

**REMAND REDETERMINATION**  
*Diamond Sawblades Manufacturers' Coalition v. United States*  
**Court No. 13-00078; Slip Op. 14-50**

**FINAL RESULTS OF REDETERMINATION PURSUANT TO COURT REMAND**

**I. SUMMARY**

The Department of Commerce (the Department) prepared these final results of redetermination pursuant to the remand order of the U.S. Court of International Trade (CIT or the Court), in *Diamond Sawblades Manufacturers' Coalition v. United States*, Court No. 13-00078, Slip Op. 14-50 (April 29, 2014) (Remand Order). These remand results concern *Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of the Antidumping Duty Administrative Review; 2009-2010*, 78 FR 11143 (February 15, 2013) (*ARI Final Results*) covering the period of review November 1, 2009, through October 31, 2010.

In its Remand Order, the Court granted the Department's request for a voluntary remand to reconsider our decision, in light of *Advanced Technology & Materials Co. v. United States*, 938 F. Supp. 2d 1342 (CIT 2013),<sup>1</sup> to grant a separate rate to the ATM Single Entity, the respondent in this remand redetermination.<sup>2</sup> The Court also requested that the Department address more fully parties' arguments presented in briefs regarding whether China Iron and Steel

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<sup>1</sup> The Court of Appeals for the Federal Circuit (CAFC) subsequently affirmed this decision in *Advanced Tech. & Materials Co. v. United States*, 2014 U.S. App. LEXIS 20800 (Fed. Cir. October 24, 2014) (*Advanced Tech. CAFC*).

<sup>2</sup> The Remand Order refers to the ATM Single Entity as both the ATM Single Entity and the "ATM entity," interchangeably. We will continue to refer to the ATM Single Entity herein, consistent with the *ARI Final Results*. In the underlying investigation, we determined that Advanced Technology & Materials Co., Ltd. (AT&M), Beijing Gang Yan Diamond Products Company (BGY), and Yichang HXF Circular Saw Industrial Co., Ltd. (HXF), were affiliated and treated them as a single entity for purposes of calculating an antidumping duty margin (ATM Entity). See *Final Determination of Sales at Less Than Fair Value and Final Partial Affirmative Determination of Critical Circumstances: Diamond Sawblades and Parts Thereof from the People's Republic of China*, 71 FR 29303, 29304, 29306-07 (May 22, 2006) (*LTFV Final*). In the *ARI Final Results* we also combined additional affiliates with the ATM entity, referring to the collapsed group as the "ATM Single Entity," comprised of AT&M, BGY, HXF, AT&M International Trading Co., Ltd. (ATMI), and Cliff International Ltd. (Cliff). See *ARI Final Results*, 78 FR 11143, at 11144 (February 15, 2013); see also *Diamond Sawblades and Parts Thereof From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Intent To Rescind Review in Part*, 76 FR 76135 (December 6, 2011) (*ARI Prelim Results*) (citing Memorandum from Jerrold Freeman to Susan Kuhbach entitled, "Diamond Sawblades and Parts Thereof from the People's Republic of China: Determination to Include Additional Companies in the ATM Single Entity," dated November 30, 2011 (Entity Memo)).

Institute (CISRI) should be collapsed within the ATM entity, “{i}f upon remand the collapsing issue remains live after reconsideration of the separate issue.”<sup>3</sup>

For these final results, the Department finds that the ATM Single Entity is not entitled to a separate rate and, therefore, the collapsing issue concerning CISRI is moot.

## II. **BACKGROUND**

### *Separate Rate Status for the ATM Single Entity*

In the *ARI Final Results*, we granted the ATM Single Entity a separate rate because we determined that the ATM Single Entity<sup>4</sup> demonstrated an absence of *de jure* and *de facto* government control.<sup>5</sup> During the course of litigation concerning the less-than-fair-value investigation, we determined, upon remand, that the ATM Entity had not demonstrated an absence of *de facto* control from the government of the People’s Republic of China (PRC), and therefore, the ATM Entity was not entitled to a separate rate.<sup>6</sup> In *Advanced Tech. & Material Co. v. United States*, 938 F. Supp. 2d 1342 (CIT 2013) the CIT sustained the *Advanced Tech. Remand* and the CAFC affirmed.<sup>7</sup>

## III. **ANALYSIS**

In the *Advanced Tech. Remand*, we determined that, based on record evidence, “the AT&M Entity is not entitled to a separate rate based on the *de facto* criterion regarding the autonomy to select its management independent from government oversight or control” and,

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<sup>3</sup> See Remand Order at 5.

<sup>4</sup> Our denial of the separate rate in this redetermination results in all members of the ATM Single Entity being part of the PRC-wide entity.

<sup>5</sup> See *ARI Final Results*, 78 FR at 11145.

<sup>6</sup> See Second Redetermination upon Remand, *Advanced Tech. & Material Co. v. United States*, CIT Ct. No. 09-511 (May 6, 2013) (*Advanced Tech. Remand*) available at <http://enforcement.trade.gov/remands/index.html>.

<sup>7</sup> See *Advanced Tech. CAFC*.

thus, found “the AT&M Entity to be part of the PRC-wide entity.”<sup>8</sup> In reaching that conclusion, we recognized that:

SASAC {State-Owned Assets Supervision and Administration Commission of the State Council of the People’s Republic of China} owned 100 percent of the shares in CISRI. Additionally, CISRI held a majority share in AT&M at the outset of the period of investigation (“POI”) (CISRI’s ownership share changed to slightly under 50 percent during the POI, albeit CISRI remained by far the largest shareholder), and was the only shareholder able to nominate candidates for AT&M’s board of directors. Because CISRI was the largest shareholder of AT&M and was the only shareholder able to nominate candidates to the board of directors, this demonstrates that it had the capacity to influence AT&M’s affairs.

As noted above, the record in this case shows that CISRI placed four of its senior officials (its director and three vice directors) on AT&M’s board. Moreover, the record shows that these four board members were active in the selection of AT&M’s management, which, as discussed in the AT&M Separate Rate Analysis Memo, raises the question about government involvement in the selection of management, as autonomy in selecting management is one of the explicit *de facto* criteria. As to the five AT&M board members that were not CISRI officials, all were nonetheless nominated by CISRI, it being the only shareholder with the right to do so. In addition, one of these five board members (the vice chairman) was in fact AT&M’s own president, and CISRI was involved in his selection for that position. Lastly, AT&M’s President and Vice Chairman of the Board was the Chairman of the Board and legal representative of BGY, which is important because BGY was the primary producer and exporter of subject merchandise within the AT&M Entity.<sup>9</sup>

Here, based on the evidence on the record of this proceeding, there is no meaningful difference between the circumstances at issue in the less-than-fair-value investigation and this review with respect to board memberships, directorships, SASAC, and ownership of CISRI and the members of the ATM Single Entity.<sup>10</sup> Therefore, the record in this case provides no basis for us to depart from the conclusion we reached in the *Advanced Tech. Remand*, consistent with the Court’s opinions in *Advanced Tech. & Materials Co. v. United States*, 885 F. Supp. 2d 1343 (CIT 2012), *Advanced Tech. & Material Co. v. United States*, 938 F. Supp. 2d 1342 (CIT 2013),

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<sup>8</sup> See *Advanced Tech. Remand* at 15.

<sup>9</sup> *Id.*, at 8-9 (citations omitted).

<sup>10</sup> Compare the situation in the investigation, as described in the *Advanced Tech. Remand* at 8-9, with the situation in the instant review, described in Entity Memo.

and affirmed by the CAFC. Here, as in the *Advanced Tech. Remand*, AT&M did not choose its own management autonomously; rather, SASAC owns 100 percent of CISRI, CISRI is the largest shareholder in AT&M, and CISRI's ownership stake in AT&M is sufficient such that it nominated its own board members to sit on the AT&M board and, otherwise, was the only entity able to nominate candidates for AT&M's board of directors.<sup>11</sup> For these reasons, we conclude that CISRI had the capacity to influence AT&M's affairs and, therefore, the affairs of the ATM Single Entity, which includes AT&M. Therefore, as we explained in the *Advanced Tech. Remand*, and consistent with the CIT's opinion in *Advanced Tech. & Materials Co. v. United States*, given that CISRI was wholly-owned by SASAC, government control had the potential to pass from SASAC through to the ATM Single Entity *via* CISRI. Thus, the question turns to whether this potential has been exercised. The record here demonstrates there is no meaningful difference between the investigation and the instant review with respect to the interlocking board memberships and senior management of CISRI and members of the ATM Single Entity.<sup>12</sup> Business proprietary details regarding the nature of the relationship between CISRI and the ATM Single Entity are explained in a separate memorandum.<sup>13</sup> Consistent with the details explained therein, the record evidence demonstrates that AT&M did not choose its management autonomously. Based on these facts, we find that AT&M has not demonstrated an absence of *de facto* control over selection of its management and, therefore, the ATM Single Entity does not qualify for a separate rate. We, therefore, are denying a separate rate for the ATM Single Entity and find it to be part of the PRC-wide entity.

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<sup>11</sup> See ATM Single Entity's August 29, 2011, supplemental questionnaire response at 3, 5-7, 10-11, Exhibit SA-10 (AT&M Articles of Association, Articles 85, 101, and 199), Exhibit SA-4b (ownership SASAC-CISRI and CISRI-AT&M) and Entity Memo.

<sup>12</sup> See *Advanced Tech. Remand* at 8-9. See also ATM Single Entity's November 14, 2011, supplemental questionnaire response at Exhibit SA2-4.

<sup>13</sup> See Memorandum to the File entitled, "Remand Redetermination of the Antidumping Duty Order on Diamond Sawblades and Parts Thereof from the People's Republic of China: BPI References in the Draft Results of Redetermination," dated January 12, 2015.

#### IV. INTERESTED PARTY COMMENTS

##### A. ATM Single Entity's Comments

In the draft remand redetermination, the Department stated that, as part of the PRC-wide entity, the ATM Single Entity is subject to antidumping duties of 164.09 percent, the PRC-wide rate established in the LTFV investigation. The respondent disagrees with this finding and argues that the Department has no authority to issue a PRC-wide rate to the ATM Single Entity in either this review or in general, because a country-wide rate is contrary to law and that the Department has asserted its “China-wide rate approach” without providing a legal basis for it.<sup>14</sup> The respondent explains that the Department’s practice in non-market economy (NME) countries is at odds with the Department’s practice in market economies and that there is no basis in the law, regulations, or on the case record to apply a different standard in the PRC than in market economies.<sup>15</sup> According to the respondent, sections 735(c)(1)(B)(i)(I) and (II) of the Tariff Act of 1930, as amended (the Act), provide only two means of calculating antidumping duty margins: 1) the weighted-average dumping margin for each exporter and producer individually investigated, and 2) the estimated all-others rate for all exporters and producers not individually investigated.<sup>16</sup> The respondent states that, in the PRC, the Department handles separate rates the same way it handles all-others rates in a market economy context, *i.e.*, non-examined companies receive an average rate of examined companies and argues that the PRC-wide rate is not an average rate that is meant to estimate a dumping margin as allowed by section 735(c)(1)(B)(i)(II) of the Act but is, rather, a punitive rate.<sup>17</sup>

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<sup>14</sup> See ATM Single Entity’s January 21, 2015 Comments on Draft Results of Remand at 2.

<sup>15</sup> *Id.*, at 3.

<sup>16</sup> *Id.*, at 2.

<sup>17</sup> *Id.*, at 3.

In the respondent's view, once the Department determined that the ATM Single Entity was not entitled to a separate rate in the draft redetermination, it applied the adverse, uncorroborated, and punitive PRC-wide rate to it without further discussion of how the PRC-wide rate was determined. The ATM Single Entity argues that the adverse nature of the PRC-wide rate is clear because the PRC-wide rate in this review is based on a finding in the LTFV investigation where the PRC-wide entity failed to respond to the Department's requests for information (13 companies did not respond to quantity and value questionnaires).<sup>18</sup> Furthermore, the respondent argues, there is nothing in the statute that allows the Department to apply an adverse rate to a cooperative company, such as the ATM Single Entity in this review, and that no questioned part of the PRC-wide entity in this review failed to respond to Departmental requests for information (even CISRI answered questions through ATM's response).<sup>19</sup>

The respondent argues that even if the Department has the authority to assign a country-wide rate in the NME context, it cannot do so in this review because neither the PRC-wide entity nor the PRC government are under review in this administrative review.<sup>20</sup> The respondent states that no party requested a review of the PRC-wide entity, and the Department did not initiate a review of the PRC-wide entity, therefore, it is impossible for the PRC-wide entity to be uncooperative.<sup>21</sup> The respondent argues that the PRC-wide entity is a legal fiction that cannot respond to questions, (which it was not asked) and therefore the Department has created an irrebuttable presumption which is contrary to due process.<sup>22</sup>

The ATM Single Entity argues that its entries should be liquidated at the applicable cash deposit rate because the PRC-wide entity is not under review or, failing that, at its calculated

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<sup>18</sup> *Id.*, at 3-4.

<sup>19</sup> *Id.*, at 4-5.

<sup>20</sup> *Id.*, at 5-6.

<sup>21</sup> *Id.*, at 6-7.

<sup>22</sup> *Id.*, at 7-8.

weighted-average dumping margin because it was fully cooperative and no other part of the PRC-wide entity was uncooperative in this review.<sup>23</sup>

## **B. Department's Position**

The Department considers the PRC to be a NME country under section 771(18) of the Act. In antidumping proceedings involving NME countries, such as the PRC, the Department has a rebuttable presumption that the export activities of all firms within the country are subject to government control and influence. Therefore, in PRC cases, the Department uses a rate established for the PRC-wide entity, which it applies to all imports from an exporter that has not established its eligibility for a separate rate. Section 351.107(d) of the Department's regulations provides that "in an antidumping proceeding involving imports from a nonmarket economy country, 'rates' may consist of a single dumping margin applicable to all exporters and producers."<sup>24</sup> The Department's practice of assigning a PRC-wide rate has been upheld by the CAFC. In *Sigma*, the CAFC affirmed that it was within the Department's authority to employ a presumption for state control in a NME country and place the burden on the exporters to demonstrate an absence of central government control.<sup>25</sup> The CAFC recognized that sections 771(18)(B)(iv)-(v) of the Act recognized a close correlation between a NME economy and government control of prices, output decisions, and allocation of resources and, therefore, the Department's presumption was reasonable.<sup>26</sup> The application of a PRC-wide rate to all parties

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<sup>23</sup> *Id.*, at 9-10.

<sup>24</sup> See *1,1,1,2-Tetrafluoroethane From the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 79 FR 62597 (October 20, 2014) and the accompanying Issues and Decision Memorandum at Comment 1 (Explaining the Department's practice with respect to separate rates as upheld by the CAFC in *Sigma Corp. v. United States*, 117 F.3d 1401, 1405-06 (Fed. Cir. 1997) (*Sigma*), and describing the Department's practice with respect to the rate assigned to the PRC-wide entity.)

<sup>25</sup> See *Sigma*, 117 F.3d at 1405-06.

<sup>26</sup> *Id.*, at 1406.

which were not eligible for a separate rate was also affirmed by the CAFC in *Transcom*.<sup>27</sup> The *Transcom* court also found that an AFA rate is not punitive.<sup>28</sup>

For the final results of redetermination, the Department has considered the respondent's arguments regarding the data on the record and adjusted the PRC-wide rate based on the ATM Single Entity's data. The only rate ever determined for the PRC-wide entity in this proceeding is 164.09 percent, as determined in the less-than-fair-value investigation.<sup>29</sup> Ordinarily, the Department would assign the PRC-wide entity the same rate in this administrative review.<sup>30</sup> In some situations where a mandatory respondent has become part of the PRC-wide entity and failed to cooperate during the course of a review, the Department determined a new PRC-wide entity rate that was different from the PRC-wide entity's previous rate.<sup>31</sup> In this review, the

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<sup>27</sup> See *Transcom v. United States*, 294 F.3d 1371, 1381-83 (Fed. Cir. 2002) (*Transcom*) (The PRC-wide rate, and its adverse inference are applicable to all companies which were initiated on yet failed to show their entitlement to a separate rate. "Accordingly, while section 1677e provides that Commerce may not assign a BIA-based rate to a particular party unless that party has failed to provide information to Commerce or has otherwise failed to cooperate, the statute says nothing about whether Commerce may presume that parties are entitled to *independent* treatment under 1677e in the first place" {emphasis added}). See also *Transcom*, 294 F.3d at 1376 citing *Rhone Poulenc, Inc. v. United States*, 899 F.2d 1185, 1191 (Instead, the objective of BIA is to aid Commerce in determining dumping margins as accurately as possible). The litigation in *Transcom* covered three periods of reviews between June 1990 and May 1993. See *Transcom*, 294 F. 3d at 1374-75, and *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Final Results of Antidumping Duty Administrative Reviews*, 61 FR 65527 (December 13, 1996). During those periods, we called AFA the best information available (BIA). *Id.*

<sup>28</sup> See *Transcom*, 294 F.3d at 1376.

<sup>29</sup> See *Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Preliminary Partial Determination of Critical Circumstances: Diamond Sawblades and Parts Thereof From the People's Republic of China*, 70 FR 77121, 77128-29 (December 29, 2005), unchanged in *LTFV Final*, 71 FR at 29309, and *Notice of Amended Final Determination of Sales at Less Than Fair Value: Diamond Sawblades and Parts Thereof from the People's Republic of China*, 71 FR 35864, 35865 (June 22, 2006) (Collectively, *LTFV Determinations*).

<sup>30</sup> See, e.g., *Certain Activated Carbon From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review*; 2011-2012, 78 FR 26748 (May 8, 2013) and the accompanying Preliminary Decision Memorandum at 10-11, unchanged in *Certain Activated Carbon From the People's Republic of China: Final Results of Antidumping Duty Administrative Review*; 2011-2012, 78 FR 70533 (November 26, 2013) (assigning the PRC-wide entity the only rate ever determined for the PRC-wide entity in the proceeding).

<sup>31</sup> Compare *Freshwater Crawfish Tail Meat from the People's Republic of China; Notice of Final Results of Antidumping Duty Administrative Review, and Final Partial Rescission of Antidumping Duty Administrative Review*, 67 FR 19546, 19549 (April 22, 2002) (selected the highest calculated rate in the review, 223.01 percent, for the PRC-wide entity rate because two companies in the segment failed to cooperate to the best of their ability), with the prior review, *Freshwater Crawfish Tail Meat from the People's Republic of China; Notice of Final Results of Antidumping Duty Administrative Review and New Shipper Reviews, and Final Partial Rescission of Antidumping Duty Administrative Review*, 66 FR 20634, 20635 (April 24, 2001) (assigned a 201.63 percent PRC-wide rate from the less-than-fair-value investigation).

ATM Single Entity, a mandatory respondent, provided the Department sales and production data which allowed the Department to calculate a margin for an unspecified portion of the single PRC-wide entity.

The respondent argued that the entire government-controlled PRC-wide entity should be given the calculated margin for the respondent. However, we need to determine a single rate for the PRC-wide entity. In this review, we do not have necessary information, *i.e.*, sales and production data, from the remaining unspecified portion of the PRC-wide entity to calculate a margin for the unspecified portion of the PRC-wide entity. Nor is there information on the record with respect to the composition of the PRC-wide entity. Moreover, unlike the less-than-fair-value investigation, no part of the PRC-wide entity failed to cooperate to the best of its ability. Because we have the calculated final margin for the respondent, which is a part of the PRC-wide entity, we used a simple average of the previously assigned PRC-wide rate (164.09 percent)<sup>32</sup> and the calculated final margin for the respondent (0.15 percent) as the rate applicable to the PRC-wide entity. Accordingly, the Department revised the PRC-wide entity rate for the period of review to 82.12 percent for purposes of the final remand redetermination.

Further, we disagree with the ATM Single Entity's contention that the PRC-wide entity is a legal fiction that cannot respond to questions and that the PRC-wide entity was not asked any questions. As mentioned above, in *Sigma*, the CAFC affirmed that it was within the Department's authority to employ a presumption for state control in a NME country and found the presumption reasonable, noting that sections 771(18)(B)(iv)-(v) of the Act recognized a close correlation between a NME economy and government control of prices, output decisions, and allocation of resources.<sup>33</sup> Having not demonstrated the absence of *de facto* control from the

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<sup>32</sup> See *LTFV Determinations*.

<sup>33</sup> See *Sigma*, 117 F.3d at 1405-1406.

government over selection of its management, the ATM Single Entity constitutes a part of the PRC-wide entity. Further, the PRC-wide entity is comprised of producers and exporters that can provide answers to questions, again as evidenced by the ATM Single Entity in this review.

For administrative reviews for which the notice of opportunity was published before December 4, 2013, the Department conditionally reviewed the NME entity; therefore, even absent a request, the NME entity can be subject to the review if an exporter subject to the review does not demonstrate that it is separate from the entity.<sup>34</sup> The *Notice of Initiation* states that “if one of the above-named companies does not qualify for a separate rate, all other exporters of diamond sawblades and parts thereof from the PRC who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.”<sup>35</sup> The PRC-wide entity is subject to review in the underlying proceeding because of the companies on which the review was initiated, 21 companies failed to demonstrate a lack of *de jure* and *de facto* control and, therefore, did not receive a separate rate.<sup>36</sup> The ATM Single Entity is now the 22<sup>nd</sup> company found not to be entitled to a separate rate and joins the other companies in the PRC-wide entity under review. In *Transcom*, the court held that, in addition to the named companies in an initiation notice, conditionally reviewed companies also received sufficient notice in the initiation.<sup>37</sup> Finally, because the PRC-wide entity, including the ATM Single Entity, is subject to review, the ATM Single Entity’s argument that its entries should be liquidated at the cash deposit rate is without merit.

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<sup>34</sup> See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963, 65970 (November 4, 2013).

<sup>35</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 75 FR 81565, 81570, n.5 (December 28, 2010) (*Notice of Initiation*).

<sup>36</sup> See *ARI Prelim Results*, 76 FR at 76137-38.

<sup>37</sup> See *Transcom*, 294 F.3d at 1379.

### **C. The Petitioner's Comments**

The petitioner supports our finding that the ATM Single Entity failed to establish a lack of *de facto* government control and reiterates supporting evidence with respect to ownership and the overlap of board members and executives between CISRI and members of the ATM Single Entity.<sup>38</sup> Additionally, the petitioner argues that we should collect increased cash deposits retroactively in this situation due to the large change in the applicable cash deposit rate (from 2.82 percent, as applied after the first review final, to 164.09 percent after the draft remand redetermination).<sup>39</sup> The petitioner argues that the final remand redetermination replaces the final results with consequent effects on the administration of cash deposits.

### **D. Department's Position**

We disagree with the petitioner on the issue of the retroactive collection of cash deposits. Because cash deposit rates are only estimates of the amount of antidumping duties that will be due, changes in cash deposit rates are not made retroactively.<sup>40</sup> After we published *ARI Final Results*, we established the cash deposit rate for the ATM Single Entity on a different basis that did not exist at the time we published *ARI Final Results*.<sup>41</sup> Therefore, we will not update the cash deposit rate for the ATM Single Entity with the rate in this final remand redetermination.<sup>42</sup> Moreover, the Court has to review this final remand redetermination and decide whether to

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<sup>38</sup> The petitioner is Diamond Sawblades Manufacturers' Coalition. See the petitioner's January 21, 2015, Comments on Draft Remand Redetermination at 4-6.

<sup>39</sup> *Id.*, at 6-8.

<sup>40</sup> See, e.g., *Certain Lined Paper Products From India: Preliminary Results of Changed Circumstances Review*, 79 FR 21897, 21898 (April 18, 2014), unchanged in *Certain Lined Paper Products From India: Final Results of Changed Circumstances Review*, 79 FR 35726 (June 24, 2014).

<sup>41</sup> See *Diamond Sawblades and Parts Thereof From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2011–2012*, 79 FR 35723, 35725 n.12 (June 24, 2014).

<sup>42</sup> See, e.g., *Polyethylene Terephthalate Film, Sheet, and Strip From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Administrative Review Pursuant to Court Decision*, 80 FR 13826, 13827 (March 17, 2015).

affirm it or remand for further consideration. This final remand redetermination alone does not replace *ARI Final Results*.

Contrary to the petitioner's assertion, the issuance of the order in this matter did not establish precedence for increasing cash deposit rates retroactively for an administrative review based on remand results. When the Department issued the antidumping duty order for diamond sawblades from the PRC, it instructed U.S Customs and Border Protection (CBP) to collect cash deposits on unliquidated entries as of the effective date of the order, which predated the publication date of the order, because the Department had not yet started the collection of cash deposits.<sup>43</sup> Moreover, the CAFC's decision in *Diamond Sawblades Mfrs. Coalition v. United States* is not applicable to increasing cash deposit rates retroactively, because, in that decision, the CAFC only addressed the specific question of whether the Department "must issue antidumping duty orders and begin collecting cash deposits of the antidumping duties while a challenge to the material injury determination is still pending before the courts."<sup>44</sup> The question of whether the Department must increase cash deposits retroactively after CBP has already collected them was not before the court. However, if this remand is upheld in a final and conclusive court decision, the Department intends to issue liquidation instructions assessing the revised PRC-wide rate to the ATM Single Entity's entries.

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<sup>43</sup> See *Diamond Sawblades and Parts Thereof From the People's Republic of China and the Republic of Korea: Antidumping Duty Order*, 74 FR 57145 (November 4, 2009).

<sup>44</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374, 1379 (Fed. Cir. 2010).

**IV. FINAL RESULTS OF REDETERMINATION**

Pursuant to the Remand Order, we have reconsidered our determination as described above, and our decision to deny the ATM Single Entity a separate rate remains unchanged from the draft results of redetermination. The individual members of the ATM Single Entity are, therefore, considered to be members of the PRC-wide entity, and are subject to the PRC-wide rate of 82.12 percent, revised from 164.09 percent, for this period of review.

*Ronald K Lorentzen*

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Ronald K. Lorentzen  
Acting Assistant Secretary  
for Enforcement and Compliance

*April 10, 2015*

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Date