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CASE #(s): A-401-206, A-401-603

EFFECTIVE DATE: COURT CASE #:
PERIOD OF REVIEW: TO
PERIOD COVERED: 06/24/1994 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: STAINLESS STEEL HOLLOW PRODUCTS FROM SWEDEN (A-401-603, A401-206)

MESSAGE NO: 4175112

DATE: 06 24 1994

CATEGORY: ADA

TYPE: INF

REFERENCE: 2326115

REFERENCE DATE: 11 22 1991

CASES: A - 401 - 603

A - 401 - 206

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PERIOD COVERED: 06 24 1994 TO

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS
DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, TRADE COMPLIANCE DIVISION

RE: STAINLESS STEEL HOLLOW PRODUCTS FROM SWEDEN
(A-401-603, A401-206)

1. Background

On October 9, 1987, the U.S. Department of Commerce (Department) published in the Federal Register (52 FR 37810) the final determination of its investigation of sales at less-than-fair-value (LTFV) of stainless steel hollow products (SSHP) from Sweden. On November 25, 1987, the U.S. International Trade Commission (ITC) published in the Federal Register (52 FR 45256) its final determination in which it found that imports of seamless SSHP were causing material

injury to the U.S. industry, but that imports of welded SSHP were not causing injury, or threatening to cause injury, to the U.S. industry. Therefore, on December 3, 1987, the Department published in the Federal Register (52 FR 45985) the antidumping duty order on SSHP from Sweden, case number A-401-603, which covered only imports of seamless SSHP.

Subsequently, the U.S. industry challenged the ITC's negative determination with respect to imports of welded SSHP before the U.S. Court of International Trade (CIT), which on June 20, 1990, remanded the determination back to the ITC. Upon remand, the ITC did find that the U.S. industry was materially injured by imports of welded SSHP from Sweden, which the CIT affirmed on November 27, 1990. Accordingly, the Department published in the Federal Register on December 17, 1990, (55 FR 51745) a notification of the CIT's decision along with instructions, effective December 17, 1990, that the liquidation of entries of welded SSHP from Sweden would be suspended pending possible appeal of the CIT's affirmation of the ITC remand and subsequent amendment of the antidumping duty order.

The CIT's affirmation of the ITC remand was appealed to the Court of Appeals for the Federal Circuit (CAFC), and on September 8, 1992, the CAFC upheld the CIT's decision. Accordingly, the ITC published in the Federal Register on September 16, 1992, (57 FR 42761) its final affirmative determination of injury, made pursuant to court remand, for the antidumping duty investigation of welded SSHP from Sweden. Subsequently, the Department published in the Federal Register on November 5, 1992, (57 FR 52761) an amended antidumping duty order on SSHP from Sweden in order to include welded, along with seamless, SSHP in the scope of the order. Furthermore, as stated in the amended order as well as in the original LTFV investigation, the Department considered, and continues to consider, welded and seamless SSHP to be a single class or kind of merchandise.

2. Currently, there are two case numbers in the ACS AD Module for this case, A-401-603, the original case number, and A-401-206. The second case number, which is for "Welded SSHP," appears to have been created after the CIT's affirmation of the ITC's remand when the Department instructed Customs to start to suspend liquidation of entries of welded SSHP from Sweden. Furthermore, the original case number, A-401-603, only covers entries of seamless SSHP, the scope of the original antidumping duty order. Nevertheless, A-401-603 is the only case number which the Department has used in reference to this antidumping duty order in its correspondence and Federal Register notices, whereas A-401-206 exists only in the AD Module and in e-mail message #2326115 (November 22, 1991), which transmitted the CIT's affirmation of the ITC remand to the Customs regional and district offices.

3. Because the Department has always maintained that seamless and welded SSHP constitute a single class or kind of merchandise, there should therefore be a single case number which both the Department and Customs use to refer to this order. As a first step in combining these two case numbers in the AD Module (i.e. to eliminate A-401-206), the suspension of liquidation of all future entries of both seamless and welded SSHP from Sweden should be made under the original case number, A-401-603. The Department will update the AD Module to include the Harmonized Tariff Schedule numbers for welded SSHP under case number A-401-603.

4. No liquidation of suspended entries under case number A-401-206 or A-401-603 should be made at this time. The Department will issue liquidation instructions for these entries at some future date.

5. If there are any questions regarding this matter by Customs officers, please contact via e-mail, through the Regional Antidumping/Countervailing Duty Coordinator, the Trade Compliance Division, Countervailing/Antidumping Branch, using

attribute "HQ OAB." Other interested parties should contact Charles Vannatta at (202) 482-5253 in the Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce.

6. There are no restrictions on the release of this information.

Nancy McTiernan

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party