



A-469-824
Investigation
POI: 10/1/2019 – 9/30/2020
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May 5, 2021

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

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

RE: Decision Memorandum for the Preliminary Determination in the
Less-Than-Fair-Value Investigation of Thermal Paper from Spain

I. SUMMARY

The Department of Commerce (Commerce) preliminarily determines that thermal paper 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 weighted-average dumping margins are shown in the “Preliminary Determination” section of the accompanying *Federal Register* notice.

II. BACKGROUND

On October 7, 2020, the Department of Commerce (Commerce) received an antidumping duty (AD) petition concerning imports of thermal paper from Spain, filed on behalf of Appvion Operations, Inc., and Domtar Corporation (collectively, the petitioners).¹ Commerce initiated this investigation on October 27, 2020.²

In the *Initiation Notice*, Commerce stated that it intended to individually examine all known producers/exporters in the LTFV investigation of thermal paper from Spain because the petitioners identified only one known producer/exporter of thermal paper (*i.e.*, Torraspapel, S.A.).³ Accordingly, we selected Torraspapel, S.A. (Torraspapel) for individual examination,

¹ See Petitioners’ Letter, “Petitions for the Imposition of Antidumping Duties on Imports of Thermal Paper from Germany, Japan, Korea, and Spain,” dated October 7, 2020 (the Petition).

² See *Thermal Paper from Germany, Japan, the Republic of Korea, and Spain: Initiation of Less-Than-Fair-Value Investigations*, 85 FR 69580 (November 3, 2020) (*Initiation Notice*).

³ See *Initiation Notice*, 85 FR 69580-81.



and we issued the AD questionnaire to Torraspapel.⁴

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 thermal paper to be reported in response to Commerce's AD questionnaire.⁵ In November 2020, Documotion Research Inc. (Documotion) and Nippon Paper Industries, Co., Ltd. (NPI) submitted comments regarding the scope of the investigation,⁶ and the petitioners submitted rebuttal comments.⁷ In November 2020, the petitioners, Hansol Paper Company (Hansol), Papierfabrik August Koehler SE (Koehler), NPI, and Mitsubishi HiTec Paper Europe GmbH and Mitsubishi Imaging, Inc. (Mitsubishi) submitted comments regarding the physical characteristics of the merchandise under consideration to be used for reporting purposes.⁸ Subsequently, Commerce received rebuttal comments regarding the physical characteristics of the merchandise under consideration from Hansol, Torraspapel, Koehler, Mitsubishi, NPI, and the petitioners.⁹ On December 1, 2020, Commerce placed a memorandum on the record of the investigation in which it identified the product characteristics of the merchandise under consideration to be used for reporting purposes in this LTFV investigation.¹⁰

On November 30, 2020, the U.S. International Trade Commission (ITC) preliminarily determined that there is a reasonable indication that an industry in the United States has been materially injured by reason of imports of thermal paper from Spain.¹¹

On December 28, 2020, Torraspapel submitted a timely response to section A of Commerce's AD Questionnaire, *i.e.*, the section with requests for general information.¹² On January 26, 2021, Torraspapel notified Commerce that it is unable to submit a response to sections B through D of Commerce's AD Questionnaire.¹³

⁴ *Id.*

⁵ *Id.*

⁶ See Documotion's Letter, "Scope Comments," dated November 16, 2020 (Documotion's Scope Letter); *see also* NPI's Letter, "NPI's Comments on Scope," dated November 16, 2020 (NPI's Scope Letter).

⁷ See Petitioners' Letter, "Petitioners' Rebuttal Comments on Scope," dated November 27, 2020 (Petitioners' Rebuttal Scope Comments).

⁸ See Petitioners' Letter, "Petitioners' Comments on Product Characteristics," dated November 16, 2020; *see also* Hansol Paper Company's Letter, "Hansol Paper's Comments Regarding Appropriate Model Match Product Characteristics," dated November 16, 2020; Koehler's Letter, "Comments on Product Characteristics and Scope," dated November 16, 2020; NPI's Letter, "Comments on Product Characteristics," dated November 16, 2020; and Mitsubishi's Letter, "Comments on Product Characteristics," dated November 16, 2020.

⁹ See Torraspapel's Letter, "Rebuttal Comments on Product Characteristics," dated November 27, 2020; *see also* Koehler's Letter, "Rebuttal Comments on Product Characteristics," dated November 27, 2020; Mitsubishi's Letter, "Rebuttal Comments on Product Characteristics," dated November 27, 2020; NPI's Letter, "NPI's Rebuttal Comments on Product Characteristics," dated November 27, 2020; Hansol's letter, "Hansol Paper's Refiled Rebuttal Comments Regarding Appropriate Model Match Product Characteristics," dated December 10, 2020; and Petitioners' Letter, "Petitioners' Rebuttal Comments on Product Characteristics," dated November 27, 2020.

¹⁰ See Memorandum, "Product Characteristics to be Used for Reporting Purposes," dated December 1, 2020.

¹¹ See *Thermal Paper from Germany, Japan, Korea, and Spain*, 85 FR 76601 (November 30, 2020).

¹² See Torraspapel's Letter, "Thermal Paper from Spain; AD Investigation Torraspapel Section A Response," dated December 28, 2020).

¹³ See Torraspapel's Letter, "Thermal Paper from Spain; AD Investigation," dated January 26, 2021.

On February 16, 2021, the petitioners requested that the date for issuance of the preliminary determination in this investigation be extended until May 5, 2021.¹⁴ Based upon the request, and pursuant to section 733(c)(1)(A) of the Act and 19 CFR 351.205(e), on February 25, 2021, Commerce published in the *Federal Register* a postponement of the preliminary determination by 50 days, until no later than May 5, 2021.¹⁵

In April 2021, the petitioners requested that Commerce postpone the final determination in this investigation if the preliminary determination were negative,¹⁶ and Torraspapel requested that Commerce postpone the final determination in this investigation and agreed to an extension of the provisional measures.¹⁷

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

III. PERIOD OF INVESTIGATION

The period of investigation (POI) is October 1, 2019, through September 30, 2020. This period corresponds to the four most recent fiscal quarters prior to the month in which the Petition was filed (October 2020).¹⁸

IV. SCOPE COMMENTS

In accordance with the *Preamble* to Commerce's regulations,¹⁹ in the *Initiation Notice* we set aside a period of time for parties to raise issues regarding product coverage, *i.e.*, scope.²⁰ In November 2020, we received comments from NPI and Documotion on the scope as it appeared in the *Initiation Notice*.²¹ Documotion argues that Commerce should exclude phenol-free jumbo roll thermal paper from the scope of the investigation because the petitioners did not explicitly state this product should be covered by the scope and there are no domestic producers that meet Documotion's production requirements;²² and NPI argues to exclude water-soluble thermal paper because there are no domestic producers of the product.²³ In their rebuttal comments, the petitioners argue that Commerce should not exclude phenol-free jumbo roll thermal paper or water-soluble thermal paper from the scope as they intend for the scope to cover all types of thermal active coating.²⁴ Further, the petitioners argue that, while it is not necessary for them to produce all products within the class or kind of merchandise included in the scope of the

¹⁴ See Petitioners' Letter, "Petitioners' Request for Postponement of the Preliminary Determination," dated February 16, 2021.

¹⁵ See *Thermal Paper from Germany, Japan, the Republic of Korea, and Spain: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations*, 86 FR 11502 (February 25, 2021).

¹⁶ See Petitioner's Letter, "Thermal Paper from Germany, Japan, the Republic of Korea, and Spain: Petitioners' Request for Postponement of the Final Determinations," dated April 15, 2021.

¹⁷ See Torraspapel's Letter, "Thermal Paper from Spain; AD Investigation; Request for Postponement of Final Determination and Extension of Provisional Measures Period," dated April 27, 2021.

¹⁸ See 19 CFR 351.204(b)(1).

¹⁹ See *Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

²⁰ See *Initiation Notice*, 85 FR at 69581.

²¹ See Documotion Scope Letter and NPI Scope Letter.

²² See Documotion Scope Letter at 2.

²³ See NPI Scope Letter at 1-2.

²⁴ See Petitioners Rebuttal Scope Comments at 2-4.

investigation, they are fully capable of producing water-soluble thermal paper.²⁵ Commerce addressed these comments in its Preliminary Scope Determination Memorandum²⁶ and has not modified the scope of the investigation as it appeared in the *Initiation Notice*.

V. SCOPE OF THE INVESTIGATION

The products covered by this investigation are thermal paper from Spain. For a full description of the scope of this investigation, *see* the accompanying *Federal Register* notice at Appendix I.

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

Although Torraspapel, the sole mandatory respondent in this investigation, received Commerce's AD Questionnaire, it did not submit responses to sections B through D of the questionnaire. For the reasons explained below, we have preliminarily determined that it is appropriate to base Torraspapel's dumping margin on total adverse facts available (AFA).

A. Application of Facts Available

Sections 776(a)(1) and 776(a)(2)(A)-(D) of the Act provide that, if necessary information is not available on the record, or if an interested party: (1) withholds information requested by Commerce; (2) fails to provide such information by the deadlines for submission of the information, or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782 of the Act; (3) significantly impedes a proceeding; or (4) provides such information but the information cannot be verified as provided in section 782(i) of the Act, Commerce shall use, subject to section 782(d) of the Act, facts otherwise available in reaching the applicable determination.

Section 782(d) of the Act states that if Commerce "determines that a response to a request for information ... does not comply with the request," it "shall promptly inform the person submitting the response of the nature of the deficiency and shall, to the extent practicable, provide that person with an opportunity to remedy or explain the deficiency in light of the time limits established for the completion of investigations or reviews ..."

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 the party that it is unable to submit the requested information in the form and manner required, and the party also provides a full explanation of the difficulty it has in responding to the request and suggests an alternative form in which it is able to provide the requested 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

²⁵ *Id.* at 4-5 and Exhibit 3.

²⁶ *See* Memorandum, "Scope Comments Decision Memorandum for the Preliminary Determinations," dated concurrently with this memorandum.

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.

Torraspapel did not respond to sections B through D of Commerce's AD Questionnaire.²⁷ As a result, we preliminarily find that necessary information is not available on the record of this investigation and that Torraspapel withheld information requested by Commerce, failed to provide information by the specified deadlines, and significantly impeded this proceeding. Because Torraspapel failed to respond to sections B through D of the AD Questionnaire, section 782(d) of the Act is not applicable. Moreover, Torraspapel notified Commerce that it was unable to respond to sections B through D of the AD Questionnaire without explaining any difficulties it was having responding to these sections of the questionnaire and suggesting alternative forms for providing the requested information. Hence, Torraspapel failed to satisfy the requirements in section 782(c)(1) of the Act. Lastly, the information submitted in response to section A of the questionnaire cannot serve as a basis for reaching the applicable determination within the meaning of section 782(e) of the Act. Accordingly, pursuant to section 776(a)(1) and sections 776(a)(2)(A), (B), and (C) of the Act, we are relying upon facts otherwise available to determine Torraspapel's preliminary dumping margin.

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 that is adverse to the interests of that party in selecting the facts otherwise available.²⁸ In doing so, Commerce is not required to determine, or make any adjustments to, a weighted-average dumping margin based on any assumptions about information an interested party would have provided if the interested party had complied with the request for information.²⁹ 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."³⁰ Furthermore, affirmative evidence of bad faith on the part of a respondent is not required before Commerce may make an adverse inference in selecting from

²⁷ See Torraspapel's Letter, "Thermal Paper from Spain; AD Investigation," dated January 26, 2021.

²⁸ See 19 CFR 351.308(a); *Notice of Final Results of Antidumping Duty Administrative Review: Stainless Steel Bar from India*, 70 FR 54023, 54025-26 (September 13, 2005); see also *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).

²⁹ See section 776(b)(1)(B) of the Act.

³⁰ See SAA, H.R. Doc. 103-316, Vol. 1 (1994) at 870; see also *Certain Polyester Staple Fiber from Korea: Final Results of the 2005-2006 Antidumping Duty Administrative Review*, 72 FR 69663, 69664 (December 10, 2007).

the facts available.³¹ When employing AFA, it is Commerce's practice to consider the extent to which a party may benefit from its own lack of cooperation.³²

In *Nippon Steel*, the U.S. Court of Appeals for the Federal Circuit (Federal Circuit) held that, while the statute does not provide an express definition of the "failure to act to the best of its ability" standard, the ordinary meaning of "best" is "one's maximum effort."³³ Thus, according to the Federal Circuit, the statutory mandate that a respondent act to the "best of its ability" requires the respondent to do the maximum it is able to do.

Hence, the best-of-its-ability standard requires a respondent to put forth its maximum effort to provide Commerce with full and complete answers to all inquiries in a proceeding.³⁴ The Federal Circuit indicated that inadequate responses to an agency's inquiries would suffice to find that a respondent did not act to the best of its ability. While the Federal Circuit noted that the "best of its ability standard" does not require perfection, it does not condone inattentiveness, carelessness, or inadequate record keeping.³⁵ The "best of its ability" standard recognizes that mistakes sometimes occur; however, it requires a respondent to, among other things, "have familiarity with all of the records it maintains," and "conduct prompt, careful, and comprehensive investigations of all relevant records that refer or relate to the imports in question to the full extent of" its ability to do so.³⁶ In addition, a failure to act to the best of one's ability can be due to "either a willful decision not to comply or behavior below the standard for a reasonable respondent."³⁷

We preliminarily find that Torraspapel has not acted to the best of its ability to comply with Commerce's requests for information because it failed to respond to sections B through D of Commerce's AD Questionnaire. As noted above, the Federal Circuit indicated that inadequate responses to an agency's inquiries would suffice to find that a respondent did not act to the best of its ability. Torraspapel did not respond to sections B through D of Commerce's AD Questionnaire. Specifically, Torraspapel notified Commerce that it was unable to respond to sections B through D of the AD Questionnaire without further explanation. Consequently, we have concluded that Torraspapel failed to cooperate to the best of its ability to comply with Commerce's request for information. Therefore, in accordance with section 776(b) of the Act and 19 CFR 351.308(a), we have preliminarily used an adverse inference when selecting from

³¹ See, e.g., *Nippon Steel Corp. v. United States*, 337 F.3d 1373, 1382-83 (Fed. Cir. 2003); and *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.

³² 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).

³³ See *Nippon Steel*, 337 F.3d 1373, 1382-83.

³⁴ See *China Steel Corp. v. United States*, 264 F. Supp. 2d 1339, 1359 (Ct. Int'l Trade 2003) (*China Steel*) (quoting *Steel Auth. Of India, Ltd. v. United States*, 149 F. Supp. 2d 921, 930 (Ct. Int'l Trade 2001)).

³⁵ *Id.*; see also *Nippon Steel*, 337 F.3d 1382.

³⁶ *Id.*

³⁷ See *China Steel*, 264 F. Supp. 2d 1339, 1360 (Ct. Int'l Trade 2003).

among the facts otherwise available on which to base Torraspapel's dumping margin.³⁸

C. Dumping Margin Based on AFA

Section 776(b)(2) of the Act states that when employing an adverse inference, Commerce 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.³⁹ Commerce uses an inference 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.⁴⁰ Commerce's practice is to select, as total AFA, a dumping margin equal to the higher of: (1) the highest dumping margin alleged in the petition, or (2) the highest dumping margin calculated for any respondent in the investigation.⁴¹

Because Torraspapel is the sole respondent in this investigation, there are no calculated dumping margins. Thus, consistent with our practice, we selected the highest dumping margin alleged in the Petition, 41.45 percent as the AFA rate for Torraspapel.⁴²

D. Corroboration of Secondary Information

If Commerce relies on secondary information, rather than information obtained during the course of an investigation, it must, pursuant to section 776(c) of the Act, corroborate that information, to the extent practicable, using independent sources that are reasonably at its disposal. Secondary information is defined as information derived from the petition that gave rise to the investigation, the final determination concerning the subject merchandise, or any previous review under section 751 of the Act concerning the subject merchandise.⁴³ The SAA clarifies that "corroborate" means that Commerce will satisfy itself that the secondary information to be used has probative value.⁴⁴ Under the Act, Commerce is not required to corroborate any dumping margin applied in

³⁸ 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); and *Notice of Final Determination of Sales at Less Than Fair Value: Circular Seamless Stainless Steel Hollow Products from Japan*, 65 FR at 42986 (July 12, 2000) (where Commerce applied total AFA when the respondent failed to respond to the AD questionnaire).

³⁹ See 19 CFR 351.308(c).

⁴⁰ See SAA at 870.

⁴¹ 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.

⁴² See *Initiation Notice*; see also the Petition at Volume V; Petitioners' Letter, "Response of Petitioners to Volumes I-V Supplemental Questionnaires: Thermal Paper from Germany, Japan, Korea, and Spain," dated October 16, 2020 at section "Petitioners' Responses to Supplemental Questions Regarding Volume V"; Checklist, "AD Investigation Initiation Checklist: Thermal Paper from Spain," dated October 27, 2020)(AD Investigation Initiation Checklist: Spain); and *Certain Polyethylene Terephthalate Resin from India: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances*, 81 FR 13327 (March 14, 2016), and accompanying IDM at Comment 14

⁴³ See SAA at 870.

⁴⁴ *Id.*; see also 19 CFR 351.308(d).

a separate segment of the same proceeding.⁴⁵ To corroborate secondary information, Commerce will, to the extent practicable, examine the reliability and relevance of the information to be used, although under section 776(d)(3) of the Act, Commerce is not required to estimate what the dumping margin would have been if the interested party failing to cooperate had cooperated, or demonstrate that the dumping margin reflects an “alleged commercial reality” of the interested party.⁴⁶

Because the 41.45 percent dumping margin from the Petition is secondary information, we examined its reliability and relevance to corroborate the rate to the extent practicable. Specifically, we examined evidence supporting the calculations in the Petition to determine the probative value of the dumping margins therein. When Commerce initiated the investigation, it examined, and reviewed information from various independent sources to corroborate, key elements of the export prices (EP) and normal values (NV) on which the dumping margins alleged in the Petition were based.⁴⁷

At initiation, we confirmed the accuracy and validity of the information underlying the dumping margins alleged in the Petition by examining source documents and affidavits, as well as publicly-available information. We did not find any information that calls into question the validity of those sources of information or the validity of the information supporting the EP and NV calculations in the Petition. Accordingly, we preliminarily determine that the dumping margins alleged in the Petition are reliable for the purpose of this investigation.

In determining relevance, Commerce will consider information reasonably at its disposal to determine whether there are circumstances that would render a rate not relevant. The dumping margins in the Petition are based on U.S. and home market prices of the merchandise under consideration that were charged by a Spanish producer of that merchandise. Thus, these are apposite prices. Moreover, as noted above, in accordance with section 776(d)(3) of the Act, when selecting an AFA dumping margin, Commerce is not required to estimate what the dumping margin would have been if the interested party failing to cooperate had cooperated or demonstrate that the dumping margin reflects an “alleged commercial reality” of the interested party. Therefore, we preliminarily find that the dumping margins alleged in the Petition are relevant.

Accordingly, we have preliminarily corroborated the 41.45 percent dumping margin from the Petition, to the extent practicable, within the meaning of section 776(c) of the Act, because that rate: (1) was determined to be reliable at initiation (and we have no information indicating

⁴⁵ See section 776(c)(2) of the Act.

⁴⁶ 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).

⁴⁷ See AD Investigation Initiation Checklist: Spain.

otherwise); and (2) is relevant.⁴⁸

E. All-Others Rate

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

As indicated above, Torraspapel is the sole mandatory respondent in this investigation and we determined its estimated dumping margin entirely under section 776 of the Act. Pursuant to section 735(c)(5)(B) of the Act, Commerce’s practice under these circumstances has been to assign “all-others” a dumping margin equal to the simple average of the Petition dumping margins.⁴⁹ Here, the Petition dumping margins are 32.68 and 41.45 percent. Consequently, and consistent with Commerce’s practice, we assigned “all-others” a dumping margin of 37.07 percent.⁵⁰

VII. RECOMMENDATION

We recommend applying the above methodology for this preliminary determination.



Agree

Disagree

5/5/2021

X



Signed by: CHRISTIAN MARSH

Christian Marsh

Acting Assistant Secretary

for Enforcement and Compliance

⁴⁸ See section 776(c) of the Act; see also 19 CFR 351.308(c) and (d); *Final Determination of Sales at Less Than Fair Value and Affirmative Determination of Critical Circumstances, in Part: Light-Walled Rectangular Pipe and Tube from the People’s Republic of China*, 73 FR 35652, 35653 (June 24, 2008), and accompanying IDM at Comment 1; and AD Investigation Initiation Checklist: Spain.

⁴⁹ See, e.g., *Notice of Final Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany*, 73 FR 38986, 38987 (July 8, 2008), and accompanying IDM at Comment 2.

⁵⁰ See AD Investigation Initiation Checklist: Spain.