Slip Op. 25-102

UNITED STATES COURT OF INTERNATIONAL TRADE

HYUNDAI STEEL COMPANY,

Plaintiff,

and

GOVERNMENT OF THE REPUBLIC OF KOREA,

Plaintiff-Intervenor,

v.

UNITED STATES,

Defendant,

and

NUCOR CORPORATION,

Defendant-Intervenor.

Before: Claire R. Kelly, Judge

Court No. 23-00211
PUBLIC VERSION

OPINION AND ORDER

[Remanding Commerce's specificity redetermination under 19 U.S.C. § 1677(5A)(D)(iii).]

Dated: August 12, 2025

Brady Warfield Mills, Donald Bertrand Cameron, Jr., Edward John Thomas, III, Eugene Degnan, Jordan L. Fleischer, Julie Clark Mendoza, Mary Shannon Hodgins, Nicholas C. Duffey, Rudi Will Planert, and Ryan R. Migeed, Morris, Manning & Martin, LLP, of Washington D.C., for Plaintiff, Hyundai Steel Company.

Yujin Kim McNamara, Daniel Martin Witkowski, Devin Scott Sikes, and Sung Un K. Kim, Akin, Gump, Strauss, Hauer & Feld, LLP, of Washington D.C., for Plaintiff-Intervenor, Government of the Republic of Korea.

Emma E. Bond, Trial Attorney, Commercial Litigation Branch, Civil Division, U.S. Department of Justice, of Washington, D.C., for defendant United States. Also on the brief were Brett A. Shumate, Assistant Attorney General, Patricia M. McCarthy, Director, and Tara K. Hogan, Assistant Director. Of counsel is Jesus N. Saenz, and Charlie Chung, Attorneys, Office of the Chief Counsel for Trade Enforcement & Compliance, U.S. Department of Commerce.

Alan Hayden Price, Adam Milan Teslik, Christopher Bright Weld, Derick G. Holt, Enbar Toledano, Maureen Elizabeth Thorson, Paul A. Devamithran, and Theodore Paul Brackemyre, Wiley Rein, LLP, of Washington D.C., for Defendant-Intervenor, Nucor Corporation.

Kelly, Judge: Before the Court is the Department of Commerce's ("Commerce") redetermination pursuant to this Court's remand order. See Hyundai Steel Co. v. United States, 745 F. Supp. 3d 1345 (Ct. Int'l Trade 2024) ("Hyundai I"); see also Final Results of Redetermination Pursuant to Court Remand, Apr. 11, 2025, ECF No. 62-1 ("Remand Results"). On remand Commerce continues to find the Electricity Program de facto specific because the steel industry and two other industries received a disproportionately large amount of the electricity subsidy. Remand Results at 4—5, 15. Plaintiff argues (1) Commerce's determination that the Electricity Program is de facto specific under 19 U.S.C. § 1677(5A)(D)(iii)(III) is unsupported by substantial evidence, as Commerce "largely ignored" the Court's decision in its disproportionality analysis, and (2) Commerce has failed to provide a rational explanation for its grouping of industries within its disproportionality analysis. Pl. Hyundai Steel Company's Cmts. in Opp'n to Commerce's Final Results of Redetermination Pursuant to Remand at 2—15, May 19, 2025, ECF No. 67 ("Pl. Cmts."). Plaintiff-Intervenor argues (1) Commerce has failed to adequately explain its de facto specificity finding

as Commerce rests its finding on disparate electricity consumption rather than disproportionate benefit, and (2) Commerce has failed to explain why it grouped three disparate industries together. Pl. Intv. Gov't of the Republic of Korea's Cmts. on the Final Results of Redetermination at 2—16, May 19, 2025, ECF No. 69 ("Pl. Intv. Cmts."). Defendant and Defendant-Intervenor respond that Commerce complied with this Court's remand order and the Remand Results are supported by substantial evidence. See Def. Resp. to Cmts. on Commerce's Remand Redetermination, Jul. 2, 2025, ECF No. 74 ("Def. Resp."); Def. Intv. Cmts in Support of the Final Resul[t]s of Redetermination Pursuant to Court Remand, Jul. 3, 2025, ECF No. 76 ("Def. Intv. Cmts.").

BACKGROUND

Commerce initiated an administrative review of the Countervailing Duty ("CVD") order on Certain Cut-to-Length Carbon-Quality Steel Plate for the 2021 POR on April 12, 2022. See Initiation of Antidumping and Countervailing Duty Administrative Reviews, 87 Fed. Reg. 21,619 (Dep't Commerce Apr. 12, 2022). Commerce evaluated many subsidy programs, including the Electricity Program. Certain Cut-to-Length Carbon-Quality Steel Plate From the Republic of Korea: Preliminary Results and Preliminary Intent To Rescind, in Part, the Countervailing Duty Administrative Review; 2021, 88 Fed. Reg. 13,433 (Dep't Commerce, March 3, 2023), PD 186, bar code 4347830-03 (Mar. 6, 2023) ("Preliminary Results") and

accompanying Prelim. Issues & Decision Mem. at 24–30, PD 183, bar code 4347830-02 (Feb. 28, 2023) ("Prelim. Decision Memo.").[1]

Commerce published its preliminary results on March 3, 2023, determining the Electricity Program was de facto specific under 19 U.S.C. § 1677(5A)(D)(iii)(III). Preliminary Results, 88 Fed. Reg. 13,433 and accompanying Prelim. Decision Memo. at 15–16, 20, 22. Specifically, Commerce determined that Hyundai Steel received a countervailable subsidy rate of 0.51 percent ad valorem for the Electricity Program. Prelim. Decision Memo. at 30.

On September 7, 2023, Commerce published its final determination. Certain Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea; 2021, 88 Fed. Reg. 61,509 (Dep't Commerce Sep. 7, 2023) (final results of CVD review), PD 225, bar code 4424955-03 (Sep. 7, 2023) ("Final Results"), and accompanying Issues and Decision Memo., PD 222, bar code 4425793-01 (Aug 31, 2023) ("Final Decision Memo."). Commerce continued to find the Electricity Program to be de facto specific under 19 U.S.C. § 1677(5A)(D)(iii)(III). Final Decision Memo. at 22—27.[2]

---

[1] Citations to administrative record documents in this opinion are to the numbers Commerce assigned to such documents in the indices, and all references to such documents are preceded by "PD" or "CD" to denote public or confidential documents.
[2] On December 13, 2023, Defendant filed indices to the public and confidential administrative records underlying Commerce's final determination. See ECF No. 24 at 2–3.

On December 12, 2024, this Court sustained Commerce's decision to decline to issue a fourth questionnaire to the Government of Korea and apply facts otherwise available to determine whether Hyundai benefited from the Electricity Program, and remanded Commerce's determination that the Electricity Program is de facto specific for further explanation or reconsideration. Hyundai I, 745 F. Supp. 3d at 1356.

Commerce filed its Remand Results on April 11, 2025. See generally Remand Results. Plaintiff and Plaintiff-Intervenor filed their comments on the Remand Results on May 19, 2025. See generally Pl. Cmts.; Pl. Intv. Cmts. Defendant and Defendant-Intervenor filed their replies to Plaintiff and Plaintiff-Intervenor's comments on June 2, 2025, and June 3, 2025, respectively. See generally Def. Resp.; Def. Intv. Cmts.

JURISDICTION AND STANDARD OF REVIEW

This Court exercises jurisdiction over this action contesting the final determination in an administrative review of an antidumping duty order pursuant to 19 U.S.C. § 1516a(a)(2)(B)(iii) and 28 U.S.C. § 1581(c). A determination rendered by Commerce will be sustained unless it is "unsupported by substantial evidence on the record, or otherwise not in accordance with law." 19 U.S.C. § 1516a(b)(1)(B)(i). "Substantial evidence is 'such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.'" Huaiyin Foreign Trade Corp. (30) v. United States, 322 F.3d 1369, 1374 (Fed. Cir. 2003) (quoting Consol. Edison Co. v. NLRB, 305 U.S. 197, 229 (1938)). "The results of a redetermination pursuant to court

remand are also reviewed 'for compliance with the court's remand order.'" Xinjiamei Furniture (Zhangzhou) Co. v. United States, 968 F. Supp. 2d 1255, 1259 (Ct. Int'l Trade 2014) (quoting Nakornthai Strip Mill Public Co. v. United States, 32 CIT 1272, 1274 (Ct. Int'l Trade 2008)).

DISCUSSION

On remand Commerce continues to invoke 19 U.S.C. § 1677(5A)(D)(iii)(III) to find the Government of Korea's Electricity Program specific because certain industries received a disproportionately large amount of subsidies. Plaintiff and Plaintiff Intervenor argue that in the Remand Results Commerce has "largely ignored the Court's decision" and put forth a definition of disproportionality already rejected by the Court in Hyundai I. Pl. Cmts. at 3; see also Pl. Intv. Cmts. at 2-3. Defendant and Defendant-Intervenor argue that Commerce properly explained its determination. See Def. Resp. at 6—12; Def. Intv. Cmts. at 4. For the reasons that follow, Commerce's Remand Results are remanded to either apply the disproportionality standard required by the statute as explained in this opinion and explain any grouping it makes in connection with its determination, or reconsider the basis for its determination, consistent with this opinion.

A "countervailable subsidy" is a financial contribution, price support, or funding mechanism, provided by an "authority," that confers a benefit to its recipient. 19 U.S.C. § 1677(5)(B). To be countervailable a subsidy must also be specific, meaning it is an (i) import substitution subsidy, (ii) export subsidy, or (iii) domestic

subsidy that is specific, in law or fact, to an enterprise or industry within the jurisdiction of the authority providing it. 19 U.S.C. § 1677(5)(A); 19 U.S.C. § 1677(5A)(A)–(D). As explained in Hyundai I, a domestic subsidy may be a specific subsidy under certain conditions:

> (iii) Where there are reasons to believe that a subsidy may be specific as a matter of fact, the subsidy is specific if one or more of the following factors exist:
> (I) The actual recipients of the subsidy, whether considered on an enterprise or industry basis, are limited in number.
> (II) An enterprise or industry is a predominant user of the subsidy.
> (III) An enterprise or industry receives a disproportionately large amount of the subsidy.
> (IV) The manner in which the authority providing the subsidy has exercised discretion in the decision to grant the subsidy indicates that an enterprise or industry is favored over others.
>
> In evaluating the factors set forth in subclauses (I), (II), (III), and (IV), the administering authority shall take into account the extent of diversification of economic activities within the jurisdiction of the authority providing the subsidy, and the length of time during which the subsidy program has been in operation.

19 U.S.C. § 1677(5A)(D)(iii).[3] Thus, the statute includes several factors indicative of specificity.[4] Where the number of industries receiving the subsidy are not limited

[3] Specificity as a matter of law, not at issue here, exists where an authority or legislation expressly limits access to a subsidy to a sufficiently small number of enterprises, industries, or groups. 19 U.S.C. § 1677(5A)(D)(i).
[4] In applying those factors Commerce's regulations provide:

(footnote continued)

and the administrating authority does not exercise discretion in granting the subsidy, the subsidy may nevertheless be specific if an enterprise or industry is a predominate user or a disproportionate recipient of the subsidy. Predominant means "more important, powerful, successful, or noticeable than other people or things." Predominant, https://www.brittanica.com/dictionary/predominant (last visited Aug.

> (a) Sequential analysis. In determining whether a subsidy is de facto specific, the Secretary will examine the factors contained in section 771(5A)(D)(iii) of the Act sequentially in order of their appearance. If a single factor warrants a finding of specificity, the Secretary will not undertake further analysis.
> (b) Characteristics of a "group." In determining whether a subsidy is being provided to a "group" of enterprises or industries within the meaning of section 751(5A)(D) of the Act, the Secretary is not required to determine whether there are shared characteristics among the enterprises or industries that are eligible for, or actually receive, a subsidy.
> (c) Traded goods sector. In determining whether a subsidy is being provided to a "group" of enterprises or industries within the meaning of section 771(5A)(D) of the Act, the Secretary normally will consider enterprises that buy or sell goods internationally to comprise such a group.
> (d) Disaster relief. The Secretary will not regard disaster relief including pandemic relief as being specific under section 771(5A)(D) of the Act if such relief constitutes general assistance available to anyone in the area affected by the disaster.
> (e) Employment assistance. The Secretary will not regard employment assistance programs as being specific under section 771(5A)(D) if such assistance is provided solely with respect to employment of general categories of workers such as those based on age, gender, disability, long-term unemployment, veteran, rural or urban status and is available to everyone hired within those categories without any industry or enterprise restrictions.

19 C.F.R. § 351.502.

7, 2025). Disproportionate means "too large or too small in relation to something." Disproportionate, https://www.brittanica.com/dictionary/disproportionate (last visited Aug. 7, 2025).

Pertinent here, a finding of disproportionality under 19 U.S.C. § 1677(5A)(D)(iii)(III) requires "a case-by-case analysis which assesses benefits, not in relation to the benefits of others, but in relation to some other comparator depending on the circumstances." Hyundai I, 745 F. Supp. 3d at 1351–52 (citing AK Steel Corp. v. United States, 192 F.3d 1367, 1385 (Fed. Cir. 1999); Royal Thai Government v. United States, 436 F.3d 1330, 1336 (Fed. Cir. 2006)). This Court in its prior decision explained that

> Disproportionality requires that an enterprise or industry is favored in some way (i.e., it receives more than its fair share). Commerce must explain how the combined industries it identifies benefit more than would be expected, based on their usage given that the subsidy in question is designed to confer benefits on usage levels, or in relation to some other comparator.

Hyundai I, 745 F. Supp. 3d at 1352–53.

On remand, Commerce again misinterprets the meaning of disproportionality and offers no meaningful explanation as to why the industries it grouped together to establish disproportionality are so grouped. In its Remand Results Commerce simply rejects this Court's instruction on disproportionality. Remand Results at 10—15. Regarding Commerce's disproportionality analysis, the Court explained:

> Commerce's determination that the Electricity Program subsidy is de facto specific because the steel industry and three other industries received a "disproportionately large amount of the subsidy" within the meaning of 19 U.S.C. § 1677(5A)(D)(iii)(III) is not supported by substantial evidence. Final Decision Memo. at 15–16. Commerce fails to provide an explanation for its determination that the benefit received by a group of entities and industries it identifies is disproportionate. See 19 U.S.C. § 1516a(b)(1)(B)(i). Nowhere does Commerce identify to what the benefit is disproportionate. Commerce simply concludes that the [Government of Korea] data on the record demonstrates "the steel industry and three other industries combined, consume a disproportionately large amount of electricity in Korea." Final Decision Memo. at 16. Commerce concedes that Article 14 of the [Government of Korea's] Electricity Business Law provides KEPCO must supply electricity to all with automatic eligibility. Id. at 15. The four industries Commerce grouped together specifically benefit according to usage. Id. at 15–16; see also [Government of Korea] IQR at 30, Ex. E-10 (explaining that the Electricity Program is based on usage and the electricity prices are set using a standard pricing mechanism ensuring that no one company or industrial user receives a more preferential rate for electricity). Yet, Commerce elides the reality that programs designed to confer benefits on usage levels will necessarily result in larger users receiving a proportionally larger percentage of the subsidy. Final Decision Memo. at 16.

Hyundai I, 745 F. Supp. 3d at 1352–53 (footnotes omitted). Commerce acknowledges that it simply disagrees with this Court's instruction regarding the meaning of disproportionality in Hyundai I stating, "when conducting a disproportionality analysis under [S]ection 771(5A)(D)(iii)(III) of the Act, we do not see a requirement in the statute that the group of enterprises or industries at issue must be found to have received more than 'would be expected' in relation to some other comparator."

Remand Results at 10.[5] Commerce's position appears to be that receiving more of the subsidy equates with disproportionality. The Court has already rejected this position. Hyundai I, 745 F. Spp. 3d at 1352—53. In its Remand Results, Commerce tees up its "more equates with disproportionate" analysis in three ways. Commerce explains that steel and two other industries obtained (i) a greater percentage of the industrial class electricity during the POR than other industries,[6] (ii) a greater percentage of the total electricity consumed by the ten largest industrial consumers of electricity,[7] and (iii) each had a multiple of the simple average of electricity consumed by the top ten users.[8] Remand Results at 5—6. Each of these categorizations simply argues that the steel industry and two other industries used a lot of electricity.

As explained in Hyundai I, "disproportionality" requires a comparison of the amount of subsidy and an attribute of the industry, not a comparison of the amount

---

[5] Commerce's statement that "we do not see a requirement in the statute that the group of enterprises or industries at issue must be found to have received more than 'would be expected' in relation to some other comparator" ignores the word "disproportionality" in the statute. The Court gives meaning to the words of the statute. Loper Bright Enters. v. Raimondo, 603 U.S. 369, 412 (2024). In Hyundai I, the Court explained the meaning of "disproportionality." Hyundai I, 745 F. Supp. at 1353 ("Disproportionality requires that an enterprise or industry is favored in some way (i.e., it receives more than its fair share).").

[6] Specifically, the top three industries alone thus received nearly [[ ]] percent more of the subsidy benefits under the program than the seven other industries combined. Remand Results at 5.

[7] Specifically, the steel, [[ ]] industries accounted for [[ ]] percent of the total electricity consumed by the ten largest industrial consumers of electricity. Remand Results at 5.

[8] Specifically, the top three industries respectively consumed [[ ]] times that simple average amount. Remand Results at 6.

of a subsidy given to different industries.[9] Hyundai I, 745 F. Supp. 3d at 1351—52 (citing AK Steel Corp. v. United States, 192 F.3d 1367, 1385 (Fed. Cir. 1999); Royal Thai Government v. United States, 436 F.3d 1330, 1336 (Fed. Cir. 2006)).[10] For example, one could imagine a situation where an enterprise received

---

[9] The statute provides separately for the inquiry of whether a recipient or recipients received more than other recipients. 19 U.S.C. § 1677(5A)(D)(iii)(II). Subsection II instructs Commerce to consider whether an enterprise or industry is a "predominant" user of the subsidy. 19 U.S.C. § 1677(5A)(D)(iii)(II). Commerce conflates predominance and disproportionality. See Remand Results at 12 ("This interpretation could also create the perverse situation where a subsidy is found to be specific to an enterprise or industry based on predominant use under section 771(5A)(D)(iii)(II) of the Act, but the same level of benefits is found not to be specific on a disproportionate basis under section 771(5A)(D)(iii)(III) of the Act."). Likewise, Defendant-Intervenor also conflates the two subsections when it says "[a]ccepting the argument that a determination of de facto specificity based on disproportionate or predominant use may not be based on relative consumption volumes would effectively nullify those provisions for the purpose of adequate remuneration programs." Def. Intv. Cmts at 4. Neither Commerce nor Defendant-Intervenor seem to view these subsections as independent of each other. Nonetheless, the statute allows for a subsidy to be specific because there is a predominant user or there is a disproportionate recipient. 19 U.S.C. § 1677(5A)(D)(iii)(II)—(III). Even assuming that Defendant-Intervenor's point concerning relative consumption were apt with respect to predominance, it would not be apt for disproportionality. Congress's inclusion of these two distinct criteria indicates that they are separate inquiries and should not be conflated. Admittedly, there may be cases where a subsidy is specific because both predominance and disproportionality exist, however, that both may exist does not mean the terms are synonymous.

[10] Commerce argues that AK Steel is inapplicable to the specificity analysis in this case because the Court of Appeals did not "preclude Commerce's ability to consider the percentage of the benefit bestowed on a respondent in its disproportionality findings." Remand Results at 8—9 (citing AK Steel, 192 F.3d at 1385). Although the Court of Appeals cautioned that the disproportionality analysis be determined on a case-by-case basis, AK Steel specifically rejected the proposed approach in that case of "analyzing proportionality by looking at the percentage of the total benefit of a

(footnote continued)

more of the subsidy than would be expected by some comparator such that its receipt could be considered disproportionate.[11]

In trying to support its position, Commerce confuses the specificity analysis with the benefit analysis. A specific subsidy is countervailable and is countervailed to the extent that it confers a benefit. 19 U.S.C. § 1677(5)(E). At several points in the Remand Results Commerce explains "the higher consumption of electricity results in a disproportionate benefit to the steel industry." Remand Results at 17. For example, Commerce explains:

> Under the Electricity Program here, electricity consumption is directly tied to the amount of subsidy conferred through the pricing of electricity. Because, in the provision of electricity for LTAR, a benefit is conferred through the respondent's purchases of electricity, it is unnecessary to demonstrate the amount of subsidy conferred was disproportionate to the consumption of electricity; the benefit to the respondent is a direct result of the respondent's consumption of the good purchased for LTAR.

Remand Results at 10.

The benefit analysis is distinct from the specificity analysis:

---

subsidy program accruing to a particular company.". AK Steel, 192 F.3d at 1385. As this Court has already held, in this case the disproportionality analysis must "assesses benefits, not in relation to the benefits of others, but in relation to some other comparator depending on the circumstances." Hyundai I, 745 F. Supp. 3d at 1351.

[11] It is also possible that depending upon the subsidy at issue Commerce might measure disproportionality by other comparators, such as size, number of employees, or value of production, as the Statement of Administrative Action accompanying the Uruguay Round Agreements Act directs that "Commerce can only make this determination on a case-by-case basis." Statement of Administrative Action accompanying the Uruguay Round Agreements Act, H.R. Rep. No. 103-316, Vol. 1 at 873, reprinted in 1994 U.S.C.C.A.N. 4040, 4242—43.

> A benefit shall normally be treated as conferred where there is a benefit to the recipient, including--
> (iv) in the case where goods or services are provided, if such goods or services are provided for less than adequate remuneration, and in the case where goods are purchased, if such goods are purchased for more than adequate remuneration.
>
> For purposes of clause (iv), the adequacy of remuneration shall be determined in relation to prevailing market conditions for the good or service being provided or the goods being purchased in the country which is subject to the investigation or review. Prevailing market conditions include price, quality, availability, marketability, transportation, and other conditions of purchase or sale.

19 U.S.C. § 1677(5)(E). Thus, to say that the industries under consideration received more benefit than other industries is only to say that those industries received more subsidies that other industries. Greater benefit alone does not equate with disproportionality.

Although remand is required given that Commerce's disproportionality determination is contrary to law, Commerce's explanation of its grouping is also deficient. Hyundai I asked Commerce to further consider or explain its decision to group the top four industries when conducting its specificity analysis. Hyundai I, 745 F. Supp. 3d. at 1353 ("Where a subsidy is widely distributed, Commerce cannot create a group to limit the subsidy for purposes of satisfying the specificity requirement without providing a rational basis for the grouping.").[12] Of course, any explanation

[12] Defendant-Intervenor notes that pursuant to 19 C.F.R. § 351.502(b) Commerce's analysis of specificity based upon a group does not depend on whether the industries

(footnote continued)

of groupings is derivative of a proper disproportionality analysis. Ultimately though, it may be reasonable to group enterprises or industries in a disproportionality analysis. For example, if Commerce measured disproportionality by comparing the amount of subsidy received with usage it might want to group industries that all supplied inputs to the same end-product to demonstrate that the subsidy was meant to favor a particular end-product. Here, Commerce simply grouped the top three industries together for its specificity analysis, but did not explain its reason for doing so beyond that the companies all consumed similar amounts of electricity.[13] Remand Results at 6—7. The Court cannot say that it would never be possible to have a grouping of top recipients in connection with a disproportionality analysis, but the reason for such a grouping here is not discernible. Although Commerce claims to have "reevaluated the basis for its decision," it offers the same basis for its decision as it offered in its Final Decision Memo. Specifically, Commerce again reasons that the steel industry and others received more of the subsidy than other industries. Remand Results at 5; see also IDM at 15—16 ("the steel industry and three other

---

in the group share characteristics. Def. Intv. Reply at 3. Nonetheless, Commerce's grouping must still be reasonable. See Vicentin S.A.I.C. v. United States, 503 F. Supp. 3d 1255, 1266 (Ct. Int'l Trade 2021), aff'd, 42 F.4th 1372 (Fed. Cir. 2022) (discussing that even where Commerce has discretion to develop a methodology, it must still act reasonably).

[13] Specifically, Commerce explains that its rationale for grouping the three industries together is because they consumed [[ ]] percent, [[ ]] percent, and [[ ]] percent of industrial electricity, while the next seven consumers only consume [[ ]] levels. Remand Results at 6.

industries combined, consume a disproportionately large amount of electricity in Korea"). Thus, Commerce's explanation of its grouping is deficient and requires remand for further explanation or reconsideration consistent with this opinion.

CONCLUSION

For the foregoing reasons Commerce's Remand Results are remanded for reconsideration or further explanation consistent with this opinion. In light of the foregoing, it is

ORDERED that Commerce's specificity redetermination under 19 U.S.C. § 1677(5A)(D)(iii) is remanded for reconsideration consistent with this opinion; and it is further

ORDERED that Commerce shall file its redetermination with the Court within 90 days of this date; and it is further

ORDERED that the parties shall have 30 days to file comments on the redetermination; and it is further

ORDERED that the parties shall have 30 days to file their replies to the comments on the redetermination; and it is further

ORDERED that the parties shall file the joint appendix, including the entire confidential record, within 14 days after the filing of replies to the comments on the redetermination; and it is further

ORDERED that Commerce shall file the administrative record within 14 days of the date of filing its redetermination.

/s/ Claire R. Kelly
Claire R. Kelly, Judge

Dated: August 12, 2025
New York, New York