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DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

A-201-844

Steel Concrete Reinforcing Bar from Mexico: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2015-2016

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

SUMMARY: In response to requests from interested parties, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on steel concrete reinforcing bar (rebar) from Mexico, covering the period November 1, 2015, through October 31, 2016. The review covers one mandatory respondent, Deacero S.A.P.I de C.V. (Deacero), and 12 non-selected companies. We preliminarily determine that Deacero did not make sales of subject merchandise at less than normal value during the period of review (POR). Interested parties are invited to comment on these preliminary results.

DATES: Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Stephanie Moore, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3692.

## Background

On January 13, 2017, the Department published a notice of initiation of an administrative review of the antidumping order on rebar from Mexico.<sup>1</sup> The Department initiated this administrative review covering 13 companies.<sup>2</sup> On July 11, 2017, the Department issued a memorandum extending the time period for issuing the preliminary results of the instant administrative review from August 2, 2017 to October 2, 2017.<sup>3</sup> On September 25, 2017, the Department fully extended the deadline to November 30, 2017.<sup>4</sup>

## Scope of the Order

Imports covered by the order are shipments of steel concrete reinforcing bar imported in either straight length or coil form (rebar) regardless of metallurgy, length, diameter, or grade. The merchandise subject to review is currently classifiable under items 7213.10.0000, 7214.20.0000, and 7228.30.8010. The subject merchandise may also enter under other Harmonized Tariff Schedule of the United States (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, 7227.20.0080, 7227.90.6085, 7228.20.1000, and 7228.60.6000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.<sup>5</sup>

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<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 82 FR 294 (January 13, 2017).

<sup>2</sup> We initiated a review of the following 13 companies: Deacero S.A.P.I. de C.V.; Grupo Acerero S.A. de C.V.; Grupo Simec Orge S.A. de C.V.; Industrias CH; Ternium Mexico, S.A. de C.V.; ArcelorMittal Lazaro Cardenas S.A. de C.V.; Cia Siderurgica De California S.A. de C.V.; Siderurgica Tultitlan S.A. de C.V.; Talleres y Aceros, S.A. de C.V.; Grupo Villacero S.A. de C.V.; AceroMex S.A.; ArcelorMittal Celaya, S.A. de C.V.; and ArcelorMittal Cordoba S.A. de C.V.

<sup>3</sup> See Memorandum, titled “Steel Concrete Reinforcing Bar from Mexico: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review, 2015-2016,” dated July 11, 2017.

<sup>4</sup> See Memorandum, titled “Steel Concrete Reinforcing Bar from Mexico: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review, 2015-2016,” dated September 25, 2017.

<sup>5</sup> For a full description of the scope of the order, see the “Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Steel Concrete Reinforcing Bar from Mexico; 2015-2016,” dated concurrently with, and hereby adopted by this notice (Preliminary Decision Memorandum).

## Preliminary Determination of No Shipments

On January 19, 2017, Grupo Simec and Orge S.A. de C.V. (Grupo Simec) stated that it had no exports or sales, and no entries for consumption of subject merchandise into the United States during the POR. On February 12, 2017, ArcelorMittal Lazaro Cardenas, SA. de CV. (which became ArcelorMittal Mexico, S.A, de CV. on March 31, 2014), ArcelorMittal Celaya, SA. de CV., and ArcelorMittal Cordoba, SA. de CV. (collectively, Arcelor Mittal) submitted a no shipment letter certification. In response to the non-shipment claims of Grupo Simec and Arcelor Mittal, the Department issued a no-shipment inquiry to U.S. Customs and Border Protection (CBP) requesting that it review Grupo Simec's and Arcelor Mittal's no-shipment claims. CBP did not report that it had any information to contradict these claims of no shipments during the POR.

Given that Grupo Simec and Arcelor Mittal certified that they made no shipments of subject merchandise to the United States during the POR, and there is no information calling their claims into question, we preliminarily determine that Grupo Simec and Arcelor Mittal did not have any reviewable transactions during the POR. Consistent with the Department's practice, we will not rescind the review with respect to Grupo Simec and Arcelor Mittal but, rather, will complete the review and issue instructions to CBP based on the final results.<sup>6</sup>

## Methodology

The Department is conducting this review in accordance with section 751(a)(1) and (2) of the Tariff Act of 1930, as amended (the Act). Constructed export price or export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance

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<sup>6</sup> See, e.g., *Certain Frozen Warmwater Shrimp from Thailand; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments; 2012-2013*, 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012-2013*, 79 FR 51306, 51307 (August 28, 2014).

with section 773 of the Act. For a full description of the methodology underlying our preliminary results, *see* the Preliminary Decision Memorandum dated concurrently with this notice and hereby adopted by this notice. The Preliminary 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 <https://access.trade.gov> and is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at <http://enforcement.trade.gov/frn/index.html>. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of the Review

As a result of this review, we preliminarily calculated a dumping margin of zero percent for Deacero. We are applying to the non-selected companies the rates calculated for the mandatory respondent in these preliminary results, as referenced below.<sup>7</sup>

<b>Producer and/or Exporter</b>	<b>Weighted-Average Dumping Margin (percent)</b>
Deacero	0.00
Industrias CH	0.00
Ternium Mexico, S.A. de C.V.	0.00
Cia Siderurgica De California, S.A. de C.V.	0.00
Grupo Acerero S.A. de C.V.	0.00
Aceromex S.A.	0.00
Siderurgica Tultitlan S.A. de C.V.	0.00
Talleres y Aceros, S.A. de C.V.	0.00
Grupo Villacero S.A. de C.V.	0.00

Assessment Rate

Upon issuance of the final results, the Department shall determine, and U.S. Customs and

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<sup>7</sup> See *Albemarle Corp. & Subsidiaries v. United States*, 821 F.3d 1345 (Fed. Cir. 2016).

Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.<sup>8</sup> If the weighted-average dumping margin for Deacero is not zero or *de minimis* (*i.e.*, less than 0.5 percent), we will calculate importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is not zero or *de minimis*. Where either the respondent's weighted-average dumping margin is zero or *de minimis*, or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.<sup>9</sup> The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review where applicable.

In accordance with the Department's "automatic assessment" practice, for entries of subject merchandise during the POR produced by each respondent for which they did not know that their merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice

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<sup>8</sup> See 19 CFR 351.212(b).

<sup>9</sup> See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings: Final Modification*, 77 FR 8101, 8103 (February 14, 2012); 19 CFR 351.106(c)(2).

of final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for respondents noted above will be zero; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 20.58 percent, the all-others rate established in the antidumping investigation.<sup>10</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Disclosure and Public Comment

The Department will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.<sup>11</sup> Pursuant to 19 CFR 351.309(c), interested parties may submit cases briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.<sup>12</sup> Parties who submit comments are requested to submit: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>13</sup> All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety

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<sup>10</sup> See *Steel Concrete Reinforcing Bar from Mexico: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances*, 79 FR 54967 (September 15, 2014).

<sup>11</sup> See 19 CFR 351.224(b).

<sup>12</sup> See 19 CFR 351.309(d).

<sup>13</sup> See 19 CFR 351.309(c)(2) and (d)(2).

by the Department's electronic records system, ACCESS.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, using Enforcement and Compliance's ACCESS system, and an electronically filed request must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Standard Time, within 30 days of publication of this notice.<sup>14</sup> Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and location to be determined.<sup>15</sup> Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act and 19 CFR 213(h)(2), the Department will issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their case briefs, within 120 days after issuance of these preliminary results.<sup>16</sup>

#### Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and increase the subsequent assessment of the antidumping duties by the amount of antidumping duties reimbursed.

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<sup>14</sup> See 19 CFR 351.310(c).

<sup>15</sup> See 19 CFR 351.310.

<sup>16</sup> See section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

Notification to Interested Parties

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Gary Taverman  
Deputy Assistant Secretary  
for Antidumping and Countervailing Duty Operations,  
performing the non-exclusive functions and duties of the  
Assistant Secretary for Enforcement and Compliance

Dated: November 30, 2017

## Appendix

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