

MESSAGE NO: 6307211 MESSAGE DATE: 11/03/2006
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-533-820

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 12/01/2004 TO 11/30/2005

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQ. INST.-NOTIFICATION OF RESC. OF THE ADM. REVIEW OF AD DUTY ORDER ON CERTAIN HOT-ROLLED CARBON STEEL FLAT PRODUCTS FROM INDIA FROM ESSAR STEEL LTD(A-533-820-002)

MESSAGE NO: 6307211

DATE: 11 03 2006

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

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CASES: A - 533 - 820

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PERIOD COVERED: 12 01 2004 TO 11 30 2005

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQ. INST.-NOTIFICATION OF RESC. OF THE ADM. REVIEW OF AD DUTY ORDER ON CERTAIN HOT-ROLLED CARBON STEEL FLAT PRODUCTS FROM INDIA FROM ESSAR STEEL LTD(A-533-820-002)

1. THE DEPARTMENT OF COMMERCE HAS RESCINDED THE ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER ON CERTAIN HOT-ROLLED CARBON STEEL FLAT PRODUCTS FROM INDIA (A-533-820), COVERING THE PERIOD 12/01/2004 THROUGH 11/30/2005. THIS ADMINISTRATIVE REVIEW WAS RESCINDED BECAUSE, CONSISTENT WITH ESSAR STEEL LTD.'S (A-533-820-002) CLAIMS, THERE IS NO EVIDENCE THAT ESSAR STEEL LTD., THE SOLE COMPANY FOR WHICH THE REVIEW WAS INITIATED, EXPORTED TO THE UNITED STATES CERTAIN HOT-ROLLED CARBON STEEL

FLAT PRODUCTS THAT WERE ENTERED FOR CONSUMPTION DURING THE PERIOD 12/01/2004 THROUGH 11/30/2005. THE NOTICE OF RESCISSION WAS PUBLISHED IN THE FEDERAL REGISTER ON 10/16/2006 (71 FR 60689).

2. HOWEVER, CERTAIN HOT-ROLLED CARBON STEEL FLAT PRODUCTS PRODUCED BY ESSAR STEEL LTD. MAY HAVE BEEN EXPORTED TO THE UNITED STATES BY INTERMEDIARY COMPANIES (E.G., RESELLERS OR TRADING COMPANIES) AND ENTERED FOR CONSUMPTION DURING THE PERIOD 12/01/2004 THROUGH 11/30/2005. THEREFORE, FOR ALL SHIPMENTS OF CERTAIN HOT-ROLLED CARBON STEEL FLAT PRODUCTS PRODUCED BY ESSAR STEEL LTD., EXPORTED BY A FIRM OTHER THAN ESSAR STEEL LTD., ENTERED UNDER CASE NUMBER A-533-820-002, AND ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD 12/01/2004 THROUGH 11/30/2005, ASSESS ANTIDUMPING DUTIES AT THE "ALL OTHERS" RATE IN EFFECT ON THE DATE OF ENTRY. THE "ALL OTHERS" RATE IS 23.87 PERCENT, WHICH IS THE "ALL OTHERS" RATE ESTABLISHED IN THE LESS THAN FAIR VALUE INVESTIGATION (38.72 PERCENT), ADJUSTED FOR THE EXPORT SUBSIDY RATE IN THE COMPANION COUNTERVAILING DUTY INVESTIGATION.

3. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION FOR SUBJECT MERCHANDISE FROM THE EXPORTER/MANUFACTURER IDENTIFIED ABOVE THAT ENTERED DURING THE PERIOD 12/01/2004 THROUGH 11/30/2005 OCCURRED WITH THE PUBLICATION OF THE RESCISSION NOTICE ON 10/16/2006 (71 FR 60689). FOR ALL OTHER SHIPMENTS OF CERTAIN HOT-ROLLED CARBON STEEL FLAT PRODUCTS FROM INDIA YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

4. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION (CBP) ON 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 AND ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST

PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED ANTIDUMPING 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.

5. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO

LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT RESPOND TO YOUR FORMAL REQUEST FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O4: HS).

7. 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