

BIS Decision Document – Steel Duty Exclusion Request

EXCLUSION REQUEST NUMBER: BIS-2018-0006-6427

Summary:

- Requester: TN Americas Holding, INC. (TN Georgia, Inc.)
- Product description:

Tool Steel Grade S-2 Hot Rolled, Annealed and Pickled, Phosphate and Soap Coated Wire Rod with a cross-sectional diameter of 9.0mm.

- HTSUS: 7227902060

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.

BIS finds that the above-captioned request for relief (“exclusion request”) has not met the requirements for consideration as a “complete submission” under Supplement No. 1 to 15 CFR Part 705. The requester has not sufficiently addressed the reporting requirements specified in the form entitled “Request for Exclusion from Remedies Resulting from the Section 232 National Security Investigation of Imports of Steel,” which is required for the consideration of an exclusion request pursuant to paragraph (b) of Supplement No. 1. As a result, there is insufficient information to verify the product description and/or HTSUS code.

Final Recommendation:

The Bureau of Industry and Security recommends that the above-captioned exclusion request should be denied. This denial is without prejudice and the requester may file a new exclusion request for this product if, for example, new or different facts or circumstances exist which meet the criteria for approving an exclusion request. For questions or assistance on which Harmonized Tariff Schedule (HTS) provisions apply to your goods, you may request a ruling pursuant to Part 177, Code of Federal Regulations by either mailing your request to Director, National Commodity Specialist Division, Customs and Border Protection, 201 Varick Street, Suite 501, New York NY 10014, attn: Binding Ruling Request or you may submit your request electronically at <https://erulings.cbp.gov/home>.

DECISION ON EXCLUSION REQUEST BIS-2018-0006-6427

 X I approve denying this exclusion request.

 I do not approve denying this exclusion request.

 I would like to discuss.

Matthew S. Borman
Deputy Assistant Secretary of Export Administration

August 24, 2018
Date