

MESSAGE NO: 3186306 MESSAGE DATE: 07/05/2013  
MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC  NON-PUBLIC   
SUB-TYPE: OUTSCO-Out of Scope

FR CITE: FR CITE DATE:

REFERENCE 9013207, 9013206  
MESSAGE #  
(s):

CASE #(s): A-791-805, C-791-806

EFFECTIVE DATE: 09/17/2012 COURT CASE #: 08-00434,

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 07/05/2013

TO: { Directors Of Field Operations, Port Directors }

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

RE: Amended Scope Ruling on the Antidumping and Countervailing Duty Orders on Stainless Steel Plate in Coils from South Africa (A-791-805, C-791-806).

Notic of the lifting of suspension occurred on the message date of these instructions. See paragraph 6 below.

1. On 09/07/2012, the United States Court of Appeals for the Federal Circuit (Federal Circuit) issued a decision in *ArcelorMittal Stainless Belgium N.V. v. United States*, Court No. 2011-1578, not in harmony with the final scope ruling issued by the Department of Commerce (Commerce) on 12/03/2008, that stainless steel plate in coils (SSPC) with a nominal thickness of 4.75 mm, regardless of its actual thickness is subject to the Antidumping and Countervailing Duty Orders on Stainless Steel Plate in Coils (SSPC Order) from South Africa (A-791-805, C-791-806) and referenced in message numbers 9013206 (01/13/2009) and 9013207 (01/13/2009).

2. Subsequently, on 02/15/2013, in response to a remand order from the United States Court of International Trade (CIT) in *ArcelorMittal Stainless Belgium N.V. v. United States*, Court No. 08-00434, issued on 01/04/2013, and based upon the Federal Circuit's 09/07/2012 holding, Commerce issued a final scope redetermination pursuant to remand determining that SSPC with an actual thickness of less than 4.75 mm, regardless of its nominal thickness, is not subject to the SSPC Orders from South Africa (A-791-805, C-791-806).

3. On 03/26/2013, the CIT issued a final order in *ArcelorMittal Stainless Belgium N.V. v. United States*, Court No. 08-00434, sustaining Commerce's final scope redetermination that SSPC with an actual thickness of less than 4.75 mm, regardless of its nominal thickness, is not subject to the SSPC Orders from South Africa (A-791-805, C-791-806).

4. On 05/22/2013, Commerce published in the Federal Register a notice of the Court Decision Not in Harmony (78 FR 30271), reflecting the Federal Circuit's decision invalidating Commerce's original scope ruling. In accordance with Section 516A of the Tariff Act of 1930, as amended, the effective date of that notice was 09/17/2012, 10 days after entry of decision by the Federal Circuit.

5. For all shipments of SSPC from South Africa with an actual thickness of less than 4.75 mm, regardless of nominal thickness, that remain unliquidated on or after 09/17/2012, CBP shall terminate suspension, refund any cash deposits, and liquidate those entries without regard to antidumping/countervailing duties.
  
6. These instructions constitute notice of the lifting of suspension of entries of SSPC from South Africa as described in paragraph 5 above.
  
7. The assessment of antidumping/countervailing duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping/countervailing duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping/countervailing duties before the date of publication of the antidumping/countervailing duty orders. Interest shall be calculated from the date payment of estimated antidumping/countervailing duties is required 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.
  
8. Unless instructed otherwise, for all other shipments of SSPC from South Africa not covered by paragraph 5 above, you shall continue to collect cash deposits of estimated antidumping and/or countervailing duties (as appropriate) for the merchandise at the current rates.
  
9. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O8: JT).
  
10. There are no restrictions on the release of this information.

Michael B. Walsh

## Company Details

\*Party Indicator Value:

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