

## VI. Recommendation

[FR Doc. 2023-02905 Filed 2-9-23; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-570-112]

**Certain Collated Steel Staples From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; Final Determination of No Shipments; and Partial Rescission; 2020-2021**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that Tianjin Hweschun Fasteners Manufacturing Co., Ltd. (Hweschun) and Zhejiang Best Nail Industrial Co., Ltd./Shaoxing Bohui Import & Export Co., Ltd. (Best Nail/Shaoxing Bohui) did not sell certain collated steel staples from the People's Republic of China (China) at less than normal value during the period of review (POR), January 8, 2020, through June 30, 2021. Commerce further determines that Unicorn Fasteners Co., Ltd. (Unicorn Fasteners) made no shipments and Tianjin Jinyifeng Hardware Co., Ltd. (Tianjin Jinyifeng) had no reviewable entries of the subject merchandise during the POR. Commerce also determines that China Staple (Tianjin) Co., Ltd. (China Staple); Shanghai Yueda Nails Co., Ltd. (Shanghai Yueda); and Shijiazhuang Shuangming Trade Co., Ltd. (Shijiazhuang Shuangming) have not established their separate rate eligibility and, therefore, are part of the China-wide entity.

**DATES:** Applicable February 10, 2023.

**FOR FURTHER INFORMATION CONTACT:** Max Goldman or Brian Smith, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0224 or (202) 482-1766, respectively.

**SUPPLEMENTARY INFORMATION:****Background**

On August 8, 2022, Commerce published the *Preliminary Results*.<sup>1</sup> For

events subsequent to the *Preliminary Results*, see the Issues and Decision Memorandum.<sup>2</sup>

**Scope of the Order<sup>3</sup>**

The merchandise subject to the *Order* is certain collated steel staples which are currently classifiable under subheading 8305.20.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). While the HTSUS subheading and ASTM specification are provided for convenience and for customs purposes, the written description of the subject merchandise is dispositive. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.

**Analysis of Comments Received**

All issues raised by interested parties in briefs are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is provided 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 our verification findings, review of the record, and comments received from interested parties regarding our *Preliminary Results*, we made changes to the margin calculation for Best Nail/Shaoxing Bohui.<sup>4</sup>

**Final Determination of No Shipments**

In the *Preliminary Results*, we preliminarily determined that Unicorn Fasteners had no shipments of subject merchandise to the United States during the POR.<sup>5</sup> No party filed comments with respect to this preliminary finding and we received no information to contradict it. Therefore, we continue to

find that Unicorn Fasteners had no shipments of subject merchandise during the POR and will issue appropriate liquidation instructions that are consistent with our "automatic assessment" clarification for these final results.<sup>6</sup>

**Partial Rescission**

In the *Preliminary Results*, we preliminarily granted Tianjin Jinyifeng Hardware Co., Ltd. (Jinyifeng) a separate rate. However, based on comments received from interested parties and the record information, we determine that Jinyifeng had no reviewable entries of subject merchandise during the POR.<sup>7</sup> Therefore, we are rescinding this review with respect to Jinyifeng in accordance with 19 CFR 351.213(d)(3) because Jinyifeng did not have a reviewable entry of subject merchandise during the POR.

**Separate Rate Respondents**

In our *Preliminary Results*, we determined that Best Nail/Shaoxing Bohui, Hweschun, and Jinyifeng demonstrated their eligibility for separate rates.<sup>8</sup> We received no arguments since the issuance of the *Preliminary Results* that provide a basis for reconsideration of this determination with respect to Best Nail/Shaoxing Bohui and Hweschun. Therefore, for these final results, we continue to find that Best Nail/Shaoxing Bohui and Hweschun are each eligible for a separate rate, as indicated in the table in the "Final Results of Review" section of this notice. As noted above, we are rescinding this review with respect to Jinyifeng in the final results.

**The China-Wide Entity**

In the *Preliminary Results*, Commerce found that three companies for which a review was requested<sup>9</sup> did not establish eligibility for a separate rate because they did not file a timely separate rate application or a separate rate certification, as appropriate.<sup>10</sup> No party commented on the *Preliminary Results* with respect to these three companies' separate rate ineligibility. Therefore, for these final results, we determine the three companies at issue to be part of the China-wide entity. Because no party requested a review of the China-wide

<sup>2</sup> See Memorandum, "Certain Collated Steel Staples from the People's Republic of China: Issues and Decision Memorandum for the Final Results of the 2020-2021 Antidumping Duty Administrative Review," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>3</sup> See *Certain Collated Steel Staples from the People's Republic of China: Antidumping Duty Order*, 85 FR 43815 (July 20, 2020) (*Order*).

<sup>4</sup> See Issues and Decision Memorandum; see also Memorandum, "Final Results Calculation Memorandum for Best Nail/Shaoxing Bohui," dated concurrently with this notice.

<sup>5</sup> See *Preliminary Results*, 87 FR at 48154.

<sup>6</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011) (*Assessment Practice Refinement*).

<sup>7</sup> See Issues and Decision Memorandum at Comment 2 for further discussion.

<sup>8</sup> See *Preliminary Results* PDM at 5-9.

<sup>9</sup> *Id.* at 9-10. These companies are China Staple; Shanghai Yueda; and Shijiazhuang Shuangming.

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

<sup>1</sup> See *Certain Collated Steel Staples from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2020-2021*, 87 FR 48153 (August 8, 2022) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

entity, and Commerce no longer considers the China-wide entity as an exporter conditionally subject to administrative reviews,<sup>11</sup> we did not conduct a review of the China-wide entity. Thus, the weighted-average dumping margin for the China-wide entity (*i.e.*, 112.01 percent)<sup>12</sup> is not subject to change as a result of this review.

### Final Results of Review

For companies subject to this review, which established their eligibility for a separate rate, Commerce determines that the following weighted-average dumping margins exist for the period January 8, 2020, through June 30, 2021:

Exporters	Weighted-average dumping margin (percent)
Tianjin Hweschun Fasteners Manufacturing Co., Ltd .....	0.00
Zhejiang Best Nail Industrial Co., Ltd./Shaoxing Bohui Import & Export Co., Ltd .....	0.00

### Disclosure

We intend to disclose the calculations performed to parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

### Assessment Rates

Pursuant to section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.212(b), 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. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these final results. 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).

<sup>11</sup> See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963, 65969–70 (November 4, 2013).

<sup>12</sup> The China-wide rate determined in the less-than-fair-value investigation is 122.55 percent. See *Order*, 85 FR at 43816. This rate was adjusted for export subsidies to determine the cash deposit rate (112.01 percent) for companies in the China-wide entity.

For both mandatory respondents whose *ad valorem* weighted-average dumping margins are zero, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.<sup>13</sup> For entries that were not reported in the U.S. sales databases submitted by each mandatory respondent during this review, Commerce will instruct CBP to liquidate such entries at the China-wide rate (*i.e.*, 112.01 percent).

For the companies identified as part of the China-wide entity, China Staple, Shanghai Yueda, and Shijiazhuang Shuangming, we will instruct CBP to apply the China-wide rate (*i.e.*, 112.01 percent) to all entries of subject merchandise during the POR which were exported by those companies.

For Unicorn Fasteners, which Commerce determined had no shipments of the subject merchandise), any suspended entries that entered under that exporter's case number (*i.e.*, at that exporter's cash deposit rate) will be liquidated at the rate for the China-wide entity, consistent with Commerce's assessment practice in non-market economy cases.<sup>14</sup> For Jinyifeng, for which the administrative review is rescinded, antidumping duties shall be assessed at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i).

### Cash Deposit Requirements

The following per-unit cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) for Best Nail/Shaoxing Bohui and Hweschun, the cash deposit rate will be equal to their weighted-average dumping margins established in the final results of this review; (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding in which they were reviewed; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be equal to the

<sup>13</sup> See 19 CFR 351.106(c)(2).

<sup>14</sup> For a full discussion of this practice, see *Assessment Practice Refinement*, 76 FR at 65694.

weighted-average dumping margin for the China-wide entity (*i.e.*, 112.01 percent); and (4) for all non-Chinese exporters of subject merchandise which have not received their own separate rate, the cash deposit rate will be the rate applicable to the Chinese exporter(s) that supplied that non-Chinese exporter. These per-unit 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 and/or countervailing 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 and/or countervailing duties has occurred and the subsequent assessment of double antidumping duties.

### Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to an 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 terms of an APO is a violation which is subject to sanction.

### Notification to Interested Parties

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

Dated: February 3, 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. Changes Since the Preliminary Results
- V. Discussion of the Issues

Comment 1: Whether to Apply Adverse Facts Available to Hweschun and Best Nail/Shaoxing Bohui

Comment 2: Whether Jinyifeng Is Eligible for a Separate Rate

Comment 3: Whether to Conduct a *Bona Fides* Analysis of Best Nail's Sales  
 Comment 4: Valuation of Best Nail's Reported Glue Factor  
 Comment 5: Valuation of Hweschun's Non-Market Economy Ocean Freight  
 Comment 6: Whether to Grant Hweschun a Steel Scrap Offset  
 VI. Recommendation

[FR Doc. 2023-02816 Filed 2-9-23; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-433-812, A-423-812, A-351-847, A-570-047, A-427-828, A-428-844, A-475-834, A-588-875, A-580-887, A-791-822, A-583-858, A-489-828]

**Certain Carbon and Alloy Steel Cut-to-Length Plate From Austria, Belgium, Brazil, the People's Republic of China, France, the Federal Republic of Germany, the Republic of Korea, Italy, Japan, South Africa, Taiwan, and the Republic of Turkey: Continuation of Antidumping Duty Order (Austria, Belgium, the People's Republic of China, France, the Federal Republic of Germany, the Republic of Korea, Italy, Japan, South Africa, Taiwan, and the Republic of Turkey) and Revocation of Antidumping Duty Order (Brazil)**

**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 antidumping duty (AD) orders on certain carbon and alloy steel cut-to-length plate (CTL plate) from Austria, Belgium, the People's Republic of China (China), France, the Federal Republic of Germany (Germany), Italy, Japan, the Republic of Korea (Korea), South Africa, Taiwan, and the Republic of Turkey (Turkey) would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these AD orders. Further, as a result of the ITC's determination that revocation of the AD order on CTL plate from Brazil is not likely to lead to continuation or recurrence of material injury to an industry in the United States, Commerce is revoking the AD order on CTL plate from Brazil.

**DATES:** AD Revocation (Brazil): Applicable February 1, 2022; AD Continuation (Austria, Belgium, China, France, Germany, Italy, Japan, Korea,

South Africa, Taiwan, and Turkey): Applicable February 10, 2023.

**FOR FURTHER INFORMATION CONTACT:** Bryan Hansen or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3683 or (202) 482-1690, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

On February 1, 2017, Commerce published the AD orders on CTL plate from Brazil, South Africa, and Turkey. On March 20, 2017, Commerce published the AD order on CTL plate from China. On May 25, 2017, Commerce published the AD orders on CTL plate from Austria, Belgium, France, Germany, Italy, Japan, Korea, and Taiwan.<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).

As a result of its reviews, Commerce determined, pursuant to sections 751(c)(1) and 752(c) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of dumping. Commerce, therefore, notified the ITC of the magnitude of the margins of dumping rates likely to prevail should these *Orders* be revoked.<sup>4</sup> On February 3, 2023, the ITC published its determinations, pursuant to section 751(c) of the Act, that revocation of the AD orders on CTL plate from Austria,

<sup>1</sup> See *Certain Carbon and Alloy Steel Cut-to-Length Plate from Brazil, South Africa, and the Republic of Turkey: Antidumping Duty Orders*, 82 FR 8911 (February 1, 2017); *Certain Carbon and Alloy Steel Cut-to-Length Plate from the People's Republic of China: Antidumping Duty Order*, 82 FR 14349 (March 20, 2017); and *Certain Carbon and Alloy Steel Cut-to-Length Plate from Austria, Belgium, France, the Federal Republic of Germany, Italy, Japan, the Republic of Korea, and Taiwan: Amended Final Affirmative Antidumping Determinations for France, the Federal Republic of Germany, the Republic of Korea and Taiwan, and Antidumping Duty Orders*, 82 FR 24096 (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>4</sup> See *Certain Carbon and Alloy Steel Cut-to-Length Plate from Austria, Belgium, Brazil, the People's Republic of China, France, the Federal Republic of Germany, the Republic of Korea, Italy, Japan, South Africa, Taiwan, and the Republic of Turkey: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders*, 87 FR 17066 (March 25, 2022), and accompanying Issues and Decision Memorandum.

Belgium, China, France, Germany, Italy, Japan, Korea, South Africa, Taiwan, and Turkey would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time, but that revocation of the AD order on CTL plate from Brazil would not be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.<sup>5</sup>

### Scopes of the Orders

The product covered by the *Orders* is CTL plate. For complete descriptions of the scopes of the *Orders*, see the appendix to this notice.

### Continuation of the AD Orders on CTL Plate From Austria, Belgium, China, France, Germany, Italy, Japan, Korea, South Africa, Taiwan, and Turkey

As a result of the determinations by Commerce and the ITC that revocation of the AD orders on CTL plate from Austria, Belgium, China, France, Germany, Italy, Japan, Korea, South Africa, Taiwan, and Turkey would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of the AD orders on CTL plate from Austria, Belgium, China, France, Germany, Italy, Japan, Korea, South Africa, Taiwan, and Turkey. U.S. Customs and Border Protection (CBP) will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the AD orders on CTL plate from Austria, Belgium, China, France, Germany, Italy, Japan, Korea, South Africa, Taiwan, and Turkey will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year (sunset) review of the AD orders on CTL plate from Austria, Belgium, China, France, Germany, Italy, Japan, Korea, South Africa, Taiwan, and Turkey not later than 30 days prior to the fifth anniversary of the effective date of continuation.

<sup>5</sup> See *Carbon and Alloy Steel Cut-to-Length Plate from Austria, Belgium, Brazil, China, France, Germany, Italy, Japan, South Africa, South Korea, Taiwan, and Turkey*, 88 FR 7462 (February 3, 2023); see also *Carbon and Alloy Steel Cut-to-Length Plate from Austria, Belgium, Brazil, China, France, Germany, Italy, Japan, South Africa, South Korea, Taiwan, and Turkey*, Investigation Nos. 701-TA-560-561 and 731-TA-1317-1328 (Review), USITC Pub. 5399 (January 2023).