

## Analysis

In the *Amended Preliminary Results*, Commerce determined that Fufeng was eligible for separate rate status and assigned it a dumping margin of zero percent, which is the dumping margin that Commerce calculated for both of the respondents individually examined in the review. As noted above, no parties commented on the *Amended Preliminary Results*. In these amended final results of review, we are making no change to and are adopting the decisions in the Preliminary Decision Memorandum. Specifically, we continue to find that Fufeng is eligible for separate rate status and that it is appropriate to assign Fufeng the zero percent dumping margin that Commerce calculated for both of the respondents that it individually examined in the review.

## Assessment

Pursuant to section 751(a)(2)(C) of the Tariff Act of 1930 as amended (the Act), and 19 CFR 351.212(b), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise covered by the amended final results of this review. Because Fufeng's weighted average dumping margin is zero percent, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.<sup>4</sup> Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these amended final results of review in the **Federal Register**.<sup>5</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 cash deposit rate for Fufeng is zero percent, which will be effective for shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of

the People's Republic of China: Decision Memorandum for the Amended Preliminary Results of the 2017–2018 Antidumping Duty Administrative Review” (Preliminary Decision Memorandum).

<sup>4</sup> See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101, 8103 (February 14, 2012).

<sup>5</sup> See *Notice of Discontinuation of Policy to Issue Liquidation Instructions After 15 Days in Applicable Antidumping and Countervailing Duty Administrative Proceedings*, 86 FR 3995 (January 15, 2021).

publication of this notice in the **Federal Register**, as provided for by section 751(a)(2)(C) of the Act. For information regarding the cash deposit requirements established for other companies in this segment of the proceeding, see the *Final Results*.<sup>6</sup> This cash deposit requirement, 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) 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 Orders

This notice also serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, 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 which is subject to sanction.

## Notification to Interested Parties

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

Dated: December 29, 2021.

## Ryan Majerus,

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

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<sup>6</sup> See *Xanthan Gum from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2017–2018*, 84 FR 64831 (November 25, 2019).

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C–580–884]

### Certain Hot-Rolled Steel Flat Products From the Republic of Korea: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order

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

**SUMMARY:** The Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on certain hot-rolled steel flat products (hot-rolled steel) from the Republic of Korea (Korea) would be likely to lead to the continuation or recurrence of countervailable subsidies at the levels indicated in the “Final Results of Sunset Review” section of this notice.

**DATES:** Applicable January 5, 2022.

**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 October 3, 2016, Commerce published in the **Federal Register** the CVD order on hot-rolled steel from Korea.<sup>1</sup> On September 1, 2021, Commerce published the notice of initiation of the first sunset review of the CVD order on hot-rolled steel from Korea, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).<sup>2</sup> Commerce received timely notices of intent to participate from Cleveland-Cliffs Inc. (Cleveland-Cliffs), United States Steel Corporation (U.S. Steel), California Steel Industries (CSI), Steel Dynamics Inc. (SDI), and Nucor Corporation (Nucor) (collectively, domestic interested parties).<sup>3</sup> The

<sup>1</sup> See *Certain Hot-Rolled Steel Flat Products from Brazil and the Republic of Korea: Amended Final Affirmative Countervailing Duty Determinations and Countervailing Duty Orders*, 81 FR 67960 (October 3, 2016).

<sup>2</sup> See *Initiation of Five-Year (Sunset) Reviews*, 86 FR 48983 (September 1, 2021).

<sup>3</sup> See Cleveland-Cliffs' Letter, “Five-Year (‘Sunset’) Review Of Countervailing Duty Order On Certain Hot-Rolled Steel Flat Products from the Republic of Korea: Notice Of Intent To Participate In Sunset Review,” dated September 16, 2021; U.S. Steel's Letter, “Five-Year (‘Sunset’) Review of Antidumping and Countervailing Duty Orders on Certain Hot-Rolled Steel Flat Products from the Republic of Korea: Notice of Intent to Participate,” dated September 16, 2021; CSI/SDI's Letter, “Notice of Intent to Participate in the First Five-Year Review of the Countervailing Duty Order on Hot-Rolled

domestic interested parties claimed interested party status under section 771(9)(C) of the Act, as domestic producers of hot-rolled steel.

On September 30, 2021, Commerce received a timely and adequate substantive response from the domestic interested parties.<sup>4</sup> We received no substantive responses from any other interested parties, including the Government of Korea, nor was a hearing requested. On October 20, 2021, Commerce notified the U.S. International Trade Commission that we did not receive an adequate substantive response from any respondent interested parties.<sup>5</sup> As a result, pursuant to 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the CVD order on hot-rolled steel from Korea.

### Scope of the Order

The product covered by this order is hot-rolled steel. For a full description of the scope, see the Issues and Decision Memorandum.<sup>6</sup>

### Analysis of Comments Received

All issues raised in this sunset review are addressed in the accompanying Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the topics discussed in the Issues and Decision Memorandum is attached as an 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 Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(b) of the Act, Commerce determines

Steel Flat Products from Korea," dated September 16, 2021; and Nucor's Letter, "Hot-Rolled Steel Flat Products from the Republic of Korea: Notice of Intent to Participate in Sunset Review," dated September 16, 2021.

<sup>4</sup> See Domestic Interested Parties' Letter, "Substantive Response to Notice of Initiation of Sunset Review," dated September 30, 2021.

<sup>5</sup> See Commerce's Letter, "Sunset Reviews Initiated on September 1, 2021," dated October 20, 2021.

<sup>6</sup> See Memorandum, "Issues and Decision Memorandum for the Final Results of the Expedited First Sunset Review of the Countervailing Duty Order on Certain Hot-Rolled Steel Flat Products from the Republic of Korea," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

that revocation of the order would be likely to lead to the continuation or recurrence of countervailable subsidies at the rates listed below:

Producer/exporter	Subsidy rate (percent)
POSCO .....	41.64
Hyundai Steel Co., Ltd .....	3.98
All Others .....	3.89

### Notification Regarding Administrative Protective Order (APO)

This notice also serves as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. 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

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

Dated: December 29, 2021.

### 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

#### List of Issues Addressed 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 Countervailable Subsidies
  2. Net Countervailable Subsidy Rates Likely to Prevail
  3. Nature of the Subsidies
- VII. Final Results of Review
- VIII. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### United States-Mexico-Canada Agreement (USMCA), Article 10.12: Binational Panel Review: Notice of Request for Panel Review

**AGENCY:** United States Section, USMCA Secretariat, International Trade

Administration, Department of Commerce.

**ACTION:** Notice of USMCA Request for Panel Review.

**SUMMARY:** A Request for Panel Review was filed on behalf of the Government of Canada; Conseil de l'Industrie Forestiere du Québec, Ontario Forest Industries Association; Canfor Corporation, Fontaine, Inc., Resolute FP Canada Inc., Tolko Marketing and Sales Ltd., Tolko Industries Ltd., Gilbert Smith Forest Products, and West Fraser Mills Ltd. with the United States Section of the USMCA Secretariat on December 28, 2021, pursuant to USMCA Article 10.12. Panel Review was requested of the U.S. International Trade Administration's Final Results of the Antidumping Duty Administrative Review (2019) in Certain Softwood Lumber from Canada, which was published in the **Federal Register** on December 2, 2021. The USMCA Secretariat has assigned case number USA-CDA-2021-10.12-04 to this request.

#### FOR FURTHER INFORMATION CONTACT:

Vidya Desai, Acting United States Secretary, USMCA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, 202-482-5438.

**SUPPLEMENTARY INFORMATION:** Article 10.12 of Chapter 10 of USMCA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to review the trade remedy determination being challenged and issue a binding Panel Decision. There are established USMCA *Rules of Procedure for Article 10.12 (Binational Panel Reviews)*, which were adopted by the three governments for panels requested pursuant to Article 10.12(2) of USMCA which requires Requests for Panel Review to be published in accordance with Rule 40. For the complete Rules, please see [https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/usmca-aceum-tmec/rules-regles-reglas/article-article-articulo\\_10\\_12.aspx?lang=eng](https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/usmca-aceum-tmec/rules-regles-reglas/article-article-articulo_10_12.aspx?lang=eng).

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 44 no later than 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is January 27, 2022);

(b) A Party, an investigating authority or other interested person who does not