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DEPARTMENT OF COMMERCE

International Trade Administration

A-580-868

Large Residential Washers from the Republic of Korea: Preliminary Results of the Antidumping Duty Administrative Review; 2012-2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on large residential washers from the Republic of Korea. The period of review (POR) is August 3, 2012, through January 31, 2014. The review covers three producers and exporters of the subject merchandise, Daewoo Electronics Corporation (Daewoo), LG Electronics, Inc. (LGE), and Samsung Electronics Co., Ltd. (Samsung). We preliminarily determine that sales of subject merchandise have been made at prices below normal value. Interested parties are invited to comment on these preliminary results.

DATES: Effective Date: **[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

FOR FURTHER INFORMATION CONTACT: David Goldberger or Reza Karamloo, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC, 20230; telephone (202) 482-4136 or (202) 482-4470, respectively.

## SUPPLEMENTARY INFORMATION:

### Scope of the Order

The products covered by the order are all large residential washers and certain subassemblies thereof from Korea. The products are currently classifiable under subheadings 8450.20.0040 and 8450.20.0080 of the Harmonized Tariff System of the United States (HTSUS). Products subject to this order may also enter under HTSUS subheadings 8450.11.0040, 8450.11.0080, 8450.90.2000, and 8450.90.6000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this scope is dispositive.<sup>1</sup>

### Methodology

The Department conducted this review in accordance with sections 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. Because mandatory respondents Daewoo and Samsung failed to respond to the Department's questionnaire, we preliminarily find it appropriate to use adverse facts available (AFA) in determining their weighted-average dumping margins, in accordance with sections 776(a) and (b) of the Act and 19 CFR 351.308. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum, which is hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and

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<sup>1</sup> A full description of the scope of the order is contained in the memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, "Large Residential Washers from Korea: Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review; 2012-2014," dated concurrently with and adopted by this notice (Preliminary Decision Memorandum). The HTSUS numbers are revised from the numbers previously stated in the scope. See Memorandum to the File entitled "Changes to the HTS Numbers to the ACE Case Reference Files for the Antidumping Duty Orders," dated January 6, 2015.

is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).<sup>2</sup> ACCESS is available to registered users at <http://access.trade.gov> and to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed at <http://enforcement.trade.gov/frn/>. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

#### Preliminary Results of the Review

As a result of this review, the Department preliminarily determines that the following weighted-average dumping margins exist for the period August 3, 2012, through January 31, 2014.

<b>Manufacturer/Exporter</b>	<b>Weighted-Average Dumping Margin (percent)</b>
Daewoo Electronics Corporation	82.41
LG Electronics, Inc.	1.57
Samsung Electronics Co., Ltd.	82.41

#### Disclosure and Public Comment

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

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<sup>2</sup> On November 24, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance’s AD and CVD Centralized Electronic Service System (“IA ACCESS”) to AD and CVD Centralized Electronic Service System (“ACCESS”). The website location was changed from <http://iaaccess.trade.gov> to <http://access.trade.gov>.

Interested parties may submit case briefs not later than 30 days after the date of publication of this notice.<sup>3</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.<sup>4</sup> Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce. All documents must be filed electronically using ACCESS. An electronically filed request must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Standard Time, within 30 days after the date of publication of this notice.<sup>5</sup> Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

The Department intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless the deadline is extended.<sup>6</sup>

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The Final Rule changing the references to the Regulations can be found at 79 FR 69046 (November 20, 2014).

<sup>3</sup> See 19 CFR 351.309(c).

<sup>4</sup> See 19 CFR 351.309(d).

<sup>5</sup> See 19 CFR 351.310(c).

<sup>6</sup> See section\_751(a)(3)(A) of the Act and 19 CFR 351.213(h).

## Assessment Rates

Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.<sup>7</sup> If we continue to rely on adverse facts available to establish Daewoo's and Samsung's weighted-average dumping margins, we will instruct CBP to apply an ad valorem assessment rate of 82.41 percent to all entries of subject merchandise during the POR which were produced and/or exported by Daewoo and Samsung.

For those sales where LG reported the entered value of its U.S. sales, we calculated importer-specific ad valorem duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales to that importer. For those sales where the respondent did not report the entered value of its U.S. sales, we calculated importer-specific or customer-specific per-unit duty assessment rates by aggregating the total amount of antidumping duties calculated for the examined sales and dividing this amount by the total quantity of those sales. To determine whether this duty assessment rate is de minimis, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we will calculate an importer-specific ad valorem ratio based on the estimated entered value.

We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above de minimis. Where either the exporter's weighted-average dumping margin is

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<sup>7</sup> See 19 CFR 351.212(b).

zero or de minimis, or the importer-specific assessment rate is zero or de minimis, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.<sup>8</sup>

The Department clarified its “automatic assessment” regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the POR produced by LGE for which the reviewed company did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties, 68 FR 23954 (May 6, 2003).

We intend to issue instructions to CBP 15 days after the publication date of the final results of this review.

#### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Daewoo, LG, and Samsung will be the rate established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, de minimis within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original

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<sup>8</sup> See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification, 77 FR 8101, 8103 (February 14, 2012); 19 CFR 351.106(c)(2).

investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 11.80 percent, the all-others rate established in the less-than-fair-value investigation.<sup>9</sup> These requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) 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.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: March 2, 2015.

Paul Piquado,  
Assistant Secretary  
for Enforcement and Compliance.

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<sup>9</sup> See Large Residential Washers From Mexico and the Republic of Korea: Antidumping Duty Orders, 78 FR 11148 (February 15, 2013).

## Appendix

### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Methodology
  - A. Use of Facts Otherwise Available and Adverse Inferences
    1. Application of AFA: Daewoo and Samsung
    2. Selection of the AFA Rate
    3. Corroboration of Secondary Information
  - B. NV Comparisons
    1. Determination of Comparison Method
    2. Results of the Differential Pricing Analysis
  - C. Product Comparisons
  - D. EP and CEP
  - E. NV
    1. Home Market Viability and Selection of Comparison Market
    2. Affiliated Party Transactions and Arm's-Length Test
    3. Level of Trade (LOT)
  - F. Cost of Production (COP) Analysis
    1. Calculation of COP
    2. Test of Comparison Market Sales Prices
    3. Results of the COP Test
  - G. Calculation of NV Based on Comparison-Market Prices
  - H. Calculation of NV Based on CV
  - I. Currency Conversion
- V. Recommendation