The Issues and Decision Memorandum is a public document and is on file electronically via the Enforcement and Compliance Antidumping and Countervailing Duty Centralized Electronic Services 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 at http://enforcement.trade.gov/fm/index.html.

Final Results of Review

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, Commerce determines that revocation of the AD order on potassium permanganate from China would likely lead to continuation or recurrence of dumping, and that the magnitude of margins likely to prevail is up to 128.94 percent.

Administrative Protective Order

This notice serves as the only 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). Timely notification of the return or destruction of APO materials, or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notifications to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.221(c)(5)(iii).

Dated: June 1, 2021.

Christian Marsh,
Acting 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. History of the Order
V. Legal Framework
VI. Discussion of the Issues
1. Likelihood of Continuation or Recurrence of Dumping
2. Magnitude of the Margin of Dumping Likely to Prevail
VII. Final Results of Sunset Review

DEPARTMENT OF COMMERCE
International Trade Administration
[A–583–856]
Certain Corrosion-Resistant Steel Products From Taiwan: Affirmative Final Determination of Circumvention Involving Malaysia

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of certain corrosion-resistant steel products (CORE), completed in Malaysia, using carbon hot-rolled steel (HRS) and/or cold-rolled steel (CRS) flat products (substrate) manufactured in Taiwan, are circumventing the antidumping duty (AD) order on CORE from Taiwan.

DATES: Applicable June 7, 2021.


SUPPLEMENTARY INFORMATION:

Background

On February 18, 2020, Commerce published the Preliminary Determination of circumvention of the Taiwan CORE Order. A summary of events that occurred since Commerce published the Preliminary Determination, as well as a full discussion of the issues raised by parties for this final determination, may be found 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/fm/.

Scope of the Order

The products covered by this order are certain flat-rolled steel products, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished, laminated, or coated with plastics or other non-metallic substances in addition to the metallic coating. For a complete description of the scope of the order, see the Issues and Decision Memorandum.

Scope of the Anti-Circumvention Inquiry

This anti-circumvention inquiry covers CORE completed in Malaysia using: (1) HRS manufactured in Malaysia or other third countries, (2) CRS manufactured in Malaysia using HRS produced in Malaysia or other third countries, or (3) CRS manufactured in other third countries, must certify that the HRS and/or CRS processed into CORE in Malaysia did not originate in Taiwan, as provided for in the certifications attached to this Federal Register notice. Otherwise, their merchandise will be subject to AD requirements.

Methodology

Commerce is conducting this anti-circumvention inquiry in accordance with section 781(b) of the Tariff Act of 1930, as amended (the Act). Because certain interested parties did not cooperate to the best of their abilities in responding to Commerce’s requests for information,

See Certain Corrosion-Resistant Steel Products from Taiwan: Affirmative Preliminary Determination of Circumvention Involving Malaysia, 85 FR 8815 (February 18, 2020) (Preliminary Determination), and accompanying Preliminary Decision Memorandum.

See Certain Corrosion-Resistant Steel Products from India, Italy, the People’s Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders, 81 FR 48390 (July 25, 2016) (Taiwan CORE Order).

information, we continue to base parts of our final determination on the facts available, with adverse inferences pursuant to sections 776(a) and (b) of the Act. The Preliminary Decision Memorandum contains a full description of the methodology. We incorporate by reference this description of the methodology for our final determination.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this inquiry are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to this notice as Appendix I.

Based on our analysis of the comments received from interested parties, we made no revisions to the Preliminary Determination with regard to our analysis under the anti-circumvention factors of section 781(b) of the Act. We have made certain changes to the language in the certifications to provide guidance on who should complete the exporter certification, and to allow importers and exporters to clearly identify the parties involved in the sale(s) involving the export to the United States.

Final Affirmative Determination of Circumvention

We determine that exports to the United States of CORE completed in Malaysia from HRS and/or CRS substrate manufactured in Taiwan are circumventing the Taiwan CORE Order. We therefore find it appropriate to determine that merchandise subject to this inquiry should be considered to be within the scope of the Taiwan CORE Order, and to instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of any entries of CORE completed in Malaysia using HRS and/or CRS substrate manufactured in Taiwan.

Continuation of Suspension of Liquidation

As stated above, Commerce has made an affirmative determination of circumvention of the Taiwan CORE Order by exporters of the United States of CORE completed in Malaysia using Taiwanese-origin HRS and/or CRS substrate. In accordance with 19 CFR 351.225(1)(3), Commerce will direct CBP to continue to suspend liquidation and to require a cash deposit of estimated duties on unliquidated entries of CORE completed in Malaysia using Taiwanese-origin HRS and/or CRS substrate that were entered, or withdrawn from warehouse, for consumption on or after August 12, 2019, the date of initiation of this anti-circumvention inquiry. The suspension of liquidation and cash deposit instructions will remain in effect until further notice.

CORE produced in Malaysia from HRS or CRS substrate that is not of Taiwanese-origin is not subject to this inquiry. However, imports of such merchandise are subject to certification requirements, and cash deposits may be required if the certification requirements are not satisfied. Additionally, CORE completed in Malaysia from HRS and/or CRS from China also has been found to be circumventing the AD/CVD orders on CORE from China and such merchandise is subject to similar certification requirements.

Accordingly, if an importer imports CORE from Malaysia and claims that the CORE was not produced from HRS and/or CRS substrate manufactured in Taiwan, in order not to be subject to AD and/or CVD requirements, the importer and exporter are required to meet the certification and documentation requirements described in Appendices II, III and IV, in order for cash deposits pursuant to the Taiwan CORE Order not to be required. The party that made the sale to the United States should fill out the exporter certification.

In the situation where no certification is provided for an entry, and AD/CVD orders on CORE from China or the AD order on CORE from Taiwan potentially apply to that entry, Commerce intends to instruct CBP to suspend liquidation of the entry and collect cash deposits at the rates applicable to the China CORE Orders (i.e., the AD rate established for the China-wide entity (199.43 percent) and the CVD rate established for all other Chinese producers and/or exporters (39.05 percent)). This is to prevent evasion, given that the rates applicable to the AD/CVD orders on CORE from China are higher than the all-others rate established by the AD order on CORE from Taiwan. In the situation where a certification is provided for the AD/CVD orders on CORE from China (stating that the merchandise was not produced from HRS and/or CRS from China), but no other certification is provided, then Commerce intends to instruct CBP to suspend the entry and collect cash deposits at the AD all-others rate applicable under the AD order on CORE from Taiwan (i.e., 3.66 percent).

Further, for this final determination, we continue to determine that the following non-responsive companies are not eligible for the certification process:

- Hsin Kuang Steel Co Ltd; FIW Steel Sdn Bhd; NS BlueScope Malaysia Sdn Bhd; and YKGi/Yung Kong Galv. Ind/Starshine Holdings Sdn Bhd/ASTEEL Sdn Bhd (collectively, non-responsive companies).

Accordingly, importers of CORE from Malaysia produced and/or exported by these ineligible companies are similarly ineligible for the certification process with regard to their imports of CORE produced by or sourced from these companies. Additionally, exporters are not eligible to certify shipments of merchandise produced by the above-listed companies. Accordingly, CBP shall suspend the entry and collect cash deposits for entries of merchandise produced and/or exported by non-responsive companies at the AD rate established for the China-wide entity (199.43 percent) and the CVD rate established for all other Chinese producers and/or exporters (39.05 percent) pursuant to the China CORE Orders.

Notification Regarding Administrative Protective Order

This notice will serve as the only reminder to all parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance

---

6 We made certain adjustments to our calculations with respect to certain prongs of the analysis for CSC Steel Sdn. Bhd. (CSCM), a cooperative mandatory respondent in this inquiry, based on revisions provided in a post-preliminary response from the respondent. See Memorandum, “Anti-Circumvention Inquiry of the Antidumping Duty Order of Certain Corrosion-Resistant Steel Products from Taiwan: China Steel Sdn. Bhd.—Final Analysis Memorandum,” dated concurrently with this memorandum (CSCM Final Analysis Memorandum). However, we note that as the updated information does not result in material changes to the calculations from the Preliminary Determination, the conclusions of the analysis from the Preliminary Determination remain unchanged. See Issues and Decision Memorandum.


8 See Certain Corrosion-Resistant Steel Flat Products from India, Italy, the People’s Republic of China, the Republic of Korea, and Taiwan: Amended Final Affirmative Antidumping Duty Determination for India and Taiwan, and Final Antidumping Duty Orders, 81 FR 48390 (July 25, 2016); see also Certain Corrosion-Resistant Steel Products from India, Italy, Republic of Korea, and the People’s Republic of China: Countervailing Duty Order, 81 FR 48387 (July 25, 2016) (collectively, China CORE Orders).

9 See Preliminary Determination, 85 FR at 8816, and accompanying Preliminary Decision Memorandum at 8 and 22-23.
with 19 CFR 351.305(a)(3). Timely written notification of return/.
struction 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

This determination is issued and
published in accordance with section
781(b) of the Act and 19 CFR 351.225(f).

Dated: June 1, 2021.

Christian Marsh,
Acting 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. Scope of the Anti-Circumvention Inquiry

V. Verification

VI. Use of Facts Available With an Adverse

VII. Changes Since the Preliminary

VIII. Statutory Framework

IX. Statutory Analysis

X. Discussion of the Issues

Comment: Whether CSMC’s Manufacturing
Operations in Malaysia Constitute
Circumvention Under the Statutory
Criteria Established in Section 781(b)(2)
of the Act

XI. Recommendation

Appendix II—Certification

Requirements

If an importer imports certain corrosion-
resistant steel products (CORE) from
Malaysia and claims that the CORE was
not produced from hot-rolled steel and/or
cold-rolled steel substrate (substrate)
manufactured in Taiwan, the importer is
required to complete and maintain the
exporter certification attached hereto as
Appendix III and all supporting
documentation. Where the importer uses a
broker to facilitate the entry process, it
should obtain the entry summary number
from the broker. Agents of the importer, such as
brokers, however, are not permitted to
make this certification on behalf of the
importer.

The exporter of such merchandise is
required to complete and maintain the
exporter certification, attached as Appendix
IV, and is further required to provide the
importer a copy of that certification and all
supporting documentation. The party that
made the sale to the United States should fill
out the exporter certification.

For any such certifications completed on
the date of publication of this final
determination through 20 days after the date
of publication, exporters and importers
should use the certifications contained below
that have changed from the certifications
issued with the Preliminary Determination.

For entries on or after the date of
publication of this notice in the Federal
Register, for which certifications are
required, exporters and importers should
complete the required certification at or prior to the date
of entry summary, and exporters should
complete the required certification and
provide it to the importer at or prior to the
date of shipmen. For all such entries made
within the first 20 days. The publication of
this notice, exporters and importers should
use the certifications attached to the
Preliminary Determination. For all entries
made on or after 21 days after publication of
this notice, exporters and importers should
use the certifications contained below that
have changed from the certifications issued
with the Preliminary Determination.

The importer and exporter are also
required to maintain sufficient
documentation supporting their
certifications. If the importer will not be
required to submit the certifications or
supporting documentation to U.S. Customs
and Border Protection (CBP) as part of the
entry process at this time. However, the
importer and the exporter will be required to
present the certifications and supporting
documentation to Commerce and/or CBP, as
applicable, upon request by the respective
agency. Additionally, the claims made in the
certifications and any supporting
documentation are subject to verification by
Commerce and/or CBP. The importer and
exporter are required to maintain the
certifications and supporting documentation
for the later of: (1) A period of five years from
the date of entry or (2) a period of three years
after the conclusion of any litigation in
United States courts regarding such entries.

In the situation where no certification is
provided for an entry, and AD/CVD orders on
CORE from China or the AD order on CORE
from Taiwan potentially apply to that entry,
Commerce intends to instruct CBP to
suspend the entry and collect cash deposits
at the rate under the United States
CORE Orders.10 In the situation
where a certification is provided for the AD
or CVD orders on CORE from China (stating
that the merchandise was not produced from
HKR and/or CRS from China), but no other
certification is provided, then Commerce
intends to instruct CBP to suspend the entry
and collect cash deposits at the AD all-
other rate applicable to the AD order on
CORE from Taiwan (i.e., 3.66 percent).

Appendix III—Importer Certification

I hereby certify that:
(A) My name is {IMPORTING COMPANY
OFFICIAL’S NAME} and I am an ofﬁcial of
{NAME OF IMPORTING COMPANY},
located at {ADDRESS OF IMPORTING
COMPANY}.

(B) I have direct personal knowledge of the
facts regarding the importation into the
Customs territory of the United States of the
corrosion resistant steel products produced
in Malaysia that entered under entry
number(s), identified below, and which are
covered by this certification. “Direct personal
knowledge” refers to facts the certifying party
is expected to have in its own records. For
example, the importer should have direct
personal knowledge of the importation of the
product (e.g., the name of the exporter) in its
records.

(C) If the importer is acting on behalf of the
first U.S. customer, complete this paragraph,
if pul led “NA” at the end of this paragraph:
The corrosion resistant steel products
covered by this certification were imported
by {NAME OF IMPORTING COMPANY} on
behalf of {NAME OF U.S. CUSTOMER},
located at {ADDRESS OF U.S. CUSTOMER}.

(D) The corrosion resistant steel products
covered by this certification were shipped to
{NAME OF PARTY TO WHOM
MERCHANDISE WAS FIRST SHIPPED
IN THE UNITED STATES}, located at
{ADDRESS OF SHIPMENT}.

(E) I have personal knowledge of the facts
regarding the production of the corrosion
resistant steel products identified below.
“Personal knowledge” includes facts
obtained from another party (e.g.,
correspondence received by the importer
from the producer regarding the
country of manufacture of the imported
products).

(F) The corrosion resistant steel products
covered by this certification were not
manufactured using hot-rolled steel and/or
cold-rolled steel substrate produced in
Taiwan.

(G) This certification applies to the
following entries (repeat this block as many
times as necessary):

Entry Summary #: Entry Summary Line Item #: Foreign Seller: Foreign Seller’s address: Foreign Seller’s Invoice #: Foreign Seller’s Invoice Line Item #: Producer: Producer’s Address:

(H) I understand that {NAME OF
IMPORTING COMPANY} is required to
maintain a copy of this certification and
sufficient documentation supporting this
certification (i.e., documents maintained in
the normal course of business, or documents
obtained by the certifying party, for example,
mill certificates, production records,
invoices, etc.) for the later of: (1) A period of
five years from the date of entry or (2) a
period of three years after the conclusion of
any litigation in the United States courts
regarding such entries.

(I) I understand that {NAME OF
IMPORTING COMPANY} is required to
provide this certification and supporting
records, upon request, to U.S. Customs and
Border Protection (CBP) and/or the
Department of Commerce (Commerce).

(J) I understand that {NAME OF
IMPORTING COMPANY} is required to
maintain a copy of the exporter’s certification
(attesting to the production and/or export of
the imported merchandise identified above),
and any supporting records provided by the
exporter to the importer, for the later of:

A period of five years from the date of entry

See China CORE Orders.
(D) This certification applies to the following sales to {NAME OF U.S. CUSTOMER}, located at [ADDRESS OF U.S. CUSTOMER]. (repeat this block as many times as necessary): Foreign Seller’s Invoice # to U.S. Customer: Foreign Seller’s Invoice to U.S. Customer Line item #: Producer Name: Producer’s Address: Producer’s Invoice # to Foreign Seller: (If the foreign seller and the producer are the same party, put NA here.)

(E) The corrosion resistant steel products covered by this certification were shipped to [NAME OF U.S. PARTY TO WHOM MERCHANDISE WAS SHIPPED], located at [U.S. ADDRESS TO WHICH MERCHANDISE WAS SHIPPED].

(F) I understand that {NAME OF EXPORTING COMPANY} must provide a copy of this Exporter Certification to the U.S. importer by the date of shipment.

(G) I understand that {NAME OF EXPORTING COMPANY} must provide a copy of this certification and supporting records, upon request, to U.S. Customs and Border Protection (CBP) and/or the Department of Commerce (Commerce).

(H) I understand that {NAME OF EXPORTING COMPANY} is required to provide a copy of this certification and supporting records, upon request, to U.S. Customs and Border Protection (CBP) and/or the Department of Commerce (Commerce).

I understand that failure to maintain the required certification, and/or failure to substantiate the claims made herein, may result in:

(i) Suspension of liquidation of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met; and

(ii) the requirement that the importer post applicable antidumping duty and/or countervailing duty cash deposits (as appropriate) equal to the rates determined by Commerce; and

(iii) the revocation of {NAME OF IMPORTING COMPANY}’s privilege to certify future imports of corrosion resistant steel products from Taiwan. I understand that such finding will result in:

(A) I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Signature
NAME OF COMPANY OFFICIAL
TITLE
DATE

Appendix IV—Exporter Certification

SPECIAL INSTRUCTIONS: The party that made the sale to the United States should fill out the exporter certification. I hereby certify that:

(A) My name is {COMPANY OFFICIAL’S NAME} and I am an official of {NAME OF COMPANY}, located at [ADDRESS];

(B) I have direct personal knowledge of the facts regarding the production and exportation of the corrosion resistant steel products identified below. “Direct personal knowledge” refers to facts the certifying party is expected to have in its own books and records. Exporter should have direct personal knowledge of the producer’s identity and location.

(C) The corrosion resistant steel products produced in Malaysia and covered by this certification were not manufactured using hot-rolled steel and/or cold-rolled steel substrate produced in Taiwan.

or (2) a period of three years after the conclusion of any litigation in United States courts regarding such entries.

(K) I understand that {NAME OF IMPORTING COMPANY} is required, upon request, to provide a copy of the exporter’s certification and any supporting records provided by the exporter to the importer, to CBP and/or Commerce.

(L) I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce.

(M) I understand that failure to maintain the required certifications, and/or failure to substantiate the claims made herein, and/or failure to allow CBP and/or Commerce to verify the claims made herein, may result in a de facto determination that all entries to which this certification applies are within the scope of the antidumping/countervailing duty order on corrosion resistant steel products from Taiwan. I understand that such finding will result in:

(i) Suspension of liquidation of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met; and

(ii) the requirement that the importer post applicable antidumping duty and/or countervailing duty cash deposits (as appropriate) equal to the rates determined by Commerce; and

(iii) the revocation of {NAME OF IMPORTING COMPANY}’s privilege to certify future imports of corrosion resistant steel products from Malaysia as not manufactured using hot-rolled steel and/or cold-rolled steel substrate from Taiwan.

This certification was completed at or prior to the date of shipment.

On March 3, 2016, Commerce published in the Federal Register the CVD Order on uncoated paper from China. On February 1, 2021, Commerce published the notice of initiation of the first sunset review of the Order, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). On February 12, 2021, Commerce received a notice of intent to participate from Domtar Corporation (Domtar), Finch Paper LLC (Finch Paper), and North Pacific Paper Company (NORPAC).

1 See Certain Uncoated Paper from Indonesia and the People’s Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order (Indonesia) and Countervailing Duty Order (People’s Republic of China), 81 FR 11187 (Order).

2 See Initiation of Five-Year (‘‘Sunset’’) Reviews, 86 FR 7709 (February 1, 2021).