

estimated *ad valorem* importer-specific assessment rate to determine whether the per-unit assessment rate is *de minimis* (*i.e.*, 0.50 percent); however, Commerce will use the per-unit assessment rate where entered values were not reported.<sup>8</sup> Where an importer-specific *ad valorem* assessment rate is not zero or *de minimis*, Commerce will instruct CBP to collect the appropriate duties at the time of liquidation. Where either the respondent's weighted average dumping margin is zero or *de minimis*, or an importer-specific *ad valorem* assessment rate is zero or *de minimis*, Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.

For entries that were not reported in the U.S. sales database submitted by an exporter individually examined during this review, but that entered under the case number of that exporter (*i.e.*, at the individually-examined exporter's cash deposit rate), Commerce will instruct CBP to liquidate such entries at the China-wide entity rate (*i.e.*, 154.07 percent).<sup>9</sup>

For respondents not individually examined in this administrative review that qualified for a separate rate (*i.e.*, Meihua, Jianlong, and Deosen), the assessment rate will be the dumping margin assigned to the sole mandatory respondent (*i.e.*, Fufeng) in the final results of this review.

For the respondents not eligible for a separate rate and that are part of the China-wide entity, we intend to instruct CBP to apply an *ad valorem* assessment rate of 154.07 percent (*i.e.*, the China-wide entity rate) to all entries of subject merchandise during the POR that were exported by these companies.

Additionally, if Commerce determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number will be liquidated at the China-wide rate.

#### Cash Deposit Requirements

The following cash deposit requirements will be effective for shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of review, as provided for by section 751(a)(2)(C) of the Act: (1) for the exporters listed in the table above, the cash deposit rate will be the rate established in the final results of review that is listed for the exporter in the table; (2) for previously investigated or reviewed China and non-China

exporters not listed in the table above that have separate rates, the cash deposit rate will continue to be the existing exporter-specific rate published for the most recent period; (3) for all China exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate previously established for the China-wide entity, which is 154.07 percent; and (4) for all non-China exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the China exporter that supplied that non-China exporter. The cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers Regarding the Reimbursement of Duties

This notice also 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 POR. 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 Order (APO)

This notice also serves as a reminder to parties subject to 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.

We are issuing these final results of administrative review and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: February 1, 2023.

**Lisa W. Wang,**

*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. Discussion of Issues

Comment 1: Whether Commerce Should Directly Value Energy Factors of

Production (FOP) in Its Normal Value (NV) Calculation

Comment 2: Whether Commerce Should Assign Facts Available for Fufeng's Supplier Distances

Comment 3: Whether Commerce Should Allow and Assign a Cap for Certain By-Products

Comment 4: Whether Commerce Should Correct Certain Clerical Errors in the *Preliminary Results*

Comment 5: Whether Commerce Should Modify its Calculation of Ocean Freight Surrogate Value (SV)

Comment 6: Whether Commerce Should Use Rani Transport Data Instead of World Bank's Doing Business Data for Calculating Truck Freight SV

Comment 7: Whether Commerce Should Not Deduct Section 301 Duties From the U.S. Price

Comment 8: Whether Commerce's Application of the Cohen's *d* Test is Unsupported by Substantial Evidence and Controlling Law

Comment 9: Whether Commerce Should Analyze Meihua's Voluntary Response and Provide a Calculation for Meihua

V. Recommendation

[FR Doc. 2023-03157 Filed 2-14-23; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-874]

#### Certain Steel Nails From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2020-2021

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines Daejin Steel Company (Daejin) and Korea Wire Co., Ltd. (KOWIRE), the producers and/or exporters subject to this administrative review, made sales of certain steel nails (steel nails) from the Republic of Korea (Korea) in the United States at prices below normal value (NV) during the period of review (POR), July 1, 2020, through June 30, 2021.

**DATES:** Applicable February 15, 2023.

**FOR FURTHER INFORMATION CONTACT:** Eva Kim and Reginald Anadio, 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) 482-8283 or (202) 482-3166, respectively.

<sup>8</sup> *Id.*

<sup>9</sup> *See Order.*

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 4, 2022, Commerce published the *Preliminary Results* of this administrative review and we invited interested parties to comment.<sup>1</sup> On October 31, 2022, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), Commerce extended the deadline for issuing these final results until January 31, 2023.<sup>2</sup> A summary of the events that occurred since Commerce published the *Preliminary Results*, as well as a full discussion of the issues raised by parties for these final results, are discussed in the Issues and Decision Memorandum.<sup>3</sup>

**Scope of the Order**<sup>4</sup>

The product covered by this *Order* is steel nails from Korea. For a complete description of the scope of the *Order*, see the Issues and Decision Memorandum.

**Analysis of Comments Received**

All issues raised in the parties' case and rebuttal briefs are addressed in the Issues and Decision Memorandum and are listed 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>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Changes Since the Preliminary Results**

Based on comments received from interested parties regarding our *Preliminary Results* and our review of the record to address those comments, we made changes to the preliminary weighted-average dumping margin

<sup>1</sup> See *Certain Steel Nails from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review; 2020–2021*, 87 FR 47704 (August 4, 2022) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See Memorandum, "Extension of Deadline for Final Results of the 2020–2021 Antidumping Duty Administrative Review," dated October 31, 2022.

<sup>3</sup> See Memorandum, "Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review: Certain Steel Nails from the Republic of Korea; 2020–2021," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>4</sup> See *Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 80 FR 39994 (July 13, 2015) (*Order*).

calculations for Daejin and KOWIRE, as detailed in the Issues and Decision Memorandum.<sup>5</sup>

**Rate for Non-Examined Companies**

The Act 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, when calculating margins for non-selected respondents, Commerce looks to section 735(c)(5) of the Act for guidance, which provides instructions for calculating the all-others rate in an investigation. Section 735(c)(5)(A) of the Act provides that when calculating the all-others rate, Commerce will exclude any zero and *de minimis* weighted-average dumping margins, as well as any weighted-average dumping margins based on total facts available. Accordingly, Commerce's usual practice has been to average the margins for selected respondents, excluding margins that are zero, *de minimis*, or based entirely on facts available. For these final results, we have calculated dumping margins for the two mandatory respondents, Daejin and KOWIRE, that are above *de minimis* and not based on total facts available. Therefore, in accordance with section 735(c)(5)(A) of the Act, Commerce assigned to the companies not individually examined (*i.e.*, Je-il Wire Production Co., Ltd. and Koram Inc.), listed in the chart below, a margin of 2.64 percent which is the simple average of Daejin's and KOWIRE's calculated weighted-average dumping margins for these final results.<sup>6</sup>

**Final Results of Review**

As a result of this review, we determine the following weighted-average dumping margins exist for the POR:

Exporter or producer	Weighted-average dumping margin (percent)
Daejin Steel Company .....	4.52
Korea Wire Co., Ltd .....	0.75
Je-il Wire Production Co., Ltd ....	2.64
Koram Inc .....	2.64

<sup>5</sup> See Issues and Decision Memorandum at Comments 4, 5, 6, 10, and 11.

<sup>6</sup> Commerce was unable to compare a simple average to a weighted-average relative to publicly available data because public data for volume of U.S. sales were not available for respondents.

**Disclosure**

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

**Assessment Rates**

Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with these final results of review.<sup>7</sup> Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's "automatic assessment" practice will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which the reviewed companies did not know that the merchandise it sold to the intermediary (*e.g.*, a reseller, trading company, or exporter) was destined for the United States. In such instances, 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.<sup>8</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**. 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 deposit requirements will be effective for all shipments of the 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 by

<sup>7</sup> See 19 CFR 351.212(b).

<sup>8</sup> For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be equal to the weighted-average dumping margin that is established in the final results of this review; (2) for previously investigated or reviewed companies not subject to this review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior 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 the proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers and exporters will continue to be 11.80 percent *ad valorem*, the all-others rate established in the LTFV investigation.<sup>9</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers Regarding the Reimbursement of Duties

This notice also 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 the POR. 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 Order

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(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 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 351.221(b)(5) and 19 CFR 351.213(h)(1).

Dated: January 31, 2023.

**Lisa W. Wang,**

*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. Discussion of the Issues

##### *Daejin and KOWIRE*

Comment 1: Whether Commerce's Differential Pricing Analysis Is Contrary to Widely Accepted Statistical Principles and Is Not Supported By Substantial Evidence

##### *Daejin:*

Comment 2: Whether Commerce Should Allocate Daejin's "Taxes and Dues" Entirely to General and Administrative (G&A) Expenses

Comment 3: Whether Commerce Should Include All of Daejin's Miscellaneous Losses in G&A Expenses Calculation of the G&A Expense Ratio

Comment 4: Whether Commerce Should Revise its Allocation of Miscellaneous Revenue and Depreciation Expenses Within G&A Expenses

Comment 5: Whether Commerce Should Apply Total Adverse Facts Available (AFA) For Daejin's Failure to Report Verifiable and Reliable Cost and Sales Data

Comment 6: Whether Commerce Should Apply Partial AFA to Daejin's Dumping Margin

Comment 7: Whether Commerce Should Clarify Certain Statements In Its Verification Report

##### *KOWIRE:*

Comment 8: Whether Commerce Should Find that KOWIRE Failed to Report Consistent Data and Apply AFA to KOWIRE

Comment 9: Whether Commerce Should Continue to Rely on the Cost Database Used in the *Preliminary Results*

Comment 10: Whether Commerce Should Revise the Inventory Carrying Cost Calculation

Comment 11: Whether Commerce Should Use KOWIRE's Submitted Entered Values to Calculate the Importer-Specific Assessment Rate

##### V. Recommendation

[FR Doc. 2023-03156 Filed 2-14-23; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-048, C-580-888]

#### Certain Carbon and Alloy Steel Cut-to-Length Plate From the People's Republic of China and the Republic of Korea: Continuation of Countervailing Duty Orders

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

**SUMMARY:** As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the countervailing duty (CVD) orders on certain carbon and alloy steel cut-to-length plate (CTL plate) from the People's Republic of China (China) and the Republic of Korea (Korea) would likely lead to a continuation or recurrence of net countervailable subsidies and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these CVD orders.

**DATES:** Applicable February 15, 2023.

**FOR FURTHER INFORMATION CONTACT:** Faris Montgomery, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1537.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 20 and May 25, 2017, respectively, Commerce published the CVD orders on CTL plate from China and Korea.<sup>1</sup> On December 1, 2021, Commerce initiated,<sup>2</sup> and the ITC instituted,<sup>3</sup> sunset reviews of the *Orders*, pursuant to section 751(c)(2) of the Tariff Act of 1930, as amended (the Act). Commerce conducted expedited (120-day) sunset reviews of the *Orders*, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2).

As a result of its reviews, Commerce determined, pursuant to sections 751(c)(1) and 752(b) of the Act, that

<sup>1</sup> See *Certain Carbon and Alloy Steel Cut-to-Length Plate from the People's Republic of China: Countervailing Duty Order*, 82 FR 14346 (March 20, 2017); see also *Certain Carbon and Alloy Steel Cut-to-Length Plate from the Republic of Korea: Countervailing Duty Order*, 82 FR 24103 (May 25, 2017) (collectively, *Orders*).

<sup>2</sup> See *Initiation of Five-Year (Sunset) Reviews*, 86 FR 68220 (December 1, 2021).

<sup>3</sup> See *Carbon and Alloy Steel Cut-to-Length Plate from Austria, Belgium, Brazil, China, France, Germany, Italy, Japan, Korea, South Africa, Taiwan, and Turkey; Institution of Five-Year Reviews*, 86 FR 68269 (December 1, 2021).

<sup>9</sup> See *Order*.