

**APPLICATION FOR
MINISTERIAL EXEMPTION OF GOODS FROM A
DUMPING DUTY AND/OR A COUNTERVAILING
DUTY NOTICE**

APPLYING TO

**HOT ROLLED PLATE STEEL
Exported from THE PEOPLE'S REPUBLIC OF
CHINA, REPUBLIC OF INDONESIA, JAPAN, THE
REPUBLIC OF KOREA AND TAIWAN**

**APPLICANT
BALCOMBE ENGINEERING PTY LTD**

Pursuant to

**Subsections 8(7) and 10(8) of the *Customs Tariff
(Anti Dumping) Act 1975 (Cth)***

**APPLICATION FOR MINISTERIAL EXEMPTION FROM DUMPING
AND/OR COUNTERVAILING DUTY**

BALCOMBE ENGINEERING PTY LTD, an importer of goods on which the following notices have been, or may be, published:

- ☒ a dumping duty notice ; and/or
- ☒ a countervailing duty notice,

in respect of

hot rolled plate steel (**plate steel**) exported to Australia from exported to Australia from the People's Republic of China (**China**), Republic of Indonesia (**Indonesia**), Japan, Taiwan and the Republic of Korea (**Korea**),

hereby requests that the Minister, by notice in writing exempt the following goods:

plate steel produced to *ASTM International* standard A516 GR70 (**the Exempt Goods**)

from:

- ☒ dumping duties pursuant to:
 - ☒ paragraph 8(7)(a) of the *Customs Tariff (Anti Dumping) Act 1975 (Dumping Duty Act)*; and/or
 - ☐ paragraph 8(7)(b) of the *Dumping Duty Act*; and/or
- ☒ countervailing duty pursuant to:
 - ☒ paragraph 10(8)(a) of the *Dumping Duty Act*; and/or
 - ☐ paragraph 10(8)(aa) of the *Dumping Duty Act*.

Evidence in support of this application for ministerial exemption is provided as follows:

- ☒ that like or directly competitive goods are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade pursuant to paragraphs 8(7)(a) and 10(8)(a) of the *Dumping Duty Act* is provided in section B-1, and/or,
- ☐ that a Tariff Concession Order under Part XVA of the Customs Act 1901 in respect of the exempt goods is in force pursuant to paragraphs 8(7)(b) and 10(8)(aa) of the *Dumping Duty Act* is provided in section B-2

The following supporting information is contained in attachments to this application:

- ☒ Name, street and postal address, and form of business of the applicant (for example, company, partnership, sole trader) – see section A-1
- ☒ Name; title/position; telephone and facsimile numbers; and e-mail address of a contact within the organisation – see section A-2

PUBLIC FILE VERSION

- ☒ Name of consultant/adviser (if any) representing the applicant and a copy of the authorisation for the consultant/adviser – see section A-3
- ☒ Full description of the exported goods to which the application relates (the Exempt Goods) – see section A-4
- ☒ The tariff classification/statistical code of the Exempt Goods – see section A-5

Signature:
for and on behalf of Balcombe Engineering Pty Ltd

Name: Peter Moore

Position: General Manager

Applicant
Company: Balcombe Engineering Pty Ltd

Date: The day of November 2013

APPLICATION FOR MINISTERIAL EXEMPTION

ATTACHMENT A – Applicant and Exempt Goods details

A-1 Name, street and postal address, and form of business of the applicant (for example, company, partnership, sole trader)

Applicant name : Balcombe Engineering Pty Ltd
ABN : 91 105 348 374
Entity type : Proprietary Company
Street address : 25 – 26 National Drive, HALLAM Victoria
Postal address :

A-2 Name; title/position; telephone and facsimile numbers; and e-mail address of a contact within the organisation

Company contact : Peter Moore
Title/position : General Manager
Telephone contact : 03 9554 0919
Facsimile contact : 03 9554 0999
E-mail : peterm@baleng.com.au

A-3 Name of consultant/adviser (if any) representing the applicant and a copy of the authorisation for the consultant/adviser

Consultant name : Arthur Vlahonasios
Position : International Trade Remedies Advisor
Organisation : The Australian Industry Group
Telephone contact : 03 9867 0267
Facsimile contact : 03 9867 0157
E-mail : arthur.vlahonasios@aigroup.asn.au

*Attach an Authority to deal with representative at **Appendix A-3**.*

A-4 Full description of the exported goods to which the application relates

The exported goods to which the application relates are plate steel produced to ASTM International standard A516 GR70 exported to Australia from China, Indonesia, Japan, Taiwan and Korea.

A-5 The tariff classification/statistical code of the imported goods

The goods are classified to tariff subheading 7225.40.00 statistical codes 22 and 24 in Schedule 3 of the *Customs Tariff Act 1995*.

APPLICATION FOR MINISTERIAL EXEMPTION

ATTACHMENT B – Basis that the notice is inappropriate

B-1 Evidence that like or directly competitive goods are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade

1. In the last 12 months, has an enterprise produced and sold, in Australia, goods that are identical in all respects to the goods described in section A-4 of this Application?

☐ YES, answer B-1.2 and B-1.3

☒ NO, answer B-1.4 and B1.5

2. Name the enterprise that has produced in Australia, goods that are identical in all respects to the goods described in section A-4 of this Application?

Not applicable

3. Are these products available to all purchasers on equal terms under like conditions?

Not applicable

4. Provide evidence and explain why you consider that these products are not available to all purchasers on equal terms under like conditions.

Evidence can be in the form of sales invoices, sales contracts, sales reports or advertisements and brochures.

Refer **CONFIDENTIAL ATTACHMENT B-1.4**

5. In the last 12 months, has an enterprise produced and sold, in Australia, goods that are like or directly competitive to the goods described in section A-4 of this Application?

☐ YES, answer B-1.6 and B-1.7

☒ NO, answer B-1.9

6. Name the enterprise that has produced in Australia, goods that are like or directly competitive to the goods described in section A-4 of this Application?

Not applicable

7. Are these products available to all purchasers on equal terms under like conditions?

Not applicable

8. Provide evidence and explain why you consider that these products are not available to all purchasers on equal terms under like conditions.

PUBLIC FILE VERSION

Evidence can be in the form of sales invoices, sales contracts, sales reports or advertisements and brochures.

Not applicable


9. Provide evidence and explain why you consider that these products are not like or directly competitive to the goods described in section A-4 of this Application?

☒ The goods do not have characteristics closely resembling each other, as follow:


Physical characteristics			
	"Like goods"	"Exempt goods"	Attachment
Standards	AS 1548-PT460N (NR) NON-CONFIDENTIAL ATTACHMENT B-2.9.3	ASTM-A516-70 CONFIDENTIAL ATTACHMENT B-2.9.4	
Size			
<i>Thickness (max)</i>	40 mm NON-CONFIDENTIAL ATTACHMENT B-2.9.3	205 mm CONFIDENTIAL ATTACHMENT B-2.9.4	CONFIDENTIAL ATTACHMENT B-2.9.1
<i>Gauge length</i>	5.65 mm	200 mm	
Shape			
<i>Rolled</i>	Yes	Yes	CONFIDENTIAL ATTACHMENT B-2.9.1
<i>Normalised</i>	No	Normalised > 40 mm	
Content			
<i>Carbon</i>	0.20%	0.27 – 0.31% CONFIDENTIAL ATTACHMENT B-2.9.4	CONFIDENTIAL ATTACHMENT B-2.9.1
<i>Manganese</i>	0.90 -1.70%	0.79 -1.30% CONFIDENTIAL ATTACHMENT B-2.9.4	
Grade	Fine grained, weldable steel plates for	Pressure vessel plates, Carbon Steel, for	

PUBLIC FILE VERSION

	pressure equipment	Moderate- and Lower-Temperature Service CONFIDENTIAL ATTACHMENT B-2.9.4	
Strength			
<i>Yield (MPa) (min)</i>	265 – 305	260 CONFIDENTIAL ATTACHMENT B-2.9.4	
<i>Tensile (MPa)(min)</i>	460 -580	485 CONFIDENTIAL ATTACHMENT B-2.9.4	

Production likeness			
	“Like goods”	“Exempt goods”	Attachment
Same or similar manufacturing process			

☒ The goods are not substitutable.

Commercial likeness			
	“Like goods”	“Exempt goods”	Attachment
Compete in same market sector?	Australian civil and structural projects required to meet Australian building and construction standards. Specified for boilers and pressure vessels for the local market. Available for use in Australia only.	Used in the manufacture of highly specified made to order capital goods for petrochemical projects around the world. Delivered to international customers and projects with global competition.	CONFIDENTIAL ATTACHMENT B-2.9.2
‘Switch ability’		The customer/project proponent imposes the specific standard to be met by the goods – failure to comply results in breach of supply contract	CONFIDENTIAL ATTACHMENT B-2.9.2

PUBLIC FILE VERSION

Elasticity of price demand	X	Inelastic – due to requirements around meeting specified standards	
Similarity of distribution channels to market	✓	✓	
Packaging similarities	X	The gauge thickness determines whether delivered “rolled” or “normalised”	

Functional likeness			
	“Like goods”	“Exempt goods”	Attachment
End-use substitutability	X	The exact standard to be applied is specified by the end-use customer/project proponent. Failure to meet standard constitutes breach of supply agreement.	CONFIDENTIAL ATTACHMENT B-2.9.2
Functionally identical or similar	X	Although there is overlap in the goods functionality, there are uses to which the “exempt goods” may be put that the “like goods” may not. Specifically, overseas clients will not redesign/re-specify their engineered/ “proven” plants to use the Australian “like goods”,	CONFIDENTIAL ATTACHMENT B-2.9.2
Quality standards identical or similar	X	The AS and ASTM standards apply different quality assurance programs	
Consumer behaviour	X	The customer/project proponents strictly certify the grades and strengths of components in order to achieve overall project compliance – there is no tolerance for substitutability	CONFIDENTIAL ATTACHMENT B-2.9.2

B-2 Evidence that a Tariff Concession Order under Part XVA of the Customs Act 1901 in respect of the exempt goods is in force pursuant to paragraphs 8(7)(b) and 10(8)(aa) of the *Dumping Duty Act*

1. Does a Tariff Concession Order under Part XVA of the *Customs Act 1901* is in force in respect of the goods described in section A-4 of this Application?

☐ YES, answer section B-2.2 and B-2.3

☒ NO, the conditions for the making of a ministerial exemption have not been satisfied under paragraphs 8(7)(b) and 10(8)(aa) of the *Dumping Duty Act*

2. Provide details of the Tariff Concession Order (**TCO**) Number, Operative Date and Declared Date

<i>TCO Number</i>	<i>Operative Date</i>	<i>Declared Date</i>

3. Provide extracts of relevant notices made pursuant to section 269R(1) of the *Customs Act 1901*.

Not applicable

APPENDIX A3

Authority to Deal with Representative

I, *Peter Moore, General Manager, Balcombe Engineering Pty Ltd,*

An applicant for Ministerial exemption from dumping and/or countervailing duties in respect of

Hot rolled plate steel exporter to Australia from China, Indonesia, Japan, Taiwan and Korea

have engaged a representative

Arthur Vlahonasios, International Trade Remedies Advisor, The Australian Industry Group

for the purpose of this application.

I agree that the Anti-Dumping Commission may liaise directly with my representative, including for the release of confidential information.

Signed

Dated:

**APPLICATION FOR
MINISTERIAL EXEMPTION OF GOODS FROM A
DUMPING DUTY AND/OR A COUNTERVAILING
DUTY NOTICE**

APPLYING TO

**HOT ROLLED PLATE STEEL
Exported from THE PEOPLE'S REPUBLIC OF
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REPUBLIC OF KOREA AND TAIWAN**

**APPLICANT
BALCOMBE ENGINEERING PTY LTD**

**NON-CONFIDENTIAL
ATTACHMENT B-2.9.3**

SA/AS 1548 - PT460NR (LO, L20)

SA/AS 1548 - PT460NR, SA/AS 1548 - PT460NRLO, SA/AS 1548 - PT460NRL20

XLERPLATE® steel**DATE:** AUGUST 2010**PRODUCT DESCRIPTION**

- A fully killed, fine grained, carbon-manganese steel for boiler and pressure vessel applications
- Produced by normalised rolling
- Guaranteed minimum tensile strength of 460 MPa

SUPPLY CONDITIONS

- Size and Availability: Standard plate (PT460NR) is available in standard thicknesses between 8mm and 100mm
Standard plate (PT460NR) in sizes outside standard plate offer - Refer to XLERPLATE® Size Schedule 4
AS 1548 PT460NRL20 available in thicknesses between 8mm and 40mm
- Edge Condition: Trimmed
- Tolerances: Thickness - AS 1548, others - AS/NZS 1365
- Ultrasonic Inspection: AS 1710 available
- Surface Inspection: BlueScope Steel (third party available)
- Certification: BlueScope Steel (third party endorsed available)

FEATURES & BENEFITS

- Guaranteed tensile strength levels
- Grades with elevated temperature properties available
- Grades with guaranteed low temperature properties available
- Excellent weldability and formability
- NR grades may be ordered with tests in the normalised condition. This is designated NRA. See PT460NRA datasheet
- This grade is recognised in the ASME material code

WARNINGS

- This material should be used in conjunction with the appropriate structural design and welding standards
- Guidelines for cold bending, where fracture toughness is important are given in AS 4100 and AS 1210

NEAREST OVERSEAS SPECIFICATIONS

JISG 3118-SGV450 ASTM A662-Gr. B ISO 9328.2-P290 EN 10028-3-P275N EN 10028-2-P295GH

AS 1548 - 1995 EQUIVALENT

SA/AS 1548 - 7 - 460R (LO)

For more information contact:**BlueScope Steel Direct**

Phone: 1800 800 789

Email: steeldirect@bluescopesteel.comWebsite: www.xlerplate.com.au

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SA/AS 1548 - PT460NR (L0, L20)

SA/AS 1548 - PT460NR, SA/AS 1548 - PT460NRLO, SA/AS 1548 - PT460NRL20

XLERPLATE® steel

CHEMICAL COMPOSITION			
Element	Guaranteed Maximum % ⁽²⁾	Typical % / Thickness (mm)	
		8 ≤ t ≤ 80	80 < t ≤ 110
Carbon	0.20	0.15	0.15
Silicon	0.60	0.35	0.35
Manganese	0.90 - 1.70	1.35	1.35
Phosphorus	0.040	0.020	0.020
Sulfur	0.030	0.010	0.003
Niobium	0.010 ⁽³⁾	-	-
Aluminium	0.100	0.035	0.035
CEQ (IIW) ⁽¹⁾	0.43	0.39	0.39

$$(1) \text{ CEQ (IIW)} = \frac{C}{6} + \frac{Mn}{5} + \frac{(Cr+Mo+V)}{15} + \frac{(Cu+Ni)}{15}$$

(2) All values shown refer to the relevant Australian Standard unless stated otherwise

(3) Niobium (up to 0.030%) may be added for L20, L40, L50 grades

MECHANICAL PROPERTIES					
Tensile Properties (Transverse)		Thickness Range (mm)			
		t ≤ 16	16 < t ≤ 40	40 < t ≤ 80	80 < t ≤ 100
Guaranteed Min.	Yield Strength (MPa)	305	295	275	265
	Tensile Strength (MPa)	460 - 580	460 - 580	460 - 580	460 - 580
	Elong. on 5.65 √ So (%)	21	21	21	21
Typical	Yield Strength (MPa)	330 - 430	315 - 415	290 - 370	290 - 350
	Tensile Strength (MPa)	470 - 530	470 - 530	470 - 530	470 - 530
	Elong. on 5.65 √ So (%)	24 - 35	23 - 35	24 - 32	24 - 33
Charpy Impact Properties	Longitudinal on 10 x 10mm specimen	Test Temp. °C	Absorbed Energy (joules)		
			Ave. of 3	Ind.	
Guaranteed Min.	PT460NR	0	31	23	
Typical			40 - 110	30 - 140	
Guaranteed Min.	PT460NRLO	0	51	38	
Typical			55 - 110	40 - 140	
Guaranteed Min.	PT460NRL20	-20	47	35	
Typical			55 - 110	40 - 140	

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SA/AS 1548 - PT460NR (LO, L20)

SA/AS 1548 - PT460NR, SA/AS 1548 - PT460NRLO, SA/AS 1548 - PT460NRL20

XLERPLATE® steel

MECHANICAL PROPERTIES									
PT460NRH - Elevated Temp. Tensile Properties - Guaranteed Min. 0.2% Proof Stress (MPa)									
Thickness	50°C	100°C	150°C	200°C	250°C	300°C	350°C	400°C	450°C
t ≤ 16	295	277	257	236	216	199	184	173	163
16 < t ≤ 40	285	268	249	228	209	192	178	167	157
40 < t ≤ 80	266	250	232	213	195	179	166	156	145
80 < t ≤ 100	256	241	223	206	188	173	160	150	141

Values correspond to the lower trend curve determined according to EN10314 with a confidence limit of around 98% (2 standard deviations below the mean)

FORMABILITY (recommended min. inside radii)		HARDNESS	WELDABILITY
t < 20mm	Long 1.5T, Trans 1.0T	Typical	Group 4 ⁽⁴⁾
20 ≤ t ≤ 50mm	Long 6.0T, Trans 4.0T	130 - 170 BHN	
t > 50mm	Hot form		

(4) Refer to WTIA Technical Note 1 or AS/NZS 1554.1



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