



A-469-819  
Investigation  
POI: 1/01/2018-12/31/2018  
**Public Document**  
E&C/OVI: PNC

DATE: July 29, 2019

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

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

SUBJECT: Decision Memorandum for the Preliminary Determination in the  
Less-Than-Fair-Value Investigation of Acetone from Spain

---

## I. SUMMARY

The Department of Commerce (Commerce) preliminarily determines that acetone from Spain 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 dumping margins are shown in the “Preliminary Determination” section of the accompanying *Federal Register* notice.

## II. BACKGROUND

On February 19, 2019, Commerce received an antidumping duty (AD) petition covering imports of acetone from Spain, which was filed in proper form by the Coalition for Acetone Fair Trade (the petitioner).<sup>1</sup> Commerce initiated this investigation on March 11, 2019.<sup>2</sup>

In the *Initiation Notice*, Commerce notified the public that Commerce intended to select respondents based on all known producers, and as indicated in the Petition, the petitioner identified CEPASA Quimica, S.A. (CEPSA) and Industrias Químicas del Óxido de Etileno (IQOXE) as the only two producers of acetone in Spain and provided evidence that both companies were the only two producers.<sup>3</sup>

---

<sup>1</sup> See Petitioner’s Letter, “Petitions for the Imposition of Antidumping on Imports of Acetone from Belgium, Korea, Saudi Arabia, Singapore, South Africa and Spain,” dated February 19, 2019 (the Petition).

<sup>2</sup> See *Acetone From Belgium, the Republic of Korea, the Kingdom of Saudi Arabia, Singapore the Republic of South Africa, and Spain: Initiation of Less-Than-Fair-Value Investigations*, 84 FR 9755 (March 13, 2019) (*Initiation Notice*).

<sup>3</sup> See *Initiation Notice*, 84 FR at 9759.

On March 12, 2019, Commerce issued its AD questionnaire to CEPSA and IQOXE.<sup>4</sup> On March 25, 2019, CEPSA notified Commerce that it would not be responding to the initial AD questionnaire and would be withdrawing from participation in the investigation.<sup>5</sup>

On March 19, 2019, IQOXE timely filed a letter to Commerce stating that it was not a producer of acetone.<sup>6</sup> On March 25, IQOXE timely responded to an additional questionnaire and certified that it made no shipments of subject merchandise to the United States during the period of investigation (POI).<sup>7</sup> On April 12, to confirm the accuracy of IQOXE's statements, Commerce queried U.S. Customs and Border Protection (CBP) data for entries of subject merchandise by IQOXE during the POI.<sup>8</sup> On April 19, Commerce confirmed in a memorandum that IQOXE made no shipments of acetone during the POI.<sup>9</sup> No comments were received from any interested parties on the results of the CBP query.

On April 4, 2019, the U.S. International Trade Commission (ITC) preliminarily determined that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of acetone from Spain.<sup>10</sup>

In the *Initiation Notice*, Commerce notified parties of an opportunity to comment on the scope of the investigation, as well as the appropriate physical characteristics of the merchandise under investigation to be reported in response to Commerce's AD questionnaire.<sup>11</sup> We received timely-filed comments and rebuttal comments on the scope and product characteristics from interested parties in this and the companion acetone investigations.<sup>12</sup>

We are conducting this investigation in accordance with section 733(b) of the Act.

### III. PERIOD OF INVESTIGATION

---

<sup>4</sup> See Commerce's Letter to CEPSA, dated March 12, 2019; and Commerce's Letter to IQOXE, dated March 12, 2019.

<sup>5</sup> See CEPSA's Letter, "Acetone from Spain: Notice of Nonparticipation In Investigation," dated March 25, 2019.

<sup>6</sup> See IQOXE's Letter, "U.S. Department of Commerce for investigation of Acetone-Case A-469-819," dated March 19, 2019.

<sup>7</sup> See IQOXE's Letter, "Acetone from Spain: First supplemental Questionnaire (Bar Code number in ACCESS 3808516-01)," dated March 25, 2019 (IQOXE's No-shipment Claim).

<sup>8</sup> See Memorandum, "No Shipment Inquiry With Respect to the Company Below During the Period 01/01/2018 – 12/31/2018," dated April 16, 2019 (CLU No-shipment Claim Confirmation Memorandum).

<sup>9</sup> See Memorandum, "Less-Than-Fair-Value Investigation of Acetone from Spain: Release of Customs and Border Protection Import Data," dated April 19, 2019.

<sup>10</sup> See *Acetone From Belgium, Korea, Saudi Arabia, Singapore, South Africa, and Spain*, 84 FR 14673 (April 11, 2019).

<sup>11</sup> See *Initiation Notice*, 84 FR at 9756-7.

<sup>12</sup> See Sasol South Africa Limited's Letter, "Acetone from Belgium, the Republic of Korea, the Kingdom of Saudi Arabia, Singapore, the Republic of South Africa, and Spain: Scope and Product Characteristics Comments," dated April 8, 2019; see also Petitioner's Letter, "Acetone from Belgium, Korea, Saudi Arabia, Singapore, South Africa, and Spain: Petitioner's Comments On Product Characteristics," dated April 8, 2019; and Petitioner's Letter, "Acetone from Belgium, Korea, Saudi Arabia, Singapore, South Africa, and Spain: Petitioner's Comments On Product Characteristics: Petitioner's Rebuttal Comments on Scope and Product Characteristics," dated April 22, 2019.

The POI is January 1, 2018 through December 31, 2018. This period corresponds to the four most recent fiscal quarters prior to the month of the filing of the petition, which was February 2019.<sup>13</sup>

#### IV. SCOPE OF THE INVESTIGATION

The product covered by this investigation is acetone from Spain. For a full description of the scope of this investigation, *see* the accompanying preliminary determination *Federal Register* notice of this investigation at Appendix I.

#### V. SCOPE COMMENTS

In accordance with the *Preamble* to the Commerce's regulations,<sup>14</sup> the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).<sup>15</sup> Certain interested parties in the companion acetone investigations commented on the scope of the acetone investigations, as published in the *Initiation Notice*. For a summary of the product coverage comments and rebuttal responses submitted to the record for this preliminary determination and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.<sup>16</sup>

#### VI. PRELIMINARY DETERMINATION OF NO SHIPMENTS

Commerce received a timely submission from IQOXE reporting to Commerce that it had “no exports, shipments, or sales” of subject merchandise to the United States during the POI.<sup>17</sup> To confirm the accuracy of IQOXE's no shipment claim, Commerce queried CBP data for shipments of subject merchandise from the company that were imported into the United States during the POI.<sup>18</sup> Data obtained from CBP corroborated IQOXE's no shipments claim.<sup>19</sup> Furthermore, there is no evidence on the record indicating IQOXE is affiliated with CEPESA or any other producers/exporters of subject merchandise. Because the evidence on the record indicates that IQOXE made no sales of subject merchandise in the United States during the POI, we preliminarily determine not to further examine IQOXE as part of this investigation.

#### VII. APPLICATION OF FACTS AVAILABLE AND USE OF ADVERSE INFERENCE

As stated above, CEPESA notified Commerce of CEPESA's withdrawal from participation in this investigation. Due to CEPESA's non-participation, necessary information is not on the record which warrants the application of facts otherwise available. Because CEPESA decided not to participate, it failed to cooperate by not acting to the best of its ability to comply with a request

<sup>13</sup> See 19 CFR 351.204(b)(1).

<sup>14</sup> See *Antidumping Duties; Countervailing Duties; Final rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

<sup>15</sup> See *Initiation Notice*, 84 FR at 9756-7.

<sup>16</sup> See Memorandum, “Acetone from Belgium, Korea, Singapore, South Africa, and Spain: Scope Comments Preliminary Decision Memorandum,” dated July 29, 2019 (Preliminary Scope Decision Memorandum) for further discussion.

<sup>17</sup> See IQOXE's No-shipment Claim at 2.

<sup>18</sup> See CLU No-shipment Claim Confirmation Memorandum.

<sup>19</sup> *Id.*

for information, which warrants the selection of facts available with an adverse inference (AFA). For these reasons, detailed below, we preliminary determine that the use of total AFA is appropriate for the preliminary determination with respect to CEPSA.

*A) Application of Facts Available*

Sections 776(a)(1) and 776(a)(2)(A)-(D) of the Act provide that, if necessary information is not available on the record, or (A) an interested party withholds information requested by Commerce; (B) fails to provide such information by the deadlines for submission of the information, or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782 of the Act; (C) significantly impedes a proceeding; or (D) provides such information but the information cannot be verified as provided in section 782(i) of the Act, Commerce shall use, subject to section 782(d) of the Act, facts otherwise available in reaching the applicable determination.

Section 782(c)(1) of the Act states that Commerce shall consider the ability of an interested party to provide information upon a prompt notification by that party that it is unable to submit the information in the form and manner required, a full explanation for the difficulty, and a suggested alternative form in which the party is able to provide the information. Section 782(e) of the Act states further that Commerce shall not decline to consider submitted information if all of the following requirements are met: (1) the information is submitted by the established deadline; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability; and (5) the information can be used without undue difficulties.

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

We find that CEPSA withheld requested information and significantly impeded the proceeding. Due to CEPSA's non-participation, we find that necessary information is missing from the record. Therefore, we preliminarily find, pursuant to sections 776(a)(1) and 776(a)(2)(A) and (C) of the Act, that the use of facts available is warranted.

*B) Use of Adverse Inference*

Section 776(b) of the Act provides that, if Commerce finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information, Commerce may use an inference adverse to the interests of that party in selecting the facts

otherwise available.<sup>20</sup> In so doing, Commerce is not required to determine, or make any adjustments to, estimated dumping margins based on any assumptions about information an interested party would have provided if the interested party had complied with the request for information.<sup>21</sup> In addition, the Statement of Administrative Action accompanying the Uruguay Round Agreements Act (SAA) explains that Commerce may employ an adverse inference “to ensure that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully.”<sup>22</sup> Furthermore, affirmative evidence of bad faith on the part of a respondent is not required before Commerce may make an adverse inference.<sup>23</sup> It is Commerce’s practice to consider, in employing adverse inferences, the extent to which a party may benefit from its own lack of cooperation.<sup>24</sup>

We also preliminarily find that CEPSA has not acted to the best of its ability to comply with Commerce’s requests for information because CEPSA stated it would not respond to the AD questionnaire pursuant to section 776(b) of the Act. Therefore, in accordance with section 776(b) of the Act and 19 CFR 351.308(a), Commerce preliminarily determines to use an adverse inference when selecting from among the facts otherwise available.<sup>25</sup>

### C) Selection and Corroboration of the AFA Rate

Section 776(b) of the Act states that Commerce, when employing an adverse inference, may rely upon information derived from the petition, the final determination from the LTFV investigation, a previous administrative review, or any other information placed on the record.<sup>26</sup> In selecting a rate based on AFA, Commerce selects a rate that is sufficiently adverse to ensure that the uncooperative party does not obtain a more favorable result by failing to cooperate than if it had

<sup>20</sup> See 19 CFR 351.308(a); see also *Notice of Final Results of Antidumping Duty Administrative Review: Stainless Steel Bar from India*, 70 FR 54023, 54025-26 (September 13, 2005); and *Notice of Final Determination of Sales at Less Than Fair Value and Final Negative Critical Circumstances: Carbon and Certain Alloy Steel Wire Rod from Brazil*, 67 FR 55792, 55794-96 (August 30, 2002).

<sup>21</sup> See section 776(b)(1)(B) of the Act.

<sup>22</sup> See SAA, H.R. Doc. 103-316, Vol. 1 (1994) at 870; and *Certain Polyester Staple Fiber from Korea: Final Results of the 2005-2006 Antidumping Duty Administrative Review*, 72 FR 69663, 69664 (December 10, 2007).

<sup>23</sup> See, e.g., *Nippon Steel Corp. v. United States*, 337 F. 3d 1373, 1382-83 (Fed. Cir. 2003); *Notice of Final Determination of Sales at Less Than Fair Value: Circular Seamless Stainless Steel Hollow Products from Japan*, 65 FR 42985 (July 12, 2000); and *Preamble*, 62 FR at 27340.

<sup>24</sup> See, e.g., *Steel Threaded Rod from Thailand: Preliminary Determination of Sales at Less Than Fair Value and Affirmative Preliminary Determination of Critical Circumstances*, 78 FR 79670 (December 31, 2013), and accompanying Issues and Decision Memorandum (IDM) at 4, unchanged in *Steel Threaded Rod from Thailand: Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances*, 79 FR 14476 (March 14, 2014).

<sup>25</sup> See, e.g., *Non-Oriented Electrical Steel from Germany, Japan, and Sweden: Preliminary Determinations of Sales at Less Than Fair Value, and Preliminary Affirmative Determinations of Critical Circumstances, in Part*, 79 FR 29423 (May 22, 2014), and accompanying Preliminary Decision Memorandum (PDM) at 7-11, unchanged in *Non-Oriented Electrical Steel from Germany, Japan, the People’s Republic of China, and Sweden: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determinations of Critical Circumstances, in Part*, 79 FR 61609 (October 14, 2014); see also *Notice of Final Determination of Sales at Less Than Fair Value: Circular Seamless Stainless Steel Hollow Products from Japan*, 65 FR at 42985, 42986 (July 12, 2000) (where Commerce applied total AFA when the respondent failed to respond to the antidumping questionnaire).

<sup>26</sup> See also 19 CFR 351.308(c).

fully cooperated.<sup>27</sup> Commerce's practice is to select, as an AFA rate, the higher of: (1) the highest dumping margin alleged in the petition; or (2) the highest calculated rate of any respondent in the investigation.<sup>28</sup>

When using facts otherwise available, section 776(c) of the Act provides that, where Commerce 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.<sup>29</sup> The SAA clarifies that "corroborate" means that Commerce will satisfy itself that the secondary information to be used has probative value.<sup>30</sup> To corroborate secondary information, Commerce will, to the extent practicable, examine the reliability and relevance of the information to be used.<sup>31</sup> Further, Commerce is not required to estimate what the dumping margin would have been if the interested party failing to cooperate had cooperated or to demonstrate that the dumping margin reflects an "alleged commercial reality" of the interested party.<sup>32</sup> Finally, under the new section 776(d) of the Act, Commerce may use any dumping margin from any segment of a proceeding under an antidumping order when applying an adverse inference, including the highest of such margins.<sup>33</sup>

In this investigation, with respect to Spain, the petitioner calculated two dumping margins in the Petition and related filings.<sup>34</sup> These margins are 102.97 percent and 171.81 percent. No rate was calculated in the instant investigation for an individually examined respondent, as CEPESA is the only mandatory respondent. Thus, consistent with our practice, we have selected the highest dumping margin for subject merchandise from Spain alleged in the Petition as the AFA rate applicable to CEPESA (*i.e.*, 171.81 percent) in this investigation, because this rate is the higher of: (1) the highest dumping margin alleged in the petition; or (2) the highest calculated rate of any respondent in the investigation. Accordingly, because the AFA rate applied to CEPESA is derived from the Petition and, consequently, is based upon secondary information, Commerce must

---

<sup>27</sup> See SAA, at 870.

<sup>28</sup> See *Welded Stainless Pressure Pipe from Thailand: Final Determination of Sales at Less Than Fair Value*, 79 FR 31093 (May 30, 2014), and accompanying IDM at Comment 3.

<sup>29</sup> See SAA, at 870.

<sup>30</sup> *Id.*; see also 19 CFR 351.308(d).

<sup>31</sup> See, e.g., *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).

<sup>32</sup> See sections 776(d)(3)(A) and (B) of the Act.

<sup>33</sup> See section 776(d)(1)-(2) of the Act.

<sup>34</sup> See the Petition at Volume VII; see also Petitioner's Letter, "Acetone from Spain: Response to Questionnaire on Antidumping Petition," dated February 26, 2019 (Spain AD Supplement); and the Spain Initiation Checklist, dated March 11, 2019 (Spain Initiation Checklist).



corroborate the rate to the extent practicable. As set forth below, for purposes of this preliminary determination, we find that the highest Petition margin of 171.81 percent is reliable and relevant.

We examined evidence supporting the calculations in the Petition for Spain to determine the probative value of the dumping margins alleged in this petition for use as AFA for purposes of this preliminary determination. During our pre-initiation analysis, we also examined the key elements of the export price and normal value calculations, and the alleged dumping margins.<sup>35</sup> During our pre-initiation analysis, we also examined information from various independent sources provided either in the Petition for Spain or, on our request, in the supplements to the Petition that corroborates key elements of the export price and normal value calculations used in the Petition to derive the alleged dumping margins.<sup>36</sup> Because CEPSA failed to provide information that Commerce requested in its initial AD questionnaire, the factual information in the Petition for Spain and supporting documents are the only reliable information on the record on the issue of dumping.

Our examination of the information is discussed in detail in the Spain Initiation Checklist, where we considered the petitioner's export price and normal value calculations to be reliable, after recalculation.<sup>37</sup> We confirmed the accuracy and validity of the information underlying the derivation of the dumping margins alleged in the Petition for Spain by examining source documents and an affidavit, as well as publicly available information. We obtained no other information that calls into question the validity of the sources of information or the validity of the information supporting the export price and normal value calculations provided in the Petition. Therefore, we preliminarily determine that the highest dumping margin alleged in the Petition, 171.81 percent, is reliable for purposes of this investigation.

In making a determination as to the relevance aspect of corroboration, Commerce will consider information reasonably at its disposal to determine whether there are circumstances that would render a rate not relevant. In accordance with section 776(d)(3) of the Act, when selecting an AFA margin, Commerce is not required to estimate what the dumping margin would have been if the interested party failing to cooperate had cooperated or to demonstrate that the dumping margin reflects an "alleged commercial reality" of the interested party. Because there are no other participating cooperative respondents with shipments to the United States in this investigation, we relied upon the dumping margins alleged in the Petition, which is the only information regarding the acetone industry on the record.<sup>38</sup>

In calculating the dumping margin, the petitioner used two methodologies to reach U.S. price. The first methodology relied on official ITC import data (obtained from DataWeb) to determine the average unit value (AUV) of Spanish acetone exports to the United States during the POI.<sup>39</sup>

---

<sup>35</sup> See Spain Initiation Checklist.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> See *KYD, Inc. v. United States*, 607 F. 3d 760, 765 (Fed. Cir. 2010) (agreeing with Commerce that price quotes and third-party affidavits used in the petition to calculate estimated margins were independent information not requiring additional corroboration and stating that "{t}he relevant inquiry focuses on the nature of the information, not on whether the source of the information was referenced in or included with the petition").

<sup>39</sup> See Volume VII of the Petition at 3 and Exhibit VII-5.

The petitioner deducted from the AUV foreign brokerage and handling and foreign inland freight expenses to the port in Spain to derive the U.S. price.<sup>40</sup> Under the second methodology, the petitioner based U.S. price on an offer for the sale of acetone made within the POI, which was obtained by a producer of acetone in the United States.<sup>41</sup> The petitioner deducted amounts for movement expenses, including foreign inland freight, foreign brokerage and handling, ocean freight, and marine insurance.<sup>42</sup>

The petitioner relied on constructed value as the basis for normal value.<sup>43</sup> The petitioner calculated the cost of manufacture based on the input factors of production for cumene and acetone from certain U.S. producers of acetone, with adjustments made for cost differences between the United States and Spain.<sup>44</sup> The labor usage rate determined by the petitioner was based on the average usage rates incurred by certain U.S. producers, and the average wage rate for Spain was based on data available from the International Labor Organization's labor statistics.<sup>45</sup> Similarly, the petitioner determined the energy and utilities usage rates based on the average usage rates incurred by certain U.S. producers, with costs for natural gas, steam, and electricity based on the European Union Statistical Office for 2017.<sup>46</sup> Additionally, the cost of water was based on the tariffs for potable water published by the Port Authority of Huelva for 2016, and the price for nitrogen was based on Spain's import data from Global Trade Atlas for 2018.<sup>47</sup> Finally, the petitioner relied on the most recently available fiscal year ending audited financial statements of CEPSA to calculate the factory overhead rate; selling, general, and administrative expenses rate; financial expense rate; and profit rate.<sup>48</sup> Based on this information, we preliminarily determine that the highest dumping margin alleged in the Petition is relevant.

Accordingly, Commerce corroborated the AFA rate of 171.81 percent to the extent practicable within the meaning of section 776(c) of the Act by demonstrating that the rate: (1) was determined to be reliable in the pre-initiation stage of this investigation (and we have no information indicating otherwise); and (2) is relevant. Therefore, we determine that it has probative value and, thus, it has been corroborated to the extent practicable, pursuant to section 776(c) of the Act. As such, we have preliminarily assigned this AFA rate to the subject merchandise from CEPSA.

## VIII. ALL-OTHERS RATE

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

<sup>40</sup> See Volume VII of the Petition at 3 and Exhibit VII-2; see also Spain AD Supplement at Exhibit Supp VII-2.

<sup>41</sup> See Volume VII of the Petition at 2-3 and Exhibits VII-1(a) and VII-1(b); see also Spain AD Supplement at Exhibit VII-1(c).

<sup>42</sup> See Volume VII of the Petition at 2-3 and Exhibit VII-2; see also Spain AD Supplement at Exhibit VII-2.

<sup>43</sup> See Volume VII of the Petitions at 3 and 7.

<sup>44</sup> See Volume VII of the Petition, at 4-7; see also Spain AD Supplement, at Exhibit VII-8(b)(1).

<sup>45</sup> See Volume VII of the Petition at 5; see also Spain AD Supplement at Exhibits VII-8(a)(1), VII-8(b)(1), and VII-10.

<sup>46</sup> See Spain Initiation Checklist at 9.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.* at 10.



estimated dumping margins established for all exporters and producers individually examined are zero, *de minimis*, or determined entirely under section 776 of the Act, Commerce may use any reasonable method to establish the estimated weighted-average dumping margin for all other producers or exporters.

As indicated above, CEPSA is the only mandatory respondent in this investigation. Thus, consistent with our practice and as a reasonable method under section 735(c)(5)(B) of the Act, we have preliminarily calculated the all-others rate applicable to entities not individually examined in the investigation of acetone from Spain as the simple average of the two affirmative dumping margins (*i.e.*, 102.97 percent and 171.81 percent) pertaining to this product as provided in the Petition, which is 137.39 percent.<sup>49</sup>

## IX. VERIFICATION

Because the mandatory respondent in this investigation did not provide necessary information requested by Commerce, we will not conduct verification.

## X. CONCLUSION

We recommend applying the above methodology for this preliminary determination.

☒
☐

\_\_\_\_\_  
Agree

\_\_\_\_\_  
Disagree

7/29/2019

X 

Signed by: JEFFREY KESSLER

\_\_\_\_\_  
Jeffrey I. Kessler  
Assistant Secretary  
for Enforcement and Compliance

<sup>49</sup> See *Certain Iron Mechanical Transfer Drive Components from Canada: Final Affirmative Determination of Sales at Less Than Fair Value*, 81 FR 75039 (October 28, 2016), and accompanying IDM at Comment 2; and *Certain Oil Country Tubular Goods from Thailand: Preliminary Determination of Sales at Less Than Fair Value, and Postponement of Final Determination*, 79 FR 10487 (February 25, 2014), and accompanying PDM, unchanged in *Certain Oil Country Tubular Goods from Thailand: Final Determination of Sales at Less Than Fair Value*, 79 FR 41978 (July 18, 2014).