



UNITED STATES DEPARTMENT OF COMMERCE
International Trade Administration
Washington, D.C. 20230

A-533-820

A-560-812

A-570-865

A-583-835

A-549-817

A-823-811

Sunset Reviews
Public Document
AD/CVD Operations, O7: DS

DATE: March 5, 2013

MEMORANDUM TO: Paul Piquado
Assistant Secretary
for Import Administration

FROM: Christian Marsh
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: Issues and Decision Memorandum for the Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders on Certain Hot-Rolled Carbon Steel Flat Products from India, Indonesia, the People's Republic of China, Taiwan, Thailand, and Ukraine

Summary

We have analyzed the responses of the interested parties in the expedited sunset reviews of the antidumping duty orders covering certain hot-rolled carbon steel flat products from India, Indonesia, the People's Republic of China (PRC), Taiwan, Thailand, and Ukraine. We recommend that you approve the positions we developed in the "Discussion of the Issues" section of this memorandum. Below are the issues for which we received substantive comments in these sunset reviews:

1. Likelihood of continuation or recurrence of dumping
2. Magnitude of the margins likely to prevail



History of the Orders

In 2001, the Department of Commerce (the Department) published in the *Federal Register* its final affirmative determinations of sales at less than fair value with respect to imports of certain hot-rolled carbon steel flat products from India, Indonesia, the PRC, Taiwan, Thailand, and Ukraine at the following weighted-average dumping margins:

Country	Manufacturer/Producer/Exporter	Weighted-Average Dumping Margin (percent)
India ¹		
	Ispat Industries Ltd. (Ispat)	44.40
	Essar Steel Ltd. (Essar)	36.53
	All Others	38.72
Indonesia ²		
	PT Krakatau Steel Corporation (Krakatau)	47.86
	All Others	47.86
PRC ³		
	Angang Group International Trade Co. Ltd., New Iron & Steel Co., Ltd., and Angang Group Hong Kong Co., Ltd. (Angang)	69.85
	Shanghai Baosteel Group Corporation, Baoshan Iron & Steel Co., Ltd., and Baosteel Group International Trade Corporation (Baosteel)	64.20
	Benxi Iron & Steel Group International Economic & Trade Co., Ltd., Bengang Steel Plates Co., Ltd., and Benxi Iron &	

¹ See *Notice of Amended Final Antidumping Duty Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Hot-Rolled Carbon Steel Flat Products From India*, 66 FR 60194 (December 3, 2001) (*Indian Amended Final Determination and Order*).

² See *Notice of Final Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products From Indonesia*, 66 FR 49628 (September 28, 2001) (*Indonesia Final Determination*).

³ See *Final Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products From the People's Republic of China*, 66 FR 49632 (September 28, 2001) (*PRC Final Determination*). Angang, Baosteel, and Benxi appealed the *PRC Final Determination*. As a result of that appeal, the Department amended the *PRC Final Determination* to reflect the results of the second remand determination, in which the Department recalculated margins of 31.09 percent, 12.39 percent, and 57.19 percent for Angang, Baosteel, and Benxi, respectively. See *Certain Hot-Rolled Carbon Steel Flat Products From the People's Republic of China; Notice of Amended Final Determination Pursuant to Court Decision*, 70 FR 69734 (November 17, 2005) (*PRC Amended Final Determination Pursuant to Remand*).

Steel Group Co., Ltd. (Benxi)	90.83
Panzhuhua Iron and Steel (Group) Co. (Panzhuhua)	65.59
Wuhan Iron and Steel Group Corporation (Wuhan)	65.59
PRC-Wide	90.83
Taiwan ⁴	
An Feng Steel Co., Ltd. (An Feng)	29.14
China Steel Corporation/Yieh Loong (China Steel/Yieh Loong)	29.14
All Others	20.28
Thailand ⁵	
Sahaviriya Steel Industries Public Co., Ltd. (SSI)	4.44
Siam Strip Mill Public Co., Ltd. (SSM)	20.30
All Others	4.44
Ukraine ⁶	
Ukraine-Wide	90.33

Thereafter, the Department published individual antidumping duty orders on certain hot-rolled carbon steel flat products from India, Indonesia, the PRC, Taiwan, Thailand, and Ukraine.⁷

In 2006, the Department conducted the first sunset reviews on certain hot-rolled carbon steel flat products from India, Indonesia, the PRC, Taiwan, Thailand, and Ukraine pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), and found that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping.⁸ The U.S. International Trade Commission (ITC) determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty orders would be likely to lead to continuation or

⁴ See *Notice of Final Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products From Taiwan*, 66 FR 49618 (September 28, 2001) (*Taiwan Final Determination*).

⁵ See *Notice of Final Determination of Sales at Less Than Fair Value; Certain Hot-Rolled Carbon Steel Flat Products From Thailand*, 66 FR 49622 (September 28, 2001) (*Thailand Final Determination*).

⁶ See *Notice of Final Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products From Ukraine*, 66 FR 50401 (October 3, 2001) (*Ukraine Final Determination*).

⁷ See *Indian Amended Final Determination and Order; Antidumping Duty Order: Certain Hot-Rolled Carbon Steel Flat Products From Indonesia*, 66 FR 60192 (December 3, 2001); *Notice of Antidumping Duty Order: Certain Hot-Rolled Carbon Steel Flat Products From the People's Republic of China*, 66 FR 59561 (November 29, 2001); *Notice of Antidumping Duty Order; Certain Hot-Rolled Carbon Steel Flat Products From Taiwan*, 66 FR 59563 (November 29, 2001); *Antidumping Duty Order: Certain Hot-Rolled Carbon Steel Flat Products From Thailand*, 66 FR 59562 (November 29, 2001); and *Antidumping Duty Order: Certain Hot-Rolled Carbon Steel Flat Products From Ukraine*, 66 FR 59559 (November 29, 2001).

⁸ See *Certain Hot-Rolled Carbon Steel Flat Products from Argentina, the People's Republic of China, India, Indonesia, Kazakhstan, Romania, South Africa, Taiwan, Thailand, and Ukraine; Final Results of Expedited Sunset Reviews of the Antidumping Duty Orders*, 71 FR 70506 (December 5, 2006) (*First Sunset Review*).

recurrence of material injury to an industry in the United States within a reasonably foreseeable time.⁹ As a result, the Department published the notice of continuation of the antidumping duty orders.¹⁰

The case history for each order since the first sunset reviews is provided below. Except as noted below for the Thai order, there have not been any duty absorption findings, scope clarifications, circumvention determinations, or changed circumstances determinations.

India – The Department has completed three administrative reviews of the order. For the period December 1, 2005 through November 30, 2006, the Department calculated zero or *de minimis* margins for three respondents and a 5.22 percent margin for one respondent, Essar.¹¹ Interested parties contested various aspects of the 2005-2006 administrative review and, upon remand, the Department calculated a margin of 9.01 percent for Essar.¹² For the period December 1, 2006 through November 30, 2007, the Department calculated a 5.01 percent margin for Essar and rescinded the administrative review with respect to three respondents.¹³ Finally, for the period December 1, 2007 through November 30, 2008, the Department determined, based on total adverse facts available, a margin of 28.25 percent for Essar, and rescinded the review for three other respondents.¹⁴ The Department also rescinded four administrative reviews.¹⁵ The Department recently initiated an administrative review for the period December 1, 2011 through November 30, 2012.¹⁶

Indonesia – The Department has not conducted any administrative reviews of the order.

⁹ See *Hot-Rolled Steel Products From Argentina, China, India, Indonesia, Kazakhstan, Romania, South Africa, Taiwan, Thailand, and Ukraine*, 72 FR 61676 (October 31, 2007).

¹⁰ See *Certain Hot-Rolled Carbon Steel Flat Products from India, Indonesia, the People's Republic of China, Taiwan, Thailand, and Ukraine: Continuation of Antidumping Duty and Countervailing Duty Orders*, 72 FR 73316 (December 27, 2007).

¹¹ See *Certain Hot-Rolled Carbon Steel Flat Products From India: Notice of Final Results of Antidumping Duty Administrative Review*, 73 FR 31961 (June 5, 2008).

¹² See *Certain Hot-Rolled Carbon Steel Flat Products From India: Notice of Court Decision Not in Harmony With Final Results of Antidumping Duty Administrative Review and Notice of Amended Final Results of Antidumping Duty Administrative Review*, 77 FR 41374 (July 13, 2012).

¹³ See *Certain Hot-Rolled Carbon Steel Flat Products from India: Final Results of Antidumping Duty Administrative Review*, 74 FR 17951 (April 20, 2009) and *Certain Hot-Rolled Carbon Steel Flat Products from India: Notice of Rescission, in Part, of Antidumping Duty Administrative Review*, 73 FR 65291 (November 3, 2008).

¹⁴ See *Certain Hot-Rolled Carbon Steel Flat Products from India: Notice of Final Results of Antidumping Duty Administrative Review and Rescission of Administrative Review in Part*, 75 FR 27297 (May 14, 2010).

¹⁵ See *Certain Hot-Rolled Carbon Steel Flat Products From India: Notice of Rescission of Antidumping Duty Administrative Review*, 71 FR 60689 (October 16, 2006); *Certain Hot-Rolled Carbon Steel Flat Products From India: Final Results of Antidumping Duty Administrative Review*, 76 FR 42679 (July 19, 2011); *Certain Hot-Rolled Carbon Steel Flat Products From India: Final Results of 2009-2010 Antidumping Duty Administrative Review*, 76 FR 62039 (October 6, 2011); and *Certain Hot-Rolled Carbon Steel Flat Products From India: Rescission of Antidumping Duty Administrative Review*, 77 FR 25404 (April 30, 2012).

¹⁶ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 78 FR 6291 (January 30, 2013).

PRC – The Department completed one administrative review covering the period November 1, 2010 through October 31, 2011. In that review, one respondent, Angang, lost its separate rate status and became part of the PRC-wide entity, to which the Department assigned a margin of 90.83 percent based on total adverse facts available.¹⁷ The Department also rescinded the 2010-2011 administrative review with respect to one respondent and rescinded five other administrative reviews.¹⁸ The Department recently initiated an administrative review for the period November 1, 2011 through October 31, 2012.¹⁹

Taiwan – The Department has not completed any administrative reviews of the order. The Department rescinded one administrative review.²⁰

Thailand – The Department has completed three administrative reviews of the order. For the period November 1, 2004 through October 31, 2005, the Department calculated a margin of 8.23 percent for Nakornthai Strip Mill Public Co., Ltd. (NSM) and rescinded the review with respect to G Steel Public Company Limited (G Steel).²¹ For the period November 1, 2005 through October 31, 2006, the Department calculated a 6.40 percent margin for G Steel and rescinded the review with regard to NSM.²² For the period November 1, 2007 through October 31, 2008, the Department found that G J Steel Public Company Limited (G J Steel) was the successor-in-interest to NSM and that G Steel and G J Steel should be collapsed and treated as a single entity, and applied a margin of 20.30 percent based on total adverse facts available to G Steel/G J Steel.²³ The Department also rescinded one administrative review.²⁴ Additionally, the Department completed one changed circumstances review covering the period July 1, 2006

¹⁷ See *Certain Hot-Rolled Carbon Steel Flat Products From the People's Republic of China: Final Results and Final No Shipments Determination of Antidumping Duty Administrative Review; 2010-2011*, 77 FR 69790 (November 21, 2012).

¹⁸ See *PRC 2010-2011 Administrative Review; Final Rescission of Antidumping Duty Administrative Review: Certain Hot-Rolled Carbon Steel Flat Products from the People's Republic of China*, 71 FR 41769 (July 24, 2006); *Final Rescission of Antidumping Duty Administrative Review: Certain Hot-Rolled Carbon Steel Flat Products from the People's Republic of China*, 72 FR 41710 (July 31, 2007); *Final Rescission of Antidumping Duty Administrative Review: Certain Hot-Rolled Carbon Steel Flat Products from the People's Republic of China*, 73 FR 33988 (June 16, 2008); *Certain Hot-Rolled Carbon Steel Flat Products from the People's Republic of China: Final Rescission of Antidumping Duty Administrative Review*, 74 FR 40165 (August 11, 2009); and *Certain Hot-Rolled Carbon Steel Flat Products From the People's Republic of China: Final Rescission of Antidumping Duty Administrative Review*, 76 FR 66901 (October 28, 2011).

¹⁹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 77 FR 77017 (December 31, 2012).

²⁰ See *Certain Hot-Rolled Carbon Steel Flat Products From Taiwan: Notice of Rescission of Antidumping Duty Administrative Review*, 77 FR 14341 (March 9, 2012).

²¹ See *Certain Hot-Rolled Carbon Steel Flat Products from Thailand: Final Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review*, 72 FR 27802 (May 17, 2007).

²² See *Certain Hot-Rolled Carbon Steel Flat Products From Thailand: Final Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review*, 73 FR 33396 (June 12, 2008).

²³ See *Certain Hot-Rolled Carbon Steel Flat Products from Thailand: Final Results of Antidumping Duty Administrative Review*, 74 FR 65518 (December 10, 2009).

²⁴ See *Certain Hot-Rolled Carbon Steel Flat Products from Thailand: Notice of Rescission of Antidumping Duty Administrative Reviews*, 73 FR 28101 (May 15, 2008).

through June 30, 2007 in which it reinstated the order with respect to SSI and calculated a margin of 9.04 percent for SSI.²⁵

Ukraine – The Department has not conducted any administrative reviews of the order.

On November 5, 2012, the Department published the notice of initiation of the second sunset reviews of the antidumping duty orders on certain hot-rolled carbon steel flat products from India, Indonesia, the PRC, Taiwan, Thailand, and Ukraine pursuant to section 751(c) of the Act.²⁶ The Department received a notice of intent to participate from the following domestic parties: ArcelorMittal USA, LLC, Gallatin Steel, Nucor Corporation, SSAB Americas, Steel Dynamics, Inc., and United States Steel Corporation (collectively, domestic interested parties), within the deadline specified in 19 CFR 351.218(d)(1)(i). Each of these parties claimed interested party status under section 771(9)(C) of the Act as a manufacturer, producer, or wholesaler in the United States of a domestic like product.

On December 5, 2012, the Department received adequate substantive responses from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). The Department received no responses from respondent interested parties with respect to any of the antidumping duty orders covered by these sunset reviews. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department has conducted expedited (120-day) sunset reviews of the antidumping duty orders on certain hot-rolled carbon steel flat products from India, Indonesia, the PRC, Taiwan, Thailand, and Ukraine.

Discussion of the Issues

In accordance with section 751(c)(1) of the Act, the Department conducted these sunset reviews to determine whether revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping. Sections 752(c)(1)(A) and (B) of the Act provide that, in making these determinations, the Department shall consider both the weighted-average dumping margins determined in the investigation and subsequent reviews, and the volume of imports of the subject merchandise for the period before and the period after the issuance of the antidumping duty order. In addition, section 752(c)(3) of the Act provides that the Department shall provide to the ITC the magnitude of the margin of dumping likely to prevail if the order were revoked.

The Department recently announced it was modifying its practice in sunset reviews such that it will not rely on weighted-average dumping margins that were calculated using the methodology found to be World Trade Organization (WTO)-inconsistent, *i.e.*, zeroing/the denial of offsets.²⁷

²⁵ See *Certain Hot-Rolled Carbon Steel Flat Products from Thailand: Final Results of Antidumping Duty Changed Circumstances Review and Reinstatement in the Antidumping Duty Order*, 74 FR 22885 (May 15, 2009) (*Thailand Changed Circumstances Review*).

²⁶ See *Initiation of Five-Year (“Sunset”) Review*, 77 FR 66439 (November 5, 2012).

²⁷ See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

In the *Final Modification for Reviews*, the Department stated that “only in the most extraordinary circumstances” would it rely on margins other than those calculated and published in prior determinations.²⁸ The Department further stated that apart from the “most extraordinary circumstances,” it would “limit its reliance to margins determined or applied during the five-year sunset period that were not determined in a manner found to be WTO-inconsistent” and that it “may also rely on past dumping margins that were not affected by the WTO-inconsistent methodology, such as dumping margins recalculated pursuant to Section 129 proceedings, dumping margins determined based on the use of total adverse facts available, and dumping margins where no offsets were denied because all comparison results were positive.”²⁹

Below we address the comments of the interested parties.

1. Likelihood of Continuation or Recurrence of Dumping

Interested Party Comments

Domestic interested parties contend that where dumping has continued at any level above *de minimis* since the issuance of an order, the Department normally finds revocation of the order likely would lead to continued dumping.³⁰ Domestic interested parties note the Department recently modified its practice in sunset reviews such that in determining the likelihood of continuation or recurrence of dumping, it no longer relies upon dumping margins that were computed in a WTO-inconsistent manner.³¹ In addition, domestic interested parties argue the Department will not revoke an order where imports of subject merchandise have decreased significantly.³²

Since the issuance of the antidumping duty orders, domestic interested parties assert, dumping of certain hot-rolled carbon steel flat products from India, Indonesia, the PRC, Taiwan, Thailand, and Ukraine has continued.³³ They also contend import volumes from all six countries have declined substantially.³⁴ As such, domestic interested parties argue that revocation of the orders

²⁸ *Id.*, 77 FR at 8103.

²⁹ *Id.*

³⁰ See Domestic Interested Parties’ December 5, 2012 Substantive Response for India (India Substantive Response) at 10; Domestic Interested Parties’ December 5, 2012 Substantive Response for Indonesia (Indonesia Substantive Response) at 8; Domestic Interested Parties’ December 5, 2012 Substantive Response for the PRC (PRC Substantive Response) at 17; Domestic Interested Parties’ December 5, 2012 Substantive Response for Taiwan (Taiwan Substantive Response) at 11; Domestic Interested Parties’ December 5, 2012 Substantive Response for Thailand (Thailand Substantive Response) at 10-11; and Domestic Interested Parties’ December 5, 2012 Substantive Response for Ukraine (Ukraine Substantive Response) at 8.

³¹ See India Substantive Response at 9, citing *Final Modification for Reviews*; Indonesia Substantive Response at 7, citing *id.*; PRC Substantive Response at 16, citing *id.*; Taiwan Substantive Response at 11-12, citing *id.*; Thailand Substantive Response at 9-10, citing *id.*; and Ukraine Substantive Response at 7, citing *id.*

³² See India Substantive Response at 11; Indonesia Substantive Response at 8; PRC Substantive Response at 17; Taiwan Substantive Response at 13; Thailand Substantive Response at 11; and Ukraine Substantive Response at 8.

³³ See generally India Substantive Response; Indonesia Substantive Response; PRC Substantive Response; Taiwan Substantive Response; Thailand Substantive Response; and Ukraine Substantive Response.

³⁴ *Id.*

would likely lead to the continuation or recurrence of dumping.³⁵ Domestic interested parties make the following claims regarding each of the orders:

India – Domestic interested parties claim that even relying only on margins based on adverse facts available in light of the *Final Modification for Reviews*, dumping has clearly continued at levels above *de minimis* since imposition of the order.³⁶ In particular, domestic interested parties note the Department assigned Essar a dumping margin of 28.25 percent based on total adverse facts available in the 2007-2008 administrative review.³⁷ Domestic interested parties argue that in 2000, the year prior to the order going into effect, imports of subject merchandise were 749,300 metric tons, but subsequent to the order being imposed, annual import volumes have ranged from just zero to 7.1 percent of that amount.³⁸

Indonesia – Domestic interested parties state the margins from the investigation are still in effect since no administrative reviews of the order have ever been conducted.³⁹ Domestic interested parties assert that, in accordance with the *Final Modification for Reviews*, the Department can rely on the margins from the investigation because they were based on partial adverse facts available.⁴⁰ Domestic interested parties claim imports of subject merchandise fell drastically during the first administrative review period and have remained well below pre-petition levels, with no recorded imports during the period 2006-2011.⁴¹

PRC – In light of the *Final Modification for Reviews*, domestic interested parties contend that even relying just on dumping margins based on adverse facts available, dumping has clearly persisted at above *de minimis* levels since imposition of the order.⁴² Specifically, domestic interested parties argue, the Department assigned Angang a margin of 90.83 percent based on total adverse facts available in the 2010-2011 administrative review.⁴³ In addition, domestic interested parties aver, in the original investigation, the margins computed for Angang, Benxi, and the PRC-wide entity were based on partial or total adverse facts available, and the rates for the separate rate applicants (*i.e.*, Panzhihua and Wuhan) were based partially on adverse facts available since they were based on the mandatory respondents' rates (*i.e.*, the rates for Angang, Benxi and Baosteel).⁴⁴ Domestic interested parties contend import volumes skyrocketed from 100,421 short tons in 1998 to 487,709 short tons in 2000, plummeted to 66 and 28 short tons in 2002 and 2003, respectively, and while the volumes fluctuated in subsequent years, averaged just 15,755 short tons annually during the 2006-2011 sunset review period.⁴⁵

³⁵ *Id.*

³⁶ See India Substantive Response at 10.

³⁷ *Id.*

³⁸ *Id.* at 11-12, citing import statistics from the ITC's DataWeb (*see* <http://dataweb.usitc.gov>).

³⁹ See Indonesia Substantive Response at 8.

⁴⁰ *Id.*

⁴¹ *Id.* at 9.

⁴² See PRC Substantive Response at 17.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.* at 8-9, citing import statistics from the ITC's DataWeb (*see* <http://dataweb.usitc.gov>).

Taiwan – Domestic interested parties note no administrative reviews of the order have ever been conducted and thus the rates from the investigation continue to be in effect.⁴⁶ Since the investigation margins were based on total adverse facts available, domestic interested parties contend the Department may rely on these rates in determining whether revocation of the order would likely lead to continued dumping consistent with the *Final Modification for Reviews*.⁴⁷ Domestic interested parties assert imports of subject merchandise more than tripled from 224,248 short tons in 1998 to 725,286 short tons in 2000 and then dropped significantly to a fraction of these levels after the order was imposed, amounting to an average of just 7,827 short tons per year during the 2006-2011 sunset review period.⁴⁸

Thailand – Domestic interested parties argue that in keeping with the *Final Modification for Reviews*, the Department may rely on margins calculated based on adverse facts available to establish whether dumping would continue if the order were revoked, and such margins exist for the order.⁴⁹ Domestic interested parties assert the Department assigned a margin based on total adverse facts available to SSM in the original investigation and to G Steel/G J Steel in the 2007-2008 administrative review.⁵⁰ Domestic interested parties contend imports of subject merchandise equaled 212,067 metric tons in 2000, the year prior to imposition of the order, but dropped to 14,376 metric tons in 2001, and while they rose to 141,362 metric tons in 2006, have been very low since then.⁵¹

Ukraine – Domestic interested parties state that since no administrative reviews of the order have ever been conducted, the margin from the investigation remains in effect.⁵² Consistent with the *Final Modification for Reviews*, domestic interested parties claim, the Department can rely on this margin to determine whether dumping would be likely to continue if the order were revoked because this margin was based on total adverse facts available.⁵³ Domestic interested parties assert imports of subject merchandise totaled 209,793 net tons in the period November 1999 through October 2000 (*i.e.*, prior to the filing of the petition), declined to 45,132 net tons during the subsequent twelve-month period, and have since persisted at levels substantially lower than pre-petition levels, with no recorded imports during the period 2006-2011 except for 162 net tons in 2008.⁵⁴

Department's Position:

In accordance with the guidance provided in the legislative history accompanying the Uruguay Round Agreements Act (URAA), specifically the Statement of Administrative Action (SAA), H.R. Doc. 103-316, vol. 1 (1994), the House Report, H. Rep. No. 103-826, pt. 1 (1994) (House

⁴⁶ See Taiwan Substantive Response for Taiwan at 12.

⁴⁷ *Id.* at 13.

⁴⁸ *Id.* at 14-15, citing import statistics from the ITC's DataWeb (*see* <http://dataweb.usitc.gov>).

⁴⁹ See Thailand Substantive Response at 11.

⁵⁰ *Id.*

⁵¹ *Id.* at 12, citing import statistics from the ITC's DataWeb (*see* <http://dataweb.usitc.gov>).

⁵² See Ukraine Substantive Response at 8.

⁵³ *Id.*

⁵⁴ *Id.* at 9.

Report), and the Senate Report, S. Rep. No. 103-412 (1994) (Senate Report), the Department's determinations of likelihood will be made on an order-wide basis.⁵⁵ In addition, the Department normally will determine that revocation of an order is likely to lead to continuation or recurrence of dumping where (a) dumping continued at any level above *de minimis* after the issuance of the order, (b) imports of the subject merchandise ceased after the issuance of the order, or (c) dumping was eliminated after the issuance of an order and import volumes for the subject merchandise declined significantly.⁵⁶ With respect to the level of dumping, as noted above, in accordance with the *Final Modification for Reviews* the Department will not rely on weighted-average dumping margins that were calculated using the WTO-inconsistent methodology. In considering import volumes, pursuant to section 752(c)(1)(B) of the Act, the Department will consider the volume of imports of the subject merchandise for the period before and after the issuance of the antidumping order.

The Department's determination with respect to each order is explained below.

India – The Department determines that the margin assigned to Essar in the 2007-2008 administrative review, which was based on total adverse facts available, serves as a basis for finding that dumping would likely continue or recur if the order were revoked. As stated in the *Final Modification for Reviews*, “{i}f the dumping margins determined in a manner not found to be WTO-inconsistent in these disputes indicate that dumping continued with the discipline of the order in place, those dumping margins alone can form the basis for a determination that dumping will continue or recur if the order were to be revoked.”⁵⁷ Also, as noted in the SAA, “{i}f companies continue to dump with the discipline of an order in place, it is reasonable to assume that dumping would continue if the discipline were removed.”⁵⁸

Moreover, our review of statistics from the ITC's DataWeb demonstrates that imports of subject merchandise declined substantially from pre-order levels. Specifically, during the period 2006-2011, imports fluctuated between 167 and 64,974 short tons on an annual basis, compared to 825,961 short tons in 2000.⁵⁹

Given the continued existence of dumping margins and the significant decline in import volumes since the issuance of the order, the Department determines that dumping would be likely to continue or recur if the Indian order were revoked.

Indonesia – Our review of statistics from the ITC's DataWeb demonstrates that imports of subject merchandise from Indonesia virtually ceased after imposition of the order. In particular, the ITC's DataWeb indicates there were no imports of subject merchandise during the period

⁵⁵ See SAA at 879 and House Report at 56.

⁵⁶ See SAA at 889 and 890, House Report at 63-64, and Senate Report at 52.

⁵⁷ See *Final Modification for Reviews*, 77 FR at 8103.

⁵⁸ See SAA at 890.

⁵⁹ See Memorandum from Deborah Scott, Case Analyst, through Robert James, Program Manager, to the File, “Import Volumes for the Final Results of the Expedited Five-Year (“Sunset”) Reviews of the Antidumping Duty Orders on Certain Hot-Rolled Carbon Steel Flat Products from India, Indonesia, the People's Republic of China, Taiwan, Thailand, and Ukraine,” dated March 5, 2013 (Import Volumes Memorandum).

2006 through 2011.⁶⁰ In the *Final Modification for Reviews*, the Department noted that “if there are no dumping margins during the five-year sunset period, decreased volumes may provide another basis to determine that dumping is likely to continue or recur if the discipline of the order is removed.”⁶¹ The decreased volumes support a conclusion that exporters and importers of subject merchandise are declining to enter into some transactions at dumped prices that would have been made prior to the possible application of antidumping duties, and likely would be made again if the possibility of antidumping duties were removed. Therefore, the Department determines that dumping is likely to continue or recur if the Indonesian order were revoked.

PRC – The Department determines that the margin assigned to the PRC-wide entity in the 2010-2011 administrative review, which was based on total adverse facts available, serves as a basis for finding that dumping would likely continue or recur if the order were revoked. As stated in the *Final Modification for Reviews*, “{i}f the dumping margins determined in a manner not found to be WTO-inconsistent in these disputes indicate that dumping continued with the discipline of the order in place, those dumping margins alone can form the basis for a determination that dumping will continue or recur if the order were to be revoked.”⁶² Also, as noted in the SAA, “{i}f companies continue to dump with the discipline of an order in place, it is reasonable to assume that dumping would continue if the discipline were removed.”⁶³

Furthermore, our review of statistics from the ITC’s DataWeb demonstrates that imports of subject merchandise have diminished significantly from pre-order levels. Specifically, during the period 2006-2010, imports fluctuated between 5,788 and 13,758 short tons annually and, despite rising to 46,236 short tons in 2011, these volumes represent a substantial decrease from the 487,708 short tons imported in 2000.⁶⁴

Given the continued existence of dumping margins and the significant decline in import volumes since the issuance of the order, the Department determines that dumping would be likely to continue or recur if the PRC order were revoked.

Taiwan – Our review of statistics from the ITC’s DataWeb demonstrates that imports of subject merchandise from Taiwan declined substantially since the imposition of the order. Specifically, the ITC’s DataWeb shows that imports of subject merchandise ranged from 4,867 to 9,510 short tons on an annual basis during the period 2006-2011, in contrast to 725,285 short tons in 2000.⁶⁵ In the *Final Modification for Reviews*, the Department noted that “if there are no dumping margins during the five-year sunset period, decreased volumes may provide another basis to determine that dumping is likely to continue or recur if the discipline of the order is removed.”⁶⁶ The decreased volumes support a conclusion that exporters and importers of subject merchandise are declining to enter into some transactions at dumped prices that would have been made prior

⁶⁰ *Id.*

⁶¹ See *Final Modification for Reviews*, 77 FR at 8103.

⁶² *Id.*

⁶³ See SAA at 890.

⁶⁴ See Import Volumes Memorandum.

⁶⁵ *Id.*

⁶⁶ See *Final Modification for Reviews*, 77 FR at 8103.

to the possible application of antidumping duties, and likely would be made again if the possibility of antidumping duties were removed. Therefore, the Department concludes that dumping is likely to continue or recur if the Taiwanese order were revoked.

Thailand – The Department determines that the margin assigned to G Steel/G J Steel in the 2007-2008 administrative review, which was based on total adverse facts available, serves as a basis for finding that dumping would likely continue or recur if the order were revoked. As stated in the *Final Modification for Reviews*, “{i}f the dumping margins determined in a manner not found to be WTO-inconsistent in these disputes indicate that dumping continued with the discipline of the order in place, those dumping margins alone can form the basis for a determination that dumping will continue or recur if the order were to be revoked.”⁶⁷ Also, as noted in the SAA, “{i}f companies continue to dump with the discipline of an order in place, it is reasonable to assume that dumping would continue if the discipline were removed.”⁶⁸

Moreover, our review of statistics from the ITC’s DataWeb demonstrates that imports of subject merchandise decreased substantially from pre-order levels. Specifically, while imports totaled 155,826 short tons in 2006, they equaled just 2,171 short tons in 2007, 5,632 short tons in 2008, and 738 short tons in 2011, with no imports in 2009 and 2010.⁶⁹ In general, these import volumes represent a significant decline from the 233,764 short tons imported in 2000.⁷⁰

Given the continued existence of dumping margins and the significant decline in import volumes since the issuance of the order, the Department determines that dumping would be likely to continue or recur if the Thai order were revoked.

Ukraine – Our review of statistics from the ITC’s DataWeb demonstrates that imports of subject merchandise from Ukraine practically disappeared after the order was imposed. Specifically, the ITC’s DataWeb indicates that with the exception of 162 short tons in 2008, there were no imports of subject merchandise during the period 2006-2011.⁷¹ In the *Final Modification for Reviews*, the Department noted that “if there are no dumping margins during the five-year sunset period, decreased volumes may provide another basis to determine that dumping is likely to continue or recur if the discipline of the order is removed.”⁷² The decreased volumes support a conclusion that exporters and importers of subject merchandise are declining to enter into some transactions at dumped prices that would have been made prior to the possible application of antidumping duties, and likely would be made again if the possibility of antidumping duties were removed. Therefore, the Department determines that dumping is likely to continue or recur if the Ukrainian order were revoked.

⁶⁷ *Id.*

⁶⁸ See SAA at 890.

⁶⁹ See Import Volumes Memorandum.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² See *Final Modification for Reviews*, 77 FR at 8103.

2. Magnitude of the Margins Likely to Prevail

Interested Party Comments

Domestic interested parties assert that the Department's general practice in sunset reviews is to report the margins from the investigation to the ITC as the magnitude of margins likely to prevail in the absence of the order.⁷³ Domestic interested parties contend that although the *Final Modification for Reviews* states the Department will no longer rely on margins computed using the zeroing methodology in determining the likelihood of dumping without the discipline of the order, it does not state the Department is changing its practice with respect to the margins reported to the ITC as the margins likely to prevail in the absence of an order.⁷⁴ However, domestic interested parties argue, even if the *Final Modification for Reviews* were relevant in this context, the Department indicated in the *Final Modification for Reviews* that it would continue relying on margins that were not WTO-inconsistent, including those based on facts available or calculated without the use of zeroing.⁷⁵

Domestic interested parties make the following arguments regarding the magnitude of margins likely to prevail for each order:

India – Domestic interested parties assert the Department should report to the ITC the margins from the investigation for Essar, Ispat, and all others.⁷⁶ Even if the *Final Modification for Reviews* applied in this context, domestic interested parties argue no evidence is available to them showing that zeroing was utilized in calculating the investigation margins.⁷⁷ However, if the Department does not report the margins from the original investigation to the ITC, domestic interested parties maintain the Department should report the 28.25 percent margin from the 2007-2008 administrative review for Essar since it is based on total adverse facts available and is therefore in accordance with the *Final Modification for Reviews*.⁷⁸

Indonesia – Domestic interested parties claim the Department should report the margins for Krakatau and all others from the investigation to the ITC.⁷⁹ Domestic interested parties claim that even if the *Final Modification for Reviews* were relevant here, the margins from the original

⁷³ See India Substantive Response at 12-13; Indonesia Substantive Response at 9-10; PRC Substantive Response at 19-20; Taiwan Substantive Response at 15-16; Thailand Substantive Response at 13; and Ukraine Substantive Response at 9.

⁷⁴ See India Substantive Response at 13, citing *Final Modification for Reviews*, 77 FR at 8103; Indonesia Substantive Response at 10, citing *id.*; PRC Substantive Response at 21, citing *id.*; Taiwan Substantive Response at 16, citing *id.*; Thailand Substantive Response at 15, citing *id.*; and Ukraine Substantive Response at 9-10, citing *id.*

⁷⁵ See India Substantive Response at 14, citing *Final Modification for Reviews*, 77 FR at 8103; Indonesia Substantive Response at 11, citing *id.*; PRC Substantive Response at 22, citing *id.*; Taiwan Substantive Response at 17, citing *id.*; Thailand Substantive Response at 16, citing *id.*; and Ukraine Substantive Response at 10, citing *id.*

⁷⁶ See India Substantive Response at 13.

⁷⁷ *Id.* at 14.

⁷⁸ *Id.* at 14-15.

⁷⁹ See Indonesia Substantive Response at 10.

investigation were computed using partial adverse facts available and thus are consistent with the *Final Modification for Reviews*.⁸⁰

PRC – Domestic interested parties contend the Department should report to the ITC the margins from the original investigation for Panzhihua, Wuhan, and the PRC-wide entity and the margins calculated upon remand of the original investigation of 31.09 percent, 12.39 percent, and 57.19 percent for Angang, Baosteel, and Benxi, respectively.⁸¹ Even if the *Final Modification for Reviews* were relevant in this context, domestic interested parties claim all of the margins calculated in the original investigation are in harmony with the *Final Modification for Reviews*.⁸² Specifically, domestic interested parties state, the dumping margins for Angang, Benxi, and the PRC-wide entity were computed based on partial or total adverse facts available, and the margins for Panzhihua and Wuhan were based partially on adverse facts available as they were based on the mandatory respondents' rates.⁸³ Domestic interested parties argue that while Baosteel's margin was not based on adverse facts available, no evidence is available to them showing that zeroing was utilized in computing Baosteel's margin.⁸⁴

Taiwan – Domestic interested parties assert the Department should report the margins for An Feng, China Steel/Yieh Loong, and all others from the investigation to the ITC.⁸⁵ Domestic interested parties claim all of the margins from the investigation are in harmony with the *Final Modification for Reviews* because they were based on total adverse facts available.⁸⁶

Thailand – Domestic interested parties argue the Department should report to the ITC a margin of 20.30 percent for G Steel/G J Steel because this was the margin calculated for G Steel/G J Steel's predecessor in the investigation, SSM.⁸⁷ In addition, domestic interested parties maintain the Department should report to the ITC the margin calculated for SSI in the changed circumstances review, 9.04 percent, as this more recent rate is more representative of SSI's behavior without the discipline of the order.⁸⁸ Domestic interested parties claim the Department should also report a margin of 9.04 percent for all others, since the all others rate of 4.44 percent in the original investigation was based on SSI's margin.⁸⁹ If the *Final Modification for Reviews* were to apply in this context, domestic interested parties argue, it would be appropriate to report to the ITC the margin determined for SSM in the investigation, 20.30 percent, as it was based on total adverse facts available, and later applied to G Steel/G J Steel as total adverse facts available.⁹⁰

⁸⁰ *Id.* at 11.

⁸¹ See PRC Substantive Response at 20.

⁸² *Id.* at 22.

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ See Taiwan Substantive Response at 16.

⁸⁶ *Id.* at 17-18.

⁸⁷ See Thailand Substantive Response at 13-15.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.* at 16.

Ukraine – Domestic interested parties contend the Department should report the margin for all Ukrainian exporters/producers from the investigation to the ITC.⁹¹ Domestic interested parties contend this margin was based on total adverse facts available and therefore it is consistent with the *Final Modification for Reviews*.⁹²

Department’s Position:

Normally, the Department will provide to the ITC the company-specific, weighted-average antidumping duty margin from the investigation for each company.⁹³ For companies not investigated specifically, or for companies that did not begin shipping until after the order was issued, the Department normally will provide a margin based on the all others rate from the investigation.⁹⁴ However, for the PRC, which the Department considers to be a non-market economy under section 771(18)(A) of the Act, the Department does not have an all others rate. Thus, in non-market economy cases, instead of an all others rate, the Department uses an established country-wide rate, which it applies to all imports from exporters that have not established their eligibility for a separate rate.⁹⁵

The Department’s preference for selecting a margin from the investigation is based on the fact that it is the only calculated rate that reflects the behavior of manufacturers, producers, and exporters without the discipline of an order or suspension agreement in place.⁹⁶ Under certain circumstances, however, the Department may select a more recent margin to report to the ITC, such as a rate from the investigation which was modified pursuant to remand.⁹⁷

As noted above, in these sunset reviews, the Department has relied upon weighted-average antidumping duty margins that were not affected by the WTO-inconsistent methodology, *i.e.*, zeroing, addressed in the *Final Modification for Reviews*.

The Department’s determination regarding the margins to report to the ITC for each of the orders is enumerated below.

India – The final weighted-average dumping margins calculated in the original investigation were not affected by the denial of offsets. Specifically, the margins calculated for Essar and Ispat were margins where no offsets were denied because all comparison results were positive,⁹⁸

⁹¹ See Ukraine Substantive Response at 10.

⁹² *Id.*

⁹³ See *Eveready Battery Co., Inc. v. United States*, 77 F. Supp. 2d 1327, 1333 (CIT 1999) (*Eveready Battery*).

⁹⁴ See *First Sunset Review* and accompanying Issues and Decision Memorandum at Comment 2.

⁹⁵ See *Bristol Metals L.P. v. United States*, 703 F. Supp. 2d 1370, 1378 (CIT 2010) (citation omitted); see also *Amanda Foods (Vietnam) Ltd. v. United States*, 647 F. Supp. 2d 1368, 1379 (CIT 2009) (citation omitted).

⁹⁶ See *Eveready Battery*, 77 F. Supp. 2d at 1333; see also SAA at 890.

⁹⁷ See *Corrosion-Resistant Carbon Steel Flat Products From Germany and the Republic of Korea: Final Results of Full Sunset Reviews*, 77 FR 72827 (December 6, 2012) and accompanying Issues and Decision Memorandum at Comment 2.

⁹⁸ See Memoranda from Deborah Scott, Case Analyst, through Robert James, Program Manager, to the File, “Sunset Review of Certain Hot-Rolled Carbon Steel Flat Products from India; SAS Log and Output for Essar from Original

and the all others rate was based on the weighted-average margins calculated for Essar and Ispat.⁹⁹ Thus, the Department finds it appropriate to report to the ITC the rates from the original investigation as the margins likely to prevail because these are the only rates that reflect the behavior of Indian manufacturers, producers, and exporters without the discipline of an order in place.

Indonesia – The final weighted-average dumping margins computed in the original investigation were not affected by the denial of offsets. In particular, the margin calculated for Krakatau did not involve the denial of offsets because all comparison results were positive.¹⁰⁰ That margin also served as the basis for the all others rate.¹⁰¹ Accordingly, the Department finds it appropriate to report to the ITC the margins from the original investigation as the margins likely to prevail because these are the only rates that reflect the behavior of Indonesian manufacturers, producers, and exporters without the discipline of an order in place.

PRC – Following the original investigation, the three mandatory respondents in that proceeding, Angang, Baosteel, and Benxi, challenged the *PRC Final Determination*. As noted above, under certain circumstances the Department may report to the ITC a margin calculated subsequent to the original investigation, such as a rate from the investigation which was modified pursuant to remand. In this case, we find that the margins recalculated pursuant to remand for Angang, Benxi, and Baosteel are more predictive measures of these parties' future behavior than the margins calculated in the original investigation. Thus, for Angang and Benxi, the Department determines it appropriate to report to the ITC the margins calculated upon remand of the original investigation. These margins were not affected by the denial of offsets because all comparison results were positive and thus no offsets were denied.¹⁰² With respect to Baosteel, since the rate calculated upon remand of the original investigation resulted in the denial of offsets, the Department determines it appropriate to provide to the ITC the margin from the remand of the original investigation recalculated without the denial of offsets.¹⁰³

Investigation,” and “Sunset Review of Certain Hot-Rolled Carbon Steel Flat Products from India; SAS Log and Output for Ispat from Original Investigation,” dated March 5, 2013.

⁹⁹ See *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Hot-Rolled Carbon Steel Flat Products From India*, 66 FR 22157, 22163 (May 3, 2001), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products From India*, 66 FR 50406 (October 3, 2001) and *Indian Amended Final Determination and Order*.

¹⁰⁰ See Memorandum from Deborah Scott, Case Analyst, through Robert James, Program Manager, to the File, “Sunset Review of Certain Hot-Rolled Carbon Steel Flat Products from Indonesia; SAS Log and Output for Krakatau from Original Investigation,” dated March 5, 2013.

¹⁰¹ See *Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products From Indonesia*, 66 FR 22163, 22168 (May 3, 2001), unchanged in *Indonesia Final Determination*.

¹⁰² See Memoranda from Deborah Scott, Case Analyst, through Robert James, Program Manager, to the File, “Sunset Review of Certain Hot-Rolled Carbon Steel Flat Products from the People’s Republic of China; SAS Log and Output for Angang from Original Investigation and Second Remand Determination” (Angang Memorandum) and “Sunset Review of Certain Hot-Rolled Carbon Steel Flat Products from the People’s Republic of China; SAS Log and Output for Benxi from Original Investigation and Second Remand Determination” (Benxi Memorandum), dated March 5, 2013.

¹⁰³ See Memorandum from Deborah Scott, Case Analyst, through Robert James, Program Manager, to the File, “Sunset Review of Certain Hot-Rolled Carbon Steel Flat Products from the People’s Republic of China; SAS Log

The final dumping margins for the separate rate respondents, Panzhihua and Wuhan, were based on the rates calculated in the original investigation for Angang, Baosteel, and Benxi, and did not change as a result of the remand concerning the original investigation.¹⁰⁴ These margins were not affected by the denial of offsets because all of the comparison results in the original investigation for the three mandatory respondents were positive and hence did not involve the denial of offsets.¹⁰⁵ The Department thus finds it appropriate to report to the ITC the margins for Panzhihua and Wuhan from the original investigation.

Finally, in the original investigation, the final dumping margin for the PRC-wide entity was based on total adverse facts available and did not involve the denial of offsets. Additionally, this rate did not change as a result of the remand concerning the original investigation.¹⁰⁶ As a result, the Department determines it appropriate to provide to the ITC the margin from the original investigation for the PRC-wide entity.

In sum, the Department finds it appropriate to report to the ITC as the magnitude of the margins likely to prevail, those margins described above, which are the only rates that reflect the behavior of PRC manufacturers, producers, and exporters without the discipline of an order in place.

Taiwan – In the original investigation, the final dumping margins for An Feng and China Steel/Yieh Loong were based upon the use of total adverse facts available and did not involve the denial of offsets.¹⁰⁷ For the all others rate, the Department applied the average of the dumping margins calculated in the antidumping duty petition as recalculated by the Department and this rate also did not involve the denial of offsets.¹⁰⁸ As such, the Department finds it appropriate to report to the ITC the rates from the original investigation as the margins likely to prevail since these are the only rates that reflect the behavior of Taiwanese manufacturers, producers, and exporters without the discipline of an order in place.

Thailand – In 2006, the Department found that SSI, one of the companies subject to the original investigation, had not sold the subject merchandise at less than fair value for three consecutive years, and therefore the Department revoked the order with respect to SSI.¹⁰⁹ Subsequently, the Department conducted a changed circumstances review and reinstated the antidumping duty

and Output for Baosteel from Original Investigation, Second Remand Determination and Revised Calculation” dated March 5, 2013 (Baosteel Memorandum).

¹⁰⁴ See *Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products From the People's Republic of China*, 66 FR 22183, 22193 (May 3, 2001), unchanged in *PRC Final Determination*, and *PRC Amended Final Determination Pursuant to Remand*.

¹⁰⁵ See Angang Memorandum, Baosteel Memorandum, and Benxi Memorandum.

¹⁰⁶ See *PRC Final Determination*, 66 FR at 49633 and *PRC Amended Final Determination Pursuant to Remand*.

¹⁰⁷ For An Feng, see *Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products From Taiwan*, 66 FR 22204, 22206 (May 3, 2001) (*Taiwan Preliminary Determination*), unchanged in *Taiwan Final Determination*; for China Steel/Yieh Loong, see *Taiwan Final Determination*, 66 FR at 49622.

¹⁰⁸ See *Taiwan Preliminary Determination*, 66 FR at 22208, unchanged in *Taiwan Final Determination*.

¹⁰⁹ See *Certain Hot-Rolled Carbon Steel Flat Products from Thailand: Final Results of Antidumping Duty Administrative Review, Partial Revocation of Antidumping Duty Order and Partial Rescission of Antidumping Duty Administrative Review*, 71 FR 28659 (May 17, 2006).

order with respect to SSI.¹¹⁰ As stated above, under certain circumstances the Department may report to the ITC a margin calculated subsequent to the original investigation. In this particular case, the Department determines SSI's margin from the changed circumstances review is a more predictive measure of future behavior than SSI's margin from the original investigation because it is a more recent indicator of SSI's behavior without the discipline of an order in place. Thus, the Department finds it appropriate to provide to the ITC SSI's rate from the changed circumstances review, but revised to eliminate the denial of offsets, since the margin calculated for SSI in the changed circumstances review resulted in offsets being denied.¹¹¹

In addition, in the original investigation, the Department determined the final dumping margin for SSM¹¹² on the basis of total adverse facts available and did not involve the denial of offsets.¹¹³ Therefore, the Department finds it appropriate to report to the ITC SSM's margin from the original investigation.

Finally, in the original investigation, the Department based the all others rate on the margin calculated for SSI.¹¹⁴ The all others rate did not change as a result of the changed circumstances review conducted for SSI. As such, the Department finds the all others rate from the original investigation continues to reflect the behavior of all other Thai manufacturers, producers, and exporters without the discipline of an order in place. Since the all others rate (*i.e.*, the margin calculated for SSI) from the original investigation involved the denial of offsets, we determine it appropriate to report to the ITC the all others rate from the original investigation as recalculated to eliminate the denial of offsets.¹¹⁵

In conclusion, the Department finds it appropriate to report to the ITC as the magnitude of the margins likely to prevail, those margins described above, which are the only rates that reflect the behavior of Thai manufacturers, producers, and exporters without the discipline of an order in place.

Ukraine –In the original investigation, the Department determined the final dumping margin for the Ukraine-wide entity¹¹⁶ on the basis of total adverse facts available and did not involve the denial of offsets.¹¹⁷ Accordingly, the Department finds it appropriate to report to the ITC the rate

¹¹⁰ See *Thailand Changed Circumstances Review*.

¹¹¹ See Memorandum from Deborah Scott, Case Analyst, through Robert James, Program Manager, to the File, "Sunset Review of Certain Hot-Rolled Carbon Steel Flat Products from Thailand; SAS Log and Output for SSI from Original Investigation, Changed Circumstances Review and Revised Calculations," dated March 5, 2013 (SSI Memorandum).

¹¹² The Department has never made a formal determination in an administrative review or changed circumstances review that G Steel (which was later collapsed with G J Steel) is the successor-in-interest to SSM.

¹¹³ See *Thailand Final Determination*, 66 FR at 49624.

¹¹⁴ See *Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products From Thailand*, 66 FR 22199, 22204 (May 3, 2001), unchanged in *Thailand Final Determination*.

¹¹⁵ See SSI Memorandum.

¹¹⁶ As of February 1, 2006, Ukraine graduated to market economy status. See *Final Results of Inquiry Into Ukraine's Status as a Non-Market Economy Country*, 71 FR 9520 (February 24, 2006). As a result, the Ukraine-wide rate is the all others rate.

¹¹⁷ See *Ukraine Final Determination*, 66 FR at 50405.

from the original investigation as the margin likely to prevail because this is the only rate that reflects the behavior of Ukrainian manufacturers, producers, and exporters without the discipline of an order in place.

Final Results of Review

We determine that revocation of the antidumping duty orders on certain hot-rolled carbon steel flat products from India, Indonesia, the PRC, Taiwan, Thailand, and Ukraine would be likely to lead to continuation or recurrence of dumping at the following weighted-average dumping margins:

Country	Manufacturer/Producer/Exporter	Weighted-Average Dumping Margin (percent)
India		
	Ispat Industries Ltd.	44.40
	Essar Steel Ltd.	36.53
	All Others	38.72
Indonesia		
	PT Krakatau Steel Corporation	47.86
	All Others	47.86
PRC		
	Angang Group International Trade Co. Ltd., New Iron & Steel Co., Ltd., and Angang Group Hong Kong Co., Ltd.	31.09
	Shanghai Baosteel Group Corporation, Baoshan Iron & Steel Co., Ltd., and Baosteel Group International Trade Corporation	12.34
	Benxi Iron & Steel Group International Economic & Trade Co., Ltd., Bengang Steel Plates Co., Ltd., and Benxi Iron & Steel Group Co., Ltd.	57.19
	Panzhuhua Iron and Steel (Group) Co.	65.59
	Wuhan Iron and Steel Group Corporation	65.59
	PRC-Wide	90.83
Taiwan		
	An Feng Steel Co., Ltd.	29.14
	China Steel Corporation/Yieh Loong	29.14
	All Others	20.28

Thailand	
Sahaviriya Steel Industries Public Co., Ltd.	7.35
Siam Strip Mill Public Co., Ltd.	20.30
All Others	4.41
Ukraine	
All Others	90.33

Recommendation

Based on our analysis of the substantive responses received, we recommend adopting all of the above positions. If these recommendations are accepted, we will publish the final results of these sunset reviews in the *Federal Register*, and notify the ITC of our findings.

AGREE

DISAGREE



 Paul Piquado
 Assistant Secretary
 for Import Administration

5 MARCH 2013
 Date

Scope of the Indian Order

The merchandise subject to the 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 the order.

Specifically included in the scope of the 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 included in the scope of the order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products in which: i) iron predominates, by weight, over each of the other contained elements; ii) the carbon content is 2 percent or less, by weight; and iii) 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 the order unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of the order:

-Alloy hot-rolled carbon 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 & 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.

-United States Steel (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 the order is currently classifiable in the HTSUS at 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. Certain hot-rolled carbon steel covered by the 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 7226.99.00.00.¹ 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 customs purposes, the Department's written description of the merchandise subject to the order is dispositive.

¹ Effective January 2007, HTSUS number 7226.99.01.80 replaced HTSUS number 7226.99.00.00.

Scope of the Indonesian Order

For purposes of the order, the products covered are 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 4.0 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 the order.

Specifically included within the scope of the 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 the order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) 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 the order unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of the 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 & Steel Institute (AISI) grades of series 2300 and higher.

-Ball bearing 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 the order is classified in the HTSUS at 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. Certain hot-rolled carbon steel flat products covered by the 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 7226.99.00.00.¹ 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 purposes, the written description of the merchandise subject to the order is dispositive.

¹ Effective January 2007, HTSUS number 7226.99.01.80 replaced HTSUS number 7226.99.00.00.

Scope of the PRC Order

The products covered by the antidumping duty order are 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 4.0 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 the order.

Specifically included within the scope of the 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 the order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) 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 the order unless otherwise excluded. The following products, for example, are outside or specifically excluded from the scope of the 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 & Steel Institute (AISI) grades of series 2300 and higher.

-Ball bearing 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 the order is classified in the HTSUS at 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. Certain hot-rolled carbon steel flat products covered by the 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, 7226.99.00.00, and 7226.99.0180. 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 purposes, the written description of the merchandise is dispositive.

Scope of the Taiwanese Order

The products covered by the order are 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 4.0 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 the order.

Specifically included within the scope of the 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 the order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) 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 the order unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of the 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 & Steel Institute (AISI) grades of series 2300 and higher.

-Ball bearing 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 the order is classified in the HTSUS at 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. Certain hot-rolled carbon steel flat products covered by the 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 7226.99.01.80. 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 purposes, the written description of the merchandise is dispositive.

Scope of the Thai Order

For purposes of the order, the products covered are 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 4.0 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 the order.

Specifically included within the scope of the 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 the order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) 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 the order unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of the order:

-Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.*, 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 HTS.

-Tool steels, as defined in the HTS.

-Silico-manganese (as defined in the HTS) 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 HTS.

The merchandise subject to the order is classified in the HTS at 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. Certain hot-rolled flat-rolled carbon steel flat products covered by the 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 7226.99.01.80. 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 HTS subheadings are provided for convenience and U.S. Customs purposes, the written description of the merchandise under the order is dispositive.

Scope of the Ukrainian Order

For purposes of the order, the products covered are 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 4.0 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 the order.

Specifically included within the scope of the 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 the order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) 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 the order unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of the 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 & Steel Institute (AISI) grades of series 2300 and higher.
- Ball bearing 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 the order is classified in the HTSUS at 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. Certain hot-rolled carbon steel flat products covered by the 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 7226.99.00.00.¹ 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 purposes, the written description of the merchandise is dispositive.

¹ Effective January 2007, HTSUS number 7226.99.01.80 replaced HTSUS number 7226.99.00.00.