International Trade Administration

[A-588-874]

Certain Hot-Rolled Steel Flat Products from Japan: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018-2019

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

SUMMARY: The Department of Commerce (Commerce) determines that Nippon Steel Corporation (NSC) and Tokyo Steel Manufacturing Co., Ltd. (Tokyo Steel), producers and exporters of hot-rolled steel flat products (hot-rolled steel) from Japan, sold subject merchandise in the United States at prices below normal value during the period of review (POR) October 1, 2018, through September 30, 2019. In addition, Commerce determines that Honda Trading Canada, Inc. (Honda), Panasonic Corporation (Panasonic), and Mitsui & CO., Ltd. (Mitsui) had no shipments during the POR.

DATES: Applicable [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Jun Jack Zhao or Myrna Lobo, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1396 or (202) 482-2371, respectively.

SUPPLEMENTARY INFORMATION:

Background
On February 23, 2021, Commerce published the Preliminary Results of this review in the Federal Register.\(^1\) We invited interested parties to comment on the Preliminary Results.

Between March 25 and April 1, 2021, Commerce received timely filed briefs and rebuttal briefs from the petitioners\(^2\) and NSC.\(^3\) On March 25, 2021, Commerce received a hearing request from NSC.\(^4\) On July 2, 2021, NSC withdrew its hearing request.\(^5\)

On April 14, 2021, we extended the deadline for the final results.\(^6\) The deadline for the final results of this review is August 20, 2021.

These final results cover 26 producers and exporters of subject merchandise.\(^7\) Based on an analysis of the comments received, we did not make changes to the weighted-average dumping margins determined for the respondents. The weighted-average dumping margins are listed in the “Final Results of Review” section, below. Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order\(^8\)

The merchandise covered by the Order is certain hot-rolled steel flat products. For a complete description of the scope of the Order, see the Issues and Decision Memorandum.\(^9\)

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1. See Certain Hot-Rolled Steel Flat Products from Japan: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2018-2019; 86 FR 10920 (February 23, 2021) (Preliminary Results), and accompanying Preliminary Decision Memorandum (PDM).
2. The petitioners consist of AK Steel Corporation; ArcelorMittal USA LLC; Nucor Corporation; SSAB Enterprises, LLC; Steel Dynamic, Inc.; and United States Steel Corporation.
7. See Initiation of Antidumping and Countervailing Duty Administrative Reviews, 84 FR 67712 (December 11, 2019).
8. See Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, the Republic of Korea, the Netherlands, the Republic of Turkey, and the United Kingdom: Amended Final Affirmative Antidumping Determinations for Australia, the Republic of Korea, and the Republic of Turkey and Antidumping Duty Orders, 81 FR 67962 (October 3, 2016) (Order).
Final Determination of No Shipments

In the Preliminary Results, Commerce preliminarily determined that Honda, Panasonic, and Mitsui had no shipments of subject merchandise during the POR. U.S. Customs and Border Protection (CBP) subsequently confirmed that these three companies had no shipments. As no party has identified any record evidence which would call into question these preliminary findings with respect to these three companies, we continue to find they made no shipments of subject merchandise during the POR. Accordingly, consistent with our practice, we intend to instruct CBP to liquidate any existing entries of subject merchandise produced by Honda, Panasonic, and Mitsui, but exported by other parties without their own rate, at the all-others rate.

Analysis of Comments Received

We addressed all issues raised in the case and rebuttal briefs in the Issues and Decision Memorandum, which is hereby adopted with this notice. The issues are identified in Appendix I 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 http://enforcement.trade.gov/frn/index.html.

Changes Since the Preliminary Results

Based on our review and analysis of the comments received from parties, we did not make changes to the margin calculations. For a discussion of these changes, see the Issues and Decision Memorandum.

10 See Memorandum, “Certain Hot-Rolled Steel Flat Products from Japan; No Shipment Inquiry for Honda Trading Canada, Inc. during the period 10/01/2018 through 09/30/2019,” dated February 19, 2021; “Certain Hot-Rolled Steel Flat Products from Japan; No Shipment Inquiries for Mitsui & Co., Ltd. and the Panasonic Corporation During the Period 10/01/2018 through 09/30/2019,” dated February 24, 2021.

Rate for Non-Examined Companies

The statute 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, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally “an amount equal to the weighted-average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or de minimis margins, and any margins determined entirely {on the basis of facts available}.”

For these final results, we calculated weighted-average dumping margins that are not zero, de minimis, or determined entirely on the basis of facts available for NSC and Tokyo Steel. Accordingly, Commerce has assigned to the companies not individually examined a margin of 10.95 percent, which is the weighted-average (using the publicly ranged U.S. value) of NSC’s and Tokyo Steel’s calculated weighted-average dumping margins for these final results.

Final Results of Review

We are assigning the following weighted-average dumping margins to the firms listed below for the period October 1, 2018, through September 30, 2019:

<table>
<thead>
<tr>
<th>Producers/Exporters</th>
<th>Weighted-Average Dumping Margin (Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nippon Steel Corporation/Nippon Steel Nisshin Co., Ltd./Nippon Steel Trading Corporation</td>
<td>11.70</td>
</tr>
</tbody>
</table>

12 Commerce found in a changed circumstances review that NSC, Nippon Steel Nisshin Co., Ltd. (Nippon Nisshin), and Nippon Steel Trading Corporation (NSTC) are affiliated companies that should be treated as a single entity and as the successor-in-interest to Nippon Steel & Sumitomo Metal Corporation (NSSMC), Nisshin Steel Co., Ltd. (Nisshin Steel), and Nippon Steel & Sumikin Bussan Corporation (NSSBC), respectively. See Certain Hot-Rolled Steel Flat Products from Japan: Notice of Final Results of Antidumping Duty Changed Circumstances Review, 84 FR 46713 (September 5, 2019). We have continued to treat NSC, Nippon Nisshin, and NSTC as a single entity for purposes of this administrative review.
<table>
<thead>
<tr>
<th>Producers/Exporters</th>
<th>Weighted-Average Dumping Margin (Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tokyo Steel Manufacturing Co., Ltd.</td>
<td>6.80</td>
</tr>
<tr>
<td><strong>Review-Specific Average Rate Applicable to the Following Companies:</strong></td>
<td></td>
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<tr>
<td>Hanwa Co., Ltd.</td>
<td>10.95</td>
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<td>Higuchi Manufacturing America, LLC.</td>
<td>10.95</td>
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<tr>
<td>Higuchi Seisakusho Co., Ltd.</td>
<td>10.95</td>
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<tr>
<td>Hitachi Metals, Ltd.</td>
<td>10.95</td>
</tr>
<tr>
<td>JFE Steel Corporation/JFE Shoji Trade Corporation(^\text{13})</td>
<td>10.95</td>
</tr>
<tr>
<td>JFE Shoji Trade America</td>
<td>10.95</td>
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<tr>
<td>Kanematsu Corporation</td>
<td>10.95</td>
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<tr>
<td>Kobe Steel, Ltd.</td>
<td>10.95</td>
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<tr>
<td>Metal One Corporation</td>
<td>10.95</td>
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<tr>
<td>Miyama Industry Co., Ltd.</td>
<td>10.95</td>
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<tr>
<td>Nakagawa Special Steel Inc.</td>
<td>10.95</td>
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<tr>
<td>Nippon Steel &amp; Sumikin Logistics Co., Ltd.</td>
<td>10.95</td>
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<tr>
<td>Okaya &amp; Co. Ltd.</td>
<td>10.95</td>
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<tr>
<td>Saint-Gobain K.K.</td>
<td>10.95</td>
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<tr>
<td>Shinsho Corporation</td>
<td>10.95</td>
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<tr>
<td>Sumitomo Corporation</td>
<td>10.95</td>
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<tr>
<td>Suzuki Corporation</td>
<td>10.95</td>
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<tr>
<td>Toyota Tsusho Corporation Nagoya</td>
<td>10.95</td>
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</tbody>
</table>

**Assessment**

Consistent with its recent notice,\(^\text{14}\) 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

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\(^{13}\) We collapsed JFE Shoji Trade Corporation with JFE Steel Corporation in the underlying investigation. See *Certain Hot-Rolled Steel Flat Products from Japan: Preliminary Determination of Sales at Less than Fair Value and Postponement of Final Determination*, 81 FR 15222 (March 22, 2016), and accompanying PDM at 8-9. We have continued to treat these companies as a single entity for purposes of this administrative review.

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).

Where the respondent reported reliable entered values, we calculated importer–(or customer-) specific ad valorem rates by aggregating the dumping margins calculated for all U.S. sales to each importer (or customer) and dividing this amount by the total entered value of the sales to each importer (or customer). Where Commerce calculated a weighted-average dumping margin by dividing the total amount of dumping for reviewed sales to that party by the total sales quantity associated with those transactions, Commerce will direct CBP to assess importer–(or customer-) specific assessment rates based on the resulting per-unit rates.

Where an importer–(or customer-) specific ad valorem or per-unit rate is greater than de minimis (i.e., 0.50 percent), Commerce will instruct CBP to collect the appropriate duties at the time of liquidation. Where an importer–(or customer-) specific ad valorem or per-unit rate is zero or de minimis, Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.

For the companies which were not selected for individual review, we will assign an assessment rate based on the methodology described in the “Rates for Non-Examined Companies” section, above.

Consistent with Commerce’s assessment practice, for entries of subject merchandise during the POR produced by NSC, Tokyo Steel, or the non-examined companies for which the producer did not know that its merchandise was destined for the United States, 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.

Cash Deposit Requirements

15 See 19 CFR 351.212(b)(1).
16 Id.
17 Id.
18 See 19 CFR 351.106(c)(2).
19 For a full discussion of this practice, see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties, 68 FR 23954 (May 6, 2003).
The following cash deposit requirements will be effective for all shipments of 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 for by section 751(a)(2)(C) of the Act: (1) the cash deposit rates for the companies listed in these final results will be equal to the weighted-average dumping margins established in the final results of this review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment in which the company was reviewed; (3) if the exporter is not a firm covered in this 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 this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 5.58 percent, the all-others rate established in the LTFV investigation. These cash deposit requirements, 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)(2) 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 the 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 administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return

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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(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h) and 351.221(b)(5) of Commerce’s regulations.

Dated: August 20, 2021.

Ryan Majerus,
Deputy Assistant Secretary for Policy and Negotiations.
Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Application of Partial Facts Available and Use of Adverse Inference
V. Final Determination of No Shipments
VI. Changes Since the Preliminary Results
VII. Discussion of the Issues
   Comment 1: Whether Commerce Should Deduct Section 232 Duties from U.S. Price
   Comment 2: Whether Commerce Should Apply Adverse Facts Available to NSC’s Home Market Sales made to Certain Affiliated Customers
   Comment 3: Whether Commerce Should Apply Differential Pricing Methodology with Zeroing Negative Margins for Sales that Pass Commerce’s Differential Pricing Test
   Comment 4: Whether Commerce Should Include Certain Separately Invoiced U.S. Revenue Fields in Calculating the Net U.S. Price
   Comment 5: Whether Commerce Should Make Certain Adjustments to NSC’s Reported G&A Expenses
VIII. Recommendation

[FR Doc. 2021-18414 Filed: 8/25/2021 8:45 am; Publication Date: 8/26/2021]