

Dated: July 1, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

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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; 2016-2017

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

SUMMARY: The Department of Commerce (Commerce) determines that certain hot-rolled steel flat products (hot-rolled steel) from the Republic of Korea (Korea) were sold in the United States at less than normal value (NV) during the period of review (POR) March 22, 2016 through September 30, 2017.

DATES: Effective July 9, 2019.

FOR FURTHER INFORMATION CONTACT: Benito Ballesteros or Justin Neuman, 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) 482-7425 or (202) 482-0486, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 14, 2018, Commerce published the *Preliminary Results* of this review in the **Federal Register**.¹ Commerce conducted verification of mandatory respondents, Hyundai Steel Company (Hyundai Steel) and POSCO, and certain U.S. affiliates in March and April 2019. In accordance with 19 CFR 351.309, we invited interested parties to comment on the *Preliminary Results*. Between May 21, 2019 and June 10, 2019, Commerce received timely filed case and rebuttal briefs from various interested parties.

On December 21, 2018, Commerce extended the deadline for the final

¹ See *Certain Hot-Rolled Steel Flat Products from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2016-2017*, 83 FR 56821 (November 14, 2018) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

results of this review.² Commerce also exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018 through the resumption of operations on January 29, 2019.³ On June 3, 2019, Commerce again extended the deadline for the final results.⁴ Thus, the deadline for the final results of this administrative review is June 21, 2019.

Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The product covered by this review is hot-rolled steel from Korea. For a full description of the Scope, see the Issues and Decision Memorandum.⁵

Analysis of Comments Received

We addressed all issues raised in the case and rebuttal briefs in the Issues and Decision Memorandum, which is hereby adopted by this notice. The issues are identified in the 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> and in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at <http://enforcement.trade.gov/frn/index.html>. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

² See Memorandum, "Certain Hot-Rolled Steel Flat Products from the Republic of Korea: Extension of Deadline for Final Results of Antidumping Duty Administrative Review," dated December 21, 2018.

³ See Memorandum to the Record from 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, "Deadlines Affected by the Partial Shutdown of the Federal Government," dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

⁴ See Memorandum, "Certain Hot-Rolled Steel Flat Products from the Republic of Korea: Extension of Deadline for Final Results of Antidumping Duty Administrative Review," dated June 3, 2019.

⁵ See Memorandum, "Certain Hot-Rolled Steel Flat Products from the Republic of Korea: Issues and Decision Memorandum for the Final Results of the 2016-2017 Antidumping Duty Administrative Review," dated concurrently with this notice (Issues and Decision Memorandum).

Changes Since the Preliminary Results

Based on our review and analysis of the comments received and our findings at verification, we made certain changes to the margin calculations for both Hyundai Steel and POSCO. For a discussion of these changes, see the Issues and Decision Memorandum.

Rate for Non-Examined Companies

The statute and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally "an amount equal to the weighted average of the estimated weighted average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}."

For these final results, we calculated a weighted-average dumping margin that is not zero, *de minimis*, or determined entirely on the basis of facts available for Hyundai Steel and POSCO. Accordingly, Commerce has assigned to the companies not individually examined a margin of 7.78 percent, which is the simple average of Hyundai Steel's and POSCO's calculated weighted-average dumping margins for these final results.⁶

Final Results of Review

Commerce determines that the following weighted-average dumping margins exist for the period March 22, 2016 through September 30, 2017:

⁶ For more information regarding the calculation of this margin, see Memorandum, "Calculation of the Margin for Non-Examined Companies," dated June 21, 2019. Because we cannot apply our normal methodology of calculating a weighted-average margin due to requests to protect business proprietary information, we find this rate to be the best proxy of the actual weighted-average margin determined for the individually-examined respondents.

Producer or exporter	Final dumping margins (percent)
Hyundai Steel Company	5.44
POSCO/POSCO Daewoo Co., Ltd ⁷	10.11
Non-examined companies ⁸	7.78

Disclosure

We intend to disclose the calculations performed for these final results of review within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rate

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of this review in the **Federal Register**.

Where the respondent reported reliable entered values, we calculated importer- (or customer-) specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to each importer (or customer) and dividing this amount by the total entered value of the sales to each importer (or customer).⁹ Where Commerce calculated a weighted-average dumping margin by dividing the total amount of dumping for reviewed sales to that party by the total sales quantity associated with those transactions, Commerce will direct CBP to assess importer- (or customer-) specific assessment rates based on the resulting per-unit rates.¹⁰ Where an importer- (or customer-) specific *ad valorem* or per-unit rate is greater than *de minimis* (i.e., 0.50 percent), Commerce will instruct CBP to collect the appropriate duties at the time of liquidation.¹¹ Where an importer- (or customer-) specific *ad valorem* or per-unit rate is zero or *de minimis*, Commerce will instruct CBP to liquidate

appropriate entries without regard to antidumping duties.¹²

For the companies which were not selected for individual review, we will assign an assessment rate based on the methodology described in the “Rates for Non-Examined Companies” section, above.

Consistent with Commerce’s assessment practice, for entries of subject merchandise during the POR produced by Hyundai Steel and POSCO, or the non-examined companies for which the producer did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.¹³

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the companies listed in these final results will be equal to the weighted-average dumping margin 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 the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which they were reviewed; (3) if the exporter is not a firm covered in this review or the original less-than-fair-value (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 5.55 percent,¹⁴ 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 duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

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

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h) and 351.221(b)(5) of Commerce’s regulations.

Dated: June 21, 2019.

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. Discussion of the Issues
 - Comment 1: Usability of Hyundai Steel’s Cost Database
 - Comment 2: Whether Hyundai Steel is Affiliated With Certain Home Market Customers
 - Comment 3: Application of Adverse Facts Available (AFA) for Hyundai Steel
 - Comment 4: Hyundai Steel’s Sales Under Temporary Import Bond (TIB)
 - Comment 5: Hyundai Steel’s Overrun Sales
 - Comment 6: Hyundai Steel Gross Unit Price Variables
 - Comment 7: Hyundai Steel Late Payment Fees
 - Comment 8: Whether POSAM’s Indirect Selling Expense Ratio Should be Revised
 - Comment 9: Whether Commerce Should Correct Errors Made in the Preliminary Results
 - Comment 10: Whether POSCO Incorrectly Included Freight Revenues in the Gross Unit Price for UPI’s Sales

⁷ In the *Preliminary Results*, Commerce collapsed POSCO and POSCO Daewoo Corporation (PDW). See *Preliminary Results*, and accompanying PDM. As no interested parties commented on the preliminary affiliation finding, Commerce will continue to treat these two companies as a single entity for the final results.

⁸ The non-examined companies subject to this review are: Daewoo International Corp.; Dongbu Steel Co., Ltd.; Dongkuk Industries Co., Ltd.; Marubeni-Itochu Steel Korea; Soon Hong Trading Co.; and Sungjin Co.

⁹ See 19 CFR 351.212(b)(1).

¹⁰ *Id.*

¹¹ *Id.*

¹² See 19 CFR 351.106(c)(2).

¹³ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

¹⁴ See *Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, the Republic of Korea, the Netherlands, the Republic of Turkey, and the United Kingdom: Amended Final Affirmative Antidumping Determinations for Australia, the Republic of Korea, and the Republic of Turkey and Antidumping Duty Orders*, 81 FR 67962 (October 3, 2016).

- Comment 11: Whether Commerce Should Apply Partial AFA to POSCO's U.S. Inventory Carrying Costs
- Comment 12: Whether Commerce Should Revise UPI's Further Manufacturing G&A Expense Ratio
- Comment 13: Whether Commerce Should Revise UPI's G&A and INTEX Ratio Denominators
- Comment 14: Whether Commerce Should Revise the Further Manufacturing Cost of UPI's Non-Prime Products
- Comment 15: Whether Commerce Should Revise UPI's U.S. Brokerage and Handling Expenses
- Comment 16: Whether POSCO/UIP Should Receive a CEP Offset
- Comment 17: POSCO's CONNUM-Specific Costs Reporting and Whether to Smooth Cost
- Comment 18: Whether Commerce Should Apply the Quarterly Cost Methodology to POSCO

VI. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-875]

Non-Malleable Cast Iron Pipe Fittings From the People's Republic of China: Continuation of Antidumping Duty Order

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

SUMMARY: As a result of the determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC) that revocation of the antidumping duty (AD) order on non-malleable cast iron pipe fittings (NMPF) from the People's Republic of China (China) would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, Commerce is publishing a notice of continuation of the AD order.

DATES: Applicable July 9, 2019.

FOR FURTHER INFORMATION CONTACT: Ariela Garvett, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3609.

SUPPLEMENTARY INFORMATION:

Background

On April 7, 2003, Commerce published the notice of the AD order on NMPF from China.¹ On January 2, 2019,

¹ See *Notice of Antidumping Duty Order: Non-Malleable Cast Iron Pipe Fittings from the People's*

the ITC instituted its review of the *Order*.² On February 5, 2019, Commerce published the initiation of the third sunset review of the *Order*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).³ Commerce received a timely notice of intent to participate in this review from Anvil International, LLC and Ward Manufacturing LLC (collectively, the petitioners), a domestic interested party, within the deadline specified in 19 CFR 351.218(d)(1)(i).⁴ On March 7, 2019, Commerce received a complete and adequate substantive response from the petitioners within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).⁵ Commerce received no substantive responses from respondent interested parties. Pursuant to section 751(c)(3)(B) of the Act, Commerce conducted an expedited (120-day) sunset review of the *Order*.⁶ On May 10, 2019, the ITC published its notice to conduct an expedited five-year review of the *Order*.⁷

As a result of its review, Commerce determined, pursuant to section 751(c)(1) of the Act, that revocation of the *Order* on NMPF from China would likely lead to continuation or recurrence of dumping. Commerce, therefore, notified the ITC of the magnitude of the margin of dumping rates likely to prevail should this *Order* be revoked.⁸

On July 1, 2019, the ITC published its determination that revocation of the *Order* would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time, pursuant to section 751(c) of the Act.⁹

Republic of China, 68 FR 16765 (April 7, 2003) (*Order*).

² See *Non-Malleable Cast Iron Pipe Fittings from the People's Republic of China; Institution of Five-Year Review*, 84 FR 14 (January 2, 2019).

³ See *Initiation of Five-Year (Sunset) Reviews*, 84 FR 1705 (February 5, 2019).

⁴ See Petitioners' Letter, "Non-Malleable Cast Iron Pipe Fittings from the People's Republic of China," dated February 5, 2019.

⁵ See Petitioners' Letter, "Non-Malleable Cast Iron Pipe Fittings from the People's Republic of China, Third Review: Substantive Response to Notice of Initiation," dated March 7, 2019.

⁶ See *Non-Malleable Cast Iron Pipe Fittings from the People's Republic of China: Final Results of Expedited Third Sunset Review of Antidumping Duty Order*, 84 FR 27088 (June 11, 2019) and accompanying Issues and Decision Memorandum (Issues and Decision Memorandum).

⁷ See *Non-Malleable Cast Iron Pipe Fittings from the People's Republic of China; Scheduling of an Expedited Five-Year Review*, 84 FR 20659 (May 10, 2019).

⁸ See Issues and Decision Memorandum.

⁹ See *Non-Malleable Cast Iron Pipe Fittings from China; Determination*, 84 FR 31349 (July 1, 2019); see also *Non-Malleable Cast Iron Pipe Fittings from China: Investigation No. 731-TA-990 (Third Review)*, USITC Publication 4915 (June 2019).

Scope of the Order

The products covered by the *Order* are finished and unfinished non-malleable cast iron pipe fittings with an inside diameter ranging from 1/4 inch to 6 inches, whether threaded or unthreaded, regardless of industry or proprietary specifications. The subject fittings include elbows, ells, tees, crosses, and reducers as well as flanged fittings. These pipe fittings are also known as "cast iron pipe fittings" or "gray iron pipe fittings." These cast iron pipe fittings are normally produced to ASTM A-126 and ASME B.16.4 specifications and are threaded to ASME B1.20.1 specifications. Most building codes require that these products are Underwriters Laboratories (UL) certified. The scope does not include cast iron soil pipe fittings or grooved fittings or grooved couplings.

Fittings that are made out of ductile iron that have the same physical characteristics as the gray or cast iron fittings subject to the scope above or which have the same physical characteristics and are produced to ASME B.16.3, ASME B.16.4, or ASTM A-395 specifications, threaded to ASME B1.20.1 specifications and UL certified, regardless of metallurgical differences between gray and ductile iron, are also included in the scope of the *Order*. These ductile fittings do not include grooved fittings or grooved couplings. Ductile cast iron fittings with mechanical joint ends (MJ), or push on ends (PO), or flanged ends and produced to American Water Works Association (AWWA) specifications AWWA C110 or AWWA C153 are not included.

Imports of covered merchandise are classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 7307.11.00.30, 7307.11.00.60, 7307.19.30.60 and 7307.19.30.85. HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the *Order* is dispositive.¹⁰

Continuation of the Order

As a result of the determinations by Commerce and the ITC that revocation of the *Order* would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of this *Order* on NMPF from China. U.S. Customs and Border Protection will continue to collect AD cash deposits at the rates in effect at the

¹⁰ See *Order*.