

and the subsequent assessment of double AD duties.

### Notification to Interested Parties

We are issuing and publishing the preliminary results of this administrative review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213 and 19 CFR 351.221(b)(4).

Dated: August 28, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2023–19021 Filed 9–1–23; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C–580–884]

#### Certain Hot-Rolled Steel Flat Products From the Republic of Korea: Notice of Court Decision Not in Harmony With the Results of Countervailing Duty Administrative Review; Notice of Amended Final Results

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

**SUMMARY:** On August 21, 2023, the U.S. Court of International Trade (CIT) issued its final judgment in *Hyundai Steel Company v. United States*, Court No. 21–00536, sustaining the U.S. Department of Commerce (Commerce)’s remand results pertaining to the administrative review of the countervailing duty (CVD) order on certain hot-rolled steel flat products (HRS) from the Republic of Korea (Korea) covering the period January 1, 2018, through December 31, 2018. Commerce is notifying the public that the CIT’s final judgement is not in harmony with Commerce’s final results of the administrative review, and that Commerce is amending the final results with respect to the countervailable subsidy rate assigned to Hyundai Steel Company (Hyundai Steel).

**DATES:** Applicable August 31, 2023.

**FOR FURTHER INFORMATION CONTACT:** Nathan James, 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) 482–5305.

#### SUPPLEMENTARY INFORMATION:

#### Background

On August 26, 2021, Commerce published its *Final Results* of the 2018 CVD administrative review of HRS from

Korea.<sup>1</sup> Commerce determined that Hyundai Steel received countervailable subsidies from the Government of Korea (GOK) under various programs, including the Reduction for Sewerage Fees program and the Provision of Port Usage Rights at the Port of Incheon program.<sup>2</sup> With respect to the sewerage fees program, we found that Hyundai Steel’s reduced sewerage bill reflected revenue forgone, and we calculated a 0.01 percent *ad valorem* subsidy rate for the program.<sup>3</sup> With respect to the Port of Incheon program, we found that Hyundai Steel received a financial contribution in the form of revenue forgone, because the GOK gave Hyundai Steel the right to collect berthing income and harbor facility usage fees which otherwise would have been collected by the GOK.<sup>4</sup>

Hyundai Steel appealed Commerce’s *Final Results*. On February 10, 2023, the CIT remanded Commerce’s determination that the Port of Incheon program conferred a benefit; the CIT also, at Commerce’s request, remanded Commerce’s determination related to the sewerage fees program.<sup>5</sup>

In its final remand redetermination, issued in April 2023, Commerce reexamined the Reduction for Sewerage Fees program and determined that the program was not countervailable. We also provided further explanation for our determination that the Port of Incheon program should be analyzed as a revenue forgone subsidy program and that it conferred a benefit. We adjusted the final subsidy rate calculation from the previous rate of 0.51 percent for Hyundai Steel to a new subsidy rate of 0.50 percent.<sup>6</sup> The CIT sustained Commerce’s final results of redetermination.<sup>7</sup>

<sup>1</sup> See *Certain Hot-Rolled Steel Flat Products from the Republic of Korea: Final Results of Countervailing Duty Administrative Review; 2018*, 86 FR 47621 (August 26, 2021) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

<sup>2</sup> See *Final Results* IDM at Comments 2 and 3.

<sup>3</sup> *Id.* at 7 and Comment 3.

<sup>4</sup> *Id.* at 7 and Comment 2.

<sup>5</sup> See *Hyundai Steel Company v. United States*, Court No. 21–00536, Slip Op. 23–15 (CIT 2023).

<sup>6</sup> See *Final Results of Redetermination Pursuant to Court Remand, Hyundai Steel Company v. United States*, Court No. 21–00536, Slip Op. 23–15 (CIT February 10, 2023), dated April 7, 2023, available at <https://access.trade.gov/resources/remands/23-15.pdf>.

<sup>7</sup> See *Hyundai Steel Company v. United States*, Court No. 21–00536, Slip. Op. 23–121, at 13.

### Timken Notice

In its decision in *Timken*,<sup>8</sup> as clarified by *Diamond Sawblades*,<sup>9</sup> the U.S. Court of Appeals for the Federal Circuit held that, pursuant to sections 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not “in harmony” with a Commerce determination and must suspend liquidation of entries pending a “conclusive” court decision. The CIT’s August 21, 2023, judgment constitutes a final decision of the CIT that is not in harmony with Commerce’s *Final Results*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

### Amended Final Results

Because there is now a final court judgment, Commerce is amending its *Final Results* with respect to the subsidy rate assigned to Hyundai Steel as follows:

| Company                                 | Subsidy rate (percent <i>ad valorem</i> ) |
|---|---|
| Hyundai Steel Company <sup>10</sup> ... | 0.50                                      |

### Cash Deposit Requirements

Because Hyundai Steel has a superseding cash deposit rate, *i.e.*, there have been final results published in a subsequent administrative review, we will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP). This notice will not affect the current cash deposit rate for Hyundai Steel.

### Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that: were produced and/or exported by Hyundai Steel Co., Ltd., (a/k/a Hyundai Steel Company or Hyundai Steel), and were entered, or withdrawn from warehouse, for consumption during the period January 1, 2018, through December 31, 2018. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event the CIT’s ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess countervailing duties on unliquidated entries of subject

<sup>8</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>9</sup> See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

<sup>10</sup> This company is also known as Hyundai Steel Co., Ltd.

merchandise produced and/or exported by Hyundai Steel in accordance with 19 CFR 351.212(b). We will instruct CBP to assess countervailing duties on all appropriate entries covered by this review when the *ad valorem* rate is not zero or *de minimis*. Where an *ad valorem* subsidy rate is zero or *de minimis*,<sup>11</sup> we will instruct CBP to liquidate the appropriate entries without regard to countervailing duties.

**Notification to Interested Parties**

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: August 29, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2023–19042 Filed 9–1–23; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A–570–044]

**1,1,1,2-Tetrafluoroethane (R–134a) From the People’s Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2021–2022**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that 1,1,1,2-Tetrafluoroethane (R–134a) from the People’s Republic of China (China) was sold in the United States at less than normal value during the period of review (POR), April 1, 2021, through March 31, 2022. In addition, Commerce determines that certain companies had no shipments during the POR or did not establish their eligibility for a separate rate.

**DATES:** Applicable September 5, 2023.

**FOR FURTHER INFORMATION CONTACT:** Patrick Barton or David Lindgren, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0012 or (202) 482–1671, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 3, 2023, Commerce published the *Preliminary Results* of this review in the **Federal Register** and invited interested parties to comment on those results.<sup>1</sup> For a summary of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.<sup>2</sup> Commerce conducted this administrative review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

**Scope of the Order**<sup>3</sup>

The merchandise covered by the *Order* is R–134a from China. For a complete description of the scope, see the Issues and Decision Memorandum.

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of the issues that parties raised and to which we responded in the Issues and Decision Memorandum is attached at Appendix to this notice. 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 <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Final Determination of No Shipments**

In the *Preliminary Results*, we preliminarily found that T.T. International Co., Ltd. (TTI) had no shipments of subject merchandise during the POR. Following the publication of the *Preliminary Results*, we received no comments from interested parties regarding TTI, nor has any party submitted record evidence which would call our preliminary determination of no shipments into question. Therefore, for the final results, we continue to find that TTI had no shipments of subject merchandise during the POR. Accordingly, we will issue appropriate instructions that are consistent with our “automatic assessment” clarification for TTI.<sup>4</sup>

**The China-Wide Entity**

Aside from the company for which we made a final no-shipment determination, Commerce considers all other companies for which a review was requested, and which did not demonstrate separate rate eligibility, to be part of the China-wide entity. Specifically, because Zhejiang Quhua Fluor-Chemistry Co., Ltd. (Zhejiang Quhua) did not establish its eligibility for a separate rate in this administrative review, we consider Zhejiang Quhua to be part of the China-wide entity. Because no party requested a review of the China-wide entity, and Commerce no longer considers the China-wide entity as an exporter conditionally subject to administrative reviews,<sup>5</sup> we did not conduct a review of the China-wide entity. Thus, the weighted-average dumping margin for the China-wide entity rate (*i.e.*, 167.02 percent) is not subject to change.<sup>6</sup>

**Final Results of Review**

Commerce determines that the following weighted-average dumping margin exists for the period April 1, 2021, through March 31, 2022:

| Exporter   | Weighted-average dumping margin (percent) |
|--|---|
| Zhejiang Sanmei Chemical Ind. Co., Ltd./Jiangsu Sanmei Chemical Ind. Co., Ltd./Fujian Qingliu Dongying Chemical Ind. Co. Ltd ..... | 147.08                                    |

<sup>11</sup> See 19 CFR 351.106(c)(2).

<sup>1</sup> See *1,1,1,2-Tetrafluoroethane (R–134a) from the People’s Republic of China: Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission, and Preliminary Determination of No Shipments; 2021–2022*, 88 FR 27861 (May 3, 2023) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See Memorandum, “Decision Memorandum for the Final Results of Antidumping Duty

Administrative Review: 1,1,1,2-Tetrafluoroethane (R–134a) from the People’s Republic of China; 2021–2022,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>3</sup> See *1,1,1,2-Tetrafluoroethane (R–134a) from the People’s Republic of China: Antidumping Duty Order*, 82 FR 18422 (April 19, 2017) (*Order*).

<sup>4</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76

FR 65694 (October 24, 2011) (*Assessment Practice Refinement*); see also “Assessment Rates” section, below.

<sup>5</sup> See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963, 65969–70 (November 4, 2013).

<sup>6</sup> See *Order*, 82 FR at 18423.