

BIS Decision Document – Steel Duty Exclusion Request

EXCLUSION REQUEST NUMBER: BIS-2018-0006-0976

Summary:

- Requester: American MSC Inc.
- Product description:
Oil Tempered Silicon Chromium Alloy Steel Wire for Valve Spring, designated as SWOSC-VHV. Note that this is one of 1 out of 37 separate exclusion requests for products designated as SWOSC-VHV that differ only in dimension and tensile strength as specified in Question Block 3.b.
- HTSUS: 7229905051
- Total Requested Annual Exclusion Quantity in Kilograms: 38,400
- Date Posted: 05/01/2018

Analysis:

The Bureau of Industry and Security (“BIS”) has received a request, referenced above, to exclude certain steel articles from the duties initially imposed by the President in Presidential Proclamation 9705 of March 8, 2018 (“Proclamation”), in exercise of his authority to adjust imports under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862). The Proclamation authorized the Secretary of Commerce, in consultation with other executive branch agencies as appropriate, to provide relief from the additional duties imposed, upon request by a directly affected party, for: 1) any steel article determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality or 2) based upon specific national security considerations.

The above-captioned request for relief (“exclusion request”) has met the requirements for consideration as a “complete submission” under Supplement No. 1 to 15 CFR Part 705.

BIS has considered the evidence provided, including in the exclusion request as well as any applicable objection filings and its report to the President of January 11, 2018, has solicited and taken into account analysis provided by the International Trade Administration (ITA), and assessed other interagency comments as applicable.

In examining whether the relevant steel article is produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality, ITA recommends finding, based on the all of the evidence presented, that the product referenced in the above-captioned exclusion request is not produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality, and recommends granting the request for an exclusion.

BIS accepts ITA’s recommended findings as to the domestic availability of the product, and finds that no overriding national security concerns require that this exclusion request be denied notwithstanding the lack of sufficient domestic availability.

Final Recommendation:

The Bureau of Industry and Security recommends that the above-captioned exclusion request should be granted for one year.

DECISION ON EXCLUSION REQUEST BIS-2018-0006-0976

 X I approve granting this exclusion request. The granted exclusion number is BIS-2018-0006-0976. This exclusion is granted for the merchandise described in the exclusion request and classified in the 10-digit provision of the Harmonized Tariff Schedule of the United States (HTSUS) claimed in box 1.b of the exclusion request. This exclusion is granted only in the quantities requested from each identified supplier and country of origin, as specified in the original exclusion request form. This exclusion is granted for one year from the date of signature below. The requester may consult CSMS #18-000378 for further instructions on using the exclusion number and receiving retroactive relief.

 I do not approve granting this exclusion request.

 I would like to discuss.

Matthew S. Borman
Deputy Assistant Secretary of Export Administration

July 19, 2018
Date