COMMITTEE TO SUPPORT U.S. TRADE LAWS

3050 K Street, NW #400
Washington, DC 20007
202.342.8450 TEL
202.342.8451 FAX

DAVID A. HARTQUIST
Executive Director

May 4, 2006

Honorable David Spooner
Assistant Secretary for Import Administration
U.S. Department of Commerce
Central Records Unit, Room 1870
Pennsylvania Avenue and 14th Street, NW
Washington, DC 20230

Attention: Weighted Average Dumping Margin; Rebuttal Comments of the Committee to Support U.S. Trade Laws

Dear Mr. Spooner:

On behalf of the Committee to Support U.S. Trade Laws ("CSUSTL"), these rebuttal comments are presented in response to the Department's March 6, 2006 notice concerning the calculation of the weighted-average dumping margin in an antidumping duty investigation, and the notice of the extension of the rebuttal comment period published on April 25, 2006. See Antidumping Proceedings: Calculation of the Weighted Average Dumping Margin During an Antidumping Duty Investigation, 71 Fed. Reg. 11,189 (Dep't Commerce, March 6, 2006) ("Weighted Average Dumping Margin"); Antidumping Proceedings: Calculation of the Weighted Average Dumping Margin During an Antidumping Duty Investigation; Extension of Rebuttal Comment Period, 71 Fed. Reg. 23,898 (Dep't Commerce, April 25, 2006) ("Extension of Rebuttal Comment Period").

I. INTRODUCTION

In comments filed on April 5, 2006, CSUSTL submitted that it is premature and inappropriate for the Department to abandon its practice of making average-to-average

comparisons in antidumping investigations without providing offsets for non-dumped comparisons, in light of the ongoing negotiations in the Doha Round concerning this very issue. CSUSTL further explained that the Department's practice is required by the statute and may not be altered without Congressional action. However, assuming arguendo that the Department has statutory authority to change its practice, CSUSTL, as well as other commentators, proposed that the Department should compare normal value and export price on a transaction-to-transaction basis in antidumping investigations, with no offset for non-dumped sales. CSUSTL reiterates these views.

Other commentators expressed differing views, some of which CSUSTL addresses in these rebuttal comments. In general, these submissions, mostly made by foreign governments, foreign producers, associations of foreign producers, and counsel for foreign producers, reflected several themes:

1. The Department should extend the schedule for rebuttal comments and its final decision to allow for consideration of the WTO Appellate Body reports in United States – Zeroing (EC) and United States – Softwood Lumber (Dumping), Recourse to Article 21.5 of the DSU.

2. Commerce should continue to employ, as its normal methodology for investigations, weighted-average-to-weighted-average comparisons, with offsets, and not use transaction-to-transaction comparisons except for exceptional cases.

3. Commerce should provide offsets regardless of the comparison methodology employed or the type of proceeding in which dumping margins are calculated or used.

4. Commerce should apply its changes to all pending investigations and reviews, and even all investigations and reviews completed since the end of the Uruguay Round, rather than applying the changes prospectively.

CSUSTL responds to each of these points below.

II. THE DEPARTMENT MAY NOT ABANDON ITS METHODOLOGY OF NOT PROVIDING OFFSETS FOR NON-DUMPED SALES WITHOUT A CHANGE IN THE STATUTE

As CSUSTL demonstrated in its initial comments, the Department may not make the proposed change in its margin calculation methodology so as to apply offsets for non-dumped sales unless and until Congress amends the statute. Relying on the decisions issued by the U.S. Court of Appeals for the Federal Circuit in Timken Co. v. United States and Corus Staal BV v. Dep't of Commerce, several commentators argue that the Department's current methodology of not applying offsets for non-dumped sales is not required by U.S. law. However, as CSUSTL showed in its initial comments, neither of these decisions by the Federal Circuit considered the fact that certain critical provisions of the statute – i.e., the provisions setting forth the margin calculation methodologies in 19 U.S.C. § 1677f-1(d) – would be rendered meaningless if offsetting is used. Specifically, if offsetting is used, a respondent's dumping margin would always be the same regardless of whether weighted average or individual U.S. transaction prices are compared to a weighted average normal value. Because the only purpose of 19 U.S.C. § 1677f-1(d) is to specify when weighted average or individual U.S. transaction prices are used, that provision would be deprived of all meaning if the result is always the same regardless of the method used. Accordingly, the statute requires the Department not to provide offsets for non-dumped sales in calculating a company's dumping margin in any antidumping proceeding, and the Department may not do so without a change in the statute. Any arguments to the contrary must be rejected.[1]

---

[1] For a more complete discussion rebutting the specific contentions of the commentators arguing that the Department's proposed change is permitted by U.S. law, please see the rebuttal comments filed today on behalf of United States Steel Corporation.

III. THE DEPARTMENT SHOULD DELAY ANY FINAL DECISION UNTIL THE CONCLUSION OF THE DOHA ROUND NEGOTIATIONS

However, if the Department does determine to make a change in its practice regarding the calculation of dumping margins, as CSUSTL discussed in its initial comments, it would be both premature and contrary to Congressional mandate for it to do so unilaterally prior to the conclusion of the Doha Round. As explained previously, given the fact that the Department's dumping margin calculation methodology is on the table in the Doha Round, it would be counterproductive for the Department to simply abandon this methodology now. Instead, CSUSTL urges the Department to maintain its current practice and focus on obtaining a satisfactory resolution of the issue in the course of the negotiations.

Several commentators agreed that the Department should delay making any policy change. However, some of these commentators suggested that the Department stay its consideration of the margin calculation issue pending the outcome of dispute settlement proceedings before the WTO Appellate Body, including United States – Zeroing (EC) and United States – Softwood Lumber (Dumping), Recourse to Article 21.5 of the DSU. As CSUSTL has suggested, though, the most appropriate guidance for the Department in determining what and whether any policy changes are necessary will come from whatever modifications or clarifications of the Antidumping Agreement are agreed by the WTO Membership, as a result of the Doha Round negotiations.

CSUSTL notes that the Appellate Body report in United States – Zeroing (EC) was released on April 18, 2006. See United States – Laws, Regulations and Methodology for Calculating Dumping Margins ("Zeroing"), WT/DS294/AB/R (April 18, 2006) {" United States – Zeroing (EC)"}. One day later, the Department posted a notice on its website, which was later published in the Federal Register, extending the rebuttal comment period in the context of this

ongoing rule making process. The Department did not provide any explanation for the extension of time, nor did it expressly link the extension to the release of the Appellate Body report. Indeed, neither the Department nor the USTR has publicly responded to the release of the Appellate Body report or proposed to take any specific action to implement its findings.

In CSUSTL's view, it would be inappropriate for the Department to alter its proposed course of action in this proceeding, in response to the Appellate Body report, without first announcing an alternative or additional proposed course of action and seeking public comment on the proposal. For its part, CSUSTL has publicly criticized the Appellate Body's report as another "clear example of WTO overreaching its legal mandate." See "Coalition Criticizes WTO's Decision on U.S. Antidumping Policy," PR Newswire, Monday, April 24, 2006. In CSUSTL's view, "{t}he decision represents both poor precedent and poor policy." Id. Hence, CSUSTL opposes the implementation of this decision in this or any proceeding.

Indeed, the release of the Appellate Body report reinforces the need for the Department to wait until the conclusion of the current negotiations before making any methodological changes in the calculation of weighted-average dumping margins in investigations. The decisions of the Appellate Body with respect to this issue have not provided clear guidance for the Department with respect to the precise obligations imposed by the Antidumping Agreement, and have, in the view of CSUSTL, Congress, and others, departed from the intended meaning of the text of the Agreement. Thus, the Department should only make policy changes based on the outcome of the negotiations. In the meantime, as previously stated, the Department should maintain its current practice and work to obtain a satisfactory resolution of the issue in the Doha Round.

IV. IF THE DEPARTMENT CHANGES ITS PRACTICE, IT SHOULD COMPARE NORMAL VALUE AND EXPORT PRICE ON A TRANSACTION-TO-TRANSACTION BASIS, WITH NO OFFSETS

Various commentators have suggested that the Department should continue to employ, as its normal methodology for investigations, weighted-average-to-weighted-average comparisons, with offsets, and should not use transaction-to-transaction comparisons except for exceptional cases. They assert that the transaction-to-transaction methodology is an exceptional methodology, like the weighted-average-to-transaction methodology; that the weighted-average-to-weighted-average methodology is a longstanding practice of the Department; and that transaction-to-transaction comparisons cannot be applied in NME and constructed value situations. These assertions are without merit. As noted above and in its initial comments, CSUSTL urges the Department to make no change to its methodology. However, if it makes any change, it should adopt the transaction-to-transaction comparison approach, without providing offsets for non-dumped comparisons.

As an initial matter, CSUSTL notes that the Appellate Body report in United States – Zeroing (EC) did not consider or make findings with respect to the transaction-to-transaction comparison methodology in investigations, as that methodology was not before it. Indeed, in discussing its view of the definition of "margin of dumping" and the requirement to determine the margin of dumping for the "product as a whole," on which it has elaborated in previous decisions, the Appellate Body recalled that "in *US – Softwood Lumber V*, the Appellate Body stated that the investigating authority is required to take into account the results of all multiple comparisons in order to establish margins of dumping for the product as a whole in the specific context of the weighted-average-to-weighted-average methodology, and that it did not address the issue of zeroing in the context of the other methodologies set out in Article 2.4.2." See

United States – Zeroing (EC) para. 127 (emphasis added). In this report, the Appellate Body likewise clarified that it was "not making any finding here with respect to the consistency of the zeroing methodology, as such, with the second or third methodology set forth in Article 2.4.2 for establishing the existence of margins of dumping." Id. at para. 203.

A. The Transaction-to-Transaction Methodology is Not an Exceptional Methodology

Several commentators suggest that the transaction-to-transaction comparison methodology is an exceptional methodology and that the Department is required to normally use the weighted-average-to-weighted-average comparison methodology. This view is incorrect. Neither the statute nor the Antidumping Agreement expresses a preference as between the weighted-average-to-weighted-average and transaction-to-transaction comparison methodologies. The only methodology deemed to be an "exception" is the weighted-average-to-transaction comparison approach, which may only be used when certain conditions are satisfied. 19 U.S.C. § 1677f-1(d)(1)(B).

The Department recognized in the Softwood Lumber Section 129 proceeding that there is "no stated preference" in the statute as between the weighted-average-to-weighted-average and transaction-to-transaction comparison methodologies. Notice of Determination Under Section 129 of the Uruguay Round Agreements Act: Antidumping Measures on Certain Softwood Lumber Products From Canada, 70 Fed. Reg. 22,636, 22,638 (May 2, 2005) ("Softwood Lumber Section 129 determination"). The only statements expressing preference for weighted-average-to-weighted-average comparisons are found in the Statement of Administrative Action ("SAA") and the Department's implementing regulations, and even then there is only an expression of what the Department will "normally" do.

As the Department explained in the Section 129 determination, while the SAA and the Department's regulations state that it will "normally" measure dumping margins on the basis of weighted-average-to-weighted-average comparisons, "this position was drafted and implemented over ten years ago, when the Department did not offset for non-dumped sales in its weighted-average-to-weighted-average comparisons in antidumping investigations and when computer technology was inferior to the computer technology of [today]." Id. at 22,641. The Department further elaborated that "[w]hat was 'normal' in an antidumping investigation in the United States in 1994 is, under the Appellate Body's analysis, inconsistent with our WTO obligations, as applied in this case. However, absent the Department's 'normal' analysis, neither the SAA, nor the regulations, direct the Department as to the appropriate alternative methodology." Id. at 22,642.

Thus, there is no basis for regarding transaction-to-transaction comparisons as an exceptional methodology.

B. The Department Should Continue its Longstanding Practice of Fully Accounting for All Dumping

Some commentators have suggested that it has been the "longstanding" practice of the Department to use weighted-average-to-weighted-average comparisons to determine the existence of margins of dumping in antidumping investigations. They have urged the Department to maintain this "longstanding" practice. However, these commentators are mistaken in their understanding of the history of the administration of the antidumping law by the Department.

The weighted-average-to-weighted-average comparison methodology is hardly longstanding. In fact, it was implemented only after the conclusion of the Uruguay Round and the enactment of the URAA. As the Department explained in the Softwood Lumber Section 129

determination, "Section 19 CFR 351.414(c) of the Department's regulations, adopted shortly after the URAA came into force, adopted the SAA's preference for weighted-average-to-weighted-average comparisons in investigations...." 70 Fed. Reg. 22,636, 22,639 (emphasis added). Prior to the enactment of the URAA, the Department used the weighted-average-to-transaction comparison methodology, without providing offsets, in all antidumping proceedings where it calculated a dumping margin. SAA at 842. Thus, the Department has only used and had an expressed preference for the weighted-average-to-weighted-average comparison methodology for about ten years.

As the Department further explained in the Softwood Lumber Section 129 determination, "when the URAA was negotiated, the Department did not apply an offset for non-dumped sales in antidumping investigations. Consequently, when Congress expressed a preference for weighted-average comparisons and when the Department adopted its regulations, they did so in the context of the Department's longstanding approach of not applying such an offset when making such comparisons." 70 Fed. Reg. 22,636, 22,639 (emphasis added). This statement confirms that, in fact, the Department's longstanding approach has consistently been to not provide offsets for non-dumped sales, since long before and following the enactment of the URAA. As CSUSTL has advocated in these comments and its initial comments, the Department should continue this longstanding practice.

C. The Department's Nonmarket Economy (NME) and Constructed Value (CV) Methodologies Need Not be Changed at All in This Rule Making Process, or, Alternatively, Can Easily be Applied in the Transaction-to-Transaction Comparison Methodology

One commentator suggested that it is not possible to use the transaction-to-transaction comparison methodology in NME cases (and, by implication, in CV cases). This is incorrect. As explained below, CSUSTL considers that the Department does not need to address the issue

in this rule making process. However, should the Department choose to address it, it should also employ the transaction-to-transaction comparison methodology in NME/CV situations, without providing offsets for non-dumped sales.

As an initial matter, it must be recognized that no WTO panel or Appellate Body decision has found that U.S. methodology as applied in NME or CV situations is inconsistent with U.S. obligations under the Antidumping Agreement. Thus, the Department would be not "conforming" its practice to any WTO decisions by making a change to U.S. methodology in investigations in either NME or CV situations. Accordingly, the Department does not need to address the issue at this time.

If the Department does decide to apply the same methodology in investigations involving NME/CV situations as in cases involving market economies or cases where there are usable home market sales, it should use the transaction-to-transaction comparison methodology, without providing offsets for non-dumped sales. It cannot be the case, as one commentator suggested, that it is not possible to use transaction-to-transaction comparisons in NME/CV situations. As explained above, the Antidumping Agreement expresses no preference as between weighted-average-to-weighted-average comparisons and transaction-to-transaction comparisons. *See* Article 2.4.2 of the Antidumping Agreement. Also, there is no reference to NME/CV situations nor a cross-reference to the provisions governing them in the provisions of the Antidumping Agreement concerning comparison methodologies, so it would be inappropriate to read the Agreement as implicitly favoring one methodology over the other in NME/CV situations. In fact, the Antidumping Agreement provides for the use of constructed normal value, i.e., for the substitution of a third country price or constructed price for normal value separately from the provisions governing comparison methodology, in Article 2.2. Constructed value actually has its

origin in GATT Article VI:1. Likewise, the application of NME methodology was provided for in the original GATT, in *Ad* Article VI, para. 1.2, which recognizes that "in the case of imports from a country which has a complete or substantially complete monopoly of its trade and where all domestic prices are fixed by the State, special difficulties may exist in determining price comparability ... and in such cases importing contracting parties may find it necessary to take into account the possibility that a strict comparison with domestic prices in such a country may not always be appropriate." Thus, it is contrary to the structure of the WTO Agreements to suggest that it is not possible to use the transaction-to-transaction comparison methodology in NME/CV situations.

In practice, the Department should have no difficulty using transaction-to-transaction comparisons in NME/CV situations. The normal value determined in NME/CV situations is not a weighted-average normal value. A weighted-average normal value, by definition, is the weighted average of multiple home market prices. In NME/CV situations, there are no usable home market prices. The normal value is a construction. While this construction may be based on average costs or surrogate values, this does not convert the NME/CV normal value into a weighted-average normal value. Rather, the normal value determined under the NME/CV methodology stands in the place of every transaction made (or not made) during the period of investigation in the home market. Consequently, that constructed transaction may be compared with each export transaction individually just as it may be compared with the weighted-average of all export transactions to determine the existence of dumping. Indeed, this is what the Department does in administrative reviews in NME/CV situations.

In sum, the transaction-to-transaction methodology is not an exceptional methodology; the Department has a longstanding practice of not providing offsets for non-dumped sales, while the use of weighted-average-to-weighted-average comparisons is a relatively recent development; and transaction-to-transaction comparisons can be applied by the Department in NME and CV situations without difficulty. Hence, just as the Department was not required "to simply use a 'modified' weighted-average-to-weighted-average methodology championed by the Canadian Parties" in the Softwood Lumber Section 129 proceeding, the Department is not required to simply use the same modified weighted-average-to-weighted-average methodology in future investigations, as is now championed by certain commentators. As CSUSTL has advocated, if the Department determines to make any change, which we believe it should not, it should adopt the transaction-to-transaction approach, and should continue its longstanding practice of not providing offsets for non-dumped sales.

V. THE DEPARTMENT SHOULD NOT PROVIDE OFFSETS FOR NON-DUMPED SALES UNDER ANY CIRCUMSTANCES

As explained in CSUSTL's initial comments and reiterated above, if it makes any change to its practice, the Department should use transaction-to-transaction comparisons in antidumping investigations, without providing any offsets for non-dumped sales. Some commentators have suggested that the Department should provide offsets regardless of the comparison methodology employed or the type of proceeding in which dumping margins are calculated or used. However, extending the proposed change to these other methodologies and proceedings would be outside the scope of the Department's notice, and is not even necessary to implement the panel decision in United States – Zeroing (EC). In CSUSTL's view, the Department need not and should not provide offsets for non-dumped sales under any circumstances.

The panel in United States – Softwood Lumber (Dumping), Recourse to Article 21.5 of the DSU found that the methodology applied by the Department in the Softwood Lumber Section 129 determination, i.e., transaction-to-transaction comparisons without offsets, advocated here by CSUSTL if the Department makes any change, is consistent with the Antidumping Agreement. See United States – Softwood Lumber (Dumping), Article 21.5 para. 5.65. As that panel explained, the Appellate Body's findings on "zeroing" or offsets are not applicable in the context of transaction-to-transaction comparisons. Id. at para. 5.30. The panel further explained that "although the T-T methodology might involve aggregation or summing up of results of comparisons of transaction-specific prices, this should not be confused with averaging. There is no requirement that aggregation under the T-T methodology should result in, or reflect, averages." Id. at para. 5.29. This view was not disturbed by the recent Appellate Body report in United States – Zeroing (EC), which, as noted above, did not consider or make findings with respect to the transaction-to-transaction comparison methodology in investigations. See United States – Zeroing (EC) para. 203.

Additionally, both the United States – Zeroing (EC) and United States – Softwood Lumber (Dumping), Article 21.5 panels recognized, as explained in detail in CSUSTL's initial comments, that requiring offsets for weighted-average-to-transaction comparisons, i.e., the exceptional methodology available to address instances of targeted dumping, would result in that methodology yielding weighted-average dumping margins mathematically identical to those resulting from the weighted-average-to-weighted-average comparison methodology. US – Zeroing (EC), para. 7.266; Softwood Lumber (Dumping), Article 21.5, para. 5.33. Both panels agreed with the contention of the United States (and CSUSTL) that this would effectively read the exceptional targeted dumping methodology out of the Antidumping Agreement, as well as

the statute, as discussed in CSUSTL's initial comments. The recent Appellate Body report in United States – Zeroing (EC) did not address this issue or make any finding related to it. Thus, the suggestion by some commentators that the Department should grant offsets when it uses weighted-average-to-transaction comparisons during the investigation phase also cannot be accepted.

While the recent Appellate Body report in United States – Zeroing (EC) made various findings related to the review proceedings examined in that dispute, it did not "determine whether the zeroing methodology, as it relates to administrative reviews, is inconsistent, as such," with the provisions of the Antidumping Agreement. See para. 228. Thus, the Appellate Body report cannot be understood to create an obligation for the Department to make the kind of broad policy change with respect to administrative reviews that it is now contemplating for investigations. Furthermore, as pointed out earlier, the Appellate Body did not make any finding "with respect to the consistency of the zeroing methodology, as such, with the second or third methodology set forth in Article 2.4.2 for establishing the existence of margins of dumping." See United States – Zeroing (EC) para. 203. As the Department has not yet proposed to take any specific action to implement the findings of this report, it would not be appropriate at this time to consider changing its methodology in any type of proceeding beyond the antidumping investigation, e.g., administrative reviews, sunset reviews, etc. If the Department were to consider any change to its methodology in such proceedings, it should make a specific proposal and solicit further comment from interested parties.

In sum, while CSUSTL believes that no change should be made to the Department's methodology, there is certainly no reason for the Department to do more than it proposed to do in the March 6, 2006 notice, i.e., "abandon the use of average–to-average comparisons without ...

panel recommendations apply only prospectively." SAA at 1026. This well-established GATT (and WTO) principle is not limited to re-determinations in particular antidumping, countervailing duty, and safeguards cases (governed by Section 129). Rather, this broad principle is equally applicable to rule and policy changes made under Section 123.

The differences in the language of the statutory provisions are of little significance. Determinations under Section 129 are limited in application to "unliquidated entries of the subject merchandise ... that are entered, or withdrawn from warehouse, for consumption on or after" the date on which the Trade Representative directs action to be taken. 19 U.S.C. § 3538(c)(1). However, the text of Section 123 likewise prescribes the effective date of any modification:

> A final rule or other modification ... may not go into effect before the end of the 60-day period beginning on the date on which consultations under paragraph (1)(E) begin, unless the President determines that an earlier effective date is in the national interest."

19 U.S.C. § 3533(g)(2). Thus, it is the extraordinary case under Section 123 in which early or retroactive effect of a final rule or other modification is permissible under the statute.

Furthermore, it is illogical to suggest that for re-determinations in specific antidumping, countervailing duty, and safeguards cases only prospective implementation is allowed (with respect to unliquidated entries of the subject merchandise), but for broader changes in practice in these same areas of the law, the Department should reach back and disturb already settled matters. As the Department noted in the Softwood Lumber Section 129 determination, "finality is an important aspect of agency proceedings." 71 Fed. Reg. 22,636, 22,641. The Department further pointed out that, "[a]s the CIT explained in *Dupont Teijin Films USA, LP, et. al.* v. *United States*, Slip Op. 2004–70 (June 18, 2004), once a final determination has been made, the agency may only reopen the record and amend its decisions in limited circumstances, such as an

offsets." Weighted-Average Dumping Margin, 71 Fed. Reg. 11,189. As CSUSTL has advocated, to the extent it makes any change, the Department should move to regularly using the transaction-to-transaction comparison methodology, without providing offsets for non-dumped sales.

VI. ANY CHANGES IN THE METHODOLOGY USED BY THE DEPARTMENT SHOULD ONLY BE APPLIED PROSPECTIVELY TO INVESTIGATIONS INITIATED AFTER FINAL NOTICE OF THE CHANGE IS PUBLISHED IN THE FEDERAL REGISTER

In its March 6, 2006 notice, the Department indicated that "[a]ny changes in methodology will be applied in all investigations initiated on the basis of petitions received on or after the first day of the month following the date of publication of the Department's final notice of the new weighted average dumping margin calculation methodology." Weighted-Average Dumping Margin, 71 Fed. Reg. 11,189. This is an appropriate approach, and it is consistent with the Department's prior practice when it has implemented changes under Section 123. See, e.g. Procedures for Conducting Five-Year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders, 70 Fed. Reg. 62,061 (Dep't Commerce, Oct. 28, 2005); Notice of Final Modifications of Agency Practice under Section 123 of the Uruguay Round Agreements Act, 68 Fed. Reg. 37,125, 37,138 (Dep't Commerce, June 23, 2003); Antidumping Proceedings: Affiliated Party Sales in the Ordinary Course of Trade, 67 Fed. Reg. 69,186, 69,197 (Dep't Commerce, Nov. 15, 2002).

Some commentators have suggested that the Department should apply any changes in its methodology to all pending investigations and reviews, and some even suggest it should be applied to all investigations and reviews completed since the end of the Uruguay Round. There is no precedent for such retroactive implementation of WTO/GATT obligations. In explaining the effect of determinations under Section 129, the SAA recognizes "the principle that GATT

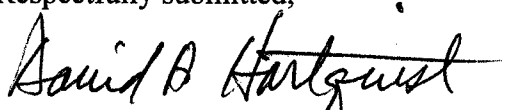
'express granting of relief by the court.'" Id. It would be inconsistent with this guidance from the court for the Department to recalculate the margins for every investigation initiated since the conclusion of the Uruguay Round as a result of the policy change proposed here.

For all these reasons, the Department should apply any changes in methodology only in investigations initiated on the basis of petitions received on or after the first day of the month following the date of publication of the Department's final notice of the new weighted average dumping margin calculation methodology, as it proposed to do in the Federal Register notice seeking comments.

VII. CONCLUSION

CSUSTL appreciates the opportunity to provide the above rebuttal comments to the Department and urges that the Department's approach to calculating the dumping margin in future investigations be undertaken consistent with these comments and CSUSTL's initial comments. Please contact the undersigned if you have any questions regarding CSUSTL's views on this matter.

Respectfully submitted,



DAVID A. HARTQUIST
Executive Director
Committee to Support U.S. Trade Laws