

for the intermediate company(ies) involved in the transaction.<sup>15</sup>

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**.<sup>16</sup> If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

### 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The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) the cash deposit rates for the companies listed in these final results will be equal to the weighted-average dumping margins established in the final results of this review; (2) for merchandise exported by producers or exporters not covered in this 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 in which the company was reviewed; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the producer is, 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 (4) the cash deposit rate for all other producers or exporters will continue to be 5.24 percent,<sup>17</sup> the all-others rate established in the LTFV investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing

duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of countervailing duties.

### Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), 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 sanctionable violation.

### Notification to Interested Parties

This administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h) and 19 CFR 351.221(b)(5).

Dated: April 2, 2024.

### Ryan Majerus,

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

### Appendix I

#### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Final Determination of No Shipments
- V. Changes Since the *Preliminary Results*
- VI. Rate for Non-Examined Companies
- VII. Discussion of the Issues
  - Comment 1: Constructed Value (CV) Profit and Selling Expenses
  - Comment 2: CV Profit Cap
  - Comment 3: Constructed Export Price (CEP) Offset
  - Comment 4: Differential Pricing Analysis
  - Comment 5: Inconsistencies in the "Region" Parameters for Differential Pricing Analysis
- VIII. Recommendation

### Appendix II

#### List of Companies Not Individually Examined

1. AJU Besteel Co., Ltd.
2. Dong-A Steel Co., Ltd.
3. Husteel Co., Ltd.
4. ILJIN Steel Corporation
5. K Steel Corporation

6. Keonwoo Metals Co., Ltd.
7. Kukje Steel
8. MSTEEL Co., Ltd.
9. NEXTEEL Co., Ltd.
10. Nissei Trading Co., Ltd.
11. POSCO International Corporation
12. Sungwon Steel Co., Ltd.
13. TGS Pipe

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-160, A-533-922, C-570-161, C-533-923]

### Notice of Extension of the Deadline for Determining the Adequacy of the Antidumping and Countervailing Duty Petitions: 2,4-Dichlorophenoxyacetic Acid From the People's Republic of China and India

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

**DATES:** Applicable April 3, 2024.

**FOR FURTHER INFORMATION CONTACT:** Alex Villanueva, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3208.

### Extension of Initiation of Investigations

#### The Petitions

On March 14, 2024, the U.S. Department of Commerce (Commerce) received antidumping and countervailing duty petitions on imports of 2,4-dichlorophenoxyacetic acid (2,4-D) from the People's Republic of China and India, filed by Corteva Agriscience LLC (the petitioner) on behalf of the domestic industry producing 2,4-D.<sup>1</sup>

#### Determination of Industry Support for the Petitions

Sections 702(b)(1) and 732(b)(1) of the Tariff Act of 1930, as amended (the Act), require that a petition be filed by or on behalf of the domestic industry. To determine that the petition has been filed by or on behalf of the industry, sections 702(c)(4)(A) and 732(c)(4)(A) of the Act require that the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the

<sup>1</sup> See Petitioner's Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties: 2,4-Dichlorophenoxyacetic Acid ("2,4-D") from the People's Republic of China and India," dated March 14, 2024 (the Petitions).

59604 (August 30, 2016) (*OCTG Korea Timken Notice*).

<sup>15</sup> For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

<sup>16</sup> See *Notice of Discontinuation Policy to Issue Liquidation Instructions After 15 Days in Applicable Antidumping and Countervailing Duty Administrative Proceedings*, 86 FR 3995 (January 15, 2021).

<sup>17</sup> See *OCTG Korea Timken Notice*, 81 FR at 59604.

domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, sections 702(c)(4)(D) and 732(c)(4)(D) of the Act provide that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) if there is a large number of producers, determine industry support using a statistically valid sampling method to poll the industry.

#### *Extension of Time*

Sections 702(c)(1)(A) and 732(c)(1)(A) of the Act provide that within 20 days of the filing of an antidumping or countervailing duty petition, Commerce will determine, *inter alia*, whether the petition has been filed by or on behalf of the U.S. industry producing the domestic like product. Sections 702(c)(1)(B) and 732(c)(1)(B) of the Act provide that the deadline for the initiation determination, in exceptional circumstances, may be extended by 20 days in any case in which Commerce must “poll or otherwise determine support for the petition by the industry.” Because it is not clear from the Petitions whether the industry support criteria have been met, Commerce has determined it should extend the time period for determining whether to initiate the investigations in order to further examine the issue of industry support.

Commerce will need additional time to gather and analyze additional information regarding industry support. Therefore, it is necessary to extend the deadline for determining the adequacy of the Petitions for a period not to exceed 40 days from the filing of the Petitions. As a result, Commerce’s initiation determination will now be due no later than April 23, 2024.

#### *International Trade Commission Notification*

Commerce will contact the U.S. International Trade Commission (ITC) and will make this extension notice available to the ITC.

Dated: April 3, 2024.

#### **James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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**BILLING CODE 3510-DS-P**

## **DEPARTMENT OF COMMERCE**

### **International Trade Administration**

[A-588-874]

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

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

**SUMMARY:** On March 26, 2024, the U.S. Court of International Trade (CIT) issued its final judgment in *Optima Steel International, LLC v. United States*, Court No. 1:23-cv-00108 (CIT March 26, 2024), sustaining the U.S. Department of Commerce’s (Commerce) final remand results pertaining to the antidumping duty administrative review on certain hot-rolled steel flat products from Japan, covering the period of review (POR) October 1, 2020, through September 30, 2021. Commerce is notifying the public that the CIT’s final judgment is not in harmony with the final results of the administrative review, and that Commerce is amending its final results.

**DATES:** Applicable April 6, 2024.

**FOR FURTHER INFORMATION CONTACT:** Myrna Lobo, 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) 482-2371.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On November 29, 2021, Commerce initiated an administrative review with respect to two producers/exporters of subject merchandise, Nippon Steel Corporation/Nippon Steel Nisshin Co., Ltd./Nippon Steel Trading Corporation (collectively, NSC) and Tokyo Steel Manufacturing Co., Ltd. (Tokyo Steel).<sup>1</sup> On February 23, 2022, we selected NSC, the producer/exporter accounting for the largest volume of subject merchandise entered during the POR, as the mandatory respondent.<sup>2</sup> On March 4, 2022, Tokyo Steel requested that Commerce reconsider the respondent selection and treat Tokyo Steel as a

voluntary respondent.<sup>3</sup> Thereafter, we issued a memorandum in which we determined that Commerce is unable to individually examine Tokyo Steel as a voluntary respondent in this administrative review.<sup>4</sup> On March 18, 2022, Tokyo Steel submitted its section A questionnaire response as a voluntary respondent.<sup>5</sup> On April 15 and 18, 2022 Tokyo Steel submitted its sections B, C, and D questionnaire responses.<sup>6</sup> On May 4, 2023, Commerce published its final results for the 2020–2021 review.<sup>7</sup>

On August 9, 2023, Optima Steel International LLC (Optima), an importer of Tokyo Steel, challenged Commerce’s *Final Results* for Commerce’s failure to treat Tokyo Steel as a second mandatory respondent. Commerce requested a remand to conduct a review of Tokyo Steel’s entries for the 2020–2021 review period, which the CIT granted on August 11, 2023. On March 12, 2024, Commerce issued its final results of redetermination calculating an estimated weighted-average dumping margin of 5.20 percent for Tokyo Steel.<sup>8</sup> On March 26, 2024, the CIT sustained Commerce’s *Final Redetermination*.<sup>9</sup>

#### **Timken Notice**

In its decision in *Timken*,<sup>10</sup> as clarified by *Diamond Sawblades*,<sup>11</sup> the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision that is not “in harmony” with a Commerce determination and must suspend

<sup>3</sup> See Tokyo Steel’s Letter, “Tokyo Steel’s Request for Reconsideration of Respondent Selection and Request for Voluntary Respondent Treatment in the Alternative; Certain Hot-Rolled Steel Flat Products from Japan,” dated March 4, 2022.

<sup>4</sup> See Memorandum “Respondent Selection for the 2020–2021 Antidumping Duty Administrative Review of Certain Hot-Rolled Steel Flat Products from Japan,” dated April 6, 2022.

<sup>5</sup> See Tokyo Steel’s Letter, “Tokyo Steel’s Section A Questionnaire Response,” dated March 18, 2022.

<sup>6</sup> See Tokyo Steel’s Letters, “Tokyo Steel’s Section B Questionnaire Response,” dated April 15, 2022; “Tokyo Steel’s Section C Questionnaire Response,” dated April 15, 2022; and “Tokyo Steel’s Section D Questionnaire Response,” dated April 18, 2022.

<sup>7</sup> See *Certain Hot-Rolled Steel Flat Products from Japan: Final Results of Antidumping Duty Administrative Review; 2020–2021*, 88 FR 28500 (May 4, 2023) (*Final Results*), and accompanying Issues and Decision Memorandum.

<sup>8</sup> See *Final Results of Redetermination Pursuant to Court Remand, Optima Steel International, LLC v. United States*, Court No. 1:23-cv-00108 (CIT August 11, 2023), dated March 12, 2024 (*Final Redetermination*).

<sup>9</sup> See *Optima Steel International v. United States*, Court No. 1:23-cv-00108 (CIT March 26, 2024).

<sup>10</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>11</sup> See *Diamond Sawblades Mfrs. Coal. v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 67685 (November 29, 2021).

<sup>2</sup> See Memorandum “Respondent Selection for the 2020–2021 Antidumping Duty Administrative Review of Certain Hot-Rolled Steel Flat Products from Japan,” dated February 23, 2022.