

Steel Concrete Reinforcing Bar from Taiwan

Investigation No. 731-TA-1339 (Final)

Publication 4724

September 2017

U.S. International Trade Commission



Washington, DC 20436

U.S. International Trade Commission

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Note.— Information that would reveal confidential operations of individual concerns may not be published and therefore has been deleted. Such deletions are indicated by asterisks.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation No. 731-TA-1339 (Final)
Steel Concrete Reinforcing Bar from Taiwan

DETERMINATION

On the basis of the record¹ developed in the subject investigation, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that an industry in the United States is materially injured by reason of imports of steel concrete reinforcing bar from Taiwan, provided for in subheadings 7213.10, 7214.20, and 7228.30 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (“Commerce”) to be sold in the United States at less than fair value (“LTFV”).

BACKGROUND

The Commission, pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)), instituted this investigation effective September 20, 2016, following receipt of a petition filed with the Commission and Commerce by the Rebar Trade Action Coalition and its individual members: Bayou Steel Group, LaPlace, Louisiana;² Byer Steel Group, Inc., Cincinnati, Ohio; Commercial Metals Company, Irving, Texas; Gerdau Ameristeel U.S. Inc., Tampa, Florida; Nucor Corporation, Charlotte, North Carolina; and Steel Dynamics, Inc., Pittsboro, Indiana. The final phase of the investigation was scheduled by the Commission following notification of a preliminary determination by Commerce that imports of rebar from Taiwan were sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission’s investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the *Federal Register* on March 15, 2017 (82 FR 13854). The hearing was held in Washington, DC, on May 18, 2017, and all persons who requested the opportunity were permitted to appear in person or by counsel.

¹ The record is defined in sec. 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

² Bayou Steel Group was no longer a petitioner in the final phase of this investigation.

VIEWS OF THE COMMISSION

Based on the record in this investigation, we find that an industry in the United States is materially injured by reason of imports of steel concrete reinforcing bar (“rebar”) from Taiwan that are sold in the United States at less than fair value.

This investigation and the accompanying investigations of rebar from Japan and Turkey arose out of petitions that the Rebar Trade Action Coalition and its individual members Bayou Steel Group, Inc.;¹ Byer Steel Group, Inc.; Commercial Metals Company; Gerdau Ameristeel U.S. Inc.; Nucor Corporation; and Steel Dynamics, Inc. (collectively “Petitioners”) filed on September 20, 2016.

Although the petitions concerning imports of rebar from Japan, Taiwan, and Turkey were filed on the same day, September 20, 2016, the investigation schedules became “staggered” into two stages when Commerce extended the deadline for making its final determination in the investigation concerning rebar from Taiwan, but not in the investigations concerning rebar imports from Japan and Turkey, thereby necessitating that the Commission make earlier determinations in those investigations.² The Commission made affirmative determinations in its investigations of rebar from Japan and Turkey on the basis of cumulated subject imports from Japan, Taiwan, and Turkey.³

The Commission’s record in the final phase investigations concerning rebar imports from Japan, Taiwan, and Turkey generally closed on June 8, 2017. Since that time, the only new information that has been put on the record is Commerce’s final antidumping duty determination with respect to imports from Taiwan⁴ and the parties’ final comments with respect to that investigation.⁵

Under section 771(7)(G)(iii) of the Tariff Act of 1930, as amended (“the Act”), we are required to make our material injury determination in the instant investigation on the basis of the same record as that in the investigations regarding imports from Japan and Turkey, except to the extent discussed above.⁶ Therefore, in this investigation, we adopt the findings and analyses in our determination and views regarding subject imports from Japan and Turkey with respect to the issues of domestic like product, domestic industry, cumulation, and material injury by reason of cumulated subject imports.

¹ Bayou Steel Group is no longer a petitioner in the final phase of this investigation. Bayou exited the rebar industry in December 2016 and sold its Vinton, Texas rolling mill, now operated as Vinton Steel LLC (“Vinton”), to Kyoei Steel Americas, LLC.. Confidential Report (“CR”)/Public Report (“PR”) at I-1 n.1.

² See *Steel Concrete Reinforcing Bar From Taiwan: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 82 Fed. Reg. 12800 (March 7, 2017).

³ *Steel Concrete Reinforcing Bar from Japan and Turkey*, Inv. Nos. 701-TA-564 and 731-TA-1338 and 1340 (Final), USITC Pub. 4705 (July 2017) at 13.

⁴ See 19 U.S.C. § 1677(7)(G)(iii). CR at I-4, PR at I-3.

⁵ Petitioners filed final comments in the investigation concerning rebar from Taiwan on August 7, 2017.

⁶ 19 U.S.C. § 1677(7)(G)(iii).

Accordingly, we determine that the domestic industry producing rebar is materially injured by reason of subject imports from Taiwan that Commerce determined were sold in the U.S. market at less than fair value.⁷

⁷ Pursuant to Section 771(24) of the Tariff Act, imports from a subject country of merchandise corresponding to a domestic like product that account for less than 3 percent of all such merchandise imported into the United States during the most recent 12 months for which data are available preceding the filing of the petition shall generally be deemed negligible in an antidumping investigation. 19 U.S.C. §§ 1671b(a), 1673b(a), 1677(24)(A)(i), 1677(24)(B); *see also* 15 C.F.R. § 2013.1 (developing countries for purposes of 19 U.S.C. § 1677(36)). Subject imports from Taiwan accounted for 5.9 percent of the quantity of total imports from September 2015 to August 2016, the 12-month period prior to the filing of the petitions, which is above the 3 percent individual subject country statutory negligibility threshold applicable to the antidumping investigation concerning Taiwan. CR/PR at Table IV-4. Accordingly, we find that subject imports are not negligible for purposes of the antidumping investigation on rebar from Taiwan.

PART I: INTRODUCTION

BACKGROUND

These investigations result from petitions filed with the U.S. Department of Commerce (“Commerce”) and the U.S. International Trade Commission (“USITC” or “Commission”) by the Rebar Trade Action Coalition and its individual members: Bayou Steel Group, LaPlace, Louisiana (“Bayou”);¹ Byer Steel Group, Inc., Cincinnati, Ohio (“Byer”); Commercial Metals Company, Irving, Texas (“CMC”); Gerdau Ameristeel U.S. Inc., Tampa, Florida (“Gerdau”); Nucor Corporation, Charlotte, North Carolina (“Nucor”); and Steel Dynamics, Inc., Pittsboro, Indiana (“SDI”), on September 20, 2016, alleging that an industry in the United States is materially injured and threatened with material injury by reason of subsidized imports of steel concrete reinforcing bar (“rebar”) from Turkey and less-than-fair-value (“LTFV”) imports of rebar from Japan, Taiwan, and Turkey.² On March 1, 2017, Commerce preliminarily determined that imports of rebar from Turkey were being subsidized.³ On March 7, 2017, Commerce preliminarily determined that that imports of rebar from Japan,⁴ Taiwan,⁵ and Turkey⁶ were being sold in the United States at LTFV. On May 22, 2017, Commerce published its final determination that imports of rebar from Turkey were being subsidized and imports of rebar from Japan and Turkey were being sold in the United States at LTFV.⁷ On June 30, 2017, the Commission determined that an industry in the United States is materially injured by reason of imports of rebar from Japan and Taiwan.⁸ On July 27, 2017, Commerce published its final

¹ Bayou Steel Group is no longer a petitioner in the final phase of these investigations. Bayou exited the rebar industry in December 2016 and sold its Vinton, Texas rolling mill, now operated as Vinton Steel LLC (“Vinton”), to Kyoei Steel Americas, LLC.

² The Commission issued its determinations and views with respect to Japan and Turkey on June 30, 2017. *Steel Concrete Reinforcing Bar From Japan and Turkey; Determinations*, 82 FR 31635, July 7, 2017.

³ *Steel Concrete Reinforcing Bar from the Republic of Turkey: Preliminary Affirmative Countervailing Duty Determination*, 82 FR 12195, March 1, 2017.

⁴ *Steel Concrete Reinforcing Bar from Japan: Preliminary Affirmative Determination of Sales at Less Than Fair Value*, 82 FR 12796, March 1, 2017.

⁵ *Steel Concrete Reinforcing Bar From Taiwan: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 82 FR 12800, March 7, 2017.

⁶ *Steel Concrete Reinforcing Bar from the Republic of Turkey: Preliminary Affirmative Determination of Sales at Less Than Fair Value*, 82 FR 12791, March 7, 2017.

⁷ *Steel Concrete Reinforcing Bar from the Republic of Turkey: Final Affirmative Determination of Sales at Less Than Fair Value*, 82 FR 23192, May 22, 2017. *Steel Concrete Reinforcing Bar from Japan: Final Affirmative Determination of Sales at Less Than Fair Value*, 82 FR 23195, May 22, 2017. *Steel Concrete Reinforcing Bar from the Republic of Turkey: Final Affirmative Countervailing Duty Determination*, 82 FR 23188, May 22, 2017.

⁸ *Steel Concrete Reinforcing Bar From Japan and Turkey; Determinations*, 82 FR 31635, July 7, 2017.

determination that imports of rebar from Taiwan were being sold in the United States at LTFV.⁹ The following tabulation provides information relating to the background of these investigations.¹⁰

| Effective date | Action |
|-----------------------|--|
| September 20, 2016 | Petition filed with Commerce and the Commission; institution of the Commission's investigation (81 FR 66294, September 27, 2016) |
| October 11, 2016 | Commerce's notice of initiation (81 FR 71705, October 18, 2016; 81 FR 71697, October 18, 2016) |
| November 4, 2016 | Commission's preliminary determination (81 FR 79050, November 10, 2016) |
| March 1, 2017 | Commerce's preliminary countervailing duty determination, Turkey (82 FR 12195, March 1, 2017) |
| March 7, 2017 | Commerce's preliminary antidumping determination, Japan (82 FR 12796, March 7, 2017) |
| March 7, 2017 | Commerce's preliminary antidumping determination, Taiwan (82 FR 12800, March 7, 2017) |
| March 7, 2017 | Commerce's preliminary antidumping determination, Turkey (82 FR 12791, March 7, 2017) |
| May 18, 2017 | Commission's hearing |
| March 15, 2017 | Scheduling of final phase of Commission investigation (82 FR 13854, March 15, 2017) |
| May 22, 2017 | Commerce's final countervailing duty determination, Turkey (82 FR 23188, May 22, 2017) |
| May 22, 2017 | Commerce's final antidumping determination, Turkey (82 FR 23192, May 22, 2017) |
| May 22, 2017 | Commerce's final antidumping determination, Japan (82 FR 23195, May 22, 2017) |
| June 16, 2017 | Commission's vote, Japan and Turkey |
| June 30, 2017 | Commission's views, Japan and Turkey |
| July 27, 2017 | Commerce's final antidumping determination, Taiwan (82 FR 34927, July 27, 2017) |
| August 30, 2017 | Commission's vote, Taiwan |
| September 11, 2017 | Commission's views, Taiwan |

The information contained in this report is intended to be used in conjunction with data presented in the Commission's report on *Steel Concrete Reinforcing Bar from Japan and Turkey, Investigation Nos. 701-TA-564 and 731-TA-1338 and 1340 (Final)*, USITC Publication 4705, July 2017, and its corresponding confidential version contained in memorandum Nos. INV-PP-077

⁹ *Steel Concrete Reinforcing Bar from Taiwan: Final Affirmative Determination of Sales at Less Than Fair Value*, 82 FR 34927, July 27, 2017.

¹⁰ Pertinent *Federal Register* notices are referenced in appendix A, and may be found at the Commission's website (www.usitc.gov).

and 078, Investigation Nos. 701-TA-564 and 731-TA-1338-1340 (Final): *Steel Concrete Reinforcing Bar from Japan, Taiwan, and Turkey*. No new information except for Commerce’s final determinations regarding rebar from Taiwan is included in the record for this proceeding.¹¹

NATURE AND EXTENT OF SALES AT LTFV

On July 27, 2017, Commerce published a notice in the *Federal Register* of its final determinations of sales at LTFV with respect to imports from Taiwan.¹² Table I-1 presents Commerce’s dumping margins with respect to imports of rebar from Taiwan.

Table I-1
Rebar: Commerce’s final weighted-average LTFV margins with respect to imports from Taiwan

| Country | Firm | Final dumping margin (percent) |
|----------------|--------------------------------------|---|
| Taiwan | Power Steel Co., Ltd | 3.50 |
| | Lo-Toun Steel and Iron Works Co. Ltd | 32.01 |
| | All Others | 3.50 |

Source: *Steel Concrete Reinforcing Bar from Taiwan: Final Affirmative Determination of Sales at Less Than Fair Value*, 82 FR 34927, July 27, 2017.

¹¹ Petitioners filed comments concerning Commerce’s determination regarding rebar from Taiwan. Respondents did not file comments.

¹² *Steel Concrete Reinforcing Bar from Taiwan: Final Affirmative Determination of Sales at Less Than Fair Value*, 82 FR 34927, July 27, 2017.

APPENDIX A

***FEDERAL REGISTER* NOTICES**

The Commission makes available notices relevant to its investigations and reviews on its website, www.usitc.gov. In addition, the following tabulation presents, in chronological order, *Federal Register* notices issued by the Commission and Commerce during the current proceeding.

| Citation | Title | Link |
|------------------------------------|---|---|
| 81 FR 66294, September 27, 2016 | <i>Steel Concrete Reinforcing Bar (Rebar) From Japan, Taiwan, and Turkey; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations</i> | https://www.gpo.gov/fdsys/pkg/FR-2016-09-27/pdf/2016-23207.pdf |
| 81 FR 71697, October 18, 2016 | <i>Steel Concrete Reinforcing Bar From Japan, Taiwan and the Republic of Turkey: Initiation of Less-Than-Fair-Value Investigations</i> | https://www.gpo.gov/fdsys/pkg/FR-2016-10-18/pdf/2016-25171.pdf |
| 81 FR 71705, October 18, 2016 | <i>Steel Concrete Reinforcing Bar From the Republic of Turkey: Initiation of Countervailing Duty Investigation</i> | https://www.gpo.gov/fdsys/pkg/FR-2016-10-18/pdf/2016-25178.pdf |
| 81 FR 79050, November 10, 2016 | <i>Steel Concrete Reinforcing Bar From Japan, Taiwan, and Turkey</i> | https://www.gpo.gov/fdsys/pkg/FR-2016-11-10/pdf/2016-27146.pdf |
| 82 FR 12195, March 1, 2017 | <i>Steel Concrete Reinforcing Bar From the Republic of Turkey: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination</i> | https://www.gpo.gov/fdsys/pkg/FR-2017-03-01/pdf/2017-03958.pdf |
| 82 FR 12791, March 7, 2017 | <i>Steel Concrete Reinforcing Bar From the Republic of Turkey: Preliminary Affirmative Determination of Sales at Less Than Fair Value</i> | https://www.gpo.gov/fdsys/pkg/FR-2017-03-07/pdf/2017-04416.pdf |
| 82 FR 12796, March 7, 2017 | <i>Steel Concrete Reinforcing Bar From Japan: Preliminary Affirmative Determination of Sales at Less Than Fair Value</i> | https://www.gpo.gov/fdsys/pkg/FR-2017-03-07/pdf/2017-04415.pdf |
| 82 FR 12800, March 7, 2017 | <i>Steel Concrete Reinforcing Bar From Taiwan: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures</i> | https://www.gpo.gov/fdsys/pkg/FR-2017-03-07/pdf/2017-04414.pdf |
| 82 FR 13854, March 15, 2017 | <i>Steel Concrete Reinforcing Bar From Japan, Taiwan, and Turkey; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations</i> | https://www.gpo.gov/fdsys/pkg/FR-2017-03-15/pdf/2017-05148.pdf |

Tabulation continued on next page.

| Citation | Title | Link |
|--------------------------------|---|---|
| 82 FR 23188 May 22, 2017 | <i>Steel Concrete Reinforcing Bar From the Republic of Turkey: Final Affirmative Countervailing Duty Determination</i> | https://www.gpo.gov/fdsys/pkg/FR-2017-05-22/pdf/2017-10505.pdf |
| 82 FR 23192, May 22, 2017 | <i>Steel Concrete Reinforcing Bar From the Republic of Turkey: Final Affirmative Determination of Sales at Less Than Fair Value</i> | https://www.gpo.gov/fdsys/pkg/FR-2017-05-22/pdf/2017-10346.pdf |
| 82 FR 23195, May 22, 2017 | <i>Steel Concrete Reinforcing Bar From Japan: Final Affirmative Determination of Sales at Less Than Fair Value</i> | https://www.gpo.gov/fdsys/pkg/FR-2017-05-22/pdf/2017-10348.pdf |
| 82 FR 31635, July 7, 2017 | <i>Steel Concrete Reinforcing Bar From Japan and Turkey; Determinations</i> | https://www.gpo.gov/fdsys/pkg/FR-2017-07-07/pdf/2017-14250.pdf |
| 82 FR 34927, July 27, 2017 | <i>Steel Concrete Reinforcing Bar From Taiwan: Final Affirmative Determination of Sales at Less Than Fair Value</i> | https://www.gpo.gov/fdsys/pkg/FR-2017-07-27/pdf/2017-15840.pdf |
| 82 FR 36829, August 7, 2017 | <i>Steel Concrete Reinforcing Bar From Taiwan; Supplemental Schedule for the Subject Investigation</i> | https://www.gpo.gov/fdsys/pkg/FR-2017-08-07/pdf/2017-16480.pdf |