

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*

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

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

*Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final*

*Modification*, 77 FR 8101 (February 14, 2012).

**Initiation of Review**

In accordance with section 751(c) of the Act and 19 CFR 351.218(c), we are

initiating the Sunset Reviews of the following antidumping and countervailing duty order(s) and suspended investigation(s):

DOC case No.	ITC case No.	Country	Product	Commerce contact
A-570-831 .....	731-TA-683	China .....	Fresh Garlic (5th Review) .....	Jacky Arrowsmith, (202) 482-5255.
A-570-972 .....	731-TA-1186	China .....	Stilbenic OBAs (2nd Review) .....	Mary Kolberg, (202) 482-1785.
A-583-848 .....	731-TA-1187	Taiwan .....	Stilbenic OBAs (5th Review) .....	Mary Kolberg, (202) 482-1785.
A-588-850 .....	731-TA-847	Japan .....	Large Diameter Seamless Pipe (4th Review) ....	Mary Kolberg, (202) 482-1785.
A-588-851 .....	731-TA-847	Japan .....	Small Diameter Seamless Pipe (4th Review) .....	Mary Kolberg, (202) 482-1785.
A-485-805 .....	731-TA-849	Romania .....	Small Diameter Seamless Pipe (4th Review) .....	Mary Kolberg, (202) 482-1785.

**Filing Information**

As a courtesy, we are making information related to sunset proceedings, including copies of the pertinent statute and Commerce’s regulations, Commerce’s schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on Commerce’s website at the following address: <https://enforcement.trade.gov/sunset/>. All submissions in these Sunset Reviews must be filed in accordance with Commerce’s regulations regarding format, translation, and service of documents. These rules, including electronic filing requirements via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic System (ACCESS), can be found at 19 CFR 351.303.

In accordance with section 782(b) of the Act, any party submitting factual information in an AD/CVD proceeding must certify to the accuracy and completeness of that information. Parties must use the certification formats provided in 19 CFR 351.303(g). Commerce intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

**Letters of Appearance and Administrative Protective Orders**

Pursuant to 19 CFR 351.103(d), Commerce will maintain and make available a public service list for these proceedings. Parties wishing to participate in any of these five-year reviews must file letters of appearance as discussed at 19 CFR 351.103(d). To facilitate the timely preparation of the public service list, it is requested that those seeking recognition as interested parties to a proceeding submit an entry of appearance within 10 days of the publication of the Notice of Initiation. Because deadlines in Sunset Reviews can be very short, we urge interested

parties who want access to proprietary information under administrative protective order (APO) to file an APO application immediately following publication in the **Federal Register** of this notice of initiation. Commerce’s regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304-306. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>1</sup>

**Information Required From Interested Parties**

Domestic interested parties, as defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b), wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with Commerce’s regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, Commerce will automatically revoke the order without further review.<sup>2</sup>

If we receive an order-specific notice of intent to participate from a domestic interested party, Commerce’s regulations provide that *all parties* wishing to participate in a Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are

set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that Commerce’s information requirements are distinct from the ITC’s information requirements. Consult Commerce’s regulations for information regarding Commerce’s conduct of Sunset Reviews. Consult Commerce’s regulations at 19 CFR part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at Commerce.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: September 15, 2022.

**James Maeder,**

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

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[RTID 0648-XC384]

**Adjustment of Fees for Seafood Inspection Services**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of a revised fee schedule for seafood inspection services.

**SUMMARY:** The NMFS Seafood Inspection Program is notifying program participants of a revised fee schedule.

**DATES:** The revised fee schedule applies to services rendered as of November 1, 2022, until notified otherwise.

**FOR FURTHER INFORMATION CONTACT:** Steven Wilson, Office of International Affairs, Trade, and Commerce, 301-427-8350 or at [steven.wilson@noaa.gov](mailto:steven.wilson@noaa.gov).

<sup>1</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 41363 (July 10, 2020).

<sup>2</sup> See 19 CFR 351.218(d)(1)(iii).