

Merchandise covered by the order is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7317.00.55.02, 7317.00.55.03, 7317.00.55.05, 7317.00.55.07, 7317.00.55.08, 7317.00.55.11, 7317.00.55.18, 7317.00.55.19, 7317.00.55.20, 7317.00.55.30, 7317.00.55.40, 7317.00.55.50, 7317.00.55.60, 7317.00.55.70, 7317.00.55.80, 7317.00.55.90, 7317.00.65.30, 7317.00.65.60 and 7317.00.75.00. Nails subject to this order also may be classified under HTSUS subheadings 7907.00.60.00, 8206.00.00.00 or other HTSUS subheadings. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.⁶

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum. The Issues and Decision Memorandum is a public document and is on file electronically via the Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. A list of topics discussed in the Issues and Decision Memorandum is included as an appendix to this notice. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at <http://enforcement.trade.gov/frn>. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(b) of the Act, Commerce determines that revocation of the CVD order on nails from Vietnam would be likely to lead to continuation or recurrence of countervailable subsidies at the following rates:

Manufacturers/producers/exporters	Net countervailable subsidy (percent)
Region Industries Co., Ltd	288.56

measured from under the head or shoulder to the tip of the point. The shaft length of all other certain steel nails shall be measured overall.

⁶ For a complete description of the scope of the order, see Memorandum, “Issues and Decision Memorandum for the Expedited First Sunset Review of the Countervailing Duty Order on Certain Steel Nails from the Socialist Republic of Vietnam,” dated concurrently with, and hereby adopted by this notice (Issues and Decision Memorandum).

Manufacturers/producers/exporters	Net countervailable subsidy (percent)
United Nail Products Co. Ltd	313.97
All Others	301.27

Administrative Protective Order (APO)

This notice also serves as the only reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing the final results and this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.218.

Dated: September 29, 2020.

Jeffrey I. Kessler,
Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. History of the Order
- IV. Scope of the Order
- V. Legal Framework
- VI. Discussion of the Issues
 - 1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
 - 2. Net Countervailable Subsidy Rates Likely To Prevail
 - 3. Nature of the Subsidies
- VII. Final Results of Sunset Review
- VIII. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–883]

Certain Hot-Rolled Steel Flat Products From the Republic of Korea: Final Results of Antidumping Duty Administrative Review and Rescission of Administrative Review, in Part; 2017–2018

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

SUMMARY: The Department of Commerce (Commerce) determines that the producer/exporter individually examined in this administrative review made sales of certain hot-rolled steel flat products (hot-rolled steel) from the Republic of Korea (Korea) at less than normal value during the period of review October 1, 2017 through September 30, 2018.

DATES: Applicable October 6, 2020.

FOR FURTHER INFORMATION CONTACT: Genevieve Coen, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3251.

SUPPLEMENTARY INFORMATION:

Background

This review covers two producers and/or exporters of the subject merchandise. Commerce selected one mandatory respondent for individual examination: Hyundai Steel Company (Hyundai). We are rescinding the review for the remaining producer/exporter which was not selected for individual examination, POSCO and POSCO Daewoo Corporation (collectively, POSCO). For further discussion, see the “Rescission of Review as to POSCO” section of this notice.

On December 16, 2019, Commerce published the *Preliminary Results*.¹ On January 30, 2020, the petitioners² and Hyundai each timely filed a case brief.³ The petitioners and Hyundai each timely filed a rebuttal brief on February 13, 2020.⁴

On March 12, 2020, Commerce fully extended the deadline for the final results of this review to June 12, 2020.⁵

¹ See *Certain Hot-Rolled Steel Flat Products from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2017–2018*, 84 FR 68407 (December 16, 2019) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum.

² The petitioners are ArcelorMittal USA, LLC; AK Steel Corporation; Nucor Corporation; Steel Dynamics, Inc.; SSAB Enterprises, LLC; and United States Steel Corporation.

³ See Petitioners’ Letter, “Petitioners’ Case Brief Regarding Hyundai Steel,” dated January 30, 2020; and Hyundai’s Letter, “Certain Hot-Rolled Steel Flat Products from the Republic of Korea, 2017–2018, Case No. A–580–883: Hyundai Steel’s Case Brief,” dated January 30, 2020.

⁴ See Petitioners’ Letter, “Petitioners’ Rebuttal Brief,” dated February 13, 2020; and Hyundai’s Letter, “Certain Hot-Rolled Steel Flat Products from the Republic of Korea, 2017–2018, Case No. A–580–883: Hyundai Steel’s Rebuttal Brief,” dated February 13, 2020.

⁵ See Memorandum, “Certain Hot-Rolled Steel Flat Products from the Republic of Korea: Extension of Deadline for Final Results of Antidumping Duty Administrative Review, 2017–2018,” dated March 12, 2020.

On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days.⁶ On July 21, 2020, Commerce tolled all deadlines in administrative reviews by an additional 60 days.⁷ The deadline for the final results of this review is now September 30, 2020. Commerce conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise subject to the order is certain hot-rolled steel flat products.⁸ For a full description of the scope of this order, see the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised by the parties in their case and rebuttal briefs are listed in the appendix to this notice and are addressed in the Issues and Decision Memorandum. The Issues and Decision Memorandum is a public document and is on-file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/index.html>. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

In the *Preliminary Results*, we determined that POSCO had “no shipments” of subject merchandise. Further, we assigned a weighted-average dumping margin to POSCO in error in the *Preliminary Results*. For these final results, we are rescinding this review with respect to POSCO because we find that, although POSCO had a shipment of subject merchandise during the POR, POSCO did not have a reviewable sale during the POR. As a result, we are not assigning POSCO a weighted-average

⁶ See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID-19,” dated April 24, 2020.

⁷ See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,” dated July 21, 2020.

⁸ For a complete description of the scope of the order, see Memorandum, “Issues and Decision Memorandum for the Final Results of the 2017–2018 Antidumping Duty Administrative Review of Certain Hot-Rolled Steel Flat Products from the Republic of Korea, and Rescission of Administrative Review, in Part” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

dumping margin in these final results of review.

Additionally, with respect to Hyundai, we made changes to the margin program to eliminate the inadvertent double counting of costs in the *Preliminary Results*. For discussion of these changes, see the Issues and Decision Memorandum.

Rescission of Review as to POSCO

As noted in the *Preliminary Results*, we received a claim of “no reviewable entries, exports or sales” from POSCO.⁹ In the *Preliminary Results*, we preliminarily determined that POSCO had no shipments during the POR. The petitioners and POSCO commented on our preliminary determination of no shipments with respect to POSCO.¹⁰ For these final results, we find that POSCO had no reviewable sales during this POR, and thus we are rescinding our review with respect to POSCO for these final results. For further discussion, see Section V in the Issues and Decision Memorandum.

Final Results of the Review

We are assigning the following weighted-average dumping margin to the firm listed below for the POR October 1, 2017 through September 30, 2018:

Exporter/producer	Weighted-average dumping margin (percent)
Hyundai Steel Company	0.89

Disclosure

We will disclose to interested parties the calculations performed in connection with these final results within five days of the publication of this notice, consistent with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act, and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all

⁹ See POSCO’s Letters, “Hot-Rolled Steel from the Republic of Korea, Case No. A–580–883: Comments on CBP Entry Documents,” dated February 18, 2020; and “Certain Hot-Rolled Steel Flat Products from South Korea, Case No. A–580–883: No Shipment Letter,” dated January 10, 2019.

¹⁰ See Petitioners’ Letter, “Hot-Rolled Steel Flat Product from the Republic of Korea—Petitioner’s Comments on U.S. Customs and Border Production Entry Documents,” dated February 18, 2020; and POSCO’s Letter, “Hot-Rolled Steel from the Republic of Korea, Case No. A–580–883: Comments on CBP Entry Documents,” dated February 18, 2020.

appropriate entries of subject merchandise in accordance with the final results of this review.

For Hyundai, because its weighted-average dumping margin is not zero or *de minimis* (i.e., less than 0.5 percent), Commerce has calculated importer-specific antidumping duty assessment rates. We calculated importer-specific antidumping duty assessment rates by aggregating the total amount of dumping calculated for the examined sales of each importer and dividing each of these amounts by the total sales value associated with those sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review where an importer-specific assessment rate is not zero or *de minimis*. Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the importer-specific assessment rate is zero or *de minimis*.

Consistent with Commerce’s assessment practice, for entries of subject merchandise during the POR produced by Hyundai, for which Hyundai did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the others rate if there is no rate for the intermediate company(ies) involved in the transaction.¹¹

Because we are rescinding our review as to POSCO, we will instruct CBP to liquidate merchandise entered, or withdrawn from warehouse, for consumption during the POR at the cash deposit rate required at the time of entry.

Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Hyundai will be the rate shown above; (2) the cash deposit rate for POSCO will remain unchanged from the rate assigned to it in the most recently completed review of that company; (3) for merchandise exported by producers or exporters not

¹¹ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

covered in this administrative review but covered in a prior segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding; (4) if the exporter is not a firm covered in this review, a previous review, or the original less-than-fair-value (LTFV) investigation, but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (5) the cash deposit rate for all other producers or exporters will continue to be 5.55 percent, the all-others rate established in the LTFV investigation.¹² These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as the only reminder to importers of their responsibility, under 19 CFR 351.402(f)(2), to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

In accordance with 19 CFR 351.305(a)(3), this notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the APO, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(5). Note that Commerce has temporarily modified certain of its requirements for serving documents

containing business proprietary information, until further notice.¹³

Dated: September 30, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes Since the Preliminary Results
- V. Rescission of Review as to POSCO
- VI. Discussion of the Issues
 - Comment 1: Whether and How a Cost-Based Particular Market Situation (PMS) Exists
 - Comment 2: Whether Commerce Has the Statutory Authority To Adjust the Cost of Production
 - Comment 3: Calculating the PMS Adjustment
 - Comment 4: Steel Quality Code "43"
 - Comment 5: Hyundai Corporation USA's Indirect Selling Expense Ratio
 - Comment 6: Rate Assigned for POSCO
 - Comment 7: Double Deduction of U.S. Packing and Inventory Carrying Costs
- VII. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

SUMMARY: The Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping duty (AD) and countervailing duty (CVD) orders and findings with August anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

DATES: Applicable October 6, 2020.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-4735.

SUPPLEMENTARY INFORMATION:

¹³ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

Background

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various AD and CVD orders and findings with August anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (POR), it must notify Commerce within 30 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at <https://access.trade.gov> in accordance with 19 CFR 351.303.¹ Such submissions are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on Commerce's service list.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the POR. We intend to place the CBP data on the record within five days of publication of the initiation notice and to make our decision regarding respondent selection within 30 days of publication of the initiation **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted within seven days after the placement of the CBP data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments within five days after the deadline for the initial comments.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act, the following guidelines regarding collapsing of companies for purposes of respondent selection will apply. In general, Commerce has found that

¹ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

¹² See *Certain Hot-Rolled Steel Flat Products from the Republic of Korea: Final Determination of Sales at Less Than Fair Value*, 81 FR 53419 (August 12, 2016).