



A-583-844

AR7: 9/1/2016 – 8/31/2017

Public Document

AD/CVD/OII: BB

DATE: October 2, 2018

MEMORANDUM TO: Gary Taverman
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations,
performing the non-exclusive functions and duties of the
Assistant Secretary for Enforcement and Compliance

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

SUBJECT: Decision Memorandum for the Preliminary Results of the
Administrative Review of the Antidumping Duty Order on Narrow
Woven Ribbons with Woven Selvedge from Taiwan

I. SUMMARY

The Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty (AD) order on narrow woven ribbons with woven selvedge (NWR) from Taiwan. The review covers five producers/exporters of the subject merchandise, including mandatory respondents, Ming Wei Co., Ltd. (Ming Wei) and Rong Shu Industry Corporation (Rong Shu). The period of review (POR) is September 1, 2016, through August 31, 2017. We preliminarily find that sales of the subject merchandise have been made at prices below normal value. Additionally, we preliminarily determine that four companies for which we initiated a review had no shipments of subject merchandise to the United States during the POR.

II. BACKGROUND

In September 2010, Commerce published in the *Federal Register* an AD order on NWR from Taiwan.¹ Subsequently, on September 1, 2017, Commerce published in the *Federal Register* a

¹ See *Narrow Woven Ribbons with Woven Selvedge from Taiwan and the People's Republic of China: Antidumping Duty Orders*, 75 FR 53632 (September 1, 2010), as amended in *Narrow Woven Ribbons With Woven Selvedge from Taiwan and the People's Republic of China: Amended Antidumping Duty Orders*, 75 FR 56982 (September 17, 2010).

notice of opportunity to request an administrative review of the AD order on NWR from Taiwan for the period September 1, 2016, through August 31, 2017.²

Pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b)(1), in September 2017, Commerce received a request to conduct an administrative review from Berwick Offray LLC and its wholly-owned subsidiary Lion Ribbon Company, LLC, (the petitioner), for five Taiwanese producers/exporters.³ On November 13, 2017, in accordance with 19 CFR 351.221(c)(1)(i), we published a notice of initiation of administrative review for the five companies. In the *Initiation Notice*, Commerce indicated that, in the event that we would limit the respondents selected for individual examination in accordance with section 777A(c)(2) of the Act, we would select mandatory respondents for individual examination based upon U.S. Customs and Border Protection (CBP) entry data.⁴

In November 2017, we received statements from four companies, Banduoo Ltd. (Banduoo), Fujian Rongshu Industry Co., Ltd. (Fujian Rongshu), Rong Shu, and Xiamen Yi-He Textile Co., Ltd. (Xiamen Yi-He), indicating that they had no shipments of subject merchandise to the United States during the POR.⁵

On November 30, 2017, Banduoo timely filed a statement reporting that, although it shipped NWR to the United States during the POR, these shipments were not reviewable as Banduoo transactions because the producer of NWR had knowledge of the products' destination at the time of sale and thus should be treated as the producer's sales.⁶ On December 1, 2017, the producer of the NWR shipped to the United States by Banduoo submitted a letter confirming Banduoo's statements.⁷ The CBP data on the record also supports Banduoo's no shipment claims.

² See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 82 FR 41595 (September 1, 2017).

³ See Petitioner's Letter re: Narrow Woven Ribbons With Woven Selvedge from Taiwan/Petitioner's Request For Administrative Review, dated September 29, 2017.

⁴ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 82 FR 52268 (November 13, 2017) (*Initiation Notice*) at 52271.

⁵ See Banduoo's Letter re: Narrow Woven Ribbons with Woven Selvedge from Taiwan: No Shipment Letter, dated November 30, 2017 (Banduoo No Shipment Letter); Fujian Rongshu's Letter re: Narrow Woven Ribbons with Woven Selvedge from Taiwan: No Shipment Letter, dated November 20, 2017 (Fujian Rongshu No Shipment Letter); Rong Shu's Letter re: Narrow Woven Ribbons with Woven Selvedge from Taiwan: No Shipment Letter, dated November 20, 2017 (Rong Shu No Shipment Letter); and Xiamen Yi-He's Letter re: Narrow Woven Ribbons with Woven Selvedge from Taiwan: No Shipment Letter, dated November 20, 2017 (Xiamen Yi-He No Shipment Letter). We also received a submission from a company in Taiwan that produced and exported ribbons purchased by Banduoo during the POR in support of its no shipment claim. See Shienq Huang Enterprise Co., Ltd.'s, Hsien Chan Enterprise Co., Ltd.'s, and Novelty Handcrafts Co., Ltd.'s Letter re: Narrow Woven Ribbons with Woven Selvedge from Taiwan: Clarification on the Scope of the Order, dated December 1, 2017 (Shienq Huang Clarification Letter).

⁶ See Banduoo No Shipment Letter.

⁷ See Shienq Huang Clarification Letter.

In March 2018, using CBP entry data, we selected Ming Wei and Rong Shu as mandatory respondents and issued AD questionnaires to these companies.⁸ In response to these questionnaires, Rong Shu submitted a second letter of no shipments,⁹ and Ming Wei notified Commerce that it was withdrawing from participation in this administrative review.¹⁰ See the “Preliminary Determination of No Shipments” and “Application of Facts Available and Adverse Inferences” sections, below, for further discussion.

In March 2018, we confirmed Banduoo’s, Fujian Rongshu’s, and Xiamen Yi-He’s no shipment claims with CBP.¹¹ With respect to Rong Shu, the CBP data placed on the record of this review contained entries from this company of products classified as subject merchandise.¹² Therefore, we determined that it was necessary to request additional information from CBP related to various POR entries of merchandise produced by Rong Shu. In May 2018, Commerce placed these entry documents on the record.¹³ We also requested that Rong Shu provide information relating to the products that it shipped to the United States during certain months of the POR and demonstrate that each of these products was not subject to the antidumping duty order on NWR.¹⁴ In response, Rong Shu submitted factual information related to the requested shipments and demonstrated that the products contained in the shipments were not subject to the review.¹⁵

Commerce has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from January 20 through 22, 2018.¹⁶ On June 4, 2018, we determined that it was not practicable to complete the preliminary results of this review by June 5, 2018, and extended the time period for issuing the preliminary results by 120 days, until October 3, 2018.¹⁷

⁸ See Memorandum, “2016-2017 Antidumping Duty Administrative Review: Narrow Woven Ribbons with Woven Selvedge from Taiwan: Respondent Selection,” dated March 5, 2018.

⁹ See Rong Shu’s Letter re: Narrow Woven Ribbons with Woven Selvedge from Taiwan: Confirmation of No Shipments, dated March 23, 2018.

¹⁰ See Ming Wei’s Letter re: Narrow Woven Ribbons with Woven Selvedge from Taiwan – Withdrawal from Participation as Mandatory Respondent, dated March 26, 2018 (Ming Wei Withdrawal Letter).

¹¹ See Memorandum, “Narrow woven ribbons with woven selvedge from Taiwan (A-583-844),” dated April 27, 2018 (No Shipments Inquiry Response).

¹² See Memorandum, “Narrow Woven Ribbons with Woven Selvedge from Taiwan: 2016-2017 Administrative Review: Release of U.S. Customs and Border Protection Entry Data,” dated November 20, 2017 (CBP Entry Data Memorandum).

¹³ See Memorandum, “Narrow Woven Ribbons with Woven Selvedge from Taiwan: 2016-2017 Administrative Review: U.S. Entry Documents Placed on the Record,” dated May 2, 2018.

¹⁴ See Rong Shu’s Letter re: Narrow Woven Ribbons with Woven Selvedge from Taiwan: Rong Shu’s Response to the Department’s May 2, 2018 Questions, dated May 16, 2018; and Rong Shu’s Letter re: Narrow Woven Ribbons with Woven Selvedge from Taiwan: Rong Shu’s Response to the Department’s May 22, 2018 Supplemental Questionnaire, dated May 25, 2018 (collectively, Rong Shu Entry Document Response).

¹⁵ See Rong Shu Entry Document Response.

¹⁶ See Memorandum, “Deadlines Affected by the Shutdown of the Federal Government,” dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

¹⁷ See section 751(a)(3)(A) of the Act; 19 CFR 351.213(h)(2); and Memorandum, “Narrow Woven Ribbons with Woven Selvedge from Taiwan: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,” dated June 4, 2018.

III. SCOPE OF THE ORDER

The scope of this order covers narrow woven ribbons with woven selvedge, in any length, but with a width (measured at the narrowest span of the ribbon) less than or equal to 12 centimeters, composed of, in whole or in part, man-made fibers (whether artificial or synthetic, including but not limited to nylon, polyester, rayon, polypropylene, and polyethylene terephthalate), metal threads and/or metalized yarns, or any combination thereof. Narrow woven ribbons subject to the order may:

- also include natural or other non-man-made fibers;
- be of any color, style, pattern, or weave construction, including but not limited to single faced satin, double-faced satin, grosgrain, sheer, taffeta, twill, jacquard, or a combination of two or more colors, styles, patterns, and/or weave constructions;
- have been subjected to, or composed of materials that have been subjected to, various treatments, including but not limited to dyeing, printing, foil stamping, embossing, flocking, coating, and/or sizing;
- have embellishments, including but not limited to appliqué, fringes, embroidery, buttons, glitter, sequins, laminates, and/or adhesive backing;
- have wire and/or monofilament in, on, or along the longitudinal edges of the ribbon;
- have ends of any shape or dimension, including but not limited to straight ends that are perpendicular to the longitudinal edges of the ribbon, tapered ends, flared ends or shaped ends, and the ends of such woven ribbons may or may not be hemmed;
- have longitudinal edges that are straight or of any shape, and the longitudinal edges of such woven ribbon may or may not be parallel to each other;
- consist of such ribbons affixed to like ribbon and/or cut-edge woven ribbon, a configuration also known as an “ornamental trimming;”
- be wound on spools; attached to a card; hanked (*i.e.*, coiled or bundled); packaged in boxes, trays or bags; or configured as skeins, balls, bateaus or folds; and/or
- be included within a kit or set such as when packaged with other products, including but not limited to gift bags, gift boxes and/or other types of ribbon.

Narrow woven ribbons subject to the order include all narrow woven fabrics, tapes, and labels that fall within this written description of the scope of this antidumping duty order.

Excluded from the scope of the order are the following:

- (1) formed bows composed of narrow woven ribbons with woven selvedge;

- (2) “pull-bows” (*i.e.*, an assemblage of ribbons connected to one another, folded flat and equipped with a means to form such ribbons into the shape of a bow by pulling on a length of material affixed to such assemblage) composed of narrow woven ribbons;
- (3) narrow woven ribbons comprised at least 20 percent by weight of elastomeric yarn (*i.e.*, filament yarn, including monofilament, of synthetic textile material, other than textured yarn, which does not break on being extended to three times its original length and which returns, after being extended to twice its original length, within a period of five minutes, to a length not greater than one and a half times its original length as defined in the Harmonized Tariff Schedule of the United States (HTSUS), Section XI, Note 13) or rubber thread;
- (4) narrow woven ribbons of a kind used for the manufacture of typewriter or printer ribbons;
- (5) narrow woven labels and apparel tapes, cut-to-length or cut-to-shape, having a length (when measured across the longest edge-to-edge span) not exceeding eight centimeters;
- (6) narrow woven ribbons with woven selvedge attached to and forming the handle of a gift bag;
- (7) cut-edge narrow woven ribbons formed by cutting broad woven fabric into strips of ribbon, with or without treatments to prevent the longitudinal edges of the ribbon from fraying (such as by merrowing, lamination, sono-bonding, fusing, gumming or waxing), and with or without wire running lengthwise along the longitudinal edges of the ribbon;
- (8) narrow woven ribbons comprised at least 85 percent by weight of threads having a denier of 225 or higher;
- (9) narrow woven ribbons constructed from pile fabrics (*i.e.*, fabrics with a surface effect formed by tufts or loops of yarn that stand up from the body of the fabric);
- (10) narrow woven ribbon affixed (including by tying) as a decorative detail to non-subject merchandise, such as a gift bag, gift box, gift tin, greeting card or plush toy, or affixed (including by tying) as a decorative detail to packaging containing non-subject merchandise;
- (11) narrow woven ribbon that is (a) affixed to non-subject merchandise as a working component of such non-subject merchandise, such as where narrow woven ribbon comprises an apparel trimming, book marker, bag cinch, or part of an identity card holder, or (b) affixed (including by tying) to non-subject merchandise as a working component that holds or packages such non-subject merchandise or attaches packaging or labeling to such non-subject merchandise, such as a “belly band” around a pair of pajamas, a pair of socks or a blanket;

- (12) narrow woven ribbon(s) comprising a belt attached to and imported with an item of wearing apparel, whether or not such belt is removable from such item of wearing apparel; and
- (13) narrow woven ribbon(s) included with non-subject merchandise in kits, such as a holiday ornament craft kit or a scrapbook kit, in which the individual lengths of narrow woven ribbon(s) included in the kit are each no greater than eight inches, the aggregate amount of narrow woven ribbon(s) included in the kit does not exceed 48 linear inches, none of the narrow woven ribbon(s) included in the kit is on a spool, and the narrow woven ribbon(s) is only one of multiple items included in the kit.

The merchandise subject to this order is classifiable under the HTSUS statistical categories 5806.32.1020; 5806.32.1030; 5806.32.1050; and 5806.32.1060. Subject merchandise also may enter under subheadings 5806.31.00; 5806.32.20; 5806.39.20; 5806.39.30; 5808.90.00; 5810.91.00; 5810.99.90; 5903.90.10; 5903.90.25; 5907.00.60; and 5907.00.80 and under statistical categories 5806.32.1080; 5810.92.9080; 5903.90.3090; and 6307.90.9889. The HTSUS statistical categories and subheadings are provided for convenience and customs purposes; however, the written description of the merchandise covered by this order is dispositive.

IV. PRELIMINARY DETERMINATION OF NO SHIPMENTS

During the review, we received timely filed no-shipment claims from Banduoo, Fujian Rongshu, Rong Shu, and Xiamen Yi-He,¹⁸ four of the five companies named in the *Initiation Notice*. In addition, in response to Commerce's query, CBP did not provide any evidence that contradicted Banduoo's, Fujian Rongshu's, or Xiamen Yi-He's claim of no shipments.¹⁹ Because the evidence on the record indicates that Banduoo, Fujian Rongshu, and Xiamen Yi-He did not export subject merchandise to the United States during the POR, we preliminarily determine that these companies had no shipments during the POR. Consistent with our practice, we will complete the review with respect to Banduoo, Fujian Rongshu, and Xiamen Yi-He and issue appropriate instructions to CBP based on the final results of this review.

With respect to Rong Shu, as noted in the "Background" section above, we examined U.S. entry data provided by CBP for POR entries of merchandise produced by Rong Shu. Based on a review of these data, as well as of Rong Shu's responses to two information requests,²⁰ we also preliminarily determine that Rong Shu had no shipments during the POR. Therefore, consistent with our practice, we will complete the review with respect to Rong Shu as well, and issue appropriate instructions to CBP based on the final results of this review.

¹⁸ See Banduoo No Shipment Letter, Fujian Rongshu No Shipment Letter, Rong Shu No Shipment Letter, and Xiamen Yi-He No Shipment Letter.

¹⁹ See CBP Entry Data Memorandum. See also No Shipments Inquiry Response.

²⁰ See Rong Shu Entry Document Response. In these submissions, Rong Shu provided documentation to demonstrate that it only exported non-subject ribbon to the United States during the POR.

V. APPLICATION OF FACTS AVAILABLE AND ADVERSE INFERENCES

As noted above, Ming Wei was selected as a mandatory respondent. This company received Commerce's questionnaire in the review, but, rather than submit a timely response, withdrew from participation in the administrative review.²¹ In accordance with sections 776(a) and (b) of the Act, we determine that the use of adverse facts available (AFA) is appropriate for these preliminary results with respect to Ming Wei. For the reasons discussed below, we are preliminarily assigning a dumping margin of 137.20 percent to this respondent.

Section 776(a) of the Act provides that, subject to section 782(d) of the Act, Commerce shall apply "facts otherwise available" if: (1) necessary information is not on the record; or (2) an interested party or any other person (A) withholds information that has been requested, (B) fails to provide information within the deadlines established, or in the form and manner requested by Commerce, subject to subsections (c)(1) and (e) of section 782 of the Act, (C) significantly impedes a proceeding, or (D) provides information that cannot be verified as provided by section 782(i) of the Act.

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.

Section 776(b) of the Act provides that Commerce may use an adverse inference in applying the facts otherwise available when a party fails to cooperate by not acting to the best of its ability to comply with a request for information. In so doing, 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.²² Further, section 776(b)(2) states that an adverse inference may include reliance on information derived from the petition, the final determination from the less-than-fair-value investigation, a previous administrative review, or other information placed on the record.²³

Section 776(c) of the Act provides that, when Commerce relies on secondary information rather than on information obtained in the course of an investigation or review, it shall, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal.²⁴ 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.²⁵ Further,

²¹ See Ming Wei Withdrawal Letter.

²² See section 776(b)(1)(B) of the Act.

²³ See also 19 CFR 351.308(c).

²⁴ See also 19 CFR 351.308(d).

²⁵ See Statement of Administrative Action (SAA) accompanying the Uruguay Round Agreements Act, attached to

Commerce is not required to corroborate any dumping margin applied in a separate segment of the same proceeding.²⁶

Finally, under 776(d) of the Act, Commerce may use any dumping margin from any segment of a proceeding when applying an adverse inference, including the highest of such margins.²⁷ 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; neither is Commerce required to demonstrate that the dumping margin reflects an “alleged commercial reality” of the interested party.²⁸

A. Use of Facts Otherwise Available

As noted in the “Background” section, above, Ming Wei notified Commerce of its withdrawal from participation in this administrative review.²⁹ As a result, Ming Wei did not provide the requested information necessary for Commerce to calculate an AD margin for it in this review.

Section 776(a)(1) of the Act states that Commerce “shall” use the facts otherwise available if necessary information is not available on the record. Further, section 776(a)(2) of the Act provides that Commerce “shall” use facts available if it determines that an interested party withholds information requested by Commerce, fails to provide such information by the deadlines for submission of the information or in the form and manner requested by Commerce, significantly impeded a proceeding, or provides such information but the information cannot be verified. In this case, Ming Wei withheld requested information, failed to provide the requested information by the deadline, and, thus, significantly impeded this proceeding. Therefore, in accordance with sections 776(a)(1) and (a)(2)(A)-(C) the use of facts otherwise available is preliminarily warranted in determining a dumping margin for Ming Wei.

B. Application of Facts Available with an Adverse Inference

Section 776(b) of the Act provides that if Commerce finds an interested party fails to cooperate by not acting to the best of its ability to comply with requests for information, Commerce may use an inference adverse to the interests of that party in selecting the facts otherwise available.³⁰ Section 776(b) also provides that Commerce is not required to determine, or make any adjustments to, the dumping margin based on any assumptions about information the interested party would have provided if the interested party had complied with the request for information.

H.R. No. 103-316, vol. 1 at 870 (1994), reprinted in 1994 U.S.C.C.A.N. 37773, 4163.

²⁶ See section 776(c)(2) of the Act.

²⁷ See section 776(d)(1)-(2) of the Act.

²⁸ See section 776(d)(3) of the Act.

²⁹ See Ming Wei Withdrawal Letter.

³⁰ See, e.g., *Notice of Final Results of Antidumping Duty Administrative Review: Stainless Steel Bar from India*, 70 FR 54023, 54025-26 (September 13, 2005); *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); see also *Notice of Final Results of Antidumping Duty Administrative Review, and Final Determination to Revoke the Order In Part: Individually Quick Frozen Red Raspberries from Chile*, 72 FR 70295, 70297 (December 11, 2007).

In addition, the SAA provides 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.”³¹

Although we provided Ming Wei with notice informing it of the consequences of its failure to respond within the established deadline to our questionnaire,³² Ming Wei declined to respond to the questionnaire and failed to participate in this review.³³ We have, therefore, preliminarily determined that Ming Wei failed to cooperate to the best of its ability in providing the necessary information for Commerce to conduct an administrative review.³⁴ Accordingly, we preliminarily find that the application of facts available with an adverse inference, pursuant to section 776(b) of the Act, is warranted.³⁵

C. *Selection and Corroboration of Adverse Facts Available Rate*

Where Commerce applies AFA because a respondent fails to cooperate by not acting to the best of its ability to comply with a request for information, section 776(b)(2) of the Act authorizes Commerce to rely on information derived from the petition, a final determination, a previous administrative review, or other information placed on the record.³⁶ In selecting a rate based on AFA, the 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.”³⁷ Furthermore, affirmative evidence of bad faith on the part of a respondent is not required before Commerce may make an adverse inference.³⁸ Under section 776(d)(3), when selecting an AFA margin, Commerce is not required to estimate what the dumping margin would have been if the

³¹ See SAA at 870; see also *Certain Polyester Staple Fiber from Korea: Final Results of the 2005-2006 Antidumping Duty Administrative Review*, 72 FR 69663 (December 10, 2007) (*PSF from Korea*).

³² See Commerce’s March 5, 2018, questionnaire to Ming Wei at page three of the cover letter which states, “[i]f the Department does not receive either the requested information or a written extension request before 5 p.m. ET on the established deadline, we may conclude that your company has decided not to cooperate in this proceeding...[which] may result in the application of partial or total facts available, pursuant to section 776(a) of the Act, which may include adverse inferences, pursuant to section 776(b) of the Act.”

³³ See Ming Wei Withdrawal Letter.

³⁴ See *Hardwood and Decorative Plywood from the People’s Republic of China: Final Affirmative Countervailing Duty Determination; 2011*, 78 FR 58283 (September 23, 2013) and accompanying Issues and Decision Memorandum at 5-6, where Commerce applied AFA to the China-wide entity because several respondents that were a part of the China-wide entity did not respond to Commerce’s quantity and value questionnaire.

³⁵ See, e.g., *Notice of Final Determination of Sales at Less Than Fair Value: Circular Seamless Stainless Steel Hollow Products from Japan*, 65 FR 42985, 42986 (July 12, 2000) (where Commerce applied total AFA because the respondent failed to respond to the questionnaire); see also *Nippon Steel Corp. v. United States*, 337 F.3d 1373, 1382-83 (Fed. Cir. 2003).

³⁶ See 19 CFR 351.308(c); SAA at 868-870.

³⁷ See SAA at 870; see also *PSF from Korea*, 72 FR at 69664; *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 Preliminary Decision Memorandum 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).

³⁸ See *Antidumping Duties; Countervailing Duties; Final rule*, 62 FR at 27340 (May 19, 1997).

interested party failing to cooperate had cooperated or to demonstrate that the dumping margin reflects an “alleged commercial reality” of the interested party.³⁹

As AFA, we preliminarily assign Ming Wei the dumping margin of 137.20 percent, which is the AFA rate that we have previously assigned to non-cooperative respondents in prior segments of this proceeding. For example, Commerce assigned A-Madeus Textile Ltd. an antidumping rate of 137.20 percent in the 2014-2015 administrative review of this case when it, similarly, did not respond to Commerce’s questionnaire.⁴⁰ This rate achieves the purpose of applying an adverse inference, *i.e.*, it 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.⁴¹

When a respondent is not cooperative, such as Ming Wei in this review, Commerce has the discretion to presume that the highest prior dumping margin is the most probative evidence of the current weighted-average dumping margin.⁴² If this were not the case, the party would have produced current information to demonstrate that its dumping margin is lower.⁴³ Further, by using the highest prior dumping margin, we can be assured that the exporter will not benefit from refusing to provide information.

Section 776(c)(1) of the Act requires that, except as provided in paragraph (2), when Commerce relies on secondary information, it shall, to the extent practicable, corroborate secondary information from independent sources that are reasonable at its disposal. Section 776(c)(2) states that Commerce shall not be required to corroborate any dumping margin applied in a separate segment of the same proceeding. Thus, pursuant to section 776(c)(2) of the Act, because we have obtained a dumping margin from a prior segment of the same proceeding, it is unnecessary to corroborate this rate.

Accordingly, for the foregoing reasons, we preliminarily assign Ming Wei an AFA rate of 137.20 percent.

³⁹ See section 776(d)(3) of the Act; TPEA, section 502(3).

⁴⁰ See *Narrow Woven Ribbons With Woven Selvedge from Taiwan; Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2014-2015*, 82 FR 18432 (April 19, 2017); see also *Narrow Woven Ribbons With Woven Selvedge from Taiwan; Final Results of Antidumping Duty Administrative Review; 2012-2013*, 80 FR 19635 (April 13, 2015); *Narrow Woven Ribbons With Woven Selvedge from Taiwan: Final Results of Antidumping Duty Administrative Review; 2011-2012*, 78 FR 50377 (August 19, 2013); and *Narrow Woven Ribbons With Woven Selvedge from Taiwan: Final Results of Antidumping Duty Administrative Review; 2010-2011*, 77 FR 72825 (December 6, 2012).

⁴¹ See SAA at 870; see also *PSF from Korea*, 72 FR at 69664; *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 Preliminary Decision Memorandum 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).

⁴² See *Ta Chen Stainless Steel Pipe, Inc. v. United States*, 298 F.3d 1330, 1339 (Fed. Cir. 2002) (citing *Rhone Poulenc, Inc. v. United States*, 899 F.2d 1885, 1190 (Fed. Cir. 1990) (*Rhone Poulenc*)).

⁴³ See *Rhone Poulenc*, 899 F.2d at 1190.

VI. RECOMMENDATION

Based on our analysis, we recommend adopting the above positions in these preliminary results. If this recommendation is accepted, we will publish the preliminary results of the review, preliminary determination of no shipments, and the preliminary dumping margin for Ming Wei in the *Federal Register*.

☒

Agree

☐

Disagree

10/2/2018

X



Signed by: GARY TAVERMAN

Gary Taverman
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations,
performing the non-exclusive functions and duties of the
Assistant Secretary for Enforcement and Compliance