

DEPARTMENT OF COMMERCE**International Trade Administration**

[A-580-891]

Carbon and Alloy Steel Wire Rod From the Republic of Korea: Amended Preliminary Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On October 31, 2017, the Department of Commerce (Department) published in the *Federal Register* the *Preliminary Determination*¹ of the antidumping duty investigation of carbon and alloy steel wire rod (wire rod) from the Republic of Korea (Korea). The Department is amending the *Preliminary Determination* of the investigation to correct a significant ministerial error.

DATES: Effective November 28, 2017.

FOR FURTHER INFORMATION CONTACT: Lingjun Wang, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-2316.

SUPPLEMENTARY INFORMATION:**Background**

On October 31, 2017, the Department published in the *Federal Register* the *Preliminary Determination* of wire rod from Korea. On November 1, 2017, Gerdau Ameristeel US Inc., Keystone Consolidated Industries, Inc., and Charter Steel (collectively, the petitioners) alleged that the Department made a significant ministerial error in the *Preliminary Determination*.

Scope of the Investigation

The product covered by this investigation is wire rod from Korea. For a full description of the scope of this investigation, see the "Scope of the Investigation," in the Appendix to this notice.

Significant Ministerial Error

A ministerial error is defined in 19 CFR 351.224(f) as "an error in addition, subtraction, or other arithmetic function, clerical error resulting from

¹ See *Carbon and Alloy Steel Wire Rod from the Republic of Korea: Preliminary Affirmative Determination of Sales at Less Than Fair Value, and Preliminary Negative Determination of Critical Circumstances*, 82 FR 50386 (October 31, 2017) (*Preliminary Determination*); see also the petitioners' November 1, 2017 letter, "Petitioners' Ministerial Error Allegations Concerning POSCO" (Ministerial Error Allegation).

inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial." A significant ministerial error is defined in 19 CFR 351.224(g) as a ministerial error, the correction of which, singly or in combination with other errors, would result in: (1) A change of at least five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin calculated in the original (erroneous) preliminary determination; or (2) a difference between a weighted-average dumping margin of zero or *de minimis* and a weighted-average dumping margin of greater than *de minimis* or vice versa. Further, 19 CFR 351.224(e) provides that the Department "will analyze any comments received and, if appropriate, correct any significant ministerial error by amending the preliminary determination."

Ministerial Error Allegation

The petitioners allege that the Department failed to convert the product matching control number (CONNUM)-specific per-unit import duty cost amounts that were denominated in Korean won to U.S. dollars when it granted POSCO a duty drawback adjustment to U.S. price.² The petitioners also maintain that correcting this error results in an increase of more than five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin, thereby meeting the definition of "significant" pursuant to 19 CFR 351.224(g)(1).³

We agree with the petitioners' allegation. The CONNUM-specific per-unit duty cost amount that forms the basis of our duty-drawback adjustment was in Korean won.⁴ The Department inadvertently failed to convert CONNUM-specific per-unit duty cost amount to U.S. dollars when adjusting U.S. price in the margin calculation program.⁵ This error constitutes a ministerial error within the meaning of

² See DOC October 24, 2014 Memorandum: "Cost of Production and Constructed Value Calculation Adjustments for the Preliminary Determination—POSCO," and DOC October 24, 2014 Memorandum "Preliminary Determination Margin Calculation for POSCO."

³ See Ministerial Error Allegation.

⁴ See POSCO August 23, 2017 Response to Supplemental Section D Questionnaire at SD-12 and Exhibit SD-10, and POSCO October 11, 2017 Response to Second Supplemental Section D Questionnaire at SD2-6 and Exhibit SD2-7.

⁵ See DOC October 24, 2017 Memorandum: "Cost of Production and Constructed Value Calculation Adjustments for the Preliminary Determination—POSCO" at 4, and DOC October 24, 2017 Memorandum: "Preliminary Determination Margin Calculation for POSCO" at 5.

19 CFR 351.224(f).⁶ Moreover, correcting this ministerial error changes the margin from 10.09 percent to 40.80 percent, thereby making this error significant pursuant to 19 CFR 351.224(g)(1).⁷

Amended Preliminary Determination

We are amending the preliminary determination of sales at less-than-fair-value for wire rod from Korea to reflect the correction of a ministerial error made in the margin calculation for POSCO. In addition, because the preliminary "All-Others" rate was based on the estimated weighted-average dumping margin calculated for POSCO, we are also amending the "All-Others" rate. As a result of the correction of the ministerial error, the revised weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average dumping margin (percent)
POSCO	40.80
All-Others	40.80

Amended Cash Deposits and Suspension of Liquidation

The collection of cash deposits and suspension of liquidation will be revised according to the rates established in this amended preliminary determination, in accordance with section 733(d) and (f) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.224. Because the rates are increasing from the *Preliminary Determination*, the amended cash deposit rates will be effective on the date of publication of this notice in the *Federal Register*.

International Trade Commission Notification

In accordance with section 733(f) of the Act, we notified the International Trade Commission of our amended preliminary determination.

Disclosure

We intend to disclose the calculations performed to parties in this proceeding within five days after public announcement of the amended preliminary determination, in accordance with 19 CFR 351.224.

⁶ See DOC Memorandum: "Allegation and Analysis of Ministerial Error in the Preliminary Determination," dated concurrently with this memorandum (Ministerial Error Analysis Memorandum).

⁷ See DOC Memorandum: "Amended Preliminary Determination Margin Calculation for POSCO," dated concurrently with this memorandum (Amended Preliminary Calculation Memorandum).

This amended preliminary determination is issued and published in accordance with sections 733(f) and 777(i) of the Act and 19 CFR 351.224(e).

Dated: November 20, 2017.

Gary Taverman

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigation

The products covered by this investigation are certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, less than 19.00 mm in actual solid cross-sectional diameter. Specifically excluded are steel products possessing the above-noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (HTSUS) definitions for (a) stainless steel; (b) tool steel; (c) high-nickel steel; (d) ball bearing steel; or (e) concrete reinforcing bars and rods. Also excluded are free cutting steel (also known as free machining steel) products (*i.e.*, products that contain by weight one or more of the following elements: 0.1 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorous, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium). All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products under investigation are currently classifiable under subheadings 7213.91.3011, 7213.91.3015, 7213.91.3020, 7213.91.3093; 7213.91.4500, 7213.91.6000, 7213.99.0030, 7227.20.0030, 7227.20.0080, 7227.90.6010, 7227.90.6020, 7227.90.6030, and 7227.90.6035 of the HTSUS. Products entered under subheadings 7213.99.0090 and 7227.90.6090 of the HTSUS also may be included in this scope if they meet the physical description of subject merchandise above. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

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COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (“PRA”), this notice announces that the Information Collection Request (“ICR”) abstracted below has been forwarded to

the Office of Management and Budget (“OMB”) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before December 28, 2017.

ADDRESSES: Comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, may be submitted directly to the Office of Information and Regulatory Affairs (“OIRA”) in OMB, within 30 days of the notice’s publication, by either of the following methods. Please identify the comments by OMB Control No. 3038-0091.

- *By email addressed to:* OIRASubmissions@omb.eop.gov or
- *By mail addressed to:* The Office of Information and Regulatory Affairs, Office of Management and Budget, Attention Desk Officer for the Commodity Futures Trading Commission, 725 17th Street NW., Washington, DC 20503.

A copy of all comments submitted to OIRA should be sent to the Commodity Futures Trading Commission (the “Commission”) by either of the following methods. The copies should refer to “OMB Control No. 3038-0062.”

- *By mail addressed to:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581;
- *By Hand Delivery/Courier to the same address; or*
- *Through the Commission’s Web site at <http://comments.cftc.gov>. Please follow the instructions for submitting comments through the Web site.*

A copy of the supporting statements for the collection of information discussed herein may be obtained by visiting <http://RegInfo.gov>.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <http://www.cftc.gov>. You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission’s regulations. The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from

<http://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT:

Lauren Bennett, Special Counsel, 202-418-5290, email: lbennett@cftc.gov, Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission and refer to OMB Control No. 3038-0062.

SUPPLEMENTARY INFORMATION:

Title: Off-Exchange Foreign Currency Transactions (OMB Control No. 3038-0062). This is a request for an extension of a currently approved information collection.

Abstract: Part 5 of the Commission’s regulations under the CEA establishes rules applicable to retail foreign exchange dealers (“RFEDs”), futures commission merchants (“FCMs”), introducing brokers (“IBs”), commodity trading advisors (“CTAs”), and commodity pool operators (“CPOs”) engaged in the offer and sale of off-exchange forex contracts to retail customers. Specifically:

- *Regulation 5.5* requires RFEDs, FCMs, and IBs to distribute risk disclosure statements to new retail forex customers.
- *Regulation 5.6* requires RFEDs and FCMs to report any failures to maintain the minimum capital required by Commission regulations.
- *Regulation 5.8* requires RFEDs and FCMs to calculate their total retail forex obligation.
- *Regulation 5.10* requires RFEDs to maintain and preserve certain risk assessment documentation.
- *Regulation 5.11(a)(1)* requires RFEDs to submit certain risk assessment documentation to the Commission within 60 days of the effective date of their registration.
- *Regulation 5.11(a)(2)* requires RFEDs to submit certain financial documentation to the Commission within 105 calendar days of the end of each fiscal year. RFEDs must also submit additional information, if requested, regarding affiliates’ financial impact on an RFED’s organizational structure.
- *Regulation 5.12(a)* requires RFED applicants to submit a Form 1-FR-FCM concurrently with their registration application.