

MESSAGE NO: 0013202 MESSAGE DATE: 01/13/2000  
MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: ORD-Order PUBLIC  NON-PUBLIC   
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE  
MESSAGE #  
(s):

CASE #(s): A-791-805

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 11/04/1998 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: ANTIDUMPING DUTY ORDER IN THE INVESTIGATION OF CERTAIN STAINLESS  
STEEL PLATE IN COILS FROM SOUTH AFRICA (A-791-805)

MESSAGE NO: 0013202 DATE: 01 13 2000

CATEGORY: ADA TYPE: ORD

REFERENCE: REFERENCE DATE:

CASES: A - 791 - 805 - -

- - - -

- - - -

PERIOD COVERED: 11 04 1998 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS  
PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: ANTIDUMPING DUTY ORDER IN THE INVESTIGATION OF CERTAIN  
STAINLESS STEEL PLATE IN COILS FROM SOUTH AFRICA  
(A-791-805)

1. ON 05/21/1999, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS ANTIDUMPING DUTY ORDER IN THE INVESTIGATION OF CERTAIN STAINLESS STEEL PLATE IN COILS FROM SOUTH AFRICA (64 FR 27756).
2. THE PRODUCT COVERED BY THIS ORDER IS CERTAIN STAINLESS STEEL PLATE IN COILS. STAINLESS STEEL IS AN ALLOY STEEL CONTAINING, BY WEIGHT, 1.2 PERCENT OR LESS OF CARBON AND 10.5 PERCENT OR MORE OF CHROMIUM, WITH OR WITHOUT OTHER

ELEMENTS. THE SUBJECT PLATE PRODUCTS ARE FLAT-ROLLED PRODUCTS, 254 MM OR OVER IN WIDTH AND 4.75 MM OR MORE IN THICKNESS, IN COILS, AND ANNEALED OR OTHERWISE HEAT TREATED AND PICKLED OR OTHERWISE DESCALED. THE SUBJECT PLATE MAY ALSO BE FURTHER PROCESSED (E.G., COLD-ROLLED, POLISHED, ETC. ) PROVIDED THAT IT MAINTAINS THE SPECIFIED DIMENSIONS OF PLATE FOLLOWING SUCH PROCESSING. EXCLUDED FROM THE SCOPE OF THIS ORDER ARE THE FOLLOWING: (1) PLATE NOT IN COILS, (2) PLATE THAT IS NOT ANNEALED OR OTHERWISE HEAT TREATED AND PICKLED OR OTHERWISE DESCALED, (3) SHEET AND STRIP, AND (4) FLAT BARS. IN ADDITION, CERTAIN COLD-ROLLED STAINLESS STEEL PLATE IN COILS IS ALSO EXCLUDED FROM THE SCOPE OF THIS ORDER. THE EXCLUDED COLD-ROLLED STAINLESS STEEL PLATE IN COILS IS DEFINED AS THAT MERCHANDISE WHICH MEETS THE PHYSICAL CHARACTERISTICS DESCRIBED ABOVE THAT HAS UNDERGONE A COLD-REDUCTION PROCESS THAT REDUCED THE THICKNESS OF THE STEEL BY 25 PERCENT OR MORE, AND HAS BEEN ANNEALED AND PICKLED AFTER THIS COLD REDUCTION PROCESS.

THE MERCHANDISE SUBJECT TO THIS ORDER IS CURRENTLY CLASSIFIABLE IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTS) AT SUBHEADINGS:

7219.11.00.30, 7219.11.00.60, 7219.12.00.05,  
7219.12.00.20, 7219.12.00.25, 7219.12.00.50,  
7219.12.00.55, 7219.12.00.65, 7219.12.00.70,  
7219.12.00.80, 7219.31.00.10, 7219.90.00.10,  
7219.90.00.20, 7219.90.00.25, 7219.90.00.60,  
7219.90.00.80, 7220.11.00.00, 7220.20.10.10,  
7220.20.10.15, 7220.20.10.60, 7220.20.10.80,  
7220.20.60.05, 7220.20.60.10, 7220.20.60.15,  
7220.20.60.60, 7220.20.60.80, 7220.90.00.10,  
7220.90.00.15, 7220.90.00.60, AND 7220.90.00.80.

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

PLEASE NOTE THAT THE SCOPE OF THIS ORDER DIFFERS FROM THE SCOPE OF THE ORIGINAL ANTIDUMPING/COUNTERVAILING

DUTY INVESTIGATIONS. ON 05/04/1999, THE INTERNATIONAL TRADE COMMISSION (ITC) NOTIFIED THE DEPARTMENT OF COMMERCE OF ITS FINAL DETERMINATION IN THIS CASE. THE ITC FOUND TWO LIKE PRODUCTS, CERTAIN COLD-ROLLED STAINLESS STEEL PLATE IN COILS, AS DEFINED ABOVE, AND ALL OTHER STAINLESS STEEL PLATE IN COILS. THE ITC FOUND THAT IMPORTS OF CERTAIN COLD-ROLLED STAINLESS STEEL PLATE IN COILS FROM SOUTH AFRICA WERE NEGLIGIBLE AND, THUS, WERE NOT CAUSING OR THREATENING MATERIAL INJURY TO A U.S. INDUSTRY. ACCORDINGLY, THE SCOPE OF THIS ORDER EXCLUDES CERTAIN COLD-ROLLED STAINLESS STEEL PLATE IN COILS (AS DEFINED IMMEDIATELY ABOVE) FROM SOUTH AFRICA TO REFLECT THE ITC'S FINDING OF NEGLIGIBLE IMPORTS.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-791-805.
  
4. FOR IMPORTS OF CERTAIN STAINLESS STEEL PLATE IN COILS FROM SOUTH AFRICA, THE CUSTOMS SERVICE SHALL CONTINUE TO SUSPEND LIQUIDATIONS OF SUCH SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 11/04/1998. EFFECTIVE 05/21/1999 CUSTOMS SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT EQUAL TO THE MARGIN SHOWN BELOW:

MFR/PRODUCER EXPORTER	CUSTOMS ID NUMBER	MARGIN PERCENTAGE
COLUMBUS STAINLESS	A-791-805-001	37.77
ALL OTHERS	A-791-805-000	37.77

5. ARTICLE VI.5 OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE PROVIDES THAT "NO PRODUCT ... SHALL BE SUBJECT TO BOTH ANTIDUMPING AND COUNTERVAILING DUTIES TO COMPENSATE FOR THE SAME SITUATION OF DUMPING OR EXPORT SUBSIDIZATION." THIS PROVISION IS IMPLEMENTED IN SECTION 772(C)(1)(C) OF THE TARIFF ACT. SINCE ANTIDUMPING DUTIES CANNOT BE ASSESSED ON THE PORTION OF THE MARGIN ATTRIBUTED TO EXPORT SUBSIDIES THERE IS NO REASON TO REQUIRE A CASH DEPOSIT OR BOND FOR

THAT AMOUNT. THE DEPARTMENT HAS DETERMINED IN ITS FINAL AFFIRMATIVE COUNTERVAILING DUTY DETERMINATION ON STAINLESS STEEL PLATE IN COILS FROM SOUTH AFRICA (CASE NUMBER C-791-806) THAT THE PRODUCT UNDER INVESTIGATION BENEFITTED FROM EXPORT SUBSIDIES OFFERED BY THE GOVERNMENT OF SOUTH AFRICA. WHERE THE PRODUCT UNDER INVESTIGATION IS ALSO SUBJECT TO A CONCURRENT COUNTERVAILING DUTY DETERMINATION, WE INSTRUCT THE CUSTOMS SERVICE TO REQUIRE A CASH DEPOSIT OR POSTING OF A BOND EQUAL TO THE WEIGHTED-AVERAGE MARGIN MINUS THE AMOUNT DETERMINED TO CONSTITUTE ANY EXPORT SUBSIDY. ACCORDINGLY, FOR CASH DEPOSIT PURPOSES WE HAVE SUBTRACTED FROM COLUMBUS'S WEIGHTED-AVERAGE MARGIN THAT PORTION OF THE RATE ATTRIBUTABLE TO THE EXPORT SUBSIDIES FOUND IN THE COUNTERVAILING DUTY INVESTIGATION (I.E. 3.84 PERCENT). WE MADE THE SAME ADJUSTMENT TO THE "ALL OTHERS" CASH DEPOSIT RATE BY SUBTRACTING THE 3.84 PERCENT RATE ATTRIBUTABLE TO EXPORT SUBSIDIES. NO FURTHER ADJUSTMENT TO THE CASH DEPOSIT RATE IS NECESSARY TO ACCOUNT FOR THE EXPORT SUBSIDY.

6. WITH RESPECT TO CERTAIN COLD-ROLLED STAINLESS STEEL PLATE IN COILS, AS DEFINED ABOVE, FIELD OFFICERS SHOULD DISCONTINUE SUSPENSION OF LIQUIDATION OF ALL SHIPMENTS OF THIS MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 11/04/1998. ALL ESTIMATED ANTIDUMPING DUTIES DEPOSITED ON ENTRIES OF THIS MERCHANDISE SHALL BE REFUNDED AND BONDS OR OTHER SECURITY RELEASED AT THE TIME OF LIQUIDATION.
7. THE INTEREST PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930 DO NOT APPLY.
8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT, VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT ROBERT M. JAMES, OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF

COMMERCE, AT (202) 482-5222.

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

PAUL SCHWARTZ

## Company Details

\*Party Indicator Value:

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