that there is no legal requirement to exclude specific products that are not produced by the domestic industry which fall under the class or kind of merchandise covered by the scope of the investigation.[34]

We preliminarily find no compelling reason to amend or modify the scope of this investigation. A full discussion is in the Preliminary Scope Memorandum.[35]

V. SCOPE OF THE INVESTIGATION

The merchandise covered by this investigation is stainless steel sheet and strip, whether in coils or straight lengths. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject sheet and strip is a flat-rolled product with a width that is greater than 9.5 mm and with a thickness of 0.3048 mm and greater but less than 4.75 mm, and that is annealed or otherwise heat treated, and pickled or otherwise descaled. The subject sheet and strip may also be further processed (*e.g.*, cold-rolled, annealed, tempered, polished, aluminized, coated, painted, varnished, trimmed, cut, punched, or slit, etc.) provided that it maintains the specific dimensions of sheet and strip set forth above following such processing. The products described include products regardless of shape, and include products of either rectangular or non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process, *i.e.*, products which have been "worked after rolling" (*e.g.*, products which have been beveled or rounded at the edges).

For purposes of the width and thickness requirements referenced above: (1) Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above;

[29] *See* 19 CFR 351.204(b)(1).
[30] *See* TCI's Scope Comments, Petitioners' Rebuttal Comments on Scope, and Crompion's Scope Comment.
[31] *See* Petitioners' Request to Strike Scope Comments.
[32] *See* TCI's Scope Comments.
[33] *See* Crompion's Scope Comment.
[34] *See* Petitioners' Rebuttal Comments on Scope.
[35] *See* Preliminary Scope Memorandum.

and (2) where the width and thickness vary for a specific product (*e.g.*, the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, etc.), the measurement at its greatest width or thickness applies.

All products that meet the written physical description, and in which the chemistry quantities do not exceed any one of the noted element levels listed above, are within the scope of this investigation unless specifically excluded.

Subject merchandise includes stainless steel sheet and strip that has been further processed in a third country, including but not limited to cold-rolling, annealing, tempering, polishing, aluminizing, coating, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the stainless steel sheet and strip.

Excluded from the scope of this investigation are the following: (1) sheet and strip that is not annealed or otherwise heat treated and not pickled or otherwise descaled; (2) plate (*i.e.*, flat-rolled stainless steel products of a thickness of 4.75 mm or more); and (3) flat wire (*i.e.*, cold-rolled sections, with a mill edge, rectangular in shape, of a width of not more than 9.5 mm).

The products under investigation are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7219.13.0031, 7219.13.0051, 7219.13.0071, 7219.13.0081, 7219.14.0030, 7219.14.0065, 7219.14.0090, 7219.23.0030, 7219.23.0060, 7219.24.0030, 7219.24.0060, 7219.32.0005, 7219.32.0020, 7219.32.0025, 7219.32.0035, 7219.32.0036, 7219.32.0038, 7219.32.0042, 7219.32.0044, 7219.32.0045, 7219.32.0060, 7219.33.0005, 7219.33.0020, 7219.33.0025, 7219.33.0035, 7219.33.0036, 7219.33.0038, 7219.33.0042, 7219.33.0044, 7219.33.0045, 7219.33.0070, 7219.33.0080, 7219.34.0005, 7219.34.0020, 7219.34.0025, 7219.34.0030, 7219.34.0035, 7219.34.0050, 7219.35.0005, 7219.35.0015, 7219.35.0030, 7219.35.0035, 7219.35.0050, 7219.90.0010, 7219.90.0020, 7219.90.0025, 7219.90.0060, 7219.90.0080, 7220.12.1000, 7220.12.5000, 7220.20.1010, 7220.20.1015, 7220.20.1060, 7220.20.1080, 7220.20.6005, 7220.20.6010, 7220.20.6015, 7220.20.6060, 7220.20.6080, 7220.20.7005, 7220.20.7010, 7220.20.7015, 7220.20.7060, 7220.20.7080, 7220.90.0010, 7220.90.0015, 7220.90.0060, and 7220.90.0080. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

VI. RESPONDENT SELECTION

Section 777A(c)(l) of the Act directs the Department to calculate an individual weighted-average dumping margin for each known exporter and producer of the subject merchandise. However, section 777A(c)(2) of the Act gives the Department discretion to limit its examination to a reasonable number of exporters and producers if it is not practicable to make individual weighted-average dumping margin determinations because of the large number of exporters and producers involved in the investigation. Pursuant to section 777A(c)(2) of the Act, the Department may limit its examination to: (A) a sample of exporters, producers or types of products that the Department determines is statistically valid based on the information available to the Department at the time of selection, or (B) exporters and producers accounting for the largest volume of the subject merchandise from the exporting country that the Department determines can be reasonably examined. The Department determined that due to the large number of producers and exporters, it was not practicable to individually examine each. In selecting respondents for individual examination in this antidumping duty investigation, the Department found that, given its limited resources, it was most appropriate to select respondents that account for the largest volume of the subject merchandise that can reasonably be examined, pursuant to section 777A(c)(2)(B) of the Act.

The Department limited the number of respondents selected for individual examination to the two exporters accounting for the largest volume of exports from the PRC to the United States during the POI that could be reasonably examined, *i.e.*, Taigang and Daming.[36]

On May 17, 2016, Daming informed the Department that it would no longer participate in this (and the companion CVD) investigations as a mandatory respondent.[37] On May 25, 2016, Petitioners argued that the Department should not select Ridetaixing, Tiancheng, or ZPSS as an additional mandatory respondent given the limited volume and value of shipments reported by these entities.[38] No party either argued for selecting additional mandatory respondent, or requested to be considered as a voluntary respondent. The Department did not select an additional mandatory respondent.

VII. CRITICAL CIRCUMSTANCES

On May 6, 2016, Petitioners filed a timely allegation, 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 merchandise under consideration, and requested expedited treatment; on June 9, 2016, Petitioners filed a supplement to their critical circumstances allegation.[39]

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, the Department must issue a preliminary finding of whether there is a reasonable basis to believe or suspect that critical circumstances exist no later than the date of the preliminary determination.

A. Legal Framework

Section 733(e)(1) of the Act provides that the Department will preliminarily determine that critical circumstances exist in an LTFV investigation if there is a reasonable basis to believe or suspect that: (A)(i) there is a history of 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.

[36] *See* Respondent Selection Memorandum.
[37] *See* Daming's May 17, 2016 Letter.
[38] *See* Petitioners' May 25, 2016 Letter.
[39] *See* Critical Circumstances Allegation.

Further, 19 CFR 351.206(h)(1) provides that, in determining whether imports of the subject merchandise have been "massive," the Department normally will examine: (i) the volume and value of the imports; (ii) seasonal trends; and (iii) the share of domestic consumption accounted for by the imports. In addition, 19 CFR 351.206(h)(2) provides that, "{i}n general, unless the imports during the 'relatively short period' . . . have increased by at least 15 percent over the imports during an immediately preceding period of comparable duration, the Secretary will not consider the imports massive." A "relatively short period" is generally defined as the period starting on the date the proceeding begins (*i.e.*, the date the petition is filed) and ending at least three months later.[40] If the Department "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," then the Department may consider a period of not less than three months from that earlier time.[41]

B. Critical Circumstances Allegation

In their allegation, Petitioners explained that there are currently six AD orders on stainless sheet and strip from the PRC: Brazil, the European Union, India, Taiwan, Thailand, and Vietnam.[42] 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.[43]

Finally, as part of its allegation and pursuant to 19 CFR 351.206(h)(2), Petitioners submitted import statistics for the subject merchandise covered by the scope of this investigation for the period November 2015 through April 2016 as evidence of massive imports of stainless sheet and strip from the PRC during a relatively short period.[44] The import statistics submitted by Petitioners indicate that imports of stainless sheet and strip from the PRC have been massive in the three-month comparison period (February – April 2016) compared to the three-month base period (November 2015 – January 2016) with a 46.36 percent increase in volume.[45]

C. Analysis

The Department's normal practice in determining whether critical circumstances exist pursuant to the statutory criteria has been to examine evidence available to the Department, such as: (1) the evidence presented in Petitioners' critical circumstances allegation; (2) import statistics released by the ITC; and (3) shipment information submitted to the Department by the respondents selected for individual examination.[46]

As further provided below, in determining whether the above statutory criteria have been satisfied in this case, we have examined: (1) the evidence presented in Petitioners' allegation;

---

[40] *See* 19 CFR 351.206(i).
[41] *Id.*
[42] *See* Critical Circumstances Allegation.
[43] *Id*.
[44] *Id.*
[45] *Id.*
[46] *See, e.g., Carbon Steel Pipe from the PRC; see also SDGE from the PRC.*

(2) information obtained since the initiation of this investigation; and (3) the ITC's preliminary injury determination. For the reasons explained below, we preliminarily determine that critical circumstances exist for the separate rate companies and the PRC-wide entity.

***A History of Dumping and Material Injury*:**

In determining whether there is a history of dumping pursuant to section 733(e)(1)(A)(i) of the Act, the Department generally considers current or previous AD orders on subject merchandise from the country in question in the United States and current orders imposed by other countries with regard to imports of the same merchandise.[47] There have been no previous AD orders on stainless sheet and strip from the PRC in the United States, but there are six active AD orders in other countries on the same or similar stainless sheet and strip, according to the product description and/or HTS subheading, from the PRC.[48] As a result, the Department finds that there is a history of injurious dumping of stainless sheet and strip pursuant to section 733(e)(1)(A)(i) of the Act.

Because the ITC preliminarily found a reasonable indication that an industry in the United States is materially injured by imports of stainless sheet and strip from the PRC, the Department determines that importers knew or should have known that there was likely to be material injury by reason of sales of stainless sheet and strip at LTFV by the non-individually investigated companies that qualify for a separate rate and the PRC-wide entity.[49]

***Knowledge that Exporters Were Dumping*:**

Alternatively, under section 733(e)(1)(A)(ii) of the Act, the Department normally considers margins of 25 percent or more for export price (EP) sales and 15 percent or more for constructed export price (CEP) sales as sufficient to impute importer knowledge of sales at LTFV.[50] Because the PRC-wide entity (which, as explained below, includes the mandatory respondents and the non-individually investigated companies which we preliminarily determine do not qualify for a separate rate) failed to cooperate in this investigation, we are preliminarily assigning, as adverse facts available (AFA), a margin of 76.64 percent. (See Application of Facts Available and Adverse Inferences section, below.) With respect to the non-individually investigated companies that we preliminarily determine qualify for a separate rate, we have preliminarily assigned them a rate of 63.86 percent. (See Margins for the Separate Rate Companies, below.) Because the preliminary dumping margins exceed the threshold for imputing knowledge of dumping, these margins provide a basis for imputing knowledge to the importers of sales of subject merchandise at LTFV.

---

[47] *See, e.g., Carbon Steel Pipe from the PRC; see also SDGE from the PRC.*
[48] *See* Critical Circumstances Allegation.
[49] *See ITC Preliminary Determination.*
[50] *See, e.g., Steel Wire Rod; see also Magnesium Metal from the PRC.*

Massive Imports Over a Relatively Short Period:

Pursuant to 19 CFR 351.206(h), the Department will not consider imports to be massive unless imports during a relatively short period (comparison period) have increased by at least 15 percent over imports in an immediately preceding period of comparable duration (base period). The Department normally considers the comparison period to begin on the date that the proceeding began (*i.e.*, the date the petition was filed) and to end at least three months later. Furthermore, the Department may consider the comparison period to begin at an earlier time if it finds that importers, exporters, or foreign producers had a reason to believe that proceedings were likely before the petition was filed.

It is the Department's practice to base the critical circumstances analysis on all available data, using base and comparison periods of no less than three months.[51] Based on this practice, we examined the base period November 2015 through January 2016, and the corresponding comparison period February through April 2016, in order to determine whether imports of subject merchandise were massive. These base and comparison periods satisfy the Department's practice that the comparison period is at least three months.

For the non-selected respondents eligible for a separate rate, we relied upon the Global Trade Atlas trade data, to determine if imports in the post-petition period for the subject merchandise were massive.[52] These data demonstrate that there was an increase in imports of 44 percent, *i.e.*, an increase of more than 15 percent during a "relatively short period" of time, in accordance with 19 CFR 351.206(h) and (i). Therefore, we preliminarily find there to be massive imports for the non-selected respondents eligible for a separate rate pursuant to section 733(e)(1)(B) of the Act and 19 CFR 351.206(c)(2)(i).

Because, as explained below, the PRC-wide entity has been uncooperative, as AFA, we preliminarily find there to be massive imports for the PRC-wide entity, pursuant to section 733(e)(1)(B) of the Act and 19 CFR 351.206(c)(2)(i).

Therefore, based on the above analysis, we are making an affirmative preliminarily finding of critical circumstances for non-selected respondents eligible for a separate rate, and the PRC-wide entity.

VIII. DISCUSSION OF THE METHODOLOGY

A. Non-Market Economy Country

The Department considers the PRC to be an NME country.[53] In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by the administering authority. Therefore, we continue to treat the PRC as an NME country for purposes of this preliminary determination.

[51] *See, e.g., Shrimp from India*; *see also Television Receivers from the PRC.*
[52] *See* Critical Circumstances Memorandum.
[53] *See, e.g., Kitchen Shelving and Racks from the PRC.*

B. Separate Rates

In proceedings involving NME countries, the Department maintains a rebuttable presumption that all companies within the country are subject to government control and, therefore, should be assessed a single weighted-average dumping margin.[54] In the *Initiation Notice*, the Department notified parties of the application process by which exporters may obtain separate rate status in this investigation.[55] The process requires exporters to submit a SRA[56] and to demonstrate an absence of both *de jure* and *de facto* government control over their export activities.

The Department's policy is to assign all exporters of merchandise under consideration that are 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.[57] The Department analyzes whether each entity exporting the merchandise under consideration is sufficiently independent under a test established in *Sparklers*[58] and further developed in *Silicon Carbide*.[59] According to this separate rate test, the Department will assign a separate rate in NME proceedings if a respondent can demonstrate the absence of both *de jure* and *de facto* government control over its export activities. If, however, the Department determines that a company is wholly foreign-owned, then a separate rate analysis is not necessary to determine whether that company is independent from government control and eligible for a separate rate.

The Department continues to evaluate its practice with regard to the separate rates analysis in light of the diamond sawblades from the PRC AD proceeding, and its determinations therein.[60] In particular, in litigation involving the diamond sawblades from the PRC proceeding, the Court of International Trade found the Department’s existing separate rates analysis deficient in the circumstances of that case, in which a government-owned and controlled entity exercised control over the respondent exporter.[61] Following the Court’s reasoning, in recent proceedings, we have concluded that where a government entity holds a majority equity ownership, either directly or indirectly, in the respondent exporter, the majority ownership holding in and of itself means that the government exercises, or has the potential to exercise, control over the company’s operations generally.[62] This may include control over, for example, the selection of board members and

[54] *See, e.g., PET Film from the PRC*.
[55] *See Initiation Notice*.
[56] *See* Policy Bulletin 05.1.
[57] *See Sparklers*.
[58] *Id.*
[59] *See Silicon Carbide*.
[60] *See Advanced Technology I and Advanced Technology II; see also Diamond Sawblades from the PRC.*
[61] *See, e.g.*, *Advanced Technology I*, 885 F. Supp. 2d at 1349 (CIT 2012) (“The court remains concerned that Commerce has failed to consider important aspects of the problem and offered explanations that run counter to the evidence before it.”); *Id.*, at 1351 (“Further substantial evidence of record does not support the inference that SASAC's [state-owned assets supervision and administration commission] ‘management’ of its ‘state-owned assets’ is restricted to the kind of passive-investor de jure ‘separation’ that Commerce concludes.”) (footnotes omitted); *Id.*, at 1355 (“The point here is that ‘governmental control’ in the context of the separate rate test appears to be a fuzzy concept, at least to this court, since a ‘degree’ of it can obviously be traced from the controlling shareholder, to the board, to the general manager, and so on along the chain to ‘day-to-day decisions of export operations,’ including terms, financing, and inputs into finished product for export.”); *Id.*, at 1357 (“AT&M itself identifies its ‘controlling shareholder’ as CISRI {owned by SASAC} in its financial statements and the power to veto nomination does not equilibrate the power of control over nomination.”) (footnotes omitted).
[62] *See Steel Wire Rod from the PRC*.

management, a key factor in determining whether a company has sufficient independence in its export activities to merit a separate rate. Consistent with normal business practices, we would expect any majority shareholder, including a government, to have the ability to control, and an interest in controlling, the operations of the company including the selection of board members, management, and the profit distribution of the company.

As noted above, Taigang submitted its response to section A of the AD questionnaire in which it provided information pertaining to its eligibility for a separate rate;[63] four companies filed SRAs: Daming, Ridetaixing, Tiancheng, and ZPSS.[64] The Department issued a SRA supplemental questionnaire to and received response from Ridetaixing.[65] Also the Department issued a SRA supplemental questionnaire to, but did not receive a response from, Tiancheng.[66] The Department is preliminarily granting a separate rate to Ridetaixing and ZPSS.

1. *Separate Rate Analysis*

Ridetaixing is owned by two individual shareholders in China, and ZPSS is a joint venture between Chinese and foreign companies. Thus, the Department must analyze whether these applicants can demonstrate the absence of both *de jure* and *de facto* governmental control over export activities.

2. *Absence of De Jure Control*

The Department considers the following *de jure* criteria in determining whether an individual company may be granted a separate rate: (1) an absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) legislative enactments decentralizing control over export activities of the companies; and (3) other formal measures by the government decentralizing control over export activities of companies.[67]

The evidence provided by Ridetaixing and ZPSS supports a preliminary finding of an absence of *de jure* government control for each of these companies.[68]

3. *Absence of De Facto Control*

Typically, the Department considers four factors in evaluating whether a respondent is subject to *de facto* government control of its export functions: (1) whether the prices are set by, or are subject to the approval of, a government agency; (2) whether the respondent has authority to negotiate and sign contracts and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding the disposition of profits or financing of losses.[69] The Department has determined that

---

[63] *See* Taigang's Section A Response.
[64] *See* Daming's SRA, Ridetaixing's SRA, ZPSS' SRA, and Tiancheng's SRA.
[65] *See* SRA Supp. Qnaire. to Ridetaixing, and Ridetaixing's SRA Supp. Response.
[66] *See* SRA Supp. Qnaire. to Tiancheng.
[67] *See Sparklers*.
[68] *See* Ridetaixing's SRA at Exhibit 6 and ZPSS' SRA at Exhibits 5-6.
[69] *See Silicon Carbide*; *see also Furfuryl Alcohol from the PRC*.

an analysis of *de facto* control is critical in determining whether respondents are, in fact, subject to a degree of government control which would preclude the Department from assigning separate rates.

The evidence provided by Ridetaixing and ZPSS supports a preliminary finding of an absence of *de facto* government control, as these companies: (1) set their own prices independent of the government and without the approval of a government authority; (2) have the authority to negotiate and sign contracts and other agreements; (3) maintain autonomy from the government in making decisions regarding the selection of management; and (4) retain the proceeds of their respective export sales and make independent decisions regarding disposition of profits or financing of losses.[70]

Therefore, the evidence placed on the record of this investigation by Ridetaixing and ZPSS demonstrates an absence of *de jure* and *de facto* government control under the criteria identified in *Sparklers* and *Silicon Carbide*. Accordingly, the Department preliminarily grants a separate rate to the separate rate applicants Ridetaixing and ZPSS.

4. Companies Not Receiving a Separate Rate

The Department has preliminarily not granted a separate rate to Tiancheng, Daming, and Taigang. Tiancheng failed to respond to respond to our SRA supplemental questionnaire and, therefore, did not provide information requested for the Department to evaluate Tiancheng's eligibility for a separate rate.[71] Accordingly, Tiancheng has failed to demonstrate eligibility for a separate rate.

Daming failed to respond to our AD questionnaire.[72] Thus, while Daming submitted a separate rate application, it did not respond to our AD questionnaire and ceased participation as a mandatory respondent. Therefore, we are unable to verify the accuracy of the information it has submitted with respect to its separate rate application and are therefore not granting Daming a separate rate.

Taigang stated in its Section A Response that it was 63.49 percent owned by Taiyuan Iron and Steel (Group) Co., Ltd. (TISCO).[73] Taigang's response also indicates that TISCO's (and thus ultimately Taigang) "ultimate controlling party is the State-owned Assets Supervision and Administration Commission of the People's Government of Shanxi Province (Shanxi SASAC).[74] Information on the record shows that Taigang is 63.49 percent government-owned based on ultimate ownership through the Shanxi SASAC.[75] Consistent with normal business practices, we would expect any majority shareholder, including a government, to have the ability to control, and an interest in controlling, the operations of the company, including the selection of

[70] *See* Ridetaixing's SRA at 15 amd Exhibits 8-12; *see also* ZPSS' SRA at 15-18 and Exhibits 8-12 and 15.
[71] *See* SRA Supp. Qnaire. to Tiancheng. *See also* section 782(d) of the Act, pursuant to which, the Department may disregard the information Tiancheng submitted in its SRA because of Tiancheng's failure to provide the information requested in the supplemental SRA.
[72] *See* Daming's May 17, 2016 Letter.
[73] *See* Taigang's Section A Response.
[74] *Id.*, at Exhibit A-5.
[75] The Shanxi SASAC owns 100 percent of TISCO, which owns 63.49 percent of Taigang.

management. Thus, because, through TISCO, the government holds a majority share in Taigang, the Department preliminarily finds that the government has the ability to control, and an interest in controlling, the operations of the Taigang. Accordingly, we preliminarily find that Taigang is ineligible for a separate rate.

Furthermore, additional information on the record supports the Department's preliminary determination that Taigang has not demonstrated an absence of *de facto* government control and, thus, our decision to not grant Taigang a separate rate.[76] Record information demonstrates that through TISCO, the PRC government can exercise the rights inherent in majority ownership as would be expected. Specifically, the record shows that the Shanxi SASAC has the ability to appoint the directors of TISCO's board;[77] TISCO, in turn, has the ability to appoint all or most of the directors of Taigang's board.[78] Also, information placed on the record by Petitioners suggests that certain members of TISCO's board are also members of Taigang's board and that seven of TISCO's top managers held leadership positions in the Communist Party of the PRC.[79]

C. Margins for the Separate Rate Companies

Generally, the Department looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation for guidance when calculating the rate for separate rate respondents which we did not individually examine. Section 735(c)(5)(A) of the Act articulates a preference that we are not to calculate an all-others rate using rates which are zero, *de minimis* or based entirely on facts available. Accordingly, the Department's usual practice has been to average the weighted-average dumping margins for the individually-examined companies, excluding rates that are zero, *de minimis*, or based entirely on facts available.[80] Section 735(c)(5)(B) of the Act also provides that, where all rates determined for individually examined exporters or producers are zero, *de minimis*, or based entirely on facts available, we may use "any reasonable method" for assigning the all-others rate, including "averaging the estimated weighted-average dumping margins determined for the exporters and producers individually investigated."

In this investigation, both exporters selected for individual examination are preliminarily being found to be part of the PRC-wide entity, which is receiving an antidumping duty rate based on facts otherwise available with an adverse inference. Therefore, we are looking to section 73(c)(5)(B) of the Act for guidance and using "any reasonable method" to determine the rate for exporters that are not being individually examined and preliminarily found to be entitled to a separate rate. As such, we have assigned the simple average of the two petition rates (*i.e.*, 63.86 percent) to the separate rate applicants not individually examined.[81]

---

[76] *See* Preliminary Separate Rate Determination Memorandum.
[77] *See* Petitioners' Comments on Deficiencies in Taigang's Section A Response at 5 and Attachment 2.
[78] *See* Taigang's Section A Response at Exhibit A-6 (Article 78 of Taigang's Articles of Association).
[79] *Id.*, at 4 and Attachment 1.
[80] *See Ball Bearings from France, Germany, Italy, Japan, and the United Kingdom*.
[81] *See Initiation Notice*, (51.07 + 76.64) / 2 = 63.86; *see also, e.g., Sodium Nitrite from Germany*.

D. Combination Rates

Consistent with the *Initiation Notice*, the Department has determined combination rates for respondents that are eligible for a separate rate in this investigation. This practice is described in Policy Bulletin 05.1.

E. The PRC-wide Entity

As discussed above, Tiancheng, Daming, and Taigang each failed to establish entitlement to a separate rate. Because these companies have not demonstrated that they are eligible for separate rate status, the Department considers them part of the PRC-wide entity. Further, the record indicates that there are other PRC exporters and/or producers of the merchandise under consideration during the POI that did not demonstrate eligibility for a separate rate. Specifically, as indicated in the "Respondents Selection" section, above, the Department did not receive responses to its Q&V questionnaire from certain PRC exporters and/or producers of the merchandise under consideration that were named in the petition and received the Q&V questionnaires the Department issued.[82] Nor did the Department receive SRAs from companies other than those specified above in the Separate Rates section of this memorandum. Because there are PRC exporters and/or producers of subject merchandise that have not demonstrated that they are eligible for separate rate status, the Department finds that they have not rebutted the presumption of government control and, therefore, considers them to be part of the PRC-wide entity. Furthermore, as explained below, we preliminarily have determined the PRC-wide rate on the basis of AFA.

F. Application of Facts Available and Adverse Inferences

Section 776(a)(1) and (2) of the Act provides that, if necessary information is missing from the record, or if an interested party: (A) withholds information that has been requested by the Department, (B) fails to provide such information in a timely manner or in the form or manner requested, subject to subsections 782(c)(1) and (e) of the Act, (C) significantly impedes a proceeding under the statute, or (D) provides such information but the information cannot be verified, the Department shall, subject to subsection 782(d) of the Act, use facts otherwise available in reaching the applicable determination.

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

On June 29, 2015, the President of the United States signed into law the Trade Preferences Extension Act of 2015 (TPEA), which made numerous amendments to the antidumping and countervailing duty law, including amendments to section 776(b) and (c) of the Act and the

[82] *See* The Department's April 15, 2016 Memorandum.

addition of section 776(d) of the Act.[83] The amendments to section 776 of the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to this investigation.[84]

Section 776(b) of the Act provides that the Department may use an adverse inference in applying the facts otherwise available when a party fails to cooperate by not acting to the best of its ability to comply with a request for information. In doing so, and under the TPEA, the Department 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. 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 LTFV investigation, a previous administrative review, or other information placed on the record.

Section 776(c) of the Act provides that, when the Department relies on secondary information rather than on information obtained in the course of an investigation, it shall, to the extent practicable, corroborate that 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 or review, the final determination concerning the subject merchandise, or any previous review under section 751 of the Act concerning the subject merchandise.[85] The TPEA also makes clear that when selecting an AFA margin, the Department 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.

1. Use of Facts Available

The Department preliminarily finds that the PRC-wide entity, which includes certain PRC exporters and/or producers that did not respond to the Department's requests for information, withheld information requested by the Department and significantly impeded this proceeding by not submitting the requested information. Specifically, Daming did not respond to the AD Questionnaire issued by the Department and withdrew from participation in this investigation. Moreover, some 143 companies within the PRC-wide entity failed to respond to the Department's request for Q&V information.[86] Therefore the Department preliminarily determines that necessary information is not available on the record, and that the PRC-wide entity has withheld requested information, failed to provide information by the deadlines for submission, and significantly impeded this investigation. Accordingly, the Department finds the use of facts available is warranted in determining the rate of the PRC-wide entity, pursuant to sections 776(a)(1) and (a)(2)(A)-(C) of the Act.[87]

---

[83] *See* TPEA. The 2015 law does not specify dates of application for those amendments. On August 6, 2015, the Department published an interpretative rule, in which it announced the applicability dates for each amendment to the Act, except for amendments contained to section 771(7) of the Act, which relate to determinations of material injury by the ITC. *See TPEA Interpretative Rule*.

[84] *Id.*, 80 FR at 46794-95. The 2015 amendments may be found at https://www.congress.gov/bill/114th-congress/house-bill/1295/text/pl.

[85] *See* SAA, H.R.Rep. No. 103-316, at 870 (1994), as reprinted in 1994 U.S.C.C.A.N. 4040, 4199.

[86] *See* the Department's April 15, 2016 Memorandum.

[87] *See, e.g., Fish Fillets from the Vietnam*.

2. Application of Facts Available with an Adverse Inference

Section 776(b) of the Act provides that in selecting from among the facts otherwise available, the Department may use an inference that is adverse to the interests of a party if that party has failed to cooperate by not acting to the best of its ability to comply with a request for information. The Department finds that the PRC-wide entity's lack of participation (*i.e.*, Daming's failure to respond to the AD Questionnaire issued by the Department and withdrawal from participation in this investigation, and the failure of certain parts of the PRC-wide entity to submit Q&V information) constitutes circumstances under which it is reasonable to conclude that the PRC-wide entity failed to cooperate to the best of its ability to comply with the Department's request for information.[88] With respect to the missing information, no documents were filed indicating any difficulty providing the information, nor was there a request to allow the information to be submitted in an alternate form. Therefore, we preliminarily find that an adverse inference is warranted in selecting from among the facts otherwise available with respect to the PRC-wide entity in accordance with section 776(b) of the Act and 19 CFR 351.308(a).[89]

3. Selection of the AFA Rate

In applying an adverse inference, the Department may rely on information derived from the petition, the final determination in the investigation, any previous review, or any other information placed on the record.[90] In selecting an AFA rate, the Department 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.[91] In an investigation, the Department's practice with respect to the assignment of an AFA rate is to select the higher of (1) the highest dumping margin alleged in the petition or (2) the highest calculated dumping margin of any respondent in the investigation.[92] In this investigation, we did not calculate a company-specific margin and the highest petition rate is 76.64 percent. Therefore, we have preliminarily assigned the PRC-wide entity an AFA rate of 76.64 percent.

---

[88] *See Nippon Steel Corporation v. United States*, 337 F.3d 1373, 1383 (Fed. Cir. 2003) (noting that the Department need not show intentional conduct existed on the part of the respondent, but merely that a "failure to cooperate to the best of a respondent's ability" existed (*i.e.*, information was not provided "under circumstances in which it is reasonable to conclude that less than full cooperation has been shown.")).
[89] *See Nippon Steel Corp. v. United States*, 337 F.3d 1373, 1382-83 (Fed. Cir. 2003).
[90] *See* section 776(b) of the Act.
[91] *See* SAA at 870.
[92] *See, e.g., Uncoated Paper from Indonesia*.

4. Corroboration of the AFA Rate

When using facts otherwise available, section 776(c) of the Act provides that, where the Department relies on secondary information (such as 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 or review, the final determination concerning the subject merchandise, or any previous review under section 751 of the Act concerning the subject merchandise.[93] The SAA clarifies that "corroborate" means that the Department will satisfy itself that the secondary information to be used has probative value,[94] although under the TPEA, the Department is not required to corroborate any dumping margin applied in a separate segment of the same proceeding.[95] To corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information to be used, although under the TPEA, the Department 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.[96]

The AFA rate that the Department used is from the petition, as revised by the Department, and is thus secondary information subject to the corroboration requirement. Petitioners' methodology for calculating the EP and NV in the petition is discussed in the Initiation Checklist and the *Initiation Notice*.[97]

We determined that the petition margin of 76.64 percent is reliable where, to the extent appropriate information was available, we reviewed the adequacy and accuracy of the information in the petition during our pre-initiation analysis. For purposes of this preliminary determination we also find the 76.64 percent petition margin is reliable.[98]

We examined evidence supporting the calculations in the petition to determine the probative value of the margins alleged in the petition for use as AFA for purposes of this preliminary determination. During our pre-initiation analysis, we examined the key elements of the EP, based on a price quote from a Chinese stainless sheet and strip producer, and normal value (NV) calculations used in the petition to derive an estimated margin. During our pre-initiation analysis, we also examined information from various independent sources (to the extent that such information was reasonably available) provided either in the petition or, on our request, in the supplements to the petition that corroborates some of the key elements of the EP and NV calculations used in the petition to derive an estimated margin.[99]

[93] *See* SAA at 870.
[94] *Id.*; see also 19 CFR 351.308(d).
[95] *See* section 776(c)(2) of the Act; TPEA, section 502.
[96] *See*, *e.g.*, *Bearings from Japan*.
[97] *See* Initiation Checklist and *Initiation Notice*.
[98] *Id*.
[99] *Id*.

Based on our examination of the information, as discussed in detail in the Initiation Checklist, we consider Petitioners' EP and NV calculations to be reliable.[100] Because we obtained no other information that would make us question the validity of the sources of information or the validity of information supporting the U.S. price or NV calculations provided in the petition, based on our examination of the aforementioned information, we preliminarily consider the EP and NV calculations from the petition to be reliable. Because we confirmed the accuracy and validity of the information underlying the derivation of the margin in the petition by examining source documents and affidavits, as well as publicly available information, we preliminarily determine that this petition rate is reliable for the purposes of assigning an AFA rate as the PRC-wide rate in this investigation.

In making a determination as to the relevance aspect of corroboration, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render a margin not relevant. The petition rate is relevant because it is based on a price quote for the subject merchandise and surrogate values that are contemporaneous with the POI. In addition, no information has been placed on the record that discredits this margin. As such, we find the petition rate of 76.64 percent relevant to the PRC-wide entity. Furthermore, as there are no respondents in this investigation for which we are calculating a dumping margin, we relied upon the rates found in the petition, which is the only information regarding the stainless sheet and strip industry reasonably at the Department's disposal.

Accordingly, the Department has corroborated the AFA rate of 76.64 percent to the extent practicable within the meaning of section 776(c) of the Act.

IX. ADJUSTMENT UNDER SECTION 777A(F) OF THE ACT

In applying section 777A(f) of the Act, the Department examines (1) whether a countervailable subsidy (other than an export subsidy) has been provided with respect to a class or kind of merchandise, (2) whether such countervailable subsidy has been demonstrated to have reduced the average price of imports of the class or kind of merchandise during the relevant period, and (3) whether the Department can reasonably estimate the extent to which that countervailable subsidy, in combination with the use of NV determined pursuant to section 773(c) of the Act, has increased the weighted-average dumping margin for the class or kind of merchandise.[101] For a subsidy meeting these criteria, the statute requires the Department to reduce the AD by the estimated amount of the increase in the weighted-average dumping margin subject to a specified cap.[102]

Because there has been no demonstration that an adjustment for domestic subsidies is warranted, the Department is not making any such adjustment to the rates being assigned to the separate rate companies and the PRC-wide entity.

[100] *Id*.
[101] *See* section 777A(f)(1)(A)-(C) of the Act.
[102] *See* section 777A(f)(1)-(2) of the Act.

X. ADJUSTMENT TO CASH DEPOSIT RATE FOR EXPORT SUBSIDIES

Pursuant to section 772(c)(1)(C) of the Act, the Department makes adjustments for countervailable export subsidies. The Department is adjusting AD cash deposit rates of separate rate companies and the PRC-wide entity by the countervailing duty attributable to export subsidies.

While we recognize that certain programs in the companion CVD investigation were alleged to be export subsidies, as a result of non-cooperation by certain mandatory respondents, the Department's preliminary determination that the alleged programs were countervailable subsidies was based on facts available with adverse inferences. In relying on facts available with adverse inferences, the Department did not preliminarily determine that the subsidies in question were export subsidies. As such, the Department finds that, without a determination in the companion CVD investigation that a program is an export subsidy, it is not appropriate to make an offset to the cash deposit rates in this AD investigation pursuant to section 772(c)(1)(C) of the Act.[103]

However, in the companion CVD investigation, the Department found the Export Seller's Credit program to be an export-contingent program and preliminarily found the program to be countervailable.[104] Accordingly, we have offset the AD cash deposit rates for the preliminarily determined export subsidy rate, *i.e.*, 0.74 percent, which is reflected in the accompanying *Federal Register* notice.

XI. VERIFICATION

Section 782(i)(1) of the Act directs the Department to verify all information relied upon in making a final determination in an investigation. However, because we are preliminarily finding the mandatory respondents, Taigang and Daming, in this investigation to be part of the PRC-wide entity and we have preliminarily determined to apply AFA to the PRC-wide entity, the Department does not intend to conduct verification of any portion of the PRC-wide entity, in accordance with our standard practice.[105]

---

[103] *See Carbon Steel Pipe from Pakistan.*
[104] *See Stainless Sheet and Strip from the PRC CVD.*
[105] *See Melamine from the PRC.*

XII. CONCLUSION

We recommend applying the above methodology for this preliminary determination.

✓

____________ ____________

Agree Disagree

Christian Marsh
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

9/9/16

(Date)

Table of Authorities

A. Department Memoranda and Interested Party Submissions

Short Title	Full Title
Initiation Checklist	AD Investigation Initiation Checklist: Stainless Steel Sheet and Strip from the People's Republic of China (March 3, 2016)
Q&V Questionnaire	Letter to Interested Parties entitled "Antidumping Duty Investigation of Stainless Steel Sheet and Strip from the People's Republic of China: Quantity and Value Questionnaire." (March 10, 2016)
The Department's April 15, 2016 Memorandum	Memorandum to File entitled "Antidumping Duty Investigation of Stainless Steel Sheet and Strip from the People's Republic of China: FedEx Reports Regarding Quantity and Value Questionnaire." (April 15, 2016, filed on April 22, 2016)
Respondent Selection Memorandum	Memorandum to Deputy Assistant Secretary Christian Marsh entitled "Antidumping Duty Investigation of Stainless Steel Sheet and Strip from the People's Republic of China: Respondent Selection." (April 18, 2016) (Respondent Selection Memorandum)
Surrogate Country and Values	Memorandum to Director of Policy Carole Showers entitled "Antidumping Duty Investigation of Stainless Steel Sheet and Strip from the People's Republic of China: Request for Surrogate Countries." (April 18, 2016)
	Letter to All Interested Parties entitled "Antidumping Duty Investigation of Stainless Steel Sheet and Strip from the People's Republic of China: *Request for Economic Development, Surrogate Country and Surrogate Value Comments and Information*." (April 21, 2016)
AD Questionnaire	Letter to Shanxi Taigang Stainless Steel Co., Ltd. (April 19, 2016) Letter to Tianjin Taigang Daming Metal Product Co., Ltd. (April 19, 2016)
Double Remedy Questionnaire	Letter to Shanxi Taigang Stainless Steel Co., Ltd. (April 21, 2016) Letter to Tianjin Taigang Daming Metal Product Co., Ltd. (April 21, 2016)
Product Characteristics	Letter to All Interested Parties entitled "Antidumping Duty Investigation of Stainless Steel Sheet and Strip from the People's Republic of China: *Requesting Comments on Product Characteristics for Antidumping Duty Questionnaire*." (April 21, 2016)
	Letter to Shanxi Taigang Stainless Steel Co., Ltd. (May 19, 2016)
	Memorandum to File entitled "Antidumping Duty Investigation of Stainless Steel Sheet and Strip from the People's Republic of China: Product Characteristics." (May 19, 2016)
The Department's April 21, 2016 Letter to ZPSS	Letter to Zhangjiagang Pohang's Stainless Steel Co., Ltd. (April 21, 2016)

SRA Supp. Qnaire. To Ridetaixing	Letter to Taiyuan Ridetaixing Precision Stainless Steel Incorporated Co., Ltd. (August 11, 2016)
SRA Supp. Qnaire. to Tiancheng	Letter to Guanghan Tiancheng Stainless Steel Products Co. Ltd. (August 12, 2016)
Preliminary Scope Memorandum	Stainless Steel Sheet and Strip from the People's Republic of China: Preliminary Scope Memorandum (September 9, 2016)
Critical Circumstances Memorandum	Calculation of Increase of Imports Over a Relatively Short Period of Time: AD Investigation of Stainless Sheet and Strip from the PRC (September 9, 2016)
Preliminary Separate Rate Determination Memorandum	Antidumping Duty Investigation of Stainless Steel Sheet and Strip from the People's Republic of China: Preliminary Separate Rate Determination for Shanxi Taigang Stainless Steel Co., Ltd.
Petitioners' Submissions	
Petition	Stainless Steel Sheet and Strip from the People's Republic of China – Petitions for the Imposition of Antidumping Duties and Countervailing Duties (February 12, 2016)
Updated Exhibit GEN-5	Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners' Updated Address Information for Chinese Producers / Exporters of Stainless Steel Sheet and Strip (March 11, 2016)
Petitioners' Rebuttal Comments on Scope	Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners' Rebuttal Comments Concerning Ta Chen International's Request for Exclusion (April 4, 2016)
Petitioners' Request to Strike Scope Comments	Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners' Request to Strike Scope Comments of Crompion International LLC (April 5, 2016)
Petitioners' April 12, 2016 Letter	Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners' Request to Reject Zhangjiagang Pohang's Untimely Supplemental Q&V Response (April 12, 2016)
Petitioners' Comments on Product Characteristics	Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners' Comments on Product Characteristics for Antidumping Questionnaire (May 2, 2016)
Critical Circumstances Allegation	Antidumping and Countervailing Duty Investigations of Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners' Allegation of Critical Circumstances (May 6, 2016)
	Antidumping and Countervailing Duty Investigations of Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners' Supplement to Critical Circumstances Allegation (June 9, 2016)
Petitioners' May 25, 2016 Letter	Antidumping Investigation of Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners' Comments on Mandatory Respondent Selection Following Daming's Withdrawal (May 25, 2016)

Petitioners' Comments on Deficiencies in Taigang's Section A Response	Antidumping Investigation of Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners' Comments on Significant Deficiencies in Shanxi Taigang Stainless Steel Co., Ltd.'s Section A Questionnaire Response (May 25, 2016)
Petitioners' Comments on Deficiencies in Taigang's Section C and D Response	Antidumping Investigation of Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners' Comments on Deficiencies in Shanxi Taigang Stainless Steel Co., Ltd.'s and TISCO Trading U.S.A.'s Section C Questionnaire Response (July 25, 2016)
	Antidumping Investigation of Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners' Comments on Deficiencies in Shanxi Taigang Stainless Steel Co., Ltd.'s and TISCO Trading U.S.A.'s Section D Questionnaire Response (August 2, 2016)
Petitioners' Comments on Deficiencies in SRAs	Antidumping Investigation of Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners' Comments on Deficiencies in Zhangjiagang Pohang Stainless Steel Co., Ltd.'s Separate Rate Application (May 31, 2016)
	Antidumping Investigation of Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners' Comments on Deficiencies in Taiyuan Ridetaixing Stainless Steel Incorporated Co., Ltd.'s Separate Rate Application (July 5, 2016)
	Antidumping Investigation of Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners' Comments on Deficiencies in Tiancheng Stainless Steel Products Co., Ltd.'s Separate Rate Application (July 13, 2016)
Petitioners' Objections to Taigang's Exemptions Requests	Antidumping Investigation of Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners' Objection to Shanxi Taigang Stainless Steel Co., Ltd.'s Request for Exemption from Reporting Certain U.S. Sales (June 7, 2016)
	Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners' Objection to Shanxi Taigang Stainless Steel Co., Ltd.'s Request for Exemption from Reporting Certain Factors of Production (July 1, 2016)
Petitioners' Comments on Surrogate Country and Value	Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners' Comments on the Department's List of Potential Surrogate Countries (May 2, 2016)
	Antidumping Investigation of Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners' Comments on Surrogate Country Selection (July 27, 2016)
	Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners' Submission of Mexican Surrogate Value Information (August 3, 2016)

	Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners’ Submission of Thai Surrogate Value Information (August 3, 2016)
	Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners’ Surrogate Value Rebuttal Submission (August 8, 2016)
	Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners’ Submission of Additional Mexican Surrogate Values (August 10, 2016)
	Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners’ Submission of Additional Thai Surrogate Values (August 10, 2016)
Petitioners’ Pre-Preliminary Comments	Antidumping Investigation of Stainless Steel Sheet and Strip from the People's Republic of China – Petitioners' Pre-Preliminary Comments (August 29, 2016)
Taigang’s Submissions	
Taigang’s Q&V	*Quantity and Value Questionnaire Response of TISCO*: Stainless Steel Sheet and Strip from the People’s Republic of China (March 17, 2016)
Taigang’s Section A Response	*Taigang’s Response to Section A of the AD Questionnaire (Part 1 – Q&V and Separate Rate questions)*: Stainless Steel Sheet and Strip From People Republic of China (May 13, 2016)
	Taigang’s Response to Section A of the AD Questionnaire (Part 2 – Remaining questions): Stainless Steel Sheet and Strip From People Republic of China (May 17, 2016)
Taigang’s May 26, 2016 Letter	*TISCO USA’s Request to Exclude Certain Sales from Reporting Obligations*: Stainless Steel Sheet and Strip From People Republic of China (May 26, 2016)
Taigang’s June 23, 2016 Letter	*Taigang’s Request to Exclude Shanxi Taigang Stainless Steel Precision Strip Co., Ltd. from FOP Reporting Obligations*: Stainless Steel Sheet and Strip from People Republic of China (June 23, 2016)
Taigang’s Section C and D Responses	*Taigang’s Response to Section C of the AD Questionnaire*: Stainless Steel Sheet and Strip From People Republic of China (July 11, 2016)
	Taigang’s Section D Response: Stainless Steel Sheet and Strip From People Republic of China (July 20, 2016)
	Taigang’s Section D Roll-up Demonstration of FOPs: Stainless Steel Sheet and Strip From the People’s Republic of China (July 20, 2016, filed on July 21, 2016)

Taigang's Dbl Remedy Response	*Taigang's Double Remedy Questionnaire Response*: Stainless Steel Sheet and Strip From People Republic of China (July 29, 2016)
Taigang's Comments on Surrogate Country and Value	*Taigang's Comment on List of Countries determined to be at the same level of economic development as China*: Stainless Steel Sheet and Strip from China (May 2, 2016)
	Taigang *Comments on Surrogate Country Selection*: Stainless Steel Sheet and Strip from China (July 27, 2016)
	Taigang's Surrogate Value Comment: Stainless Steel Sheet and Strip From the People's Republic of China (August 3, 2016)
Daming's Submissions	
Daming's Q&V	*Quantity and Value Questionnaire Response of Daming*: Stainless Steel Sheet and Strip from the People's Republic of China (March 17, 2016)
Daming's SRA	*Separate Rate Application of Tianjin Taigang Daming Metal Product Co., Ltd.*: Stainless Steel Sheet and Strip From People Republic of China (April 18, 2016)
Daming's May 17, 2016 Letter	Notification of Daming's Non-Participation in AD-CVD Investigations as Mandatory Respondent: *Stainless Steel Sheet and Strip from China (A-507-042)(C-570-043)* (May 17, 2016)
SRA Applicants' Submissions	
Tiancheng's Q&V	Stainless Steel Sheet and Strip from the People's Republic of China: Response to the Department's Quantity and Value Questionnaire (March 17, 2016)
Tiancheng's SRA	Stainless Steel Sheet and Strip from the People's Republic of China: Tiancheng's Separate Rate Application (April 13, 2016)
Ridetaixing's and ZPSS' Q&Vs	Stainless Steel Sheet and Strip from the People's Republic of China: Quantity and Value Questionnaire Responses (March 17, 2016)
Ridetaixing's SRA	Stainless Steel Sheet and Strip from the People's Republic of China: Separate Rate Application (April 12, 2016)
ZPSS' SRA	Stainless Steel Sheet and Strip from the People's Republic of China: Separate Rate Application (April 12, 2016)
ZPSS' April 13, 2016 Letter	Stainless Steel Sheet and Strip from the People's Republic of China: Response to Petitioners' Request to Reject Zhangjiagang Pohang's Untimely Supplemental Q&V Response (April 13, 2016)

Ridetaixing's SRA Supp. Response	Stainless Steel Sheet and Strip from the People's Republic of China: Response to Supplemental Questionnaire (August 25, 2016)
Ta Chen International and Crompion International LLC Submissions	
TCI's Scope Comments	Stainless Steel Sheet And Strip from People's Republic Of China: Scope Comments (March 23, 2016)
Crompion's Scope Comments	Stainless Steel Sheet And Strip from People's Republic Of China: Scope Comments (April 5, 2016)
Shanghai STAL Precision Stainless Steel Co., Ltd. (STAL) Submission	
STAL's April 12, 2016 Letter	Stainless Steel Sheet and Strip from the People's Republic of China: Quantity & Value Questionnaire Response (April 12, 2016)

B. Statutes, Regulations, and Policies

Short Form Citation	Full Citation
The Act	Tariff Act of 1930, as amended
Policy Bulletin 05.1	Separate Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non-Market Economy Countries (April 5, 2005), at http://enforcement.trade.gov/policy/index.html.
SAA	Statement of Administrative Action accompanying the Uruguay Round Agreements Act, H.R. Doc. No. 103-316, vol. 1.
TPEA	Trade Preferences Extension Act of 2015, Pub. L. No. 114-27, *129 Stat. 362* (June 29, 2015)
TPEA Interpretative Rule	*Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015*, 80 FR 46793 (August 6, 2015).

C. Cases

Short Form Citation	Full Citation
Advanced Technology I and Advanced Technology II	Final Results of Redetermination pursuant to *Advanced Technology & Materials Co., Ltd., et al. v. United States*, 885 F. Supp. 2d 1343 (CIT 2012) (*Advanced Technology I*), and available at http://enforcement.trade.gov/remands/12-147.pdf, *aff'd Advanced Technology & Materials Co., Ltd., et al. v. United States*, 938 F. Supp. 2d 1342 (CIT 2013), *aff'd Advanced Technology & Materials Co., Ltd., et al. v. United States*, Case No. 2014-1154 (Fed. Cir. 2014) (*Advanced Technology II*).

D. Administrative Determinations

Short Title	Full Title and Citation
Initiation Notice	*Stainless Steel Sheet and Strip From the People's Republic of China: Initiation of Less Than Fair Value Investigation*, 81 FR 12711 (March 10, 2016)
Postponement Notice	*Stainless Steel Sheet and Strip From the People's Republic of China: Postponement of Preliminary Determination of Antidumping Duty Investigation*, 81 FR 44277 (July 7, 2016)
ITC Preliminary Determination	*Stainless Steel Sheet and Strip From China*, 81 FR 18887 (April 1, 2016)
Sparklers	*Final Determination of Sales at Less Than Fair Value: Sparklers From the People's Republic of China*, 56 FR 20588, 20589 (May 6, 1991)
Silicon Carbide	*Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide From the People's Republic of China*, 59 FR 22585 (May 2, 1994)
Carbon Steel Pipe from the PRC	*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)
SDGE from the PRC	*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)
Steel Wire Rod	*Carbon and Alloy Steel Wire Rod From Germany, Mexico, Moldova, Trinidad and Tobago, and Ukraine: Preliminary Determination of Critical Circumstances*, 67 FR 6224, 6225 (February 11, 2002), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Carbon and Certain Alloy Steel Wire Rod from Moldova*, 67 FR 55790 (August 30, 2002).
Steel Wire Rod from the PRC	*Carbon and Certain Alloy Steel Wire Rod From the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Preliminary Affirmative Determination of Critical Circumstances, in Part*, 79 FR 53169 (September 8, 2014), and accompanying Preliminary Decision Memorandum at 5-9.
Magnesium Metal from the PRC	*Affirmative Preliminary Determination of Critical Circumstances: Magnesium Metal from the People's Republic of China*, 70 FR 5606, 5607 (February 3, 2005), unchanged in *Final Determination of Sales at Less Than Fair Value and Affirmative Critical Circumstances: Magnesium Metal From the People's Republic of China*, 70 FR 9037 (February 24, 2005).

Shrimp from India	*Notice of Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Affirmative Preliminary Determination of Critical Circumstances: Certain Frozen and Canned Warmwater Shrimp from India*, 69 FR 47111, 47118-47119 (August 4, 2004), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value and Negative Determination of Critical Circumstances: Certain Frozen and Canned Warmwater Shrimp From India*, 69 FR 76916 (December 23, 2004)
Television Receivers from the PRC	*Notice of Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances: Certain Color Television Receivers From the People's Republic of China*, 69 FR 20594 (April 16, 2004), and accompanying Issues and Decision Memorandum at Comment 3.
Kitchen Shelving and Racks from the PRC	*Certain Kitchen Appliance Shelving and Racks From the People's Republic of China: Preliminary Results of the First Administrative Review, Preliminary Rescission, in Part, and Extension of Time Limits for the Final Results*, 76 FR 62765, 62767-68 (October 11, 2011), unchanged in *Certain Kitchen Appliance Shelving and Racks From the People's Republic of China: Final Results and Partial Rescission of First Antidumping Duty Administrative Review*, 77 FR 21734 (April 11, 2012).
PET Film from the PRC	*Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 73 FR 55039, 55040 (September 24, 2008).
Diamond Sawblades from the PRC	*Diamond Sawblades and Parts Thereof from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2011-2012*, 78 FR 77098 (December 20, 2013) and accompanying Preliminary Decision Memorandum at 7, unchanged in *Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2011-2012*, 79 FR 35723 (June 24, 2014), and accompanying Issues and Decision Memorandum at Comment 1.
Furfuryl Alcohol from the PRC	*Notice of Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol From the People's Republic of China*, 60 FR 22544, 22545 (May 8, 1995)
Ball Bearings from France, Germany, Italy, Japan, and the United Kingdom	*Ball Bearings and Parts Thereof From France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews and Rescission of Reviews in Part*, 73 FR 52823, 52824 (September 11, 2008), and accompanying Issues and Decision Memorandum at Comment 16.
Fish Fillets from the Vietnam	*Notice of Preliminary Determination of Sales at Less Than Fair Value, Affirmative Preliminary Determination of Critical Circumstances and Postponement of Final Determination: Certain Frozen Fish Fillets From the Socialist Republic of Vietnam*, 68 FR 4986, 4991 (January 31, 2003), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value and Affirmative Critical Circumstances: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam*, 68 FR 37116 (June 23, 2003).

Uncoated Paper From Indonesia	*Certain Uncoated Paper From Indonesia: Final Determination of Sales at Less Than Fair Value*, 81 FR 3101 (January 20, 2016)
Bearings from Japan	*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; 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).
Carbon Steel Pipe from Pakistan	*Circular Welded Carbon-Quality Steel Pipe from Pakistan: Affirmative Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination and Extension of Provisional Measures*, 81 FR 368367 (June 8, 2016), and accompanying decision memorandum at 13.
Stainless Sheet and Strip from the PRC CVD	*Countervailing Duty Investigation of Stainless Steel Sheet and Strip From the People's Republic of China: Preliminary Affirmative Determination and Alignment of Final Determination With Final Antidumping Duty Determination*, 81 FR 46643 (July 18, 2016), and accompanying Preliminary Decision Memorandum at 38.
Melamine from the PRC	*Melamine From the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value*, 80 FR 34891 (June 18, 2015), and accompanying Preliminary Decision Memorandum at 8.
Sodium Nitrite from Germany	*Notice of Preliminary Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany*, 73 FR 21909, 21912 (April 23, 2008), *unchanged in 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 Issues and Decision Memorandum at Comment 2.