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BY HAND

U.S. Department of Commerce
Central Records Unit, Room 1870
14th St. & Pennsylvania Ave, NW.
Washington, DC 20230

Attention: James J. Jochum
Assistant Secretary for Import Administration

Re: Separate Rates Practice in Antidumping Proceedings Involving
Non-Market Economy Countries
Our Reference: 10512-001 0001 I

Dear Assistant Secretary Jochum:

These comments are filed on behalf of the Government of the People's Republic of China ("China"), Bureau of Fair Trade for Imports & Exports ("BOFT"), Ministry of Commerce, in response to the U.S. Department of Commerce's Request for Comments on Separate Rates Practice in Antidumping Proceedings Involving Non-Market Economy Countries, as published in 69 Fed. Reg. 24119 (May 3, 2004).

An original and six copies of China's comments are attached, as well as an electronic version in CD-ROM.

Please contact the undersigned if you or your staff have any questions regarding these comments.

Respectfully submitted,

GRUNFELD, DESIDERIO, LEBOWITZ,
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SUBMISSION OF

**THE GOVERNMENT OF THE
PEOPLE'S REPUBLIC OF CHINA,
BUREAU OF FAIR TRADE FOR
IMPORTS & EXPORTS,
MINISTRY OF COMMERCE**

ON

**SEPARATE RATES PRACTICE IN ANTIDUMPING
PROCEEDINGS INVOLVING NON-MARKET
ECONOMY COUNTRIES**

JUNE 1, 2004

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Corus Engineering Steels, Ltd. v. United States, 25 I.T.R.D. 2056 (2003)

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Protocol on The Accession of the People's Republic Of China, Nov. 10, 2001, WT/L/432, para. 15

Report of the Working Party on the Accession of China, Oct. 1, 2001, WT/ACC/CHN/49, para. 151

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**Submission Of The Government Of The
People's Republic Of China ("China"),
Bureau Of Fair Trade For Imports &
Exports ("BOFT"), Ministry Of
Commerce**

The Government of the People's Republic of China ("China"), Bureau of Fair Trade for Imports & Exports ("BOFT"), Ministry of Commerce, hereby responds to the U.S. Department of Commerce's Request for Comments on Separate Rates Practice in Antidumping Proceedings Involving Non-Market Economy Countries, as published in 69 Fed. Reg. 24119 (May 3, 2004). As stated in the Request for Comments, the U.S. Department of Commerce ("Department" or "DOC") has undertaken a review of its long-standing policy in antidumping duty ("AD") proceedings of presuming that all firms within a non-market economy country ("NME") are subject to government control and, thus, should be assigned a single, country wide rate, unless a respondent can demonstrate an absence of both *de jure* and *de facto* control over its export activities.

The Chinese Government has always attached great importance to the development of Sino-U.S. economic and trade relations. During his visit to the U.S. last year, Prime Minister Wen Jia Bao and President Bush reached an important consensus with regard to the handling of the Sino-U.S. bilateral economic and trade relationship. They agreed that the relationship should emphasize positive development of trade relations, based upon equality, with the intended goal of mutual benefit. Guided by these principles and through mutual efforts, the two governments successfully held the 15th US-China Joint Commission on Commerce and Trade. The Commission has had a significant impact in further promoting the healthy and stable

development of bilateral economic and trade relations. The U.S. Government and, in this instance, particularly the DOC, should be mindful of the goal of further facilitating the development of the bilateral economic and trade relationship. Considering the above, the DOC should refrain from adjusting its antidumping rules and policies in any manner that would negatively impact the progress made in Sino-U.S. economic and trade relations.

As the DOC knows, China has paid very close attention to the issue of protection of intellectual property rights, which is a matter of concern to the U.S. In that regard, in order to increase its crack down on infringement of intellectual property rights, China has devoted a great deal of human and other resources in establishing the Working Group on IPR Protection which consists of nine government agencies under the National Office of Rectification and Standardization of Market Economic Order. The Ministry of Commerce and the Legislative Affairs Office of the State Council are coordinating the efforts to stop piracy of intellectual property rights. In light of the vast commitment of manpower resources by China necessary to control this agreed upon problem, China does not understand how the U.S. can attempt to justify a change in practice on eligibility for separate rate status for Chinese exporters involved in antidumping proceedings based solely on the DOC's claimed shortage of manpower and a large workload.

Since China's accession to the WTO, the Government of China has striven to fulfill its obligations and to increase its market access. In order to address the issue of Sino-U.S. trade balance, China has sent many delegations to the U.S. to purchase U.S. goods and has further promoted U.S. exports to China by opening its market for the trade of goods and services. Clearly, China has done much to further the development of a healthy Sino-U.S. economic and trade relationship. Under this new environment, where both China and the U.S. are striving to

further promote the development of bilateral economic and trade relations, the DOC should move forward in a positive direction when contemplating any adjustment to its antidumping policy involving China, not in a backward direction.

The DOC's treatment of China as a non-market economy country in antidumping proceedings is extremely unfair to Chinese export industries. Its current consideration of possible adjustments to its separate rates practice is, therefore, a cause of grave concern to the Government of China.

As discussed in detail below, China believes that the United States should modify its current practice by eliminating reliance on a country-wide adverse facts available rate in NME investigations. By acting in this manner at this time, the United States will be taking the first of several steps necessary to conform U.S. antidumping law and policy to current economic reality. China has become a market economy. China, therefore, is entitled to market economy treatment in AD proceedings. The Department's continued resort to an adverse inference, facts available AD rate for all Chinese companies which have not affirmatively established their eligibility for separate rate status flies in the face of market conditions in China today and places the United States far behind other nations who have already recognized that many Chinese industries qualify for market-economy treatment.¹ Accordingly, the Department, at the very least, should

¹ Unlike other major trading partners of the United States, the United States, to date, has refused to designate any Chinese industry for market economy industry ("MOI") status. Most recently, in its decision denying MOI status for television receiving sets, the Department applied a test which is more stringent than the test specified in the Protocol on the Accession of the People's Republic of China to the World Trade Organization, and which many United States industries could not themselves satisfy. WT/L/432, Nov. 23 2001, para. 15(a); see also 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, 69 Fed. Reg. 20,594, Apr. 16, 2004. The United States MOI test requires that: "(1) There be virtually no government involvement in production or prices for the industry; (2) the industry is marked by private or collective ownership that behaves in a manner consistent with market

no longer assess AD duties on any Chinese company based on an anachronistic presumption that the export sales of Chinese companies are controlled by the central government and that in the absence of evidence to the contrary, Chinese companies are subject to an adverse-inference country wide AD rate. At the very least, this presumption should be reversed; individual rates should be the norm; China wide rates the exception.

However, assuming that the Department does not adopt this suggestion, China submits that the United States is precluded by its international obligations and its own judicial precedent, as well as common sense, from modifying its policy in any manner which would result in subjecting additional Chinese companies to an adverse facts available China country-wide rate. By acting in this manner, the Department would be moving backward in time. It would be rejecting the progress which China has made in transforming itself from a centrally planned to a market economy. It would be undermining the ongoing negotiations between China and the United States designed to grant China market economy status in AD proceedings. It would be creating more, unnecessary work for its staff, at a time when the Department is concerned about its workload. It would be ignoring its own precedent, in which the Department has uniformly found, after vigorous examination, that Chinese companies qualify for separate rate status. Under no circumstances should the Department act in this manner.

considerations; and (3) producers pay market-determined prices for all major inputs, and for all but an insignificant proportion of minor inputs. Additionally, an MOI allegation must cover all (or virtually all) of the producers in the industry in question.” Id. As a result, the United States always has required that Chinese companies establish their eligibility for individual rates on a company specific basis, or face the specter of application of the adverse facts available China rate.

I. **THE UNITED STATES SHOULD MODIFY ITS CURRENT PRACTICE BY ELIMINATING RELIANCE ON A COUNTRY-WIDE ADVERSE FACTS AVAILABLE RATE IN NME INVESTIGATIONS**

Chinese companies are currently subject to more than 55 separate AD Orders,² on products as diverse as aspirin, paper clips, tapered roller bearings, honey, petroleum wax candles and sparklers. Therefore, any change in current policy will have its greatest impact on companies located in China. An AD Order has recently been published on Certain Color Television Receivers and the DOC currently is investigating various products from China, including shrimp and wooden bedroom furniture, to determine if sales of these products have been sold in the United States at less than normal value.

As the DOC is aware, and as is confirmed by the Appendix to these comments, Chinese companies who do not qualify for a separate rate are effectively prohibited from exporting their goods to the United States. The manner in which the Department administers the AD law results in the Chinese country-wide rate being calculated on the basis of “adverse facts available.” For this reason, Chinese country-wide rates have exceeded 100 percent ad valorem in one-half of AD cases initiated against Chinese imports since 1995,³ with an average rate of 112.85 percent, and a mean rate of 105.35 percent.

The discriminatory impact of these penal rates is striking when they are compared to the “all other” AD rates calculated by the Department for exports from market economy countries/regions, and the company specific, non-adverse facts available rates calculated by the

² Through February 4, 2004, the United States had 293 AD Orders in place.

³ 1995 is the starting point for analysis, since in that year the United States agreed to conform its own AD law to the Agreement on Implementation of Article VI, General Agreement on Tariffs and Trade 1994, Apr. 15, 1994, Marrakech Agreement Establishing the World Trade Organization, Annex 1A, Legal Instruments – RESULTS OF THE URUGUAY ROUND vol. 33 I.L.M. 112 (1994) [hereinafter International Antidumping Code].

Department for Chinese companies who have been subjected to the Department’s vigorous “company specific” verifications. Thus, the average “China” rate of 112.85 percent is 3 ½ times greater than the average “all other” rate in market economy cases (32.03 percent) and is 2 ½ times the average “non-mandatory” rate in Chinese NME cases (44.15 percent).⁴ In individual proceedings, the contrast between the Section A rate for co-operative Chinese respondents and the “adverse facts available” China country wide rate is even more dramatic:

CASE	SECTION A RATE	PRC RATE
Malleable iron pipe fittings 570-881	11.18%	111.36%
Polyvinyl alcohol 570-879	6.91%	97.86%
Ball bearings 570-874	7.8%	59.3%
Structural steel beams 570-869	15.23%	89.17%
Automotive replacement glass windshields 570-867	9.84%	124.5%

Equally significant are the differences between average “all other” market economy rates and the China country wide rate in AD investigations of competitive products from multiple countries/ regions.

⁴ This comparison is based on rates calculated by the Department in its initial Final Determinations of Sales at Less than Fair Value. It does not account for revised rates calculated after judicial determinations and it does not exclude rates which the Department has calculated, in whole or in part, based on adverse facts available. When modified in this manner, the difference between the “China” NME rate and the average calculated rates in market and NME cases is even more dramatic.

PRODUCT	MARKET ECONOMY CASES COMPETITIVE PRODUCTS (NUMBER OF COUNTRIES/ REGIONS)	MARKET ECONOMY AVERAGE ALL OTHER RATE	CHINA COUNTRY WIDE RATE
Color Television Receivers	1 (Malaysia)	0.75%	78.45%
Cold rolled carbon steel flat products	18 *	42.58%	105.35%
Structural steel beams	6 (Italy, Luxembourg, Spain, Taiwan, Germany, South Africa)	6.14%	89.17%
Hot rolled carbon steel flat products	7 (India, Netherlands, Indonesia, Taiwan, Thailand, Argentina, South Africa)	23.34%	90.83%
Steel wire rope	2 (India, Malaysia)	19.45%	58%
Collated roofing nails	2 (Korea, Taiwan)	2.68%	118.41%

* Argentina, Belgium, Brazil, France, Germany, Korea, Netherlands, New Zealand, South Africa, Spain, Taiwan, Turkey, Venezuela, Australia, India, Japan, Sweden, and Thailand.

In contrast to these vast differences, as the Appendix to these Comments reveals, AD rates for mandatory respondents in Chinese NME cases based on company specific data often have been similar to the rates calculated by the Department for mandatory respondents in market economy investigations. Also relatively similar – with the exception of those investigations in which the inherent bias of the “factors of production” analysis applied to NME investigations cannot be overcome⁵ - are “all other” rates for market economy producers who have not

⁵ The overall average of China Section A rates exceeds the overall weighted average rates in market economy cases because in certain Chinese cases the Department has relied on unrealistic surrogate values to calculate normal value. In addition, the “factors of production” methodology used by the United States to determine company specific margins in China cases generally is not as fair a method to determine whether a company really is dumping as the manner in which AD rates are calculated in market economy cases. The Department’s recent decision with respect to television receivers from Malaysia (de minimis rates) and China (21.49 percent average rate for mandatory respondents) is an example of this problem. See generally Brink Lindsey & Daniel J. Ikenson, Antidumping Exposed: The Devilish Details of Unfair Trade Law (2003). This discriminatory aspect of U.S. law will be ended when the United States conforms its law to

themselves been subject to investigation and “average rates” for Chinese producers who qualify for separate rate status. These similarities are not surprising, since Chinese companies behave in the same manner in their export activities as do companies located in countries/regions entitled to market economy treatment.

These comparisons underscore the discriminatory manner in which the Department administers United States AD law. First, unlike non-investigated market economy companies, who automatically qualify for the rates applicable to companies under investigation (which, by law, cannot include rates based, in whole or in part, on adverse facts available), non-investigated Chinese companies are required to affirmatively qualify for this status by demonstrating that they are not under control of the Chinese government. Second, unlike non-investigated market economy companies, whose rates are by law and Department practice based on verified rates of companies selected for analysis, non-investigated Chinese companies are subject to a draconian adverse facts available analysis. Thus, co-operative Chinese companies must qualify for rates which their market economy counterparts receive automatically and Chinese companies who cannot qualify for individual rate treatment are subject to AD duty assessments on the basis of a methodology which has been outlawed by the WTO and which often results in a complete barrier to trade.

Simply stated, the manner in which the Department currently calculates Chinese country-wide rates discriminates against co-operative Chinese companies, and turns the NME antidumping investigatory process into a non tariff barrier to trade. As the Department itself must realize, an AD determination based on adverse facts available:

economic reality and grants China full market economy status, thereby ending resort to the factors of production analysis.

provides no evidence of either price discrimination or a sanctuary market. The facts available are generally taken from the domestic industry's antidumping petition, hardly a source of objective analysis. Indeed, it is expressly recognized that determinations on the basis of facts available are punitive; it is the threat of such determinations that is used to compel foreign producers' cooperation with the DOC's often onerous information requests.⁶

As such, the Department's calculation of the Chinese country-wide rate, and its requirement that Chinese companies must affirmatively establish that they will not be assessed with this rate, is clearly contrary to --

U.S. international obligations, as set forth in Articles 6 and 9, International Antidumping Code;

The Protocol on the Accession of the People's Republic of China to the World Trade Organization; and

The overriding purpose of U.S. law to assess AD duty in an amount no greater than is necessary to equalize competitive conditions between the exporter and affected American industries.⁷

It is for these reasons that China asks the United States modify its NME policy at this time, by eliminating the "adverse facts available" China country-wide rate, and instead calculating an "all other" rate for Chinese companies not subject to intensive individual analysis, in the same manner as the "all other" rate is calculated in market economy AD cases; that is, by utilizing the average rates applicable to all investigated companies, except for those companies with zero or *de minimis* rates or companies whose rates are calculated on the basis of facts available. This modification of current policy would constitute an important step in the United States bringing its AD law into compliance with its international obligations, until such time as China is treated as a market economy.

⁶ Lindsey & Ikenson, *supra* note 5, at 23.

⁷ C.J. Tower & Sons v. United States, 71 F.2d 438 (1934); Imbert Imports, Inc. v. United States, 67 Cust. Ct. 569, 576 note 10 (1971), aff'd, 475 F.2d 1189 (1973). The purpose of the statute is solely remedial. Chaparral Steel Co. v. United States, 901 F.2d 1097, 1103-04 (Fed. Cir.1990).

Modification of U.S. policy in this manner is particularly appropriate at this time. China has made significant strides in transforming its economy from the centrally planned and controlled economy of decades ago.⁸ “China’s dramatic economic growth stems from the opening of its economy to private enterprise and market forces.”⁹ The Chinese “economy is operating on the basis of market principles to a sufficient extent that the domestic prices and costs of its enterprises can reasonably be used as a basis for calculating normal value within the meaning of the U.S. antidumping law.”¹⁰ The United States currently is considering treating China as a market economy for AD purposes, in the same manner as at least two other trading partners (New Zealand and Singapore) are now treating China.¹¹

Eliminating the facts available China country-wide rate constitutes an important interim step for the Department to take until the U.S. modifies its AD law, by treating China in the same manner as all market economy countries/regions.¹²

⁸ Ministry of Commerce, People’s Republic of China, Recognition of China as a Market Economy for Purposes of U.S. Antidumping Law (Mar.19, 2004). Filed in response to the Department’s Notice of Hearing and Request for Comment, International Trade Administration, U.S.-China Joint Commission on Commerce and Trade Working Group on Structural Issues, 69 Fed. Reg. 24,132 (May 3, 2004), available at <http://www.ia.ita.doc.gov/download/us-china-jcctwg/o4-10053.txt>.

⁹ Id. at 8.

¹⁰ Id. at 9.

¹¹ Id. at 1.

¹² While the United States Court of Appeals for the Federal Circuit has upheld the application of the all other China rate in Sigma Corp. v. United States, 117 F.3d 1401 (Fed.Cir.1997), the Department clearly has the discretion to liberalize its current practice. In fact,

[b]efore 1991, Commerce used the combination of individual rates and an all others rate for antidumping investigations of imports not only from market economy countries, but also from countries with nonmarket economies ("NMEs") such as China. In 1991, however, Commerce reversed course and decided that individual rates were not appropriate in an NME setting.... Instead, Commerce determined that NME exporters would be subject to a single, countrywide antidumping duty rate unless they could demonstrate legal, financial, and economic independence from the Chinese government (referred to by Commerce as "the NME entity").

II. **THE DEPARTMENT CANNOT MAKE IT MORE DIFFICULT FOR NON-SELECTED CHINESE EXPORTERS TO QUALIFY FOR THE AVERAGE OF VERIFIED RATES**

China understands that despite compelling reasons to do so, the Department may be unwilling to modify its current policy by eliminating resort to an adverse facts available China-wide rate until China qualifies for market economy status.

At the same time, however, China requests that the Department refrain from taking any action which would have the effect of reducing the number of Chinese companies which qualify for separate rate treatment. A decision by the Department making it more difficult for Chinese exporters to escape the imposition of prohibitive adverse facts available rates would exacerbate an already unreasonable, and in many respects illegal, discrimination against Chinese exporters.

The precise reasons why the Department should not make it more difficult for Chinese exporters to qualify for company specific rates follow.

A. **THE INTERNATIONAL ANTIDUMPING CODE PROHIBITS THE UNITED STATES FROM CALCULATING DUMPING MARGINS FOR NON-EXAMINED CO-OPERATIVE EXPORTERS ON THE BASIS OF ADVERSE FACTS AVAILABLE (I.E, CHINA NME COUNTRY-WIDE RATE)**

In accordance with paragraph 6.10, International Antidumping Code, the United States, as well as other WTO members, are allowed to limit their examination of known exporters or producers of subject merchandise to

See Transcom, Inc. v. United States, 294 F.3d 1371 (Fed. Cir. 2002) As the Federal Circuit reasoned in Lasko Metal Products, Inc. v. United States, 43 F.3d 1442, 1446 (Fed. Cir. 1994):

The purpose of the Act is to prevent dumping, an activity defined in terms of the marketplace. The Act sets forth procedures in an effort to determine margins "as accurately as possible..." "Where we can determine that a NME producer's input prices are market determined, accuracy, fairness, and predictability are enhanced by using those prices. Therefore, using surrogate values when market-based values are available would, in fact, be contrary to the intent of the law."

a reasonable number of interested parties or products by using samples that are statistically valid on the basis of the information available to the authorities at the time of the selection, or to the largest percentage of the volume of the exports from the country in question which can reasonably be investigated.

When selecting companies to examine under this methodology, WTO members are required to choose the exporters and/or producers to be examined “in consultation with and with the consent of the exporters, producers or importers concerned.” Id. para. 6.10.1. In addition, members must “take due account of any difficulties experienced by interested parties, in particular small companies, in supplying information requested, and shall provide any assistance practicable.” Id. para. 6.13.

AD duty assessed on goods imported from companies which have not been selected for individual examination must be assessed in accordance with the principles set forth in paragraph 9.4; that is, the duty assessed “shall not exceed (i) the weighted average margin of dumping established with respect to the selected exporters or producers.” Id. para. 9.4. In determining the weighted average margin to apply, WTO members must “disregard... any zero or de minimis margins and margins established under the circumstances referred to in paragraph 8 of Article 6;” that is, margins established on the basis of “facts available” because an “interested party refuses to, or otherwise does not provide, necessary information within a reasonable period or significantly impedes the investigation.” Id. paras. 9.4, 6.8.

In other words, as a matter of law, the Department is required to calculate the margins of Chinese companies which qualify for individual rates on the basis of the weighted average rate of selected exporters, and, as a matter of law, the Department cannot calculate rates for these companies based on the adverse facts available rate applicable to Chinese companies who do not qualify for separate rate status.

The significance of this basic principle was reinforced by the WTO Appellate Body decision in *United States – Anti-dumping Measures on Certain Hot-Rolled Steel Products from Japan*, WT/DS184/AB/R (July 24, 2001). In this proceeding, the Appellate Body upheld a Panel determination that the United States' statutory method for calculating a rate of anti-dumping duty for those exporters and producers who were *not* individually investigated, as well as the Department's application of that method in this case, were inconsistent with Article 9.4 of the International Antidumping Code.

Recognizing that Article 9.4 did “not prescribe any method that WTO Members must use to establish the ‘all others’ rate that is actually applied to exporters or producers that are not investigated,” the Appellate Body nevertheless concluded that the United States policy of ignoring “the relevant ceiling” was contrary to its international obligations. The Appellate Body reasoned:

Nothing in the text of Article 9.4 supports the United States' argument that the scope of this prohibition should be narrowed so that it would be limited to excluding only margins established "entirely" on the basis of facts available. As noted earlier, Article 6.8 applies even in situations where only limited use is made of facts available. To read Article 9.4 in the way the United States does is to overlook the many situations where Article 6.8 allows a margin to be calculated, *in part*, using facts available. Yet, the text of Article 9.4 simply refers, in an open-ended fashion, to "margins established under the circumstances" in Article 6.8. Accordingly, we see no basis for limiting the scope of this prohibition in Article 9.4, by reading into it the word "entirely" as suggested by the United States. In our view, a margin does not cease to be "established under the circumstances referred to" in Article 6.8 simply because not every aspect of the calculation involved the use of "facts available".

Id. para. 122. The Appellate Body then discussed the reasons why this conclusion was consistent with the basic purposes of the International Antidumping Code.

Our reading of Article 9.4 is consistent with the purpose of the provision. Article 6.8 authorizes investigating authorities to make determinations by remedying gaps in the record which are created, in essence, as a result of deficiencies in, or a lack of, information supplied by the investigated exporters. Indeed, in some circumstances, as set forth in paragraph 7 of Annex II of the *Anti-Dumping Agreement*, "if an interested party *does not cooperate* and thus relevant information is being withheld from the authorities, this situation could lead to a result which is *less favourable* to the party than if the party did cooperate." (emphasis added) Article 9.4 seeks to prevent the exporters, who were *not* asked to cooperate in the investigation, from being prejudiced by gaps or shortcomings in the information supplied by the investigated exporters. This objective would be compromised if the ceiling for the rate applied to "all others" were, as the United States suggests, calculated – due to the failure of investigated parties to supply certain information – using margins "established" even in part on the basis of the facts available.

Id. para. 123. It concluded that U.S. law, as administered by the Department, conflicted with U.S. international obligations:

As section 735(c)(5)(A) of the United States Tariff Act of 1930, as amended, requires the inclusion of margins established, in part, on the basis of facts available, in the calculation of the "all others" rate, and to the extent that this results in an "all others" rate in excess of the maximum allowable rate under Article 9.4, we uphold the Panel's finding that section 735(c)(5)(A) of the United States Tariff Act of 1930, as amended, is inconsistent with Article 9.4 of the *Anti-Dumping Agreement*. We also uphold the Panel's consequent findings that the United States acted inconsistently with Article 18.4 of that Agreement and with Article XVI:4 of the *WTO Agreement*.¹³ We further uphold the Panel's finding that the United States' *application* of the method set forth in section 735(c)(5)(A) of the Tariff Act of 1930, as amended, to determine the "all others" rate in this case was inconsistent with United States' obligations under the *Anti-Dumping Agreement* because it was based on a method that included, in the calculation of the "all others" rate, margins established, in part, using facts available.

Id. para. 129. A WTO Panel and Appellate Body would reach the same conclusion should the United States modify its current policy by calculating the rates of Chinese companies which qualify for individual rates based on a rate derived in whole, or in part, from the adverse facts

¹³Panel Report, para. 7.90.

available rate utilized to calculate a China country-wide rate. The Chinese country-wide rate is calculated solely on the basis of adverse facts available; Chinese companies have provided the Department with all information necessary to qualify for an individual rate and to be selected for an individual analysis; the decision not to subject these companies to a complete analysis has been made by the Department based on its determination that it is impractical to examine all known exporters or producers. Accordingly, the Department cannot calculate the margins for these companies based on a rate derived, in whole, or in part, from facts available.

B. THE COURT OF INTERNATIONAL TRADE HAS UPHELD THE DEPARTMENT'S CURRENT PRACTICE AND HAS QUESTIONED THE LEGALITY OF ANY PROPOSED CHANGE

In Coalition For The Preservation Of American Brake Drum And Rotor Aftermarket Manufacturers v. United States, 44 F. Supp. 2d 229 (Ct. Int'l Trade 1999), the Court of International Trade expressly upheld the Departments' current practice of calculating non-mandatory respondent rates on the basis of the weighted average of rates calculated for mandatory respondents, while questioning the Department's ability to assign these companies the punitive adverse facts available China country-wide rate. The Court reasoned:

Because it would not be appropriate for the Department to refuse to consider an affirmative documented request for an examination of whether these companies were independent of any non-respondent firms and then assign to the cooperative firms the rate for the noncooperative firms, which in this case is an adverse margin based on best information available, the Department has assigned a special single rate for these firms...**The ITA's reasoning in Honey has the weight of fairness and common sense. It would be inequitable if Commerce were to assign an adverse facts available rate to these Respondents.** Cf., Nat'l. Knitwear & Sportswear Assoc. v. United States, 15 CIT 548, 558, 779 F.Supp. 1364, 1372-73 (1991) (holding that the application of a punitive, or even quasi-punitive, rate to innocent parties would be contrary to the intent that the antidumping law be remedial). **Commerce's approach also comports with purpose of the new statutory scheme under the URAA which is**

"designed to prevent the unrestrained use of facts available as to a firm which makes its best effort to cooperate with the Department." Borden, 4 F.Supp.2d at 1245. Commerce, faced with an inability to investigate all cooperating Respondents, reasonably devised a methodology for calculating a fair rate. (emphasis added)

Id. at 251. The Court then found that the Department's methodology conformed to the statutory requirements:

Commerce's calculation of the rate for non-selected brake rotors is reasonably based on Section 1673d(c)(5)(A)'s mandate to use the weighted average of the estimated weighted average dumping margins established for exporters individually investigated, excluding any zero and *de minimis* margins and any margins determined by facts available. Similarly, Commerce's calculation of the non-selected brake drums rate is reasonably based on Section 1673d(c)(5)(B) which gives Commerce the authority to use any reasonable method where the estimated weighted average dumping margins for all exporters individually investigated are zero or *de minimis* or based entirely on facts available.... **In accordance with the SAA's mandate not to use reasonably unreflective data, Commerce did not include selected brake drum Respondent CNIGC's rate, based on facts available in the calculation. See Nat'l. Knitwear & Sportswear Assoc., 15 CIT at 558-59, 779 F.Supp. at 1372-73 (affirming Commerce's exclusion of BIA rates from "all others" rate where rates are not representative of pricing practices). (emphasis added)**

Id. at 251-52. Similarly, in Yantai Oriental Juice Co. v. United States, the Court of International Trade expressly rejected the Department's decision to calculate AD margins for co-operative non-selected Respondents by "weight averaging the zero margins and margins determined pursuant to facts available." 25 I.T.R.D. 1417 (2003). The Court reasoned:

The court does not agree that Commerce's calculation of the Cooperative Respondents' antidumping duty margin in the instant investigation was proper. First, the record shows that the Cooperative Respondents fully and completely complied with all of Commerce's requests for information. Indeed, the only apparent difference between the Fully-Investigated Respondents and the Cooperative Respondents is that Commerce did not select them for full investigations. Second, while it is not inconceivable that individual margins for each Cooperative Respondent could have increased had they been fully investigated, this outcome seems unlikely given that all of the Fully-Investigated Respondents' antidumping duty margins were reduced to

zero percent-including that respondent originally assigned an antidumping duty margin of 27.57 percent.... Given these facts it appears that Commerce strained to reach its result.

Id. The Court then summarized the standard which the Department is required to utilize when calculating margins for co-operative non-selected Respondents:

[W]hen choosing a methodology for assigning antidumping duty margins Commerce cannot simply rely on a methodology found to be acceptable in other investigations. Rather, Commerce must insure that any methodology it employs in any particular investigation "is based on the best available information and establishes antidumping margins as accurately as possible."¹⁴

Id. Based on these judicial decisions, the Department is effectively precluded from calculating the rate for non-selected respondents based on the punitive adverse facts available China rate.

¹⁴ On reconsideration of its determination to conform to the Court's directive in Yantai Oriental Juice, the Department calculated the margins for the co-operative non-selected Respondents on the basis of data contained in their Section A responses and the Petition. See Yantai Oriental Juice Co v. United States, 25 I.T.R.D. 2388 (2003). As a result, the margins for these companies were reduced to 3.83 percent, as distinguished from the Department's initial calculation of 28.33 percent and the zero and *de minimis* margins applicable to respondents subject to investigation and verification. The Court concluded that these recalculated margins conformed to law. While China is of the opinion that the Department should not have been allowed to rely on any information in the Petition in calculating margins, the critical conclusion of the Court in this case was that the Department's initial 28.33 percent determination was contrary to law. This proceeding involved the unique situation in which the margins for all six respondents selected for full scale responses and verification were zero or *de minimis*, except for one respondent found to be noncooperative who was assigned the country-wide rate. In the vast majority of investigations, the AD rate for one or more selected, cooperative respondents has exceeded *de minimis*, which allows the Department to utilize that rate to calculate margins for co-operative non-selected companies.

C. **THE UNITED STATES CANNOT REQUIRE NON-SELECTED CHINESE COMPANIES TO SUBMIT ADDITIONAL, UNNECESSARY INFORMATION TO ESTABLISH THEIR ENTITLEMENT TO A WEIGHTED AVERAGE “ALL OTHERS” RATE**

In determining the nature of the information which Chinese companies are required to submit to qualify for the weighted average rate applicable to companies subject to a full-scale investigation, the Department cannot lose sight of its responsibility to “determine current margins as accurately as possible.” Rhone Poulenc, Inc. v. United States, 899 F.2d 1185, 1191 (1990). The basic principles of U.S. law which govern the Department’s calculation of AD margins in all cases were summarized by the Court of International Trade, in Allied Tube and Conduit Corp. v. United States, 127 F. Supp. 2d 207, 218-19 (2000) as follows:

The antidumping laws are not punitive in nature, but are designed to remedy the inequities caused by unfair trade practices. Crucial to this remedial design is the need to calculate antidumping duty margins on a fair and equitable basis.... Fair and equitable margins are calculated when the administering authorities are consistent in their procedural application of the law. This consistency provides parties certainty in their expectations, obligations, and potential liabilities.... Commerce may not act arbitrarily, violate the antidumping laws or apply the laws in a manner contrary to congressional intent.

See also Gulf States Tube Division of Quanex Corp. v. United States, 21 CIT 1013, 1029 (1997) (“The objective of the antidumping statute is not to penalize a respondent.... Rather, the purpose of the proceeding is to assess duties that will in principle eliminate the unfair trade practice.”).

This responsibility applies to a non-market economy proceeding. “With respect to NME goods, the statute's goal is to determine what the cost of producing such goods would be in a market economy,” a goal which cannot be satisfied by “abandon[ing] all actual prices once it is forced to resort to surrogate country values.”” See Lasko Metal Products, Inc. v. United States,

16 CIT 1079, 1081-82 (1994), aff'd, 43 F.3d 1442 (Fed. Cir. 1994). As the Federal Circuit reasoned in Lasko Metal Products, Inc., supra, 43 F.3d at 1446:

The purpose of the Act is to prevent dumping, an activity defined in terms of the marketplace. The Act sets forth procedures in an effort to determine margins "as accurately as possible." ... "Where we can determine that a NME producer's input prices are market determined, accuracy, fairness, and predictability are enhanced by using those prices. Therefore, using surrogate values when market-based values are available would, in fact, be contrary to the intent of the law."

See also Luoyang Bearing Factory v. United States, 240 F. Supp. 2d 1268, 1283 (Ct. Int'l Trade 2002) ("The purpose of the statutory provisions ... [in NME cases] ... is to determine antidumping margins as accurately as possible.... Commerce's task in an NME investigation is to calculate what the costs or prices would be in the NME if such prices or costs were determined by market forces."); Shakeproof Assembly Components v. United States, 268 F.3d 1376 (Fed. Cir. 2001).

Thus, the Department is required to determine margins for both selected and non-selected companies as accurately as possible, and to ensure that its investigations are conducted with accuracy, fairness and predictability. The Department may not resort to adverse facts available or best information available as an easy method to dispose of a case. To achieve these goals and to avoid applying prohibitive margins, calculated on the basis of adverse facts available, to companies whose export prices are determined by market forces, the Department can only require submission of information reasonably necessary to confirm this fact. Requiring a company to submit additional, unnecessary information and penalizing non-compliance with resort to prohibitive margins calculated on the basis of adverse facts available would undermine these basic principles of law.

D. CHINA'S ACCEPTANCE OF THE "PROTOCOL ON THE ACCESSION OF THE PEOPLE'S REPUBLIC OF CHINA" TO THE WTO WAS PREDICATED ON ITS UNDERSTANDING THAT THE UNITED STATES WOULD NOT UNILATERALLY CHANGE THE MANNER IN WHICH IT CALCULATES DUMPING MARGINS FOR NON-SELECTED EXPORTERS

When China was admitted into the WTO, it entered into a Protocol with other WTO members governing the manner in which the parties would calculate AD margins on Chinese exports. In this Protocol, China and existing WTO members agreed that China could apply for market economy status in AD cases at any time after accession and that in no event could a WTO member deny China this status after 15 years. China also agreed that until a WTO member granted China full market economy status, that WTO members could continue to calculate Chinese margins on a:

methodology that is not based on a strict comparison with prices or costs in China if the producers under investigation cannot clearly show that market economy conditions prevail in the industry producing the like product with regard to manufacture, production and sale of that product.

Protocol on The Accession of the People's Republic Of China, Nov. 10, 2001, WT/L/432, para. 15.

China's concerns as to the manner in which WTO members determined AD rates for Chinese products were expressed in the Report of the Working Party on the Accession of China, Oct. 1, 2001, WT/ACC/CHN/49, para. 151. In response, WTO members, including the United States, assured China that:

- (a) It had established in advance (1) the criteria that it used for determining whether market economy conditions prevailed in the industry or company producing the like product and (2) the methodology that is used to determine price comparability....

- (b) The process of investigation should be transparent and sufficient opportunities should be given to Chinese producers or exporters to make comments, especially comments on the application of a methodology for determining price comparability in a particular case.
- (c) The importing WTO member should give notice of information which it required and provide Chinese producers and exporters ample opportunity to present evidence in writing in a particular case.
- (d) The importing WTO member should provide Chinese producers and exporters a full opportunity for the defence of their interests in a particular case.

Implicit in China's concession to allow WTO members, such as the United States, to continue calculating AD margins on an alternative basis for no more than 15 years, and in the agreements memorialized in the Report of the Working Party, was the understanding that a WTO member would not unilaterally modify its existing AD margin calculation methodology, and effectively calculate margins for all Chinese companies – with the exception of a select few – on a more adverse basis than it had in the past.

Accordingly, a decision by the United States to make it more difficult for Chinese companies to qualify for separate status would effectively nullify the benefits accruing to China upon its Accession to the WTO, and would impede the attainment of the objective of the Protocol of Accession to grant China the same status in AD proceedings as other market economy countries. Thus, if the United States ultimately decides to act in this manner, China could, if is desired, exercise its rights under Article XXIII, General Agreement on Tariffs and Trade 1994.

E. **THE HISTORY OF THE DEPARTMENT’S CURRENT PRACTICE AND THE OSTENSIBLE REASONS WHY MODIFICATION MAY BE NECESSARY DO NOT SUPPORT ADOPTING A MORE STRINGENT STANDARD OF QUALIFICATION FOR AN AVERAGE RATE**

As the Department itself recognized in its May 3, 2004 request for comments, its existing methodology for calculating rates for non-selected companies constitutes a “long-standing policy” which has been in effect for at least the past 10 years. Thus, not only does the Department’s current test pre-date the Uruguay Round Trade Agreements and China’s accession to the WTO, the Department has a ten year history in which to examine whether the current test should be replaced.

1. **THE DEPARTMENT MUST CONSIDER THE IMPACT OF ANY PROPOSED CHANGE ON CO-OPERATING, NON-SELECTED COMPANIES**

As the Appendix to these Comments confirms, a decision by the Department to grant non-selected companies separate rate treatment has momentous consequences. Margins for companies which qualify for this status generally are comparable to the weighted average “all other” rate applicable to companies not subject to individual examination in market economy cases. Margins for all other Chinese companies are at prohibitive adverse facts available rates similar to rates applied to market economy companies who have themselves refused access to, or otherwise did not provide, necessary information within a reasonable time or significantly impeded a Department investigation. See International Antidumping Code, Article 6.8. This being the case, any decision by the Department to modify its current procedures must consider whether the non-selected companies who will be effected by the change can permissibly be treated, and deserve to be treated, as worst case offenders, effectively prohibited from exporting to the United States.

2. CHINESE COMPANIES HAVE CONSISTENTLY WITHSTOOD VIGOROUS VERIFICATION OF THEIR SEPARATE RATE REQUESTS

During the ten year period in which the Department's current practice has been in effect, the Department has confirmed, through exhaustive verifications of numerous Chinese companies, in a wide variety of industries, that Chinese export pricing policies are market driven and that individual Chinese companies, in fact, qualify for separate rates. A review of Department decisions confirms that the information contained in Chinese exporters' Section A responses, when subjected to verification, accurately reflects the manner in which the companies conducted their export businesses. In virtually every case in which a Chinese company's claim for separate rates treatment has been subjected to scrutiny, the Department has found that the company, in fact, qualified for this status.

Thus, the track record of Chinese companies in prior proceedings supports the conclusion that submission of additional information is unnecessary, and, therefore, contrary to law.

In fact, the experience of the Department in China cases strongly supports the proposition that the current presumption against individual rate status should be reversed. Instead of requiring submission of affirmative evidence that a company qualifies for an individual rate, the Department should presume that a company's export sales are market driven unless evidence to the contrary is submitted.

3. THE CHINESE ECONOMY IS CONSISTENTLY BECOMING MORE MARKET ORIENTED THAN IN THE PAST

From 1994 through the present, the Chinese economy has continued to evolve from the "centrally planned and controlled economy of decades ago" to an economy in which the

“Chinese Government has significantly decreased its ownership and control of the means of production,” and in which “for the vast majority of products and services, the market, not the government, decides the allocation of resources, and enterprises make their price and output decisions based on market considerations.”¹⁵ For this reason, it is more likely today than it was in the past that non-selected Chinese companies actually qualify for separate rate status. Thus, any decision at this time to effectively prohibit Chinese companies from exporting to the United States (by turning the qualification procedure itself into a barrier to trade) flies in the face of economic reality, and China’s recognized effort to transform itself into a truly market based economy.

4. **THE DEPARTMENT DOES NOT FACE AN IMMINENT WORKLOAD CRISIS**

As the Appendix to these comments reveal, the Department quite clearly does not face an imminent workload crisis. While the Department may currently be facing a large number of requests for separate rate status in two ongoing investigations, the number of requests in these particular investigations merely reflects peculiar conditions of competition within the two industries being examined. The Department was faced with a significantly greater number of initial investigations in 2002 than in 2003 – 2004, and in the vast majority of Chinese cases fewer than 10 companies requested separate rates. In 2003, the Department issued eight Final Determinations in Chinese cases, four of which involved the investigation of merely one company requesting separate rate treatment. Thus, an examination of the Department’s actual workload does not support its proposal to reverse a longstanding, effective practice. For these reasons, even if the Department had the authority to modify this practice because of its

¹⁵ Ministry of Commerce, People’s Republic of China, Recognition of China as a Market Economy for Purposes of U.S. Antidumping Law (Mar.19, 2004).

administrative convenience – and as discussed above this authority does not exist – the facts and circumstances underlying recent AD investigations of Chinese exports confirms that there simply is no need to take this action at this time.

In this regard, the Department’s stated rationale for reconsidering its current practice – workload difficulties – is inconsistent with the Department’s implicit suggestion that Chinese companies should be required to submit additional information to qualify for a separate rate and the Department’s experience in prior NME cases. A Department concerned about its workload should be striving to reduce reporting requirements; a Department concerned with adherence to precedent should recognize that requiring Chinese companies to submit additional information to establish the obvious – i.e., that Chinese exporters are market driven - is counterproductive.

Accordingly, workload constraints and precedent suggest that the Department should reduce its reporting requirements for Chinese companies requesting separate rate status.

5. THE UNITED STATES SHOULD CONSIDER THE IMPACT OF ANY POLICY CHANGE ON ITS EXPORT-ORIENTED INDUSTRIES

A decision by the United States to make it more difficult for non-selected companies to qualify for separate status will send a strong signal to other WTO members that they can administer their own AD laws to effectively bar American made exports. As succinctly summarized in the CATO Institute report:

Another powerful constituency also stands to benefit from improved antidumping rules.... The constituency in question is U.S. exporters, whose interests lie not in the U.S. law, but in the proliferating tangle of foreign anti-dumping laws and the growing threat they pose to market access abroad. ...Policymakers need to lift their sights and recognize that more than 70 countries now have antidumping laws. They should recognize

further that, as a result, U.S. exports – and the vitality of the world trading system – are increasingly caught up in the crossfire.

Lindsey & Ikenson, at 103. Lindsey and Ikenson continue:

Meanwhile, the exports of rich countries are increasingly under antidumping attack.... In a bit of poetic justice, rich countries have been hoisted with their own petard. And no traditional user of the antidumping laws has been more victimized in recent years than the United States.

Id. at 111. The authors conclude:

American exports are increasingly encountering the same unpredictable, arbitrary and disruptive obstacles that have long been inflicted on other countries' exports to the United States. Indeed, from 1995 to 2000, the United States was the third most frequent target of the world's antidumping measures. [measures.

Id. at viii. Surely, the United States would strongly and justifiably complain if one of its trading partners decided to modify a ten year old policy, solely for the reason of administrative convenience, in which the result of the modification was that numerous American companies, which had fully co-operated in an investigation, were effectively prevented from exporting their goods to an important market. For this reason alone, the Department should refrain from making it more difficult for non-selected Chinese companies to qualify for company specific AD rates.

III. THE DEPARTMENT SHOULD HOLD A FORMAL PUBLIC HEARING IF IT CONTINUES TO BELIEVE IT SHOULD CHANGE ITS CURRENT POLICY

As discussed above, China submits that the United States, as a matter of law and sound public policy, should not modify its NME policy at this time to make it more difficult for non-selected exporters to qualify for separate rates.

If after reviewing preliminary comments submitted in response to its Federal Register Notice, the United States continues to believe that its policy should be modified in this manner, the Department should hold a formal public hearing on this issue. A decision by the Department

that a company is more likely to have its AD rate based on adverse facts available and be effectively prohibited from exporting to the United States is of sufficient importance to require a formal public hearing to allow all interested parties the opportunity to express their views.

IV. RESPONSE TO SPECIFIC QUESTIONS

(1) Is Section A of the NME questionnaire sufficiently detailed to allow the Department to make complete, accurate, and informed determinations regarding exporters' eligibility for separate rates? If not, what would you recommend that the Department change with respect to its section A questionnaire? For example, should the Department request further information pertaining to de jure control, or lack of control, by the NME entity?

ANSWER: Section A of the NME Questionnaire currently is sufficiently detailed for the Department to make complete, accurate, and informed determinations regarding exporters' eligibility for separate rates. Companies submitting Section A responses are required to certify to the Department that their responses are accurate. The Department conducts an exhaustive review of the Section A responses of mandatory respondents, and, in the past, this detailed analysis has confirmed that Chinese companies initial Section A responses accurately represent that these companies are entitled to individual rates. The Court of International Trade has upheld the Department's "separate rate" analysis as being supported by substantial evidence. Air Products and Chemicals Inc. v. United States, 22 CIT 433 (1998).

Rather than request additional information and documentation from Section A respondents, the Department should consider allowing these Respondents to answer the specific questions posed without submitting voluminous supporting documentation.¹⁶ Given the current

¹⁶ The Department is required, pursuant to 19 U.S.C. 1677m(c)(1) to "consider the ability of the interested party to submit...information in the requested form and manner," and, accordingly, "may modify ...requirements to the extent necessary to avoid imposing an unreasonable burden on that party." 19 U.S.C. 1677m(c)(2) likewise mandates that the Department "take into account

state of the Chinese economy, and its continuing commitment to market economy principles, and the Department's experience with Section A responses, submission of less paper, and reliance on a more streamlined process should be the Departments' goal in NME investigations.

Once a company has submitted a Section A response in an initial AD investigation, its Annual Review response should be limited to a statement as to any changes in the degree of control exercised by the Chinese government over the company's export operations since submission of the initial Section A response.

(2) What new procedures or approaches should be followed at verification to ensure a rigorous examination of whether a respondent qualifies for a separate rate?

ANSWER: It is not necessary for the Department to implement new procedures or approaches at verification to ensure that a respondent qualifies for a separate rate. Current procedures have adequately confirmed the validity of a company's initial Section A response.¹⁷

any difficulties experienced by interested parties, particularly small companies, in supplying information requested," and requires the Department to "provide to such interested parties any assistance that is practicable in supplying such information."

¹⁷ The Department is not required to conduct a 100 percent verification of all aspects of a Respondent's Section A submission. In Corus Engineering Steels, Ltd. v. United States, 25 I.T.R.D. 2056 (2003), the Court of International Trade summarized the Department's responsibilities in verifications as follows:

The process of verification is only a "spot check" and is not intended to be an exhaustive examination of a respondent's business. See, e.g., Monsanto v. United States, 12 CIT 937, 944, 698 F.Supp. 275, 281 (1988); Hercules, Inc. v. United States, 11 CIT 710, 673 F.Supp. 454, 469 (1987). And it is superfluous if a response is corroborated or directly contradicted by other independently reliable information of record. Cf., Maui Pineapple Co., Ltd. v. United States, 27 CIT ----, ----, 264 F.Supp.2d 1244, 1259 (2003) ("Commerce has considerable latitude in picking and choosing which items it will examine in detail.... In the absence of evidence in the record suggesting the need to examine further the supporting evidence itself, the agency may accept the credibility of the document at face value.").

To the contrary, once a company has certified to the Department that it qualifies for separate rate status, the Department should refrain from expending additional resources on this issue unless information is discovered during the normal course of verification calling into question the company's initial submission. The Department should not expend its scarce resources on a "fishing expedition," whose sole purpose is to invalidate a Respondent's entire questionnaire response, resulting in a margin based solely on adverse facts available. Instead, the Department should confirm that the margins ultimately calculated reflect the actual experience of the company being verified.

(3) Due to the number of possible section A respondents in many cases and the Department's resource constraints, should the Department establish a process whereby exporters seeking a separate rate must prepare a request and satisfy established requirements before the Department seeks additional information through the questionnaire process? What requirements would you recommend the Department establish?

ANSWER: There is no reason to interject yet another layer of responses in the Department's questionnaire process.

Alternatively, because of its resource constraints, the Department should allow those Section A respondents who are not selected as mandatory respondents to submit answers to the Department's questionnaires, without supporting documentation. Upon receipt of these responses, the Department could decide whether it is necessary for any supporting documents to be submitted.

(4) Should the Department institute an earlier deadline for parties filing section A submissions who are requesting only a separate rate (as opposed to a full review), in relation to the deadline for mandatory respondents? When should this deadline be?

ANSWER: The Department must recognize that even those parties who only need to file Section A responses must expend considerable resources in preparing and translating the documents which must be filed with the Department. For small and mid-size Chinese companies this often is not a simple task. Rather than request an earlier deadline, the Department should extend the current deadlines.

Only if the Department decides that Section A responses do not have to be accompanied by any documentation and presumes that Section A respondents qualify for separate rate status in the absence of substantial evidence to the contrary, could the Department request an earlier deadline for Section A submissions.

(5) In light of the Department's limited resources, should the number of section A respondents be limited and, if so, upon what basis should the Department limit its examination? For example, should the Department limit the examination to a specific number of parties, base this decision upon a percentage of the number of overall respondents requesting separate rates treatment, or develop an entirely different test to limit its examination?

ANSWER: As discussed in detail above, U.S. law and U.S. international obligations prohibit the Department from limiting the number of respondents entitled to obtain rates calculated on the basis of verified information submitted by mandatory respondents, as distinguished from prohibitive rates which reflect adverse facts available.

For the same reasons, the Department must accept all separate rate requests, unless it has in its possession substantial evidence that a particular company does not itself qualify for the separate status it has requested.

As the Appendix attached to this submission confirms, the Department is not facing a resource crisis and no reason exists to limit a company's eligibility for a separate rate.

(6) Under current practice, the Department maintains three rate categories: country-wide, individually calculated, and the average of the non-zero, non-de minimis, non-adverse rates. Does the Department have the authority to eliminate entirely the rate category that is based on the average of the calculated non-zero, non-adverse, and non-de minimis margins? This rate category is currently applicable to section A respondents, as well as to non-investigated respondents providing full questionnaire responses. If the Department has authority, should it eliminate this category and upon what basis?

ANSWER: As discussed in detail above the Department does not have the authority to eliminate the rate category based on the average of the calculated non-zero, non-adverse, and non-de minimis margins. The basic purpose of U.S. law, U.S. international obligations, and U.S. judicial precedent prevent the Department from calculating rates of companies who have requested individual consideration on the basis of a prohibitive country-wide adverse facts available rate.

In contrast, the Department has the authority to eliminate the prohibitive country-wide adverse facts available rate, and for the reasons discussed above, should do so.

(7) Should the Department develop an additional rate category beyond country-wide, individually calculated, and the average of the non-zero, non-de minimis, non-adverse rates? This additional rate category could be assigned to cooperative firms denied a separate rate under options (5) or (6) above, as an alternative to assigning them the country-wide rate. How should the duty rate for this fourth rate category be calculated?

ANSWER: There is no reason for the Department to assign an additional rate category for cooperative firms who have not been selected for individual analysis. As a matter of law and sound administrative policy, the Department should continue to calculate rates for these companies based on the average of the non-zero, non-de minimis, non-adverse rates.

In this regard, as discussed in detail above, the Department cannot calculate a rate for cooperative companies requesting separate rates based on a rate derived from adverse facts available, in whole or in part.

(8) Once a separate rate has been awarded, should the Department apply it only to merchandise from producers that supplied the exporter when the rate was granted? In that case, should merchandise from all other suppliers shipped through an exporter with a separate rate receive the country-wide rate, the average of the non-zero, non-de minimis, non-adverse reviewed respondents' margins, or another duty rate altogether?

ANSWER: When a supplier receives a separate rate, the Department should apply that rate to all shipments from that exporter, regardless of whether producer supplied subject merchandise to the exporter when the rate was established. Application of this rate to all shipments from a particular supplier is consistent with the fact that the exporter is responsible for setting its own prices, regardless of supplier. Attempting to segregate an exporter's rate into two or more rates would create significant administrative difficulties for Customs, without enhancing the Department's mandate to calculate rates as accurately as possible.

If Petitioners are concerned that this practice has led to the importation of subject merchandise at unreasonably low rates, they have the option of requesting that the Department conduct an Annual Review of a particular exporter.

(9) Should the Department extend its separate-rates analysis to exporter-producer combinations, i.e., should the Department consider any government control exercised on an exporter through a producer?

ANSWER: Assuming that an exporter, in fact, qualifies for a separate rate, by setting its own export prices, negotiating its own contracts, selecting its own management, and making independent decisions as to how to dispose of profits and losses, there is no reason for the

Department to look further to consider whether a particular producer is, or is not subject to government control.

While China believes that the Department's current policy should be modified by eliminating the punitive adverse facts available China country-wide rate, this policy at least has provided interested exporters with a reasonably straightforward and transparent basis for determining whether they qualify for separate rates. By attempting to ascertain the degree of control exercised by the Government on a producer, and whether that producer attempts to influence an exporter's pricing decisions, the Department will be required to undertake a costly exercise which will create additional unnecessary confusion.

Given the Department's concern with its scarce resources, this additional analysis is both counter productive and unnecessary.

(10) Please provide any additional views on any other matter pertaining to the Department's practice pertaining to separate rates.

ANSWER: The Government of China thanks the Department for the opportunity to submit these comments. China looks forward to working with Department officials in modifying current law by treating China as a market economy for antidumping purposes, and requests that the Department reject, as contrary to U.S. international obligations, U.S. law, and sound administrative policy any attempt to modify current practice by exposing more co-operative Chinese companies to antidumping duty margins calculated on the basis of adverse facts available.

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United States Department of Commerce
Final Determination of Sales at Less Than Fair Value (1996-April 2004)
Market Economy Countries/Regions

Fed. Reg. date	Case	Country/Region	Product	No. of respondents	Individual rate low	Individual rate high	All other rate
2004							
4/5/2004	580-853	Korea	Wax and wax/resin thermal transfer ribbon	1	1.65	1.65	1.65
4/16/2004	557-812	Malaysia	Color television receivers	1	0.75	0.75	0.75
3/8/2004	427-825	France	Wax and wax/resin thermal transfer ribbon	1	60.6	60.6	44.93
3/12/2004	588-863	Japan	Wax and wax/resin thermal transfer ribbon	2	147.3	147.3	106.6
a 1/28/04,							
12/8/03	549-820	Thailand	Prestressed concrete steel wire strand	1	12.91	12.91	12.91
2003							
12/8/2003	351-837	Brazil	Prestressed concrete steel wire strand	1	118.75	118.75	118.75
12/8/2003	533-828	India	Prestressed concrete steel wire strand	1	102.07	102.07	83.65
12/8/2003	580-852	Korea	Prestressed concrete steel wire strand	2	54.19	54.19	35.64
12/8/2003	201-831	Mexico	Prestressed concrete steel wire strand	2	62.78	77.2	62.78
11/5/2003	588-862	Japan	High and ultrahigh voltage ceramic post insulators	1	105.8	105.8	105.8
a 10/6/03,							
9/5/03	122-847	Canada	Hard red spring wheat	1	8.86	8.86	8.86
8/11/2003	580-850	Korea	Polyvinyl alcohol	1	38.74	38.74	32.08
a 4/29/03,							
4/21/2003	428-836	Germany	Polyvinyl alcohol	2	19.05	19.05	10.75
a 4/29/03,							
4/21/2003	588-861	Japan	Polyvinyl alcohol	4	144.16	144.16	76.78
2002							
11/29/2002	791-815	South Africa	Ferrovaniadium	2	116	116	116
10/3/2002	357-816	Argentina	Cold-rolled carbon steel flat products	1	27.18	27.18	27.18
10/3/2002	423-811	Belgium	Cold-rolled carbon steel flat products	1	11.56	11.56	11.56
10/3/2002	351-834	Brazil	Cold-rolled carbon steel flat products	1	33.88	33.88	33.88
a 10/29/02,							
8/30/02	122-840	Canada	Carbon and Certain Alloy Steel Wire Rod	3	1.18	9.9	8.11
10/3/2002	427-822	France	Cold-rolled carbon steel flat products	1	11.59	11.59	11.59
10/3/2002	428-834	Germany	Cold-rolled carbon steel flat products	1	12.56	12.56	12.56
10/3/2002	580-848	Korea	Cold-rolled carbon steel flat products	2	5.15	11.13	8.9
10/3/2002	421-810	Netherlands	Cold-rolled carbon steel flat products	1	6.28	6.28	6.28
		New Zealand					
10/3/2002	614-803	Zealand	Cold-rolled carbon steel flat products	1	21.72	21.72	21.72
10/3/2002	791-814	South Africa	Cold-rolled carbon steel flat products	1	41.9	41.9	41.9
10/3/2002	469-812	Spain	Cold-rolled carbon steel flat products	1	46.2	46.2	46.2
10/3/2002	583-839	Taiwan	Cold-rolled carbon steel flat products	3	4.02	16.8	4.02
10/3/2002	489-810	Turkey	Cold-rolled carbon steel flat products	1	4.32	4.32	4.32
10/3/2002	307-822	Venezuela	Cold-rolled carbon steel flat products	1	58.95	58.95	53.9
9/25/2002	437-804	Hungary	Sulfamic Acid	1	20.98	20.98	20.98
9/25/2002	471-806	Portugal	Sulfamic Acid	1	74.14	74.14	74.14
8/30/2002	351-832	Brazil	Carbon and Certain Alloy Steel Wire Rod	1	94.73	94.73	74.45
8/30/2002	428-832	Germany	Carbon and Certain Alloy Steel Wire Rod	1	15.12	15.12	15.12

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Fed. Reg. date	Case	Country/Region	Product	No. of respondents	Individual		All other rate
					rate low	rate high	
8/30/2002	560-815	Indonesia	Carbon and Certain Alloy Steel Wire Rod	1	4.06	4.06	4.06
8/30/2002	201-830	Mexico	Carbon and Certain Alloy Steel Wire Rod	1	20.11	20.11	20.11
8/30/2002	274-804	Trinidad and Tobago	Carbon and Certain Alloy Steel Wire Rod	1	11.4	11.4	11.4
a 8/14/02, 7/19/2002	602-804	Australia	Cold-rolled carbon steel flat products	1	24.06	24.06	24.06
a 7/1/2002, 5/16/02	533-824	India	Polyethylene Terephthalate Film, Sheet, and Strip	2	0	24.14	24.14
7/19/2002	533-826	India	Cold-rolled carbon steel flat products	1	153.65	153.65	153.65
7/19/2002	588-839	Japan	Cold-rolled carbon steel flat products	2	115.22	115.22	112.56
7/19/2002	401-807	Sweden	Cold-rolled carbon steel flat products	2	40.54	40.54	40.54
a 7/1/02, 5/20/02	533-837	Taiwan	Polyethylene Terephthalate Film, Sheet, and Strip	2	2.05	2.49	2.4
7/19/2002	549-819	Thailand	Cold-rolled carbon steel flat products	1	142.78	142.78	127.44
a 6/12/02, 5/21/02	337-806	Chile	IQF Red Raspberries	3	0	6.33	6.33
a 6/12/02, 5/20/02	475-831	Italy	Structural Steel Beams	1	0.01	0.01	0.01
a 6/17/02, 5/20/02	423-810	Luxembourg	Structural Steel Beams	1	6.14	6.14	6.14
a 6/12/02, 5/20/02	469-811	Spain	Structural Steel Beams	1	5.19	5.19	5.19
a 6/12/02, 5/20/02	583-838	Taiwan	Structural Steel Beams	2	5.21	15.32	12.24
a 5/22/02, 4/2/02	122-838	Canada	Softwood Lumber Products	6	2.18	12.44	8.43
5/20/2002	428-831	Germany	Structural Steel Beams	2	8.09	35.75	8.09
5/20/2002	791-811	South Africa	Structural Steel Beams	1	5.17	5.17	5.17
a 5/23/2002, 4/2/02	533-823	India	Silicomanganese	2	15.32	20.53	17.74
a 5/23/2002, 4/2/02	307-820	Venezuela	Silicomanganese	1	24.62	24.62	24.62
a 4/2/02, 2/26/02	122-837	Canada	Greenhouse Tomatoes	4	0.52	18.04	16.53
a 3/7/02, 1/23/02	428-830	Germany	Stainless Steel Bar	4	4.17	32.32	16.96
a 2/13/02, 12/21/01	427-818	France	Low Enriched Uranium	1	19.95	19.95	19.95
a 2/22/02, 1/23/02	475-829	Italy	Stainless Steel Bar	5	1.7	33	3.81
1/23/2002	427-820	France	Stainless Steel Bar	2	3.9	71.83	3.9
1/23/2002	580-847	Korea	Stainless Steel Bar	2	4.75	13.38	11.3
1/4/2002	201-828	Mexico	Welded Large Diameter Line Pipe	1	49.86	49.86	49.86
1/23/2002	583-836	Taiwan	Stainless Steel Bar	1	0	0	0

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Fed. Reg. date	Case	Country/Region	Product	No. of respondents	Individual rate low	Individual rate high	All other rate
1/23/2002	412-822	United Kingdom	Stainless Steel Bar	3	4.48	125.77	4.48
2001							
a 12/3/01, 10/3/01	533-820	India United	Hot-Rolled Carbon Steel Flat Products	2	36.53	44.4	38.72
12/21/2001	412-820	Kingdom	Low Enriched Uranium	1	0	0	0
12/21/2001	421-808	Germany	Low Enriched Uranium	1	0	0	0
12/21/2001	428-828	Netherlands	Low Enriched Uranium	1	0	0	0
a 11/22/2001, 10/3/01	421-807	Netherlands	Hot-Rolled Carbon Steel Flat Products	1	2.59	2.59	2.59
10/4/2001	357-812	Argentina	Honey	3	32.56	60.67	36.59
9/28/2001	560-812	Indonesia	Hot-Rolled Carbon Steel Flat Products	1	47.86	47.86	47.86
9/27/2001	508-809	Israel	Pure Magnesium	1	28.14	28.14	28.14
9/11/2001	588-857	Japan	Welded Large Diameter Line Pipe	2	30.8	30.8	30.8
9/28/2001	583-835	Taiwan	Hot-Rolled Carbon Steel Flat Products	2	29.14	29.14	20.28
9/28/2001	549-817	Thailand	Hot-Rolled Carbon Steel Flat Products	2	3.86	19.72	3.86
a 8/8/01, a 9/15/98, 7/29/98	580-829	Korea	Stainless Steel Wire Rod	2	5.77	28.44	5.77
a 8/28/01, 3/31/99	580-831	Korea	Stainless Steel Plate in Coils	1	6.08	6.08	6.08
6/8/99	580-834	Korea	Stainless Steel Sheet and Strip in Coils	3	0	58.79	2.49
7/16/2001	357-814	Argentina	Hot-Rolled Carbon Steel Flat Products	1	44.59	44.59	40.6
7/16/2001	791-809	South Africa	Hot-Rolled Carbon Steel Flat Products	2	9.28	9.28	9.28
6/22/2001	580-844	Korea	Steel Concrete Reinforcing Bars	2	22.89	102.28	22.89
4/11/2001	560-811	Indonesia	Steel Concrete Reinforcing Bars	8	71.01	71.01	60.46
4/11/2001	455-803	Poland	Steel Concrete Reinforcing Bars	1	52.07	52.07	47.13
3/23/2001	588-856	Japan	Stainless Steel Angle	3	114.51	114.51	70.48
3/23/2001	580-846	Korea	Stainless Steel Angle	2	99.56	99.56	40.21
3/23/2001	469-810	Spain	Stainless Steel Angle	1	61.45	61.45	24.32
2/28/2001	533-819	India	Steel Wire Rope	1	38.63	38.63	38.63
2/28/2001	557-810	Malaysia	Steel Wire Rope	1	0.26	0.26	0.26
2000							
12/27/2000	475-828	Italy	Stainless Steel Burt-Weld Pipe Fittings	1	26.59	26.59	26.59
12/27/2000	557-809	Malaysia	Stainless Steel Burt-Weld Pipe Fittings	1	7.51	7.51	7.51
12/27/2000	565-801	Philippines	Stainless Steel Burt-Weld Pipe Fittings	2	33.81	33.81	33.81
11/16/2000	560-810	Indonesia	Certain Expandable Polystyrene Resins	1	96.65	96.65	95.79
11/16/2000	580-843	Korea	Expandable Polystyrene Resins	2	0.82	0.83	N/A
10/16/2000	428-827	Germany	Stainless Steel Burt-Weld Pipe Fittings	3	76.24	76.24	51.34
a 8/18/2000 7/5/2000	580-841	South Korea	Structural Steel Beams	2	25.31	49.01	37.25

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Fed. Reg. date	Case	Country/Region	Product	No. of respondents	Individual rate low	Individual rate high	All other rate
a 8/11/2000	201-827	Mexico	65 Ft. 39358	1	15.05	15.05	15.05
6/26/2000	588-853	Japan	Circular Seamless stainless steel hollow products	1	156.81	156.81	62.14
7/1/2000	851-802	Czech Republic	Certain small diameter carbon and alloy seamless products	1	39.93	39.93	32.26
6/26/2000	588-854	Japan	Certain tin mill products	4	95.29	95.29	32.52
5/31/2000	560-807	Indonesia	Certain cold-rolled flat-rolled carbon-quality steel products	1	83.79	83.79	43.9
5/31/2000	859-801	Slovakia	Certain cold-rolled flat-rolled carbon-quality steel products	1	163.89	163.89	109.21
5/31/2000	583-834	Taiwan	Certain cold-rolled flat-rolled carbon-quality steel products	1	14.97	14.97	14.97
a 5/25/2000	580-839	Korea	Certain Polyester Staple Fiber	2	7.91	14.1	11.35
3/30/2000	580-839	Korea	Certain Polyester Staple Fiber	2	7.91	14.1	11.35
a 5/25/2000	583-833	Taiwan	Certain Polyester Staple Fiber	2	3.79	11.5	7.31
a 4/27/2000	583-833	Taiwan	Certain Polyester Staple Fiber	2	3.79	11.5	7.31
3/30/2000	583-833	Taiwan	Certain Polyester Staple Fiber	2	3.79	11.5	7.31
5/4/2000	588-850	Japan	Certain large diameter carbon and alloy seamless standard, line and pressure pipe	3	107.8	107.8	68.88
5/4/2000	588-851	Japan	Certain small diameter carbon and alloy seamless standard, line and pressure pipe	3	106.07	106.07	70.43
5/4/2000	791-808	South Africa	Certain small diameter carbon and alloy seamless standard, line and pressure pipe	1	43.51	43.51	40.17
4/25/2000	588-852	Japan	Structural steel beams	6	65.21	65.21	31.98
4/6/2000	307-815	Venezuela	Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Flat Products	1	56.37	56.37	42.93
3/21/2000	489-808	Turkey	Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products	2	8.67	32.91	8.67
a 2/10/2000	427-816	France	Certain cut-to-length carbon-quality steel plate products	1	10.41	10.41	10.41
12/29/1999	427-816	France	Certain cut-to-length carbon-quality steel plate products	1	10.41	10.41	10.41
a 2/10/2000	533-817	India	Certain cut-to-length carbon-quality steel plate products	1	72.49	72.49	72.49
12/29/1999	560-805	Indonesia	Certain cut-to-length carbon-quality steel plate products	2	50.8	52.42	50.8
a 2/10/2000	475-826	Italy	Certain cut-to-length carbon-quality steel plate products	1	7.85	7.85	7.85
12/29/1999	475-826	Italy	Certain cut-to-length carbon-quality steel plate products	1	7.85	7.85	7.85
a 2/10/2000	588-847	Japan	Certain cut-to-length carbon-quality steel plate products	5	10.78	59.12	10.78
12/29/1999	588-847	Japan	Certain cut-to-length carbon-quality steel plate products	5	10.78	59.12	10.78
a 2/10/2000	580-836	South Korea	Certain cut-to-length carbon-quality steel plate products	1	2.98	2.98	2.98
12/29/1999	580-836	South Korea	Certain cut-to-length carbon-quality steel plate products	1	2.98	2.98	2.98
2/4/2000	351-830	Brazil	Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products	2	63.32	46.68	46.68
2/4/2000	351-830	Brazil	Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products	2	63.32	46.68	46.68
2/4/2000	791-807	South Africa	Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products	1	16.65	16.65	16.65

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Fed. Reg. date	Case	Country/Region	Product	No. of respondents	Individual rate low	Individual rate high	All other rate
2/4/2000	357-811	Argentina	Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products	1	24.53	24.53	24.53
2/4/2000	588-849	Japan	Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products	5	53.04	53.04	39.28
2/4/2000	549-814	Thailand	Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products	1	80.67	80.67	67.97
1999							
10/21/1999	122-833	Canada	Live cattle	6	0.62	15.69	5.63
10/19/1999	583-832	Taiwan	Dynamic Random Access Memory Semiconductors of One Megabit and above ("DRAMs.")	4	8.21	69	21.35
a 7/27/1999	427-814	France	Stainless Steel Sheet and Strip in Coils	1	9.38	9.38	9.38
6/8/1999	427-814	France	Stainless Steel Sheet and Strip in Coils	1	9.38	9.38	9.38
a 7/27/1999	428-825	Germany	Stainless Steel Sheet and Strip in Coils	1	25.37	25.37	25.37
6/8/1999	428-825	Germany	Stainless Steel Sheet and Strip in Coils	1	25.37	25.37	25.37
a 7/27/1999	475-824	Italy	Stainless Steel Sheet and Strip in Coils	1	11.23	11.23	11.23
6/8/1999	475-824	Italy	Stainless Steel Sheet and Strip in Coils	1	11.23	11.23	11.23
a 7/27/1999	588-845	Japan	Stainless Steel Sheet and Strip in Coils	5	40.18	57.87	40.18
6/8/1999	588-845	Japan	Stainless Steel Sheet and Strip in Coils	5	40.18	57.87	40.18
a 7/27/1999	201-822	Mexico	Stainless Steel Sheet and Strip in Coils	1	30.85	30.85	30.85
6/8/1999	201-822	Mexico	Stainless Steel Sheet and Strip in Coils	1	30.85	30.85	30.85
7/19/1999	351-828	Brazil	Certain Hot-Rolled Flat-Rolled Carbon-Quality Steel Products	2	41.27	43.4	42.12
6/8/1999	583-831	Taiwan	Stainless Steel Sheet and Strip in Coils	5	0.98	34.95	12.61
6/8/1999	412-818	United Kingdom	Stainless Steel Sheet and Strip in Coils	1	14.84	14.84	14.84
a 5/21/1999							
3/26/1999	560-803	Indonesia	Extruded Rubber Thread	2	5.13	28.29	24
5/6/1999	588-846	Japan	Hot-Rolled Flat-Rolled Carbon-Quality Steel Products	3	17.86	67.14	29.3
4/9/1999	122-829	Canada	Stainless Steel Round Wire	2	11.18	11.79	11.64
4/9/1999	533-814	India	Stainless Steel Round Wire	1	18.64	18.64	18.64
4/19/1999	533-815	India	Elastic Rubber Tape	1	66.51	66.51	45.55
4/9/1999	588-844	Japan	Stainless Steel Round Wire	2	29.56	29.56	15.2
4/9/1999	580-830	South Korea	Stainless Steel Round Wire	1	3.07	3.07	3.07
4/9/1999	469-808	Spain	Stainless Steel Round Wire	1	35.8	35.8	24.4
4/9/1999	583-829	Taiwan	Stainless Steel Round Wire	2	3.94	4.75	4.47
3/31/1999	423-808	Belgium	Stainless Steel Plate in Coils	1	9.86	9.86	9.86
3/29/1999	351-827	Brazil	Emission Styrene-Butadiene Rubber	1	71.08	71.08	43.85
3/31/1999	122-830	Canada	Stainless Steel Plate in Coils	1	15.35	15.35	11.1
3/31/1999	475-822	Italy	Stainless Steel Plate in Coils	1	45.09	45.09	39.69
3/29/1999	580-833	South Korea	Emission Styrene-Butadiene Rubber	2	16.65	118.88	16.65
3/29/1999	201-821	Mexico	Emission Styrene-Butadiene Rubber	1	33.01	33.01	33.01
3/31/1999	791-805	South AFRICA	Stainless Steel Plate in Coils	1	41.63	41.63	41.63
3/31/1999	583-830	Taiwan	Stainless Steel Plate in Coils	2	8.02	10.2	7.39

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Fed. Reg. date	Case	Country/Region	Product	No. of respondents	Individual rate low	Individual rate high	All other rate
a 2/19/1999	533-813	India	Certain Preserved Mushrooms	4	6.28	243.87	10.87
12/31/1998							
12/31/1998	560-802	Indonesia	Certain Preserved Mushrooms	2	7.94	22.84	11.26
10/22/1998	337-804	Chile	Certain Preserved Mushrooms	1	148.51	148.51	148.51
a 7/30/1998	423-805	Belgium	Certain Cut-to-length carbon steel plate	1	3.65	3.65	6.75
7/9/93							
a 7/27/1998							
1/6/94	351-820	Brazil	Ferrosilicon	2	17.93	19.73	42.17
7/29/1998	428-824	Germany	Stainless Steel Wire Rod	2	21.28	21.28	19.45
7/29/1998	475-820	Italy	Stainless Steel Wire Rod	2	1.27	12.73	12.73
7/29/1998	588-843	Japan	Stainless Steel Wire Rod	5	0	34.21	25.26
7/29/1998	469-807	Spain	Stainless Steel Wire Rod	1	4.72	4.72	4.72
7/29/1998	401-806	Sweden	Stainless Steel Wire Rod	1	5.71	5.71	5.71
7/29/1998	583-828	Taiwan	Stainless Steel Wire Rod	2	0.02	8.24	8.24
a 7/30/1998							
6/9/1998	337-803	Chile	Fresh Atlantic Salmon	5	0.21	10.91	5.19
6/10/1998	475-814	Italy	Small Diameter Circular Seamless Carbon and Alloy Steel, Standard, Line and Pressure Pipe	1	1.27	1.27	1.27
a 4/1/1998							
2/24/1998	122-826	Canada	Steel Wire Rod	1	6.95	6.95	6.95
a 4/16/1998							
2/23/1998	583-827	Taiwan	Static Random Access Memory Semiconductors	4	7.56	101.53	41.75
2/23/1998	428-822	Germany	Steel Wire Rod	4	72.51	153.1	72.51
2/23/1998	580-828	South Korea	Static Random Access Memory Semiconductors	3	1	55.36	5.08
2/24/1998	274-802	Trinidad & Tobago	Steel Wire Rod	1	11.85	11.85	11.85
2/23/1998	307-813	Venezuela	Steel Wire Rod	1	66.75	66.75	66.75
1997							
11/19/1997	791-804	South Africa	Cut-to-length Carbon Steel Plate	2	26.01	50.87	38.36
10/28/1997	405-802	Finland	Certain cut-to-length carbon steel plate	1	40.36	40.36	40.36
10/1/1997	580-827	Korea	Collated roofing nails	2	0	0	0
10/1/1997	583-826	Taiwan	Collated roofing nails	5	0	40.28	5.36
8/15/1997	433-807	Austria	Open-end spun rayon singles yarn	2	2.36	12.36	7.42
8/28/1997	588-841	Japan	Vector supercomputers	2	173.08	454	313.54
a 6/16/1997			Engineered Process Gas Turbo-Compressor Systems, Whether Assembled or Unassembled, and Whether Complete or Incomplete				
5/5/1997	588-840	Japan		1	38.32	38.32	38.32
a 4/7/1997							
3/4/1997	489-807	Turkey	Certain Steel Concrete Reinforcing Bars	5	9.84	41.8	16.06

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Fed. Reg. date	Case	Country	Product	No. of Section A companies	No. of mandatory respondents	Individual rate low	Individual rate high	Average rate for Section A companies	PRC-rate
2004									
4/16/2004	570-884	China	Color television receivers	13	4	4.35	24.48	21.49	78.45
2003									
a 1/12/4/03,									
10/28/03	570-881	China	Malleable iron pipe fittings	5	3	7.35	15.92	11.18	111.36
a 9/2/03,									
8/11/03	570-879	China	Polyvinyl alcohol	1	1	6.91	6.91	6.91	97.86
			Refined brown artificial corundum or brown fused alumina	1	1	135.18	135.18	135.18	135.18
9/26/2003	570-882	China	Barium carbonate	1	1	34.44	34.44	34.44	81.3
8/6/2003	570-880	China	Saccharin	3	3	249.39	291.57	N/A	329.94
a 6/13/03,									
5/20/03	570-878	China	Lawn and garden steel fence posts	3	3	0	6.6	N/A	15.61
4/25/2003	570-877	China	Ball bearings and parts thereof	48	3	7.22	10.59	7.8	59.3
3/6/2003	570-874	China	Non-malleable cast iron pipe fittings	2	2	6.34	7.08	N/A	75.5
2/18/2003	570-875	China	Petovanadium	1	1	12.97	12.97	12.97	66.71
a 1/28/2003,									
11/29/02	570-873	China	Cold-rolled carbon steel flat products	1	1	105.35	105.35	105.35	105.35
2002									
10/3/2002	570-872	China	Structural Steel Beams	1	1	15.23	15.23	15.23	89.17
a 6/18/02,									
5/20/02	570-869	China	Folding Metal Tables and Chairs	4	2	0	13.72	13.72	70.71
a 5/16/02,									
4/24/02	570-868	China	Circular Welded Carbon-Quality Steel Pipe	8	3	0	3.87	3.87	36.42
5/24/2002	570-870	China	Automotive Replacement Glass Windshields	7	2	3.71	11.8	9.84	124.5
a 3/15/02,									
2/12/02	570-867	China	Folding Gift Boxes	2	2	1.67	8.9	N/A	164.75
2001									
a 12/5/01,									
11/20/01	570-866	China	Honey	7	3	25.88	57.13	45.46	183.8
a 12/10/01,									
10/4/01	570-863	China	Foundry Coke Products	4	4	48.55	105.91	N/A	214.89
a 9/17/01,									
a 8/31/01,									
7/31/01	570-862	China	Pure Magnesium in Granular Form	1	1	24.67	24.67	24.67	305.56
9/27/2001	570-864	China	Hot-Rolled Carbon Steel Flat Products	5	3	64.2	90.83	65.59	90.83
9/28/2001	570-865	China	Steel Concrete Reinforcing Bars	1	1	132.53	132.53	132.53	132.53
a 8/20/01,									
6/22/01	570-860	China	Steel Wire Rope	8	2	0.02	42.23	42.23	58
2/28/2001	570-859	China	Bulk Aspirin	2	2	10.85	16.51	N/A	144.02
2000									
6/27/2000	570-853	China	Synthetic Indigo	7	1	79.7	79.7	79.7	129.6
a 6/19/2000	570-856	China							

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2004				13	4		4.35	24.48	21.49		78.45
4/16/2004	570-884	China	Color television receivers			1	1.65	1.65		1.65	
4/5/2004	580-853	Korea	Wax and wax/fresh thermal transfer ribbon			1	0.75	0.75		0.75	
4/16/2004	557-812	Malaysia	Color television receivers			1	60.6	60.6		44.93	
3/8/2004	427-825	France	Wax and wax/fresh thermal transfer ribbon			2	147.3	147.3		106.6	
3/12/2004	588-863	Japan	Wax and wax/fresh thermal transfer ribbon			1	12.91	12.91		12.91	
a 1/28/04	549-820	Thailand	Prestressed concrete steel wire strand			1	118.75	118.75		118.75	
12/8/03						1	102.07	102.07		83.65	
2003						2	54.19	54.19		35.64	
12/8/2003	351-837	Brazil	Prestressed concrete steel wire strand			2	62.78	77.2		62.78	
12/8/2003	533-828	India	Prestressed concrete steel wire strand			1	7.35	15.92	11.18		111.36
12/8/2003	580-852	Korea	Prestressed concrete steel wire strand			1	105.8	105.8		105.8	
12/8/2003	201-831	Mexico	Prestressed concrete steel wire strand			1	8.86	8.86		8.86	
a 11/24/03				5	3		7.35	15.92	11.18		111.36
10/28/03	570-881	China	Malleable iron pipe fittings			1	6.91	6.91		6.91	
11/5/2003	588-862	Japan	High and ultrahigh voltage ceramic post insulators			1	105.8	105.8		105.8	
a 10/6/03						1	8.86	8.86		8.86	
9/5/03	122-847	Canada	Hard red spring wheat			1	6.91	6.91		6.91	
a 9/2/03				1	1		135.18	135.18		135.18	
8/11/03	570-879	China	Polyvinyl alcohol			1	34.44	34.44		34.44	
9/26/2003	570-882	China	Refined brown artificial corundum or brown fused alumina			1	38.74	38.74		32.08	
8/6/2003	570-880	China	Barium carbonate			1	36.84	47.05	45.55		63.88
8/11/2003	580-850	Korea	Polyvinyl alcohol			1	249.39	291.57	N/A		329.94
a 7/24/2003				11	4		0	6.6	N/A		15.61
6/23/03	552-801	Vietnam	Frozen fish fillets			1	19.05	19.05		10.75	
a 6/13/03				3	3		144.16	144.16		76.78	
5/20/03	570-878	China	Saccharin			3	7.22	10.59	7.8		59.3
4/25/2003	570-877	China	Lawn and garden steel fence posts			3	106.98	106.98		239.14	
a 4/29/03				48	3		56.11	79.42		77.51	
4/21/2003	428-836	Germany	Polyvinyl alcohol			2	226.82	226.82		226.82	
a 4/29/03	588-861	Japan	Polyvinyl alcohol			4	6.34	7.08	N/A		75.5
3/6/2003	570-874	China	Ball bearings and parts thereof			2	N/A	N/A		193.57	
3/3/2003	821-818	Russian Federation	Urea ammonium nitrate solutions			1	12.97	12.97		66.71	
a 3/13/03				2	2		116	116		116	
2/11/03	821-817	Russian Federation	Silicon metal			1	33.88	33.88		33.88	
2/21/2003	822-805	Belarus	Urea ammonium nitrate solutions			1	11.56	11.56		11.56	
2/18/2003	570-875	China	Non-malleable cast iron pipe fittings			2	116	116		116	
2/27/2003	823-814	Ukraine	Urea ammonium nitrate solutions			1	11.56	11.56		11.56	
a 1/28/2003				N/A	N/A		11.56	11.56		11.56	
11/29/02	570-873	China	Ferrovandium			1	11.56	11.56		11.56	
2002				1	1		11.56	11.56		11.56	
11/29/2002	791-815	South Africa	Ferrovandium			2	11.56	11.56		11.56	
10/3/2002	357-816	Argentina	Cold-rolled carbon steel flat products			1	33.88	33.88		33.88	
10/3/2002	423-811	Belgium	Cold-rolled carbon steel flat products			1	33.88	33.88		33.88	
10/3/2002	351-834	Brazil	Cold-rolled carbon steel flat products			1	33.88	33.88		33.88	

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a 10/29/02, 8/30/02	122-840	Canada	Carbon and Certain Alloy Steel Wire Rod			3	1.18	9.9		8.11	
8/30/02	570-872	China	Cold-rolled carbon steel flat products	1	1	1	105.35	105.35	105.35	11.59	105.35
10/3/2002	427-822	France	Cold-rolled carbon steel flat products			1	11.59	11.59		11.59	
10/3/2002	428-834	Germany	Cold-rolled carbon steel flat products			1	12.56	12.56		12.56	
10/3/2002	580-848	Korea	Cold-rolled carbon steel flat products			2	5.15	11.13		8.9	
10/3/2002	421-810	Netherlands	Cold-rolled carbon steel flat products			1	6.28	6.28		6.28	
10/3/2002	614-803	New Zealand	Cold-rolled carbon steel flat products			1	21.72	21.72		21.72	
10/3/2002	821-815	Russian Federation	Cold-rolled carbon steel flat products		N/A		N/A	N/A		41.9	137.33
10/3/2002	791-814	South Africa	Cold-rolled carbon steel flat products			1	41.9	41.9		41.9	
10/3/2002	469-812	Spain	Cold-rolled carbon steel flat products			1	46.2	46.2		46.2	
10/3/2002	583-839	Taiwan	Cold-rolled carbon steel flat products			3	4.02	16.8		4.02	
10/3/2002	489-810	Turkey	Cold-rolled carbon steel flat products			1	4.32	4.32		4.32	
10/3/2002	307-822	Venezuela	Cold-rolled carbon steel flat products			1	58.95	58.95		53.9	
9/25/2002	437-804	Hungary	Sulfamic Acid			1	20.98	20.98		20.98	
9/25/2002	471-806	Portugal	Sulfamic Acid			1	74.14	74.14		74.14	
8/30/2002	351-832	Brazil	Carbon and Certain Alloy Steel Wire Rod			1	94.73	94.73		74.45	
8/30/2002	428-832	Germany	Carbon and Certain Alloy Steel Wire Rod			1	15.12	15.12		15.12	
8/30/2002	560-815	Indonesia	Carbon and Certain Alloy Steel Wire Rod			1	4.06	4.06		4.06	
8/30/2002	201-830	Mexico	Carbon and Certain Alloy Steel Wire Rod			1	20.11	20.11		20.11	
8/30/2002	841-805	Moldova	Carbon and Certain Alloy Steel Wire Rod	N/A	N/A		N/A	N/A		20.11	369.1
8/30/2002	274-804	Trinidad and Tobago	Carbon and Certain Alloy Steel Wire Rod			1	11.4	11.4		11.4	
8/30/2002	823-812	Ukraine	Carbon and Certain Alloy Steel Wire Rod	1	1		116.37	116.37		11.4	116.37
a 8/14/02, 7/19/2002	602-804	Australia	Cold-rolled carbon steel flat products			1	24.06	24.06		24.06	
a 7/1/2002, 5/1/6/02	533-824	India	Polyethylene Terephthalate Film, Sheet, and Strip			2	0	24.14		24.14	
7/19/2002	533-826	India	Cold-rolled carbon steel flat products			1	153.65	153.65		153.65	
7/19/2002	588-859	Japan	Cold-rolled carbon steel flat products			2	115.22	115.22		112.56	
7/19/2002	401-807	Sweden	Cold-rolled carbon steel flat products			2	40.54	40.54		40.54	
a 7/1/02, 5/20/02	533-837	Taiwan	Polyethylene Terephthalate Film, Sheet, and Strip			2	2.05	2.49		2.4	
7/19/2002	549-819	Thailand	Cold-rolled carbon steel flat products			1	142.78	142.78		127.44	
a 6/12/02, 5/21/02	337-806	Chile	IQF Red Raspberries			3	0	6.33		6.33	
a 6/18/02, 5/20/02	570-869	China	Structural Steel Beams	1	1		15.23	15.23	15.23		89.17
a 6/12/02, 5/20/02	475-831	Italy	Structural Steel Beams			1	0.01	0.01		0.01	
a 6/17/02, 5/20/02	423-810	Luxembourg	Structural Steel Beams			1	6.14	6.14		6.14	
a 6/19/02, 5/20/02	821-814	Russian Federation	Structural Steel Beams	1	1		239.82	239.82			239.82
a 6/12/02, 5/20/02	469-811	Spain	Structural Steel Beams			1	5.19	5.19		5.19	
a 6/12/02, 5/20/02	583-838	Taiwan	Structural Steel Beams			2	5.21	15.32		12.24	

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4/22/02	122-838	Canada	Softwood Lumber Products			6	2.18	12.44		8.43	
a 5/16/02											
4/24/02	570-868	China	Folding Metal Tables and Chairs	4	1		0	0	13.72		70.71
5/24/2002	570-870	China	Circular Welded Carbon-Quality Steel Pipe	8	2		0	0	3.87		36.42
5/20/2002	428-831	Germany	Structural Steel Beams			2	8.09	35.75		8.09	
5/20/2002	791-811	South Africa	Structural Steel Beams			1	5.17	5.17		5.17	
a 5/23/2002											
4/2/02	533-823	India	Silicomanganese			2	15.32	20.53		17.74	
a 5/23/2002											
4/2/02	834-807	Kazakhstan	Silicomanganese	1	1		247.88	247.88			247.88
a 5/23/2002											
4/2/02	307-820	Venezuela	Silicomanganese			1	24.62	24.62		24.62	
a 4/2/02											
2/26/02	122-837	Canada	Greenhouse Tomatoes			4	0.52	18.04		16.53	
a 3/15/02											
2/12/02	570-867	China	Automotive Replacement Glass Windshields	7	2		3.71	11.9	9.84		124.5
a 3/7/02											
1/23/02	428-830	Germany	Stainless Steel Bar			4	4.17	32.32		16.96	
a 2/13/02											
1/21/01	427-818	France	Low Enriched Uranium			1	19.95	19.95		19.95	
a 2/22/02											
1/23/02	475-829	Italy	Stainless Steel Bar			5	1.7	33		3.81	
1/23/2002	427-820	France	Stainless Steel Bar			2	3.9	71.83		3.9	
1/23/2002	580-847	Korea	Stainless Steel Bar			2	4.75	13.38		11.3	
1/4/2002	201-828	Mexico	Welded Large Diameter Line Pipe			1	49.86	49.86		49.86	
1/23/2002	583-836	Taiwan	Stainless Steel Bar			1	0	0		0	
1/23/2002	412-822	United Kingdom	Stainless Steel Bar			3	4.48	125.77		4.48	
2001											
a 12/5/01											
11/20/01	570-866	China	Folding Gift Boxes	2	2		1.67	8.9	N/A		164.75
a 12/10/01											
10/4/01	570-863	China	Honey	7	3		25.88	57.13	45.46		183.8
a 12/3/01											
10/3/01	533-820	India	Hot-Rolled Carbon Steel Flat Products			2	36.53	44.4		38.72	
12/21/2001	412-820	United Kingdom	Low Enriched Uranium			1	0	0		0	
12/21/2001	421-808	Germany	Low Enriched Uranium			1	0	0		0	
12/21/2001	428-828	Netherlands	Low Enriched Uranium			1	0	0		0	
a 11/22/2001											
10/3/01	421-807	Netherlands	Hot-Rolled Carbon Steel Flat Products			1	2.59	2.59		2.59	
10/4/2001	357-812	Argentina	Honey			3	32.56	60.67		36.59	
10/3/2001	834-806	Kazakhstan	Hot-Rolled Carbon Steel Flat Products	1	1		243.46	243.46		243.46	
10/3/2001	823-811	Ukraine	Hot-Rolled Carbon Steel Flat Products	N/A	N/A		N/A	N/A			90.33
a 9/17/01											
a 8/31/01											
7/31/01	570-862	China	Foundry Coke Products	4	4		48.55	105.91	N/A		214.89
9/27/2001	570-864	China	Pure Magnesium in Granular Form	1	1		24.67	24.67		24.67	305.56
9/28/2001	570-865	China	Hot-Rolled Carbon Steel Flat Products	5	3		64.2	90.83	65.59		90.83
9/28/2001	560-812	Indonesia	Hot-Rolled Carbon Steel Flat Products			1	47.86	47.86		47.86	

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9/27/2001	508-809	Israel	Pure Magnesium			1	28.14	28.14		28.14	
9/11/2001	588-857	Japan	Welded Large Diameter Line Pipe			2	30.8	30.8		30.8	
9/28/2001	485-806	Romania	Hot-Rolled Carbon Steel Flat Products	4	4		16.88	22.48			88.62
9/27/2001	821-813	Russian Federation	Pure Magnesium	3	3		0	0			0
9/28/2001	583-835	Taiwan	Hot-Rolled Carbon Steel Flat Products			2	29.14	29.14		20.28	
9/28/2001	549-817	Thailand	Hot-Rolled Carbon Steel Flat Products			2	3.86	19.72		3.86	
a/8/20/01,											
6/22/2001	570-860	China	Steel Concrete Reinforcing Bars	1	1		132.53	132.53		132.53	132.53
a/8/8/01,											
a/9/15/98,											
7/29/98	580-829	Korea	Stainless Steel Wire Rod			2	5.77	28.44		5.77	
a/8/28/01,											
3/31/99	580-831	Korea	Stainless Steel Plate in Coils			1	6.08	6.08		6.08	
a/8/28/01,											
6/8/99	580-834	Korea	Stainless Steel Sheet and Strip in Coils			3	0	58.79		2.49	
7/16/2001	357-814	Argentina	Hot-Rolled Carbon Steel Flat Products			1	44.59	44.59		40.6	
7/16/2001	791-809	South Africa	Hot-Rolled Carbon Steel Flat Products			2	9.28	9.28		9.28	
7/25/2001	823-810	Ukraine	Solid Agricultural Grade Ammonium Nitrate	1	1		156.29	156.29		156.29	156.29
6/22/2001	822-804	Belarus	Steel Concrete Reinforcing Bars	N/A	N/A		N/A	N/A		N/A	114.53
6/22/2001	580-844	Korea	Steel Concrete Reinforcing Bars			2	22.89	102.28		22.89	
6/22/2001	449-804	Latvia	Steel Concrete Reinforcing Bars	1	1		17.21	17.21		17.21	17.21
6/22/2001	841-804	Moldova	Steel Concrete Reinforcing Bars	N/A	N/A		N/A	N/A		N/A	232.86
4/11/2001	560-811	Indonesia	Steel Concrete Reinforcing Bars			8	71.01	71.01		60.46	
4/11/2001	453-803	Poland	Steel Concrete Reinforcing Bars			1	52.07	52.07		47.13	
4/11/2001	823-809	Ukraine	Steel Concrete Reinforcing Bars	N/A	N/A		N/A	N/A		N/A	41.69
3/23/2001	588-856	Japan	Stainless Steel Angle			3	114.51	114.51		70.48	
3/23/2001	580-846	Korea	Stainless Steel Angle			2	99.56	99.56		40.21	
3/23/2001	469-810	Spain	Stainless Steel Angle			1	61.45	61.45		24.32	
2/28/2001	533-819	India	Steel Wire Rope			1	38.63	38.63		38.63	
2/28/2001	570-859	China	Steel Wire Rope	8	1		0.02	0.02		42.23	58
2/28/2001	557-810	Malaysia	Steel Wire Rope			1	0.26	0.26		0.26	
2000											
12/27/2000	473-828	Italy	Stainless Steel Butt-Weld Pipe Fittings			1	26.59	26.59		26.59	
12/27/2000	557-809	Malaysia	Stainless Steel Butt-Weld Pipe Fittings			1	7.51	7.51		7.51	
12/27/2000	565-801	Philippines	Stainless Steel Butt-Weld Pipe Fittings			2	33.81	33.81		33.81	
11/16/2000	560-810	Indonesia	Certain Expandable Polystyrene Resins			1	96.65	96.65		95.79	
11/16/2000	580-843	Korea	Expandable Polystyrene Resins			2	0.82	0.83		N/A	
10/16/2000	428-827	Germany	Stainless Steel Butt-Weld Pipe Fittings			3	76.24	76.24		51.34	
a/8/10/2000	485-805	Romania	Certain small diameter carbon and alloy seamless standard, line and pressure pipe	2	2		11.08	15.15			13.06
a/8/18/2000											
7/5/2000	580-841	South Korea	Structural Steel Beams			2	25.31	49.01		37.25	
a/8/11/2000											
6/26/2000	201-827	Mexico	Certain small diameter carbon and alloy seamless standard, line, and pressure pipe			1	15.05	15.05		15.05	
7/12/2000	588-853	Japan	Circular Seamless stainless steel hollow products			1	156.81	156.81		62.14	
7/11/2000	821-811	Russian Federation	Solid Fertilizer Grade Ammonium Nitrate	1	1		253.98	253.98		253.98	
6/27/2000	570-853	China	Bulk Aspirin	2	2		10.85	16.51			144.02

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6/26/2000	851-802	Czech Republic	Certain small diameter carbon and alloy seamless standard, line, and pressure pipe			1	39.93	39.93		32.26	
6/26/2000	588-854	Japan	Certain tin mill products			4	95.29	95.29		32.52	
6/19/2000	570-856	China	Synthetic Indigo	7	1		79.7	79.7	79.7		129.6
a 6/5/2000	570-855	China	Certain non-frozen apple juice concentrate	10	6		0	27.57	14.88		51.74
4/13/2000	570-854	China	Certain Cold-rolled flat-rolled carbon quality steel products	N/A	N/A		N/A	N/A	N/A		23.72
5/31/2000	560-807	Indonesia	Certain cold-rolled flat-rolled carbon-quality steel products			1	83.79	83.79		43.9	
5/31/2000	859-801	Slovakia	Certain cold-rolled flat-rolled carbon-quality steel products			1	163.89	163.89		109.21	
5/31/2000	583-834	Taiwan	Certain cold-rolled flat-rolled carbon-quality steel products			1	14.97	14.97		14.97	
a 5/25/2000	580-839	Korea	Certain Polyester Staple Fiber			2	7.91	14.1		11.35	
a 4/27/2000	583-833	Taiwan	Certain Polyester Staple Fiber			2	3.79	11.5		7.31	
3/30/2000	588-850	Japan	Certain large diameter carbon and alloy seamless standard, line and pressure pipe			3	107.8	107.8		68.88	
5/4/2000	588-851	Japan	Certain small diameter carbon and alloy seamless standard, line and pressure pipe			3	106.07	106.07		70.43	
5/4/2000	791-808	South Africa	Certain small diameter carbon and alloy seamless standard, line and pressure pipe			1	43.51	43.51		40.17	
4/25/2000	588-852	Japan	Structural steel beams			6	65.21	65.21		31.98	
4/6/2000	307-815	Venezuela	Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Flat Products			1	56.37	56.37		42.93	
3/21/2000	489-808	Turkey	Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products			2	8.67	32.91		8.67	
a 2/10/2000	427-816	France	Certain cut-to-length carbon-quality steel plate products			1	10.41	10.41		10.41	
12/29/1999	533-817	India	Certain cut-to-length carbon-quality steel plate products			1	72.49	72.49		72.49	
a 2/10/2000	560-805	Indonesia	Certain cut-to-length carbon-quality steel plate products			2	50.8	52.42		50.8	
12/29/1999	475-826	Italy	Certain cut-to-length carbon-quality steel plate products			1	7.85	7.85		7.85	
a 2/10/2000	588-847	Japan	Certain cut-to-length carbon-quality steel plate products			5	10.78	59.12		10.78	
12/29/1999	580-836	South Korea	Certain cut-to-length carbon-quality steel plate products			1	2.98	2.98		2.98	
2/4/2000	351-830	Brazil	Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products			2	63.32	46.68		46.68	
2/4/2000	821-810	Russian Federation	Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products	N/A	N/A		N/A	N/A			73.98
2/4/2000	791-807	South Africa	Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products			1	16.65	16.65		16.65	
2/4/2000	357-811	Argentina	Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products			1	24.53	24.53		24.53	

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Fed. Reg. date	Case	Country/Region	Product	NME Cases No. of Section A Companies	NME Cases No. of Mandatory Respondents	Market Economy Cases No. of Respondents	Individual Rate Low	Individual Rate High	Average Rate for Section A Companies	Market Economy Cases All other rate	NME rate
2/4/2000	588-849	Japan	Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products			5	53.04	53.04		39.28	
2/4/2000	549-814	Thailand	Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products			1	80.67	80.67		67.97	
1999									N/A		
12/20/1999	570-852	China	Creative Monohydrate	6	6	6	0	58.1		5.63	153.7
10/21/1999	122-833	Canada	Live cattle			6	0.62	15.69			
10/19/1999	583-832	Taiwan	Dynamic Random Access Memory Semiconductors of One Megabit and above ("DRAMs")			4	8.21	69		21.35	
a 7/27/1999	427-814	France	Stainless Steel Sheet and Strip in Coils			1	9.38	9.38		9.38	
6/8/1999	428-825	Germany	Stainless Steel Sheet and Strip in Coils			1	25.37	25.37		25.37	
a 7/27/1999	475-824	Italy	Stainless Steel Sheet and Strip in Coils			1	11.23	11.23		11.23	
6/8/1999	588-845	Japan	Stainless Steel Sheet and Strip in Coils			5	40.18	57.87		40.18	
a 7/27/1999	201-822	Mexico	Stainless Steel Sheet and Strip in Coils			1	30.85	30.85		30.85	
7/19/1999	351-828	Brazil	Stainless Steel Sheet and Strip in Coils			2	41.27	43.4		42.12	
7/19/1999	821-809	Russian Federation	Hot-Rolled Flat-Rolled Carbon-Quality Steel Products	1	1		73.59	73.59		184.56	
6/10/1999	834-802	Kazakhstan	Uranium	N/A	N/A		N/A	N/A		115.82	
6/8/1999	583-831	Taiwan	Stainless Steel Sheet and Strip in Coils			5	0.98	34.95		12.61	
6/8/1999	412-818	United Kingdom	Stainless Steel Sheet and Strip in Coils			1	14.84	14.84		14.84	
a 5/21/1999	560-803	Indonesia	Extruded Rubber Thread			2	5.13	28.29		24	
5/11/1999	570-827	China	Certain cased pencils	5	5		0	53.65	N/A		53.65
5/6/1999	588-846	Japan	Hot-Rolled Flat-Rolled Carbon-Quality Steel Products			3	17.86	67.14		29.3	
4/9/1999	122-829	Canada	Stainless Steel Round Wire			2	11.18	11.79		11.64	
4/9/1999	533-814	India	Stainless Steel Round Wire			1	18.64	18.64		18.64	
4/19/1999	533-815	India	Elastic Rubber Tape			1	66.51	66.51		45.55	
4/9/1999	588-844	Japan	Stainless Steel Round Wire			2	29.56	29.56		15.2	
4/9/1999	580-830	South Korea	Stainless Steel Round Wire			1	3.07	3.07		3.07	
4/9/1999	469-808	Spain	Stainless Steel Round Wire			1	3.58	3.58		24.4	
4/9/1999	583-829	Taiwan	Stainless Steel Round Wire			2	3.94	4.75		4.47	
3/31/1999	423-808	Belgium	Stainless Steel Round Wire			1	9.86	9.86		9.86	
3/31/1999	351-827	Brazil	Stainless Steel Plate in Coils			1	71.08	71.08		43.85	
3/31/1999	122-830	Canada	Stainless Steel Plate in Coils			1	15.35	15.35		11.1	
3/29/1999	475-822	Italy	Stainless Steel Plate in Coils			1	45.09	45.09		39.69	
3/29/1999	580-833	South Korea	Emulsion Styrene-Butadiene Rubber			2	16.65	118.88		16.65	
3/29/1999	201-821	Mexico	Emulsion Styrene-Butadiene Rubber			1	33.01	33.01		33.01	
3/31/1999	791-805	South Africa	Stainless Steel Plate in Coils			1	41.63	41.63		41.63	
3/31/1999	583-830	Taiwan	Stainless Steel Plate in Coils			2	8.02	10.2		7.39	
a 2/19/1999	570-851	China	Certain Preserved Mushrooms	12	3		126.16	178.59		158.79	198.63
12/31/1998	570-851	China	Certain Preserved Mushrooms								
12/31/1998	533-813	India	Certain Preserved Mushrooms			4	6.28	243.87		10.87	

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12/31/1998	560-802	Indonesia	Certain Preserved Mushrooms			2	7.94	22.84		11.26	
10/22/1998	337-804	Chile	Certain Preserved Mushrooms			1	148.51	148.51		148.51	
a 7/30/1998	423-805	Belgium	Certain Cut-to-length carbon steel plate			1	3.65	3.65		6.75	
a 7/27/1998	351-820	Brazil	Ferrosilicon			2	17.93	19.73		42.17	
7/29/1998	428-824	Germany	Stainless Steel Wire Rod			2	21.28	21.28		19.45	
7/29/1998	475-820	Italy	Stainless Steel Wire Rod			2	1.27	12.73		12.73	
7/29/1998	588-843	Japan	Stainless Steel Wire Rod			5	0	34.21		23.26	
7/29/1998	469-807	Spain	Stainless Steel Wire Rod			1	4.72	4.72		4.72	
7/29/1998	401-806	Sweden	Stainless Steel Wire Rod			1	5.71	5.71		5.71	
7/29/1998	583-828	Taiwan	Stainless Steel Wire Rod			2	0.02	8.24		8.24	
a 7/30/1998	337-803	Chile	Fresh Atlantic Salmon			5	0.21	10.91		5.19	
6/10/1998	475-814	Italy	Small Diameter Circular Seamless Carbon and Alloy Steel, Standard, Line and Pressure Pipe			1	1.27	1.27		1.27	
a 4/1/1998	122-826	Canada	Steel Wire Rod			1	6.95	6.95		6.95	
a 4/16/1998	583-827	Taiwan	Static Random Access Memory Semiconductors			4	7.56	101.53		41.75	
2/23/1998	428-822	Germany	Steel Wire Rod			4	72.51	153.1		72.51	
2/23/1998	580-828	South Korea	Static Random Access Memory Semiconductors			3	1	55.36		5.08	
2/24/1998	274-802	Trinidad & Tobago	Steel Wire Rod			1	11.85	11.85		11.85	
2/23/1998	307-813	Venezuela	Steel Wire Rod			1	66.75	66.75		66.75	
1997	570-849	China	Cut-to-length Carbon Steel Plate			5	17.33	128.59	N/A		128.59
11/20/1997	821-808	Russian Federation	Cut-to-length Carbon Steel Plate			1	53.81	53.81			185
11/19/1997	791-804	South Africa	Cut-to-length Carbon Steel Plate			2	26.01	50.87		38.36	
11/19/1997	823-808	Ukraine	Certain Cut-to-length Carbon Steel Plate			2	81.43	155			237.91
10/28/1997	405-802	Finland	Certain cut-to-length carbon steel plate			1	40.36	40.36		40.36	
10/1/1997	570-830	China	Collated roofing nails			2	0	0	0	0	118.41
10/1/1997	580-827	Korea	Collated roofing nails			2	0	0	0	0	
10/1/1997	583-826	Taiwan	Collated roofing nails			5	0	40.28		5.36	
a 9/15/1997	570-848	China	Freshwater Crawfish Tail Meat			4	91.5	156.77	122.92	7.42	201.63
8/15/1997	433-807	Austria	Open-end spun rayon singles yarn			2	2.36	12.36		313.54	
8/28/1997	588-841	Japan	Vector supercomputers			2	173.08	454			
a 7/7/1997	570-847	China	Persulfates			3	32.22	34.97	N/A		119.02
5/19/1997			Engineered Process Gas Turbo-Compressor Systems, Whether Assembled or Unassembled.			1	38.32	38.32		38.32	

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a 4/7/1997	489-807	Turkey	Certain Steel Concrete Reinforcing Bars			5	9.84	41.8		16.06	
a 4/2/1997	570-846	China	Brake Rotors	9	1		16.07	16.07	8.51		86.02
2/28/1997	560-801	Indonesia	Melamine Institutional Dinnerware Products			2	8.1	12.9		8.1	
1/13/1997	570-844	China	Melamine Institutional Dinnerware Products	4	4		0.04	2.74	N/A		7.06
1/13/1997	583-825	Taiwan	Melamine Institutional Dinnerware Products			4	0	53.13		3.25	
1/17/1997	834-805	Kazakhstan	Beryllium Metal and High Beryllium Alloys	1	1		16.56	16.56			16.56
1996			Foam Extruded PVC and Polystyrene Framing Stock			3	0	84.82		20.01	
10/2/1996	412-817	United Kingdom	Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled			2	30.72	46.4		3.72	
a 9/4/1996	428-821	Germany	Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled			2	56.28	62.26		58.69	
7/23/1996	588-837	Japan	Whether Assembled or Unassembled			2	56.28	62.26		58.69	
7/24/1996	475-818	Italy	Certain Pasta			7	0	46.67		11.26	
6/14/1996	489-805	Turkey	Certain pasta			2	56.87	63.29		56.87	
5/14/1996	483-804	Romania	Circular Welded non-alloy steel pipe	2	2		77.61	85.12		85.12	
5/9/1996	588-838	Japan	Clad steel plate			1	118.53	118.53		118.53	
5/14/1996	791-803	South Africa	Circular Welded non-alloy steel pipe				117.66	117.66		117.66	
7/1/1996	570-843	China	Bicycles	9	6		0	2.95	0		61.67
4/30/1996	570-842	China	Polyvinyl alcohol	2	2		0	116.75	N/A		116.75
3/29/1996	583-824	Taiwan	Polyvinyl alcohol			1	19.21	19.21		19.21	
3/29/1996	588-836	Japan	Polyvinyl alcohol			4	77.49	77.49		77.49	

Note: a = amended final determination