

**Final Results of Redetermination Pursuant to
*Stanley Works (Langfang) Fastening Systems Co., Ltd. and the Stanley Works/Stanley
Fastening Systems, LP v. United States*
Slip Op. 13-118 (Ct. Int'l Trade 2013)
(September 3, 2013)**

I. SUMMARY

The U.S. Department of Commerce (“Department”) prepared these final results of redetermination pursuant to the remand orders of the U.S. Court of International Trade (“CIT” or “Court”) in *Stanley Works (Langfang) Fastening Systems Co., Ltd. and the Stanley Works/Stanley Fastening Systems, LP v. United States*, Slip Op. 13-118 (CIT 2013) (“*Stanley*”).

On December 23, 2013, the Department issued the draft results of redetermination to interested parties for comment. On January 6, 2014, Stanley¹ and Petitioner² submitted comments on the draft results of redetermination.

In accordance with the Court’s instructions in *Stanley* and the Department’s request for a voluntary remand, the Department reconsidered its evaluation of the surrogate financial ratios in the *Nails AR1 Final Results*.³ Specifically, in accordance with its refined practice outlined in the *Nails AR2 Final Results*⁴ regarding whether it is more reasonable to consider a company as a producer of “identical” merchandise or “comparable” merchandise, the Department found that Bansidhar Granites Private Limited (“Bansidhar”), Nasco Steels Private Ltd. (“Nasco”), and Sundram Fasteners Ltd. (“Sundram”) are all appropriate to use for calculating the surrogate financial ratios. The Department also finds that J&K Wire & Steel Industries (Pvt.) Ltd. (“J&K”) is not appropriate to use, as discussed below.

¹ Stanley Works (Langfang) Fastening Systems Co., Ltd. and the Stanley Works/Stanley Fastening Systems (Collectively known as “Stanley”).

² Mid Continent Nail Corporation (“Petitioner”).

³ See *Certain Steel Nails From the People’s Republic of China: Final Results of the First Antidumping Duty Administrative Review*, 76 FR 16379 (March 23, 2011) (“*Nails AR1 Final Results*”).

⁴ See *Certain Steel Nails from the People’s Republic of China: Final Results and Final Partial Rescission of the Second Antidumping Duty Administrative Review*, 77 FR 12556 (March 1, 2012) and accompanying Issues and Decision Memorandum at Comment 2 (“*Nails AR2 Final Results*”).

Moreover, in accordance with the Court’s instructions in *Stanley*, the Department continues to value electricity using the Central Electricity Authority (“CEA”) 2008 data instead of the CEA 2009 data. The Department finds that the CEA 2008 data are the best information available on the record to value electricity because the CEA 2008 data best satisfy the Department’s SV selection criteria, whereas the CEA 2009 data are not tax-and duty-free and are less of a broad-market average.

II. ANALYSIS

A. Selection of Financial Statements

The CIT remanded to the Department, upon request, the issue of surrogate financial ratio selection.⁵ We observe that the parties’ arguments and the Court’s opinion regarding this issue center on evaluating five surrogate financial companies (Bansidhar, J&K, Nasco, Sundram and Lakshmi).⁶ Furthermore, for purposes of this remand, given the arguments espoused by the parties in litigation and the issues highlighted in the Court’s opinion, as in the *Nails ARI Final Results*, the Department continues to find that these sources are publicly available, contemporaneous with the period of review (“POR”), from an approved surrogate country, and profitable. Thus, these four factors are not in dispute. Below, we elaborate on the application of the remaining selection criteria.

With regard to receipt of countervailable subsidies, as stated in the *Nails ARI Final Results*, the Department reviewed Lakshmi’s financial statements and determined that they received countervailable subsidies during the POR under programs previously investigated by the Department.⁷ As a result, the Department will not use Lakshmi’s financial statements as the

⁵ See *Stanley*, at 41.

⁶ J&K Wire & Steel Industries (Pvt.) Ltd. (“J&K”), Bansidhar Granites Private Limited (“Bansidhar”), and Nasco Steels Private Ltd. (“Nasco”), Sundram Fasteners Ltd. (“Sundram”), Lakshmi Precision Screws Ltd. (“Lakshmi”).

⁷ See *Nails ARI Final Results*, and accompanying Issues and Decision Memorandum at Comment 3.

Department will not normally rely on financial statements where there is evidence that the company received countervailable subsidies for purposes of calculating the surrogate financial ratios.⁸ Bansidhar, J&K, Nasco, and Sundram do not show receipt of countervailable subsidies nor is there reason to believe that they received countervailable subsidies. Thus, these companies will be considered for the remainder of our analysis. Below, we elaborate on the application of the remaining selection criteria (producers of identical or comparable merchandise) to these four companies.

In the subsequent *Nails AR2 Final Results*, the Department refined its practice and analyzed a surrogate company's product mix (types and volumes), where possible, to make a determination of whether it is more reasonable to consider the company a producer of "identical" or "comparable" merchandise as a whole.⁹ Therein, we found Bansidhar mainly a producer of comparable merchandise because: 1) its nails production was low (17 percent); and, 2) it mainly produced comparable merchandise (bolts - 71 percent).¹⁰ We also found Sundram to be a producer of comparable merchandise because, even though it did not produce nails, its single largest product line was of comparable merchandise, *i.e.*, fasteners (42 percent of income).¹¹ Herein, we re-evaluate our determination concerning surrogate financial ratios taking into consideration this refined practice from the *Nails AR2 Final Results*.

As noted below, *in Nails ARI*, Bansidhar's, J&K's and Nasco's nails activity as a percentage of their business is even lower than Bansidhar's in *Nails AR2 Final Results*, thus our analysis focuses on whether it would be more reasonable to classify these companies as producers of comparable merchandise. With regard to Bansidhar, the record demonstrates that it

⁸ See OMNIBUS TRADE AND COMPETITIVENESS ACT OF 1988, CONFERENCE REPORT TO ACCOMPANY H.R. 3, H.R. REP. NO. 576, 100th Cong., 2d Sess. 590-91 (1988).

⁹ See *Nails AR2 Final Results*, and accompanying Issues and Decision Memorandum at Comment 2.

¹⁰ See *id.*

¹¹ See *id.*

produced bolts, nails, and wire, representing 57.22, 15.70, and 27.08 percent of production, respectively.¹² Thus, Bansidhar's financial statements reflect that of a company that primarily makes comparable merchandise, with a limited amount of identical merchandise. Therefore, we find Bansidhar to be a producer of comparable, rather than identical, merchandise. With regard to Nasco, the record demonstrates that it produced hinges, nails, and blades, representing 68.83, 12.61, and 18.56 percent of production, respectively.¹³ Thus, Nasco's financial statements also reflect that of a company that primarily makes comparable merchandise, with a limited amount of identical merchandise. Therefore, we similarly find Nasco to be a producer of comparable, rather than identical, merchandise.

With regard to Sundram, a similar comparison based on production volumes is not possible due to differing units of measure reported in its financial statements. However, Sundram produces a range of products, including fasteners, which we find to be comparable merchandise,¹⁴ and which constitute its single largest product line representing 42.61 percent of income.¹⁵ Thus, we find Sundram to be a producer of comparable merchandise.

With regard to Petitioners' argument that Sundram must consume steel wire rod, upon further review, for producers of comparable merchandise, SWR consumption in the production process is not integral. Given that bolts, hinges and fasteners are comparable, then the question of whether they consume SWR is moot. *See* Section III below.

With regard to J&K, even though the record demonstrates that it produced and sold nails (16.69 percent of sales), its activities are primarily in the production/sale of non-comparable

¹² *See* Itochu et al's October 5, 2010, submission at Exhibit 1.

¹³ *See* Stanley's October 5, 2010, submission at Exhibit C.

¹⁴ *See Nails AR2 Final Results*, and accompanying Issues and Decision Memorandum at Comment 2.

¹⁵ *See* Petitioner's October 5, 2010, submission at 1045.

merchandise (83.31 percent of its sales consisting of wire).¹⁶ Thus, we consider J&K to be mainly a producer of non-comparable merchandise, and thus, not suitable as a surrogate financial company.

Regarding the differences in the scale of production, as stated in the *Nails AR2 Final Results*, the Department has long found that disparate production volumes, alone, do not render the Department's use of the data from a surrogate producer unreasonable.¹⁷ Additionally, the U.S. Court of Appeals for the Federal Circuit and CIT upheld the Department's use of smaller companies because "excluding smaller companies based on distortions in economies of scale would also necessitate excluding the larger companies based on economies of scale, thereby impermissibly excluding all data from all surrogate companies."¹⁸

Therefore, upon remand, and following the above analysis, we no longer find that any of the companies are producers of identical merchandise but instead find that Bansidhar, Nasco and Sundram are producers of comparable merchandise. We will average all these companies' financial statements for the remand results.

B. Valuation of Electricity

In the *Final Results*, we relied on the CEA 2008 data to value electricity because we found that source to be more contemporaneous than the CEA 2009 data.¹⁹ Petitioners argue that

¹⁶ See Stanley's October 5, 2010, submission at Exhibit E.

¹⁷ See, e.g., *Persulfates from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 68 FR 68030 (December 5, 2003) and accompanying Issues and Decision Memorandum at Comment 1 ("Simply because the production process of the surrogate producer results in smaller production volumes does not render it unfit as a surrogate."); see also *Notice of Final Determination of Sales at Less Than Fair Value: Bulk Aspirin From the People's Republic of China*, 65 FR 33805 (May 25, 2000) and accompanying Issues and Decision Memorandum at Comment 4 ("Regarding the petitioner's arguments about capacity, we do not believe that size or capacity of the surrogate producer always poses a necessary consideration.").

¹⁸ See *Lifestyle Enter. v. United States*, 768 F. Supp. 2d 1286, 1306 (Ct. Int'l Trade 2011) citing *Dorbest Ltd. v. United States*, 604 F.3d 1363, 1374 (Fed. Cir. 2010).

¹⁹ See *Nails AR1 Final Results*, and accompanying Issues and Decision Memorandum at Comment 5.

the Department's conclusion is unclear when it finds that the 2008 data²⁰ are "more contemporaneous" than the 2009 data,²¹ as the 2008 data reflect effective tariff rates only through March 31, 2008, (two months of the POR) with the most recent data point being from May 2007. Petitioners maintain that in contrast, the 2009 data reflect effective tariff rates through March 31, 2009, (13 months of the POR) and the most recent data point is from August 2008.

The Court remanded this issue and stated that the Department's *post hoc* argument that the 2008 data are more detailed and cover more data points than the 2009 data says nothing at all about the relative "contemporaneity" of the data, which was the basis for the Department's selection. The Court further stated that the Department should clarify whether or not the 2008 data are more contemporaneous, and if not, determine which data constitute the "best available information," based on all relevant factors, and explain why.²²

As an initial matter we note that both the 2008 and 2009 CEA data are publicly available, from an approved surrogate country, and specific to the input in question. No party disputes this, and we continue to find that they satisfy these criteria. Thus, our attention will focus on the remaining factors.

With regard to contemporaneity, after further review, our original justification for choosing the 2008 data over the 2009 data because they were "more contemporaneous" was not clearly supported by the record. While both sources are contemporaneous with the POR, the 2009 data cover more months of the POR.

However, upon further scrutiny, the record shows that the 2009 data are not tax and duty free, unlike the 2008 data. Thus, the issue with the 2009 data is not with contemporaneity but

²⁰ See Preliminary Results Surrogate Values Memorandum, dated September 7, 2010, at 11 and Exhibit 46.

²¹ See Petitioner's June 15, 2010, submission at Exhibit 4.

²² See *Stanley* at 45.

with tax exclusivity. The 2008 data include the tax-exclusive rate, the tax amount, and the tax-inclusive rate.²³ However, upon review of the record evidence, the 2009 data seems to only include the tax-inclusive rate. In reviewing the record evidence, we observed that, in fact, most of the electricity rates did not change from 2008 to 2009, and in cross-checking²⁴ these rates between the years, up to 88 percent of the rates in the 2009 data²⁵ match the 2008 tax-inclusive rate.²⁶ For the remaining 12 percent of the rates listed in the 2009 data reference tier, there was no match to a rate in the 2008 data. Thus, for all of the rates for which such a comparison is possible, evidence indicates that the 2009 CEA data are tax-inclusive and thus are not suitable for SV purposes.²⁷ Moreover, it is clear that the 2008 CEA data cover a broader array of industrial categories,²⁸ and are therefore a broader market average than the 2009 CEA data, which cover a more limited number of categories.

Thus, upon remand, we will continue to use the CEA 2008 data to value electricity, albeit for the reasons expressed in the above analysis, because they best satisfy our SV selection criteria, whereas the 2009 data are not tax and duty free and are less of a broad market average.

²³ See Preliminary Results Surrogate Values Memorandum, dated September 7, 2010, at 11 and Exhibit 46.

²⁴ We cross-checked the 2008 and 2009 rates by matching instances where: 1) the service tier matched; 2) the service area matched; and, 3) effective date matched. The data in the sets overlapped in five service tiers (10KW, 50KW, 1,000KW 60%LF, 10,000KW 60%LF, and 20,000KW 60%LF). For example in the 50KW service tier, 33 service areas match with corresponding effective dates. Out of those, the rates in 29 (88 percent) of the service areas in the 2009 data match the 2008 tax-inclusive rates. See Memorandum to the File "Analysis of Electricity Surrogate Value Data," dated concurrently with these draft results.

²⁵ See Petitioner's June 15, 2010, submission at Exhibit 4.

²⁶ Performing a similar exercise on the other four service tiers yields 2009 data that matches the 2008 tax-inclusive rates as follows (10KW - 82 percent; 1,000KW - 83 percent; 10,000KW - 82 percent; and 20,000KW 60 percent). See Analysis of Electricity Surrogate Value Data.

²⁷ See *id.*

²⁸ Twenty-five service tiers in the 2009 CEA data versus five service tiers in the 2008 data. See *id.*

III. COMMENTS FROM INTERESTED PARTIES

Selection of Surrogate Financial Companies

Stanley's Comments

- For subsidies, the correct standard is not “evidence that the company received countervailable subsidies” but, rather is substantial evidence supporting a “reason to believe or suspect” that a company *may have* received countervailable subsidies.
- In *Lock Washers*,²⁹ the Department rejected Sundram’s financial statements, finding there was reason to believe or suspect Sundram benefited from countervailable subsidies from: 1) an “Interest Free Sales Tax Loan from the Government of Tamil Nadu”; and, 2) “Government Grants Received” recorded in its books.
- There is also a reason to believe or suspect that Sundram may have received additional subsidies in the form of: 1) operating a manufacturing plant in the “Auto Ancillary SEZ, Mahindra World City”; and, 2) being eligible for a deduction under section 35(2AB) of the Income Tax Act,³⁰ a program which the European Union (“EU”) found countervailable (which is generally sufficient to satisfy the Department’s reason to believe or suspect standard).
- The Department does not justify departing from its finding that steel wire rod (“SWR”) consumption is integral to the selection of a surrogate company and no evidence indicates Sundram consumes SWR.

²⁹ See *Certain Helical Spring Lock Washers From the People’s Republic of China: Final Results of Antidumping Duty Administrative Review*, 75 FR 29720 (May 27, 2010) (“*Lock Washers*”), and accompanying Issues and Decision Memorandum at comment 2; see also Memorandum To the File Re: Preliminary Results of the 2007-2008 Administrative Review of Certain Helical Spring Lock Washers from the People’s Republic of China; Factors of Production Valuation (“*Lock Washers SV Memo*”), dated November 2, 2009, at 10, citing to *Certain Hot-Rolled Carbon Steel Flat Products From India: Final Results of Countervailing Duty Administrative Review*, 73 FR 40295 (July 14, 2008) (“*India Hot-Rolled*”), and accompanying Issues and Decision Memorandum at I.D.1.

³⁰ See Petitioner’s October 5, 2011, submission at pages 1008 and 995 respectively.

- Sundram manufactures *automotive* fasteners which are distinct from “common fasteners.” In addition, less than half of Sundram’s sales are of fasteners which include nuts and sockets.
- The production process for standard fasteners is not similar to nails due to different inputs, processes and packaging.
- Sundram’s financial ratios are aberrational and distortive as its overhead (“OH”) ratio is 10 times higher than any of the other companies, and its other ratios are also much higher as well.
- If Sundram’s financial statements are still used, “Subcontracting Expenses,” “Employee Provident and Other Funds” and “Staff Labour Welfare Fund” in the financial statements should be classified under the materials labor energy (“MLE”) denominator and not OH.
- J&K’s exclusion as a financial surrogate company is not appropriate as the company produced identical merchandise and consumed SWR. Also, the Department makes inconsistent conclusions saying that a company that makes nails is not a comparable producer, while an automotive components and fasteners producer is a comparable producer.

Petitioner’s Comments

- Sundram produces fasteners and, therefore, is properly considered a producer of comparable merchandise. Additionally, Sundram utilizes wire rod, the main input used to produce steel nails.
- Using the methodology as refined in *Nails AR2 Final Results*, the Department properly found that all of the financial statements it used as representing producers of comparable merchandise.

- J&K was properly excluded because the vast majority of its production consisted of non-identical and non-comparable merchandise.

Department’s Position:

The Department agrees with Stanley that the standard to apply is substantial evidence supporting a ‘reason to believe or suspect’ that a company may have received countervailable subsidies. Regarding the specific, alleged subsidies at issue, first, the Department notes that it never found “Interest Free Sales Tax Loans from the Government of Tamil Nadu” to be a countervailable subsidy. In fact, the Department erred in its conclusion in *Lock Washers*. In *Lock Washers*, the subsidy program at issue was the same as the program at issue here.³¹ The Department stated that the program was previously found to be countervailable. However, this statement was incorrect; the Department never reviewed this specific program. In *Lock Washers*, the Department incorrectly relied upon an administrative review of *India Hot-Rolled*, wherein the Department found a different program to be countervailable.³² The program in *India Hot-Rolled* was “Interest Free Tax Loans from the Government of Maharashtra,” a program from another Indian state, not Tamil Nadu.³³ Therefore, the Department should not have relied upon that determination to dismiss the financial statement because the countervailability of a program in Maharashtra is not relevant to a program established and administered in another state such as Tamil Nadu. Thus, because the Department never found “Interest Free Sales Tax Loans from the Government of Tamil Nadu” to be countervailable, the Department finds that this evidence is insufficient to satisfy the reason to believe or suspect standard.

³¹ See *Lock Washers*, and accompanying Issues and Decision Memorandum at Comment 2 citing *Lock Washers* SV Memo at 10.

³² See *India Hot-Rolled*, and accompanying Issues and Decision Memorandum at I.D.1.

³³ See *id.*

Second, even though in *Lock Washers*, we stated that “Deferred Government Grants” *may* be countervailable, this determination departed from our general practice (of not relying on information that indicates that a company *may* be receiving a countervailable subsidy) and is an anomaly. In accordance with case law and past practice, notation of a subsidy in a set of financial statements, without further information about the subsidy program, or other additional substantiating evidence of countervailability, does not satisfy the “reason to believe or suspect” standard.³⁴

Third, even though Sundram operates in an SEZ and we previously found the SEZ Act connected to that SEZ countervailable, there is no information in the financial statements indicating that Sundram applied for, or used, any subsidies under the SEZ Act. Mere location in a region or country that provides subsidies is not sufficient to meet the “reason to believe or suspect” threshold. If the Department determined that all companies located in the SEZ received countervailable subsidies, then Sundram’s location in the SEZ would satisfy the reason to believe or suspect standard. The Department recognizes, however, that benefits from India’s SEZ programs are not provided automatically to companies located within the SEZ. In some instances, notwithstanding its SEZ location, a company must also apply and qualify for the benefits of the subsidy programs to receive them.³⁵ If location alone were sufficient, then the fact that Sundram is located in India would be a sufficient reason for dismissing the financial

³⁴ See *Catfish Farmers of America v. United States*, 641 F. Supp. 2d 1362, 1380 (Ct. Int’l Trade 2009); *Circular Welded Austenitic Stainless Pressure Pipe from the People’s Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 73 FR 51788, 51790 at fn3 (September 5, 2008) (unchanged in *Circular Welded Austenitic Stainless Pressure Pipe from the People’s Republic of China: Final Determination of Sales at Less Than Fair Value*, 74 FR 4913 (January 28, 2009)); *Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results of the Second Administrative Review*, 72 FR 13242 (March 21, 2007), and accompanying Issues and Decision Memorandum at Comment 9.

³⁵ See, e.g., *Polyethylene Terephthalate Film, Sheet, and Strip From India: Final Results of Countervailing Duty New Shipper Review*, 76 FR 30910 (May 27, 2011), and accompanying Issues and Decision Memorandum at 13-19.

statements, because the Department found that India provides widely available countervailable subsidies.³⁶

Finally, with respect to section 35(2AB) of the Income Tax Act, the information to which Stanley cited in Sundram's financial statements only states that the company is eligible for this program, not that the company actually been approved and used this program.

Regarding Sundram's product mix and production process, we find that Sundram produces comparable merchandise because its main line of business is fasteners including screws and bolts (42.61 percent of turnover) which undergo a similar production process as nails, *e.g.*, cold extrusion, which is similar to wire drawing, heading, threading, galvanizing, *etc.*³⁷ Moreover, and contrary to Stanley's assertions, nothing on the record indicates that the fasteners Sundram produces are "automotive fasteners" but, rather are standard fasteners.³⁸

Regarding SWR consumption, based on our revised methodology, we determine that these producers are more accurately described as producers of comparable merchandise. SWR consumption was important only with regard to our analysis of determining whether a company is a producer of identical merchandise. For producers of comparable merchandise, unlike with identical merchandise, the main inputs consumed in the production processes vary widely. The

³⁶ When determining whether or not to use import statistics to calculate normal value, the Department generally disregards import statistics from countries that maintain broadly available, non-industry specific export subsidies. *See Seamless Refined Copper Pipe and Tube From the People's Republic of China: Preliminary Results of the First Antidumping Duty Administrative Review, and Intent To Rescind in Part*, 77 FR 47030, 47034 (August 7, 2012). In such instances, the source of the imports, *i.e.*, the country, alone, is sufficient to provide the Department with a reason to believe or suspect the receipt of subsidies. *See id.*; *Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, From the People's Republic of China: Preliminary Results of the 2010-2011 Antidumping Duty Administrative Review, Rescission In Part, and Intent To Rescind in Part*, 77 FR 40579, 40584 (July 10, 2012); and, *Sodium Hexametaphosphate From the People's Republic of China: Preliminary Results of Second Antidumping Duty Administrative Review*, 77 FR 17013, 17015 (March 23, 2012). The country is sufficient because import statistics generally are in the aggregate; the Department presumes that at least one of the companies included in this aggregate number has benefitted from such subsidy programs. Consequently, based on the totality of the circumstances, that a country maintains broadly available, non-industry specific export subsidies, is sufficient evidence to indicate that there is reason to believe or suspect the *import statistics* from that country are distorted by countervailable subsidies. This geographical categorization does not, however, apply to financial statements.

³⁷ *See* Petitioner's October 5, 2010, submission at 879-884.

³⁸ *See id.*, at 882.

wide variety of inputs consumed renders a comparison of main inputs fruitless. Because the Department finds bolts, hinges, and fasteners, to be comparable merchandise, whether the producers of such comparable merchandise consume SWR when producing the comparable merchandise is moot.

Regarding the claim that Sundram's ratios are aberrational, there is no information to indicate they are aberrationally high, or for that matter, that the other companies are aberrationally low. It is true, when compared to the lowest OH ratio (Bandsidhar's), Sundram's OH ratio are 10 times higher. However, one of the other companies' (Nasco) OH is seven times higher than the lowest (Bandsidhar). Yet, Stanley never argued that Nasco's OH ratio is too high. In any event, the Department sees a natural distribution of ratios for these companies, with some higher and some lower than others.³⁹

Regarding "Subcontracting Expenses," we agree with Stanley because the expenses are analogous to tolling which we classify as part of MLE. Regarding "Employee Provident and Other Funds" and "Staff Labour Welfare Fund" we disagree that these should be classified under labor because we used ILO Chapter 5B data, which does not include such charges.⁴⁰ Thus, we will continue to treat them as OH.

Regarding J&K, we properly classified it as a non-comparable producer because its main line of business (83.31 percent of sales is wire) was non-comparable merchandise.⁴¹ This is unlike Sundram, which main line of business is comparable merchandise (42.61 percent of turnover is fasteners).


³⁹ See *Clearon Corp v. United States*, No. 13-22, 2013 (CIT February 20, 2013), the Court upheld the Department's determination on remand, which reasoned, "The Department further found that, although the Philippine retail average unit value was the highest value on the record, it was not aberrational when compared to other potential surrogate countries, but "[r]ather it constitutes the high end of a range of values." (citing Remand Results at 8).

⁴⁰ See *Drawn Stainless Steel Sinks from the People's Republic of China: Investigation, Final Determination*, 78 FR 13019 (February 26, 2013), and accompanying Issues and Decision Memorandum at Comment 3.

⁴¹ See Stanley's October 5, 2010, submission at Exhibit 12.E.

IV. FINAL RESULTS OF REDETERMINATION

Pursuant to the Court's order and based on the analysis of the data available on the record, the Department finds that: 1) the Bansidhar, Nasco and Sundram's financial statements constitute the best information on the record for surrogate ratio valuation purposes; and that 2) the 2008 CEA data remain the best information on the record for the valuation of electricity.⁴² Based upon the changes in the selection of surrogate financial companies, the Department is also issuing revised margin calculations for the respondents.⁴³ The revised margins are as follows: Stanley and the Separate Rate companies, 15.43 percent.



Paul Piquado
Assistant Secretary
for Enforcement and Compliance

5 MARCH 2014
Date

⁴² We note that no party commented on the Department's draft redetermination as it pertained to valuation of electricity.

⁴³ See Memorandum to the File, Analysis of Stanley for the Final Remand Results, dated March 5, 2014.