

IN THE UNITED STATES COURT OF INTERNATIONAL TRADE

BEFORE:

THYSSENKRUPP MATERIALS NA INC., THYSSENKRUPP
 MATERIALS NA INC. - COPPER & BRASS SALES DIVISION,
 THYSSENKRUPP MATERIALS NA INC. – MATERIALS TRADING
 DIVISION, THYSSENKRUPP MATERIALS NA INC. – KEN-MAC
 METALS DIVISION, THYSSENKRUPP PRESTA DANVILLE LLC,

 Plaintiffs,

 v.

 UNITED STATES; DONALD J. TRUMP, IN HIS OFFICIAL
 CAPACITY AS PRESIDENT OF THE UNITED STATES;
 WILBUR L. ROSS JR., IN HIS OFFICIAL CAPACITY AS
 SECRETARY OF COMMERCE; UNITED STATES
 DEPARTMENT OF COMMERCE; MARK A. MORGAN, IN
 HIS OFFICIAL CAPACITY AS ACTING COMMISSIONER,
 UNITED STATES CUSTOMS AND BORDER PROTECTION;
 UNITED STATES CUSTOMS AND BORDER PROTECTION,

 Defendants.

COMPLAINT

Plaintiffs, thyssenkrupp Materials NA, Inc. and its related operating divisions thyssenkrupp Materials NA Inc.- Copper & Brass Sales Division, thyssenkrupp Materials NA Inc. – Materials Trading Division, thyssenkrupp Materials NA Inc. – Ken-Mac Metals Division, and thyssenkrupp Presta Danville LLC (collectively “thyssenkrupp”) by and through its counsel, hereby allege and state the following:

STATEMENT OF THE CASE

1. On March 8, 2018, in Presidential Proclamation 9704, President Donald J. Trump imposed 10% *ad valorem* duties on imports into the United States of certain aluminum products. This action was taken in furtherance of Section 232 of the Trade Expansion Act of 1962, as amended, 19

U.S.C. § 1862. *See*, Proclamation 9704 of March 8, 2018 *Adjusting Imports of Aluminum into the United States*, 83 FR 11,619 (Mar. 15, 2018) (“*Aluminum Proclamation*”).

2. On March 8, 2018, in Presidential Proclamation 9705, President Donald J. Trump imposed 25% *ad valorem* duties on imports into the United States of certain steel products. This action was taken in furtherance of Section 232 of the Trade Expansion Act of 1962, as amended, 19 U.S.C. § 1862. *See*, Proclamation 9705 of March 8, 2019 *Adjusting Imports of Steel Into the United States*, 83 FR 11,625 (March 15, 2018) (“*Steel Proclamation*”).

3. Duties imposed under Section 232 are directed as “safeguarding national security” and are, therefore, for reasons other than the raising of revenue. *See*, 19 U.S.C. § 1862.

4. In the Annex to the *Aluminum Proclamation*, the President identified the aluminum products subject to the additional duty by description and by Harmonized Tariff Schedule of the United States heading and subheading numbers 7601 (unwrought aluminum); 7604 (bars, rods and profiles); 7605 (wire); 7606 (plates, sheets and strip); 7607 (foil), 7608 and 6709 (tubes, pipes, and tube or pipe fittings); and castings and forging of aluminum of subheading 7616.99.51.

5. In the Annex to the *Steel Proclamation*, the President identified the steel products subject to the additional duty by description and by Harmonized Tariff Schedule of the United States heading and subheading numbers 7208 through 7221, 7225 and 7226 (flat-rolled products); 7213 through 7215, 7227 and 7228 (bars and rods); 7216 (angles, shapes and sections other than those of tariff items 7216.61.00, 7216.69.00 or 7216.91.00); 7217 and 7229 (wire); 7301.10.00 (sheet piling); 7302.10 (rails); 7302.40.00 (fish-plates and sole plates); 7302.90.00 (other products of iron and steel); 7304 and 7306 (tubes, pipes and hollow profiles); 7305 (tubes and pipes); 7206, 7207, and 7224 (ingots and other primary forms and semi-finished products); and 7218 through 7223 (products of stainless steel).

6. According to the *Aluminum Proclamation*, the Secretary of Commerce recommended to the President that he be permitted “in response to specific requests from affected domestic parties, to exclude from any adopted import restrictions those **aluminum articles** for which the Secretary determines there is a lack of sufficient U.S. production capacity of comparable products, or to exclude aluminum articles from such restrictions” *Aluminum Proclamation*, para. 3 (emphasis added).

7. According to the *Steel Proclamation*, the Secretary of Commerce recommended to the President that he be permitted “in response to specific requests from affected domestic parties, to exclude from any adopted import restrictions those **steel articles** for which the Secretary determines there is a lack of sufficient U.S. production capacity of comparable products, or to exclude steel articles from such restrictions” *Steel Proclamation*, para. 4 (emphasis added).

8. In the *Aluminum Proclamation*, at clause 3, the President ordered (emphasis added) that:

The Secretary, in consultation with the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the United States Trade Representative (USTR), the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and such other senior Executive Branch officials as the Secretary deems appropriate, is hereby authorized to provide relief from the additional duties set forth in clause 2 of this proclamation for any **aluminum article** determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality and is also authorized to provide such relief based upon specific national security considerations. **Such relief shall be provided for an aluminum article** only after a request for exclusion is made by a directly affected party located in the United States. If the Secretary determines that a particular **aluminum article** should be excluded, the Secretary shall, upon publishing a

notice of such determination in the *Federal Register*, notify Customs and Border Protection (CBP) of the Department of Homeland Security concerning **such article** so that it will be excluded from the duties described in clause 2 of this proclamation. The Secretary shall consult with CBP to determine whether the HTSUS provisions created by the Annex to this proclamation should be modified in order to ensure the proper administration of such exclusion, and, if so, shall make such modification to the HTSUS through a notice in the *Federal Register*.

9. In the *Steel Proclamation*, at clause 3, the President ordered (emphasis added) that: The Secretary, in consultation with the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the United States Trade Representative (USTR), the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and such other senior Executive Branch officials as the Secretary deems appropriate, is hereby authorized to provide relief from the additional duties set forth in clause 2 of this proclamation for any **steel article** determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality and is also authorized to provide such relief based upon specific national security considerations. **Such relief shall be provided for a steel article** only after a request for exclusion is made by a directly affected party located in the United States. If the Secretary determines that a particular **steel article** should be excluded, the Secretary shall, upon publishing a notice of such determination in the *Federal Register*, notify Customs and Border Protection (CBP) of the Department of Homeland Security concerning **such article** so that it will be excluded from the duties described in clause 2 of this proclamation. The Secretary shall consult with CBP to determine whether the HTSUS provisions created by the Annex to this proclamation should

be modified in order to ensure the proper administration of such exclusion, and, if so, shall make such modification to the HTSUS through a notice in the *Federal Register*.

10. Subsequently, the Department of Commerce published an interim final rule establishing a process for U.S. entities to submit requests for exclusions. *Requirements for Submissions Requesting Exclusions From the Remedies Instituted in Presidential Proclamations Adjusting Imports of Steel Into the United States and Adjusting Imports of Aluminum Into the United States; and the Filing of Objections to Submitted Exclusion Requests for Steel and Aluminum*, 83 Fed. Reg. 12,106 (Mar. 19, 2018) (“*Interim Final Rule*”).

11. Contrary to the clear Presidential instruction that exclusions be granted for aluminum and steel articles, Commerce arbitrarily and capriciously determined that approved exclusions apply only to the requesting individual or organization. *Interim Final Rule*, 12,107 (generally), 12,110 (steel), 12,112 (aluminum). In each instance, Commerce’s rule states that “Other individuals or organizations that wish to submit an exclusion request for a steel or aluminum product that has already been the subject of an approved exclusion request may request an exclusion under this supplement.” *Id.* As a result, Commerce has not granted exclusions for articles. Rather, it has granted exclusions from 232 duties to individual requestors that import articles subject to the 232 duties. Other disfavored importers, including thyssenkrupp, that do not have a granted exclusion pay the additional 10% or 25% *ad valorem* duty on merchandise subject to the same HTSUS heading or tariff item for which a favored party has been individually exempted from duty liability.

12. The Department of Commerce has since granted numerous exclusions to individual importers of steel and aluminum articles including, but not limited to, the tariff classifications listed on Table A (Aluminum) and Table B (Steel), both incorporated by reference hereto.

13. The U.S. Constitution provides, at Article I, Section 8 that “The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States” The last portion of this section is known as the “Uniformity Clause.”

14. A tax or duty is uniform when it operates with the same force and effect in every place where the subject of it is found. *Edye v. Robertson*, 112 U.S. 580, 594 (1884)(“The Head Money Cases”).

15. Because the Commerce Department has failed to make exclusions from Section 232 duties uniformly available to all importers of the same merchandise, the duties imposed by the President and as administered by the Commerce Department do not have the same force and effect in every place where the subject of the tariff is found and, therefore, violate the Uniformity Clause.

PERMISSIVE JOINDER

16. Plaintiffs severally all seek the same relief arising out of the same unconstitutional imposition of duties pursuant to the *Aluminum Proclamation* and the *Steel Proclamation* and administration of the exclusion process by the Commerce Department.

17. The resolution of common questions of law will determine whether plaintiffs are entitled to the relief sought.

18. Under Rule 20 of the Rules of this Court, Permissive Joinder of the plaintiffs in a single action is appropriate.

JURISDICTION

19. This Court has exclusive jurisdiction over this action pursuant to 28 U.S.C. § 1581(i)(2) and (4) as it concerns claims against the United States arising out of laws concerning

“tariffs, duties, fees, or other taxes on the importation of merchandise for reasons other than the raising of revenue” and the “administration and enforcement” thereof.

PARTIES AND STANDING

20. thyssenkrupp Materials NA Inc. is a Southfield, Michigan based importer of aluminum and steel products through its related operating companies. The individual operating companies relevant to this Complaint are: thyssenkrupp Materials NA Inc. – Copper & Brass Sales Division (IOR 38-044586001), thyssenkrupp Materials NA Inc. – Materials Trading Division (IOR 38-044586008), thyssenkrupp Materials NA Inc. – Ken-Mac Metals Division (IOR 38-044586003), thyssenkrupp Presta Danville LLC (IOR 20-402423000).

21. Since the effective date of the *Aluminum Proclamation* and the *Steel Proclamation*, thyssenkrupp Materials NA has paid Section 232 duties on merchandise imported into the United States under the following non-exclusive list of eight-digit HTSUS items and entries:

HTS Item	Thyssenkrupp Materials - IOR	Entry Date	Entry Number
7209.17.00	38-044586008	06/16/2019	113-8612981-8
7209.18.60	38-044586008	10/05/2018	113-8429500-9
7210.61.00	38-044586008	07/05/2019	113-8631773-6
7216.21.00	38-044586008	10/31/2018	113-8450066-3
7216.50.00	38-044586008	09/15/2018	113-8414223-5
7219.34.00	38-044586000	06/27/2018	113-8355875-3
7219.35.00	38-044586000	06/14/2018	113-8347031-4
7222.11.00	38-044586001	09/17/2018	016-2088439-3
7222.19.00	38-044586001	08/15/2018	016-2088206-6
7222.20.00	38-044586001	11/13/2019	016-2092819-0
7225.40.30	38-044586008	12/24/2018	113-8489347-2
7226.92.30	20-402423000	08/27/2019	101-6177848-5
7304.29.50	38-044586008	04/09/2019	113-8557968-2
7304.31.60	20-402423000	10/11/2019	SCS-7007393-8
7304.41.30	38-044586001	02/01/2019	016-1650179-5
7304.49.00	38-044586001	10/03/2019	016-1653720-3
7306.19.10	38-044586008	04/29/2019	113-8579925-6
7306.30.10	20-402423000	02/11/2019	SCS-3583180-0
7306.61.10	38-044586008	02/12/2019	113-8524123-4
7306.61.50	38-044586008	08/27/2019	113-8668887-0

7604.29.10	38-044586001	11/29/2018	016-2089122-4
7604.29.30	38-044586001	01/22/2019	016-1183301-1
7604.29.50	38-044586001	12/11/2018	016-2089212-3
7606.12.30	38-044586003	06/25/2018	300-3958997-3
7606.91.30	38-044586003	12/22/2018	113-8483569-7
7606.92.30	38-044586003	02/18/2019	300-4660581-2
7607.11.30	38-044586003	07/23/2018	300-3960484-8
7608.20.00	38-044586001	09/23/2019	016-2092298-7

22. Prior to thyssenkrupp importing the merchandise on the entries and with the corresponding tariff classifications listed in Paragraph 17, Commerce had granted to another party an exclusion covering the same merchandise by HTSUS item. See Table A and Table B.

23. The Commerce Department decision to grant exclusions to other parties and which Commerce denied to plaintiff or for which plaintiff did not request an exclusion, results in an unconstitutional lack of uniformity in the application of tariffs imposed on merchandise in the same HTSUS classification and denies thyssenkrupp the protections afforded by the Uniformity Clause of Article I, Section 8 of the U.S. Constitution, which may be remedied by this Court pursuant to Section 702 of Title 5 of the United States Code.

24. The Commerce Department's decision to grant exclusions to individual requestors rather than for products based on HS classification is contrary to the order in the *Aluminum Proclamation* and the *Steel Proclamation* and is, therefore, arbitrary, capricious and not in accordance with law, which may be remedied by this Court pursuant to Section 702 of Title 5 of the United States Code.

25. As a result of the denial of this Constitutional protection, plaintiff is at a competitive disadvantage as compared to importers and other organizations who have received an exclusion and, therefore, do not pay the additional 10% or 25% *ad valorem* duty, allowing them to charge customers less than thyssenkrupp would be able to charge for merchandise subject to the same tariff classification. This competitive disadvantage results directly from the lack of uniformity in the

application of Section 232 duties on aluminum and steel products and cannot be remedied solely by a refund of the duties paid by thyssenkrupp.

FACTS AND RELEVANT LAW

26. The Constitution vests in Congress the power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States. Article I, Section 8, Clause 1. That clause limits Congressional power to impose duties by requiring that “all duties, imposts, and excises shall be uniform throughout the United States.”

27. In Section 232 of the Trade Expansion Act of 1962, as amended, 19 U.S.C. § 1862, Congress delegated to the Executive Branch a portion of its power to lay and collect duties for the purpose of safeguarding national security.

28. Under Section 232, upon an appropriate request or on his own initiative, the Secretary of Commerce, in consultation with the Secretary of Defense, may investigate the effect of imports on national security, 19 U.S.C. § 1862(b)(1)(A) and provide the report to the President. 19 U.S.C. § 1862(b)(3)(A).

29. If the President concurs with a finding by the Secretary of Commerce that certain imports threaten to impair the national security, the President may, within 15 days of his determination, adjust imports of the article and its derivatives. 19 U.S.C. § 1862(c)(1)(B).

30. Pursuant to Section 232, on March 8, 2018, following a report from the Secretary of Commerce, the President issued the *Aluminum Proclamation*, imposing additional 10% import duties on specified aluminum products.

31. Pursuant to Section 232, on March 8, 2018, following a report from the Secretary of Commerce, the President issued the *Steel Proclamation*, imposing 25% import duties on specified aluminum products.

32. The *Aluminum Proclamation* defines the subject of the Section 232 duties by reference to the HTSUS classification as:

(i) flat-rolled products provided for in headings 7208, 7209, 7210, 7211, 7212, 7225 or 7226; (ii) bars and rods provided for in headings 7213, 7214, 7215, 7227, or 7228, angles, shapes and sections of 7216 (except subheadings 7216.61.00, 7216.69.00 or 7216.91.00); wire provided for in headings 7217 or 7229; sheet piling provided for in subheading 7301.1 0.00; rails provided for in subheading 7302.1 0; fish-plates and sole plates provided for in subheading 7302.40.00; and other products of iron or steel provided for in subheading 7302.90.00; (iii) tubes, pipes and hollow profiles provided for in heading 7304, or 7306; tubes and pipes provided for in heading 7305. (iv) ingots, other primary forms and semi-finished products provided for in heading 7206, 7207 or 7224; and (v) products of stainless steel provided for in heading 7218, 7219, 7220, 7221, 7222 or 7223.

See also, HTSUS, Chapter 99, Subchapter III, Note 19(b), which after listing the above products by heading or tariff item states “Any reference above to aluminum products classifiable in any heading or subheading of chapter 76, as the case may be, shall mean that any good provided for in the article description of such heading or subheading and of all its subordinate provisions (both legal and statistical) is covered by the provisions of this note and related tariff provisions.”

33. The *Steel Proclamation* defines the subject of the Section 232 duties by reference to the HTSUS classification as:

(i) flat-rolled products provided for in headings 7208, 7209, 7210, 7211, 7212, 7225 or 7226; (ii) bars and rods provided for in headings 7213, 7214, 7215, 7227, or 7228, angles, shapes and sections of 7216 (except subheadings 7216.61.00, 7216.69.00 or 7216.91.00); wire provided for in headings 7217 or 7229; sheet piling provided for in subheading 7301.1 0.00; rails provided for in subheading 7302.1 0; fish-plates and sole plates provided for in subheading 7302.40.00; and other products of iron or steel provided for in subheading 7302.90.00; (iii) tubes, pipes and hollow profiles provided for in heading 7304, or 7306; tubes and pipes provided for in heading 7305. (iv) ingots, other primary forms and semi-finished products provided for in heading 7206, 7207 or 7224; and (v) products of stainless steel provided for in heading 7218, 7219, 7220, 7221, 7222 or 7223.

See also, HTSUS, Chapter 99, Subchapter III, Note 16(b), which after listing the above products by heading or tariff item states “Any reference above to iron or steel products classifiable in any heading or subheading of chapter 72 or 73, as the case may be, shall mean that any good provided for in the article description of such heading or subheading and of all its subordinate provisions (both legal and statistical) is covered by the provisions of this note and related tariff provisions.”

34. On March 19, 2018, the Commerce Department, through the Bureau of Industry and Security, issued an interim final rule setting forth the instructions for submitting and standards for granting Section 232 duty exclusions to U.S. importers. See, *Interim Final Rule*. According to the *Interim Final Rule*, “Approved exclusions will be made on a product basis and **will be limited to the individual or organization that submitted the specific exclusion request**, unless Commerce approves a broader application of the product based exclusion request to apply to additional importers. Other individuals or organizations that wish to submit an exclusion request for a steel or

aluminum product already approved for exclusion may submit an exclusion request” (Emphasis added).

35. U.S. Customs and Border Protection has implemented the granted Section 232 duty exclusion as applicable only to the party named in the exclusion. See, e.g., Update: Submitting Section 232 Product Exclusions: 2018 Expired HTSUS, <https://www.cbp.gov/trade/remedies/232-tariffs-aluminum-and-steel/update-submitting-section-232-product-exclusions-2018-expired-hts> <last visited February 6, 2020> (Attachment C) (“ Only products from importer(s) designated in the product exclusion approved by the DOC are eligible for the exclusion from the Section 232 measures.”)

36. Plaintiff has paid Section 232 duties on the importation of products classified in HTSUS numbers referenced in Paragraph 17 above, for which parties who have been awarded exclusions by the Department of Commerce, including those referenced in Paragraph 11 (Table A and Table B) do not.

COUNT I

37. Plaintiff incorporates by reference the preceding paragraphs 1-36.

38. Commerce’s establishment of an exclusion process for 232 duties on aluminum and steel products results in individual importers paying different rates of duty on the same merchandise, which violates the Uniformity Clause of the Constitution and is, therefore, “contrary to constitutional right, power, privilege or immunity” 5 U.S.C. § 706 (2)(B).

COUNT II

39. Plaintiff incorporates by reference the preceding paragraphs 1-38.

40. Commerce’s decision to grant exclusions from 232 duties to individual requestors rather than to aluminum and steel articles is contrary to Presidential order and is arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law. 5 U.S.C. § 706(2)(B).

COUNT III

41. Plaintiff incorporates by reference the preceding paragraphs 1-40.

42. Commerce’s establishment of an exclusion process for 232 duties on aluminum and steel products in violation of the Uniformity Clause of the Constitution and “contrary to constitutional right, power, privilege or immunity,” 5 U.S.C. § 706 (2)(B), produces competitive disadvantage for plaintiff which results in irreparable harm to plaintiff that cannot be remedied by the refund of 232 duties paid and other monetary relief.

COUNT IV

43. Plaintiffs incorporate by reference the preceding paragraphs 1-42.

44. Section 232 is an unconstitutional delegation of authority from Congress to the Executive Branch lacking an intelligible principle by which the Executive is to Act, violating the delegation doctrine. The 232 duties applied to aluminum products pursuant to the *Aluminum Proclamation* and to steel products pursuant to the *Steel Proclamation* are an unlawful exercise of legislative authority and are void *ab initio*.

RELIEF

Wherefore plaintiff thyssenkrupp respectfully request that this Court enter judgment and order as follows:

1. Declaring the current requestor-specific exclusion process unconstitutional and ordering the refund of all duties paid by plaintiff on the importation of goods imported under and

- HTSUS classification for which other parties have been granted an exclusion together with interest as provided by law;
2. Declaring the current requestor-specific exclusion process to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law and ordering the refund of all duties paid by plaintiff on the importation of goods imported under and HTSUS classification for which other parties have been granted an exclusion together with interest as provided by law;
 3. Enjoining the United States, through Customs and Border Protection, from further collecting duties under Section 232 on HTSUS items for which any person or entity has received an exclusion;
 4. Declaring the *Aluminum Proclamation* and the *Steel Proclamation* and the duties imposed thereunder to be an unconstitutional delegation of legislative power to the Executive Branch and ordering the refund of all duties paid by plaintiff for goods imported under HTSUS items for which other parties have been granted an exclusion together with interest as provided by law; and
 5. Granting such other additional relief as the Court may deem just and proper.

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Thyssenkrupp Materials NA, Inc. v. United States**Court No. 20-00093****Table A****Exclusions Granted to Aluminum Articles by Tariff Classification**

Tariff Classification	Exclusion Request ID	Date Posted
76042910	BIS-2018-0002-14278	4/5/2019
76061230	BIS-2018-0002-4535	9/12/2018
76069130	BIS-2018-0002-5563	10/10/2018
76090000	BIS-2018-0002-8413	12/18/2018
76061260	BIS-2018-0002-22290	6/18/2019
76071130	BIS-2018-0002-8446	12/18/2018
76071160	BIS-2018-0002-4995	9/24/2018
76061230	BIS-2018-0002-15837	5/2/2019
76069230	BIS-2018-0002-2179	6/28/2018
76071160	BIS-2018-0002-24262	7/10/2019
76061230	BIS-2018-0002-1500	6/6/2018
76042930	BIS-2018-0002-8380	12/18/2018
76069230	BIS-2018-0002-7278	11/21/2018
76061130	BIS-2018-0002-24465	7/11/2019
76042100	BIS-2018-0002-13847	4/4/2019
76069130	BIS-2018-0002-1697	6/7/2018
76011060	BIS-2018-0002-15581	4/25/2019
76042930	BIS-2018-0002-15815	5/2/2019
76082000	BIS-2018-0002-24598	7/12/2019
76012090	BIS-2018-0002-20904	6/12/2019
76072050	BIS-2018-0002-0363	5/18/2018
76071960	BIS-2018-0002-2905	8/1/2018
76071190	BIS-2018-0002-20843	6/12/2019
76169951	BIS-2018-0002-0025	4/12/2018
76042950	BIS-2018-0002-7785	11/28/2018
76061160	BIS-2018-0002-6347	11/5/2018
76072010	BIS-2018-0002-4285	9/6/2018
76069260	BIS-2018-0002-20773	6/12/2019
76082000	BIS-2018-0002-15513	4/25/2019
76042930	BIS-2018-0002-0086	5/2/2018
76061230	BIS-2018-0002-24154	7/10/2019
76052900	BIS-2018-0002-3536	8/20/2018
76071230	BIS-2018-0002-3668	8/22/2018
76071910	BIS-2018-0002-5033	9/27/2018

2-A

76042910	BIS-2018-0002-5960	10/17/2018
76071930	BIS-2018-0002-2901	8/1/2018
76071160	BIS-2018-0002-20886	6/12/2019
76061230	BIS-2018-0002-0932	5/29/2018
76012090	BIS-2018-0002-2885	8/1/2018
76071130	BIS-2018-0002-1982	6/25/2018
76169951	BIS-2018-0002-0370	5/18/2018
76071230	BIS-2018-0002-0978	5/30/2018
76072930	BIS-2018-0002-3031	8/6/2018
76052930	BIS-2018-0002-4962	9/24/2018
76079130	BIS-2018-0002-1549	6/6/2018
76042030	BIS-2018-0002-4961	9/24/2018
76071190	BIS-2018-0002-0503	5/23/2018
75042910	BIS-2018-0002-2702	7/19/2018
75042930	BIS-2018-0002-4969	9/24/2018
76052100	BIS-2018-0002-15622	4/29/2019
76079230	BIS-2018-0002-2152	6/28/2018
76079130	BIS-2018-0002-5562	10/10/2018
76071130	BIS-2018-0002-0930	5/29/2018
76052100	BIS-2018-0002-4063	8/30/2018

Thyssenkrupp Materials NA, Inc. v. United States**Court No. 20-00093****Table B****Exclusions Granted to Steel Articles by Tariff Classification**

Tariff Classification	Exclusion Request ID	Date Posted
72071100	BIS-2018-0006-14383	6/28/2018
72071900	BIS-2018-0006-14080	6/28/2018
72081030	BIS-2018-0006-5515	5/23/2018
72082500	BIS-2018-0006-77044	11/7/2018
72082600	BIS-2018-0006-25511	7/26/2018
72082700	BIS-2018-0006-77903	11/7/2018
72083800	BIS-2018-0006-147247	6/12/2019
72083900	BIS-2018-0006-18673	7/16/2018
72084030	BIS-2018-0006-77249	11/7/2018
72084060	BIS-2018-0006-130478	5/8/2019
72091700	BIS-2018-0006-91287	12/6/2018
72091825	BIS-2018-0006-0895	5/1/2018
72091860	BIS-2018-0006-46883	9/14/2018
72099000	BIS-2018-0006-145639	6/7/2019
72101200	BIS-2018-0006-8423	6/6/2018
72103000	BIS-2018-0006-5893	5/24/2018
72104900	BIS-2018-0006-20868	7/19/2018
72105000	BIS-2018-0006-0239	4/24/2018
72106100	BIS-2018-0006-107173	3/15/2019
72106900	BIS-2018-0006-46683	9/14/2018
72107060	BIS-2018-0006-28673	8/2/2018
72107080	BIS-2018-0006-107295	3/15/2019
72109060	BIS-2018-0006-26956	7/30/2018
72111915	BIS-2018-0006-76697	11/6/2018
72111920	BIS-2018-0006-43112	8/31/2018
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2-B

72122000	BIS-2018-0006-0321	4/25/2018
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3-B

72191100	BIS-2018-0006-22751	7/23/2018
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4-B

72241000	BIS-2018-0006-122545	4/15/2019
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5-B

72281000	BIS-2018-0006-0161	4/23/2018
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6-B

73043900	BIS-2018-0006-3679	5/17/2018
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