Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these final results of administrative review in accordance with sections 751(a)(1) and 777(i) of the Act.


Ronald K. Lorentzen,
Acting Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE
International Trade Administration
[C–489–830]

Steel Concrete Reinforcing Bar From the Republic of Turkey: Final Affirmative Countervailing Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) determines that countervailable subsidies are being provided to exporters and producers of steel concrete reinforcing bar (rebar) from the Republic of Turkey (Turkey). The period of investigation (POI) is January 1, 2015, through December 31, 2015. For information on the estimated subsidy rates, see the “Final Determination” section of this notice.


SUPPLEMENTARY INFORMATION:

Background

On March 1, 2017, the Department published its affirmative Preliminary Determination of this countervailing duty (CVD) investigation. The petitioner in this investigation is the Rebar Trade Action Coalition and its individual members. The mandatory respondent in this investigation is Habas Sinai ve Tibbi Gazlar Istihdami A.Ş. (Habas), including certain cross-owned companies and subcontractors. Both Habas and the Government of Turkey (the GOT) participated in this investigation. A complete summary of the events that occurred since publication of the Preliminary Determination, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum, which is dated concurrently with and hereby adopted by this notice. The Issues and Decision Memorandum is a public document and is available electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at http://access.trade.gov and to all parties in the Central Records Unit, room B–8024 of the Department’s main building. In addition, a complete version of the Issues and Decision Memorandum can be accessed at http://enforcement.trade.gov/frn/. The signed Issues and Decision Memorandum and the electronic version are identical in content.

Scope of the Investigation

The scope of the investigation covers rebar from Turkey. The Department did not receive any scope comments and has not updated the scope of the investigation since the Preliminary Determination. For a complete description of the scope of this investigation, see Appendix I to this notice.

Use of Adverse Facts Available

In making this final determination, the Department relied, in part, on facts available. As discussed in the Issues and Decision Memorandum, we determine that Habas withheld necessary information with respect to certain import duty rebates/drawbacks received during the POI and, accordingly, did not act to the best of its ability in responding to the Department’s request for information. Therefore, we drew an adverse inference, where appropriate, in selecting from among the facts otherwise available. For further information, see the “Use of Facts Otherwise Available and Adverse Inferences” in the accompanying Issues and Decision Memorandum.

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verification, we made certain changes to the subsidy rate calculations since the Preliminary Determination. These changes are discussed in the “Analysis of Programs” section of the Issues and Decision Memorandum.


Habas is the sole Turkish rebar producer/exporter excluded from the existing CVD order on rebar from Turkey. See Steel Concrete Reinforcing Bar from the Republic of Turkey: Countervailing Duty Order, 79 FR 65526 (November 6, 2014) (2014 Turkey CVD Order).


See Issues and Decision Memorandum at 5–8.

See Sections 776(a) and (b) of the Act.

See Issues and Decision Memorandum at 8; see also Department Memorandum, “Steel Concrete Reinforcing Bar from the Republic of Turkey: Calculations for the Final Countervailing Duty Determination,” May 15, 2017.
All-Others Rate

In accordance with section 705(c)(1)(B)(ii) of the Act, the Department calculated a countervailable subsidy rate for the individually investigated exporter/producer of the subject merchandise. Consistent with sections 705(c)(1)(B)(ii) and 705(c)(5)(A) of the Act, the Department also calculated an estimated “all-others” rate for exporters and producers not individually investigated.9 Section 705(c)(5)(A)(i) of the Act provides that the “all-others” rate shall be an amount equal to the weighted-average of the countervailable subsidy rates established for individually investigated exporters and producers, excluding any rates that are zero or de minimis or any rates determined entirely under section 776 of the Act. Because the weighted-average countervailable subsidy rate calculated for Habas is not zero or de minimis or based entirely on facts available under section 776 of the Act, the rate calculated for Habas is the rate assigned to all other producers and exporters, pursuant to section 705(c)(5)(A)(i) of the Act.

Final Determination

The Department determines the total estimated countervailable subsidy rates to be:

<table>
<thead>
<tr>
<th>Company</th>
<th>Subsidy rate (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S.</td>
<td>16.21</td>
</tr>
<tr>
<td>All-Others</td>
<td>16.21</td>
</tr>
</tbody>
</table>

Disclosure

In accordance with 19 CFR 351.224(b), we will disclose the calculations performed within five days of any public announcement of this notice.

Continuation of Suspension of Liquidation

In accordance with section 703(d) of the Act, the Department will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of rebar from Turkey, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after March 1, 2017, the date of publication of the Preliminary Determination. Furthermore, the Department will instruct CBP to require a cash deposit for such entries of merchandise.

International Trade Commission Notification

In accordance with section 705(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of the final affirmative determination of countervailable subsidies. Because the final determination in this proceeding is affirmative, in accordance with section 705(b) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of rebar from Turkey no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, the Department will issue a CVD order directing CBP to assess, upon further instruction by the Department, countervailing duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the “Continuation of Suspension of Liquidation” section.

Notification Regarding Administrative Protective Orders

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

This determination is issued and published in accordance with sections 705(d) and 777(i) of the Act.

Ronald K. Lorentzen,
Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise subject to this investigation is steel concrete reinforcing bar imported in either straight length or coil form (rebar) regardless of metallurgy, length, diameter, or grade or lack thereof. Subject merchandise includes deformed steel wire with bar markings (e.g., mill mark, size, or grade) and which has been subjected to an elongation test.

The subject merchandise includes rebar that has been further processed in the subject country or a third country, including but not limited to cutting, grinding, galvanizing, painting, coating, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the rebar.

Specifically excluded are plain rounds (i.e., nondeformed or smooth rebar). Also excluded from the scope is deformed steel wire meeting ASTM A1064/A1064M with no bar markings (e.g., mill mark, size, or grade) and without being subject to an elongation test.

At the time of the filing of the petition, there was an existing countervailing duty order on steel reinforcing bar from the Republic of Turkey. Steel Concrete Reinforcing Bar From the Republic of Turkey, 79 FR 65,926 (Dep’t Commerce Nov. 6, 2014) (2014 Turkey CVD Order). The scope of this countervailing duty investigation with regard to rebar from Turkey covers only rebar produced and/or exported by those companies that are excluded from the 2014 Turkey CVD Order. At the time of the issuance of the 2014 Turkey CVD Order, Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. was the only excluded Turkish rebar producer or exporter.

The subject merchandise is classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) primarily under item numbers 7213.10.0000, 7214.20.0000, and 7228.30.00.10. The subject merchandise may also enter under other HTSUS numbers including 7215.90.1000, 7215.90.5000, 7221.00.0017, 7221.00.0018, 7221.00.0030, 7221.00.0045, 7222.11.0001, 7222.11.0057, 7222.11.0059, 7222.30.0001, 7227.20.0040, 7227.90.6030, 7227.90.6035, 7227.90.6040, 7228.20.1000, and 7228.60.6000. HTSUS numbers are provided for convenience and customs purposes; however, the written description of the scope remains dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Investigation
IV. Scope Comments
V. Subsidies Valuation
VI. Use of Facts Otherwise Available and Adverse Inferences
DEPARTMENT OF COMMERCE
International Trade Administration
[A–201–830]
AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.
SUMMARY: On November 16, 2016, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on carbon and certain alloy steel wire rod (wire rod) from Mexico. The period of review (POR) is October 1, 2014, through September 30, 2015.
FOR FURTHER INFORMATION CONTACT: James Terpstra (for Deacero) and Jolanta Lawaska (for AMLT) and Jolanta Lawaska (for AMLT), Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–3965 and 202–482–8362, respectively.
SUPPLEMENTARY INFORMATION:
Background
On November 16, 2016, the Department published in the Federal Register the Preliminary Results of the antidumping duty administrative review of wire rod from Mexico.4 We invited interested parties to comment on our Preliminary Results. On January 11, 2017, the Department received case briefs from Deacero, and Nucor Corporation (Nucor).2 On January 17, 2017, interested parties submitted rebuttal briefs. On January 20, 2017, the Department extended the deadline for the final results of this administrative review until May 15, 2017.3 On January 31, 2017, the Department held a public hearing. The Department conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Period of Review
The POR covered by this review is October 1, 2014, through September 30, 2015.

Scope of the Order
The merchandise subject to this order is carbon and certain alloy steel wire rod. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) item numbers 7213.91.3010, 7213.91.3090, 7213.91.4510, 7213.91.4590, 7213.91.6010, 7213.91.6090, 7213.99.0031, 7213.99.0038, 7213.99.0090, 7227.20.0010, 7227.20.0020, 7227.20.0090, 7227.20.0095, 7227.90.6051, 7227.90.6053, 7227.90.6058, and 7227.90.6059. Although the HTS numbers are provided for convenience and customs purposes, the written product description remains dispositive.4

Analysis of Comments Received
All issues raised in the case and rebuttal briefs by parties to this proceeding are addressed in the Issues and Decision Memorandum. A list of the issues that parties raised and to which we responded is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at http://access.trade.gov and in the Central Records Unit (CRU), room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at http://trade.gov/enforcement. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results
Based on our analysis of the comments received, we applied total adverse facts available (AFA) to Deacero and assigned it the highest margin alleged in the petition, i.e., 40.52 percent, as Deacero’s AFA rate. These changes are fully discussed in the Issues and Decision Memorandum.

Final Results of Review
As a result of this review, we determine that the following margin exists for the POR:

<table>
<thead>
<tr>
<th>Producer/exporter</th>
<th>Weighted-average dumping margin (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deacero S.A.P.I. de C.V.</td>
<td>40.52</td>
</tr>
</tbody>
</table>

Final Determination of No Shipments
As stated in the Preliminary Results, AMLT reported that it made no sales of subject merchandise during the POR.5 We received no comments from interested parties with respect to the Department’s preliminary determination of no shipments for AMLT, and we continue to determine that AMLT had no reviewable transactions during the POR. As noted in the “Assessment Rates” section below, the Department intends to issue appropriate instructions to U.S. Customs and Border Protection (CBP) for AMLT based on the final results of this review.

Assessment Rates
Pursuant to section 751(a)(2)(A) of the Act, and 19 CFR 351.212(b), the Department has determined, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the

6 See Decision Memorandum for Final Results of 2014/15 Antidumping Duty Administrative Review: Carbon and Certain Alloy Steel Wire Rod From Mexico (Issues and Decision Memorandum), dated concurrently with and hereby adopted by this notice for a complete description of the scope of the order.