




A-533-810
Administrative Review
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July 23, 2014

MEMORANDUM TO: Paul Piquado
Assistant Secretary
for Enforcement and Compliance

FROM: Christian Marsh 
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: Issues and Decision Memorandum for the Final Results of the
Antidumping Duty Administrative Review of Stainless Steel Bar
from India

SUMMARY

We analyzed the case brief of Ambica Steels Limited in the 2012—2013 administrative review of the antidumping duty order on order on stainless steel bar (SSB) from India. The period of review (POR) is February 1, 2012, through January 31, 2013. Since the *Preliminary Results*¹, we have not made changes to the dumping margin calculations. We recommend that you approve the positions described in the “Discussion of the Issues” section of this memorandum. Below is the complete list of the issues in this administrative review for which we received comments:

Comment 1: Whether to Correct the Name of a U.S. Customer in the Final Liquidation Instructions

Comment 2: Whether to Name All of Ambica’s U.S. Customers in the Final Liquidation Instructions

BACKGROUND

On March 25, 2014, the Department of Commerce (Department) published the preliminary results of the administrative review of the antidumping duty order on SSB from India.²

Following the *Preliminary Results*, the Department issued an additional supplemental questionnaire to Ambica, the only respondent in this administrative review, on March 26, 2014,

¹ See *Stainless Steel Bar From India: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review*, 2012–2013, 79 FR 16282 (March 25, 2014) (*Preliminary Results*).

² *Id.*



and received a response on April 2, 2014.³ We received a case brief from Ambica on April 21, 2014.⁴

SCOPE OF ORDER

The merchandise subject to the order is stainless steel bar. Stainless steel bar means articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. Stainless steel bar includes cold-finished stainless steel bars that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut-to-length flat-rolled products (*i.e.*, cut-to-length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes, and sections.

Imports of these products are currently classifiable under subheadings 7222.10.00, 7222.11.00, 7222.19.00, 7222.20.00, 7222.30.00 of the Harmonized Tariff Schedule (HTS). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of the *order* is dispositive.

DISCUSSION OF THE ISSUES

Comment 1: Whether to Correct the name of a U.S. Customer in the Final Liquidation Instructions

Ambica argues that the Department misspelled the name of one of its U.S. customers in the Department's draft customs liquidation instructions.⁵

Department Position

As noted above, on March 26, 2014, the Department issued an additional supplemental questionnaire wherein, *inter alia*, we requested that Ambica clarify the conflicting record as to

³ See Letter from Ambica, "Ambica Steels Limited. Response to the 3rd Supplemental of Section C the Departments Antidumping Duty Questionnaire" dated April 2, 2014.

⁴ See Letter from Ambica, "Stainless Steel Bar from India: Ambica Steels Ltd Case Brief" dated April 21, 2014 (Ambica Brief).

⁵ *Id* at 2.

the spelling of the name of a certain U.S. customer.⁶ On April 2, 2014, Ambica clarified the record with respect to spelling of this U.S. customer's name. Accordingly, the final assessment instructions that the Department will issue to the U.S. Customs and Border Protection (CBP) shall contain the proper spelling of this U.S. customer's name.

Comment 2: Whether to Name All of Ambica's U.S. Customers in the Final Liquidation Instructions

Ambica argues that the Department should include the names of five of its U.S. customers in the Department's final assessment instructions to CBP.⁷ Ambica notes that the Department's draft instructions list Ambica as the importer of record and thus, CBP must liquidate entries for which Ambica is the importer of record.⁸ However, in order to avoid confusion and as a matter of abundant clarity, Ambica requests the Department to include the names of the customers to whom zero rate should apply or expressly confirm that the zero rate applies to all entries produced and/or exported by Ambica for which Ambica acts as importer of record, notwithstanding the fact that the subject merchandise is sold by Ambica to another party.

Department Position

In the Department's draft liquidation instructions, the Department listed Ambica as the importer of record for sales in which Ambica reported itself as the importer of record.⁹ For sales in which the importer of record was unknown, the Department listed the U.S. customer.¹⁰

We determine to not list Ambica's customers in cases where Ambica has reported itself as the importer of record. In accordance with 19 CFR 351.212(b), the Department's normal practice is to calculate importer-specific liquidation rates. The Department's regulations at 19 CFR 351.212(b) only require the Department to calculate an assessment rate for each *importer*. In cases where the importer of record is not known, the Department calculates customer-specific liquidation rates as we did in our draft liquidation instructions.¹¹ Thus, in all cases, CBP is provided with necessary liquidation guidance.

With respect to Ambica's request that we clarify that Ambica's rate applies to all entries produced and/or exported by Ambica for which Ambica acts as importer of record, the Department can confirm that this is already included in the instructions which we intend to send to CBP. Given that we are changing the instructions as discussed *supra* in Comment 1, we intend to disclose these instructions to Ambica before sending them to CBP.

⁶ See Department Memorandum, "Preliminary Results Calculation Memorandum for Ambica Steels Limited," dated March 18, 2014 (Preliminary Results Calculations) at Attachment 1, and Department Letter, "Antidumping Duty Administrative Review of Stainless Steel Bar from India: Third Supplemental Questionnaire," dated March 26, 2014.

⁷ *Id.*

⁸ *Id.*

⁹ See Preliminary Results Calculations at Attachment 1.

¹⁰ *Id.*

¹¹ See, e.g., *Citric Acid and Certain Citrate Salts From Canada: Final Results of Antidumping Duty Administrative Review*, 77 FR 24461 (April 24, 2012).


RECOMMENDATION

Based on our analysis of the comments received, we recommend adopting all of the above positions. If accepted, we will publish the final results of this review and the final weighted-average dumping margin in the *Federal Register*.




Agree

Disagree



Paul Piquado
Assistant Secretary
for Enforcement and Compliance



(Date)