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CCR (Inmax Industries)
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July 14, 2017

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: Issues and Decision Memorandum for the Final Results of the Antidumping Duty Changed Circumstances Review of Certain Steel Nails from Malaysia

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I. SUMMARY

Based on our analysis of the comments from interested parties, we continue to find that Inmax Sdn. Bhd. (Inmax Sdn) and Inmax Industries Sdn. Bhd. (Inmax Industries) (collectively, Inmax Companies or the respondents) should be collapsed, and we have assigned the collapsed entity the same antidumping duty (AD) cash deposit rate (*i.e.*, the current AD cash deposit rate assigned to Inmax Sdn) for purposes of determining AD liability. We recommend that you approve the positions described in the "Discussion of the Issues" section of this memorandum.

II. BACKGROUND

The Department issued its *Preliminary Results* on November 16, 2016, in which it preliminarily determined that the Inmax Companies should be collapsed and assigned the same AD cash deposit rate, which is the current AD cash deposit rate assigned to Inmax Sdn (*i.e.*, 39.35 percent).[1] Concurrently with the Preliminary Decision Memorandum, the Department also placed a memorandum on the record which provides U.S. Customs and Border Protection (CBP) import data for both Inmax Sdn and Inmax Industries that indicate a shift in trading patterns.[2]

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[1] *See Certain Steel Nails from Malaysia: Preliminary Results of the Changed Circumstances Review*, 81 FR 87907 (December 6, 2016) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum (Preliminary Decision Memorandum).

[2] *See* Memorandum, "Release of U.S. CBP Import Data Accompanying the Preliminary Decision Memorandum for the Antidumping Duty Changed Circumstances Review of Certain Steel Nails from Malaysia," dated November 16, 2016 (CBP Import Data Release Memo) at Attachments 1-3.

On December 27, 2016, the respondents requested the Department conduct a public hearing, which was held on March 7, 2017.[3] Both the respondents and the petitioner[4] timely submitted case and rebuttal briefs following the *Preliminary Results*.[5] However, the respondents' January 6, 2017 case brief and the petitioner's January 11, 2017 rebuttal brief were rejected from the record of this review because they contained untimely filed new factual information.[6] On March 2, 2017, the respondents and the petitioner timely resubmitted their case brief and rebuttal brief, removing the untimely new factual information.[7]

Between December 2016 and June 2017, the Department extended the deadline for the final results of review.[8] On May 17, 2017, upon its request, counsel to the petitioner met with Department officials to discuss the status of the final results of this review.[9]

III. SCOPE OF THE ORDER

The merchandise covered by the *Order*[10] is certain steel nails having a nominal shaft length not exceeding 12 inches.[11] Certain steel nails include, but are not limited to, nails made from round wire and nails that are cut from flat-rolled steel. Certain steel nails may be of one piece

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[3] *See* Letter from the respondents, regarding "Certain Steel Nails from Malaysia: Changed Circumstances Review; Request for a Public Hearing," dated December 27, 2016; *see also* Transcript from Neal R. Gross and Co., Inc. to the Department, entitled "Public Hearing in the Matter of the Antidumping Duty Changed Circumstances Review of Certain Steel Nails from Malaysia," dated March 7, 2017 (Hearing Transcript).

[4] The petitioner is Mid Continent Steel & Wire, Inc. (the petitioner).

[5] *See* Petitioner's Case Brief, "Certain Steel Nails from Malaysia: Petitioner's Case Brief and Notice of Intent to Participate in Hearing," dated January 6, 2017 (Petitioner Case Brief); *see also* Respondents' Rebuttal Brief, "Certain Steel Nails from Malaysia: Changed Circumstances Review Rebuttal Brief of Inmax Industries," dated January 11, 2017 (Respondents Rebuttal Brief).

[6] *See* Memorandum, "Request to Reject and Remove File," dated February 28, 2017; *see also* Letter from the Department to the respondents, dated February 28, 2017; *see also* Letter from the Department to the petitioner, dated February 28, 2017.

[7] *See* Respondents' Case Brief, "Certain Steel Nails from Malaysia: Changed Circumstances Review Revised Administrative Case Brief of Inmax Industries," dated March 2, 2017 (Respondents Case Brief); *see also* Petitioner's Rebuttal Brief, "Certain Steel Nails from Malaysia: Petitioner's Resubmitted Rebuttal Brief," dated March 2, 2017 (Petitioner Rebuttal Brief).

[8] *See* Memorandum, "Certain Steel Nails from Malaysia: Extension of Deadline for Final Results of Antidumping Duty Changed Circumstances Review," dated December 9, 2016; *see also* Memorandum, "Certain Steel Nails from Malaysia: Extension of Deadline for Final Results of Antidumping Duty Changed Circumstances Review," dated February 1, 2017; *see also* Memorandum, "Certain Steel Nails from Malaysia: Extension of Deadline for Final Results of Changed Circumstances Review," dated March 20, 2017; *see also* Memorandum, "Certain Steel Nails from Malaysia: Extension of Deadline for Final Results of Changed Circumstances Review," dated April 11, 2017; *see also* Memorandum, "Certain Steel Nails from Malaysia: Extension of Deadline for Final Results of Changed Circumstances Review," dated May 2, 2017; *see also See* Memorandum, "Certain Steel Nails from Malaysia: Extension of Deadline for Final Results of Changed Circumstances Review," dated June 1, 2017; *see also* Memorandum, "Certain Steel Nails from Malaysia: Extension of Deadline for Final Results of Changed Circumstances Review," dated June 21, 2017.

[9] *See* Memorandum, "Changed Circumstances Review of Certain Steel Nails from Malaysia: Department of Commerce Meeting with Legal Counsel to Mid Continent Steel & Wire, Inc.," dated May 18, 2017.

[10] *See Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 80 FR 39994 (July 13, 2015) (the *Order*).

[11] The shaft length of certain steel nails with flat heads or parallel shoulders under the head shall be measured from under the head or shoulder to the tip of the point. The shaft length of all other certain steel nails shall be measured overall.

construction or constructed of two or more pieces. Certain steel nails may be produced from any type of steel, and may have any type of surface finish, head type, shank, point type and shaft diameter. Finishes include, but are not limited to, coating in vinyl, zinc (galvanized, including but not limited to electroplating or hot dipping one or more times), phosphate, cement, and paint. Certain steel nails may have one or more surface finishes. Head styles include, but are not limited to, flat, projection, cupped, oval, brad, headless, double, countersunk, and sinker. Shank styles include, but are not limited to, smooth, barbed, screw threaded, ring shank and fluted. Screw-threaded nails subject to this proceeding are driven using direct force and not by turning the nail using a tool that engages with the head. Point styles include, but are not limited to, diamond, needle, chisel and blunt or no point. Certain steel nails may be sold in bulk, or they may be collated in any manner using any material.

Excluded from the scope are certain steel nails packaged in combination with one or more non-subject articles, if the total number of nails of all types, in aggregate regardless of size, is less than 25. If packaged in combination with one or more non-subject articles, certain steel nails remain subject merchandise if the total number of nails of all types, in aggregate regardless of size, is equal to or greater than 25, unless otherwise excluded based on the other exclusions below.

Also excluded from the scope are certain steel nails with a nominal shaft length of one inch or less that are (a) a component of an unassembled article, (b) the total number of nails is sixty (60) or less, and (c) the imported unassembled article falls into one of the following eight groupings: (1) builders' joinery and carpentry of wood that are classifiable as windows, French-windows and their frames; (2) builders' joinery and carpentry of wood that are classifiable as doors and their frames and thresholds; (3) swivel seats with variable height adjustment; (4) seats that are convertible into beds (with the exception of those classifiable as garden seats or camping equipment); (5) seats of cane, osier, bamboo or similar materials; (6) other seats with wooden frames (with the exception of seats of a kind used for aircraft or motor vehicles); (7) furniture (other than seats) of wood (with the exception of (i) medical, surgical, dental or veterinary furniture; and (ii) barbers' chairs and similar chairs, having rotating as well as both reclining and elevating movements); or (8) furniture (other than seats) of materials other than wood, metal, or plastics (*e.g.*, furniture of cane, osier, bamboo or similar materials). The aforementioned imported unassembled articles are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4418.10, 4418.20, 9401.30, 9401.40, 9401.51, 9401.59, 9401.61, 9401.69, 9403.30, 9403.40, 9403.50, 9403.60, 9403.81 or 9403.89.

Also excluded from the scope are steel nails that meet the specifications of Type I, Style 20 nails as identified in Tables 29 through 33 of ASTM Standard F1667 (2013 revision).

Also excluded from the scope are nails suitable for use in powder-actuated hand tools, whether or not threaded, which are currently classified under HTSUS subheadings 7317.00.20.00 and 7317.00.30.00.

Also excluded from the scope nails having a case hardness greater than or equal to 50 on the Rockwell Hardness C scale (HRC), a carbon content greater than or equal to 0.5 percent, a round

head, a secondary reduced-diameter raised head section, a centered shank, and a smooth symmetrical point, suitable for use in gas-actuated hand tools.

Also excluded from the scope are corrugated nails. A corrugated nail is made up of a small strip of corrugated steel with sharp points on one side.

Also excluded from the scope are thumb tacks, which are currently classified under HTSUS subheading 7317.00.10.00.

Certain steel nails subject to this *Order* are currently classified under HTSUS subheadings 7317.00.55.02, 7317.00.55.03, 7317.00.55.05, 7317.00.55.07, 7317.00.55.08, 7317.00.55.11, 7317.00.55.18, 7317.00.55.19, 7317.00.55.20, 7317.00.55.30, 7317.00.55.40, 7317.00.55.50, 7317.00.55.60, 7317.00.55.70, 7317.00.55.80, 7317.00.55.90, 7317.00.65.30, 7317.00.65.60 and 7317.00.75.00. Certain steel nails subject to this changed circumstances review also may be classified under HTSUS subheadings 7907.00.60.00, 8206.00.00.00 or other HTSUS subheadings.

While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this *Order* is dispositive.

IV. DISCUSSION OF ISSUES

In the *Preliminary Results*, we determined that the record evidence in this changed circumstances review (CCR) supported finding that Inmax Sdn and Inmax Industries are affiliated and should be collapsed in order to preserve the integrity of the *Order*.[12]

We note that no party questioned our collapsing finding in this CCR.[13] However, we received comments regarding other issues, as discussed below. Upon review of the comments received and the record evidence, the Department continues to find that the Inmax Companies should be collapsed into a single entity and should be assigned the AD cash deposit rate assigned to Inmax Sdn in the investigation for purposes of AD liability in this proceeding.

Application of the Collapsing Regulations in the Context of CCR

While, historically, the Department has not applied the collapsing regulation pursuant to 19 CFR 351.401(f) in the context of CCRs, the Department finds that, for purposes of this particular

[12] *See* Preliminary Decision Memorandum.

[13] We also note that, in the investigation, Inmax Sdn requested that we collapse itself and Inmax Industries, stating that "Inmax Industries will soon have the ability to manufacture subject merchandise" and that Inmax Sdn and Inmax Industries are "100% owned by Inmax Holding." *See* Letter from the petitioner to the Department, regarding "Certain Steel Nails from Malaysia: Request for Changed Circumstances Review," dated September 2, 2015 (CCR Request) at Exhibit 1 (citing Letter from Inmax Sdn to the Department, regarding "Section A Response of Inmax Sdn. Bhd.," dated September 2, 2014 (Inmax Sdn Section A Questionnaire Response) at 7).

segment of the proceeding, the collapsing criteria in the regulation are relevant to ensure that the administration and effect of the underlying *Order* are not undermined.[14]

Specifically, as record evidence demonstrates, there is a serious concern that the change in trading pattern implemented by the Inmax Companies is a form of deliberate manipulation, *via* cash deposit avoidance, to undermine or evade the full effect of the *Order*. Shortly after the release of the *Final Determination*,[15] Inmax Holding filed a notice with the Taiwan Stock Exchange publicly announcing that, because of the 39.95 percent AD cash deposit rate applicable to Inmax Sdn as a result of the *Final Determination*, the company would make certain business adjustments as "countermeasures."[16] Specifically, Inmax Holding publicly announced that its subsidiary, Inmax Industries, which had not been individually investigated by the Department, had a low cash deposit rate, and that Inmax Sdn would "make sales to the U.S. market *through* new factory Inmax Industries." (emphasis added).[17] We find that this immediate reaction after the *Final Determination* indicates the intent and readiness of the Inmax Companies to avoid a high AD cash deposit rate by having Inmax Sdn make sales "through" its new production of subject merchandise by an affiliated company, Inmax Industries. This was an attempt to undermine the efficacy and integrity of the *Order*. The record confirms that the Inmax Companies implemented a new trading pattern soon after the imposition of the *Order*.[18]

The respondents argue that such a change in trading pattern is simply a response to commercial reality that happens during the normal course of business operations[19] and that companies regulate their level of exports in response to AD orders.[20] Essentially, the Inmax Companies argue that the shift in shipments to the United States from one entity (Inmax Sdn, with the high margin) to another (Inmax Industries, with the low margin) is justifiable. As detailed below, based on the particular fact patterns on the record, we find that such an adjustment by affiliated companies results in an avoidance of the full disciplines of the trade remedy laws by evading the proper cash deposit rate and undermining the *Order*.

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[14] *See Hontex Enters. v. United States*, 342 F. Supp. 2d 1225, 1234 (CIT 2004) (upholding Commerce's going beyond the traditional regulatory analysis to address significant potential for manipulation through criteria other than those listed in the regulations); *see also*, *Certain Carbon Steel Cut-To-Length Plate From Austria*, 82 FR 16366 (April 4, 2017) and accompanying Issues and Decision Memorandum, at Comment 5 ("While the regulations only addresses certain types of entities, 'the Department has found it to be instructive' in determining whether other types of entities should be collapsed.").

[15] *See Certain Steel Nails from Malaysia; Final Determination of Sales at Less Than Fair Value*, 80 FR 28969 (May 20, 2015) (*Final Determination*).

[16] *See* CCR Request at Exhibit 4.

[17] *Id*.

[18] *See, e.g.*, Letter from Inmax Industries to the Department, regarding "Certain Steel Nails from Malaysia: Changed Circumstances Review Third Supplemental Response of Inmax Industries," dated April 14, 2016 (Third Supplemental Questionnaire Response) at Exhibit 1 and 2; CBP Import Data Release Memo; and Petitioner Case Brief at 2-3.

[19] *See* Hearing Transcript at 21.

[20] *See* Respondents Case Brief at 17-18.

During the investigation, Inmax Sdn stated that Inmax Industries would produce different merchandise and would use different machinery than Inmax Sdn.[21] However, record evidence demonstrates that Inmax Industries is now producing and shipping subject merchandise, which it was not created to produce.[22] The respondents argue that "no company is bound or has any obligation to continue producing exactly what it produced" and that "{c}ompanies change their product mix according to what the customers are asking for."[23] However, we note that, since the investigation, Inmax Sdn has maintained the capability to produce what customers request. Specifically, the respondents stated that "{t}he vast majority of each company's product line is common, with few products that can be made exclusively by one company and not the other."[24] In particular, we note that Inmax Sdn already has the capacity to produce the nails that Inmax Industries was not created to produce.[25] We can only conclude that the shift in shipments from the Inmax Companies is a result of a business adjustment across affiliated entities for the purpose of avoiding Inmax Sdn's higher investigation cash deposit rate. While this avoidance could be seen by some as a reasonable corporate resources decision, we find that this activity purposefully undermines the *Order* by seeking to avoid the application of Inmax Sdn's AD cash deposit rate determined in the investigation.

Thus, for the reasons above, to ensure the effect and integrity of the *Order*, we examined the relationship between Inmax Sdn and Inmax Industries, using the collapsing regulations as guidance, to determine the appropriate AD cash deposit rate to apply to Inmax Industries' entries.

Specifically, we determine that: (1) Inmax Sdn and Inmax Industries have production facilities for similar or identical products that would not require substantial retooling of either facility in order to restructure manufacturing priorities; and, (2) there is a significant potential for manipulation taking into consideration, a) the level of common ownership, b) shared managerial overlap, and c) intertwined operations. In addition, the discipline of the *Order* is undermined if an investigated company is allowed to benefit from a rate different from that determined for it in the investigation simply because it opened a new affiliated production facility while an investigation was ongoing. The regulation requires that the Department determine if there is "significant potential for the manipulation of price or production." We conclude that when a company uses an affiliate to begin producing and shipping subject merchandise subsequent to the investigation final determination in order to avoid the cash deposit rate established in that final determination, there not only is a "significant" potential for manipulation of price or production, but actual manipulation of price or production. This constitutes a manipulation of production to avoid paying the investigation rate. We determine for purposes of these final results that all of

[21] *See* CCR Request at Exhibit 2 (citing Letter from Inmax Sdn from the Department, regarding "Section A Supplemental Response of Inmax Sdn. Bhd," dated November 25, 2014 (Investigation Section A Supplemental Questionnaire)).
[22] *See* Letter from Inmax to the Department, regarding "Certain Steel Nails from Malaysia: Changed Circumstances Review Questionnaire Response of Inmax Industries," dated December 30, 2015 (December 30, 2015, Questionnaire Response) at 8 and 10-11.
[23] *See* Hearing Transcript at 29.
[24] *See* December, 30, 2015, Questionnaire Response at 8.
[25] *See* CCR Request at Exhibit 3 (citing Inmax Sdn Sales Verification Report at 13-15) and Exhibit 5 (citing the publicly available inbound ship manifest data where they show certain types of nails that Inmax Sdn was already shipping to the United States).

these factors, taken together, support the collapsing of the Inmax Companies and the application of the cash deposit rate determined for Inmax Sdn to Inmax Industries' U.S. imports.[26]

Accordingly, and as discussed further in the responses to comments below, we find that: (1) there were sufficient changed circumstances which established good cause to initiate and conduct this review; (2) the Inmax Companies should be collapsed; (3) the collapsed entity of the Inmax Companies is subject to the AD cash deposit rate assigned to Inmax Sdn in the investigation; and, (4) the results of this review are applied prospectively, as of the date of the publication of the final results of this CCR, as detailed below.[27]

Comment 1: Whether Good Cause and Changed Circumstances Exist to Initiate and Conduct this CCR

Inmax Companies' Case Brief:

- The Department should rescind this CCR or decide not to collapse the Inmax Companies in this CCR because it has wrongfully initiated and conducted this CCR without establishing the existence of "good cause." The Department has violated section 751(b)(4) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.216(c), which prohibit the Department from conducting a CCR less than 24 months after the issuance of a final determination unless "good cause" exists.[28]
- The Department does not cite to any case law to support its conclusion that new trading patterns and possible evasion of an AD order constitute the required "good cause" and, thus, failed to establish that "good cause" exists.[29]
- The Court of International Trade (CIT) has recognized that it is clear from the legislative history that the Congress was concerned with external changed circumstances which may occasion review of the Department's determinations, not immediately discovered internal mistakes, as is the case here.[30]
- The U.S. International Trade Commission's (ITC's) authority to conduct a CCR derives from the same statutory provision as the Department.[31] The ITC has previously stated that the language used in section 751 of the Act indicates that the good cause provision, which mirrors the intent of Congress to create a tougher standard for instituting a review investigation when a request is filed within 24 months and which is a separate

[26] We agree with some of the comments which we received that the evidence does not show that Inmax Sdn is producing merchandise at its facility and then exporting that merchandise through Inmax Industries. We also agree that the sales and cost data concerns traditionally examined in an administrative review (AR) collapsing exercise are not at issue in this case. These arguments, however, ignore the purpose of this changed circumstances review – concerns about a company avoiding the payment of otherwise applicable cash deposits.
[27] *See* the *Order*, 80 FR 39994; *see also* Issues and Decision Memorandum.
[28] *See* Respondents Case Brief at 1-22.
[29] *Id.* at 1 and 8-9.
[30] *See Melamine Chemicals, Inc. v. United States*, 592 F. Supp. 1338, 1340 (CIT 1984) (citing H.R. Rep. 4537,96th Cong., 1st Sess. 71-72 (1979); S.Rep. 249, 96th Cong., 1st Sess. 79-80 (1979), U.S. Code Cong. & Admin. News 1979, p. 381); *see also* Respondents Case Brief at 9-15.
[31] *See* Respondents Case Brief at 10.

requirement than a showing of changed circumstances, will only be met in an unusual case, which is not applicable to the instant CCR.[32]

- The fact that Inmax Industries began exporting and that Inmax Sdn ceased exports after the *Final Determination*[33] does not constitute "good cause" to initiate and conduct a CCR prior to the completion of the already commenced first AR. Such a change is, rather, a business adjustment/reaction by companies as a result of an AD order.[34]
- Further, there is no evasion to justify a CCR because: (1) Inmax Industries was operational prior to the *Final Determination* and was not created to avoid the payment of duties; (2) the importer of record has deposited the required amount, according to the cash deposit rate assigned to Inmax Industries, for the suspended entries of subject merchandise from Inmax Industries, and will pay the assessment rate in accordance with the liquidation instructions by the Department at an appropriate time; and (3) the cessation of Inmax Sdn's exports is a fully justifiable commercial response to a high AD cash deposit rate as the Department's regulations are designed to allow companies to make the best case for a reduced deposit rate.[35]
- As the record from the investigation indicates that Inmax Industries had become operational since the *Preliminary Determination*,[36] the Department has mischaracterized the evidence from the investigation in this CCR by stating that Inmax Industries was not then able to produce subject merchandise and did not make any sales during the POI, but is now producing and selling subject merchandise.[37]
- All the factual information for the basis of collapsing in this CCR, including the potential for the manipulation of price or production between the Inmax Companies, was already known to the Department at the time of the *Final Determination*; whether actual sales were occurring during the POI is not a requirement and the continued existence of these factors does not constitute changed circumstances sufficient to warrant a CCR.[38]
- While there may have been changed circumstances between the *Preliminary* and *Final Determinations*, there have been no significant changes and none of the facts related to

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[32] *See Certain Orange Juice from Brazil; Dismissal of Request for Institution of a Section 751(b) Review Investigation*, 72 FR 61373 (ITC 2007), quoting *Porcelain-on-Steel Cooking Ware from Taiwan, Views of the Commission Concerning its Determination to Not Institute a Review of Inv. No. 731-TA-299*, USITC Publication 2117, August 1988, pp. 7; *see also Fresh Tomatoes From Mexico; Notice of Commission Determination To Dismiss Request for Institution of a Section 751(b) Review Investigation*, 68 FR 15741 (ITC April 1, 2003). *See also* Respondents Case Brief at 10-15.

[33] *See Final Determination,* 80 FR 28969.

[34] *See* Respondents Case Brief, at 16.

[35] *Id*., at 17-18.

[36] *See Certain Steel Nails from Malaysia: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination and Extension of Provisional Measures,* 79 FR 78055 (December 29, 2014) (*Preliminary Determination*).

[37] *See* Respondents Case Brief at 18-22.

[38] *Id*., 19-21. The respondents state that "while Inmax Industries had begun test run production of nails by the time of verification in the investigation, it did not begin commercial production and sales of nails until June 2015." The respondents further state that this clarification "has no impact on the analysis of changed circumstances because (1) the Department made its final determination in the investigation with the impression that Inmax Industries was producing and selling nails; and, (2) production facilities are a requirement for collapsing affiliates; actual sales are not necessary."

the collapsing of Inmax Companies have changed since the issuance of the *Final Determination*.[39]

Petitioner's Rebuttal Brief:

- The Department discussed the good cause and changed circumstances warranting this CCR pursuant to 19 CFR 351.216(c) in great detail in its Preliminary Decision Memorandum.[40]
- The Department should continue to find that there is good cause and sufficient changed circumstances to warrant a CCR because: (1) the Inmax Companies implemented a new trading pattern after the imposition of the *Order* that did not exist previously and could not have been reasonably anticipated; and, (2) the public import data established a marked shift in shipments beginning in mid-July 2015, whereby Inmax Sdn was no longer the shipper and Inmax Industries became the shipper for nails that it was not created to produce.[41]
- Further, after the *Final Determination*, Inmax Holding publicly announced that it would use Inmax Industries as an export platform to avoid the consequences of the adverse facts available (AFA) rate assigned to Inmax Sdn.[42] Along with a new pattern of trade after the imposition of the *Order*, this established good cause for the Department to conduct this review.[43]
- Contrary to its certified representations during the underlying investigation, Inmax Industries is now producing and selling high volumes of types of subject merchandise other than the specific types it certified during the underlying investigation that it was created to produce.[44]

Department Position:

Contrary to the respondents' arguments, the Department had "good cause" to initiate the CCR. The request for a CCR contains evidence of changes in trading patterns that indicate the *Order* was being evaded or undermined. The Department finds that changes in trading patterns that evince evasion or undermining of an order constitute sufficient good cause to initiate a CCR within two years of the order. Pursuant to section 751(b)(1) of the Act, the Department shall conduct a CCR upon receipt of a request from an interested party or receipt of information concerning an order which shows changed circumstances sufficient to warrant a review of the order. In accordance with section 751(b)(4) of the Act and 19 CFR 351.216(c), the Department will not review a final determination in an investigation less than 24 months after the date of publication of notice of the final determination, unless we find that good cause exists. Upon finding that the petitioner provided sufficient information and good cause regarding new trading

[39] *Id.*, at 3, 7 and 22.
[40] *See* Preliminary Decision Memorandum at 11-14; *see also* Petitioner Rebuttal Brief at 1-8.
[41] *See* Petitioner Rebuttal Brief at 2.
[42] *Id.*, at 3.
[43] *Id*., at 3-5.
[44] *Id.*, at 3-4.

patterns and possible evasion of the *Order* to warrant a CCR, we initiated this CCR.[45] The respondents' argument that there is no good cause to initiate this CCR is without merit.

As to the respondents' argument that the Department does not cite to any case law to support its conclusion that new trading patterns and possible evasion of an order constitute "good cause," the Department did not cite to any prior case law regarding changes in trading patterns indicating possible evasion or undermining of the order as a basis for its initiation because, as far as the Department can determine, it has never been asked previously to conduct such a CCR. This does not make our determination to initiate contrary to law. There is no statutory or regulatory definition for "good cause." As such, Congress has left the determination as to what constitutes good cause to the Department's discretion. In this case, the Department was confronted with a previously unaddressed factual scenario. It was reasonable for the Department to review the request to initiate a CCR and make a determination as to whether "good cause" existed. The Department's "good cause" determination was based on changes in trading patterns that could indicate evasion and therefore undermining of the *Order*. Specifically, we found that there was "good cause" in this exceptional circumstance where, based on the petitioner's allegation, new trading patterns evincing possible evasion of the *Order* emerged immediately after the imposition of the *Order*. Such a change in trading patterns after the *Order* was imposed would and could undermine the efficacy and integrity of the *Order* (and ultimately the integrity of the trade remedy laws) and unnecessarily delay the application of the statutory remedy for a significantly long time (*i.e.*, nearly two years, or more) before the completion of the first AR.[46] Further, in addition to a change in trading patterns, the record also shows an announced intent by Inmax Sdn to use its affiliated company Inmax Industries to evade the AD cash deposit rate established for Inmax Sdn in the investigation.[47] The Department has a strong interest in making sure the orders it issues are effective. Thus, it was reasonable for the Department to make a finding of good cause and initiate the CCR on the record facts provided. The ITC has not contemplated a case such as this one to be part of "good cause" because it examines injury to the domestic industry, a completely different subject than that which the Department examines, dumping. Thus, any ITC discussion of the issue would not be relevant to the Department's inquiry. Furthermore, based on our interpretation of "good cause," under a CCR, we have the flexibility to address *all* changed circumstances; in other words, we are not precluded by statute or regulation from doing so.

Regarding the respondents' characterization of the Department's failure to collapse during the investigation as an internal mistake, we disagree. In the past, the Department had not collapsed companies which did not produce during the POI. We followed that practice in this investigation. However, when subsequently confronted with new record evidence that the *Order* was being evaded or undermined, the CCR provided the Department with the administrative

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[45] *See Certain Steel Nails from Malaysia: Initiation of Antidumping Duty Changed Circumstances Review*, 80 FR 71772 (November 17, 2015) (*Initiation Notice*). In the *Initiation Notice*, we stated that "{i}n accordance with 19 CFR 351.216(c), based on the information provided by the petitioner regarding new trading patterns and possible evasion of the *Order*, the Department finds that there is sufficient information and 'good cause' to initiate a changed circumstances review."

[46] We note that the last day of the anniversary month was July 31, 2016 and the first AR initiated in September 2016. Thus, the deadline for the final results of the first AR would likely be issued in, unextended, November 2017, and, fully extended, January 2018.

[47] *See* CCR Request at Exhibit 4.

opportunity to address the issue. The initiation of the CCR was not to correct a mistake but to address new information on the possible evasion or undermining of the *Order*.

With regard to the respondents' argument that the good cause provision is a tough standard for instituting a CCR less than 24 months after the publication of a final determination, the Department agrees that the good cause standard is higher than the regular standard for initiating a CCR. However, the Department finds that evidence of potential evasion of an order is sufficient good cause to initiate a CCR within 24 months of the order. If preventing evasion of an order is not "good cause," then it is difficult to imagine what would be "good cause." To interpret the CCR provision limiting the initiation of a CCR within 24 months of an order to exclude the possibility of addressing evasion would postpone the effectiveness of the Department's order for several years, would undermine the Department's administrative effectiveness, and would require the petitioner to wait unnecessarily several additional years for relief from dumping. Again, it is difficult to imagine a better cause for initiating a CCR than preventing evasion of an order by one company through the use of an affiliated company.

Furthermore, contrary to the respondents' assertion, the change in trading patterns, *i.e.*, the cessation of exports by Inmax Sdn and the beginning of commercial production and exports by Inmax Industries, demonstrates a change in the companies' trading patterns, which indicates possible evasion or undermining of the *Order* and, thus, constitutes "good cause" to initiate a CCR within 24 months of the *Order*. The Department disagrees with the respondents' interpretation that Inmax Sdn's business decision, as a result of the *Order*, to modify its production and trading practices does not constitute good cause. It does constitute good cause if the business decision results in an undermining or evasion of the *Order*. This is not a case where a respondent from the investigation simply ceases (or reduces) exports to the United States as a result of an order. This is a case where the respondent from the investigation immediately began using its affiliated company to make shipments to the United States after the *Order*. As noted above, Inmax Sdn even announced publicly that it would do this, following the investigation.

As for the respondents' argument that there is no evasion to justify this CCR, we disagree. None of the facts listed by the respondents as evidence of "no evasion" actually demonstrate no evasion. The record facts at the time of initiation establish that, after the POI, Inmax Industries began selling the subject merchandise to the United States and entering it under the all-others rate, rather than Inmax Sdn's rate, just as the companies announced they would do.[48] This alleged change in the facts and the concern that this new activity evades the application of the proper cash deposit rate, thereby undermining the effectiveness of the *Order*, were a sufficient basis upon which to find good cause to initiate a CCR within 24 months of the *Order*. Second, the fact that entries are suspended and the lower deposit rate is collected does not negate the evasion concerns. The issue here is whether the proper AD cash deposit rate is being applied to entries. Third, the fact that Inmax Sdn made a business decision to change its trading patterns does not negate the evasion concerns. A business decision to evade an order is still evasion of that order.

Regarding the respondents' claim that the Department mischaracterized the record evidence, we disagree. While the respondents assert that Inmax Industries began test run production on a

[48] *See* CCR Request at 7 and Exhibit 5.

small scale during the investigation, the record shows that Inmax Industries did not "commercially" produce and/or sell during the POI.[49] As a result, in the investigation, the Department followed its practice of not collapsing related companies which did not commercially produce the subject merchandise during the POI. The fact that Inmax Industries began test production after the POI, but during the investigation, and then began commercial production after the *Order* was issued, does not undermine the investigation determination or prevent the Department from initiating a good cause CCR based on the evidence of full scale commercial production and changes in trading patterns which took place after the *Order* was in place. In particular, the fact that Inmax Industries is *commercially* producing and selling the subject merchandise (while Inmax Sdn's exports ceased) indicates possible evasion or undermining of the *Order*, thereby constituting "good cause" to initiate a CCR within 24 months of the *Order*.

In addition, the respondents' argument that the basic collapsing data, including for the potential for manipulation, was known to the Department at the time of the *Final Determination* and has not changed since the investigation, ignores the relevant change in the facts that the Department identified as the basis for initiation, *i.e.*, the change in the trading patterns which the respondents not only do not deny, but announced that they would do. The facts concerning the change in the trading patterns did not exist at the time of the investigation. Thus, the respondents' claim that there was no significant change in the facts after the *Final Determination* is not supported by the record evidence.

Therefore, the Department agrees with the petitioner that there was sufficient record evidence of a significant change in the facts to constitute good cause to initiate this CCR within 24 months of the issuance of the *Order*.

Comment 2: Petitioner's Failure to Exhaust Administrative and Judicial Remedies

Inmax Companies' Case Brief:

- The Department should rescind this CCR because the petitioner failure to exhaust administrative and judicial remedies.[50]
- Inmax Sdn relied on the petitioner's failure to brief the issue and on the Department's *Final Determination* in the investigation, and otherwise would have had the opportunity to appeal that decision to the CIT, in accordance with the normal statutory scheme.[51]
- The Department's *Final Determinatio*n not to collapse the Inmax Companies is fully subject to re-examination during the course of an annual AR. All the Inmax Companies' sales under the *Order* remain suspended and under review; there is no possibility, given the suspension of liquidation of both Inmax Sdn's and Inmax Industries' sales, of circumvention of the *Order*.[52]

[49] *See, e.g.*, Respondents Case Brief at 2.
[50] *See* Respondents Case Brief at 22-23 and 26.
[51] *Id*., at 26; *see also* Section 516A(a) and (d) of the Act.
[52] *Id*., at 27.

- The Department's final results would undermine the finality of the final determinations and invite any unsatisfied parties to challenge final determinations via CCRs without establishing good cause or rationalizing a legitimate change in circumstances.[53]

Petitioner's Rebuttal Brief:

- The respondents' argument that Mid-Continent failed to exhaust its administrative remedies is legally unmoored and should be rejected. There is no legal impediment to consideration of the collapsing issue in this review, whether or not it was litigated in the investigation.[54]
- The Department's practice is to treat each segment of an AD proceeding as an independent proceeding with a separate record, which then leads to independent determinations.[55]
- This review is not being conducted as a proxy for an AR; the issue in this independent segment is not the calculation of assessment and cash deposit rates based on the submitted data, but rather the legal question of whether to collapse the Inmax Companies in light of the changed circumstances.[56]

Department Position:

The Department disagrees with the respondents' interpretation of the AD statutory and judicial review schemes. Petitioners are not required during the investigation to anticipate a new factual situation, which might arise after the issuance of the order, and argue before the Department that it might happen, or judicially challenge the Department's determination because the Department did not anticipate what might happen after the issuance of the final determination and order. In fact, the Act explicitly provides for ARs based on changed circumstances, even within 24 months of the order for good cause, if facts change in a significant manner meriting a CCR, pursuant to section 751(b).

The respondents' argument that the petitioner's failure to anticipate and brief before the Department its change in business plans after the issuance of the *Order* somehow deprived Inmax Sdn of the opportunity to sue on the investigation determination to not collapse, is equally meritless. First, the law does not require such a divination by the petitioner of possible future events, such as the actual dramatic change in Inmax Sdn's and Inmax Industries' trading patterns to evade the application of Inmax Sdn's investigation AD cash deposit rate. Second, Inmax Sdn could have challenged the Department's decision in the investigation not to collapse. Inmax Sdn argued for the Department to collapse during the investigation and when the Department did not, Inmax Sdn could have sued regardless of what the petitioner argued. Third, the respondents will

[53] *Id*., at 28.
[54] *See* Petitioner Rebuttal Brief at 9.
[55] *See E.I. DuPont de Nemours & Co. v. United States*, 22 CIT 19, 32, Slip Op. 98-7 (Ct. No. 96-11-02509) (CIT January 29, 1998) (not reported in F. Supp.); *see also Golden Dragon Precise Copper Tube Group, Inc. v. United States,* Slip Op. 16-73 at 11 (Ct. No. 15-177) (CIT July 21, 2016) (not reported in F. Supp.3d); *see also* Petitioner Rebuttal Brief at 9.
[56] *See* Petitioner Rebuttal Brief at 10.

have the opportunity to challenge this new determination and, thus, are not actually deprived of judicial review.

Next, the respondents' argument that Inmax Industries' entries are being suspended and can be reviewed during the first AR, such that there is no need for a CCR, does not address the Department's finding that the *Order* has been undermined by Inmax Sdn not paying the AD cash deposit rate determined for it during the investigation, through this shifting of production and sales to an affiliated factory. The respondents' argument amounts to a claim that it found a loop hole in the AD system which it is entitled to use until the end of the first AR. This cannot be a reasonable interpretation of the law. In fact, the law provides for CCRs to address new changed circumstances previously not addressed by the Department.

The respondents' argument that this use of a CCR undermines administrative finality is meritless. The respondents cannot use the concept of "administrative finality" to block a new administrative proceeding, this CCR, which is explicitly provided for in the statute. It is granted that a Department's final determination is final, unless and until overturned by a new administrative proceeding provided by the statute or overturned by a court. Because the Department, consistent with the statute, initiated and conducted a CCR, the CCR final results legally supersede the investigation results.

Furthermore, we agree with the petitioner that the Department's practice is to treat each segment of an AD proceeding as an independent proceeding with a separate record leading to independent determinations. In particular, in the instant review, the Department collected and examined the facts and information concerning collapsing, new trading patterns, and possible evasion, to make a distinct determination as to whether or not the Inmax Companies should be collapsed. In other words, this review has its own record and the Department determines whether collapsing the Inmax Companies is appropriate, separately and independently from a previous segment (*i.e.*, the investigation). Because this CCR is provided for by the statute and stands on its own with a separate record and an independent determination, the respondents' argument that the petitioner failed to exhaust administrative and judicial remedies, as stated above, does not apply to this segment.

Further, we agree that this review is distinguishable from a periodic AR pursuant to section 751(a) of the Act. The purpose of this CCR is not to review and determine the amount of dumping based on the submitted sales and cost data, but to determine whether collapsing the Inmax Companies through a CCR less than 24 months after the date of the publication of notice of a final determination is appropriate, given the record evidence concerning the distinct changed circumstances after the imposition of the *Order*. In light of this, we disagree with the respondents that this CCR determination is disturbing the established statutory scheme.

Comment 3: Rate for the Collapsed Entity

Inmax Companies' Case Brief:

- If the Department continues to collapse Inmax Sdn and Inmax Industries in the final results of this CCR, it should assign the all-others rate of 2.66 percent to the collapsed

entity, not the AFA rate of 39.35 percent assigned to Inmax Sdn in the investigation because: (1) the collapsed entity did not undergo a completed review; (2) there is no factual or legal predicate to support a rate based on adverse inferences (*i.e.*, the total AFA rate assigned to Inmax Sdn in the investigation) when the collapsed entity fully cooperated in this CCR and there are no missing data or any failure to cooperate; and, (3) the adverse inference relates to the books and records of Inmax Sdn in a *prior non-contemporaneous* period with respect to Inmax Sdn's sales that are not currently suspended from liquidation or under review.[57]

- Further, the collapsed entity is not the successor-in-interest to Inmax Sdn. The Inmax Companies have not merged and the Department has not made such a finding. Thus, the Department cannot legally find that either is the successor of the other.[58]
- The Department's practice is to assign new, un-reviewed entities, the all-others AD deposit rate and this should be the case if the Department makes an affirmative final CCR determination.[59]

Petitioner's Rebuttal Brief:

- Collapsing involves treating affiliated parties as a single entity for the purposes of calculating dumping margins and Inmax Industries is not the successor-in-interest to Inmax Sdn; they are affiliates. When the Department determines that two companies are affiliated and there exists a significant potential for manipulation, it treats the companies as a single entity and determines a single weighted-average dumping margin (and cash deposit rate) for that entity, in order to determine margins accurately and to prevent manipulation that would undermine the effectiveness of the antidumping law.[60]
- If the Department makes an AFA determination with respect to one member of a collapsed entity, that AFA decision is applied to the entire entity.[61]
- As the Department made an AFA determination with respect to Inmax Sdn, it should apply the total AFA rate assigned to Inmax Sdn to the collapsed entity in order to prevent manipulation that would undermine the effectiveness of the law.[62]

Department Position:

The Department finds that it would be inappropriate to apply the all-others rate to the collapsed entity because to do so would not address the evasion problem identified in the CCR, namely, that Inmax Sdn, which received a 39.35 percent AD cash deposit rate in the investigation, has been able to avoid paying this cash deposit by having a related company, *i.e.*, Inmax Industries, which meets the collapsing criteria, produce and sell subject merchandise in the United States under the all-others rate of 2.66 percent. The Department has found that this activity seriously undermines the effectiveness of the *Order*. Only by applying Inmax Sdn's 39.35 percent AD

[57] *See* Respondents Case Brief at 29-30.
[58] *Id.*, at 30-31.
[59] *Id.*, at 31.
[60] *See Carpenter Technology Corp. v. United States*, 464 F. Supp. 2d 1347, 1348 (CIT 2006) (*Carpenter Technology)*; *see also* 19 CFR 351.401(f); *see also* Petitioner Rebuttal Brief at 10-11.
[61] *See Zhaoqing New Zhongya Aluminum Co., Ltd. v. United States*, 887 F. Supp.2d 1301, 1310-1311 (CIT 2012); *see also* Petitioner Rebuttal Brief at 10-11.
[62] *See* Petitioner Rebuttal Brief at 11-12.

cash deposit rate can the Department maintain the integrity of the *Order*. Inmax Sdn will be able to obtain a revision of its AD cash deposit rate in the first AR based on any change in its sales activity during the first AR. This is how the statutory scheme is designed to operate.

Although the Department has not reviewed the actual production and sales of Inmax Industries, as a company affiliated and collapsed with Inmax Sdn, it should receive Inmax Sdn's investigation AD cash deposit rate. Otherwise, the Department would be perpetuating the loophole Inmax Sdn exploited after the *Order* was issued.

The fact that the Inmax Sdn's AD cash deposit rate is based on AFA is irrelevant. Inmax Sdn was investigated and received an AFA rate, which was not judicially challenged. Inmax Sdn cannot use a related company to produce and sell subject merchandise as a shield to prevent the application of its AFA rate by claiming that the newly producing company has not been found to have cooperated to the best of its ability. Such an interpretation would undermine the effect of any order. Respondents who received high rates during a proceeding could merely set up production and sales in another related company to obtain the benefits of a lower all-others rate. The AD statutory scheme, in relevant part, establishes cash deposit rates for the investigated companies based on their actual trading activity and establishes rates that should stay in place until the results of the first AR. Inmax Sdn's activities circumvented that scheme by avoiding its investigation rate through its related company Inmax Industries.

Moreover, judicial precedent supports the application of AFA rates to collapsed entities. The CIT has found that "{w}hen calculating a rate for a collapsed entity, Commerce's practice is to apply AFA to the entire entity when one producer within it fails to cooperate."[63] In *Bicycles from the People's Republic of China,* we stated that "{i}f any company fails to respond, the entire entity receives a rate based on facts available."[64] In *Light-Walled Rectangular Pipe and Tube from Turkey*, we stated that "even if Ozborsan/Onur had provided complete and accurate responses, the remaining two components of the collapsed entity did not" and that "{t}herefore, in this hypothetical situation, the Department would have continued to apply total AFA to the collapsed entity, including Ozborsan/Onur."[65]

In accordance with past precedent, we find that when the decision has been made to collapse entities, the Department must consider the actions of one member of the entity to represent the actions of the whole because the intent of collapsing entities is to prevent potential manipulation that may arise with orders. In this regard, it is the Department's practice that, even if we made an AFA determination with respect to one member of a collapsed entity, that AFA decision would apply to the entire entity.

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[63] *See Zhaoqing New Zhongya Aluminum Co., Ltd. v. United States*, 887 F. Supp. 2d 1301, 1310-1311 (CIT 2012) (citing *Notice of Final Determination of Sales at Less Than Fair Value: Bicycles from the People's Republic of China,* 61 FR 19026, 19036 (April 30, 1996) (*Bicycles from the People's Republic of China*) and *Light-Walled Rectangular Pipe and Tube from Turkey: Notice of Final Determination of Sales at Less Than Fair Value*, 69 FR 53675, 53677 (September 2, 2004) (*Light-Walled Rectangular Pipe and Tube from Turkey*).

[64] *See Bicycles from the People's Republic of China*, 61 FR 19036 at Comment 8.

[65] *See Light-Walled Rectangular Pipe and Tube from Turkey* and accompanying Issues and Decision Memorandum at Comment 11.

Finally, regarding the respondents' successor-in-interest argument, we note that, based on the facts of this review, it would be inappropriate to conduct a successor-in-interest analysis because there is no successor in interest. Both companies remain separate legal entities, even though collapsed for AD purposes. Neither one has succeeded the other through, for example, an acquisition or a merger.

Comment 4: Application Date of the Final Results

Petitioner's Case Brief:

- The Department should retroactively apply the AD cash deposit rate assigned to Inmax Sdn to the collapsed entity (*i.e.*, the effective date would be the date of publication of the *Order*) because the Department's practice is to apply a determination retroactively to the date of the occurrence that prompted a CCR in order to ensure the efficacy of an AD order.[66]
- The event that prompted the CCR occurred contemporaneously with the imposition of the *Order*.[67]

Inmax Companies' Rebuttal Brief:

- The Department's practice is to apply the results of the CCR prospectively, as of the date of the publication of the final results of this CCR.[68]
- The cases cited by the petitioner are distinct from the present case because they all involve successor-in-interest issues where the successor company is excluded from the AD order because its predecessor company was excluded from the AD or countervailing duty order and, thus, should not be relied upon in this CCR.[69]

Department Position:

Concerning the respondents' argument that the Department should apply the results of this CCR prospectively (*i.e.*, with an effective date of the publication of these final results), we agree. In *Certain Carbon Steel Butt-Weld Pipe Fittings from Thailand*, we stated that "{i}n changed circumstances reviews where the Department has determined that a successor company is a successor-in-interest to a predecessor company that had been excluded from the antidumping

[66] *See Certain Carbon Steel Butt-Weld Pipe Fittings from Thailand: Final Results of Changed-Circumstances Antidumping Duty Review*, 74 FR 8904 (February 27, 2009) (*Certain Carbon Steel Butt-Weld Pipe Fittings From Thailand)* and accompanying Issues and Decision Memorandum (IDM) at 2 (*citing Stainless Steel Wire Rod from Italy: Notice of Final Results of Changed Circumstances Antidumping Duty Review*, 80 FR 24643, 24644 (April 26, 2006) (*Stainless Steel Wire Rod from Italy*) and *Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom: Final Results of Changed Circumstances Antidumping and Countervailing Duty Administrative Reviews*, 64 FR 66880, 66881 (November 30, 1999) (*Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom*)); *see also* Petitioner Case Brief at 1.

[67] *See* Petitioner Case Brief at 2-5.

[68] *See*, *e.g.*, *Certain Oil Country Tubular Goods from the Republic of Korea: Initiation and Expedited Preliminary Results of Changed Circumstances Review,* 81 FR 46645 (July 18, 2016) and *Certain Cold-Rolled Steel Flat Products from Japan: Initiation and Preliminary Results of Changed Circumstances Review, and Intent to Revoke Order in Part,* 82 FR 621 (January 4, 2017); *see also* Respondents Rebuttal Brief at 1-3.

[69] *See* Respondents Rebuttal Brief at 4.

order, the Department's practice is to apply the determination retroactively to the date of the occurrence that prompted the changed-circumstances review."[70] However, this CCR does not involve a successor-in-interest question. Therefore, we will follow our normal practice and apply the AD cash deposit rate prospectively. We stated in *Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom*, that "...with respect to the antidumping duty order, it is appropriate to change the estimated cash deposit rate for Niagara only as of the effective date of the Department's final changed-circumstances determination" and that "because cash deposits are only estimates of the amount of antidumping duties that will be due, changes in cash deposit rates are not made retroactive." Therefore, pursuant to past precedent, we agree that it is the Department's practice to apply the AD cash deposit rate prospectively, as of the date of the publication of the final results of this CCR.

V. RECOMMENDATION

We recommend applying the above methodology/positions for these final results of the CCR. Thus, we will instruct U.S. Customs and Border Protection to collect prospectively (*i.e.*, as of the date of the publication of the final results of this CCR) cash deposits for all entries of subject merchandise from the collapsed entity, pursuant to the current AD cash deposit rate assigned to Inmax Sdn (*i.e.*, 39.35 percent).

☑ Agree ☐ Disagree

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

7/14/17
Date

[70] *See Certain Carbon Steel Butt-Weld Pipe Fittings from Thailand* IDM at Comment 1 (citing *Stainless Steel Wire Rod from Italy* and *Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom*).