

Stainless Steel Flanges from India

Investigation Nos. 701-TA-586 and 731-TA-1384 (Final)

Publication 4828

September 2018

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Note.—Information that would reveal confidential operations of individual concerns may not be published. Such information is identified by brackets or by parallel lines in confidential reports and is deleted and replaced with asterisks in public reports.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation Nos. 701-TA-586 and 731-TA-1384 (Final)
Stainless Steel Flanges from India

DETERMINATIONS

On the basis of the record¹ developed in the subject investigations, 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 stainless steel flanges from India that have been found by the U.S. Department of Commerce (“Commerce”) to be sold in the United States at less than fair value (“LTFV”), and to be subsidized by the government of India.²

BACKGROUND

The Commission instituted these investigations effective August 16, 2017, following receipt of a petition filed with the Commission and Commerce by the Coalition of American Flange Producers on behalf of itself and its individual members, Core Pipe Products, Inc., Carol Stream, Illinois, and Maass Flange Corporation, Houston, Texas. Effective January 23, 2018, the Commission established a general schedule for the conduct of the final phase of its investigations on stainless steel flanges, following notification of preliminary determinations by Commerce³ that imports of stainless steel flanges from China and India were being subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)). Notice of the scheduling of the final phase of the Commission’s investigations 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* of February 7, 2018 (83 FR 5459). The hearing was held in Washington, DC, on April 10, 2018, and all persons who requested the opportunity were permitted to appear in person or by counsel. The Commission subsequently issued its final affirmative determinations regarding subsidized imports of stainless steel flanges from China on May 29, 2018 (83 FR

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 The Commission also finds that imports subject to Commerce’s affirmative critical circumstances determinations are not likely to undermine seriously the remedial effect of the antidumping and countervailing duty orders on stainless steel flanges from India.

³ *Countervailing Duty Investigation of Stainless Steel Flanges From the People’s Republic of China: Preliminary Affirmative Determination*, 83 FR 3124, January 23, 2018 and *Stainless Steel Flanges From India: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative and Alignment of Final Determination With Final Antidumping Duty Determination*, 83 FR 3118, January 23, 2018.

25714, June 4, 2018) and regarding dumped imports of stainless steel flanges from China on July 25, 2018 (83 FR 36622, July 30, 2018). Following notification of final determinations by Commerce that imports of stainless steel flanges from India were being sold at LTFV within the meaning of section 735(a) of the Act (19 U.S.C. 1673d(a)),⁴ and subsidized by the government of India within the meaning of section 705(a) of the Act (19 U.S.C. 1671d(a)),⁵ notice of the supplemental scheduling of the final phase of the Commission's antidumping and countervailing duty investigations with respect to India 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* of September 6, 2018 (83 FR 45278).

The Commission made these determinations pursuant to sections 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b)) and 19 U.S.C. 1673d(b)).

⁴ *Stainless Steel Flanges From India: Final Affirmative Determination of Sales at Less than Fair Value and Final Affirmative Critical Circumstance Determination*, 83 FR 40745, August 16, 2018.

⁵ *Stainless Steel Flanges From India: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination of Critical Circumstances*, 83 FR 40748, August 16, 2018.

Views of the Commission

Based on the record in the final phase of these investigations, we determine that an industry in the United States is materially injured by reason of imports of stainless steel flanges (“SS flanges”) from India found by the U.S. Department of Commerce (“Commerce”) to be subsidized by the government of India and to be sold in the United States at less than fair value (“LTFV”).

I. Background

The petitions in these investigations were filed on August 16, 2017, by the Coalition of American Flange Producers on behalf of itself and its individual members, Maass Flange Corporation and Core Pipe Products, Inc., domestic producers of SS flanges (collectively, “Petitioners”). The petitions in these antidumping and countervailing duty investigations were filed on the same day as the petitions for the antidumping and countervailing duty investigations concerning imports of SS flanges from China. The investigation schedules, however, became staggered when Commerce aligned only the final antidumping and countervailing duty determinations concerning SS flanges from India and postponed its final determinations in these investigations, thereby necessitating earlier separate final determinations by the Commission in the antidumping and countervailing duty investigations concerning SS flanges from China.¹ The Commission previously made affirmative material injury determinations in its antidumping and countervailing duty investigations of SS flanges from China on the basis of cumulated subject imports from China and India.²

Pursuant to the statutory provision on staggered investigations, the record for these antidumping and countervailing duty investigations on SS flanges from India closed on May 3, 2018, the same time as that for the antidumping and countervailing duty investigations on SS flanges from China. The only additions to the record in these investigations, as permitted by the statute, were Commerce’s final antidumping and countervailing duty determinations on SS flanges from India and the parties’ final comments concerning those determinations.³

II. Material Injury by Reason of Subject Imports

Section 771(7)(G)(iii) of the Tariff Act of 1930, as amended (“the Act”), provides that the Commission must make its material injury determination in the instant investigations on the basis of the same record as that in the countervailing duty investigation regarding imports from

¹ See *Stainless Steel Flanges from China and India: Scheduling of Final Phase of Countervailing Duty and Antidumping Duty Investigations*, 83 Fed. Reg. 5459 (February 7, 2018).

² *Stainless Steel Flanges from China*, Inv. No. 701-TA-585 (Final), USITC Pub. 4788 (May 2018) (“SS Flanges China CVD Final Determination”); *Stainless Steel Flanges from China*, Inv. No. 731-TA-1383 (Final), USITC Pub. 4807 (July 2018) (“SS Flanges China AD Final Determination”).

³ 19 U.S.C. § 1677(7)(G)(iii) and *SS Flanges China CVD Final Determination*, USITC Pub. 4788 at n.1.

China, except to the extent discussed above.⁴ Therefore, in these investigations, we adopt the findings and analyses in our determination and views concerning subject imports from China with respect to the issues of domestic like product, domestic industry, cumulation, conditions of competition, and material injury by reason of cumulated subject imports.⁵

Accordingly, we determine that the domestic industry producing SS flanges is materially injured by reason of subject imports from India that Commerce determined were sold in the U.S. market at LTFV and subsidized by the government of India.

III. Critical Circumstances

A. Legal Standards

In its final antidumping and countervailing duty determinations concerning SS flanges from India, Commerce found that critical circumstances exist with respect to all subject producers/exporters. Because we have determined that the domestic industry is materially injured by reason of subject imports from India, we must further determine "whether the imports subject to the affirmative {Commerce critical circumstances} determination ... are likely to undermine seriously the remedial effect of the antidumping {and/or countervailing duty} order{s} to be issued."⁶

The Uruguay Round Agreements Act ("URAA") Statement of Administrative Action ("SAA") indicates that the Commission is to determine "whether, by massively increasing imports prior to the effective date of relief, the importers have seriously undermined the remedial effect of the order" and specifically "whether the surge in imports prior to the suspension of liquidation, rather than the failure to provide retroactive relief, is likely to seriously undermine the remedial effect of the order."⁷ The legislative history for the critical circumstances provision indicates that the provision was designed "to deter exporters whose merchandise is subject to an investigation from circumventing the intent of the law by increasing their exports to the United States during the period between initiation of an investigation and a preliminary determination by {Commerce}."⁸ An affirmative critical circumstances determination by the Commission, in conjunction with an affirmative determination of material injury by reason of subject imports, would normally result in the retroactive imposition of duties on those imports subject to the affirmative Commerce critical circumstances determination for a period of 90 days prior to the suspension of liquidation.⁹

⁴ 19 U.S.C. § 1677(7)(G)(iii).

⁵ SS Flanges China CVD Final Determination, USITC Pub. 4788; SS Flanges China AD Final Determination, USITC Pub. 4807.

⁶ 19 U.S.C. §§ 1671d(b)(4)(A)(ii), 1673d(b)(4)(A)(ii).

⁷ SAA, H.R. Rep. No. 103-316, vol. I at 887 (1994).

⁸ *ICC Industries, Inc. v United States*, 812 F.2d 694, 700 (Fed. Cir. 1987), quoting H.R. Rep. No. 96-317 at 63 (1979), *aff'g* 632 F. Supp. 36 (Ct. Int'l Trade 1986). See 19 U.S.C. §§ 1671b(e)(2), 1673b(e)(2).

⁹ 19 U.S.C. §§ 1673d(c)(4)(A), 1671d(e)(2)(A).

The statute provides that, in making this determination, the Commission shall consider, among other factors it considers relevant,

- (I) the timing and the volume of the imports,
- (II) a rapid increase in inventories of the imports, and
- (III) any other circumstances indicating that the remedial effect of the {order} will be seriously undermined.¹⁰

In considering the timing and volume of subject imports, the Commission's practice is to compare import quantities prior to the filing of the petition with those subsequent to the filing of the petition using monthly statistics on the record regarding those firms for which Commerce has made an affirmative critical circumstances determination.¹¹

B. Arguments of the Parties

Petitioners argue the Commission should find that critical circumstances exist with respect to imports of SS flanges from India.¹² They contend that subject imports from India increased when using a four-month pre- and post-petition period (May 2017 to December 2017).¹³ They also assert that subject imports from India were higher in September-December 2017 than over the same period in 2016.¹⁴ They point to Commerce's critical circumstances findings as further evidence that the Commission should find the remedial effect of the order has been undermined.¹⁵

Two respondent entities, Warren Alloy Valve & Fitting Co. and Bebitz Flanges Works Private Limited (collectively "Respondents"), participated in the final phase of these investigations.¹⁶ They assert that the Commission should reach a negative determination regarding critical circumstances for subject imports from India.¹⁷ They contend that Petitioners' reliance on a four-month period provides an incomplete analysis of the pre- and

¹⁰ 19 U.S.C. §§ 1671d(b)(4)(A)(ii), 1673d(b)(4)(A)(ii).

¹¹ See *Lined Paper School Supplies from China, India, and Indonesia*, Inv. Nos. 701-TA-442-43, 731-TA-1095-97, USITC Pub. 3884 at 46-48 (Sept. 2006); *Carbazole Violet Pigment from China and India*, Inv. Nos. 701-TA-437 and 731-TA-1060-61 (Final), USITC Pub. 3744 at 26 (Dec. 2004); *Certain Frozen Fish Fillets from Vietnam*, Inv. No. 731-TA-1012 (Final), USITC Pub. 3617 at 20-22 (Aug. 2003).

¹² Petitioners' Prehearing Brief, EDIS Doc. 641036 (April 4, 2018) ("Petitioner's Prehearing Br.") at 89-91; Petitioners' Supplemental Final Comments as to India, EDIS No. 65434 (Sept. 4, 2018) ("Petitioner's Supp. Final Comments") at 4-5.

¹³ Petitioners' Prehearing Br. at 89-90; Petitioner's Supp. Final Comments at 4.

¹⁴ Petitioners' Prehearing Br. at 90; Petitioner's Supp. Final Comments at 4.

¹⁵ Petitioners' Supp. Final Comments at 4-5.

¹⁶ Respondents' Supplemental Final Comments as to India, EDIS No. 65492 (Sept. 4, 2018) ("Respondents' Supp. Final Comments").

¹⁷ Bebitz Posthearing Brief, EDIS No. 642338 (April 17, 2018); Respondents' Supp. Final Comments at 1-5.

post-petition data.¹⁸ They further contend that using a six-month period does not demonstrate a massive increase in subject imports from India after the filing of the petition compared to the cases in which the Commission has previously made affirmative critical circumstances determinations.¹⁹ According to Respondents, the increase in the volume of subject imports is the result of increased demand and demand conditions differed between 2016 and 2017.²⁰ Respondents point to the fact that inventories of imports from subject sources declined from 2015 to 2017 and that Petitioners have been able to raise prices since the filing of the petitions as evidence that the remedial effect of the orders has not been undermined.²¹

C. Analysis

We first consider the appropriate period for comparison of pre-petition and post-petition levels of subject imports from India. In previous investigations, the Commission has relied on a shorter comparison period when Commerce's preliminary determination applicable to the country at issue fell within the six-month post-petition period the Commission typically considers.²² That situation arises here with respect to subject imports from India,²³ and we have thus determined to compare the volume of subject imports observed during the five months prior to the filing of the petition (April 2017 to August 2017), with the volume of

¹⁸ Respondents' Supp. Final Comments at 2.

¹⁹ Respondents' Supp. Final Comments at 2. Respondents also contend that an affirmative critical circumstances finding is not warranted if the Commission were to analyze monthly import volumes using the five month period that Commerce used in its preliminary critical circumstances finding because the increases in monthly import volumes were small. *Id.* at 3-4.

²⁰ Respondents' Supp. Final Comments at 3-4. Respondents argue that the largest month-over-month increase in subject import volume occurred prior to the filing of the petitions and that imports decreased month-over-month each month from November 2017 to February 2018. They also assert that monthly import volumes from India were higher in August 2017 as compared to March 2017, while they were lower in February 2018 as compared to September 2017. *Id.*

²¹ Respondents' Supp. Final Comments at 4-5.

²² *Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, Korea, the Netherlands, Turkey, and the United Kingdom*, Inv. Nos. 701-TA-545-547, 731-TA-1291-1297 (Final), USITC Pub. 4638 at 49-50 (Sept. 2016); *Certain Corrosion-Resistance Steel Products from China, India, Italy, Korea, and Taiwan*, Inv. No. 701-TA-534-537 and 731-TA-1274-1278 (Final), USITC Pub. 4630 at 35-40 (July 2016); *Carbon and Certain Steel Wire Rod from China*, Inv. Nos. 701-TA-512, 731-TA-1248 (Final), USITC Pub. 4509 at 25-26 (Jan. 2015) (using five-month periods because preliminary Commerce countervailing duty determination was issued during the sixth months after the petition).

²³ The six-month pre- and post-petition periods run from March 2017 to August 2018 and September 2017 to February 2018. Supplemental Commission Report, OINV Memorandum INV-QQ-104 (Sept. 7, 2018) ("Supp. CR") at Table I-3. Commerce issued its preliminary affirmative determination in the countervailing duty investigations of SS flanges from India on January 23, 2018. *Stainless Steel Flanges From India: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative and Alignment of Final Determination With Final Antidumping Duty Determination*, 83 Fed. Reg. 3124 (Jan. 23, 2018).

subject imports five months after the filing of the petition (September 2017 to January 2018), for purposes of our critical circumstances analysis.²⁴

The monthly data for the volume of subject imports from India for the five-month periods before and after the filing of the petition show an increase of 6.1 million pounds, from 10.5 million pounds for April 2017-August 2017 to 16.6 million pounds for September 2017-January 2018.²⁵ This 48.3 percent increase in subject imports in the post-petition period is notable, equivalent in quantity to 11.0 percent of apparent U.S. consumption in 2017.²⁶ Although the volume of subject imports is considerably higher in the post-petition period, those imports do not appear likely to undermine seriously the remedial effect of an antidumping or countervailing duty order. U.S. importers' end-of-period ("EOP") inventories of subject merchandise were lower in 2017 than in any other year of the period of investigation (January 2015 to December 2017).²⁷ EOP inventories of imports from India were *** pounds in December 2016 and *** pounds in December 2017, a decrease of *** pounds.²⁸ In addition, we note that Petitioners asserted that the industry was able to raise prices following the filing of the petition, particularly in the fourth quarter of 2017, allowing it to experience improved performance.²⁹ Finally, this increase in subject imports coincided with a significant increase in apparent U.S. consumption in 2017.³⁰

Taken as a whole, the data on record do not show that the increase in imports from India subject to Commerce's affirmative critical circumstances determinations subsequent to the filing of the petition would seriously undermine the remedial effects of the antidumping and countervailing duty orders to be issued on SS flanges from India. Consequently, we make a negative critical circumstances determination with regard to subject imports in the antidumping and countervailing duty investigations of SS flanges from India.

²⁴ We decline to use four-month pre- and post-petition periods for our critical circumstances analysis as Petitioners do not provide any explanation as to why using four-month periods is appropriate in these investigations. See Petitioner's Prehearing Br. at 89-90; Petitioner's Supp. Final Comments at 4.

²⁵ Supp. CR at Table I-3.

²⁶ See Supp. CR at Table I-3 and Commission Report, OINV Memorandum INV-QQ-048 (April 27, 2018) ("CR") at Table IV-13 (6,170 short ton increase, 2017 apparent U.S. consumption of 55,925 short tons).

²⁷ CR at Table VII-12.

²⁸ CR at Table VII-12.

²⁹ Petitioners Posthearing Brief at 12-13, Ex. 1 at 48-51. The pricing data collected by the Commission generally show increasing or steady prices for domestic and subject imported flanges from Q3 2017 to Q4 2017. CR at Tables V-4 to V-8.

We also observe that there was a steady decline in the volume of subject imports from India in the last three months of the post-petition period (November 2017 to January 2018); it was 4.1 million pounds in November 2017, 3.8 million pounds in December 2017, and 3.0 million pounds in January 2018. Supp. CR at Table I-3.

³⁰ CR at Table IV-13. Although the record does not include monthly data on apparent consumption that would enable the Commission to examine in isolation the period after the petition was filed, we note that Petitioners acknowledged that demand increased in 2017. See, e.g., Petitioners Posthearing Brief at 12-13.

IV. Conclusion

For the reasons stated above, we determine that an industry in the United States is materially injured by reason of subject imports of SS flanges from India that are subsidized by the government of India and sold in the United States at LTFV. We also determine that imports subject to Commerce's affirmative critical circumstances determinations are not likely to undermine seriously the remedial effect of the antidumping and countervailing duty orders to be issued.

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 Core Pipe Products, Inc. (“Core Pipe”), Carol Stream, Illinois, and Maass Flange Corporation (“Maass”), Houston, Texas, on August 16, 2017, alleging that an industry in the United States is materially injured and threatened with material injury by reason of subsidized and less-than-fair-value (“LTFV”) imports of forged stainless steel flanges (“stainless steel flanges”)¹ from China and India. The following tabulation provides information relating to the background of these investigations.²

Effective date	Action
August 16, 2017	Petition filed with Commerce and the Commission; institution of Commission investigation (82 FR 39914, August 22, 2017)
September 11, 2017	Commerce’s notice of initiation of less-than-fair-value investigations (82 FR 42649, September 11, 2017)
September 11, 2017	Commerce’s notice of initiation of countervailing duty investigations (82 FR 42654, September 11, 2017)
October 2, 2017	Commission’s preliminary determinations (82 FR 46831, October 6, 2017)
January 23, 2018	Commerce’s preliminary CVD determination, for China (83 FR 3124, January 23, 2018)
January 23, 2018	Commerce’s preliminary CVD determination, and alignment of final CVD and AD determinations, for India (83 FR 3118, January 23, 2018)
January 23, 2018	Scheduling of final phase of Commission investigations (83 FR 5459, February 7, 2018)
March 28, 2018	Commerce’s preliminary LTFV determination, for China (83 FR 13244, March 28, 2018)
March 28, 2018	Commerce’s preliminary LTFV determination, for India (83 FR 13246, March 28, 2018)

¹ Pertinent Federal Register notices are referenced in appendix A, and may be found at the Commission’s website (www.usitc.gov). The summary table found in investigation No. 701-TA-585 (Final), *Stainless Steel Flanges from China*, USITC Pub. 4788 (May 2018), is found in appendix B.

² Commerce did not align its final countervailing duty determination with its final antidumping duty determination on imports of stainless steel flanges from China. It did align its final countervailing duty determination on imports of stainless steel flanges from India with its final antidumping duty determination on imports of stainless steel flanges from India. Commerce did not postpone its final antidumping duty determination with respect to subject imports from China, but did postpone its final antidumping duty determination with respect to subject imports from India.

Effective date	Action
April 10, 2018	Commission's hearing
April 12, 2018	Commerce's final CVD determination for China (83 FR 15790, April 12, 2018)
May 11, 2018	Commission's vote (China CVD)
May 29, 2018	Commission's views (China CVD)
June 11, 2018	Commerce's final LTFV determination for China (83 FR 26959, June 11, 2018)
June 20, 2018	Commission's supplemental schedule issued (China AD) (83 FR 29568, June 25, 2018)
July 13, 2018	Commission's vote (China AD)
July 25, 2018	Commission's determination and views (China AD)
August 16, 2018	Commerce's final LTFV determination for India (83 FR 40745, August 16, 2018)
August 16, 2018	Commerce's final CVD determination for India (83 FR 40748, August 16, 2018)
September 18, 2018	Commission's vote (India AD and CVD)
September 28, 2018	Commission's determinations and views (India AD and CVD)

The information contained in this report is intended to be used in conjunction with data presented in the Commission's following reports:

- *Stainless Steel Flanges from China: Investigation No. 701-TA-585 (Final)*, USITC Publication 4788, May 2018, and the corresponding confidential versions contained in memoranda Nos. INV-QQ-048, *Stainless Steel Flanges from China and India: Investigation Nos. 701-TA-585-586 and 731-TA-1383-1384 (Final)*, and revision memorandum INV-QQ-050; and
- *Stainless Steel Flanges from China: Investigation No. 731-TA-1383 (Final)*, USITC Publication 4807, July 2018, and the corresponding confidential version contained in memorandum no. INV-QQ-077, *Stainless Steel Flanges from China: Investigation No. 731-TA-1383 (Final)*.

No new information except for Commerce's final determinations concerning stainless steel flanges from India and party comments thereon is included in the record for this proceeding.³

³ The Commission received comments from the petitioners, the Coalition of American Flange Producers, and its individual members, Core Pipe Products, Inc. and Mass Flange Corporation. Comments were also received from Warren Alloy Valve & Fitting Co. and Indian respondent Bebitz Flanges Works Private Limited.

NATURE AND EXTENT OF SUBSIDIES AND SALES AT LTFV

Subsidies

On January 23, 2018, Commerce published a notice in the *Federal Register* of its preliminary determination of countervailable subsidies for producers and exporters of stainless steel flanges from India.⁴ On August 16, 2018, Commerce published a notice in the *Federal Register* of its final determination of countervailable subsidies for producers and exporters of stainless steel flanges from India. Table I-1 presents Commerce's subsidy determinations.⁵

Table I-1
Stainless steel flanges: Commerce's subsidy determinations with respect to imports from India

Entity	Preliminary countervailable subsidy margin (percent)	Final countervailable subsidy margin (percent)
Bebitz Flanges Works	239.61	256.16
Echjay Forgings Private Limited	5.00	4.92
All others	5.00	4.92

Source: 83 FR 3118, January 23, 2018 and 83 FR 40748, August 16, 2018.

⁴ *Stainless Steel Flanges From India: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative and Alignment of Final Determination With Final Antidumping Duty Determination*, 83 FR 3118, January 23, 2018.

⁵ *Stainless Steel Flanges From India: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination of Critical Circumstances*, 83 FR 40748, August 16, 2018.

Sales at LTFV

On March 28, 2018, Commerce published in the *Federal Register* its preliminary determination of sales at less-than-fair-value (LTFV) with respect to imports of stainless steel flanges from India.⁶ On August 16, 2018, Commerce published a notice in the *Federal Register* of its final determination of sales at LTFV with respect to imports of stainless steel flanges from India.⁷ Table I-2 presents Commerce's dumping margins with respect to imports of stainless steel flanges from India.

Table I-2
Stainless steel flanges: Commerce's weighted-average LTFV margins with respect to imports from India

Country	Firm	Preliminary dumping margin (percent)	Final dumping margin (percent)	Cash deposit rate, adjusted for subsidy offset(s) (percent)
India	Bebitz Flanges Works Pvt. Ltd/Viraj Single Entity	145.25	145.25	145.25
	Echjay Single Entity	145.25	145.25	140.38
	Chandan Steel Limited	18.10	19.16	14.29
	All Others	18.10	19.16	14.29

Source: 83 FR 13246, March 28, 2018 and 83 FR 40745, August 16, 2018.

⁶ *Stainless Steel Flanges From India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures*, 83 FR 13246, March 28, 2018.

⁷ *Stainless Steel Flanges From India: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Critical Circumstances Determination*, 83 FR 40745, August 16, 2018.

CRITICAL CIRCUMSTANCES

On January 23, 2018, Commerce issued its preliminary determination that critical circumstances exist with respect to subsidized imports of stainless steel flanges from India for Bebitz Flanges Works, Echjay Forgings Private Limited, and all other exporters or producers not individually examined.⁸ On August 16, 2018, Commerce issued its final determination that critical circumstances exist with respect to stainless steel flanges from India produced or exported by Bebitz, Echjay, and “all others.”⁹

On March 28, 2018, Commerce issued its preliminary determination that critical circumstances exist with respect to LTFV imports of stainless steel flanges from Chandan Steel, the Bebitz/Viraj single entity, and the Echjay single entity, and all other producers and exporters not individually examined.¹⁰ On August 16, 2018, Commerce issued its final determination that critical circumstances exist with respect to LTFV imports of stainless steel flanges from Chandan, the Bebitz/Viraj single entity, the Echjay single entity, and “all others.”^{11 12}

⁸ *Stainless Steel Flanges From India: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative and Alignment of Final Determination With Final Antidumping Duty Determination*, 83 FR 3118, January 23, 2018

⁹ *Stainless Steel Flanges From India: Final Affirmative Countervailing Duty Determination, and Final Affirmative Determination of Critical Circumstances*, 83 FR 40748, August 16, 2018

¹⁰ *Stainless Steel Flanges From India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures*, 83 FR 13246, March 28, 2018.

¹¹ *Stainless Steel Flanges From India: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Critical Circumstance Determination*, 83 FR 40745, August 16, 2018.

¹² When petitioners file timely allegations of critical circumstances, Commerce examines whether there is a reasonable basis to believe or suspect that (1) either there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at LTFV and that there was likely to be material injury by reason of such sales; and (2) there have been massive imports of the subject merchandise over a relatively short period.

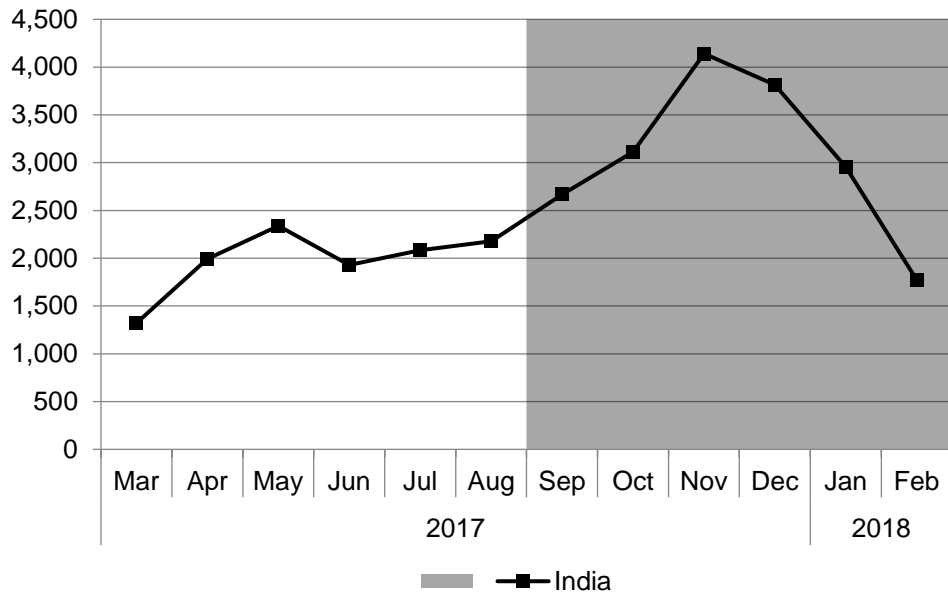
In this proceeding, if both Commerce and the Commission make affirmative final critical circumstances determinations, certain subject imports may be subject to antidumping and countervailing duties, retroactive by 90 days from January 23, 2018, the effective date of Commerce’s preliminary affirmative countervailing duty and critical circumstances determination; and retroactive by 90 days from March 28, 2018, the effective date of Commerce’s preliminary affirmative determination of sales at LTFV and critical circumstances. Table I-3 presents information on U.S. imports from India subject to Commerce’s affirmative determination.

Table I-3
Stainless steel flanges: U.S. imports from India subject to Commerce’s affirmative critical circumstance determination, March 2017 through February 2018

Period	Monthly U.S. imports (1,000 pounds)	Outwardly cumulative quantity (1,000 pounds)	Percentage change from comparable period (percent)
2017.--			
March	1,322	11,842	
April	1,992	10,520	
May	2,340	8,528	
June	1,928	6,188	
July	2,082	4,260	
August	2,178	2,178	
Petition file date: August 16, 2017			
September	2,667	2,667	22.5
October	3,113	5,781	49.5
November	4,141	9,921	114.7
December	3,814	13,735	63.0
2018.--			
January	2,955	16,690	48.3
February	1,773	18,463	34.1

Source: Official U.S. imports statistics using HTS statistical reporting numbers 7307.21.1000 and 7307.21.5000, accessed February 2, 2018.

Figure I-1
Stainless steel flanges: U.S. Imports from India subject to Commerce's affirmative critical circumstance determination, March 2017 through February 2018



Source: Official U.S. imports statistics using HTS statistical reporting numbers 7307.21.1000 and 7307.21.5000, accessed February 2, 2018.

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
82 FR 39914, August 22, 2017	<i>Stainless Steel Flanges From China and India; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations</i>	https://www.gpo.gov/fdsys/pkg/FR-2017-08-22/pdf/2017-17743.pdf
82 FR 42649, September 11, 2017	<i>Stainless Steel Flanges From India and the People's Republic of China; Initiation of Less-Than-Fair-Value investigations</i>	https://www.gpo.gov/fdsys/pkg/FR-2017-09-11/pdf/2017-19294.pdf
82 FR 42654, September 11, 2017	<i>Stainless Steel Flanges From India and the People's Republic of China; Initiation of Countervailing Duty Investigations</i>	https://www.gpo.gov/fdsys/pkg/FR-2017-09-11/pdf/2017-19293.pdf
82 FR 46831, October 6, 2017	<i>Stainless Steel Flanges From China and India: Determinations</i>	https://www.gpo.gov/fdsys/pkg/FR-2017-10-06/pdf/2017-21547.pdf
83 FR 1025 January 9, 2018	<i>Stainless Steel Flanges From India and the People's Republic of China: Postponement of Preliminary Determinations in the Less-Than-Fair- Value Investigations</i>	https://www.gpo.gov/fdsys/pkg/FR-2018-01-09/pdf/2018-00189.pdf
83 FR 3118 January 23, 2018	<i>Stainless Steel Flanges From India: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative and Alignment of Final Determination With Final Antidumping Duty Determination</i>	https://www.gpo.gov/fdsys/pkg/FR-2018-01-23/pdf/2018-01146.pdf
83 FR 3124 January 23, 2018	<i>Countervailing Duty Investigation of Stainless Steel Flanges From the People's Republic of China: Preliminary Affirmative Determination</i>	https://www.gpo.gov/fdsys/pkg/FR-2018-01-23/pdf/2018-01145.pdf
83 FR 5459 February 7, 2018	<i>Stainless Steel Flanges From China and India Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations</i>	https://www.gpo.gov/fdsys/pkg/FR-2018-02-07/pdf/2018-02438.pdf
83 FR 13246 March 28, 2018	<i>Stainless Steel Flanges From India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures</i>	https://www.gpo.gov/fdsys/pkg/FR-2018-03-28/pdf/2018-06152.pdf

Citation	Title	Link
83 FR 13244 March 28, 2018	<i>Stainless Steel Flanges From People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value</i>	https://www.gpo.gov/fdsys/pkg/FR-2018-03-28/pdf/2018-06153.pdf
83 FR 15790 April 12, 2018	<i>Countervailing Duty Investigation of Stainless Steel Flanges From the People's Republic of China: Final Affirmative Determination</i>	https://www.gpo.gov/fdsys/pkg/FR-2018-04-12/pdf/2018-07587.pdf
83 FR 25714 June 4, 2018	<i>Stainless Steel Flanges From China</i>	https://www.gpo.gov/fdsys/pkg/FR-2018-06-04/pdf/2018-11870.pdf
83 FR 26006 June 5, 2018	<i>Stainless Steel Flanges From the People's Republic of China: Countervailing Duty Order</i>	https://www.gpo.gov/fdsys/pkg/FR-2018-06-05/pdf/2018-11908.pdf
83 FR 26959 June 11, 2018	<i>Stainless Steel Flanges From People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value</i>	https://www.gpo.gov/fdsys/pkg/FR-2018-06-11/pdf/2018-12482.pdf
83 FR 29568 June 25, 2018	<i>Stainless Steel Flanges From China; Supplemental Schedule for the Subject Investigation</i>	https://www.gpo.gov/fdsys/pkg/FR-2018-06-25/pdf/2018-13557.pdf
83 FR 36622 July 30, 2018	<i>Stainless Steel Flanges From China; Determination</i>	https://www.gpo.gov/fdsys/pkg/FR-2018-07-30/pdf/2018-16227.pdf
83 FR 37468 August 1, 2018	<i>Stainless Steel Flanges From the People's Republic of China: Antidumping Duty Order</i>	https://www.gpo.gov/fdsys/pkg/FR-2018-08-01/pdf/2018-16348.pdf
83 FR 40745 August 16, 2018	<i>Stainless Steel Flanges From India: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Critical Circumstance Determination</i>	https://www.gpo.gov/fdsys/pkg/FR-2018-08-16/pdf/2018-17688.pdf
83 FR 40748 August 16, 2018	<i>Stainless Steel Flanges From India: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination of Critical Circumstances</i>	https://www.gpo.gov/fdsys/pkg/FR-2018-08-16/pdf/2018-17696.pdf