

MESSAGE NO: 5026206 MESSAGE DATE: 01/26/2005
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-533-821

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/01/2003 TO 12/31/2003

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN HOT-ROLLED CARBON STEEL FLAT PRODUCTS FROM INDIA (C-533-821)

MESSAGE NO: 5026206

DATE: 01 26 2005

CATEGORY: CVD

TYPE: LIQ

REFERENCE:

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CASES: C - 533 - 821

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PERIOD COVERED: 01 01 2003 TO 12 31 2003

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN HOT-ROLLED CARBON STEEL FLAT PRODUCTS FROM INDIA (C-533-821)

1. THE DEPARTMENT OF COMMERCE DID NOT RECEIVE A REQUEST FOR AN ADMINISTRATIVE REVIEW OF THE COUNTERVAILING DUTY ORDER ON CERTAIN HOT-ROLLED CARBON STEEL FLAT PRODUCTS FROM INDIA (C-533-821) FOR THE PERIOD 1/1/2003 THROUGH 12/31/2003.

2. THE MERCHANDISE SUBJECT TO THIS ORDER IS CERTAIN HOT-ROLLED CARBON STEEL FLAT PRODUCTS OF A RECTANGULAR SHAPE, OF A WIDTH OF 0.5 INCH OR GREATER, NEITHER CLAD, PLATED, NOR COATED WITH METAL

AND WHETHER OR NOT PAINTED, VARNISHED, OR COATED WITH PLASTICS OR OTHER NON-METALLIC SUBSTANCES, IN COILS (WHETHER OR NOT IN SUCCESSIVELY SUPERIMPOSED LAYERS), REGARDLESS OF THICKNESS, AND IN STRAIGHT LENGTHS, OF A THICKNESS OF LESS THAN 4.75 MM AND OF A WIDTH MEASURING AT LEAST 10 TIMES THE THICKNESS. UNIVERSAL MILL PLATE (I.E., FLAT-ROLLED PRODUCTS ROLLED ON FOUR FACES OR IN A CLOSED BOX PASS, OF A WIDTH EXCEEDING 150 MM, BUT NOT EXCEEDING 1250 MM, AND OF A THICKNESS OF NOT LESS THAN 4 MM, NOT IN COILS AND WITHOUT PATTERNS IN RELIEF) OF A THICKNESS NOT LESS THAN 4.0 MM IS NOT INCLUDED WITHIN THE SCOPE OF THIS INVESTIGATION.

SPECIFICALLY INCLUDED WITHIN THE SCOPE OF THIS ORDER ARE VACUUM DEGASSED, FULLY STABILIZED (COMMONLY REFERRED TO AS INTERSTITIAL-FREE (IF)) STEELS, HIGH STRENGTH LOW ALLOY (HSLA) STEELS, AND THE SUBSTRATE FOR MOTOR LAMINATION STEELS. IF STEELS ARE RECOGNIZED AS LOW CARBON STEELS WITH MICRO-ALLOYING LEVELS OF ELEMENTS SUCH AS TITANIUM OR NIOBIUM (ALSO COMMONLY REFERRED TO AS COLUMBIUM), OR BOTH, ADDED TO STABILIZE CARBON AND NITROGEN ELEMENTS. HSLA

STEELS ARE RECOGNIZED AS STEELS WITH MICRO-ALLOYING LEVELS OF ELEMENTS SUCH AS CHROMIUM, COPPER, NIOBIUM, VANADIUM, AND MOLYBDENUM. THE SUBSTRATE FOR MOTOR LAMINATION STEELS CONTAINS MICRO-ALLOYING LEVELS OF ELEMENTS SUCH AS SILICON AND ALUMINUM.

STEEL PRODUCTS TO BE INCLUDED IN THE SCOPE OF THIS ORDER, REGARDLESS OF DEFINITIONS IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS), ARE PRODUCTS IN WHICH: A) IRON PREDOMINATES, BY WEIGHT, OVER EACH OF THE OTHER CONTAINED ELEMENTS; B) THE CARBON CONTENT IS 2 PERCENT OR LESS, BY WEIGHT; AND C) NONE OF THE ELEMENTS LISTED BELOW EXCEEDS THE QUANTITY, BY WEIGHT, RESPECTIVELY INDICATED:

1.80 PERCENT OF MANGANESE, OR
2.25 PERCENT OF SILICON, OR
1.00 PERCENT OF COPPER, OR
0.50 PERCENT OF ALUMINUM, OR
1.25 PERCENT OF CHROMIUM, OR
0.30 PERCENT OF COBALT, OR

0.40 PERCENT OF LEAD, OR
1.25 PERCENT OF NICKEL, OR
0.30 PERCENT OF TUNGSTEN, OR
0.10 PERCENT OF MOLYBDENUM, OR
0.10 PERCENT OF NIOBIUM, OR
0.15 PERCENT OF VANADIUM, OR
0.15 PERCENT OF ZIRCONIUM.

ALL PRODUCTS THAT MEET THE PHYSICAL AND CHEMICAL DESCRIPTION PROVIDED ABOVE ARE WITHIN THE SCOPE OF THIS ORDER UNLESS OTHERWISE EXCLUDED. THE FOLLOWING PRODUCTS, BY WAY OF EXAMPLE, ARE OUTSIDE OR SPECIFICALLY EXCLUDED FROM THE SCOPE OF THIS ORDER: ALLOY HOT-ROLLED STEEL PRODUCTS IN WHICH AT LEAST ONE OF THE CHEMICAL ELEMENTS EXCEEDS THOSE LISTED ABOVE (INCLUDING, E.G. AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) SPECIFICATIONS A543, A387, A514, A517, A506); SOCIETY OF AUTOMOTIVE ENGINEERS (SAE)/AMERICAN IRON AND STEEL INSTITUTE (AISI) GRADES OF SERIES 2300 AND HIGHER; BALL BEARINGS STEELS (AS DEFINED IN THE HTSUS); TOOL STEELS (AS DEFINED IN THE HTSUS), SILICO-MANGANESE (AS DEFINED IN THE HTSUS) OR SILICON ELECTRICAL STEEL WITH A SILICON LEVEL EXCEEDING 2.25 PERCENT; ASTM SPECIFICATIONS A710 AND A736; USS ABRASION-RESISTANT STEELS (USS AR 400, USS AR 500); ALL PRODUCTS (PROPRIETARY OR OTHERWISE) BASED ON AN ALLOY ASTM SPECIFICATION (SAMPLE SPECIFICATIONS: ASTM A506, A507); NON-RECTANGULAR SHAPES, NOT IN COILS, WHICH ARE THE RESULT OF HAVING BEEN PROCESSED BY CUTTING OR STAMPING AND WHICH HAVE ASSUMED THE CHARACTER OF ARTICLES OR PRODUCTS CLASSIFIED OUTSIDE CHAPTER 72 OF THE HTSUS.

THE MERCHANDISE SUBJECT TO THIS ORDER IS CURRENTLY CLASSIFIABLE UNDER SUBHEADINGS 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00,

7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, AND 7211.19.75.90 OF THE HTSUS. CERTAIN HOT-ROLLED CARBON STEEL FLAT PRODUCTS COVERED BY THIS ORDER, INCLUDING VACUUM DEGASSED FULLY STABILIZED, HIGH STRENGTH LOW ALLOY, AND THE SUBSTRATE FOR MOTOR LAMINATION STEEL, MAY ALSO ENTER UNDER THE FOLLOWING TARIFF NUMBERS: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. SUBJECT MERCHANDISE MAY ALSO ENTER UNDER 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, AND 7212.50.00.00. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND U.S. CUSTOMS AND BORDER PROTECTION (CBP) PURPOSES, THE DEPARTMENT'S WRITTEN DESCRIPTION OF THE SUBJECT MERCHANDISE IS DISPOSITIVE.

3. THEREFORE, IN ACCORDANCE WITH SECTION 351.212(C) OF THE COMMERCE REGULATIONS, YOU ARE TO ASSESS COUNTERVAILING DUTIES AT RATES EQUAL TO THE CASH DEPOSIT OF ESTIMATED COUNTERVAILING DUTIES REQUIRED AT THE TIME OF ENTRY ON THE SPECIFIED SUBJECT MERCHANDISE ENTERED OR WITHDRAWN FROM WAREHOUSE ON OR AFTER 1/1/2003 AND ON OR BEFORE 12/31/2003.

4. THE RATES OF ESTIMATED COUNTERVAILING DUTIES WHICH WERE REQUIRED TO BE DEPOSITED ARE:

CERTAIN HOT-ROLLED CARBON
STEEL FLAT PRODUCTS FROM INDIA

MFR/PRODUCER/	CUSTOMS ID	EXPORTER	NUMBER	PERIOD	PERCENT
STEEL AUTHORITY OF INDIA LTD. (SAIL)	C-533-821-001			1/01/2003-12/31/2003	18.27%
ESSAR STEEL LTD. (ESSAR)	C-533-821-002			1/01/2003-12/31/2003	8.28%

ISPAT INDUSTRIES LTD. C-533-821-003 1/01/2003-12/31/2003 31.89%
(ISPAT)

TATA IRON AND STEEL C-533-821-004 1/01/2003-12/31/2003 9.17%
CO. LTD. (TISCO)

JINDAL VIJAYNAGAR C-533-821-005 1/01/2003-12/31/2003 16.10%
LTD.

ALL OTHERS C-533-821-000 1/01/2003-12/31/2003 16.10%

5. THE ASSESSMENT OF COUNTERVAILING DUTIES BY THE CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED COUNTERVAILING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED COUNTERVAILING DUTIES BEFORE THE DATE OF PUBLICATION OF THE COUNTERVAILING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE ENTRY DATE OR DATE OF DEPOSIT WHICHEVER IS LATER, OR ESTIMATED COUNTERVAILING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. THE SUSPENSION OF LIQUIDATION ORDERED FOR THE MERCHANDISE LISTED ABOVE EXPORTED ON OR AFTER 1/1/2003 AND ON OR BEFORE 12/31/2003 IS LIFTED. THE SUSPENSION OF LIQUIDATION FOR ALL SHIPMENTS OF THE MERCHANDISE LISTED ABOVE EXPORTED AFTER 12/31/2003 WILL CONTINUE.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC AND INTERESTED PARTIES, CONTACT DAVINA HASHIMI OR RON TRENTHAM AT THE OFFICE OF CVD/AD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, (202) 482-0984 OR

(202) 482- 4793. (GENERATED BY O3:GL).

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

CATHY SAUCEDA

Company Details

*Party Indicator Value:

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