

Habas Sinai ve Tibbi Gazler Istihsal Endustrisi A.S. v United States
Consol. Ct. No. 17-00204, Slip Op. 20-51 (CIT April 17, 2020)

FINAL RESULTS OF REDETERMINATION PURSUANT TO COURT REMAND

The Department of Commerce (Commerce) has prepared these final results of redetermination pursuant to the opinion and remand order issued by the U.S. Court of International Trade (the Court) on April 17, 2020.¹ These remand results concern the final determination of the less-than-fair-value investigation of steel concrete reinforcing bar (rebar) from the Republic of Turkey (Turkey).²

In the *Third Remand Order*, the Court acknowledged that “Commerce indicated that it intended to include closed Inward Processing Certificates (IPCs) in Habas’s duty drawback adjustment,” but that Commerce had “‘mistakenly omitted’ IPC #36 from Habas’s duty drawback adjustment calculation.”³ The Court granted Commerce’s request for a voluntary remand and consistent with the Court’s order, we have included closed IPC #36 in our duty drawback calculations.⁴ As a result, the estimated weighted-average dumping for Habas Sinai ve

¹ See *Habas Sinai ve Tibbi Gazler Istihsal Endustrisi A.S. v United States*, Slip Op. 20-51 (CIT April 17, 2020) (*Third Remand Order*).

² See *Steel Concrete Reinforcing Bar from the Republic of Turkey: Final Determination of Sales at Less Than Fair Value*, 82 FR 23192 (May 22, 2017) (*Final Determination*), and accompanying Issues and Decision Memorandum (IDM), as amended by *Steel Concrete Reinforcing Bar from the Republic of Turkey and Japan: Amended Final Affirmative Antidumping Duty Determination for the Republic of Turkey and Antidumping Duty Orders*, 82 FR 32532 (July 14, 2017) (*Amended Final Determination*).

³ See *Third Remand Order* at 8.

⁴ *Id.* at 13.

Tibbi Gazlar Istihsal Endustrisi A. S. (Habas) is 3.96 percent.⁵ Furthermore, due to the revised rate for Habas, we have revised the all others weighted-average dumping rate to 4.07 percent.⁶

On May 13, 2020, Commerce issued its *Third Draft Remand Redetermination*.⁷ On May 26, 2020, the Rebar Trade Action Coalition (RTAC) and its individual members (collectively, the petitioner) filed comments on the *Third Draft Remand Redetermination*.⁸

FINAL RESULTS

In accordance with the Court's *Third Remand Order*, and as discussed above, Commerce has revised Habas's weighted-average dumping margin and recalculated the weighted-average dumping rate for all other producers and exporters. Based on this change, the estimated weighted-average dumping margins and cash deposit rates are listed in the chart below.⁹

⁵ See Memorandum, "Draft Results of Redetermination Pursuant to Remand of the Antidumping Duty Investigation of Steel Concrete Reinforcing Bar from the Republic of Turkey: Amended Final Calculation for Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S.," dated May 13, 2020.

⁶ See Memorandum, "Draft Results of Redetermination Pursuant to Remand of the Antidumping Duty Investigation of Steel Concrete Reinforcing Bar from the Republic of Turkey, Re: Amended Final Calculation for the All-Others Rate," dated May 13, 2020.

⁷ See Draft Results of Redetermination Pursuant to Court Remand: *Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. v United States* Consol. Ct. No. 17-00204, Slip Op. 20-51 (CIT April 17, 2020) dated May 13, 2020 (*Third Draft Remand Redetermination*).

⁸ See Petitioner's Letter, "Concrete Steel Reinforcing Bar from the Republic of Turkey: Comments on Draft Remand Results," dated May 26, 2020 (Petitioner's Draft Comments).

⁹ See Final Results of Redetermination Pursuant to Court Remand: Steel Concrete Reinforcing Bar from the Republic of Turkey, Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi, A.S. v. United States, Consol. Ct. No. 17-00204, Slip Op. 19-130, dated January 15, 2020 (*Second Remand Redetermination*).

Exporter or Producer	Amended Final Determination (percent)		Remand Redetermination (percent)	
	Weighted -Average Dumping Margin	Cash Deposit Rate (adjusted for export subsidies)	Weighted -Average Dumping Margin	Cash Deposit Rate (adjusted for export subsidies)
Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S.	5.39	5.25	3.96	3.92
Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S.	9.06	8.89	4.17	4.00
All Others	7.43	7.26	4.07	3.90

COMMENTS ON THIRD DRAFT REMAND REDETERMINATION

Petitioner's Draft Comments

- RTAC continues to maintain that Commerce's duty-neutral drawback calculation methodologies, as reflected in the original final determination, and the first remand results, were lawful, reasonable, supported by substantial record evidence, and otherwise appropriate.¹⁰
- RTAC continues to assert that Commerce lawfully and appropriately excluded the IPC at issue here from its calculations.¹¹

Commerce's Position:

We agree with the petitioner that the duty-neutral drawback methodologies used in the original final determination and the first remand results are consistent with law. The Court,

¹⁰ See Petitioner's Draft Comments at 2.

¹¹ *Id.*

however, has found otherwise and, as a result, we have followed the Court's decisions under respectful protest.

With regard to the IPCs at issue, Commerce intended to include IPC #36 in the duty drawback calculations,¹² as record evidence demonstrates this IPC was closed.¹³ Therefore, in accordance with the Court's *Third Remand Order*, we have now included IPC #36 in the calculations for this third remand redetermination. We agree with RTAC on the exclusion of IPC #1598 and continue to exclude it from the duty drawback calculations, which has been sustained by the Court.¹⁴

7/1/2020

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Signed by: JEFFREY KESSLER

Jeffrey I. Kessler
Assistant Secretary
for Enforcement and Compliance

¹² See *Second Remand Redetermination* at 9.

¹³ See Habas' Supplemental Questionnaire Response dated March 3, 2017 at Exhibit S4-2.

¹⁴ See *Third Remand Order* at 10 and 13.