



A-533-810  
Administrative Review  
POR 02/01/15 - 01/31/16  
Public Document  
AD/CVD OI: JS

June 6, 2017

MEMORANDUM TO: Ronald K. Lorentzen  
Acting Assistant Secretary  
for Enforcement and Compliance

FROM: Gary Taverman  
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; 2015-2016

## I. SUMMARY

We have analyzed the case and rebuttal briefs of interested parties in the administrative review of the antidumping duty (AD) order on stainless steel bar (SSB or subject merchandise) from India. We recommend that you approve the position described in the “Discussion of the Issues” section of this memorandum. Listed below is the single issue in this administrative review for which we received comments and rebuttal comments from parties.

**Comment: Whether the Department’s Liquidation Instructions Address All Applicable Entries**

## II. BACKGROUND

On March 1, 2017, the Department of Commerce (Department) published the preliminary results of the administrative review of the antidumping duty order on SSB from India.<sup>1</sup> We extended the briefing schedule for rebuttal comments.<sup>2</sup> We received a timely case brief from Carpenter Technology Corporation, Crucible Industries LLC, Electralloy, a Division of G.O. Carlson, Inc., North American Stainless, Universal Stainless & Alloy Products, Inc., and Valbruna Slater

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<sup>1</sup> See *Stainless Steel Bar from India: Preliminary Results, of Antidumping Duty Administrative Review; 2015–2016*, 82 FR 12190 (March 1, 2017) (*Preliminary Results*).

<sup>2</sup> See Memorandum to all Interested Parties, “Extension of the Briefing Schedule for filing Rebuttal Comments,” dated April 5, 2017.



Stainless, Inc. (the petitioners) and a timely filed rebuttal brief from Ambica Steels Limited (Ambica).<sup>3</sup>

### **III. CHANGES SINCE THE PRELIMINARY RESULTS**

We have not made any changes since the *Preliminary Results*.

### **IV. SCOPE OF ORDER**

The merchandise subject to the order is SSB. SSB 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. SSB includes cold-finished SSBs 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.

### **V. DISCUSSION OF THE ISSUES**

#### **Comment: Whether the Department's Liquidation Instructions Address All Applicable Entries**

The petitioners argue that the Department's draft liquidation instructions do not specifically address entries of subject merchandise that were attributed to Ambica, but apparently manufactured by another producer during the POR. While the Department found in the *Preliminary Results* that the aforementioned entries were made by an unaffiliated producer, and that Ambica had no knowledge of those entries, and therefore, should be liquidated at the all-others rate, the petitioners assert that the Department should clarify that these entries should be liquidated at the all-others rate by specifically identifying the entry numbers in the liquidation

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<sup>3</sup> See Letter from the petitioners to the Department, "Stainless Steel Bar from India—Petitioners' Case Brief," (Petitioners' Case Brief) dated March 31, 2017; see also, Letter from Ambica to the Department, "Stainless Steel Bar from India: Rebuttal Brief," dated April 7, 2017 (Ambica's Rebuttal Brief).

instructions.<sup>4</sup> The petitioners did not dispute any of the other findings made by the Department in the *Preliminary Results*.

Ambica reiterates that it had no U.S. shipments, sales, or entries of subject merchandise during the period of review (POR), apart from the single entry previously reported by Ambica and previously reviewed by the Department in the prior POR, but entered in the instant POR.<sup>5</sup> Ambica states that this entry should remain subject to the Department's finding in the *Preliminary Results*, which it and the petitioners do not object to. With regard to the argument made by the petitioners regarding entries made by other producers, Ambica states that it is of no concern to the company.

**Department's Position:** The Department determines, and CBP assesses, AD duties pursuant to section 751(a)(2)(C) of the Tariff Act of 1930, as amended, and 19 CFR 351.212(b). In the *Preliminary Results*, the Department determined that Ambica had one suspended entry:<sup>6</sup> "The Department preliminarily finds that Ambica had one suspended entry of subject merchandise during this POR for which it had knowledge of its sale to an unaffiliated U.S. customer. However, the Department inadvertently included the sales associated with this 2015/16 entry of subject merchandise in its analysis for the 2014–15 administrative review. Therefore, we have preliminarily determined to apply the importer-specific assessment rate calculated for Ambica in the 2014–15 review to this suspended entry in the instant review."<sup>7</sup>

It is the Department's practice to assess duties for all other suspended entries during the POR entered under the company's case number, but not exported by the company, at the all-others rate established in the investigation, pursuant to the Department's *Reseller Policy*.<sup>8</sup> As mentioned above, the Department found one entry subject to the instant review, and determined to apply the importer-specific assessment rate to that entry, and moreover, found that Ambica made no other shipments of subject merchandise to the United States during the POR.<sup>9</sup> Therefore, we intend to instruct CBP to liquidate any entries made during the POR under Ambica's case number, at the all-others rate.

With regard to the petitioners' argument that we should identify the individual entry numbers in our instructions to CBP, we disagree. As stated above, the Department's practice addresses the concern that any entries made under Ambica's case number, but not exported by Ambica (or a company that does not already have a case number), will be assessed the all-others rate. The CBP instructions will provide that all shipments produced by Ambica and not exported by Ambica are to be assessed the all-others rate.

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<sup>4</sup> See Petitioners' Case Brief at 2.

<sup>5</sup> See Ambica's Rebuttal Brief at 1.

<sup>6</sup> We note that the petitioners claimed in their brief that the Department had determined that Ambica had no entries of subject merchandise during the POR, which is factually different than what the Department found in the *Preliminary Results*.

<sup>7</sup> See *Preliminary Results* at 12191.

<sup>8</sup> See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Reseller Policy*).

<sup>9</sup> See *Preliminary Results* and Memorandum, "Stainless Steel Bar from India: Preliminary Analysis Memorandum."

## VI. RECOMMENDATION

Based on our analysis of the comments received, we recommend adopting the above positions. If accepted, we will publish the final results of this review in the *Federal Register*.



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Agree



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Disagree

6/6/2017

**X** *Ronald K. Lorentzen*

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Signed by: RONALD LORENTZEN

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Ronald K. Lorentzen  
Acting Assistant Secretary  
for Enforcement and Compliance