

UNITED STATES COURT OF INTERNATIONAL TRADE

BEIJING TIANHAI INDUSTRY CO.,	:	
LTD.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Before: Richard K. Eaton, Judge
	:	
UNITED STATES,	:	Court No. 12-00203
	:	
Defendant,	:	
	:	
and	:	
	:	
NORRIS CYLINDER COMPANY,	:	
	:	
Defendant-Intervenor.	:	

JUDGMENT

Before the court are the United States Department of Commerce’s (“Commerce”) Final Results of Redetermination Pursuant to Court Remand, ECF No. 127-1 (“Third Remand Results”), and the Status Report and Request for Entry of Judgment, ECF No. 128 (“Judgment Request”), filed by plaintiff Beijing Tianhai Industry Co. (“BTIC”).

In the Third Remand Results, Commerce reconsidered the calculation of BTIC’s margin consistent with 19 C.F.R. § 351.414(f)(2) (2007), which was in effect at the time of Commerce’s final determination, in accordance with the court’s instructions in *Beijing Tianhai Industry Co. v. United States*, 41 CIT ___, Slip Op. 17-79 (July 5, 2017). Commerce applied its average-to-transaction (“A-T”) method only to BTIC’s U.S. sales that were found to be targeted, and the average-to-average (“A-A”) method to all other transactions. It found that there was no meaningful difference in BTIC’s antidumping margins using the A-A and A-T methods, *i.e.*, both resulted in

a margin of zero. Accordingly, Commerce recalculated BTIC's weighted-average dumping margin to be zero, and having found BTIC's margin to be *de minimis*, indicated its intention to exclude BTIC from the antidumping duty order. *See* Third Remand Results at 7-8 (citing *High Pressure Steel Cylinders From the People's Republic of China*, 77 Fed. Reg. 37,377 (Dep't Commerce June 21, 2012) (order)).

No party disputes the Third Remand Results. In its Judgment Request, BTIC asks the court to sustain the Third Remand Results, noting that "Defendant and Defendant-Intervenor do not object to this request." Judgment Request at 1-2 ("All parties agree that the third remand redetermination complies with the court's remand instructions issued on July 5, 2017 (ECF No. 126). Accordingly, all parties propose to dispense with further briefing . . .").

In accordance with the forgoing, and upon consideration of the papers and proceedings had herein, it is hereby

ORDERED that Commerce's final determination of sales at less than fair value, published as *High Pressure Steel Cylinders From the People's Republic of China*, 77 Fed. Reg. 26,739 (May 7, 2012), as supplemented and modified on remand, is sustained; and it is further

ORDERED that the subject entries whose liquidation was enjoined in this action, *see* ECF No. 120 (order granting consent motion to amend the preliminary injunction), shall be liquidated in accordance with the court's final decision, as provided for in 19 U.S.C. § 1516a(e) (2012).

/s/ Richard K. Eaton
Richard K. Eaton, Judge

Dated: August 17, 2017
New York, New York