

“Petitioners”) timely requested an administrative review of entries of the subject merchandise during the POR from the following companies: Adler Steel Ltd. (“Adler Steel”), Al Jazeera Steel Products Co SAOG (“Al Jazeera Steel”), Baoshan Iron & Steel Co., Ltd. (“Baoshan”), Benxi Northern Steel Pipes, Co. Ltd. (“Benxi Northern”), CNOOC Kingland Pipeline Co., Ltd. (“CNOOC Kingland”), ETCO (China) International Trading Co., Ltd. (“ETCO”), Great River Trading International Co. (“Great River Trading”), Guangzhou Juyi Steel Pipes Co., Ltd. (“Guangzhou Juyi”), Hebei Zhongyuan Steel Pipe Manufacturer (“Hebei Zhongyuan”), Hefei Zijin Steel Tube Manufacturing Co., Ltd. (“Hefei Zijin”), Huludao City Steel Pipe Industrial (“Huludao City Steel Pipe”), Hunan Great Steel Pipe Co., Ltd. (“Hunan Great”), Hunan Hengyang Steel Tube (Group) Co., Ltd. (“Hunan Hengyang”), Jiangsu Changbao Steel Tube Co., Ltd. (“Jiangsu Changbao”), Jiangsu Yulong Steel Pipe Co., Ltd. (“Jiangsu Yulong”), Liaoning Northern Steel Pipe Co., Ltd. (“Liaoning Northern”), Shanghai Zhongyou Tipo Steel (“Shanghai Zhongyou Tipo”), Shanghai Zhongyou TIPO Steel Pipe Co., Ltd. (“Shanghai Zhongyou TIPO”), Sichuan YNJ Industries Co., Ltd. (“Sichuan YNJ”), SteelFORCE Far East Ltd. (“SteelFORCE”), Tianjin Baolai International Trade Co., Ltd. (“Tianjin Baolai”), Tianjin Huilitong Steel Tube Co., Ltd. (“Tianjin Huilitong”), Tianjin Longshenghua Import & Export (“Tianjin Longshenghua”), Tianjin Shuangjie Steel Pipe Co., Ltd. (“Tianjin Shuangjie”), Tianjin Uniglory International Trade Co., Ltd. (“Tianjin Uniglory”), Weifang East Steel Pipe Co., Ltd. (“Weifang East”), Wuxi Fastube Industry Co., Ltd. (“Wuxi Fastube”), Zhejiang Kingland Pipeline Industry Co., Ltd. (“Zhejiang Kingland”), and Zhuji Tri-Union Import & Export Co., Ltd. (“Zhuji Tri-Union”). The Department initiated an administrative review of these companies. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 76 FR 53404 (August 26, 2011).

In a letter dated November 22, 2011, Petitioner withdrew its request for review of all of the companies for which it requested review, and requested that the Department rescind the review with respect to these companies. No other parties requested a review.

#### Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the party

who requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. Accordingly, Petitioners timely withdrew its requests for review of Adler Steel, Al Jazeera Steel, Baoshan, Benxi Northern, CNOOC Kingland, ETCO, Great River Trading, Guangzhou Juyi, Hebei Zhongyuan, Hefei Zijin, Huludao City Steel Pipe, Hunan Great, Hunan Hengyang, Jiangsu Changbao, Jiangsu Yulong, Liaoning Northern, Shanghai Zhongyou Tipo, Shanghai Zhongyou TIPO, Sichuan YNJ, SteelFORCE, Tianjin Baolai, Tianjin Huilitong, Tianjin Longshenghua, Tianjin Shuangjie, Tianjin Uniglory, Weifang East, Wuxi Fastube, Zhejiang Kingland, and Zhuji Tri-Union. Because no other party requested a review, pursuant to 19 CFR 351.213(d)(1), the Department is rescinding the entire administrative review of the antidumping duty order on CWP from the PRC for the period July 1, 2010, through June 30, 2011.

#### Assessment

The Department will instruct U.S. Customs and Border Protection (“CBP”) to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after the date of publication of this notice in the **Federal Register**.

#### Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary’s presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (“APO”) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written

notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is published in accordance with section 777(i) of the Act, and 19 CFR 351.213(d)(4).

Dated: December 5, 2011.

**Christian Marsh,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–832]

#### Pure Magnesium From the People’s Republic of China: Final Results of the 2009–2010 Antidumping Duty Administrative Review of the Antidumping Duty Order

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** On June 8, 2011, the Department of Commerce (“Department”) published in the **Federal Register** the preliminary results in the 2009–2010 antidumping duty administrative review of pure magnesium from the People’s Republic of China (“PRC”).<sup>1</sup> The period of review (“POR”) is May 1, 2009, through April 30, 2010. We initiated an administrative review of the antidumping duty order on pure magnesium from the PRC with respect to Tianjin Magnesium International Co., Ltd. (“TMI”). We determined that TMI did not make sales in the United States at prices below normal value (“NV”) in the Preliminary Results. We invited interested parties to comment on our Preliminary Results. Based on our analysis of the comments received, we made changes to the margin calculations for TMI. The final dumping margin for this review is listed in the “Final Results Margins” section below.

**DATES:** *Effective Date:* December 9, 2011.

**FOR FURTHER INFORMATION CONTACT:** Eve Wang, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6231.

<sup>1</sup> See *Pure Magnesium from the People’s Republic of China: Preliminary Results of the 2009–2010 Antidumping Duty Administrative Review*, 76 FR 33194 (June 8, 2011) (“*Preliminary Results*”).

## Background

On June 8, 2011, the Department published its *Preliminary Results* of the antidumping duty administrative review of pure magnesium from the PRC.<sup>2</sup>

On June 28, 2011, U.S. Magnesium LLC ("Petitioner") and TMI submitted publicly available surrogate value ("SV") data to value TMI's factors of production ("FOPs"). On July 8, 2011, both Petitioner and TMI submitted rebuttal comments concerning valuation of FOPs.

On June 21, 2011, the Department determined that it would rely on a single surrogate country to value labor, and would use labor data from the International Labour Organization ("ILO") Yearbook Chapter 6A as its primary data source.<sup>3</sup> On July 12, 2011, the Department placed Chapter 6A Indian labor cost data and a new surrogate wage rate on the record for this review.

Pursuant to the bifurcated briefing schedule issued by the Department on June 21, 2011, Petitioner and TMI timely submitted case and rebuttal briefs on multiple issues.

On September 20, 2011, the Department rejected two of Petitioner's submissions because the Department determined these submissions were untimely filed.<sup>4</sup> On September 23, 2011, Petitioner requested that the Department reject certain content in TMI's August 15, 2011 rebuttal brief, claiming that the content was an affirmative argument, rather than a rebuttal to Petitioner's case brief, and thus untimely. TMI filed a response to Petitioner's claim on September 26, 2011. On September 27, 2011, the Department declined to reject the information because it determined that TMI's argument rebuts an argument raised by Petitioner in its case brief in accordance with the Department's regulations.<sup>5</sup>

On September 16, 2011, the Department extended the deadline for the final results of review to November

21, 2011.<sup>6</sup> The Department held a public hearing on September 27, 2011.<sup>7</sup>

Following the time period for case and rebuttal briefs, the Department discovered that it inadvertently omitted the underlying data used in making its preliminary determination of the surrogate value for truck freight as well as the financial statements of an Indian company. To remedy this oversight, the Department subsequently placed the data on the record<sup>8</sup> and afforded interested parties an opportunity to comment on the data.<sup>9</sup> Subsequently, the Department extended the deadline of the final results to December 5, 2011, to review the submitted comments.<sup>10</sup>

## Analysis of Comments Received

All issues raised in the case and rebuttal briefs<sup>11</sup> filed by parties in this review are addressed in the Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, "Pure Magnesium from the People's Republic of China: Issues and Decision Memorandum for the Final Results of the 2009–2010 Administrative Review," dated November 21, 2011 ("Issues and Decision Memorandum"), which is hereby adopted by this notice. A list of the issues that parties raised and to which we responded in the Issues and Decision Memorandum follows as an appendix to this notice. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendation in this public memorandum which is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Services System ("IA

ACCESS"). Access to IA ACCESS is available in the Central Records Unit ("CRU") of the main Commerce Building, Room 7046. In addition, a complete version of the Issues and Decision Memorandum is accessible on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic versions of the Issues and Decision Memorandum are identical in content.

## Period of Review

The POR is May 1, 2009, through April 30, 2010.

## Scope of the Order

Merchandise covered by the order is pure magnesium regardless of chemistry, form or size, unless expressly excluded from the scope of the order. Pure magnesium is a metal or alloy containing by weight primarily the element magnesium and produced by decomposing raw materials into magnesium metal. Pure primary magnesium is used primarily as a chemical in the aluminum alloying, desulfurization, and chemical reduction industries. In addition, pure magnesium is used as an input in producing magnesium alloy. Pure magnesium encompasses products (including, but not limited to, butt ends, stubs, crowns and crystals) with the following primary magnesium contents:

- (1) Products that contain at least 99.95% primary magnesium, by weight (generally referred to as "ultra pure" magnesium);
- (2) Products that contain less than 99.95% but not less than 99.8% primary magnesium, by weight (generally referred to as "pure" magnesium); and
- (3) Products that contain 50% or greater, but less than 99.8% primary magnesium, by weight, and that do not conform to ASTM specifications for alloy magnesium (generally referred to as "off-specification pure" magnesium).

"Off-specification pure" magnesium is pure primary magnesium containing magnesium scrap, secondary magnesium, oxidized magnesium or impurities (whether or not intentionally added) that cause the primary magnesium content to fall below 99.8% by weight. It generally does not contain, individually or in combination, 1.5% or more, by weight, of the following alloying elements: Aluminum, manganese, zinc, silicon, thorium, zirconium and rare earths.

Excluded from the scope of the order are alloy primary magnesium (that meets specifications for alloy magnesium), primary magnesium anodes, granular primary magnesium (including turnings, chips and powder) having a maximum physical dimension

<sup>2</sup> Id.

<sup>3</sup> See *Antidumping Methodologies in Proceedings Involving Non-Market Economies: Valuing the Factor of Production: Labor*, 76 FR 36092 (June 21, 2011) ("Labor Methodologies").

<sup>4</sup> See Memorandum to the File, "Rejection of Certain Untimely Submitted Information from the Record of this 2009–2010 Administrative Review of Pure Magnesium From the People's Republic of China," dated September 20, 2011.

<sup>5</sup> See Memorandum to the File, "Petitioner's September 23, 2011 Request to Reject Certain Argument in Tianjin Magnesium International's ("TMI") August 15, 2011 Rebuttal Brief," dated September 27, 2011.

<sup>6</sup> See *Pure Magnesium from the People's Republic of China: Extension of Time for the Final Results of the Antidumping Duty Administrative Review*, 76 FR 59111 (September 23, 2011).

<sup>7</sup> Petitioner requested a hearing for issues raised in the case and rebuttal briefs on July 8, 2011; see Petitioner's submission, "Pure Magnesium From The People's Republic of China: Petitioner's Request For A Hearing," dated July 8, 2011.

<sup>8</sup> See Memorandum to the File, "The 2006–2007 Financial Statements for Madras Aluminum Company ("MALCO") and Infobanc Truck Freight Rate Data," dated October 4, 2011.

<sup>9</sup> See Memorandum to the File, "Soliciting Comments on the 2006–2007 Financial Statements for Madras Aluminum Company ("MALCO") and Infobanc Truck Freight Rate Data," dated November 1, 2011.

<sup>10</sup> See *Pure Magnesium From the People's Republic of China: Second Extension of Time for the Final Results of the Antidumping Duty Administrative Review*, 76 FR 70709 (November 15, 2011).

<sup>11</sup> Including comments timely filed in response to the Department's release of certain information on October 4, 2011 and November 1, 2011.

(i.e., length or diameter) of one inch or less, secondary magnesium (which has pure primary magnesium content of less than 50% by weight), and remelted magnesium whose pure primary magnesium content is less than 50% by weight.

Pure magnesium products covered by the order are currently classifiable under Harmonized Tariff Schedule of the United States ("HTSUS") subheadings 8104.11.00, 8104.19.00, 8104.20.00, 8104.30.00, 8104.90.00, 3824.90.11, 3824.90.19 and 9817.00.90. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope is dispositive.

### Changes Since the Preliminary Results

Based on an analysis of the comments received, the Department has made certain changes in TMI's margin calculation. For the final results, the Department has made the following changes:

- We based our determination of the surrogate financial ratios on the financial statements of Hindalco Industries Limited rather than Bharat Aluminum Co., Ltd. *See* Comment 5 of the accompanying Issues and Decision Memorandum.
- Consistent with our current practice, we revised the surrogate value for direct labor, indirect labor and packing labor to account for industry-specific wage rates. *See* Comment 3 of the accompanying Issues and Decision Memorandum.
- We changed the source of the calculation of the SV for dolomite to GTA data. *See* Comment 7 of the accompanying Issues and Decision Memorandum.
- We revised our calculation of the SV for the by-product offsets of coal tar and magnesium waste to use the HTS 2706.00.10 and HTS 2620.99, respectively. *See* Comments 10 and 11 of the accompanying Issues and Decision Memorandum.
- We added three reported U.S. sales expense fields to the margin calculation program: Inland Freight from the Warehouse to the Customer ("INLFPWU"), U.S. Inventory ("INVENTORY"), and Warehouse Handling ("WHHANDLING"), which were inadvertently omitted in the *Preliminary Results*. *See* Comment 9 of the accompanying Issues and Decision Memorandum.

### Final Results Margin

The weighted-average dumping margins for the final results are as follows:

Exporter	Weighted-average margin (percent-age)
Tianjin Magnesium International Co. Ltd. ....	0.00

### Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b), the Department will determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. For assessment purposes, we calculated importer (or customer)-specific assessment rates for merchandise subject to this review. Where appropriate, we calculated an *ad valorem* rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total entered values associated with those transactions. For duty-assessment rates calculated on this basis, we will direct CBP to assess the resulting *ad valorem* rate against the entered customs values for the subject merchandise. Where appropriate, we calculated a per-unit rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total sales quantity associated with those transactions. For duty-assessment rates calculated on this basis, we will direct CBP to assess the resulting per-unit rate against the entered quantity of the subject merchandise. Where an importer (or customer)-specific assessment rate is *de minimis* (i.e., less than 0.50 percent), the Department will instruct CBP to assess that importer (or customer's) entries of subject merchandise without regard to antidumping duties, in accordance with 19 CFR 351.106(c)(2). The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For TMI, the cash deposit rate will be the rate listed above; (2) for previously investigated or

reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 111.73 percent; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. The deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

### Notification to Interested Parties

This notice also serves as a reminder to parties subject to administrative protective orders ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

### Disclosure

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

We are issuing and publishing the final results and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 5, 2011.

**Christian Marsh,**

*Acting Assistant Secretary for Import Administration.*

## Appendix I

- Comment 1: Whether the Department Should Apply Partial Adverse Facts Available to TMI
- Comment 2: Whether the Department Should Continue To Treat the Identity of TMI's Supplier and the Supplier's Business Operation as Business Proprietary Information
- Comment 3: Wage Rate
- Comment 4: Whether the Department Should Treat Retorts as a Direct Material
- Comment 5: Selection of Surrogate Financial Statements and Calculation of Financial Ratios
- Comment 6: Whether the Department Should Grant TMI By-Product Offsets for Magnesium Waste and Cement Clinker
- Comment 7: Valuation of Dolomite
- Comment 8: The Source of the Surrogate Value for Truck Freight
- Comment 9: Ministerial Errors in the Preliminary Results
- Comment 10: The Surrogate Value for Coal Tar
- Comment 11: Valuation of Magnesium Waste
- Comment 12: The Per-Unit Basis for Steel Bands
- Comment 13: Valuation of Flux

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-825]

### **Polyethylene Terephthalate Film, Sheet, and Strip From India: Final Results of Countervailing Duty Administrative Review**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** On August 1, 2011, the Department of Commerce (the Department) issued the preliminary results of the administrative review of polyethylene terephthalate film, sheet and strip (PET Film) from India for Ester Industries Ltd. (Ester), covering the period of review (POR) from January 1, 2009, through December 31, 2009. Based on the results of our analysis of the comments received, we continue to find that subject merchandise produced and exported by Ester has benefitted from countervailable subsidies provided on the production and export of PET Film

from India. Also, based on our analysis of Ester's comments, we made certain revisions to the calculations of certain subsidy programs. The final subsidy rate for Ester is listed below in the section titled "Final Results of Administrative Review." The Department will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties at the final subsidy rate.

**DATES:** *Effective Date:* December 9, 2011.

**FOR FURTHER INFORMATION CONTACT:** Elfi Blum or Toni Page, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-0197 or (202) 482-1398.

### **SUPPLEMENTARY INFORMATION:**

#### **Background**

Since the issuance of *Polyethylene Terephthalate Film, Sheet, and Strip From India: Preliminary Results of Countervailing Duty Administrative Review*, 76 FR 47558 (August 5, 2011) (*Preliminary Results*), the following events have occurred. Ester filed its response to the Department's third supplemental questionnaire on September 8, 2011. On September 21, 2011, the Department issued a memorandum confirming a revised briefing schedule. See Memorandum To Interested Parties From Toni Page, International Trade Analyst, AD/CVD Operations, Office 6, Administrative Review of the Countervailing Duty Order on Polyethylene Terephthalate Film, Sheet, and Strip from India; Revised Briefing Schedule (September 21, 2011). Ester and the petitioners, DuPont Teijin Films, Mitsubishi Polyester Film, Inc., SKC, Inc., and Toray Plastics (America), Inc., timely filed case briefs on September 28, 2011. Both Ester and the petitioners timely filed their respective rebuttal briefs on October 3, 2011.

#### **Scope of the Order**

The products covered by the order are all gauges of raw, pretreated, or primed polyethylene terephthalate film, sheet and strip, whether extruded or coextruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer more than 0.00001 inches thick. Imports of PET Film are classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 3920.62.00.90. HTSUS subheadings are provided for

convenience and customs purposes. The written description of the scope of the order is dispositive.

### **Analysis of Comments Received**

All issues raised in the case briefs and rebuttal briefs by parties to this administrative review are addressed in the Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, Issues and Decision Memorandum for the Final Results of the Countervailing Duty Administrative Review of Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) from India (December 5, 2011) (Issues and Decision Memorandum), which is hereby adopted by this notice. The Issues and Decision Memorandum also contains a complete analysis of the programs covered by this review and the methodologies used to calculate the subsidy rates and discusses any changes to the subsidy rates from the Preliminary Results. A list of the comments raised in the briefs and addressed in the Issues and Decision Memorandum is appended to this notice. The Issues and Decision Memorandum is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). Access to IA ACCESS is available in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at <http://www.trade.gov/ia/>. The signed and the electronic versions of the Issues and Decision Memorandum are identical in content.

### **Changes Since the Preliminary Results**

Based on our analysis of comments and information received, we have revised the calculations with respect to the benefit amount calculated for the Pre- and Post-Shipments Export Financing and Export Promotion Capital Goods Scheme programs. In addition, based on our analysis of information Ester provided in its third supplemental questionnaire response, we have made changes to the sales denominators for calculating the *ad valorem* rates for the programs used by Ester. These changes are discussed in more detail in the Issues and Decision Memorandum.

### **Final Results of Administrative Review**

In accordance with section 777A(e)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.221(b)(5), we