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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
Senior Director
performing the duties of Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: Decision Memorandum for the Preliminary Affirmative
Determination and Preliminary Negative Critical Circumstances
Determination in the Less-Than-Fair-Value Investigation of
Carbon and Alloy Steel Wire Rod from the Republic of Korea

I. SUMMARY

The Department of Commerce (Department) preliminarily determines that carbon and alloy steel wire rod (wire rod) from the Republic of Korea (Korea) is being, or is likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act). The estimated weighted-average dumping margin is shown in the “Preliminary Determination” section of the accompanying *Federal Register* notice.¹

II. BACKGROUND

On March 28, 2017, the Department received an antidumping duty (AD) petition concerning imports of wire rod from Korea,² which was filed in proper form on behalf of Charter Steel, Gerdau Ameristeel US Inc., Keystone Consolidated Industries, Inc., and Nucor Corporation (collectively, the petitioners).

From March 31, 2017 to April 7, 2017, the Department requested additional information and clarification of certain areas of the Petitions,³ and the petitioners filed timely responses to these

¹ The Table of Authorities at the end of this document provides full citations for the items referenced in the footnotes below.

² See Petition.

³ See Petition SQ.



requests and allegations of sales at below cost.⁴ On April 17, 2017, the Department initiated this investigation.⁵

In the *Initiation Notice*, the Department provided parties an opportunity to comment on the scope of the investigation, as well as the appropriate physical characteristics for the Department's AD questionnaire.⁶ Accordingly, between April 26, 2017 and May 15, 2017, the Department invited comments on proposed physical characteristics, and received timely comments from the petitioners and POSCO, and rebuttal comments from the petitioners, CELSA, and British Steel.⁷ Also, from May 12, 2017, through September 13, 2017, POSCO, Cooper, and British Steel timely filed scope comments to which the petitioners responded in rebuttal comments. In addition, POSCO and British Steel each filed a case brief and the petitioners filed a rebuttal brief.⁸ The Department is preliminarily not modifying the scope language, and it remains the same as it appeared in the *Initiation Notice*.

In the *Initiation Notice*, the Department stated that it intended to select respondents based on U.S. Customs and Border Protection (CBP) data for certain of the Harmonized Tariff Schedule of the United States (HTSUS) subheadings listed in the scope of the investigation.⁹ Accordingly, on April 24, 2017, the Department released the CBP entry data to all interested parties under an administrative protective order, and requested comments regarding the data and respondent selection.¹⁰ Between May 2, 2017 and May 8, 2017, the petitioners, POSCO and Kosteel commented on the CBP data and respondent selection.¹¹

On May 18, 2017, the Department limited the number of respondents selected for individual examination in this investigation to the two largest publicly identifiable producers/exporters of the subject merchandise by volume, and therefore, selected POSCO and Stinko Co., Ltd. (STINKO) as mandatory respondents.¹²

From May 18, 2017 through October 11, 2017, we issued Initial AD Questionnaire/supplemental questionnaires to, and received responses/supplemental responses from POSCO and STINKO, as well as the petitioners' comments on those responses and POSCO's responses to the petitioners' comments.¹³

On September 1, 2017, the Department received timely allegations, pursuant to sections 703(e)(1) and 733(e)(1) of the Act, and 19 CFR 351.206, that critical circumstances exist with

⁴ See Petition SQR and Below Cost Allegations.

⁵ See Initiation Notice.

⁶ *Id.*

⁷ See Product Characteristics section of Case Record in the Table of Authorities.

⁸ See Scope section of Case Record in the Table of Authorities.

⁹ See Initiation Notice.

¹⁰ See CBP Data.

¹¹ See CBP Data and Respondent Selection section of Case Record in the Table of Authorities.

¹² See Respondent Selection Memorandum.

¹³ See POSCO and STINKO sections of Case Record in the Table of Authorities.

respect to imports of merchandise under investigation.¹⁴ From September 11, 2017 to October 10, 2017, we requested and received shipment data from POSCO and STINKO.¹⁵

On May 18, 2017, the U.S. International Trade Commission (ITC) preliminarily determined that there is a reasonable indication that an industry in the United States is materially injured by the reason of imports of wire rod from Korea.¹⁶

III. PERIOD OF INVESTIGATION

The period of investigation (POI) is January 1, 2016, through December 31, 2016. This period corresponds to the four most recent fiscal quarters prior to the month of the filing of the petition, which was March 2017.¹⁷

IV. SCOPE COMMENTS

The products covered by this investigation are wire rod from Korea. The Scope Description of this investigation is in the accompanying preliminary determination notice at Appendix I.

In accordance with the *Preamble* to the Department's regulations,¹⁸ the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope). Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice*, as well as additional language proposed by the Department. We summarize the comments and rebuttal responses, and provide accompanying discussion and analysis in a Scope Memorandum. The Department is preliminarily not modifying the scope language as it appeared in the *Initiation Notice*.

V. ALL-OTHERS RATE

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination the Department shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely under section 776 of the Act.

The Department calculated an individual estimated weighted-average dumping margin for POSCO, the only individually exporter/producer to receive an individually calculated rate. Because the only individually calculated dumping margin is not zero, *de minimis*, or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for POSCO is the margin assigned to all-other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

¹⁴ See Critical Circumstances Allegation.

¹⁵ See Critical Circumstances section of Case Record in the Table of Authorities.

¹⁶ ITC Preliminary Affirmative Determinations.

¹⁷ See 19 CFR 351.204(b)(1).

¹⁸ See *Preamble* at 27323.

VI. PRELIMINARY NEGATIVE DETERMINATION OF CRITICAL CIRCUMSTANCES

On September 1, 2017, the petitioners alleged that critical circumstances exist with respect to imports of the subject merchandise, pursuant to section 733(e)(1) of the Act and 19 CFR 351.206(c)(1).¹⁹ In accordance with 19 CFR 351.206(c)(2)(i), when a critical circumstances allegation is submitted more than 20 days before the scheduled date of the preliminary determination, the Department must issue a preliminary finding of whether there is a reasonable basis to believe or suspect that critical circumstances exist no later than the date of the preliminary determination.

A. Legal Framework

Section 733(e)(1) of the Act provides that the Department, upon receipt of a timely allegation of critical circumstances, will determine whether critical circumstances exist in an LTFV investigation if there is a reasonable basis to believe or suspect that: (A)(i) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales; and (B) there have been “massive imports” of the subject merchandise over a relatively short period. Further, 19 CFR 351.206(h)(1) provides that, in determining whether imports of the subject merchandise have been “massive,” the Department normally will examine: (i) the volume and value of the imports; (ii) seasonal trends; and (iii) the share of domestic consumption accounted for by the imports.

In addition, 19 CFR 351.206(h)(2) provides that, “{i}n general, unless the imports during the ‘relatively short period’ have increased by at least 15 percent over the imports during an immediately preceding period of comparable duration, the Secretary will not consider the imports “massive.” Under 19 CFR 351.206(i), the Department defines “relatively short period” generally as the period starting on the date the proceeding begins (*i.e.*, the date the petition is filed) and ending at least three months later.²⁰ This section of the regulations further provides that, if the Department “finds that importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely,” then the Department may consider a period of not less than three months from that earlier time.²¹

B. Critical Circumstances Allegation

¹⁹ See Critical Circumstances Allegation at 1.

²⁰ See 19 CFR 351.206(i); see also *Change in Policy Regarding Timing of Issuance of Critical Circumstances Determinations*, Policy Bulletin 98.4, 63 FR 55364 (Oct. 15, 1998) (“Commerce has traditionally compared the three-month period immediately after initiation with the three-month period immediately preceding initiation to determine whether there has been at least a 15 percent increase in imports of the subject merchandise”).

²¹ See 19 CFR 351.206(i).

The petitioners allege that section 733(e)(1)(A) of the Act is met by virtue of the dumping margins alleged in the Petition, which ranged from 33.96 to 43.25 percent.²² Thus, the petitioners assert that certain dumping margins alleged in the Petition exceed the 15 percent threshold used by the Department to impute knowledge of dumping in CEP transactions and the 25 percent threshold in EP transactions.²³ The petitioners further argue that importers of wire rod from Korea have been on notice that dumped imports are likely to cause injury since the ITC's May 18, 2017, preliminary affirmative injury finding.²⁴

The petitioners argue that, regarding section 733(e)(1)(B) of the Act, which examines whether there have been "massive imports of the subject merchandise over a relatively short period," the Department should use a base period of November 2016 through March 2017 and a comparison period from April 2017 through August 2017, as provided under 19 CFR 351.206(i) when considering the date on which the petition was filed, March 28, 2017.²⁵ The petitioners allege that import statistics released by the ITC indicate shipments of merchandise under consideration during the comparison period increased significantly in terms of volume between the base period of November 2016 through March 2017 and the comparison period of April 2017 through August 2017, and as a result, exceeded the threshold for "massive" imports from Korea of wire rod, as provided under 19 FR 351.206(h) and (i).²⁶

Citing the final determination of *Refrigerators Korea Inv. Final*, POSCO argues that the Department's well-established practice is to use the longest period for which information is available from the month that the petition was filed through the effective date of the preliminary determination.²⁷ POSCO notes that in *Refrigerators Korea Inv. Final*, the Department relied on seven-month base and comparison periods for its "massive imports" analysis.²⁸ POSCO further argues that with its filing of its monthly shipment data on October 10, 2017, the Department has enough data to use a six-month base period (October 2016 through March 2017) and comparison period (April 2017 through September 2017) for its "massive imports" analysis.²⁹ Using a six month base and comparison period shows that POSCO's imports decreased.³⁰

C. Analysis

The Department's normal practice in determining whether critical circumstances exist pursuant to the statutory criteria under section 733(e) of the Act has been to examine evidence available to the Department, such as: (1) the evidence presented in the petitioner's critical circumstances

²² See Critical Circumstances Allegation at 5.

²³ *Id.*

²⁴ *Id.* citing *ITC Preliminary Affirmative Determinations*.

²⁵ *Id.* at 8-9.

²⁶ *Id.* at 9.

²⁷ See POSCO's Response to Petitioners Cmts. on December 2014 Agreement and Pre-Prelim Cmts. at 29, citing *Refrigerators Korea Inv. Final*. at 17415-17417.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.* at 30.

allegation; (2) import statistics released by the ITC; and (3) shipment information submitted to the Department by the respondents selected for individual examination.³¹

In determining whether a history of dumping and material injury exists, the Department generally considers current and previous AD orders on subject merchandise from the country in question in the United States and current orders in any other country on imports of subject merchandise.³² The petitioners identify no such proceeding with respect to wire rod from Korea, nor are we aware of an AD order imposed on wire rod from Korea in any other country. Thus, we preliminarily find that there is not a history of injurious dumping of wire rod from Korea and that criterion is not met.

Because there is no prior history of injurious dumping, we next examine whether the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at LTFV, and whether there was likely to be material injury by reason of such sales. When evaluating whether such imputed knowledge exists, the Department normally considers margins of 25 percent or more for EP sales or 15 percent or more for CEP sales sufficient to meet the quantitative threshold to impute knowledge of dumping.³³ For purposes of this investigation, the Department preliminarily determines that the knowledge standard is not met because POSCO's preliminary margin is not greater than 25 percent for EP sales and 15 percent for its CEP sales.³⁴

Moreover, we examined whether imports from POSCO were massive over a relatively short period, pursuant to section 733(e)(1)(B) of the Act and 19 CFR 351.206(h). It is the Department's practice to base its critical circumstances analysis on all available data, using base and comparison periods of no less than three months.³⁵ Based on these practices, the Department compared import data for the period April 2017 through September 2017 (the last month for which import data is currently available) with the preceding six-month period of October 2016 through March 2017.³⁶ Consistent with 19 CFR 351.206(i), we preliminarily find that imports based on POSCO's reported shipments of merchandise under consideration during the comparison period did not increase by more than 15 percent over its respective imports in the base period.³⁷ Therefore, we preliminarily find that there are no massive imports for POSCO, pursuant to section 773(e)(1)(B) of the Act and 19 CFR 351.206(h).³⁸

For the companies subject to the "all others" rate, the rate for all other producers and exporters is the rate for POSCO, which does not exceed the threshold to impute knowledge to the customers or

³¹ See, e.g., *Carbon Pipe PRC Inv. Final* at 31972-31973 and *SDGE PRC Inv. Final* at 2052-2053.

³² *Id.*

³³ See, e.g., *Refrigerators Korea Inv. Final* at 17415-17417.

³⁴ See "Preliminary Determination" section of the accompanying *Federal Register* notice.

³⁵ See e.g., *Shrimp India Inv. Prelim* at 47118-47119 (unchanged in *Shrimp India Inv. Final*) and *TV Receivers PRC Inv. Final* IDM at Comment 3.

³⁶ These base and comparison periods satisfy the regulatory provisions that the comparison period be at least three months long and the base period have a comparable duration.

³⁷ See Preliminary Critical Circumstances Memorandum.

³⁸ For the Department's analysis, which involves business proprietary information, see Preliminary Critical Circumstances Memorandum.

importers that the subject merchandise was being sold at LTFV. We also attempted to analyze, in accordance with 19 CFR 351.206(i), monthly shipment data for the period November 2016 through August 2017, using shipment data from Global Trade Atlas, adjusted to remove shipments reported by POSCO.³⁹ However, we find the resulting data unusable for purposes of our massive imports analysis because the timing of POSCO's exports and the GTA data are not in alignment, and therefore are not comparable.⁴⁰ Therefore, we based our analysis for "all other" producers/exporters of wire rod in Korea on POSCO's data.⁴¹ As a result, we determine that there was no massive increase in shipments from these remaining companies, as defined by 19 CFR 351.206(h).⁴²

As a result, in accordance with section 733(e)(1) of the Act, we preliminarily find that critical circumstances do not exist for POSCO. In addition, we also preliminarily determine pursuant to section 733(e)(1) of the Act that critical circumstances do not exist for "all other" producers/exporters of wire rod in Korea. We will make a final determination concerning critical circumstances when we issue our final determination of sales at LTFV for this investigation.

VII. PRELIMINARY DETERMINATION OF NO SALES

A. Legal Framework

Under section 772(a) of the Tariff Act of 1930, as amended (the Act), the basis for export price is the price at which the first party in the distribution chain who knows the merchandise is destined for the United States sells the subject merchandise, either directly to an unaffiliated purchaser in the United States, or to an unaffiliated purchaser for exportation to the United States. The party making such a sale with knowledge of the destination is the appropriate party to be examined. The Department's test for determining knowledge of destination is whether the relevant party knew, or should have known, that the merchandise was destined for export to the United States.⁴³ In determining whether a party knew, or should have known, that its merchandise was destined for the United States, the Department's well-established practice is to consider such factors as: (1) whether the party prepared or signed any certificates, shipping documents, contracts or other papers stating that destination of the merchandise was the United States; (2) whether the party used any packaging or labeling which stated that the merchandise was destined for the United States; (3) whether any unique features or specifications of the merchandise otherwise indicated that the destination was the United States; and (4) whether that party admitted to the Department that it knew that its shipments were destined for the United States.⁴⁴ This list of factors is not an exhaustive list, and not all factors must be present for the Department to determine that the party knew, or should have known, that its merchandise was destined for the United States.

³⁹ See, e.g., *Hangers Vietnam Inv. Prelim Crit. Circ.* at 73432 (unchanged in *Hangers Vietnam Inv. Final*) and *OCTG PRC Inv. Prelim* at 47212 (unchanged in *OCTG PRC Inv. Final*).

⁴⁰ See Preliminary Critical Circumstances Memorandum.

⁴¹ See *OTR Tires Sri Lanka Inv. Prelim DM* at 6 (unchanged in *OTR Tires Sri Lanka Inv. Final*).

⁴² See Preliminary Critical Circumstances Memorandum.

⁴³ See SAA for 1979 Act.

⁴⁴ See, e.g., *Isocyanurates Japan Inv. Final*; *Pistachios Iran AR Final* IDM at Comment 1; *Memory Semiconductors Korea AR Final*; *Indigo PRC Inv. Prelim* at 69727 (unchanged in *Indigo PRC Inv. Final*); and *Pasta Italy NSR*.

B. Analysis

STINKO reported that it is a trading company and all of the subject merchandise it shipped to the United States was produced by POSCO, an unaffiliated producer, who knew the merchandise was destined for the United States when it sold the wire rod to STINKO.⁴⁵ Likewise, POSCO reported that it sold subject merchandise to four unaffiliated Korean trading companies including STINKO,⁴⁶ and reported those sales in a separate U.S. sales database. The volume of POSCO reported sales to STINKO match the shipment volume reported by STINKO and the volume shown in CBP data for STINKO.

STINKO's Certificate of Business Registration, audited financial report, and a trading company agreement with POSCO provide no indication that it has ever been affiliated with POSCO.⁴⁷ Further, STINKO submitted entry packages for all of its POI shipments. Our analysis of these documents indicates that POSCO is the manufacturer for all of these shipments and that the product order form, which is generated by POSCO's order system, shows that the destination for each shipment was the United States.⁴⁸

Thus, the Department finds, based on the evidence described above, that POSCO was the first party in the distribution chain with knowledge that the merchandise was destined for the United States. Specifically, the Department finds that: (1) POSCO was the producer of the subject merchandise that STINKO sold to the United States during the POI; and (2) POSCO knew that the wire rod STINKO ordered was being sold to U.S. customers. Accordingly, we find that STINKO had no sales of the subject merchandise during the POI because POSCO had knowledge that the merchandise at issue was destined for the United States.

VIII. AFFILIATION AND COLLAPSING

A. Legal Framework

Section 771(33) of the Act defines the term affiliated persons (affiliates) as: (A) members of a family; (B) an officer or director of an organization and that organization; (C) partners; (D) employers and employees; (E) any person directly or indirectly owning, controlling, or holding with power to vote, 5 percent or more of the outstanding voting stock or shares of any organization and that organization; (F) two or more persons directly or indirectly controlling, controlled by, or under common control with, any person; and (G) any person who controls any other person and that other person. For purposes of this paragraph, a person shall be considered to control another person if the person is legally or operationally in a position to exercise restraint or direction over the other person.

The section 351.102(b)(3) of the Department's regulation states that in determining whether control over another person exists, within the meaning of section 771(33) of the Act, the Secretary will consider the following factors, among others: (1) corporate or family groupings;

⁴⁵ See STINKO AQR Pt. 1 at cover letter.

⁴⁶ See POSCO AQR Pt.3 at A3-8.

⁴⁷ See STINKO ASQR at Exhibit SA-4 and Exhibit SA-7; STINKO AQR Pt.2 at Attachment 5 and Attachment 6.

⁴⁸ See STINKO ASQR at Exhibit SA-1-B.

(2) franchise or joint venture agreements; (3) debt financing; and (4) close supplier relationships. The Secretary will not find that control exists on the basis of these factors unless the relationship has the potential to impact decisions concerning the production, pricing, or cost of the subject merchandise or foreign like product. The Secretary will consider the temporal aspect of a relationship in determining whether control exists; normally, temporary circumstances will not suffice as evidence of control. Further, with respect to close supplier relationships, the Department has determined that the threshold issue is whether either the buyer or seller has, in fact, become reliant on the other.⁴⁹ Only if such reliance exists does the Department then determine whether one of the parties is in a position to exercise restraint or direction over the other.⁵⁰

According to 19 CFR 351.401(f)(1), the Department will treat two or more affiliated producers as a single entity where those producers have production facilities for similar or identical products that would not require substantial retooling of either facility in order to restructure manufacturing priorities and the Department concludes that there is a significant potential for manipulation of price or production.

According to 19 CFR 351.401(f)(2), in identifying a significant potential for the manipulation of price or production, the factors the Department may consider include: (i) the level of common ownership; (ii) the extent to which managerial employees or board members of one firm sit on the board of directors of an affiliated firm; and (iii) whether operations are intertwined, such as through the sharing of sales information, involvement in production and pricing decisions, the sharing of facilities or employees, or significant transactions between the affiliated producers.

B. Analysis

The Department has preliminarily determined that POSCO and a certain company were affiliated under section 771(33)(E) of the Act during first nine months of the POI (affiliated period), and were not affiliated under any sections of the Act during the last three months of the POI. Due to the business proprietary nature of information relating to this analysis, a more detailed discussion of this matter can be found in the Affiliation and Collapsing Memorandum.⁵¹

We have also preliminarily determined that those two companies should not be treated as a single entity during the affiliated period for AD purposes pursuant to 19 CFR 351.401(f). Although those two affiliated companies operate production facilities that produce similar or identical products that would not require substantial retooling of their facilities in order to restructure manufacturing priorities,⁵² we found no significant potential for the manipulation of price or production among those two companies as evidenced by the degree of management overlap and the intertwined operations.⁵³ Thus, we have preliminarily not treated those two

⁴⁹ See SAA; *TIJID*, 366 F. Supp. 2d 1286, 1293-1300 (CIT 2005); and *Stainless Wire Rod Korea AR Prelim* at 59739-59740 (unchanged in *Stainless Wire Rod Korea AR Final*).

⁵⁰ See, e.g., *CORE Korea AR 94/95 Final* at 18414-18417.

⁵¹ See Affiliation and Collapsing Memorandum.

⁵² See 19 CFR 351.401(f)(1) and Affiliation and Collapsing Memorandum.

⁵³ See 19 CFR 351.401(f)(2), and Affiliation and Collapsing Memorandum.

companies as a single entity.⁵⁴ The Department will continue its examination of this issue for the final determination.

IX. DISCUSSION OF THE METHODOLOGY

Pursuant to section 773(a) of the Act and 19 CFR 351.414(c)(1) and (d), in order to determine whether POSCO's sales of subject merchandise from Korea to the United States were made at LTFV, the Department compared the export price (EP) or constructed export price (CEP), as appropriate, to the normal value (NV), as described in the "Export Price/Constructed Export Price," and "Normal Value" sections of this memorandum.

A. *Determination of Comparison Method*

Pursuant to 19 CFR 351.414(c)(1), the Department calculates weighted-average dumping margins by comparing weighted-average NVs to weighted-average EPs (or CEPs) (*i.e.*, the average-to-average method) unless the Secretary determines that another method is appropriate in a particular situation. In LTFV investigations, the Department examines whether to compare weighted-average NVs with the EPs (or CEPs) of individual sales (*i.e.*, the average-to-transaction method) as an alternative comparison method using an analysis consistent with section 777A(d)(1)(B) of the Act.

In recent investigations, the Department has applied a "differential pricing" analysis for determining whether application of the average-to-transaction method is appropriate in a particular situation pursuant to 19 CFR 351.414(c)(1) and section 777A(d)(1)(B) of the Act.⁵⁵ The Department finds that the differential pricing analysis used in recent investigations may be instructive for purposes of examining whether to apply an alternative comparison method in this investigation. The Department will continue to develop its approach in this area based on comments received in this and other proceedings, and on the Department's additional experience with addressing the potential masking of dumping that can occur when the Department uses the average-to-average method in calculating a respondent's weighted-average dumping margin.

The differential pricing analysis used in this preliminary determination examines whether there exists a pattern of EPs or CEPs for comparable merchandise that differ significantly among purchasers, regions, or time periods. The analysis evaluates all export sales by purchasers, regions, and time periods to determine whether a pattern of prices that differ significantly exists. If such a pattern is found, then the differential pricing analysis evaluates whether such differences can be taken into account when using the average-to-average method to calculate the weighted-average dumping margin. The analysis incorporates default group definitions for purchasers, regions, time periods, and comparable merchandise. Purchasers are based on the reported consolidated customer codes. Regions are defined using the reported destination codes and are grouped into regions based upon standard definitions published by the U.S. Census

⁵⁴ *Id.*

⁵⁵ See, e.g., *CTL Plate Korea Inv. Prelim DM* at 8 (unchanged in *CTL Plate Korea Inv. Final*); *Hot-Rolled Korea Inv. Prelim DM* at 9 (unchanged in *Hot-Rolled Korea Inv. Final*); and *Cold-Rolled Korea Inv. Prelim DM* at 8 (unchanged in *Cold-Rolled Korea Inv. Final*).

Bureau.⁵⁶ Time periods are defined by the quarter within the POI based upon the reported date of sale. For purposes of analyzing sales transactions by purchaser, region, and time period, comparable merchandise is defined using the product control number and all characteristics of the U.S. sales, other than purchaser, region, and time period, that the Department uses in making comparisons between EP (or CEP) and NV for the individual dumping margins.

In the first stage of the differential pricing analysis used here, the “Cohen’s *d* test” is applied. The Cohen’s *d* coefficient is a generally recognized statistical measure of the extent of the difference between the mean (*i.e.*, weighted-average price) of a test group and the mean (*i.e.*, weighted-average price) of a comparison group. First, for comparable merchandise, the Cohen’s *d* coefficient is calculated when the test and comparison groups of data for a particular purchaser, region, or time period each have at least two observations, and when the sales quantity for the comparison group accounts for at least five percent of the total sales quantity of the comparable merchandise. Then, the Cohen’s *d* coefficient is used to evaluate the extent to which the prices to the particular purchaser, region, or time period differ significantly from the prices of all other sales of comparable merchandise. The extent of these differences can be quantified by one of three fixed thresholds defined by the Cohen’s *d* test: small, medium or large (0.2, 0.5 and 0.8, respectively). Of these thresholds, the large threshold provides the strongest indication that there is a significant difference between the mean of the test and comparison groups, while the small threshold provides the weakest indication that such a difference exists. For this analysis, the difference is considered significant, and the sales in the test group are found to pass the Cohen’s *d* test, if the calculated Cohen’s *d* coefficient is equal to or exceeds the large (*i.e.*, 0.8) threshold.

Next, the “ratio test” assesses the extent of the significant price differences for all sales as measured by the Cohen’s *d* test. If the value of sales to purchasers, regions, and time periods that pass the Cohen’s *d* test account for 66 percent or more of the value of total sales, then the identified pattern of prices that differ significantly supports the consideration of the application of the average-to-transaction method to all sales as an alternative to the average-to-average method. If the value of sales to purchasers, regions, and time periods that pass the Cohen’s *d* test accounts for more than 33 percent and less than 66 percent of the value of total sales, then the results support consideration of the application of an average-to-transaction method to those sales identified as passing the Cohen’s *d* test as an alternative to the average-to-average method, and application of the average-to-average method to those sales identified as not passing the Cohen’s *d* test. If 33 percent or less of the value of total sales passes the Cohen’s *d* test, then the results of the Cohen’s *d* test do not support consideration of an alternative to the average-to-average method.

If both tests in the first stage (*i.e.*, the Cohen’s *d* test and the ratio test) demonstrate the existence of a pattern of prices that differ significantly such that an alternative comparison method should be considered, then in the second stage of the differential pricing analysis, the Department examines whether using only the average-to-average method can appropriately account for such differences. In considering this question, the Department tests whether using an alternative comparison method, based on the results of the Cohen’s *d* and ratio tests described above, yields a meaningful difference in the weighted-average dumping margin as compared to that resulting from the use of the average-to-average method only. If the difference between the two

⁵⁶ See POSCO CQR at C-36 and C-37.

calculations is meaningful, then this demonstrates that the average-to-average method cannot account for differences such as those observed in this analysis, and, therefore, an alternative comparison method would be appropriate. A difference in the weighted-average dumping margins is considered meaningful if 1) there is a 25 percent relative change in the weighted-average dumping margins between the average-to-average method and the appropriate alternative method where both rates are above the *de minimis* threshold, or 2) the resulting weighted-average dumping margins between the average-to-average method and the appropriate alternative method move across the *de minimis* threshold.

Interested parties may present arguments and justifications in relation to the above-described differential pricing approach used in this preliminary determination, including arguments for modifying the group definitions used in this proceeding.

B. Results of the Differential Pricing Analysis

For POSCO, based on the results of the differential pricing analysis, the Department preliminarily finds that 78.12 percent of the value of U.S. sales pass the Cohen's *d* test,⁵⁷ and confirms the existence of a pattern of prices that differ significantly among purchasers, regions, or time periods. Further, the Department preliminarily determines that the average-to-average method cannot account for such differences because the weighted-average dumping margin crosses the *de minimis* threshold when calculated using the average-to-average method and when calculated using an alternative comparison method based on applying the average-to-transaction method to all U.S. sales. Thus, for this preliminary determination, the Department is applying the average-to-transaction method to all U.S. sales to calculate the weighted-average dumping margin for POSCO.

X. DATE OF SALE

Section 351.401(i) of the Department's regulations states that, in identifying the date of sale of the merchandise under consideration or foreign like product, the Department normally will use the date of invoice, as recorded in the exporter or producer's records kept in the ordinary course of business. Additionally, under the regulation, the Department may use a date other than the date of invoice if it is satisfied that a different date better reflects the date on which the exporter or producer establishes the material terms of sale.⁵⁸

POSCO reported the shipment date from the factory as the date of sale for all of its home market and EP sales, as well as for its "back to back" CEP sales that were shipped directly from Korea to the unaffiliated customer.⁵⁹ The Department has a long-standing practice of finding that, where the shipment date precedes the invoice date, the shipment date better reflects the date on

⁵⁷ See Preliminary Calculation Memorandum.

⁵⁸ See 19 CFR 351.401(i); see also *Allied Tube* ("As elaborated by Department practice, a date other than invoice date 'better reflects' the date when 'material terms of sale' are established if the party shows that the 'material terms of sale' undergo no meaningful change (and are not subject to meaningful change) between the proposed date and the invoice date.").

⁵⁹ See POSCO AQR Pt. 3 at A3-19, POSCO BQR at B-28, POSCO CQR at C-22 and POSCO ASQR at SA-25.

which the material terms of sale are established.⁶⁰ For CEP sales made by POSCO out of inventory, POSCO reported the affiliate's invoice date as the date of sale.⁶¹

Nothing on the record suggests that a different date better reflects the date on which the material terms of sale are established.⁶² Thus, we are basing the date of sale on the shipment date for POSCO's home market, EP, and "back to back" CEP sales, and the date of the commercial invoice date for CEP sales made out of inventory, in accordance with our practice.⁶³

XI. PRODUCT COMPARISONS

In accordance with section 771(16) of the Act, we considered all products produced and sold by the respondent, POSCO, in Korea during the POI that fit the description in the "Scope of Investigation" section of this notice to be foreign like products for purposes of determining appropriate product comparisons to base NV for U.S. sales. We compared U.S. sales to sales made in the home market, where appropriate. Where there were no sales of identical merchandise in the home market made in the ordinary course of trade to compare to U.S. sales, we compared U.S. sales to sales of the most similar foreign like product made in the ordinary course of trade.

In making product comparisons, we matched foreign like products based on the physical characteristics reported by the respondents in the following order of importance: minimum specified carbon content, metallic coating, minimum specified chromium content, minimum specified nickel content, minimum specified vanadium content, maximum specified phosphorus and sulfur content, maximum allowable total depth of decarburization, minimum specified manganese content, minimum specified molybdenum content, minimum specified silicon content, minimum specified sulfur content, maximum specified nitrogen content, diameter range, heat treatment.⁶⁴

XII. EXPORT PRICE / CONSTRUCTED EXPORT PRICE

POSCO made EP sales to unaffiliated Korean trading companies with knowledge that the merchandise was ultimately destined for the United States. Accordingly, we based EP on a packed price to the first unaffiliated purchaser, deducted movement expenses in accordance with section 772(c)(2)(A) of the Act, which included, where appropriate, foreign inland freight, foreign brokerage and handling, international freight, marine insurance, and certain additional U.S. movement expenses, as appropriate.

POSCO made CEP sales through its U.S. affiliates. We based CEP on a packed price to the first unaffiliated purchaser, deducted appropriate movement expenses (*e.g.*, foreign inland freight, foreign brokerage and handling, international freight, marine insurance, and certain additional

⁶⁰ See, *e.g.*, *Shrimp Thailand AR Final IDM* at Comment 11 and *Steel Beams Germany Inv. Final IDM* at Comment 2.

⁶¹ See POSCO AQR Pt. 3 at A3-19, POSCO CQR at C-22, and POSCO ASQR at SA-25.

⁶² See Preliminary Calculation Memorandum.

⁶³ See *CLT Plate Korea AD Inv. Prelim DM* at 11; *Hot-rolled Korea AD Inv. Prelim DM* at 13; and *Cold-rolled Korea AD Inv. Prelim DM* at 12.

⁶⁴ See Initial AD Questionnaire at B-9 and C-7.

U.S. movement expenses) according to section 772(c)(2)(A) of the Act, deducted selling expenses associated with economic activities occurring in the United States (*e.g.*, indirect selling expenses) according to section 772(d)(1) of the Act. Finally, according to section 772(d)(3) of the Act, we made an adjustment for profit allocated to these expenses, *i.e.*, CEP profit, which is calculated according to section 772(f) of the Act using the expenses incurred by POSCO and its U.S. affiliate on their sales of the subject merchandise in the United States and the profit associated with those sales.⁶⁵

POSCO claimed a duty drawback adjustment to U.S. price.⁶⁶ Section 772(c)(1)(B) of the Act states that EP and CEP shall be increased by “the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the export of the subject merchandise to the United States.” In determining whether an adjustment for duty drawback should be made, we look for a reasonable link between the duties imposed and those rebated or exempted. We do not require that the imported material be traced directly from importation through exportation. We do require, however, that the company meet our “two-pronged” test in order for the adjustment to be made to EP or CEP.⁶⁷ The first element is that the import duty and its rebate or exemption be directly linked to, and dependent upon, one another; the second element is that the company must demonstrate that there were sufficient imports of the imported material to account for the duty drawback or exemption granted for the export of the manufactured product.⁶⁸

In this investigation, we preliminarily granted a duty drawback adjustment to POSCO because it has satisfied the criteria described above for Korea’s duty drawback program.⁶⁹ Also, consistent with the Department’s practice,⁷⁰ we based the amount of the duty drawback adjustment on the amount reported by POSCO in its cost of production (COP) database.⁷¹

No other adjustments were claimed or applied.

XIII. NORMAL VALUE

A. Home Market Viability

In order to determine whether there is a sufficient volume of sales in the home market to serve as a viable basis for calculating NV (*i.e.*, the aggregate volume of home market sales of the foreign like product is equal to or greater than five percent of the aggregate volume of U.S. sales), we normally compare the respondent’s volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with sections 773(a)(1)(A) and (B) of the Act. If we determine that no viable home market exists, we may, if appropriate,

⁶⁵ See Preliminary Calculation Memorandum.

⁶⁶ See POSCO CQR at C-37.

⁶⁷ See *Saha Thai*, 635 F.3d 1335, 1340-41 (Fed. Cir. 2011).

⁶⁸ *Id.*; see also, *e.g.*, *CORE Korea AR 03/04 Final IDM* at Comment 2.

⁶⁹ See POSCO CQR at C-37 and Exhibit C-16, and POSCO BCSQR Pt.1.

⁷⁰ See, *e.g.*, *Pipes Tubes Turkey Inv. Final IDM* at Comment 3.

⁷¹ See Preliminary Calculation Memorandum.

use a respondent's sales of the foreign like product to a third country market as the basis for home market sales in accordance with section 773(a)(1)(C) of the Act and 19 CFR 351.404.

In this investigation, we determined that the aggregate volume of home market sales of the foreign like product for POSCO was greater than five percent of the aggregate volume of its U.S. sales of the subject merchandise.⁷² Therefore, we used home market sales as the basis for NV for POSCO, in accordance with section 773(a)(1)(B) of the Act. Consistent with our practice, we also included POSCO's home market sales to affiliated parties for purposes of determining home market viability.⁷³ Moreover, there is no evidence on the record supporting a particular market situation in the exporting companies' country that would not permit a proper comparison of home market and U.S. prices.

B. Affiliated Party Transactions and Arm's-Length Test

The Department may calculate NV based on a sale to an affiliated party only if it is satisfied that the price to the affiliated party is comparable to the price at which sales are made to parties not affiliated with the exporter or producer, *i.e.*, sales were made at arm's-length prices.⁷⁴ The Department excludes home market sales to affiliated customers that are not made at arm's-length prices from our margin analysis because the Department considers them to be outside the ordinary course of trade. Consistent with 19 CFR 351.403(c) and (d) and our practice, "the Department may calculate normal value based on sales to affiliates if satisfied that the transactions were made at arm's length."⁷⁵

POSCO reported they had sales of merchandise under consideration to affiliated parties in the home market during the POI.⁷⁶ Pursuant to 19 CFR 351.403(c) and in accordance with the Department's practice, where the price to the affiliated party was, on average, within a range of 98 to 102 percent of the price of the same or comparable merchandise sold to unaffiliated parties, we determined that sales made to the affiliated party were at arm's length.⁷⁷ Sales to affiliated customers in the home market that were not made at arm's-length prices were excluded from our analysis because we considered these sales to be outside the ordinary course of trade.⁷⁸

C. Level of Trade

Section 773(a)(1)(B)(i) of the Act states that, to the extent practicable, the Department will calculate NV based on sales at the same level of trade (LOT) as the EP or CEP sale. Sales are made at different LOTs if they are made at different marketing stages (or their equivalent).⁷⁹

⁷² See 19 CFR 351.404(b)(2); *see also* POSCO AQR Pt.3 at Exhibit A-16.

⁷³ See *OCTG Saudi Arabia Inv. Final* at Comment 2 (use of affiliated party sales in viability determination).

⁷⁴ See 19 CFR 351.403(c).

⁷⁵ See *China Steel*, 264 F. Supp. 2d 1339, 1367 (CIT 2003).

⁷⁶ See POSCO AQR Pt.3 at A3-6.

⁷⁷ See *Affiliated Party Sales* (establishing that the overall ratio calculated for an affiliate must be between 98 percent and 102 percent in order for sales to be considered in the ordinary course of trade and used in the normal value calculation).

⁷⁸ See 19 CFR 351.102(b).

⁷⁹ See 19 CFR 351.412(c)(2).

Substantial differences in selling activities are a necessary, but not sufficient, condition for determining that there is a difference in the stages of marketing.⁸⁰ In order to determine whether the home market sales are at different stages in the marketing process than the U.S. sales, we examine the distribution system in each market (*i.e.*, the chain of distribution), including selling functions and class of customer (customer category), and the level of selling expenses for each type of sale.

Pursuant to section 773(a)(1)(B)(i) of the Act and 19 CFR 351.412(c)(1), in identifying LOTs for EP and home market sales,⁸¹ we consider the starting prices before any adjustments. For CEP sales, we consider only the selling activities reflected in the price after the deduction of expenses and profit under section 772(d) of the Act.⁸²

When the Department is unable to match U.S. sales of the foreign like product in the home market at the same LOT as the EP or CEP, the Department may compare the U.S. sale to sales at a different LOT in the home market. In comparing EP or CEP sales at a different LOT in the home market, where available data make it possible, we make a LOT adjustment under section 773(a)(7)(A) of the Act. Finally, for CEP sales only, if the NV LOT is at a more advanced stage of distribution than the LOT of the CEP and there is no basis for determining whether the difference in LOTs between NV and CEP affects price comparability (*i.e.*, no LOT adjustment is possible), the Department will grant a CEP offset, as provided in section 773(a)(7)(B) of the Act.⁸³

In this investigation, we obtained information from POSCO regarding the marketing stages involved in making reported home market and U.S. sales, including a description of the selling activities performed by the respondents for each channel of distribution.⁸⁴ Our LOT findings are summarized below.

POSCO reported that it made sales in the home market through three channels of distribution: sales to end-users (both affiliated and unaffiliated) (Channel 1), sales through affiliated reseller POSCO P&S (Channel 2), and “cyber transactions” to unaffiliated end-users which typically involve sales of overrun and “non-prime” merchandise (Channel 3).⁸⁵ According to POSCO, it performed the following selling functions for sales in the home market: sales forecasting; strategic/economic planning; personal training/exchange; advertising; sales promotion; packing; inventory maintenance; order input/processing; direct sales personnel; sales/marketing support; market research; technical assistance; warranty services; and freight and delivery.⁸⁶ Consistent with our practice in recent cases,⁸⁷ in this investigation we grouped selling activities into four selling function categories for analysis: 1) sales and marketing; 2) freight and delivery; 3)

⁸⁰ *Id.*; see also *OJ Brazil AR Final IDM* at Comment 7.

⁸¹ Where NV is based on CV, we determine the NV LOT based on the LOT of the sales from which we derive selling, general and administrative expenses, and profit for CV, where possible. See 19 CFR 351.412(c)(1).

⁸² See *Micron Tech*, 243 F.3d 1301, 1314 (Fed. Cir. 2001).

⁸³ See, e.g., *OJ Brazil AR Final IDM* at Comment 7.

⁸⁴ See POSCO AQR Pt.3 at A3-11 and Exhibit A-18, POSCO ASQR from SA-22 to SA-24 and Exhibit SA-25.

⁸⁵ See POSCO AQR Pt.3 at A3-11.

⁸⁶ See POSCO AQR Pt.3 at Exhibit A-18 and POSCO ASQR at Exhibit SA-25.

⁸⁷ See *CTL Korea Inv. Prelim DM* at 15; *Hot-Rolled Korea Inv. Prelim DM* at 18; and *Cold-Rolled Korea Inv. Prelim DM* at 19.

inventory maintenance and warehousing; and 4) warranty and technical support. Based on these selling function categories, we find that POSCO performed sales and marketing, freight and delivery services, and warranty and technical support for its home market sales. Because we find no significant differences in selling activities performed by POSCO to sell to its home market customers, we preliminarily determined that all home market sales are at the same LOT.

With respect to the U.S. market, POSCO reported that it made sales through three channels of distribution: CEP sales through its affiliate POSCO America Corp. (Channel 1), EP sales through four unaffiliated Korean trading companies (Channel 2), and a CEP sale through POSCO Daewoo and POSCO Daewoo America and AAPC (Channel 3).⁸⁸ According to POSCO, it performed the following selling functions for sales in the U.S. market: sales forecasting; strategic/economic planning; personal training/exchange; advertising; sales promotion; packing; inventory maintenance; order input/processing; direct sales personnel; sales/marketing support; market research; technical assistance; warranty services; and freight and delivery.⁸⁹ Because we find no significant differences in selling activities performed by POSCO to sell to its U.S. customers, we preliminarily determined that all U.S. sales are at the same LOT.

For EP sales made through Channel 2, POSCO reported that it performed the same functions with less intensity as it did for all home market sales.⁹⁰ We found that the differences in intensity are not significant enough to distinguish EP sales as having distinguishable levels of distribution and separate marketing stages. Therefore, consistent with *CTL Korea Inv.*, *Hot-Rolled Korea Inv.*, and *Cold-Rolled Korea Inv.*, we have determined that POSCO's EP sales are at the same LOT as its home market sales.⁹¹

For the CEP sales made through Channel 1 and Channel 3, POSCO contends that it performed fewer activities in each of four selling function categories than it did for its home market sales, and therefore the Department should grant a CEP offset.⁹² However, having considered the totality of circumstances reported by POSCO concerning its CEP and home market channels of distribution, our review of the information submitted by POSCO indicates that there is an insufficient difference in the home market and CEP LOTs pursuant to section 773(a)(7)(B) of the Act. Specifically, we note that POSCO did not perform many of the selling services considered by the Department in a LOT analysis for either the home market or CEP channels of distribution.⁹³ Based on the foregoing, we conclude that the differences in selling expenses claimed by POSCO do not establish CEP sales as a separate, higher level of trade than home market sales. Therefore, consistent with *CTL Korea Inv.*, *Hot-Rolled Korea Inv.*, and *Cold-Rolled Korea Inv.*, we have determined that granting a CEP offset is not warranted.⁹⁴ Accordingly, we have not granted a CEP offset, pursuant to 773(a)(7)(B) of the Act.

⁸⁸ See POSCO AQR Pt.3 at A3-7.

⁸⁹ See POSCO AQR Pt.3 at Exhibit A-18 and POSCO ASQR at Exhibit SA-25.

⁹⁰ See POSCO AQR Pt.3 at Exhibit A-18 and POSCO ASQR at Exhibit SA-25.

⁹¹ See *CTL Korea Inv. Prelim PDM* at 15; *Hot-Rolled Korea Inv. Prelim DM* at 18; and *Cold-Rolled Korea Inv. Prelim DM* at 19.

⁹² See POSCO AQR Pt.3 at A3-18.

⁹³ These include: Engineering Services, Distributor/Dealer Training, Procurement/Sourcing Services, Packing, the Provision of Rebates or Cash Discounts, the Payment of Commissions, the Provision of Guarantees, the Provision of After Sales Servicing, and the Provision of Post Sale Warehousing. See *Id.*

⁹⁴ See *Cold-Rolled Korea Inv. Prelim IDM* at 21(unchanged in *Cold-Rolled Korea Inv. Final*).

D. Cost of Production Analysis

The Department requested cost of production information from POSCO. We examined POSCO's cost data and determined that our quarterly cost methodology is not warranted and, therefore, we applied our standard methodology of using annual costs based on the reported data.

1. Calculation of COP

In accordance with section 773(b)(3) of the Act, we calculated weighted-average COP based on the sum of costs of materials and fabrication for the foreign like product, plus amounts for general and administrative expenses and interest expenses.

We relied on the data submitted by POSCO except as follows:

- To mitigate the cost differences associated with the timing of raw material purchases, we weight-averaged certain reported raw material costs based on the total POI production quantity and value. In addition, we reallocated the reported conversion costs based on common diameter ranges in order to mitigate the unexplainable conversion cost differences between products within a given common diameter range.
- The Department adjusted POSCO's reported cost of manufacturing to reflect the arms-length prices for affiliated transactions.
- The Department excluded certain miscellaneous gains and gains on investments from the calculation of the general and administrative expense ratio.

2. Test of Home Market Sales Prices

On a product-specific basis, pursuant to section 773(b) of the Act, we compared the adjusted weighted-average COPs for POSCO to the home market sales prices of the foreign like product in order to determine whether the sales prices were below the COPs within an extended period of time (*i.e.*, normally a period of one year) in substantial quantities and whether such prices were sufficient to permit the recovery of all costs within a reasonable period of time. We compared the COP to the home market prices. For purposes of this comparison, we used COPs exclusive of selling and packing expenses. The prices were exclusive of any applicable billing adjustments, discounts and rebates, where applicable, movement charges, actual direct and indirect selling expenses, and packing expenses.

3. Results of the COP Test

In determining whether to disregard home market sales made at prices below the COP, we examined, in accordance with sections 773(b)(1)(A) and (B) of the Act, whether: 1) within an extended period of time, such sales were made in substantial quantities; and 2) such sales were made at prices which permitted the recovery of all costs within a reasonable period of time in the normal course of trade. In accordance with sections 773(b)(2)(B) and (C) of the Act, where less than 20 percent of the respondent's home market sales of a given product are at prices less than the COP, we do not disregard any below-cost sales of that product because we determine that in such instances the below-cost sales were not made within an extended period of time and in

“substantial quantities.” Where 20 percent or more of a respondent’s sales of a given product are at prices less than the COP, we disregard the below-cost sales when: 1) they were made within an extended period of time in “substantial quantities,” in accordance with sections 773(b)(2)(B) and (C) of the Act; and, 2) based on our comparison of prices to the weighted-average COPs for the POI, they were at prices which would not permit the recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act.

As discussed in further detail in the preliminary calculation memorandum, we have found that, for certain products, more than 20 percent of POSCO’s home market sales during the POI were at prices less than the COP and, in addition, such sales did not provide for the recovery of costs within a reasonable period of time.⁹⁵ We therefore excluded these sales and used the remaining sales, if any, as the basis for determining NV, in accordance with section 773(b)(1) of the Act.

E. Calculation of NV based on Home Market Prices

For POSCO’s home market prices, we calculated NV based on delivered or ex-factory prices to unaffiliated customers. We made deductions, where appropriate, from the starting price for billing adjustments, in accordance with 19 CFR 351.401(c). We also made a deduction from the starting price for inland freight to the warehouse, warehousing expenses, and inland freight from the warehouse under section 773(a)(6)(B)(ii) of the Act. We offset these movement expenses with reported freight revenue, with the latter capped at no higher than the sum of movement expenses, in accordance with our normal practice. In determining NV, based on home market prices, we used the first price from POSCO or its affiliated distributor (*i.e.*, POSCO P&S) to an unaffiliated customer in the home market.

For comparisons to EP sales, we made adjustments under section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410(b) for differences in circumstances of sale. Specifically, we deducted direct selling expenses incurred for home market sales (*i.e.*, shipment inspection fees and credit expenses) and added U.S. direct selling expenses (*i.e.*, credit expenses).

For comparisons to CEP sales, we deducted home market credit expenses pursuant to 773(a)(6)(C) of the Act.

When comparing U.S. sales with home market sales of similar, but not identical, merchandise, we also made adjustments for differences in costs attributable to differences in the physical characteristics of the merchandise, in accordance with section 773(a)(6)(C)(ii) of the Act and 19 CFR 351.411. We based this adjustment on the difference in the variable cost of manufacturing for the foreign like product and subject merchandise, using period-wide, weighted-average costs.⁹⁶

⁹⁵ See Preliminary Calculation Memorandum.

⁹⁶ *Id.*

XIV. CURRENCY CONVERSION

We made currency conversions into U.S. dollars in accordance with section 773A of the Act and 19 CFR 351.415(a), based on the exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.⁹⁷

XV. CONCLUSION

We recommend applying the above methodology for this preliminary determination.



Agree



Disagree

10/24/2017

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

⁹⁷ The exchange rates are available at <http://enforcement.trade.gov/exchange/index.html>.

Table of Authorities

Case Record

| | |
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| Petition | Petitioners’ March 28, 2017 Letter re: Petition for the Imposition of Antidumping Duties on Imports of Carbon and Alloy Steel Wire Rod from Korea (Petition) |
| Petition SQ | DOC’s March 31, 2017 Letter re: Supplemental Questions, and April 10, 2017 Memorandum, “Phone Call with Counsel to Petitioners” (collectively, Petition SQ) |
| Petition SQR | Petitioners’ April 4, 2017 and April 7, 2017 Letters re: Amendment to Volume IV Relating to Korea Antidumping Duties (Petition SQR) |
| Below Cost Allegations | Petitioners’ April 5, 2017 Letter re: Existence of Below-Cost Sales (Below Cost Allegations) |
| Factsheet | DOC’s April 18, 2017 Factsheet: Commerce Initiates Antidumping and Countervailing Duty Investigations of Imports of Carbon and Alloy Steel Wire Rod from Belarus, Italy, Korea, Russia, South Africa, Spain, Turkey, Ukraine, the United Arab Emirates, and the United Kingdom, available at http://enforcement.trade.gov/ia-highlights-and-news.html (Factsheet). |
| <i>Initiation Notice</i> | <i>Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, United Arab Emirates, and United Kingdom: Initiation of Less-Than-Fair-Value Investigations</i> , 79 FR 19207 (April 26, 2017) (<i>Initiation Notice</i>). |
| <i>ITC Preliminary Affirmative Determinations</i> | <i>Carbon and Certain Alloy Steel Wire Rod from Belarus, Italy, Korea, Russia, South Africa, Spain, Turkey, Ukraine, United Arab Emirates, and the United Kingdom; Determinations</i> , 82 FR 22846 (May 18, 2017) (<i>ITC Preliminary Affirmative Determinations</i>); <i>see also</i> , United States International Trade Commission Letter dated May 19, 2017. |
| Postpone Prelim Request | Petitioners’ August 11, 2017 Letter re: Request to Extend the Preliminary Determination Due Date for Certain Cases (Postpone Prelim Request) |
| <i>Postponement of Preliminary Determinations</i> | <i>Carbon and Alloy Steel Wire Rod from Italy, the Republic of Korea, the Republic of South Africa, Spain, the Republic of Turkey, Ukraine and the United Kingdom: Postponement of</i> |

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| | <i>Preliminary Determinations in the Less-Than-Fair-Value Investigations</i> , 82 FR 35964 (August 21, 2017) (<i>Postponement of Preliminary Determinations</i>) |
| Postpone Final Request | POSCO's October 10, 2017 Letter re: Request for Extension of Time for the Department's Final Determination (Postpone Final Request) |
| Affiliation and Collapsing Memorandum | DOC's October 24, 2017 Memorandum re: Antidumping Duty Investigation of Carbon and Alloy Steel Wire Rod from the Republic of Korea: Affiliation and Collapsing Memorandum (Affiliation and Collapsing Memorandum) |
| Preliminary Calculation Memorandum | DOC's October 24, 2017 Memorandum re: Antidumping Duty Investigation of Carbon and Alloy Steel Wire Rod from the Republic of Korea: Preliminary Determination Margin Calculation for POSCO (Preliminary Calculation Memorandum) |
| Preliminary Cost Memorandum | DOC's October 24, 2017 Memorandum re: Cost of Production and Constructed Value Calculation Adjustments for the Preliminary Determination – POSCO (Preliminary Cost Memorandum) |
| Preliminary Critical Circumstances Memorandum | DOC's October 24, 2017 Memorandum re: Critical Circumstances Analysis (Preliminary Critical Circumstances Memorandum) |
| Product Characteristics | |
| Department Prod. Charcs. Proposal | DOC's April 26, 2017 Letter re: Physical Characteristics and Product-Comparison Criteria (Department Prod. Charcs. Proposal) |
| Petitioners Prod. Charcs. Cmts. | Petitioners' May 10, 2017 Letter re: Comments on the Department's Proposed Product Comparison Hierarchy (Petitioners Prod. Charcs. Cmts.) |
| POSCO Prod. Charcs. Cmts. | POSCO's May 10, 2017 Letter re: Comments on Product Characteristics and Model Match Methodology (POSCO Prod. Charcs. Cmts.) |
| Petitioners Prod. Charcs. Rebuttal Cmts. | Petitioners' May 15, 2017 Letter re: Rebuttal Comments in Response to POSCO's May 10, 2017 Letter (Petitioners Prod. Charcs. Rebuttal Cmts.) |
| CELSA Prod. Charcs. Rebuttal Cmts. | CELSA's May 15, 2017 Letter re: Rebuttal Comments Regarding Product-Matching Characteristics (CELSA Prod. Charcs. Rebuttal Cmts.) |

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| British Steel Prod. Charcs. Rebuttal Cmts. | British Steel's May 15, 2017 Letter re: Rebuttal Comments on Product Characteristics (British Steel Prod. Charcs. Rebuttal Cmts.) |
| Scope | |
| POSCO Scope Cmts. | POSCO's May 12, 2017 Letter re: Comments on Scope of the Investigations (POSCO Scope Cmts.) |
| British Steel Scope Cmts. | British Steel's May 12, 2017 Letter re: Scope Comments (British Steel Scope Cmts.) |
| Cooper Scope Cmts. | DOC's June 13, 2017 Memorandum re: a letter from Cooper Tire & Rubber Company (Cooper Scope Cmts.) |
| Petitioners Scope Rebuttal Cmts. | Petitioners' June 16, 2017 Letter re: Response to Cooper Tire's Request to Exclude Tire Cord/Tire Bead Wire Rod (Petitioners Rebuttal Scope Cmts.) |
| Scope Decision Memorandum | DOC's August 7, 2017 Memorandum re: Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, the United Arab Emirates, and the United Kingdom: Scope Comments Decision Memorandum for the Preliminary Determinations (Scope Memorandum) |
| POSCO Scope Case Brief | POSCO's September 6, 2017 Letter re: Scope Issues Case Brief (POSCO Scope Case Brief) |
| British Steel Scope Case Brief | British Steel's September 6, 2017 Letter re: Scope Case Brief (British Steel Scope Case Brief) |
| Scope Memorandum re POSCO Brochure | DOC's September 7, 2017 Memorandum re: Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, the United Arab Emirates, and the United Kingdom: POSCO Brochure (Scope POSCO Brochure) |
| Petitioners Scope Rebuttal Brief | Petitioners' September 13, 2017 Letter re: Rebuttal Brief in Response to the Scope Case Briefs of British Steel and POSCO (Petitioners Scope Rebuttal Brief) |
| CBP Data and Respondent Selection | |
| CBP Data | DOC's April 24, 2017 Letter re: Customs Data for Use in Respondent Selection (CBP Data) |
| CBP Data Expanded | DOC's August 1, 2017 Memorandum re: Data Query (CBP Data Expanded) |

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| Petitioners Respondent Selection Cmts. | Petitioners' May 1, 2017 Letter re: Respondent Selection Comments (Petitioners Respondent Selection Cmts.) |
| POSCO Respondent Selection Cmts. | POSCO's May 1, 2017 Letter re: Respondent Selection Comments (POSCO Respondent Selection Cmts.) |
| Kosteel Respondent Selection Cmts. | Kosteel's May 1, 2017 Letter re: Respondent Selection Comments (Kosteel Respondent Selection Cmts.) |
| POSCO Respondent Selection Rebuttal Cmts. | POSCO's May 8, 2017 Letter re: Rebuttal Respondent Selection Comments (POSCO Respondent Selection Rebuttal Cmts.) |
| Respondent Selection Memorandum | DOC's May 18, 2017 Memorandum re: Respondent Selection (Respondent Selection Memorandum) |
| Critical Circumstance | |
| Critical Circumstance Allegation | Petitioners' September 1, 2017 Letter re: Critical Circumstance Allegation (Critical Circumstance Allegation) |
| POSCO Crit. Circ. Qnaire. | DOC's September 11, 2017 Letter to POSCO re: Request for Quantity and Value Shipment Data (POSCO Crit. Circ. Qnaire.) |
| STINKO Crit. Circ. Qnaire. | DOC's September 11, 2017 Letter to STINKO re: Request for Quantity and Value Shipment Data (STINKO Crit. Circ. Qnaire.) |
| POSCO Q&V Data | POSCO's September 18, 2017 and October 10, 2017 Letters re: Quantity and Value Shipment Data (POSCO Q&V Data) |
| STINKO Q&V Data | STINKO's September 18, 2017 and October 10, 2017 Letters re: Quantity and Value Shipment Data (STINKO Q&V Data) |
| POSCO: questionnaires, responses and comments | |
| Initial AD Questionnaire | DOC's May 19, 2017 Letter to POSCO re: Antidumping Duty Investigation Questionnaire (Initial AD Questionnaire) |
| POSCO AQR Pt. 1 | POSCO's May 30, 2017 Response to Section A of Initial AD Questionnaire and June 1, 2017 confirmation of service (POSCO AQR Pt. 1) |
| Petitioners Cmts. on POSCO AQR Pt. 1 | Petitioners' June 8, 2017 Comments on POSCO's Partial Section A Response (Petitioners Cmts. on POSCO AQR Pt. 1) |
| POSCO Response to Petitioners Cmts. on AQR Pt. 1 | POSCO's June 9, 2017 Letter re: Response to Petitioners' June 8 Comments (POSCO Response to Petitioners Cmts. on AQR Pt. 1) |

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| POSCO June 8, 2017 Request | POSCO's June 8, 2017 Letter re: Request for Confirmation Regarding Sales Reporting Requirements (POSCO June 8, 2017 Request) |
| Response to POSCO June 8, 2017 Request | DOC's June 16, 2017 Letter to POSCO re: Confirmation of Reporting Sales (Response to POSCO June 8, 2017 Request) |
| POSCO AQR Pt. 2 | POSCO's June 9, 2017 Response to Section A of Initial AD Questionnaire (POSCO AQR Pt. 2) |
| POSCO AQR Pt. 3 | POSCO's June 16, 2017 Response to Section A of Initial AD Questionnaire (POSCO AQR Pt. 3) |
| Petitioners Cmts. on POSCO AQR Pt. 3 | Petitioners' June 29, 2017 Letter re: Comments on POSCO's June 16, 2017 Section A Response (Petitioners Cmts. on POSCO AQR Pt. 3) |
| POSCO ASQ | <ul style="list-style-type: none"> • DOC's July 11, 2017 Letter to POSCO re: Supplemental Questionnaire; • POSCO's July 13, 2017 Letter re: Request to Amend Supplemental Section A Questionnaire; • DOC's July 20, 2017 Letter to POSCO re: Responding the Request of Modify or Withdraw Seven Questions in July 11, 2017 Supplemental Questionnaire. (collectively, POSCO ASQ) |
| POSCO ASQR | POSCO's July 28, 2017 Response to the July 11, 2017 Supplemental Section A Questionnaire (POSCO ASQR) |
| POSCO Cmts. on Expanded CBP Data | POSCO's August 4, 2017 Letter re: Comments on August 1 CBP Data Release (POSCO Cmts. on Expanded CBP Data) |
| Petitioners Cmts. on POSCO Collapsing | Petitioners' August 21, 2017 Letter re: Comments on POSCO Collapsing (Petitioners Cmts. on POSCO Collapsing) |
| POSCO Response to Petitioners Cmts. on POSCO Collapsing | POSCO's August 29, 2017 Letter re: Response to the Petitioners' August 21 Comments (POSCO Response to Petitioners Cmts. on POSCO Collapsing) |
| Request for December 2014 Agreement | DOC's September 20, 2017 Letter to POSCO re: December 2014 Agreement (Request for December 2014 Agreement) |
| December 2014 Agreement | POSCO's September 27, 2017 Response to the Request for December 2014 Agreement (December 2014 Agreement) |
| December 2014 Agreement Deficiency | DOC's October 13, 2017 Letter to POSCO re: December 2014 Agreement Deficiency (December 2014 Agreement Deficiency) |

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| December 2014 Agreement Resubmitted | POSCO's October 16, 2017 Letter re: Resubmission of December 2014 Agreement (December 2014 Agreement Resubmitted) |
| POSCO BQR | POSCO's July 7, 2017 Section B Questionnaire Response (POSCO BQR) |
| POSCO CQR | POSCO's July 7, 2017 Section B Questionnaire Response (POSCO CQR) |
| POSCO DQR | POSCO's July 7, 2017 Section B Questionnaire Response (POSCO DQR) |
| Petitioners Cmts. on POSCO BQR CQR DQR | Petitioners' July 21, 2017 Letter re: Comments on POSCO's Sections B, C, and D Questionnaire Response (Petitioners Cmts. on POSCO BQR CQR DQR) |
| POSCO BCSQ | <ul style="list-style-type: none"> • DOC's August 1, 2017 Letter to POSCO re: Collapsing, Section B, and Section C Supplemental Questionnaire; • POSCO's August 2, 2017 Letter re: Request to Amend Supplemental Sections B and C Questionnaire; • DOC's August 4, 2017 Letter to POSCO re: Response to Request to Modify or Withdraw Three Questions in the August 1, 2017 Supplemental Questionnaire. (collectively, POSCO BCSQ) |
| POSCO BCSQR Pt. 1 | POSCO's August 10, 2017 Response to Supplemental Sections B and C Questionnaire-Part 1 (POSCO BCSQR Pt. 1) |
| POSCO BCSQR Pt. 2 | POSCO's August 18, 2017 Response to Supplemental Sections B and C Questionnaire-Part 2 (POSCO BCSQR Pt. 2) |
| Petitioners Cmts. on POSCO BCSQR | Petitioners' August 28, 2017 Letter re: Comments on POSCO's Supplemental Sections B and C (Petitioners Cmts. on POSCO BCSQR) |
| POSCO Response to Petitioners Cmts. on POSCO BCSQR | POSCO's September 5, 2017 Letter re: Response to the Petitioners' August 28 Comments (POSCO Response to Petitioners Cmts. on POSCO BCSQR) |
| POSCO First DSQ | DOC's August 9, 2017 Letter to POSCO re: First Section D Supplemental Questionnaire (POSCO First DSQ) |
| POSCO First DSQR | POSCO's August 23, 2017 Response to Supplemental Section D Questionnaire (POSCO DSQR) |
| Petitioners Cmts. on POSCO First DSQR | Petitioners' September 5, 2017 Letter re: Comments on POSCO's Supplemental Section D Questionnaire Response (Petitioners Cmts. on POSCO DSQR) |

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| POSCO Response to Petitioners Cmts. on POSCO First DSQR | POSCO's September 13, 2017 Letter re: Response to the Petitioners' September 5 Comments (POSCO Response to Petitioners Cmts. on POSCO DSQR) |
| POSCO Second DSQ | DOC's September 27, 2017 Letter re: Second Section D Supplement Questionnaire (POSCO Second DSQ) |
| POSCO Second DSQR | POSCO's October 11, 2017 Response to Second Supplemental Section D Questionnaire (POSCO Second DSQR) |
| Petitioners Request to Remove POSCO NFI | Petitioners' September 7, 2017 Letter re: Request to Remove Untimely and Unsolicited New Factual Information from POSCO's August 29 and September 5, 2017 Letters (Petitioners Request to Remove POSCO NFI) |
| Petitioners Pre-Prelim Cmts. on POSCO | Petitioner's August 9, 2017 Letter re: Pre-Preliminary Comments Concerning POSCO (Petitioners Pre-Prelim Cmts. on POSCO) |
| Petitioners Cmts. on December 2014 Agreement and Pre-Prelim Cmts. | Petitioners' October 6, 2017 Letter re: Comments Concerning POSCO's September 27, 2017 Supplemental Response and Summary Pre-Preliminary Comments (Petitioners Cmts. on December 2014 Agreement and Pre-Prelim Cmts.) |
| POSCO's Response to Petitioners Cmts. on December 2014 Agreement and Pre-Prelim Cmts. | POSCO's October 11, 2017 Letter re: POSCO's response to the Petitioners' October 6 Comments (POSCO's Response to Petitioners Cmts. on December 2014 Agreement and Pre-Prelim Cmts.) |
| STINKO Co., Ltd.: questionnaires, responses and comments | |
| Initial AD Questionnaire | DOC's May 19, 2017 Letter to STINKO Co., Ltd. re: Antidumping Duty Investigation Questionnaire (Initial AD Questionnaire), and May 24, 2017 Memorandum re: FedEx® Tracking for Initial Questionnaire. |
| STINKO AQR Pt. 1 | STINKO's May 30, 2017 Response to Section A of Initial AD Questionnaire Response (STINKO AQR Pt. 1) |
| Petitioners June 1, 2017 Request | Petitioners' June 1, 2017 Letter re: Response to STINKO's Request to Be Excused as Mandatory Respondent (Petitioners June 1, 2017 Request) |
| Petitioners Cmts. on STINKO AQR Pt. 1 | Petitioners' June 8, 2017 Letter re: Comments on STINKO's Partial Section A Response, dated (Petitioners Cmts. on STINKO AQR Pt. 1) |
| STINKO First ASQ | DOC's May 31, 2017 Letter to STINKO re: Supplemental Questionnaire (STINKO First ASQ) |

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| STINKO First ASQR | STINKO's June 6, 2017 Response to the First ASQ (STINKO First ASQR) |
| Petitioners First Cmts. on STINKO First ASQR | Petitioners' June 12, 2017 Letter re: Request for Translations of STINKO's June 6, 2017 Response (Petitioners First Cmts. on STINKO First ASQR) |
| Petitioners Second Cmts. on STINKO First ASQR | Petitioners' June 21, 2017 Letter re: Comments on STINKO's June 6, 2017 Response (Petitioners Second Cmts. on STINKO First ASQR) |
| STINKO June 8, 2017 Request | STINKO's June 8, 2017 Letter re: repeat requests made in June 6, 2017 response to the First ASQ (STINKO June 8, 2017 Request) |
| Response to STINKO June 8, 2017 Request | DOC's June 8, 2017 Letter to STINKO re: clarification and extensions (Response to STINKO June 8, 2017 Request) |
| STINKO AQR Pt. 2 | STINKO's June 16, 2017 Response to Section A of Initial AD Questionnaire (STINKO AQR Pt. 2) |
| Petitioners Cmts. on STINKO AQR Pt. 2 | Petitioners' June 29, 2017 Letter re: Comments on STINKO's June 16, 2017 Section A Questionnaire Response (Petitioners Cmts. on STINKO AQR Pt. 2) |
| STINKO Second ASQ | DOC's July 10, 2017 Letter to STINKO re: Supplemental Questionnaire (STINKO Second ASQ) |
| STINKO Second ASQR | STINKO's July 28, 2017 Response to the July 10, 2017 Supplemental Section A Questionnaire (STINKO Second ASQR) |
| STINKO CQR | STINKO's July 7, 2017 Response to Section C of Initial AD Questionnaire (STINKO CQR) |
| STINKO DQR | STINKO's July 7, 2017 Response to Section D of Initial AD Questionnaire (STINKO DQR) |
| Petitioners Cmts. on STINKO CQR DQR | Petitioners' July 21, 2017 Letter re: Comments on STINKO's Sections C and D Questionnaire Response (Petitioners Cmts. on STINKO CQR DQR) |
| Petitioners Pre-Prelim Cmts. on STINKO | Petitioner's Pre-Preliminary Comments Concerning STINKO, dated August 9, 2017 (Petitioners Pre-Prelim Cmts. on STINKO) |

Statutes, Regulations, and Policies

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| SAA | The Statement of Administrative Action accompanying the Uruguay Round Agreements Act (SAA) at 838. |
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| <i>SAA for 1979 Act</i> | Statement of Administrative Action Accompanying the Trade Agreements Act of 1979, H.R. Rep. No. 4537, 388, 411, reprinted in 1979 U.S.C. A. N. 665, 682 (<i>SAA for 1979 Act</i>) |
| <i>Preamble</i> | <i>Antidumping Duties; Countervailing Duties</i> , 62 FR 27296 (May 19, 1997) (<i>Preamble</i>) |
| <i>Affiliated Party Sales</i> | <i>Antidumping Proceedings: Affiliated Party Sales in the Ordinary Course of Trade</i> , 67 FR 69186, 69187 (November 15, 2002) (<i>Affiliated Party Sales</i>) |
| TPEA | Trade Preferences Extension Act of 2015, Pub. L. No. 114-27, 129 Stat. 362 (June 29, 2015) |
| <i>TPEA Interpretative Rule</i> | <i>Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015</i> , 80 FR 46793 (August 6, 2015). |

Litigation

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| <i>Allied Tube</i> | <i>Allied Tube & Conduit Corp. v. United States</i> , 132 F. Supp. 2d 1087, 1090-1092 (CIT 2001) (<i>Allied Tube</i>) |
| <i>Saha Thai</i> , 635 F.3d 1335, 1340-41 (Fed. Cir. 2011) | <i>Saha Thai Steel Pipe Public Co., v. United States</i> , 635 F.3d 1335, 1440-41 (Fed Cir. 2011) (<i>Saha Thai</i> , 635 F.3d 1335, 1340-41 (Fed. Cir. 2011)) |
| <i>China Steel</i> , 264 F. Supp. 2d 1339, 1367 (CIT 2003) | <i>China Steel Corp. v. United States</i> , 264 F. Supp. 2d 1339, 1365 (CIT 2003), aff'd, 306 F. Supp. 2d 1291 (CIT 2004) (<i>China Steel</i> , 264 F. Supp. 2d 1339, 1367 (CIT 2003)) |
| <i>Micron Tech</i> , 243 F.3d 1301, 1314 (Fed. Cir. 2001) | <i>Micron Tech., Inc. v. United States</i> , 243 F.3d 1301, 1314-16 (Fed. Cir. 2001) (<i>Micron Tech</i> , 243 F.3d 1301, 1314 (Fed. Cir. 2001)) |
| <i>TIJID</i> , 366 F. Supp. 2d 1286, 1293-1300 (CIT 2005) | <i>TIJID, Inc. v. U.S.</i> , 366 F. Supp. 2d 1286, 1293-1300 (CIT 2005) (<i>TIJID</i> 366 F. Supp. 2d 1286, 1293-1300 (CIT 2005)) |
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Administrative Notices and Determinations

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| <i>Refrigerators Korea Inv. Final</i> at 17415-17417 | <i>Notice of Final Determination of Sales at Less Than Fair Value and Negative Critical Circumstances Determination: Bottom Mount Combination Refrigerator-Freezers from the Republic of Korea</i> , 77 FR 17413, 17415-17417 (March 26, 2012) (<i>Refrigerators Korea Inv. Final</i> at 17415-17417). |
| <i>Carbon Pipe PRC Inv. Final</i> at 31972-31973 | <i>Notice of Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances: Circular Welded Carbon Quality Steel Pipe from the People's Republic of China</i> , 73 FR 31970, 31972-73 (June 5, 2008) (<i>Carbon Pipe PRC Inv. Final</i> at 31972-73) |
| <i>SDGE PRC Inv. Final</i> at 2052-2053 | <i>Final Determination of Sales at Less Than Fair Value and Affirmative Determination of Critical Circumstances: Small Diameter Graphite Electrodes from the People's Republic of</i> |

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| | <i>China</i> , 74 FR 2049, 2052-53 (January 14, 2009) (<i>SDGE PRC Inv. Final</i> at 2052-2053) |
| <i>Shrimp India Inv. Prelim</i> at 47118-47119 (unchanged in <i>Shrimp India Inv. Final</i>) | <i>Notice of Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Affirmative Preliminary Determination of Critical Circumstances: Certain Frozen and Canned Warmwater Shrimp from India</i> , 69 FR 47111, 47118-47119 (August 4, 2004) (<i>Shrimp India Inv. Prelim</i> at 47118-47119), unchanged in <i>Notice of Final Determination of Sales at Less Than Fair Value and Negative Determination of Critical Circumstances: Certain Frozen and Canned Warmwater Shrimp from India</i> , 69 FR 76916 (December 23, 2004)(<i>Shrimp India Inv. Final</i>) |
| <i>TV Receivers PRC Inv. Final</i> IDM at Comment 3 | <i>Notice of Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances: Certain Color Television Receivers from the People's Republic of China</i> , 69 FR 20594 (April 16, 2004) (<i>TV Receivers PRC Inv. Final</i>), and accompanying Issues and Decisions Memorandum (IDM) at Comment 3. |
| <i>Hangers Vietnam Inv. Prelim Crit. Circ.</i> at 73432 (unchanged in <i>Hangers Vietnam Inv. Final</i>) | <i>Steel Wire Garment Hangers from the Socialist Republic of Vietnam: Preliminary Affirmative Determination of Critical Circumstances</i> , 77 FR 73430, 73432 (December 10, 2012) (<i>Hangers Vietnam Inv. Prelim Crit. Circ.</i> at 73432), unchanged in <i>Certain Steel Wire Garment Hangers from the Socialist Republic of Vietnam: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination</i> , 77 FR 75973, 75974 (December 26, 2012) (<i>Hangers Vietnam Inv. Final</i>) |
| <i>OCTG PRC Inv. Prelim</i> at 47212 (unchanged in <i>OCTG PRC Inv. Final</i>) | <i>Certain Oil Country Tubular Goods from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination, Preliminary Negative Critical Circumstances Determination</i> , 74 FR 47210, 47212 (September 15, 2009) (<i>OCTG PRC Inv. Prelim</i> at 47212), <i>Certain Oil Country Tubular Goods from the People's Republic of China: Final Affirmative Countervailing Duty Determination: Final Negative Critical Circumstances Determination</i> , 74 FR 64045, 64047 (December 7, 2009) (<i>OCTG PRC Inv. Final</i>) |
| <i>OTR Tires Sri Lanka Inv. Prelim DM</i> at 6 (unchanged in <i>OTR Tires Sri Lanka Inv. Final</i>) | <i>Certain New Pneumatic Off-the-Road Tires from Sri Lanka: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination, and Alignment of Final Determination With Final Antidumping Determination (OTR Tires Sri Lanka Inv. Prelim)</i> , 81 FR 39900 (June 20, 2016), and accompanying Decision Memorandum (DM) at 6, unchanged in <i>Certain New Pneumatic Off-the-Road Tires from Sri Lanka: Final</i> |

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| | <i>Affirmative Countervailing Duty Determination, and Final Determination of Critical Circumstances</i> , 82 FR 2949 (January 10, 2017) (<i>OTR Tires Sri Lanka Inv. Final</i>) |
| <i>Isocyanurates Japan Inv. Final</i> | <i>Chlorinated Isocyanurates from Japan: Final Determination of Sales at Less Than Fair Value</i> , 79 FR 56059 (September 18, 2014) (<i>Isocyanurates Japan Inv. Final</i>) |
| <i>Pistachios Iran AR Final</i> IDM at Comment 1 | <i>Final Results of Antidumping Duty Administrative Review: Certain In-Shell Raw Pistachios from Iran</i> , 70 FR 7470 (February 14, 2005) (<i>Pistachios Iran AR Final</i>), and the accompanying Issues and Decision Memorandum (IDM) at Comment 1. |
| <i>Memory Semiconductors Korea AR Final</i> | <i>Final Results of Antidumping Duty Administrative Review and Determination Not to Revoke the Order in Part: Dynamic Random Access Memory Semiconductors of One Megabit or Above from the Republic of Korea</i> , 64 FR 69694 (December 14, 1999) (<i>Memory Semiconductors Korea AR Final</i>) |
| <i>Indigo PRC Inv. Prelim</i> at 69727 (unchanged in <i>Indigo PRC Inv. Final</i>) | <i>Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Synthetic Indigo from the People's Republic of China</i> , 64 FR 69723, 69727 (December 14, 1999) (<i>Indigo PRC Inv. Prelim</i> at 69727), unchanged in <i>Notice of Final Determination of Sales at Less Than Fair Value: Synthetic Indigo from the People's Republic of China</i> , 65 FR 25706 (May 3, 2006) (<i>Indigo PRC Inv. Final</i>) |
| <i>Pasta Italy NSR</i> | <i>Certain Pasta from Italy: Termination of New Shipper Review</i> , 62 FR 66602 (December 19, 1997) |
| <i>Stainless Wire Rod Korea AR Prelim</i> at 59739-59740 (unchanged in <i>Stainless Wire Rod Korea AR Final</i>) | <i>Stainless Steel Wire Rod from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review</i> , 71 FR 59739, 59739-59740 (October 11, 2006) (<i>Stainless Wire Rod Korea AR Prelim</i> at 59739-59740), unchanged in <i>Stainless Steel Wire Rod from the Republic of Korea: Final Results of Antidumping Duty Administrative Review</i> , 72 FR 6528 (February 12, 2007) (<i>Stainless Wire Rod Korea AR Final</i>) |
| <i>CORE Korea AR 94/95 Final</i> at 18414-18417 | <i>Certain Cold-Rolled and Corrosion-Resistant Carbon Steel Flat Products from Korea: Final Results of Antidumping Duty Administrative Reviews</i> , 62 FR 18404, 18414-18417 (April 15, 1997) (<i>CORE Korea AR 94/95 Final</i> at 18414-18417) |
| <i>CTL Plate Inv. Prelim Crit. Circ.</i> | <i>Certain Carbon and Alloy Steel Cut-to-Length Plate from Austria, Belgium, Brazil, the Republic of Korea, Taiwan, and Turkey; Antidumping and Countervailing Duty Investigations: Preliminary Determinations of Critical Circumstances</i> , 81 FR 61666 (September 7, 2016) (<i>CTL Plate Inv. Crit. Circ.</i>) |

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| <p><i>CTL Plate Korea Inv. Prelim DM at 8</i></p> <p><i>CTL Plate Korea Inv. Prelim DM at 11</i></p> <p><i>CTL Plate Korea Inv. Prelim DM at 15</i></p> | <p><i>Certain Carbon and Alloy Steel Cut-to-Length Plate from the Republic of Korea: Affirmative Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination, 81 FR 79441 (November 14, 2016) (CTL Plate Korea Inv. Prelim), and accompanying Decision Memorandum (DM).</i></p> |
| <p><i>CTL Plate Korea Inv. Final</i></p> | <p><i>Certain Carbon and Alloy Steel Cut-To-Length Plate from the Republic of Korea: Final Determination of Sales at Less Than Fair Value and Final Negative Critical Circumstances Determination, 82 FR 16369 (April 4, 2017) (CTL Plate Korea Inv. Final),</i></p> |
| <p><i>Hot-Rolled Korea Inv. Prelim DM at 9</i></p> <p><i>Hot-Rolled Korea Inv. Prelim DM at 13</i></p> <p><i>Hot-Rolled Korea Inv. Prelim DM at 18</i></p> | <p><i>Certain Hot-Rolled Steel Flat Products from the Republic of Korea: Affirmative Preliminary Determination of Sales at Less than Fair Value and Postponement of Final Determination, 81 FR 15228 (March 22, 2016) (Hot-Rolled Korea Inv. Prelim), and accompanying Decision Memorandum (DM).</i></p> |
| <p><i>Hot-Rolled Korea Inv. Final</i></p> | <p><i>Certain Hot-Rolled Steel Flat Products from the Republic of Korea: Final Determination of Sales at Less Than Fair Value, 81 FR 53419 (August 12, 2016) (Hot-Rolled Korea AD Inv. Final).</i></p> |
| <p><i>Cold-Rolled Korea Inv. Prelim DM at 8</i></p> <p><i>Cold-Rolled Korea Inv. Prelim DM at 12</i></p> <p><i>Cold-Rolled Korea Inv. Prelim DM at 19</i></p> | <p><i>Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Affirmative Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination, 81 FR 11757 (March 7, 2016) (Cold-Rolled Korea Inv. Prelim), and accompanying Decision Memorandum (DM).</i></p> |
| <p><i>Cold-Rolled Korea Inv. Final</i></p> | <p><i>Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Final Determination of Sales at Less Than Fair Value, 81 FR 49953 (July 29, 2016) (Cold-Rolled Korea Inv. Final).</i></p> |
| <p><i>Shrimp Thailand AR Final IDM at Comment 11</i></p> | <p><i>Certain Frozen Warmwater Shrimp from Thailand: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review, 72 FR 52065 (September 12, 2007) (Shrimp Thailand AR Final), and accompanying Issues and Decision Memorandum (IDM) at Comment 11.</i></p> |
| <p><i>Steel Beams Germany Inv. Final IDM at Comment 2</i></p> | <p><i>Notice of Final Determination of Sales at Less Than Fair Value: Structural Steel Beams from Germany, 67 FR 35497 (May 20, 2002) (Steel Beams Germany Inv. Final), and accompanying Issues and Decision Memorandum (IDM) at Comment 2.</i></p> |

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| <i>CORE Korea AR 03/04 Final</i> IDM at Comment 2 | <i>Notice of Final Results of the Eleventh Administrative Review of the Antidumping Duty Order on Certain Corrosion Resistant Carbon Steel Flat Products from the Republic of Korea</i> , 71 FR 7513 (February 13, 2006) (<i>CORE Korea AR 03/04 Final</i>), and accompanying Issues and Decision Memorandum (IDM) at Comment 2. |
| <i>Pipes Tubes Turkey Inv. Final</i> IDM at Comment 3 | <i>Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Turkey: Final Determination of Sales at Less Than Fair Value</i> , 81 FR 47355 (July 21, 2016) (<i>Pipes Tubes Turkey Inv. Final</i>), and accompanying Issues and Decision Memorandum (IDM) at Comment 3. |
| <i>OCTG Saudi Arabia Inv. Final</i> IDM at Comment 2 | <i>Certain Oil Country Tubular Goods from Saudi Arabia: Final Determination of Sales at Less Than Fair Value</i> , 79 FR 41986 (July 18, 2014) (<i>OCTG Saudi Arabia Inv. Final</i>), and accompanying Issues and Decision Memorandum (IDM) at Comment 2. |
| <i>Pipe Tube Mexico AR Prelim</i> | <i>Light-Walled Rectangular Pipe and Tube from Mexico: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review</i> , 76 FR 55352, 55355 (September 7, 2011) (<i>Pipe Tube Mexico AR Prelim</i>) |
| <i>OJ Brazil AR Final</i> IDM at Comment 7 | <i>Certain Orange Juice from Brazil: Final Results of Antidumping Duty Administrative Review and Notice of Intent Not To Revoke Antidumping Duty Order in Part</i> , 75 FR 50999 (August 18, 2010) (<i>OJ Brazil AR Final</i>), and accompanying Issues and Decision Memorandum (IDM) at Comment 7. |