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EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/19/1993 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: ANTIDUMPING DUTY ORDERS AND AMENDMENTS TO FINAL DETERMINATIONS FOR CERTAIN CORROSION-RESISTANT CARBON STEEL FLAT RPRODUCTS JAPAN, CANADA AND AUSTRALIA

MESSAGE NO: 4299111	DATE: 10 26 1993
CATEGORY: ADA	TYPE: ORD
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CASES: A - 602 - 803	A - 588 - 826
A - 122 - 822	- -
- -	- -

PERIOD COVERED: 08 19 1993 TO

LIQ SUSPENSION DATE:

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

FROM: DIRECTOR, IMPORT SPECIALIST DIVISION

RE: ANTIDUMPING DUTY ORDERS AND AMENDMENTS TO FINAL DETERMINATIONS FOR CERTAIN CORROSION-RESISTANT CARBON STEEL FLAT RPRODUCTS JAPAN, CANADA AND AUSTRALIA

1. ON JULY 9, 1993, THE DEPARTMENT OF COMMERCE (DEPARTMENT) PUBLISHED IN THE FEDERAL REGISTER THE DEPARTMENT'S FINAL DETERMINATION THAT CERTAIN CARBON STEEL FLAT PRODUCTS FROM VARIOUS COUNTRIES ARE BEING, OR ARE LIKELY TO BE, SOLD AT LESS THAN FAIR VALUE. ON AUGUST 19, 1993, THE DEPARTMENT PUBLISHED NOTICES OF ITS ANTIDUMPING DUTY ORDERS OF CERTAIN CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS AND CUT-TO-LENGTH

CARBON STEEL PLATE FROM VARIOUS COUNTRIES. THE DEPARTMENT ALSO AMENDED ITS FINAL DETERMINATION ON CORROSION-RESISTANT FLAT PRODUCTS FROM JAPAN ON AUGUST 16, 1993.

2. ONE OF THE FOUR CLASSES OR KINDS OF PRODUCTS COVERED BY THESE INVESTIGATIONS IS CERTAIN CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS. THESE PRODUCTS INCLUDE FLAT-ROLLED CARBON STEEL PRODUCTS, OF RECTANGULAR SHAPE, EITHER CLAD, PLATED, OR COATED WITH CORROSION-RESISTANT METALS SUCH AS ZINC, ALUMINUM, OR ZINC-, ALUMINUM-, NICKEL-, OR IRON-BASED ALLOYS, WHETHER OR NOT CORRUGATED OR PAINTED, VARNISHED OR COATED WITH PLASTICS OR OTHER NONMETALLIC SUBSTANCES IN ADDITION TO THE METALLIC COATING, IN COILS (WHETHER OR NOT IN SUCCESSIVELY SUPERIMPOSED LAYERS) AND OF A WIDTH OF 0.5 INCH OR GREATER, OR IN STRAIGHT LENGTHS WHICH, IF OF A THICKNESS LESS THAN 4.75 MILLIMETERS, ARE OF A WIDTH OF 0.5 INCH OR GREATER AND WHICH MEASURES AT LEAST 10 TIMES THE THICKNESS OR IF OF A THICKNESS OF 4.75 MILLIMETERS OR MORE ARE OF A WIDTH WHICH EXCEEDS 150 MILLIMETERS AND MEASURES AT LEAST TWICE THE THICKNESS, AS CURRENTLY CLASSIFIABLE IN THE HTS UNDER ITEM NUMBERS

7210.31.0000, 7210.39.0000, 7210.41.0000, 7210.49.0030, 7210.49.0090, 7210.60.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.1000, 7210.90.6000, 7210.90.9000, 7212.21.0000, 7212.29.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000 7212.40.5000, 7212.50.0000, 7212.60.0000, 7215.90.1000, 7215.90.5000, 7217.12.1000, 7217.13.1000, 7217.19.1000, 7217.19.5000, 7217.22.5000, 7217.23.5000, 7217.29.1000, 7217.29.5000, 7217.32.5000, 7217.33.5000, 7217.39.1000, AND 7217.39.5000.

INCLUDED IN THESE INVESTIGATIONS ARE FLAT-ROLLED PRODUCTS OF NONRECTANGULAR CROSS-SECTION WHERE SUCH CROSS-SECTION IS ACHIEVED

SUBSEQUENT TO THE ROLLING PROCESS (I.E., PRODUCTS WHICH HAVE BEEN ("WORKED AFTER ROLLING") -- FOR EXAMPLE, PRODUCTS WHICH HAVE BEEN BEVELLED OR ROUNDED AT THE EDGES. EXCLUDED FROM THESE INVESTIGATIONS ARE FLAT-ROLLED STEEL PRODUCTS EITHER PLATED OR COATED WITH TIN, LEAD, CHROMIUM, CHROMIUM OXIDES, BOTH TIN AND

LEAD ("TERNE PLATE"), OR BOTH CHROMIUM AND CHROMIUM OXIDES ("TIN-FREE STEEL"), WHETHER OR NOT PAINTED, VARNISHED OR COATED WITH PLASTICS OR OTHER NONMETALLIC SUBSTANCES IN ADDITION TO THE METALLIC COATING. ALSO EXCLUDED FROM THESE INVESTIGATIONS ARE CERTAIN CLAD STAINLESS FLAT-ROLLED PRODUCTS, WHICH ARE THREE-LAYERED CORROSION-RESISTANT CARBON STEEL FLAT-ROLLED PRODUCTS LESS THAN 4.75 MILLIMETERS IN COMPOSITE THICKNESS THAT CONSIST OF A CARBON STEEL FLAT-ROLLED PRODUCT CLAD ON BOTH SIDES WITH STAINLESS STEEL IN A 20-60-20 PERCENT RATIO.

IN ITS FINAL DETERMINATION, THE INTERNATIONAL TRADE COMMISSION (ITC) DIVIDED THE ABOVE DESCRIPTION INTO CORROSION-RESISTANT CLADPLATE AND CORROSION-RESISTANT (OTHER THAN CLAD PLATE). THE ITC DEFINED CORROSION-RESISTANT CLAD PLATE AS CLAD PRODUCTS IN STRAIGHT LENGTHS OF 0.1875 INCH OR MORE IN COMPOSITE THICKNESS AND OF A WIDTH WHICH EXCEEDS 150 MILLIMETERS AND MEASURES AT LEAST TWICE THE THICKNESS. THE ITC EXCLUDED CORROSION-RESISTANT CLAD PLATE FROM THESE INVESTIGATIONS.

ALTHOUGH THE HTS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, OUR WRITTEN DESCRIPTION OF THE SCOPE OF THESE PROCEEDINGS IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES, THESE CASES HAVE BEEN ASSIGNED THE FOLLOWING INVESTIGATION NUMBERS:

AUSTRALIA A-602-803 CANADA A-122-822
JAPAN A-588-826

4. ON AUGUST 9, 1993, THE ITC NOTIFIED THE DEPARTMENT THAT IMPORTS OF CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS FROM AUSTRALIA, CANADA AND JAPAN MATERIALLY INJURE THE U.S. INDUSTRY. SEVERAL PARTIES TO THE CANADA CASE HAVE ALLEGED THAT THE DEPARTMENT'S FINAL DETERMINATIONS CONTAINED MINISTERIAL ERRORS WHICH SHOULD BE CORRECTED. HOWEVER, ON JULY 9, 1993, THE DEPARTMENT RECEIVED A REQUEST FOR BINATIONAL PANEL REVIEW OF ITS DETERMINATIONS. BECAUSE THIS CASE IS CURRENTLY IN LITIGATION,

THE DEPARTMENT DOES NOT HAVE JURISDICTION TO CORRECT MINISTERIAL ERRORS AT THIS TIME. THEREFORE, THE U.S. CUSTOMS SERVICE SHALL CONTINUE TO SUSPEND LIQUIDATION OF ALL ENTRIES OF CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS FROM AUSTRALIA, CANADA, AND JAPAN, AND SHALL REQUIRE A CASH DEPOSIT EQUAL TO THE WEIGHTED-AVERAGE FINAL ANTIDUMPING MARGINS LISTED BELOW:

MANUFACTURER\PRODUCER EXPORTER	CUSTOMS ID NUMBER	MARGIN PERCENTAGE
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AUSTRALIA

BHP	A-602-803-001	24.96
ALL OTHERS	A-602-803-000	24.96

CANADA

DOFASCO INC.	A-122-822-001	10.89
STELCO INC.	A-122-822-003	28.27
ALL OTHERS	A-122-822-000	22.29

JAPAN

KAWASAKI STEEL CORP.	A-588-826-004	36.41
NIPPON STEEL CORP.	A-588-826-002	36.41
ALL OTHERS	A-588-826-000	36.41

5. IN GENERAL, THE DEPOSIT RATE REQUIRED ON EACH ENTRY WILL BE THAT ASSIGNED TO THE MANUFACTURER OF THE FLAT-ROLLED STEEL PRODUCT. FOR THE ENTRY TO BE ACCEPTED, THE NAME OF THE MANUFACTURER MUST BE CLEARLY IDENTIFIED.

IN GENERAL, THE EVENT THAT THE EXPORTER IS A RESELLER, TRADING COMPANY, OR STEEL SERVICE CENTER, THE FOLLOWING INSTRUCTIONS SHOULD BE FOLLOWED:

(1) IF THE RESELLER, ETC., SIMPLY RESELLS THE FLAT-ROLLED PRODUCT, A DEPOSIT EQUAL TO THE RATE ASSIGNED TO THE MANUFACTURER WILL BE REQUIRED.

(2) IF THE RESELLER, ETC., DOES SOME FURTHER PROCESSING BUT DOES NOT TRANSFORM THE FLAT-ROLLED STEEL PRODUCT INTO A CLASS OR KIND OF MERCHANDISE DIFFERENT THAN THAT PURCHASED FROM THE MANUFACTURER, A DEPOSIT EQUAL TO THE RATE ASSIGNED TO THE MANUFACTURER WILL BE REQUIRED (E.G., IF A RESELLER PURCHASES A FOUR-FOOT WIDE COIL OF CORROSION-RESISTANT STEEL AND SLITS IT INTO FOUR ONE-FOOT WIDE COILS OF CORROSION-RESISTANT STEEL).

(3) IF THE RESELLER, ETC., DOES FURTHER PROCESSING AND CHANGES THE PRODUCT INTO A DIFFERENT CLASS OR KIND OF MERCHANDISE, A DEPOSIT EQUAL TO THE "ALL OTHERS" RATE FOR THE NEW CLASS OR KIND WILL BE REQUIRED (E.G., IF A RESELLER PURCHASES A COIL OF HOT-ROLLED STEEL AND GALVANIZES IT, THE "ALL OTHERS" RATE FOR CORROSION-RESISTANT STEEL WILL APPLY.)

(4) IF THE RESELLER, ETC., IS RELATED TO THE MANUFACTURER OF THE SUBJECT MERCHANDISE, A DEPOSIT EQUAL TO THE RATE ASSIGNED TO THE MANUFACTURER WILL BE REQUIRED.

6. IF MERCHANDISE ENTERED UNDER 9802.00.60 (AMERICAN GOODS RETURNED), IF THE PRODUCT HAS BEEN TRANSFORMED INTO A CLASS OR KIND OF MERCHANDISE SUBJECT TO THIS INVESTIGATION IN A COUNTRY SUBJECT TO INVESTIGATION, A DEPOSIT EQUAL TO THE FOREIGN MANUFACTURER'S ASSIGNED RATE ON THE FULL VALUE OF THE PRODUCT WILL BE REQUIRED.

7. FOR THE PURPOSES OF ANTIDUMPING AND COUNTERVAILING DUTIES, GALVANIZING CONSTITUTES SUBSTANTIAL TRANSFORMATION (E.G., U.S. ORIGIN COLD-ROLLED STEEL GALVANIZED IN ANOTHER COUNTRY IS SUBJECT TO THE AD VALOREM CASH DEPOSIT FOR CORROSION-RESISTANT STEEL FROM THE SUBJECT COUNTRY).

8. FOR U.S. ORIGIN MERCHANDISE WHICH IS "TOLLED" IN A COUNTRY SUBJECT TO INVESTIGATION, A DEPOSIT IS REQUIRED ON THE FULL VALUE OF THE SUBJECT MERCHANDISE FROM THE COUNTRY SUBJECT TO INVESTIGATION, UNLESS AND UNTIL THE CIRCUMSTANCES OF THE TOLLING HAVE BEEN ESTABLISHED BY THE DEPARTMENT IN AN ADMINISTRATIVE REVIEW. MERCHANDISE IS TOLLED WHEN THE ORIGINAL MANUFACTURER

HASTHE MERCHANDISE FURTHER PROCESSED BY ANOTHER COMPANY WHILE
RETAINING TITLE OR OWNERSHIP TO THE MERCHANDISE. THESE
INSTRUCTIONS SUPERSEDE THE DEPARTMENT'S PREVIOUS INSTRUCTIONS ON
TOLLED MERCHANDISE.

9. IN THE CASE OF CORROSION-RESISTANT SUBJECT MERCHANDISE FROM
DNN, A CANADIAN GALVANIZER OF STEEL PRODUCTS WHICH IS RELATED TO
DOFASCO, A DEPOSIT IS REQUIRED EQUAL TO DOFASCO'S ESTIMATED
MARGIN OF DUMPING, 10.89 PERCENT, ON THE FULLVALUE OF DNN
MERCHANDISE.

10. IN THE CASE OF CORROSION-RESISTANT SUBJECT MERCHANDISE FROM
SOREVCO, INC., A RELATED PARTY TO DOFASCO, A DEPOSIT IS REQUIRED
EQUAL TO DOFASCO'S ESTIMATED MARGIN OF DUMPING, 10.89 PERCENT,
ON THE FULL VALUE OF SOREVCO MERCHANDISE.

11. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS
OFFICERS, PLEASE CONTACT THE ANTIDUMPING
COUNTERVAILING DUTYBRANCH VIA E-MAIL ATTRIBUTE "HQ OAB." OTHER
INTERESTED PARTIES SHOULD CONTACT EDWARD YANG OR RICHARD WEIBLE,
OFFICE OF AGREEMENTS COMPLIANCE, IMPORT ADMINISTRATION,
INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE
ON 202-482-3793.

12. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS
INFORMATION.

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Company Details

*Party Indicator Value:

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