




A-533-823
Administrative Review
POR: 05/01/2014-4/30/2015
Public Document
E&C/O7: DL

May 3, 2016

MEMORANDUM TO: Paul Piquado
Assistant Secretary
for Enforcement and Compliance

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

SUBJECT: Decision Memorandum for the Preliminary Results of the 2014-
2015 Administrative Review of the Antidumping Duty Order on
Silicomanganese from India

I. SUMMARY

The Department of Commerce (the Department) is conducting the second administrative review of the antidumping duty (AD) order on silicomanganese from India. This review covers respondent Universal Ferro and Allied Chemicals Ltd. (Universal). The period of review (POR) is May 1, 2014, through April 30, 2015. We preliminarily find that there is no evidence of any reviewable entries, shipments, or sales of subject merchandise by Universal during the POR and, as such, we are preliminarily issuing a determination of no shipments.

II. BACKGROUND

In May 2002, the Department published in the *Federal Register* the AD order on silicomanganese from India.¹ Subsequently, on May 1, 2015, the Department notified parties of their opportunity to request an administrative review on this order.² Pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended (the Act), and in accordance with 19 CFR 351.213(b)(1), Petitioners requested an administrative review on June 1, 2015.³ Accordingly, on July 1, 2015, the Department initiated the instant review on imports of silicomanganese from India by two companies, Nava Bharat Ventures Limited (Nava) and Universal.⁴ Subsequently,

¹ See *Notice of Amended Final Determination of Sales at Less than Fair Value and Antidumping Duty Orders: Silicomanganese from India, Kazakhstan, and Venezuela*, 67 FR 36149 (May 23, 2002).

² See *Antidumping of Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 80 FR 24898 (May 1, 2015).

³ See Letter to Department regarding "Silicomanganese from India: Request for Administrative Review of Antidumping Order," dated June 1, 2015. Petitioners are collectively Eramet Marietta, Inc. and Felman Production, LLC.

⁴ *Id.*



Petitioners withdrew their request for review of Nava.⁵ As a result, on December 8, 2015, the Department rescinded Nava's review.⁶ The Department thus proceeded with the review of Universal.

On July 8, 2015, the Department issued the initial questionnaire to Universal, with responses due between July 29, 2015 and August 14, 2015. The Department confirmed that Universal received the questionnaire on July 13, 2015⁷ and subsequently, we received a letter from Universal *via* courier dated July 22, 2015, in which the company stated that it had no shipments during the POR.⁸ Subsequently, we conducted a U.S. Customs and Border Protection (CBP) entry query for entries of subject merchandise by Universal during the POR and have not received any information from CBP indicating that Universal had entries during the POR.⁹

III. SCOPE OF THE ORDER

The products subject to the order are all forms, sizes and compositions of silicomanganese, except low-carbon silicomanganese, including silicomanganese briquettes, fines and slag. Silicomanganese is a ferroalloy composed principally of manganese, silicon and iron, and normally contains much smaller proportions of minor elements, such as carbon, phosphorous and sulfur. Silicomanganese is sometimes referred to as ferrosilicon manganese. Silicomanganese is used primarily in steel production as a source of both silicon and manganese. Silicomanganese generally contains by weight not less than 4 percent iron, more than 30 percent manganese, more than 8 percent silicon and not more than 3 percent phosphorous. Silicomanganese is properly classifiable under subheading 7202.30.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Some silicomanganese may also be classified under HTSUS subheading. This scope covers all silicomanganese, regardless of its tariff classification. Although the HTSUS subheadings are provided for convenience and U.S. Customs and Border Protection (CBP) purposes, our written description of the scope remains dispositive.

The low-carbon silicomanganese excluded from this scope is a ferroalloy with the following chemical specifications: minimum 55 percent manganese, minimum 27 percent silicon, minimum 4 percent iron, maximum 0.10 percent phosphorus, maximum 0.10 percent carbon and maximum 0.05 percent sulfur. Low-carbon silicomanganese is used in the manufacture of stainless steel and special carbon steel grades, such as motor lamination grade steel, requiring a very low carbon content. It is sometimes referred to as ferromanganese-silicon. Low-carbon silicomanganese is classifiable under HTSUS subheading 7202.99.8040.

⁵ See Letter from Petitioners, "Silicomanganese from India: Withdrawal of Request for Administrative Review of Antidumping Order," dated August 25, 2015.

⁶ See *Silicomanganese from India: Partial Rescission of Antidumping Duty Administrative Review; 2014–2015*, 80 FR 76269 (December 8, 2015).

⁷ See Memorandum to the File "2014-2015 Administrative Review of Silicomanganese from India: Delivery of Universal's Questionnaire," dated concurrently with this memorandum.

⁸ See Memorandum to the File "2014-2015 Administrative Review of Silicomanganese from India: Correspondence," dated April 8, 2016.

⁹ See No Shipment CBP Inquiry for Universal on April 13, 2016.

IV. PRELIMINARY DETERMINATION OF NO SHIPMENTS

Based on information submitted by Universal after the initiation of this administrative review, and the fact that CBP did not respond to our query of entries made during the POR by Universal, the Department has preliminarily determined that, consistent with 19 CFR 351.213(d)(3), Universal had no reviewable entries, shipments, or sales of subject merchandise during the POR.

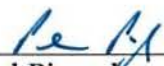
V. RECOMMENDATION

We recommend applying the above determination of no shipments for these preliminary results. In addition, we recommend not rescinding the review but, rather, completing this review and issuing appropriate instructions to CBP based on the final results of review.¹⁰

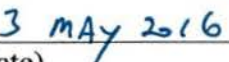


Agree

Disagree



Paul Piquado
Assistant Secretary
for Enforcement and Compliance



(Date)

¹⁰ See, e.g., *Certain Frozen Warmwater Shrimp From Thailand: Preliminary Results of Antidumping Duty Administrative Review and Intent To Revoke the Order (in Part); 2011-2012*, 78 FR 15686 (March 12, 2013) and the accompanying Decision Memorandum at 7-8.