



Ottawa, Tuesday, November 13, 1990

**Inquiry No.: NQ-90-002**

IN THE MATTER OF an inquiry under section 42 of the *Special Import Measures Act* respecting:

**CERTAIN STAINLESS STEEL BARS IN STRAIGHT LENGTHS  
ORIGINATING IN OR EXPORTED FROM INDIA**

**FINDING**

The Canadian International Trade Tribunal, under the provisions of section 42 of the *Special Import Measures Act*, has conducted an inquiry following the issuance by the Deputy Minister of National Revenue for Customs and Excise of a preliminary determination of dumping dated July 13, 1990, and of a final determination of dumping dated October 11, 1990, respecting the importation into Canada of certain stainless steel bars in straight lengths originating in or exported from India excluding heat-resisting stainless steel round bars identified as Lister-22 imported by or on behalf of Lister Bolt and Chain Ltd. of Richmond, British Columbia, for use in the manufacture of heat transfer (kiln) chain.

Pursuant to subsection 43(1) of the *Special Import Measures Act*, the Canadian International Trade Tribunal hereby finds that the dumping in Canada of the aforementioned goods from India has not caused, is not causing and is not likely to cause material injury to the production in Canada of like goods.

Kathleen E. Macmillan

Kathleen E. Macmillan  
Presiding Member

Sidney A. Fraleigh

Sidney A. Fraleigh  
Member

Michèle Blouin

Michèle Blouin  
Member

Robert J. Martin

Robert J. Martin  
Secretary

The statement of reasons will be issued within 15 days.



Ottawa, Tuesday, November 13, 1990

**Inquiry No.: NQ-90-002**

**CERTAIN STAINLESS STEEL BARS IN STRAIGHT LENGTHS  
ORIGINATING IN OR EXPORTED FROM INDIA**

*Special Import Measures Act* - Whether the dumping of the above-mentioned goods has caused, is causing or is likely to cause material injury, or has caused or is causing retardation to the production in Canada of like goods.

*DECISION:* The Canadian International Trade Tribunal hereby finds that the dumping in Canada of the aforementioned goods from India has not caused, is not causing and is not likely to cause material injury to the production in Canada of like goods.

Place of Hearing:	Ottawa, Ontario
Dates of Hearing:	October 15 and 16, 1990
Date of Finding:	November 13, 1990
Tribunal Members:	Kathleen E. Macmillan, Presiding Member Sidney A. Fraleigh, Member Michèle Blouin, Member
Director of Research:	Selik Shainfarber
Research Officer:	Anis Mahli
Statistical Officer:	Robert Larose
Registration and Distribution Clerk:	Margaret J. Fisher
<b>Participants:</b>	John M. Coyne, Q.C. and Ronald C. Cheng for Atlas Specialty Steels A Division of Sammi Atlas Inc.

**(Complainant)**

	Peter Clark and Janet M. Samaniego
for	Mukand Ltd. Mahindra Ugine International A Division of Mahindra Ugine Steel Co. Ltd. Grand Foundry Pvt. Ltd. and Trefil ARBED Ltd.

**(Exporters/Importer)**

**Witnesses:**

David G. Pastirik  
Marketing Manager  
Atlas Specialty Steels  
A Division of Sammi Atlas Inc.

Joseph G. Thompson  
Director of Technology  
Atlas Specialty Steels  
A Division of Sammi Atlas Inc.

Don Cody  
Manager, Product Analysis and Budgets  
Atlas Specialty Steels  
A Division of Sammi Atlas Inc.

Denis L. Redican  
Product Sales Manager  
Stainless Steels  
Atlas Alloys  
A Division of Rio Algom Limited

James H. Hollett  
General Manager  
Unalloy Steel  
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Ottawa, Wednesday, November 28, 1990

**Inquiry No.: NQ-90-002**

IN THE MATTER OF an inquiry under section 42 of the *Special Import Measures Act* respecting:

**CERTAIN STAINLESS STEEL BARS IN STRAIGHT LENGTHS  
ORIGINATING IN OR EXPORTED FROM INDIA**

TRIBUNAL: KATHLEEN E. MACMILLAN, Presiding Member  
SIDNEY A. FRALEIGH, Member  
MICHÈLE BLOUIN, Member

**STATEMENT OF REASONS**

**SUMMARY**

In this inquiry, the Tribunal had to determine whether the dumping of stainless steel bars from India had caused, was causing or was likely to cause material injury to the Canadian production of these goods.

The sole Canadian producer, Atlas Specialty Steels, claimed that, although imports from India represented a significant share of the Canadian market in 1988 and parts of 1989, the imports had not caused or were not causing injury to Canadian production. Atlas' financial and market losses were due primarily to other factors, including production difficulties encountered at its plant. Atlas did argue, however, that dumped imports from India would cause material injury in the future, especially in light of the market downturn.

The Tribunal agrees that dumped imports from India were not the cause of Atlas' past or present difficulties. In assessing whether they threaten to cause future injury, the Tribunal looked to the directives concerning future injury contained in the GATT Anti-dumping Code. This led the Tribunal to examine whether circumstances have changed from the past in a way that raises a clearly foreseen and imminent threat of material injury to the domestic industry.

In considering this point, the Tribunal found that there were a number of considerations that tended to reduce the threat of injury in the future. These include Atlas' decision to upgrade its small bar production facilities and become more competitive in this size range that comprises a sizeable share of previous imports from India; the continued concerns over quality problems encountered with earlier shipments of Indian bars; the 1988 Atlas decision to make Unalloy, the single largest purchaser of Indian bars in the past, an authorized Atlas distributor and the ensuing rise in Unalloy's purchases of bars from Atlas; and Atlas' improved financial performance in the first half of 1990 because of a reduction in its costs of manufacturing. Furthermore, in assessing the

effects of the market downturn, the Tribunal was of the view that this did not necessarily increase the threat of injury in this case because the evidence showed that the demand slowdown would also depress Indian imports. On balance, the Tribunal was not persuaded that Atlas faces, in the immediate future, a significantly greater threat of injury from dumped Indian imports than it has faced in the past, when it suffered no injury.

### **CONDUCT OF THE INQUIRY**

The Tribunal, under the provisions of section 42 of the *Special Import Measures Act* (SIMA), has conducted an inquiry following the issuance by the Deputy Minister of National Revenue for Customs and Excise (the Deputy Minister) of a preliminary determination of dumping dated July 13, 1990, and of a final determination of dumping dated October 11, 1990, respecting the importation into Canada of certain stainless steel bars in straight lengths originating in or exported from India, excluding heat-resisting stainless steel round bars identified as Lister-22 imported by or on behalf of Lister Bolt and Chain Ltd. of Richmond, British Columbia, for use in the manufacture of heat transfer (kiln) chain. The Deputy Minister's investigation into dumping covered importations of the subject goods between January 1, 1989, and May 3, 1990.

The notices of preliminary and final determinations of dumping were published in Part I of the July 28, 1990, and October 27, 1990, editions of the Canada Gazette, respectively. The Tribunal's notice of commencement of inquiry issued on July 24, 1990, was published in Part I of the August 4, 1990, edition of the Canada Gazette.

As part of the inquiry, the Tribunal sent detailed questionnaires to the Canadian manufacturer and three importers of the subject goods, requesting production, financial, import and market information, as well as other information, covering the period from January 1, 1987, to June 30, 1990. From the replies to the questionnaires and other sources, the Tribunal's research staff prepared public and protected pre-hearing staff reports covering that period.

The record of this inquiry consists of all Tribunal exhibits, including the public and protected replies to questionnaires, all exhibits filed by the parties at the hearing, as well as the transcript of all proceedings. All public exhibits were made available to the parties and protected exhibits, to independent counsel only.

Public and *in camera* hearings were held in Ottawa starting on October 15, 1990. The complainant, Atlas Specialty Steels (Atlas), as well as the Indian exporters, namely Mukand Ltd. (Mukand), Mahindra Ugine International, A Division of Mahindra Ugine Steel Co. Ltd. (Mahindra), and Grand Foundry Pvt. Ltd. (Grand Foundry), and an importer, Trefil ARBED Ltd., were all represented by counsel at the hearing.

The Tribunal also invited a witness from Atlas Alloys and a witness from Unalloy Steel (Unalloy) to participate in the hearing and answer questions put to them by the Tribunal and by counsel for each party.

A finding that the dumped goods have not caused, are not causing and are not likely to cause material injury to the domestic production of the subject goods was issued by the Tribunal on November 13, 1990.

## **THE PRODUCT**

The product that is the subject of this inquiry is described by the Deputy Minister in the preliminary determination of dumping as certain stainless steel bars in straight lengths originating in or exported from India, excluding heat-resisting stainless steel round bars identified as Lister-22 imported by or on behalf of Lister Bolt and Chain Ltd. of Richmond, British Columbia, for use in the manufacture of heat transfer (kilo) chain.

Stainless steels are corrosion-resistant and heat-resistant steels that contain a minimum of 10 percent chromium by weight. There are many individual chemical compositions for stainless steels, some of which include other alloying elements besides chromium, such as nickel or molybdenum. They may be tailored to the mechanical and physical property requirements of a particular end-use application. These compositions are classified by grade by the American Iron and Steel Institute (AISI) by a series of numerical designations.

Stainless steel bars may be sold in the hot-rolled or cold-finished form in cut lengths in round, flat and hexagonal sections. The most popular grades of stainless bars are AISI types 303, 304, 304L, 316, 316L, 410, 416 and 17-4 PH. These eight grades account for over 85 percent of the total Canadian consumption of stainless steel bars.

Hot-finished stainless bars are commonly produced by hot rolling, forging or pressing ingots to blooms or billets of intermediate size, which are subsequently hot rolled or forged to final dimensions. Following hot rolling or forging, the hot-finished stainless bars may be subject to various operations, including annealing or other heat treatment, machine straightening, descaling by pickling or blast cleaning, and surface removal by bar peeling or lathe turning.

Cold-finished stainless bars are produced from hot-finished bars by additional operations such as cold drawing, centreless grinding or centreless grinding and polishing. Cold-finished stainless bars of a diameter of 5/8 in. or less are produced in the same fashion, but from another hot-finished product called rod. Rod is produced from the same intermediate-sized billet used to make larger diameter stainless bars.

Stainless bars are a basic construction material for much of the fabricated machinery and equipment used by Canadian primary industries. In addition, they are widely used in secondary industries, either as material for parts production or as a construction material for process equipment.

In many applications, where corrosive media or high temperature service is a factor, stainless bars are often the construction material of choice. These applications are most generally found in the pulp and paper, food and beverage, aircraft, petrochemical, power generation, mining and automotive industries. Examples of such applications would include aircraft and industrial fittings, industrial valves, propeller shafting, electrical switchgear components and automotive engine valves.

## **THE DOMESTIC INDUSTRY**

Atlas is the only producer of the subject goods in Canada, and, for purposes of this inquiry, it is considered to constitute the domestic industry.

Atlas produces stainless bar products in all popular grades at its Welland mill. Stainless steel bars represented only a minor proportion of Atlas' total steel output in 1987, but they represent a much more significant share in the first half of 1990. In addition to stainless steel bars and wire, Atlas produces other specialty steels, such as alloy tool steels, AISI P-20 mold steels, carbon tool steels, hollow and solid mining steels, bearing steels, and cold-finished and heat-treated alloy engineering steels. The company also manufactures carbon and low-alloy steels, which are produced, as well, by other steel mills in Canada.

Atlas markets the major proportion of the subject goods through service centres, with the remaining sales made directly to large volume end users. The service centres, which act as steel distributors, purchase bar from the Welland mill, hold inventory of a wide range of products and resell in smaller quantities to end users. Atlas' distribution system consists of 11 service centres, 2 of which specialize in sales to the aerospace industry. Atlas also utilizes a "master" distributor that stocks large volumes in the more popular sizes and grades and resells to other distributors. In all, the Atlas distributor organization has warehouse facilities in over 38 Canadian locations.

### **IMPORTERS AND EXPORTERS**

There are three Indian producers/exporters that were investigated by Revenue Canada, namely Mukand, Mahindra and Grand Foundry. The major proportion of their stainless steel bar exports to Canada has been imported through importers that, in turn, resell them to distributors, steel fabricators and end users (machine shops). In certain instances, large end users have imported small tonnages directly from foreign manufacturers.

### **RESULTS OF THE DEPUTY MINISTER'S INVESTIGATIONS**

The period of investigation selected by the Deputy Minister covered imports of stainless steel bars from India between January 1, 1989, and May 3, 1990. Normal values for the Indian producers were based on their costs of production plus an amount for general selling and administrative expenses and profits.

In the final determination, the Deputy Minister indicated that 100 percent of the Indian exports to Canada had been dumped by weighted average margins of dumping varying from 25.8 percent to 36.9 percent for the three Indian producers.

### **THE COMPLAINT**

Counsel for the complainant submitted that, based on the evidence in this case, the Tribunal ought to find that Indian imports have not caused and are not causing material injury to Atlas, but that they are likely to cause such injury. In elaborating on why Indian imports had not caused or were not causing material injury, counsel noted that, in 1988, although Indian imports reached peak levels, it was a "boom" year for the stainless steel bar industry. In 1989, there were certain production problems encountered at the Atlas plant that caused financial losses, and for the first half of 1990, Indian imports had been at negligible levels.

As far as future material injury was concerned, counsel stated that it was evident that the recent virtual disappearance of Indian imports was caused by the commencement

of anti-dumping proceedings by Atlas in late 1989. If these proceedings did not result in an anti-dumping finding against India, it was likely that domestic importers would again seek out dumped goods from India in substantial volumes, given the record of past dumping in this case.

Counsel also contended that reported quality problems associated with the Indian product were not that unusual or extensive. These problems could be and were being resolved by the parties concerned. Moreover, these quality problems had been exaggerated by India's competitors as part of a "marketing ploy" to discredit the Indian product. Atlas did not believe that quality considerations would restrain Indian imports in the future.

Counsel further argued that the resumption of dumped imports from India would be materially injurious to Atlas. Counsel noted that, although Atlas' financial results were better in the past six months than they had been in previous years, the company remained in poor financial health and was vulnerable to dumping. In support of this contention, counsel cited the July 1990 decision of the Tribunal in a stainless steel bar review (RR-89-009) that held that Atlas was, indeed, vulnerable to resumed dumping, especially in light of the market downturn that had already started at that time and that was still under way.

### **THE RESPONSE**

Counsel representing the interests of importers and exporters of stainless steel bars from India concurred with counsel for the complainant that Indian imports had not caused and were not causing material injury to Atlas. As far as future injury was concerned, the GATT Anti-dumping Code required such a case to be based on a real and imminent threat of injury supported by facts. In counsel's view, Atlas' future injury case was based on no more than conjecture.

According to counsel, the facts were that Indian shipments were currently at negligible levels and that demand for the Indian product was down. There was no reason to believe that this situation would be reversed in the immediate future. Counsel also argued that there was no evidence to suggest that the quality problems encountered with earlier shipments of Indian bars had been corrected. The test results presented by Atlas were inconclusive in this respect, since the second set of tests did not examine the machining capabilities of the Indian bars. Consequently, submitted counsel, quality concerns would continue to limit imports from India.

Turning to Atlas' alleged vulnerability, counsel noted that Atlas' financial health had improved, as indicated by higher profits and margins in recent quarters. Moreover, in the July review finding on stainless steel bars, the Tribunal noted that Atlas' future prospects looked promising in light of the fact that it had become "a partner in a global alliance" following its acquisition by the Sammi Group of South Korea.

### **ECONOMIC INDICATORS**

Atlas' production of stainless steel bars grew markedly from 1987 to 1989, mainly because of rising export sales. Similarly, during the first two quarters of 1990, as a result of continuing strong export sales, Atlas' output of the subject goods increased significantly over the same period of the preceding year.



During the period covered by this inquiry, apparent Canadian consumption of the subject goods reached its highest level in 1988, declining by approximately one-fifth the following year. The demand slowdown that began in 1989 continued through the first half of 1990. In 1988 and 1989, Atlas' share of the market was inversely related to demand, reaching a low when the market was most buoyant in 1988, then recovering most of the 1988 decline in market share during the market downturn in 1989. However, during the first half of 1990, the continued softening in demand for the subject goods has caused Atlas to lose several points in market share. Nevertheless, over the period of this inquiry, Atlas' domestic sales have represented, at all times, a major proportion of Canadian consumption.

The market share captured by imports from India quadrupled between 1987 and 1988. Although Indian imports were strong in August, September and October of 1989, total Indian imports for 1989 were one-third lower than in 1988. During the first half of 1990, the market share held by Indian imports fell to a negligible level. Since 1987, imports from other countries have maintained a strong presence in the market, reaching more than 50 percent of the domestic market in the first half of 1990. Imports from the United States, which were strong throughout the inquiry period, grew significantly in the first two quarters of 1990 compared to the same period in 1989. Since 1987, US imports have been, by far, the single largest source of foreign supplies to the Canadian market.

Atlas was profitable on domestic sales of stainless steel bars in 1987 and 1988. However, following substantial increases in the cost of goods sold, these profits evaporated in 1989, and a substantial loss was incurred. Despite a significant drop (about one-third) in net sales in the first half of 1990 over those for the same period in 1989, there was a return to profitability as costs of sales declined even more sharply. Exports sales, which showed a dramatic increase in 1989 and again in the first two quarters of 1990, have been generally less profitable than domestic sales.

## **REASONS FOR DECISION**

In the present inquiry, under section 42 of SIMA, the Tribunal is obliged to determine whether the dumping found by the Deputy Minister has caused, is causing or is likely to cause material injury to the domestic industry. The Tribunal notes that, during the hearing, counsel for the industry asserted that the Tribunal "ought, on the evidence in this case, to decide that the dumping has not caused, is not causing, but is likely to cause material injury to the production in Canada of like goods."<sup>1</sup> The Tribunal will first examine counsel's proposition with respect to the past and present effects of dumping by India on the domestic industry.

### **Past and Present Effects of Dumping**

The evidence shows that Indian imports peaked in 1988 and 1989, before declining steeply in the first half of 1990 to negligible levels. The evidence also shows that, when Indian imports peaked, Canadian stainless steel bar prices were firm, and Atlas was experiencing decade-high levels of production and sales revenues. However, during this period, certain production problems were encountered that caused costs to rise, according

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1. Case transcript at p. 15.

to the industry, which prevented Atlas from achieving its profit objectives despite the prevailing robust market conditions. Given the foregoing, it is difficult to conclude that dumped imports from India were a major cause of any adverse financial results incurred by Atlas over this period. The Tribunal also notes that, in the past, a major proportion of Indian imports comprised small diameter bars (less than 3/4 in.) that are produced efficiently on specialized equipment that Atlas did not possess. (Atlas contracts with mills in the United States to roll bars in this size range for its Canadian customers.) As a consequence, this size bar was not available from Atlas, in the past, at competitive prices. In view of this, imports of small bars from India cannot be said to have been a cause of injury to Atlas during the inquiry period.

Finally, the Tribunal notes that the ability of Indian imports to affect the Canadian market, in the past, has been constrained by quality problems. The evidence shows a number of instances where Indian bars proved unsuitable for machining applications, which comprise an important proportion of Canadian stainless steel bar end-use applications. These problems necessitated, in certain instances, the return of the product to the distributor and the eventual scrapping of the Indian material. The existence of these problems was well-known in the marketplace and was used by domestic market participants to discredit Indian imports. Therefore, having regard to the above considerations, the Tribunal has no reason to disagree with industry counsel's proposition that dumped Indian imports have not caused or are not causing material injury to Atlas.

### **Future Injury**

In looking at the matter of future injury, the Tribunal notes that article 3, paragraph 6, of the GATT Anti-dumping Code deals with this matter as follows:

*6. A determination of threat of injury shall be based on facts and not merely on allegation, conjecture or remote possibility. The change in circumstances which would create a situation in which the dumping would cause injury must be clearly foreseen and imminent.*

Although this GATT provision has not been expressly incorporated into SIMA (and hence is not binding on the Tribunal), it satisfactorily characterizes, for the Tribunal, the conditions that need to be met in making a finding of future injury. In effect, industry counsel must demonstrate that circumstances have changed from the past in a way that raises a "clearly foreseen and imminent" threat of material injury to the domestic industry.

In this connection, industry counsel noted that the domestic market for stainless steel bars is declining and that the industry faces more difficult economic conditions in the future than was the case in 1988 and 1989. As a general proposition, the Tribunal agrees that the effects of dumping will ordinarily be more extensively felt in a depressed market than in a buoyant market. However, to a certain extent, offsetting any increased threat of injury arising from the market downturn is the fact that, in this case, the evidence also shows that the demand for Indian imports is likely to be lower in the future than in the past. Specifically, the evidence shows that, over the past three years, Indian imports have tracked market conditions, first rising and now falling with the market. Further indication that the market downturn will depress Indian import levels was provided by a representative of the "master distributor," Unalloy, which has been the single largest purchaser of Indian imports to date. The Unalloy witness testified that his

company was currently "purging inventories" because of the recessionary conditions prevailing in the Canadian market and that his company had no present plans to purchase more Indian products. Thus, looking at its net effect, the market downturn may not necessarily increase the threat of injury from dumped Indian imports.

Another change in circumstances that heightens the risk of future injury, according to industry counsel, relates to the quality problems associated in the past with Indian bars. Counsel submitted that these problems were no longer present. In support of this contention, the industry submitted the results of a test carried out on Indian bars. The Tribunal finds that the test results submitted do not substantiate the contention that past quality problems have been resolved. Specifically, the test does not show that machinability of Indian bars has improved, which is where the quality problems have been found in the past. Moreover, the evidence shows that Maxtech Metal Products Inc., an important domestic metal fabricator that experienced machinability problems with Indian bars in the past, has effectively abandoned Indian bars in favor of bars supplied by Atlas. This tends to suggest ongoing concerns in the marketplace over the quality of Indian bars. While the extent of these problems may well have been exaggerated (as industry counsel has suggested) by Atlas and others as a marketing ploy, the fact remains that this situation has not made it any easier for India to regain the credibility necessary to achieve an effective presence in the Canadian market over the near term. Thus, in the opinion of the Tribunal, quality remains a factor that, if anything, will tend to decrease, rather than increase, the threat of future injury from Indian imports.

A third factor put forward by the industry as posing a threat of injury is the existence of excess capacity in the Indian stainless steel bar industry. In support of this point, the industry referred to capacity information on certain Indian stainless steel bar producers that was reported by them in responses to Revenue Canada questionnaires as well as to information contained in a recent publication of the trade bulletin Iron and Steel Works of the World. The Tribunal notes that the capacity information provided aggregates Indian production capabilities for both stainless steel bars, which are the subject of this inquiry, and stainless steel products, which are not part of this inquiry. Furthermore, this information does not show the net changes, if any, to Indian stainless steel bar capacity that may have occurred in the past or that may be planned in the foreseeable future. Therefore, the information before the Tribunal does not allow it to conclude that there has been, or likely will be in the near future, any significant changes in Indian capacity or capacity utilization that will create a threat of injury to Canadian production, keeping in mind that any excess Indian capacity that does exist did not cause material injury to Atlas in the past.

In summary, the case made by the industry does not, on balance, persuade the Tribunal that Atlas faces, in the immediate future, a significantly greater threat of injury from dumped Indian imports than it has faced in the past. On the contrary, a number of other changes in circumstances have occurred that may well tend to reduce the threat of injury in the future. First, the evidence shows that Unalloy, the single largest purchaser of Indian bars in the past, could not buy Atlas products until some time in 1988 when it became an authorized Atlas distributor. The evidence further shows that, since becoming an authorized Atlas dealer, the company has purchased an increasing proportion of its stainless steel bar requirements from the Canadian producer. At present, the vast majority of Unalloy's stainless steel bar purchases are from Atlas. Continuation of this trend will constrain India's ability to take domestic market share, tending to diminish the likelihood of material injury.

A second development that should diminish the threat of injury relates to the market for small diameter stainless steel bars (less than 3/4 in.). As noted earlier, Atlas has not been a competitive source of supply for this product. During the hearing, industry counsel revealed that certain important investments by Atlas in small bar production technology were imminent. The Tribunal notes that, as Atlas becomes more competitive in this size range, the demand for Indian imports should decline.

Third, the Tribunal notes that, while market conditions are weaker today than they were in 1988 and 1989, Atlas' financial results are better over the first half of 1990 than they were under the earlier buoyant market conditions. Specifically, the evidence shows that Atlas has turned losses, in 1989, into profits for the first half of 1990. This improved financial performance occurred, despite falling prices, because of a reduction in Atlas' costs of manufacturing. Clearly, if this trend in cost improvements continues, it will strengthen Atlas' competitive position and lessen the threat of injury from Indian imports in the future.

A final matter that must be addressed pertains to the July 1990 review of an anti-dumping finding that industry counsel cited in support of Atlas' case, in which the presiding tribunal concluded that Atlas "would likely be materially injured by resumed dumping from the named countries." As India was not one of the "named countries" in the review case, it is evident that the foregoing conclusion is not, strictly speaking, applicable to the present case. In any event, the Tribunal has come to the conclusion, on the basis of the evidence submitted in this case, that there does not presently exist a clearly foreseen and imminent threat of material injury to Atlas as a result of dumped imports from India.

## CONCLUSION

In light of the foregoing, the Tribunal concludes that the dumping of certain stainless steel bars in straight lengths originating in or exported from India has not caused, is not causing and is not likely to cause material injury to the production in Canada of like goods.

Kathleen E. Macmillan

Kathleen E. Macmillan  
Presiding Member

Sidney A. Fraleigh

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