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 Expedited Sunset Review of the Antidumping Duty Order on Certain Stainless Steel Wire Rods from India  

SUMMARY:  
We have analyzed the substantive responses of the interested parties in the sunset review of the antidumping duty order on certain stainless steel wire rods (wire rods) from India. We recommend that you approve the positions developed in the Discussion of the Issues section of this memorandum. Below is a complete list of the issues in this sunset review for which we received substantive responses:  

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

History of the Order  
On October 20, 1993, the Department of Commerce (the Department) published its final affirmative determination of sales at less than fair value (LTFV) in the Federal Register with respect to imports of wire rods from India. In the final determination, the Department found the following antidumping duty margins:  

<table>
<thead>
<tr>
<th>Company</th>
<th>Weighted-Average Margin (Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mukand Ltd.</td>
<td>48.80</td>
</tr>
<tr>
<td>Sunstar Metals Ltd.</td>
<td>48.80</td>
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<tr>
<td>Grand Foundry Ltd.</td>
<td>48.80</td>
</tr>
<tr>
<td>All Others</td>
<td>48.80</td>
</tr>
</tbody>
</table>

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1 Final Determination of Sales at Less Than Fair Value: Certain Stainless Steel Wire Rods from India, 58 FR 54110 (October 20, 1993).
Following the publication of the Department’s final determination, the International Trade Commission (ITC) found that the U.S. industry was materially injured by reason of the imports of subject merchandise. On December 1, 1993, the Department published the antidumping duty order on wire rods from India (the order).

Administrative Reviews and New Shipper Reviews

Since the publication of the antidumping duty order, the Department has completed seven administrative reviews and three new shipper reviews of the antidumping duty order on wire rods from India.

Since the publication of the 2005 sunset review results, the Department initiated but later rescinded the 2004/2005 Review, completed the Eighth Administrative Review, and completed the 2005/2006 New Shipper Review. The Department found in both the Eighth Administrative Review and the 2005/2006 New Shipper Review that producers/exporters of the subject merchandise continue to dump in the United States at levels exceeding de minimis.

Deposit rates remain in effect for imports of subject merchandise from India.

Duty-Absorption Findings, Changed-Circumstances Reviews, Scope Inquiries

There have been no duty-absorption findings concerning the antidumping duty order on wire rods from India.

There has been one changed-circumstances review.

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2 Stainless Steel Wire Rod From India, 58 FR 63394 (December 1, 1993).
3 Antidumping Duty Order: Certain Stainless Steel Wire Rods from India, 58 FR 63335 (December 1, 1993).
5 Stainless Steel Wire Rods from Brazil, France, and India; Notice of Final Results of Five-year (Sunset) Reviews of Antidumping Duty Orders, 70 FR 67447 (November 7, 2005) (2005 Sunset Review)
There have been two scope rulings with respect to wire rods from India.\(^8\)

**Sunset Reviews**

The Department has conducted two sunset reviews of the antidumping duty order on wire rods from India, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), and found in both reviews that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping at the same rates as found in the original investigation.\(^9\) The ITC determined, pursuant to Section 751(c) of the Act, that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.\(^10\) Following the publication of the ITC’s determinations, the Department published continuation notices of the order.\(^11\)

On July 1, 2011, the Department published the notice of initiation of the third sunset review of the antidumping duty order on wire rods from India pursuant to section 751(c) of the Act. See *Initiation of Five-Year ("Sunset") Review*, 76 FR 38613 (July 1, 2011) (*Notice of Initiation*). The Department received a notice of intent to participate on behalf of Carpenter Technology Corporation (the petitioner), within the deadline specified in 19 CFR 351.218(d)(1)(i)(Sunset Regulation). The petitioner claimed interested-party status under Section 771(9)(C) of the Act, as a manufacturer of a domestic-like product in the United States.

On August 1, 2011, the Department received a complete substantive response to the *Notice of Initiation* from the petitioner within the 30-day period specified in 19 CFR 351.218(d)(3)(i). The Department received no substantive responses from respondent interested parties. As a result, pursuant to section 751(c)(3)(B) of the Act, the Department is conducting an expedited (120-day) sunset review of the antidumping duty order on wire rods from India.

**Discussion of the Issues**

In accordance with section 751(c)(1) of the Act, the Department is conducting this sunset review to determine whether revocation of the antidumping duty order 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 this determination, 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 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 margins of dumping likely to prevail if the order were revoked. Below

\(^8\) *Notice of Scope Rulings*, 70 FR 41374 (July 19, 2005); *Notice of Scope Rulings*, 70 FR 55110 (September 20, 2005).

\(^9\) *Final Results of Expedited Sunset Review: Stainless Steel Wire Rods From India*, 65 FR 5315 (February 3, 2000); *2005 Sunset Review*.

\(^10\) *Stainless Steel Wire Rod From Brazil, France, India, and Spain*, 65 FR 45409 (July 21, 2000); *Stainless Steel Wire Rod From Brazil, France, and India*, 71 FR 42118 (July 25, 2006).

\(^11\) *Continuation of Antidumping Duty Orders: Stainless Steel Wire Rod From Brazil, France, and India*, 65 FR 47403 (August 2, 2000); *Continuation of Antidumping Duty Order: Stainless Steel Wire Rods From India*, 71 FR 45023 (August 8, 2006).
we address the comments of the interested party, which were submitted in its August 1, 2011, substantive response.

1. Likelihood of Continuation or Recurrence of Dumping

Interested-Party Comments

The petitioner argues that revocation of the antidumping duty order on wire rods from India would likely lead to a continuation or recurrence of dumping by the manufacturers/producers and exporters of the subject merchandise.

The petitioner cites section 752(c)(1) of the Act, which instructs the Department to determine whether revocation of an antidumping duty order would likely lead to a continuation or recurrence of dumping by considering the weighted-average margins determined in the investigation and reviews, and by considering the volume of imports of subject merchandise prior to and following issuance of the order. The petitioner also refers to Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin, 63 FR 18871 (April 16, 1998) (Policy Bulletin), quoting the Statement of Administrative Action accompanying the Uruguay Round Agreements Act (SAA), H.R. Doc. No. 103-316, vol. 1 (1994) at 889, which explains that declining import volumes accompanied by continued dumping following issuance of an order may indicate that dumping would be likely to continue absent an order, because information would indicate that the exporter would need to dump to sell at pre-order volumes. Additionally, the petitioner continues, the Policy Bulletin explains that existence of dumping following implementation of an order is highly probative of the likelihood of continuation or recurrence of dumping as companies that dump with an order in place would likely continue dumping were the order removed. Thus, the petitioner maintains, citing SAA at 890, the Department will normally determine that revocation of an order is likely to lead to a continuation or recurrence of dumping where:

(a) dumping continued at any level above de minimis after issuance of an order;
(b) imports of subject merchandise ceased following issuance of an order;
(c) dumping was eliminated following issuance of an order but import volumes declined.

The petitioner states that, with the sole exception of Viraj, which was revoked from the order in 2005, Indian producers/exporters have continued to dump subject merchandise in the United States. Specifically, the petitioner asserts that dumping margins above de minimis continue to exist for all Indian producers/exporters still subject to the order. According to the petitioner, the continued existence of margins above de minimis is a sufficient basis for the Department to conclude that dumping is likely to continue were the order revoked as a result of this sunset review, citing Policy Bulletin at 18872.

Additionally, the petitioner explains, the imposition of the antidumping duty order resulted in dramatic reductions in the import volume of subject merchandise. The petitioner provides a chart demonstrating import volumes between 1990 (three years prior to imposition of the order), and 2011 which, according to the petitioner, was derived from the Department’s official import
statistics. The petitioner contends that the import statistics illustrate that during the most recent sunset review period (2006-2010), imports remain at an average of just 18 percent of the pre-order peak level in 1992. Thus, the petitioner asserts, the decline and low import volume demonstrate that Indian respondents are not able to sell subject wire rods at pre-order volumes under the discipline of the order.

Accordingly, the petitioner contends, in light of continued existence of dumping margins and the decline in imports on wire rods from India following imposition of the order, the Department should again conclude that dumping is likely to continue or recur were the order revoked, consistent with the previously completed sunset reviews.

Department’s Position:

Drawing on the guidance provided in the legislative history accompanying the Uruguay Round Agreements Act, specifically the SAA, the House Report, H. Rep. No. 103-826, pt. 1, (1994) (House 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 for each case. In addition, the Department will normally determine that the revocation of an antidumping duty order is likely to lead to continuation or recurrence of dumping if one or more of the following factors are met: (a) dumping continued at any level above de minimis after the issuance of the orders; (b) imports of the subject merchandise ceased after the issuance of the orders; or (c) dumping was eliminated after the issuance of the orders and import volumes for the subject merchandise declined significantly. In addition, pursuant to section 752(c)(1)(B) of the Act, in order to determine whether revocation of an antidumping duty order would be likely to lead to a continuation of dumping, the Department considers the volume of imports of the subject merchandise for the period before and after the issuance of the antidumping duty order.

The Department did not receive any substantive response from any respondent interested party pursuant to 19 CFR 351.218(d)(3). Accordingly, the Department finds that respondent interested parties have decided not to participate in the Department’s sunset review.

Pursuant to sections 752(c)(1)(A) and (B) of the Act, the Department considered the weighted-average dumping margins determined in the investigation and the subsequent reviews, and import volumes of subject merchandise both prior to and following implementation of the antidumping duty order.

\[\text{See SAA at 879 and House Report. See also Refined Brown Aluminum Oxide from the People's Republic of China: Final Results of Expedited Sunset Review, 74 FR 4138 (January 23, 2009), and the accompanying Issues and Decision Memorandum at Comment 1, and Freshwater Crawfish Tail Meat from the People’s Republic of China: Final Results of the Expedited Second Sunset Review of the Antidumping Duty Order, 73 FR 65832 (November 5, 2008), and the accompanying Issues and Decision Memorandum at Comment 1 (Crawfish Tail Meat – PRC).}\]

\[\text{See SAA at 889-890, House Report at 63-64, and Senate Report at 52. See also Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Notice of Final Results of Expedited Sunset Review of Antidumping Duty Order, 74 FR 5819 (February 2, 2009), and the accompanying Issues & Decision Memorandum at 3, Crawfish Tail Meat – PRC, and Folding Gift Boxes from the People’s Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order, 72 FR 16765 (April 5, 2007), and the accompanying Issues & Decision Memorandum at 5.}\]
The record of the proceeding demonstrates that dumping has persisted since the issuance of the order. Since the publication of the order, the Department has conducted several administrative reviews for subject merchandise from India. In general, with the exception of Viraj, the Department found that dumping has continued at margins exceeding de minimis, including during the period since the last sunset review. See Eighth Administrative Review and 2005/2006 New Shipper Review. Using statistics derived from the Global Trade Atlas, the Department also finds that imports of wire rods from India remain significantly below pre-order levels. See Attachment. Since the last sunset review, the total import volume averaged 724,424 kilograms per year. In the years leading up to implementation of the order, imports of wire rods from India totaled 1,570,510 kilograms (1991), 3,942,855 kilograms (1992), and 3,403,285 kilograms (1993, the year in which the order was imposed), which averages 2,972,217 kilograms per year. Id. Thus, because dumping of the subject merchandise continues at margins above de minimis, because import volumes remain at significantly lower levels than the pre-order volumes, and because no party argued or submitted any evidence to the contrary, the Department determines that dumping is likely to continue if the order is revoked.

2. Magnitude of the Margin Likely to Prevail

Interested-Party Comments

Citing the Department’s Policy Bulletin, the petitioner explains that the Department normally will report to the ITC the company-specific antidumping duty margins that were determined in the original investigation because, the petitioner maintains, those margins best represent the behavior of these producers and exporters in the absence of an antidumping duty order. Thus, the petitioner requests that the Department report the antidumping duty margins for wire rods from India as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>Weighted-Average Margin (Percent)</th>
</tr>
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<tbody>
<tr>
<td>Mukand Ltd.</td>
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<td>Grand Foundry Ltd.</td>
<td>48.80</td>
</tr>
<tr>
<td>All Others</td>
<td>48.80</td>
</tr>
</tbody>
</table>

Department’s Position:

Section 752(c)(3) of the Act provides that the Department will report to the ITC the magnitude of the margin of dumping that is likely to prevail if an order were revoked. The Department will normally provide to the ITC the company-specific margin from the investigation for each company. See SAA at 890 and Eveready Battery Co., Inc. v. United States, 77 F. Supp. 2d 1327, 1333 n.9 (CIT 1999). 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. 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

6
Reviews of the Antidumping Duty Orders, 71 FR 70506 (December 5, 2006), and the accompanying Issues and Decision Memorandum at Comment 2”.

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. Id.; see SAA at 890 and House Report at 64. Under certain circumstances, the Department may select a more recently calculated margin to report to the ITC. See section 752(c)(3) of the Act and Final Results of Full Sunset Review: Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide From the Netherlands, 65 FR 65294 (November 1, 2000), and the accompanying Issues and Decision Memorandum at “Magnitude of the Margin Likely to Prevail,” Comment 3 (citing SAA at 890-91 and House Report at 64).

The Department does not find any indication that the margins calculated in subsequent reviews of the order on wire rods from India are more probative of behaviors of manufacturers, producers, and exporters without the discipline of the order. Given the absence of argument and evidence to the contrary, the Department finds that the margins calculated in the original investigation are probative of the behavior of producers and exporters of subject merchandise from India if the order is revoked. Consistent with section 752(c)(3) of the Act, the Department will report to the ITC company-specific and all-others rates from the investigation as indicated in the “Final Results of Review” section of this memorandum.

Final Results of Review

The Department determines that revocation of the antidumping duty order on wire rods from India would be likely to lead to a continuation or recurrence of dumping at the following weighted-average percentage margins:

<table>
<thead>
<tr>
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<td>Grand Foundry Ltd.</td>
<td>48.80</td>
</tr>
<tr>
<td>All Others</td>
<td>48.80</td>
</tr>
</tbody>
</table>
Recommendation

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

Agree ☑️

Disagree

Paul Piquado
Assistant Secretary
for Import Administration

10/25/2011
Date
Attachment
### USA Import Statistics

**Commodity:** 722100, Bars & Rods, Stainless Steel, Hot Rolled In Irregularly Wound Coils

**Calendar Year:** 1993 - 1995

<table>
<thead>
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<th>Rank</th>
<th>Country</th>
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<th>Quantity</th>
<th>% Share</th>
<th>% Change</th>
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Copyright GTIS, 2011

## USA Import Statistics

**Commodity:** 722100, Bars & Rods, Stainless Steel, Hot Rolled In Irregularly Wound Coils

**Calendar Year:** 1996 - 1998

<table>
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**USA Import Statistics**

**Commodity: 722100, Bars & Rods, Stainless Steel, Hot Rolled In Irregularly Wound Coils**

**Calendar Year: 1999 - 2001**

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## USA Import Statistics

### Commodity: 722100, Bars & Rods, Stainless Steel, Hot Rolled In Irregularly Wound Coils

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## USA Import Statistics

**Commodity:** 722100, Bars & Rods, Stainless Steel, Hot Rolled In Irregularly Wound Coils

### Calendar Year: 2005 - 2007

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**USA Import Statistics**

**Commodity: 722100, Bars & Rods, Stainless Steel, Hot Rolled In Irregularly Wound Coils**

**Calendar Year: 2008 - 2010**

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Copyright GTIS, 2011
USA Import Statistics
Commodity: 722100, Bars & Rods, Stainless Steel, Hot Rolled In Irregularly Wound Coils

Calendar Year: 1990 - 1992

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