

**Federal Register.**<sup>8</sup> On September 27, 2021, Commerce also published the notice entitled “Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions” in the **Federal Register**.<sup>9</sup> The *Final Rule* and *Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or suspended investigation, and any interested party submitting a scope ruling application or request for circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same merchandise from the same country of origin.<sup>10</sup>

In accordance with the *Procedural Guidance*, for orders published in the **Federal Register** before November 4, 2021, Commerce created an annual inquiry service list segment for each order and suspended investigation. Interested parties who wished to be added to the annual inquiry service list for an order submitted an entry of appearance to the annual inquiry service list segment for the order in ACCESS, and on November 4, 2021, Commerce finalized the initial annual inquiry service lists for each order and suspended investigation. Each annual inquiry service list has been saved as a public service list in ACCESS, under each case number, and under a specific segment type called “AISL—Annual Inquiry Service List.”<sup>11</sup>

As mentioned in the *Procedural Guidance*, beginning in January 2022, Commerce will update these annual inquiry service lists on an annual basis when the *Opportunity Notice* for the anniversary month of the order or suspended investigation is published in the **Federal Register**.<sup>12</sup> Accordingly, Commerce will update the annual inquiry service lists for the above-listed antidumping and countervailing duty

proceedings. All interested parties wishing to appear on the updated annual inquiry service list must take one of the two following actions: (1) New interested parties who did not previously submit an entry of appearance must submit a new entry of appearance at this time; (2) Interested parties who were included in the preceding annual inquiry service list must submit an amended entry of appearance to be included in the next year’s annual inquiry service list. For these interested parties, Commerce will change the entry of appearance status from “Active” to “Needs Amendment” for the annual inquiry service lists corresponding to the above-listed proceedings. This will allow those interested parties to make any necessary amendments and resubmit their entries of appearance. If no amendments need to be made, the interested party should indicate in the area on the ACCESS form requesting an explanation for the amendment that it is resubmitting its entry of appearance for inclusion in the annual inquiry service list for the following year. As mentioned in the *Final Rule*,<sup>13</sup> once the petitioners and foreign governments have submitted an entry of appearance for the first time, they will automatically be added to the updated annual inquiry service list each year.

Interested parties have 30 days after the date of this notice to submit new or amended entries of appearance. Commerce will then finalize the annual inquiry service lists five business days thereafter. For ease of administration, please note that Commerce requests that law firms with more than one attorney representing interested parties in a proceeding designate a lead attorney to be included on the annual inquiry service list.

Commerce may update an annual inquiry service list at any time as needed based on interested parties’ amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website at <https://access.trade.gov>.

#### Special Instructions for Petitioners and Foreign Governments

In the *Final Rule*, Commerce stated that, “after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be

placed on the annual inquiry service list in the years that follow.”<sup>14</sup> Accordingly, as stated above and pursuant to 19 CFR 351.225(n)(3), the petitioners and foreign governments will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioners and foreign governments are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

This notice is not required by statute but is published as a service to the international trading community.

Dated: September 27, 2022.

**James Maeder,**

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

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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 Review; Notice of Amended Final Results

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

**SUMMARY:** On September 19, 2022, the U.S. Court of International Trade (CIT) issued its final judgment in *Hyundai Steel Company v. United States*, Court No. 20-03799, sustaining the U.S. Department of Commerce’s (Commerce) first 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 of review (POR) January 1, 2017, through December 31, 2017. Commerce is notifying the public that the CIT’s final judgment 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 September 29, 2022.

**FOR FURTHER INFORMATION CONTACT:** Whitley Herndon, AD/CVD Operations,

<sup>8</sup> See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (September 20, 2021) (*Final Rule*).

<sup>9</sup> See *Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*, 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

<sup>10</sup> *Id.*

<sup>11</sup> This segment has been combined with the ACCESS Segment Specific Information (SSI) field which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A-000-000 that was published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as “AISL—January Anniversary.” Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

<sup>12</sup> See *Procedural Guidance*, 86 FR at 53206.

<sup>13</sup> See *Final Rule*, 86 FR at 52335.

<sup>14</sup> *Id.*

Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-6274.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 9, 2020, Commerce published its *Final Results* in the 2017 CVD administrative review of HRS from Korea. In the *Final Results*, Commerce, after examining the information on the record, found that Hyundai Steel received additional benefits from certain other fees under the Port of Incheon program (*i.e.*, harbor exclusive usage fee(s)) that are measurable.<sup>1</sup> We found that, because necessary information was not available on the record with respect to these fees, it was appropriate to calculate the benefit from them based on facts available, pursuant to section 776(a)(1) of the Tariff Act of 1930, as amended (the Act). Commerce computed a 0.06 percent *ad valorem* subsidy rate for the provision of port usage rights at the Port of Incheon program.

Hyundai Steel appealed Commerce's *Final Results*. On August 27, 2021, the CIT remanded the *Final Results* to Commerce to reconsider our application of facts available and, if appropriate, the rate assigned to Hyundai Steel.<sup>2</sup>

In its final remand redetermination, issued in October 2021, Commerce recalculated the benefit amount Hyundai Steel received under the provision of port usage rights at the Port of Incheon program. As a result of our redetermination, we find that Hyundai Steel's overall subsidy rate for the POR is *de minimis*.<sup>3</sup> The CIT sustained Commerce's final redetermination.<sup>4</sup>

##### Timken Notice

In its decision in *Timken*,<sup>5</sup> as clarified by *Diamond Sawblades*,<sup>6</sup> the U.S. Court

<sup>1</sup> See *Certain Hot-Rolled Steel Flat Products from the Republic of Korea: Final Results of Countervailing Duty Administrative Review, 2017*, 85 FR 64122 (October 9, 2020) (*Final Results*), and accompanying Issues and Decision Memorandum, at Comment 6.

<sup>2</sup> See *Hyundai Steel Company v. United States*, Court No. 20-03799, Slip Opinion 21-112 at 6-7 (CIT August 27, 2021).

<sup>3</sup> See *Final Results of Redetermination Pursuant to Court Remand, Hyundai Steel Company v. United States*, Court No. 20-03799, Slip Op. 21-112 (CIT August 27, 2021), dated October 20, 2021, available at <https://access.trade.gov/resources/remands/21-122.pdf>.

<sup>4</sup> See *Hyundai Steel Company v. United States*, Court No. 20-03799, Slip Opinion 22-109 at 10 (CIT September 19, 2022).

<sup>5</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>6</sup> See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of 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 September 19, 2022, 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 Hyundai Steel as follows:

Company	Subsidy rate (percent <i>ad valorem</i> )
Hyundai Steel Company <sup>7</sup> ....	0.46*

\* (*de minimis*)

##### 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.

##### Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries of HRS from Korea that were produced and/or exported by Hyundai Steel Co., Ltd., (a/k/a Hyundai Steel Company), that were the subject of Commerce's *Final Results* that were entered, or withdrawn from warehouse, for consumption, during the period January 1, 2017, through December 31, 2017. 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 CVDs on unliquidated entries of subject merchandise produced and/or exported by Hyundai Steel in accordance with 19 CFR 351.212(b). We will instruct CBP to assess CVDs 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>8</sup> we will instruct CBP to liquidate the appropriate entries without regard to CVDs.

##### 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: September 27, 2022.

**Abdelali Elouaradia,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Initiation of Five-Year (Sunset) Reviews

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

**SUMMARY:** In accordance with the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) is automatically initiating the five-year reviews (Sunset Reviews) of the antidumping and countervailing duty (AD/CVD) order(s) and suspended investigation(s) listed below. The International Trade Commission (the ITC) is publishing concurrently with this notice its notice of *Institution of Five-Year Reviews* which covers the same order(s) and suspended investigation(s).

**DATES:** Applicable October 3, 2022.

**FOR FURTHER INFORMATION CONTACT:** Commerce official identified in the *Initiation of Review* section below at AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230. For information from the ITC, contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205-3193.

##### SUPPLEMENTARY INFORMATION:

##### Background

Commerce's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year (Sunset) Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to Commerce's conduct of Sunset Reviews is set forth in

<sup>7</sup> This company is also known as Hyundai Steel Co., Ltd.

<sup>8</sup> See 19 CFR 351.106(c)(2).