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DATE: January 2, 2018

MEMORANDUM TO: Christian Marsh
Deputy Assistant Secretary
for Enforcement and Compliance

FROM: James Maeder
Senior Director
performing the duties of the Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: Issues and Decision Memorandum for the Antidumping Duty Administrative Review and Rescission of New Shipper Review: Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China; 2015-2016

Summary

We analyzed the case and rebuttal briefs of interested parties in the 2015-2016 administrative review of the antidumping duty (AD) order covering tapered roller bearings and parts thereof, finished and unfinished (TRBs), from the People's Republic of China (China). Based on these comments, we find that the sole mandatory respondent participating in the administrative review, Zhejiang Zhaofeng Mechanical and Electronic Co., Ltd. (Zhaofeng), is not eligible for a separate rate; therefore, we are treating this company as part of the China-wide entity. As a result, we have changed the rates assigned in the *Preliminary Results*[1] to those companies eligible for separate rates. Further, because no party filed comments in the new shipper review (NSR), we continue to find the sale to the United States made by Zhejiang Jingli Bearing Technology Co., Ltd. (Zhejiang Jingli) to be non-*bona fide*.

We recommend that you approve the positions described in the "Discussion of the Issues" section of this memorandum. Below is the complete list of the issues in this review for which we received comments from parties:

[1] *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Preliminary Results and Preliminary Rescission of New Shipper Review; 2015-2016*, 82 FR 31301 (July 6, 2017) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (Preliminary Decision Memorandum).

1. Zhaofeng's Unreported U.S. Sales
2. Other Issues for Zhaofeng
3. Rejection of Yantai CMC Bearing Co. Ltd./CMC Bearings Co. Ltd.'s (Yantai CMC's) Separate Rates Application (SRA)
4. Legal Authority to Assign a China-Wide Rate
5. Whether the China-Wide Rate is Under Review

Background

On July 6, 2017, the Department of Commerce (Commerce) published the *Preliminary Results* of the 2015-2016 administrative review and NSR of the AD duty order on TRBs from China. The administrative review initially covered six exporters,[2] of which Commerce selected two as mandatory respondents for individual examination (*i.e.*, Zhaofeng and Zhengda). The NSR covers subject merchandise produced and exported by Zhejiang Jingli. The period of review (POR) is June 1, 2015, through May 31, 2016.[3]

We invited parties to comment on the *Preliminary Results*. In August 2017, we received case briefs from The Timken Company (the petitioner), Zhaofeng, and Yantai CMC and rebuttal briefs from the petitioner and Zhaofeng. On September 7, 2017, Commerce placed entry documents from U.S. Customs and Border Protection (CBP) on the record, and provided parties with additional time to submit rebuttal factual information and provide rebuttal comments related to any issues associated with these documents.[4] In September 2017, we received rebuttal comments from Zhaofeng and the petitioner, as well as rebuttal factual information from the petitioner. In October 2017, Commerce postponed the final determination by 60 days, to January 2, 2018.[5]

After analyzing the comments received, we find that neither Zhaofeng nor Yantai CMC is eligible for a separate rate in this administrative review, and we continue to find that Zhejiang Jingli's sale is not *bona fide*.

Scope of the Order

Imports covered by the order are shipments of tapered roller bearings and parts thereof, finished and unfinished, from China; flange, take up cartridge, and hanger units incorporating tapered

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[2] These companies are: 1) GSP Automotive Group Wenzhou Co. Ltd.; 2) Hangzhou Yonggu Auto-Parts Co., Ltd.; 3) Yantai CMC; 4) Zhaofeng; 5) Zhejiang CTL Auto Parts Manufacturing Incorporated Co., Ltd. (CTL); and 6) Zhejiang Zhengda Bearing Co., Ltd. (Zhengda). Subsequently, Commerce found that three of these companies, Yantai CMC, Zhaofeng, and Zhengda, are not eligible for separate rates. For further discussion related to Yantai CMC and Zhaofeng, *see* Comments 1 and 3, below. For further discussion of Zhengda, *see* the Preliminary Decision Memorandum at 4 and 11.

[3] *See* 19 CFR 351.213(e)(1)(i) and 19 CFR 351.214(g)(1)(i).

[4] *See* Memorandum, "2015-2016 Administrative Review of the Antidumping Duty Order on Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Entry Documents Placed on the Record, Opportunity to Submit Rebuttal Factual Information, and Final Date for Rebuttal Brief," dated September 7, 2017 (CBP Entry Documents).

[5] *See* Memorandum, "Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Extension of Deadline for the Final Results of Antidumping Duty Administrative and New Shipper Review," dated October 16, 2017.

roller bearings; and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use. These products are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) item numbers 8482.20.00, 8482.91.00.50, 8482.99.15, 8482.99.45, 8483.20.40, 8483.20.80, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.80, 8708.70.6060, 8708.99.2300, 8708.99.4850, 8708.99.6890, 8708.99.8115, and 8708.99.8180. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

<u>Discussion of the Issues</u>

Comment 1: Zhaofeng's Unreported U.S. Sales

In the *Preliminary Results*, Commerce found that Zhaofeng failed to report certain sales of subject merchandise during the POR; these sales were reflected in a verification exhibit submitted by Zhaofeng and brought to Commerce's attention by the petitioner. Therefore, we based the preliminary dumping margin for those sales on adverse facts available (AFA), in accordance with sections 776(a)(1) and 776(a)(2)(A)-(D) of the Act.

In its case brief, Zhaofeng informed Commerce that, since the time of the preliminary results, it had obtained a copy of the U.S. Customs entry form (also known as a "7501" form) from its customer, and it claimed that this form demonstrated that none of the products at issue were subject TRBs. Although Zhaofeng offered to provide a copy of this form and the accompanying invoice, we elected instead to request these documents directly from CBP; we received the requested information from CBP and released it to parties on September 7, 2017.[6] At the same time, we also established a schedule for the submission of rebuttal factual information and rebuttal comments.[7]

Zhaofeng's Arguments

- Zhaofeng argues that it did not fail to report any sales of subject merchandise during the POR; according to Zhaofeng, the unreported invoice cited by the petitioner includes the sale only of non-subject merchandise (*i.e.*, wheel hub units with ball bearings and cartons), and Zhaofeng correctly classified this sale as non-subject in its verification documents,[8] as well as in its own books and records.[9] Zhaofeng claims that, as a result, Commerce has no basis to find that Zhaofeng failed to report the sale or to apply facts available.

- Zhaofeng contends that the CBP entry documents for the sale in question, placed on the record by Commerce,[10] clearly demonstrate that all of the products shipped under this invoice are non-subject wheel hub units with ball bearings and cartons. According to Zhaofeng,

[6] *See* CBP Entry Documents.
[7] *Id*.
[8] *See* Zhaofeng's Case Brief at 2 (*citing* Zhaofeng Verification Exhibit 9, at pages 71-72).
[9] *Id*. (*citing* Zhaofeng Verification Exhibit 9, at page 40).
[10] *See* CBP Entry Documents.

these entry documents, and Zhaofeng's revised worksheet,[11] show that Zhaofeng did not misreport any sales of subject merchandise during the POR.

- Zhaofeng maintains that, as Commerce's verification report confirms, the worksheet on which the contested invoice appears is not a financial record itself but rather a document prepared for verification purposes only. Zhaofeng asserts that its financial system does not automatically record and segregate subject merchandise from non-subject merchandise, nor does it identify the destination country. Thus, Zhaofeng states that, for verification purposes, it sorted through 16,000 POR sales and manually recorded individual model numbers; the model names listed on the worksheet for the invoice in question were simply incorrectly input by Zhaofeng during verification preparation.

- According to Zhaofeng, the incorrect model names do not appear in Zhaofeng's verified financial records, supporting its assertion that these names contain clerical errors.[12] Zhaofeng asserts that Commerce confirmed the accuracy and consistency of such financial records in its preliminary decision memorandum, by noting that Commerce found no other issues during verification.[13] Thus, Zhaofeng claims that the only valid conclusion is that it incorrectly registered in the worksheet all of the models at issue. Consequently, Zhaofeng contends that Commerce should not apply AFA to the invoice in question.

- Zhaofeng argues that, if Commerce disagrees, it still has no basis to make adverse inferences with respect to sales during other months of the POR, because: 1) Commerce noted no other discrepancies during verification; and 2) the petitioner alleged no other misreporting errors. Thus, Zhaofeng also contends that Commerce should also not apply AFA to any of Zhaofeng's other POR sales for the final results.

The Petitioner's Arguments

- The petitioner disagrees that Zhaofeng properly reported all U.S. sales. According to the petitioner, while the total sales value in Zhaofeng's September 12, 2017 Revised Worksheet matches that in the original document, there are other differences which cannot be explained away as merely a "clerical error." Specifically, the petitioner notes that, for the invoice in question, the revised worksheet shows almost three times the number of models, and more than double the total quantity, than is reflected on the worksheet accepted at verification. Similarly, the petitioner notes that there is no overlap in part numbers, and little, if any, overlap in sales quantities or prices on the two worksheets for this invoice. According to the petitioner, it is incomprehensible that any accountant could have started with the purportedly correct figures and somehow transformed them into the data provided at verification.

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[11] *See* Zhaofeng's September 12, 2017, letter to Commerce containing the same worksheet presented at verification, revised to "correctly record the product models listed on the entry documents … placed in the record by Commerce on September 7, 2017" (September 12, 2017 Revised Worksheet).

[12] *Id*. (citing Zhaofeng Verification Exhibit 9, at page 71 and Verification Exhibit 12 at pages 17 to 56. For example, Zhaofeng notes that some subject models listed on page 71 of Verification Exhibit 9 do not appear in the March 2016 finished goods inventory-in and out record in Verification Exhibit 12, implying that the worksheet contains other clerical errors beyond those identified by the petitioner).

[13] *See* Zhaofeng's Case Brief at 5 (*citing* Preliminary Decision Memorandum at 14).

- Indeed, the petitioner claims that the only logical conclusion that can be drawn from this fact pattern is that the worksheets were created at different times, with the first worksheet the correct one and the second intentionally created with false information in order to appear to align with Zhaofeng's financial records,[14] with an end goal of evading cash deposits of antidumping duties.[15] Therefore, the petitioner argues that Commerce should rely on the documents that it accepted at verification when making its final decision on this issue.[16]

- According to the petitioner, the above conclusion is also supported by the following additional facts: 1) the importer sells all of the TRB models shown in the original worksheet in the United States[17]; 2) certain of the models shown on the CBP entry documents do not appear in the September 12, 2017 Revised Worksheet[18]; and 3) certain of the documents accompanying the entry have a different format than those prepared by Zhaofeng in the ordinary course of business.[19]

- The petitioner contends that, even if Commerce disagrees with this conclusion, it must, at a minimum, find that the record lacks information necessary to determine which of the worksheets is correct. According to the petitioner, the plain language of the Act allows the use of facts available when "necessary information is not available on the record.[20] The petitioner maintains that it is respondents that bear the responsibility of creating an adequate record,[21] and, here, Zhaofeng has failed to do so.

- Finally, the petitioner argues that Commerce should use an adverse inference to remedy the omissions, given that Zhaofeng failed to act to the best of its ability in this review.[22] According to the petitioner, the inclusion in the record of a purportedly inaccurate worksheet, coupled with an apparent failure to review this document so as to catch any egregious errors,

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[14] *See* the petitioner's rebuttal brief, "Administrative Review in Tapered Roller Bearings and Parts Thereof, Finished or Unfinished from The People's Republic of China; - Petitioner's Rebuttal Brief Part 2," dated September 18, 2017 (Petitioner's 2nd Rebuttal Brief) at 5.
[15] *Id.* at 7.
[16] *Id*. at 7-8 (citing *Tianjin Mach. Import & Export Corp. v. United States*, 752 F.Supp.2d 1336, 1347 (CIT 2011), where the Court of International Trade (CIT) held that "a respondent can be assumed to make a rational decision to either respond or not respond to Commerce's questionnaires, based on which choice will result in the lower rate"). According to the petitioner, the alternate scenario is implausible at best because Zhaofeng's accountant had no rationale for creating the original worksheet, particularly in light of the fact that he was surely aware that U.S. exports of TRBs are subject to the AD order.
[17] *Id*. at 8 (citing the petitioner's submission of rebuttal factual information, "Administrative Review in Tapered Roller Bearings and Parts Thereof, Finished or Unfinished from the People's Republic of China; Petitioner's Rebuttal Factual Information," dated September 12, 2017 (Petitioner's Rebuttal NFI Submission)).
[18] *Id*. The petitioner notes that in the September 12, 2017 Revised Worksheet, Zhaofeng replaced the missing models with others that appear in its inventory records (and which were taken as part of the verification exhibits). *Id*. at 9.
[19] *Id*. at 9.
[20] *See Id*. at 10 (citing section 776(a)(1) of the Act and *NTN Bearing Corp. v. United States*, 368 F.3d 1369, 1376 (CAFC 2004)).
[21] *Id*. (*citing NSK Ltd. v. United States*, 346 F.Supp.2d 1312, 1333 (CIT 2004), *I Tianjin Mach. Imp. & Exp. Corp. v. United States*, 16 CIT 931, 936, 806 F.Supp. 1008, 1015 (1992)).
[22] *Id*. at 10-11 (*citing* 776(b) of the Act and *Nippon Steel Corp. v. United States*, 337 F.3d 1373, 1382 (CAFC 2003)).

can only be considered a failure by Zhaofeng to act to the best of its ability. Thus, the petitioner argues that Commerce should continue to rely on AFA for the unreported sales of subject merchandise for the entire POR.

Commerce Position:

After examining the information on the record of this review, we disagree with Zhaofeng that: 1) the CBP entry documents confirm its explanation; and 2) further action is unwarranted as a result. Rather, information contained on the commercial invoice accompanying these entry documents differs significantly from that provided by Zhaofeng in its original worksheet, and it also does not match certain information on the September 12, 2017 Revised Worksheet. We find that the extent and nature of these differences calls into question the integrity of Zhaofeng's responses. Because a reliable response is fundamental to a respondent's ability to support its separate rate claim, we find that Zhaofeng is not eligible for a separate rate in this administrative review. As a result, we consider Zhaofeng to be part of the China-wide entity.

In May 2017, prior to issuing the *Preliminary Results*, Commerce verified Zhaofeng's sales and factors of production information at Zhaofeng's offices in Zhejiang, China. At verification, we noted no omissions in the universe of Zhaofeng's U.S. sales reported to Commerce. However, after verification, the petitioner alleged that Zhaofeng failed to report a substantial volume of U.S. sales.[23] As support for this claim, the petitioner pointed to a document provided by Zhaofeng at verification[24] which shows shipments to the United States to a customer not included in the U.S. sales listing, and of model numbers categorized by Zhaofeng as subject merchandise. The petitioner requested that Commerce assign Zhaofeng a preliminary dumping margin based on total AFA, given the seriousness of the omission.[25]

In the *Preliminary Results*, we agreed with the petitioner that the transactions at issue appeared to be unreported U.S. sales of subject merchandise made during the POR, and because Zhaofeng had not reported the sales, and did not identify them for the verification team, we preliminarily agreed that the application of partial facts available was appropriate under sections 776(a)(1) and (2) of the Act was warranted.[26]

In its case brief, Zhaofeng acknowledged that these discrepancies existed; however, it maintained that it was the verification documents—not the reported sales data—which were inaccurate. Specifically, Zhaofeng claimed that: 1) its accountant made a series of clerical errors when entering invoice information into the worksheet presented at verification; and 2) if Commerce were to review the invoice for the sale in question, it would discover that the invoice was actually for non-subject merchandise.

[23] *See* Petitioner's Letter, "Administrative Review in Tapered Roller Bearings and Parts Thereof, Finished or Unfinished from the People's Republic of China; - Petitioner's Pre-Preliminary Determination Comments," dated May 30, 2017 (Petitioner's Pre-Prelim Comments), at 2-3.
[24] *See* Verification Report at Verification Exhibit 9 (at pages 71-72).
[25] *See* Petitioner's Pre-Prelim Comments, at 6-7.
[26] *See* Preliminary Decision Memorandum at 14-15.

Given Zhaofeng's assertion that the examination of this invoice would resolve the matter, we contacted CBP and obtained the documents submitted by Zhaofeng's customer when it imported the merchandise. However, upon review of these documents, we found significant differences between the CBP entry documents and the documentation provided at verification for this particular sale. Given the nature of these differences, we disagree that it is likely (or, indeed, even possible) that they resulted from a simple "clerical error," as Zhaofeng alleges. In particular, we observed that the invoice number, customer name, and total sales value were the same for each set of records, while the number of line items, all product codes, and most individual quantities did not match.[27] When the original worksheet and the CBP entry documents are placed side by side,[28] these differences are so stark that we find it impossible to believe that they resulted from an accountant's incorrect transference of data from one source to another.[29]

Zhaofeng failed to provide a plausible explanation for the discrepancies, and its insistence that Commerce accept the proffered one raises doubts about its entire sales response. Zhaofeng would have Commerce believe that: 1) Zhaofeng initially prepared a worksheet with fewer than half of the line items and almost half of the quantity shown on the invoice in the entry documents;[30] and 2) it is appropriate to alter that worksheet, under the guise of correcting a clerical error, to match the products shown on the entry invoice, even though some of those products do not appear in Zhaofeng's inventory withdrawal records for the month of March 2016 (*i.e.*, the month of the invoice at issue).[31] In light of the evidence on the record, we find that neither of these contentions is reasonable.

A more reasonable conclusion is that Zhaofeng deliberately misled Commerce in its case brief.[32] We find that Zhaofeng's misrepresentations here call into question Commerce's observations at verification, so much so that it renders Zhaofeng's entire response suspect. Indeed, we no longer have confidence that Zhaofeng provided accurate books and records with which to support its reported data, given that, at a minimum, some of the documents produced were patently false. Because accurate and truthful recordkeeping is fundamental to a respondent's ability to support its separate rate claim, we find that Zhaofeng is not eligible for a separate rate in this administrative review.[33]

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[27] Specifically, the entry documents contained close to two and a half times the number of line items and almost double the number of pieces. Because the specific differences are not available on the public record, we are unable to disclose them here. For further discussion, s*ee* Final Analysis Memorandum.
[28] S*ee* Petitioner's 2nd Rebuttal Brief at 6 for a summary.
[29] Further, certain of the products shown on the invoice accompanying the entry are not shown in Zhaofeng's inventory withdrawal records.
[30] This invoice is hereinafter referred to as the "entry invoice."
[31] *See* Verification Report at Verification Exhibit 12 and Petitioner's 2nd Rebuttal Brief at 9.
[32] This conclusion is bolstered by the fact that Zhaofeng's customer sells models identical to those shown on Zhaofeng's original worksheet in the United States. *See* Petitioner's September 12, 2017, Rebuttal Factual Information at Attachment 1. Additionally, as stated in the *Preliminary Results*, we have referred this issue to Customs and Border Protection for investigation for potential misreporting at the border.
[33] In non-market economy (NME) countries, Commerce uses a respondent's books and records to support its claimed independence; thus, these books and records are tied to the documentation regarding separate rate eligibility. As noted above, we have no confidence that Zhaofeng's accounting records reviewed at verification are reliable, given that information from CBP received after verification calls these records into question.

Commerce considers China to be an NME country.[34] 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 Commerce. Therefore, we continue to treat China as an NME country for purposes of this final determination. Pursuant to our practice, in NME cases involving China, Commerce starts with a rebuttable presumption that all companies within the NME country are subject to government control and, therefore, should be assigned a single antidumping duty rate. Typically, Commerce considers four factors in evaluating whether a respondent is subject to *de facto* governmental control of its export functions. These factors are: (1) whether the respondent's export prices are set by or are subject to the approval of a governmental 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 disposition of profits or financing of losses.[35]

With respect to *de facto* government control, Commerce examined the relevance of the books and records to the separate rate issue with respect to the statements made by Zhaofeng that support a *de facto* determination. In examining this question, we find a critical nexus between certain of the criteria noted above and the company's books and records. In cases in which Commerce finds that the company's books and records are unreliable, the submitted responses which rely on the books and records for support cannot be accepted as accurate factual statements.[36]

In its initial questionnaire response, Zhaofeng stated the following:

> Zhaofeng calculates its export profits as follows: Export Sales Profit = Export Sales Revenue – Production Costs – Operating Expenditures.[37]

In order to examine this criterion at verification, Commerce informed Zhaofeng that it would perform the following procedure:

> Review the process by which Zhaofeng deals with convertible currency from export sales. Document the disposition of the foreign currency earned from

[34] *See Antidumping Duty Investigation of Certain Aluminum Foil from the People's Republic of China: Affirmative Preliminary Determination of Sales at Less-Than-Fair Value and Postponement of Final Determination*, 82 FR 50858, 50861 (November 2, 2017) and accompanying decision memorandum, China's Status as a Non-Market Economy.
[35] *See Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585, 22586-89 (May 2, 1994); *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); and *Preliminary Results*, and accompanying Preliminary Decision Memorandum at 8-10.
[36] *See e.g., Hydrofluorocarbon Blends and Components Thereof from the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances*, 81 FR 42314 (June 29, 2016) (*HFCs from China*) and accompanying Issues and Decision Memorandum (IDM) at Comment 14.
[37] *See* Zhaofeng November 17, 2016 Initial Section A Response at 5-7.

sales. Specify and document the percentage of convertible currency kept with respect to the POR.[38]

This procedure entails examining information in Zhaofeng's accounting system, including cash-in-bank accounts, accounts receivables, and sales accounts. Further, in order to tie this information to Zhaofeng's response, it is necessary to rely on information by Zhaofeng in its sales reconciliation package, to reconcile its sales accounts to the reported sales during the POR.[39] However, as noted above, Commerce was unable to establish that the information provided in Zhaofeng's sales reconciliation exhibit is accurate, in light of the information obtained from CBP pertaining to the discrepant sales invoice. Without reliable information on these essential elements of sales values, quantities, and profit, Commerce is unable to verify that Zhaofeng retained all the proceeds of its export sales; and, without being able to verify that, we cannot conclude that it made independent decisions regarding the disposition of its profits, as required by the *de facto* criterion.

Indeed, under Commerce's *de facto* separate rates analysis, <u>all</u> of the *de facto* criteria can be, in some way or another, supported (or refuted) by data recorded in the company's accounting system. For example, the setting of export prices criterion is supported by actual prices reflected in the accounting system; the selection of management criterion is supported by salary payments recorded in the accounting system to specific individuals, and so on. In other words, the accounting system is a cornerstone of Commerce's *de facto* separate rates analysis, and a company must satisfy all of the criteria in order to demonstrate eligibility for a separate rate.[40]

The separate rates analysis requires that the respondent provide evidence to rebut Commerce's presumption of NME control over all exporters. Where a respondent is unable to overcome that presumption, Commerce will treat that respondent as part of the China-wide entity. Here, Zhaofeng provided certain documents it claims establish *de jure* separation from the government. Nonetheless, Zhaofeng's responses related to its export sales process and its disposition of export

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[38] *See* Letter to Zhaofeng, "2015-2016 Administrative Review of the Antidumping Duty Order of Tapered Rollers Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Verification Agenda," dated April 28, 2017, at 9.

[39] *See* Verification Report at Verification Exhibit 9.

[40] *See Preliminary Results*, and accompanying Preliminary Decision Memorandum at 8-11, finding that the companies which we granted a separate rate in this review met all of the *de jure* and *de facto* criteria and, as a result, Commerce granted them a separate rate. *See also*, *e.g., Freshwater Crawfish Tail Meat from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and New Shipper Reviews; 2013-2014*, 80 FR 60624 (October 7, 2015), and accompanying Preliminary Decision Memorandum at 7, unchanged in *Freshwater Crawfish Tail Meat from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and New Shipper Reviews; 2013-2014*, 81 FR 21840 (April 13, 2016); *Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2013-2014*, 80 FR 61166 (October 9, 2015), and accompanying Preliminary Decision Memorandum at 12-13, unchanged in *Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013-2014,* 81 FR 23272 (April 20, 2016); and *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2013-2014*, 80 FR 80476 (December 28, 2015), unchanged in *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2013-2014*, 81 FR 39905 (June 20, 2016).

proceeds directly implicate its accounting system and the records it presented at verification to reconcile its reported sales to its general ledger. Therefore, Commerce cannot conclude through verifiable evidence that Zhaofeng set all of its prices independent of government control or retained all of its revenue, despite its statements on the record with respect to these factors.

Finally, we did not address Zhaofeng's arguments related to AFA, because, in light of our determination not to apply a separate rate to Zhaofeng, they are moot. Rather than apply AFA in this case (in part, or in full), Commerce has found that Zhaofeng does not qualify for a separate rate. For example, in *Advanced Technology II*, the CIT stated:

> Commerce did not apply adverse facts available to {respondent} AT&M, Commerce rather found that AT&M had not rebutted the presumption of state control and assigned it the PRC-wide rate. These are two distinct legal concepts: a separate AFA rate applies to a respondent who has received a separate rate but has otherwise failed to cooperate to the best of its ability whereas the PRC-wide rate applies to a respondent who has not received a separate rate. [41]

As in that case, here, Commerce is not applying AFA to Zhaofeng individually, but rather has found that Zhaofeng has failed to rebut the presumption of government control under the *de facto* criteria in light of the unreliability of its books and records. As a result, we find that Zhaofeng is a part of the China-wide entity and it will receive the rate applied to the China-wide entity.

Comment 2: Other Issues for Zhaofeng

Zhaofeng and the petitioner provide arguments and rebuttal arguments regarding the appropriate surrogate values for certain steel parts; whether Zhaofeng should receive a by-product offset for the steel scrap it sold during the POR; and certain alleged issues with Zhaofeng's reported material inputs.

<u>Commerce Position</u>:

Because Zhaofeng is not eligible for a separate rate in this administrative review, any issues relating to Zhaofeng's reported inputs and scrap are moot. Therefore, we have not addressed these issues for purposes of the final results.

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[41] *See Advanced Technology & Materials Co., Ltd., et al. v. United States*, 885 F. Supp. 2d 1343, 1351 (CIT 2012), (citing *Watanabe Group* Slip-Op 10-139 at 8, "Commerce's permissible determination that {a respondent} is part of the PRC-wide entity means that inquiring into {that respondent}'s separate sales behavior ceases to be meaningful." and *Jiangsu Changbao v. United States*, 884 F.Supp.2d. 1295, 1312, n.21 (CIT 2012), "losing all entitlement to an individualized inquiry appears to be a necessary consequence of the way in which Commerce applies the presumption of government control… applying a countrywide AFA rate without individualized findings of failure to cooperate is no different from applying such a countrywide AFA rate without individualized corroboration."); affirmed in *Advanced Technology & Materials Co., Ltd., et al. v. United States*, 938 F. Supp. 2d 1342 (CIT 2013), aff'd Case No. 2014-1154 (CAFC 2014).

Comment 3: Rejection of Yantai CMC's SRA

The deadline for the submission of an SRA in this administrative review was September 12, 2016.[42] Yantai CMC missed this deadline, and instead filed its SRA eight months later, in May 2017[43]; because this submission was untimely, we rejected it.[44] In the *Preliminary Results*, Commerce found that Yantai CMC was not eligible for a separate rate because it failed to submit a timely SRA.[45]

Yantai CMC's Arguments

- Yantai argues that Commerce should accept its SRA in this administrative review. Yantai CMC acknowledges that the SRA was untimely; however, it contends that, at the time that it filed the SRA, sufficient time remained in the review for Commerce to consider it.

- In particular, Yantai CMC notes that its SRA was submitted prior to the extended due date for the *Preliminary Results* and around the same time that Commerce issued supplemental questionnaires to other respondents,[46] including a supplemental SRA questionnaire to the separate rate respondent CTL. Yantai CMC notes that Commerce considered these responses in the *Preliminary Results*.

- Yantai CMC points out that it was not selected as a mandatory respondent in this review. Therefore, it argues that, given the above facts, Commerce has not established how the consideration of its SRA impeded the review process.

The Petitioner's Arguments

- The petitioner notes that the deadline for Yantai CMC's SRA September 10, 2016, [47] and, because Yantai CMC failed to submit an SRA by that date, its subsequent submission was untimely.

- The petitioner maintains that it would be improper to accept Yantai CMC's late SRA application now, because doing so would allow Yantai CMC to manipulate the dumping process. According to the petitioner, Commerce declined to select Yantai CMC as a mandatory respondent in this review on the grounds that: 1) Yantai CMC had not rebutted the presumption of state control, and, thus, is part of the China-wide entity; and 2) the China-

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[42] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 81 FR 53121, 53122 (August 11, 2016) (*Initiation Notice*).
[43] *See* Yantai CMC's SRA, dated May 12, 2017.
[44] *See* Letter to Yantai CMC, "Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China," dated May 17, 2017.
[45] *See Preliminary Results*, 82 FR at 31302.
[46] *See* Yantai CMC's Case Brief at 3 (referencing a supplemental questionnaire issued to SRA respondent CTL, the response to which was received on May 19, 2017).
[47] *See Initiation Notice*, 81 FR at 53122.

wide entity is not subject to change in this review.[48] Thus, the petitioner claims that accepting Yantai CMC's late SRA would permit Yantai CMC to remove itself from scrutiny.

- The petitioner finds it irrelevant that Commerce requested supplemental information from another respondent around the time that Yantai CMC filed its SRA. The petitioner notes that Commerce's proceedings have strict deadlines, and it contends that Commerce must be allowed to enforce them. The petitioner contends that, because Commerce's rejection of Yantai CMC's untimely filed SRA was consistent with its practice and judicial precedent,[49] Commerce should continue to deny Yantai CMC a separate rate in its final results.

<u>Commerce Position</u>:

We continue to find that Yantai CMC's SRA was untimely filed, and, as a result, we are not reconsidering our decision to remove that submission from the record, in accordance with 19 CFR 351.302(d). In the *Initiation Notice*, we notified interested parties of the requirements necessary to obtain separate rate status, stating:

> Entities that currently do not have a separate rate from a completed segment of the proceeding should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name, should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Status Application will be available on the Department's Web site at http://enforcement.trade.gov/nme/nme-sep-rate.html on the date of publication of this *Federal Register* notice. In responding to the Separate Rate Status Application, refer to the instructions contained in the application. <u>Separate Rate Status Applications are due to the Department no later than 30 calendar days of publication of this *Federal Register* notice</u>. The deadline and requirement for submitting a Separate Rate Status Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.[50]

It is clear from the above language that Commerce required timely-filed SRAs prior to considering a company's separate rate claim. Further, because Yantai CMC has participated in numerous prior segments of this proceeding, Yantai CMC had ample notice of the need to provide a SRA and the importance of meeting the deadline for that submission. Despite this fact,

[48] *See* Petitioner's Case Brief at 7 (citing Memorandum, "Selection of Respondents for Individual Review," dated September 27, 2016 (Respondent Selection Memorandum), at 3-4).
[49] *See* Petitioner's Case Brief at 8 (citing *Uniroyal Marine Exps. Ltd. v. United States*, 33 CIT 803, 808-809, 626 F. Supp. 2d 1312, 1316 (2009); *Tianjin Mach. Imp. & Exp. Corp. v. United States*, 28 CIT 1635, 1644, 353 F. Supp. 2d 1294, 1304 (2004), affirmed, 146 Fed. Appx. 493 (Fed. Cir. 2005). *See also NTN Bearing Corp. v. United States*, 74 F.3d 1204, 1207 (Fed. Cir. 1995)).
[50] *See Initiation Notice*, 81 FR at 53122 (footnotes omitted and emphasis added).

Yantai CMC did not request that Commerce extend this deadline, but instead simply submitted its SRA late. Thus, we rejected Yantai CMC's untimely-filed SRA and removed it from the record, consistent with Commerce's practice in other recent cases with similar facts.[51]

Yantai CMC's SRA was untimely filed pursuant to the deadlines specified by Commerce as well as 19 CFR 351.301 of Commerce's regulations, which specifies a timeline for the submission of questionnaire responses. The United States Court of International Trade (CIT) and U.S. Court of Appeals for the Federal Circuit (CAFC) have held that Commerce has the discretion to set and enforce deadlines.[52] Commerce's regulations also require parties to timely request an extension under 19 CFR 351.302, and that untimely extension requests will only be considered in the event of an extraordinary circumstance as defined under 19 CFR 351.302(c)(2). As explained in the *Initiation Notice*, Commerce would have considered any extension request, if it had been timely filed by Yantai CMC, or untimely filed due to extraordinary circumstances.[53] Yantai CMC failed to request an extension at all, despite being aware of SRA's existence well before the deadline to respond, as noted above.

Similarly, we disagree with Yantai CMC that its failure to submit a timely SRA did not impede the proceeding. In its respondent selection analysis, Commerce considered only companies that claimed eligibility for a separate rate. Yantai CMC's failure to make a timely claim resulted in Commerce's inability to consider it as a potential respondent in this case, a fact which is even more salient given Yantai CMC's significant export volume. Further, the courts have upheld Commerce's requirement that respondents establish eligibility for separate rates prior to respondent selection. For example, in parallel circumstances, the Court in *Jiangsu Jiansheng* stated:

> {A}s Commerce explained, the agency unambiguously and consistently requires respondents to properly and timely file Q&V responses as a precondition for separate-rate eligibility, because doing so prevents respondents from circumventing the mandatory respondent selection process and benefitting from the all-others separate rate without the risk or burden of individual investigation. Because Commerce has broad discretion to set the procedures it needs in order to adequately perform and enforce its regulatory role, and because the agency's basis for this particular procedure is reasonable, Commerce's policy of requiring timely Q&V responses as a precondition of separate-rate eligibility is not a prima facie abuse of the agency's discretion.[54]

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[51] *See, e.g., HFCs from China* and accompanying IDM at Comment 10 (*HFCs from China*); *Drawn Stainless Steel Sinks From the People's Republic of China: Investigation, Final Determination*, 78 FR 13019 (February 26, 2013), and accompanying IDM at Comment 14; and *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Final Determination of Sales at Less Than Fair Value, and Affirmative Final Determination of Critical Circumstances, in Part*, 77 FR 63791 (October 17, 2012) and accompanying IDM at Comment 45.

[52] *See, e.g., Grobest & I-Mei Indus. (Vietnam) v. United States*, 815 F. Supp. 2d 1342, 1365 (CIT 2012); *see also Dongtai Peak v. United States*, 777 F. Supp. 2d 1343, 1353 (CAFC 2015).

[53] *See Initiation Notice*, 81 FR at 53124.

[54] *See Jiangsu Jiansheng Photovoltaic Tech. Co., Ltd. v. United States*, 28 F. Supp.3d 1317, 1328-29 (CIT 2014) (*Jiangsu Jiansheng*). *See also Uniroyal Marine Exps. Ltd. v. United States* 626 F. Supp. 2d 1312, 1316 (CIT 2009) ("Moreover, this Court has consistently sustained determinations by Commerce rejecting new factual information

Therefore, we continued to treat Yantai CMC as part of the China-wide entity for purposes of the final results because of its failure to submit an SRA by the established deadline, which rendered its SRA untimely for the consideration of its separate rate status.

Comment 4: Legal Authority to Assign a China-Wide Rate

Yantai CMC's Arguments

- Yantai CMC disagrees that Commerce has the authority to assign it the China-wide rate, arguing that the Act has no provision permitting the establishment of such a rate. According to Yantai CMC, section 777A(c)(1) of the Act directs Commerce to "determine the individual weighted average dumping margin for each known exporter and producer of the subject merchandise," unless there are too many for review (in which case, the Act permits Commerce to establish an "all others" rate).[55] Yantai CMC maintains that the Act provides no exception for exporters or producers controlled by the government of a non-market economy (NME).

- Yantai CMC notes that, while the Act provides for a country-wide rate in countervailing duty (CVD) cases,[56] it contains no parallel provision in AD duty ones. Yantai CMC argues that this omission must be the result of an intentional decision by Congress, and, as such, Commerce's separate rate practice is contrary to U.S. law.

The Petitioner's Arguments

- The petitioner disagrees, noting that the Act does not specify how Commerce should calculate the rate applicable to NME entities. According to the petitioner, while section 735(c)(1)(B)(i) does indeed direct Commerce to determine dumping margins both for individually-investigated companies and "all others," it does not prohibit Commerce from calculating other rates necessary to deal with particular factual situations (such as those pertaining to NMEs). The petitioner maintains that the Courts have left the establishment of such rates to the reasonable discretion of Commerce, as the agency applying the statute.[57]

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submitted after the applicable deadline"); *Tianjin Mach. Imp. & Exp. Corp. v. United States*, 353 F. Supp. 2d 1294, 1304 (CIT 2004) ("Agencies generally enjoy broad discretion in fashioning rules of administrative procedure, including the authority to establish and enforce time limits on the submission of data by interested parties"), *aff'd*, 146 Fed. Appx. 493 (CAFC 2005); *NTN Bearing Corp. v. United States*, 74 F.3d 1204, 1207 (CAFC 1995) ("Inasmuch as Congress has not specified the procedures {Commerce} must use to obtain information, it is within the discretion of {the agency}"); and *Diamond Sawblades Manufacturers Coalition v. United States*, No. 16-1253, Slip Op. at 11 (CAFC August 8, 2017), quoting *Sigma Corp. v. United States*, 117 F.3d 1401, 1405 (CAFC 1997) ("Commerce 'has broad authority to interpret the antidumping statute and devise procedures to carry out the statutory mandate.'").

[55] *See* Yantai CMC's Case Brief at 5 (citing section 735(c)(1)(B)(i) of the Act).

[56] *Id*. (citing section 705(c)(1)(B)(i) of the Act).

[57] *See* Petitioner's Case Brief at 9 (citing *Diamond Sawblades Manufacturers Coalition v. United States*, No. 16-1253, Slip Op. at 11 (CAFC, August 8, 2017) (*Diamond Sawblades*), quoting *Sigma Corp. v. United States*, 117 F.3d 1401, 1405 (CAFC, 1997) (*Sigma*) and *Sigma*, where the CAFC upheld "Commerce's decision to assign certain manufacturers a single country-wide rate for their antidumping duty rates" because, as China is an NME

- The petitioner notes that Commerce's regulations at 19 CFR 351.107(d) give it explicit authority to compute a country-wide rate in AD proceedings.[58] According to the petitioner, this regulation has passed muster at the CAFC, which has held that it "establishes a default country-wide rate for all NME exporters and producers" and codifies Commerce's long-standing practice "to apply a country-wide rate to all exporters doing business in China unless the exporter (not the manufacturer) establishes *de jure* and *de facto* independence from state control."[59]

- For the above reasons, the petitioner contends that Commerce should continue to find that Yantai CMC is part of the China-wide entity and assign it the China-wide rate of 92.84 percent for the final results.

<u>Commerce Position</u>:

We disagree with Yantai CMC's contention that Commerce has no authority to issue a separate rate for the NME-wide entity. Rather, Commerce's NME practice, including its assignment of a specific rate to all NME exporters that do not establish their eligibility for a separate rate is well-established,[60] and has been upheld by the courts.[61]

Commerce considers China to be a non-market economy country under section 771(18) of the Act. In antidumping proceedings involving NME countries, such as China, Commerce has a rebuttable presumption that the export activities of all firms within the country are subject to government control and influence. Therefore, in China cases, Commerce uses a rate established for the China-wide entity, which it applies to all imports from an exporter that has not established its eligibility for a separate rate. Section 351.107(d) of Commerce's regulations, provides that "in an antidumping proceeding involving imports from a nonmarket economy country, 'rates' may consist of a single dumping margin applicable to all exporters and producers." [62]

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country, "all commercial entities in the country are presumed to export under the control of the state, and … no manufacturer would receive a separate antidumping duty rate unless it could demonstrate that it enjoyed both *de jure* and *de facto* independence from the central government.").

[58] *Id*. at 9 (citing 19 CFR 351.107(d), which states that, "{i}n an antidumping proceeding involving imports from a nonmarket economy country, 'rates' may consist of a single dumping margin applicable to all exporters and producers.").

[59] *Id*. at 10 (*citing Michael Stores, Inc. v. United States*, 766 F.3d 1388, 1392 (CAFC 2014), citing *Transcom, Inc. v. United States*, 294 F.3d 1371, 1373 (CAFC 2002) and *Sigma*, 117 F.3d at 1405-06).

[60] *See, e.g.*, *Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012-2013*, 80 FR 20197 (April 15, 2015) (*OTR Tires*), and accompanying IDM at Comment 1; *see also Galvanized Steel Wire from the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 77 FR 17430 (March 26, 2012) and accompanying IDM at 8.

[61] *See Sigma*, 117 F.3d at 1405-06.

[62] *See 1,1,1,2-Tetrafluroethane from the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 79 FR 62597 (October 20, 2014) (*Tetra from China*) and accompanying IDM at Comment 1 (explaining Commerce's practice with respect to separate rates as upheld by the Federal Circuit in *Sigma*, 117 F.3d at 1405-06, and describing Commerce's practice with respect to the rate assigned to the China-wide entity); *see also OTR Tires* and accompanying IDM at Comment at 1 ("{W}e disagree with Double Coin's contention that Commerce has no authority to issue a rate for the NME entity."); and *Antidumping Duty Investigation of Certain Passenger Vehicle*

Commerce's practice of assigning a China-wide rate has been upheld by the CAFC. In *Sigma*, the CAFC affirmed that it was within Commerce's authority to employ a presumption for state control in a NME country and place the burden on the exporters to demonstrate an absence of central government control.[63] The CAFC recognized that sections 771(18)(B)(iv)-(v) of the Act recognized a close correlation between an NME economy and government control of prices, output decisions, and allocation of resources and, therefore, Commerce's presumption was reasonable.[64] The application of a China-wide rate to all parties which were not eligible for a separate rate was also affirmed by the CAFC in *Transcom* in 2002.[65] In *Transcom*, the CAFC also found that a rate based on "BIA" (the precursor to facts available and AFA under the current statute) is not punitive.[66] Thus, contrary to Yantai CMC's assertions, the courts have consistently upheld Commerce's authority to apply a presumption of state control in NME countries and to apply a single rate to all exporters that fail to rebut that presumption.

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and Light Truck Tires From the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, In Part, 80 FR 34893 (June 18, 2015), at Comment 35.

[63] *See Sigma*, 117 F.3d at 1405-06 ("We agree with the government that it was within Commerce's authority to employ a presumption of state control for exporters in a nonmarket economy, and to place the burden on the exporters to demonstrate an absence of central government control. The antidumping statute recognizes a close correlation between a nonmarket economy and government control of prices, output decisions, and the allocation of resources. Moreover, because exporters have the best access to information pertinent to the 'state control' issue, Commerce is justified in placing on them the burden of showing a lack of state control.") (internal citations omitted).

[64] *Id*. *See also Coalition for the Preservation of American Brake Drum and Rotor Aftermarket Manufacturers v. United States v. United States*, 44 F.Supp. 2d 229, 243 (CIT 1999), quoting *Sigma*, 117 F.3d at 1405 ("Under the broad authority delegated to it from Congress, Commerce has employed 'a presumption of state control for exporters in a non-market economy'… Under this presumption, all exporters receive one non-market economy country ('NME') rate, or country-wide rate, unless an exporter can 'affirmatively demonstrate' its entitlement to a separate, company-specific margin by showing 'an absence of central government control, both in law and in fact, with respect to exports.'"); *Michaels Stores, Inc. v. United States*, 931 F. Supp. 2d 1308, 1315 (CIT 2013), quoting *SKF USA Inc. v. United States*, 254 F.3d 1022, 1030 (CAFC 2001) ("The regulations clarify, however, that for non-market economies, 'rates may consist of a single dumping margin applicable to all exporters and producers.' Moreover, whenever the statute is silent on a particular issue, it is well-settled that Commerce may 'formulate policy' and make rules 'to fill any gap left, implicitly or explicitly, by Congress.'") (internal citations omitted).

[65] *See Transcom v. United States*, 294 F.3d 1371, 1381-83 (Fed. Cir. 2002) (*Transcom*). (The China-wide rate, and its adverse inference are applicable to all companies which were initiated on yet failed to show their entitlement to a separate rate. "Accordingly, while section 1677e provides that Commerce may not assign a {best information available}-based rate to a particular party unless that party has failed to provide information to Commerce or has otherwise failed to cooperate, the statue says nothing about whether Commerce may presume that parties are entitled to *independent* treatment under 1677e in the first place" {*emphasis added*}). *See* also *Transcom*, 294 F.3d at 1376 citing *Rhone Poulenc, Inc. v. United States*, 899 F.2d 1185, 1191 (Fed. Cir. 1990) (Instead, the objective of best information available (BIA) is to aid Commerce in determining dumping margins as accurately as possible). The litigation in *Transcom* covered three periods of review between June 1990 and May 1993. *See Transcom*, 294 F.3d at 1374-75, and *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Final Results of Antidumping Duty Administrative Reviews,* 61 FR 65527 (Dec. 13, 1996). The term BIA is now referred to under the statute as facts available or AFA. *Id.*

[66] *See Transcom, 294 F.3d at 1376.*

Comment 5: Whether the China-Wide Rate is Under Review

Yantai CMC's Arguments

- Yantai CMC notes that Commerce did not initiate a review of the China-wide entity,[67] and, thus, it argues that Commerce may not undertake such a review to change the scope or the rate for that entity.

The Petitioner's Arguments

- The petitioner did not comment on this issue.

Commerce Position:

We agree. The China-wide entity is not under review, and therefore we have not altered the China-wide rate as a result of this review. Rather, the review pertains to any party requested for review that is able to demonstrate its entitlement to a separate rate, which is separate and distinct from reviewing the NME entity itself.

[67] *See* Yantai CMC's Case Brief at 6 (citing *Preliminary Results*, 82 FR at 31302).

Recommendation

Based on our analysis of the comments received, we recommend adopting all of the above positions. If this recommendation is accepted, we will publish the final results of the administrative review and the final weighted-average dumping margins for the reviewed firms in the *Federal Register*. We will also publish a final rescission of the NSR in the *Federal Register*.

☒ Agree ☐ Disagree

1/2/2018

X

Signed by: CHRISTIAN MARSH

Christian Marsh
Deputy Assistant Secretary
for Enforcement and Compliance