



## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-421-816]

#### **Tin Mill Products from the Netherlands: Final Negative Determination of Sales at Less Than Fair Value**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that tin mill products from the Netherlands are not being, or are not likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation January 1, 2022, through December 31, 2022.

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

**FOR FURTHER INFORMATION CONTACT:** Brittany Bauer, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3860.

#### **SUPPLEMENTARY INFORMATION:**

##### Background

On August 22, 2023, Commerce published in the *Federal Register* its preliminary determination in the LTFV investigation of tin mill products from the Netherlands, in which we also postponed the final determination until January 4, 2023.<sup>1</sup> We invited interested parties to comment on the *Preliminary Determination*.<sup>2</sup> We received comments on the *Preliminary Determination* from Cleveland-Cliffs Inc. (Cleveland Cliffs) and the United Steel, Paper and

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<sup>1</sup> See *Tin Mill Products from the Netherlands: Preliminary Negative Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 88 FR 57096 (August 22, 2023) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See *Preliminary Determination*, 88 FR at 57097.

Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW).<sup>3</sup> On December 1, 2023, we received a rebuttal brief from Tata Steel IJmuiden BV (TSIJ).<sup>4</sup>

For a complete description of the events that followed the *Preliminary Determination*, see the Issues and Decision Memorandum.<sup>5</sup> The Issues and Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://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>.

#### Scope of the Investigation

The products covered by this investigation are tin mill products from the Netherlands. For a complete description of the scope of this investigation, see Appendix I.

#### Scope Comments

During the course of this investigation, Commerce received scope comments from parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments and set aside a period of time for parties to address scope issues in scope-specific case and rebuttal briefs.<sup>6</sup> We received comments from parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.<sup>7</sup> We made no changes to the scope of the investigation from the scope published in the *Preliminary Determination*, as noted in Appendix I to this notice.

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<sup>3</sup> See Cleveland-Cliffs' Letter, "Case Brief Of Petitioner Cleveland-Cliffs Inc.," dated November 24, 2023; and USW's Letter, "Case Brief of Petitioner the United Steelworkers," dated November 24, 2023.

<sup>4</sup> See TSIJ's Letter, "Rebuttal Case Brief of Tata Steel IJmuiden BV," dated December 1, 2023.

<sup>5</sup> See Memorandum, "Decision Memorandum for the Final Negative Determination in the Less-Than-Fair-Value Investigation of Tin Mill Products from the Netherlands," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>6</sup> See Memorandum, "Preliminary Scope Decision Memorandum," dated August 16, 2023 (Preliminary Scope Decision Memorandum).

<sup>7</sup> See Memorandum, "Final Scope Decision Memorandum," dated concurrently with this memorandum (Final Scope Decision Memorandum).

## Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), in September and October 2023, we conducted verifications of the sales and cost information submitted by TSIJ for use in our final determination. We used standard verification procedures, including an examination of relevant sales and accounting records, and original source documents provided by TSIJ.<sup>8</sup>

## Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by interested parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached as Appendix II to this notice.

## Changes Since the *Preliminary Determination*

We have made certain changes to the margin calculations for TSIJ since the *Preliminary Determination*. For a discussion of these changes, *see* the Issues and Decision Memorandum.

## Final Determination

The final estimated weighted-average dumping margin is as follows:

<b>Exporter/Producer</b>	<b>Estimated Weighted-Average Dumping Margin (percent)</b>
Tata Steel IJmuiden BV	0.00

Commerce determines that TSIJ, the only individually-examined respondent, has not made sales of subject merchandise at LTFV. Accordingly, Commerce has not calculated an estimated weighted-average dumping margin for all other producers and exporters pursuant to sections 735(c)(1)(B) and (c)(5) of the Act, because it has not made an affirmative determination of sales at LTFV.

## Disclosure

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<sup>8</sup> *See* Memorandum, “Verification of the Sales Response of Tata Steel IJmuiden, B.V. in the Less-Than-Fair-Value Investigation of Tin Mill Products from the Netherlands,” dated October 10, 2023; and Memorandum, “Verification of the Cost Response of Tata Steel IJmuiden BV. in the Antidumping Duty Investigation of Tin Mill Products from the Netherlands,” dated November 14, 2023.

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

#### Suspension of Liquidation

In the *Preliminary Determination*, we calculated an estimated weighted-average dumping margin for TSIJ that was zero percent, and, therefore, we did not suspend liquidation of entries of tin mill products from the Netherlands.<sup>9</sup> Because Commerce has now made a final negative determination of sales at LTFV with regard to the subject merchandise, Commerce will not direct U.S. Customs and Border Protection to suspend liquidation or to require a cash deposit of estimated antidumping duties for entries of tin mill products from the Netherlands.

#### U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission of this final negative determination of sales at LTFV. As our final determination is negative, this proceeding is terminated in accordance with section 735(c)(2) of the Act.

#### Administrative Protective Order

This notice will serve as the final reminder to parties subject to an 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 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 violation which is subject to sanction.

#### Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: January 4, 2024.

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<sup>9</sup> See *Preliminary Determination*, 88 FR at 57097.

**Abdelali Elouaradia,**  
*Deputy Assistant Secretary for Enforcement and Compliance.*

## Appendix I

### Scope of the Investigation

The products within the scope of this investigation are tin mill flat-rolled products that are coated or plated with tin, chromium, or chromium oxides. Flat-rolled steel products coated with tin are known as tinplate. Flat-rolled steel products coated with chromium or chromium oxides are known as tin-free steel or electrolytic chromium-coated steel. The scope includes all the noted tin mill products regardless of thickness, width, form (in coils or cut sheets), coating type (electrolytic or otherwise), edge (trimmed, untrimmed or further processed, such as scroll cut), coating thickness, surface finish, temper, coating metal (tin, chromium, chromium oxide), reduction (single- or double-reduced), and whether or not coated with a plastic material.

All products that meet the written physical description are within the scope of this investigation unless specifically excluded. The following products are outside and/or specifically excluded from the scope of this investigation:

- Single reduced electrolytically chromium coated steel with a thickness 0.238 mm (85 pound base box) ( $\pm 10\%$ ) or 0.251 mm (90 pound base box) ( $\pm 10\%$ ) or 0.255 mm ( $\pm 10\%$ ) with 770 mm (minimum width) ( $\pm 1.588$  mm) by 900 mm (maximum length if sheared) sheet size or 30.6875 inches (minimum width) ( $\pm 1/16$  inch) and 35.4 inches (maximum length if sheared) sheet size; with type MR or higher (per ASTM) A623 steel chemistry; batch annealed at T2  $\frac{1}{2}$  anneal temper, with a yield strength of 31 to 42 kpsi (214 to 290 Mpa); with a tensile strength of 43 to 58 kpsi (296 to 400 Mpa); with a chrome coating restricted to 32 to 150 mg/m<sup>2</sup>; with a chrome oxide coating restricted to 6 to 25 mg/m<sup>2</sup> with a modified 7B ground roll finish or blasted roll finish; with roughness average (Ra) 0.10 to 0.35 micrometers, measured with a stylus instrument with a stylus radius of 2 to 5 microns, a trace length of 5.6 mm, and a cut-off of 0.8 mm, and the measurement traces shall be made perpendicular to the rolling direction; with an oil level of 0.17 to 0.37 grams/base box as type BSO, or 2.5 to 5.5 mg/m<sup>2</sup> as type DOS, or 3.5 to 6.5 mg/m<sup>2</sup> as type ATBC; with electrical conductivity of static probe voltage drop of 0.46 volts drop maximum, and with electrical conductivity degradation to 0.70 volts drop maximum after stoving (heating to 400 degrees F for 100 minutes followed by a cool to room temperature).
- Single reduced electrolytically chromium- or tin-coated steel in the gauges of 0.0040 inch nominal, 0.0045 inch nominal, 0.0050 inch nominal, 0.0061 inch nominal (55 pound base box weight), 0.0066 inch nominal (60 pound base box weight), and 0.0072 inch nominal (65 pound base box weight), regardless of width, temper, finish, coating or other properties.
- Single reduced electrolytically chromium coated steel in the gauge of 0.024 inch, with widths of 27.0 inches or 31.5 inches, and with T-1 temper properties.
- Single reduced electrolytically chromium coated steel, with a chemical composition of 0.005% max carbon, 0.030% max silicon, 0.25% max manganese, 0.025% max phosphorous, 0.025% max sulfur 0.070% max aluminum, and the balance iron, with a metallic chromium layer of 70- 130 mg/m<sup>2</sup>, with a chromium oxide layer of 5-30 mg/m<sup>2</sup>, with a tensile strength of 260-440 N/mm<sup>2</sup>, with an elongation of 28-48%, with a hardness (HR-30T) of 40-58, with a surface roughness of 0.5-1.5 microns Ra, with magnetic properties of Bm (kg) 10.0 minimum, Br (kg) 8.0 minimum, Hc (Oe) 2.5-

3.8, and MU 1400 minimum, as measured with a Riken Denshi DC magnetic characteristic measuring machine, Model BHU-60.

- Bright finish tin-coated sheet with a thickness equal to or exceeding 0.0299 inch, coated to thickness of  $\frac{3}{4}$  pound (0.000045 inch) and 1 pound (0.00006 inch).
- Electrolytically chromium coated steel having ultra flat shape defined as oil can maximum depth of  $\frac{5}{64}$  inch (2.0 mm) and edge wave maximum of  $\frac{5}{64}$  inch (2.0 mm) and no wave to penetrate more than 2.0 inches (51.0 mm) from the strip edge and coilset or curling requirements of average maximum of  $\frac{5}{64}$  inch (2.0 mm) (based on six readings, three across each cut edge of a 24 inches (61 cm) long sample with no single reading exceeding  $\frac{4}{32}$  inch (3.2 mm) and no more than two readings at  $\frac{4}{32}$  inch (3.2 mm)) and (for 85 pound base box item only: crossbuckle maximums of 0.001 inch (0.0025 mm) average having no reading above 0.005 inch (0.127 mm)), with a camber maximum of  $\frac{1}{4}$  inch (6.3 mm) per 20 feet (6.1 meters), capable of being bent 120 degrees on a 0.002 inch radius without cracking, with a chromium coating weight of metallic chromium at 100 mg/m<sup>2</sup> and chromium oxide of 10 mg/m<sup>2</sup>, with a chemistry of 0.13% maximum carbon, 0.60% maximum manganese, 0.15% maximum silicon, 0.20% maximum copper, 0.04% maximum phosphorous, 0.05% maximum sulfur, and 0.20% maximum aluminum, with a surface finish of Stone Finish 7C, with a DOS-A oil at an aim level of 2 mg/square meter, with not more than 15 inclusions/foreign matter in 15 feet (4.6 meters) (with inclusions not to exceed  $\frac{1}{32}$  inch (0.8 mm) in width and  $\frac{3}{64}$  inch (1.2 mm) in length), with thickness/temper combinations of either 60 pound base box (0.0066 inch) double reduced CADR8 temper in widths of 25.00 inches, 27.00 inches, 27.50 inches, 28.00 inches, 28.25 inches, 28.50 inches, 29.50 inches, 29.75 inches, 30.25 inches, 31.00 inches, 32.75 inches, 33.75 inches, 35.75 inches, 36.25 inches, 39.00 inches, or 43.00 inches, or 85 pound base box (0.0094 inch) single reduced CAT4 temper in widths of 25.00 inches, 27.00 inches, 28.00 inches, 30.00 inches, 33.00 inches, 33.75 inches, 35.75 inches, 36.25 inches, or 43.00 inches, with width tolerance of  $\frac{1}{8}$  inch, with a thickness tolerance of 0.0005 inch, with a maximum coil weight of 20,000 pounds (9071.0 kg), with a minimum coil weight of 18,000 pounds (8164.8 kg), with a coil inside diameter of 16 inches (40.64 cm) with a steel core, with a coil maximum outside diameter of 59.5 inches (151.13 cm), with a maximum of one weld (identified with a paper flag) per coil, with a surface free of scratches, holes, and rust.
- Electrolytically tin coated steel having differential coating with 1.00 pound/base box equivalent on the heavy side, with varied coating equivalents in the lighter side (detailed below), with a continuous cast steel chemistry of type MR, with a surface finish of type 7B or 7C, with a surface passivation of 0.7 mg/square foot of chromium applied as a cathodic dichromate treatment, with coil form having restricted oil film weights of 0.3-0.4 grams/base box of type DOS-A oil, coil inside diameter ranging from 15.5 to 17 inches, coil outside diameter of a maximum 64 inches, with a maximum coil weight of 25,000 pounds, and with temper/coating/dimension combinations of: (1) CAT4 temper, 1.00/.050 pound/base box coating, 70 pound/base box (0.0077 inch) thickness, and 33.1875 inch ordered width; or (2) CAT5 temper, 1.00/0.50 pound/base box coating, 75 pound/base box (0.0082 inch) thickness, and 34.9375 inch or 34.1875 inch ordered width; or (3) CAT5 temper, 1.00/0.50 pound/base box coating, 107 pound/base box (0.0118 inch) thickness, and 30.5625 inch or 35.5625 inch ordered width; or (4) CADR8 temper, 1.00/0.50 pound/base box coating, 85 pound/base box (0.0093 inch) thickness, and 35.5625

inch ordered width; or (5) CADR8 temper, 1.00/0.25 pound/base box coating, 60 pound/base box (0.0066 inch) thickness, and 35.9375 inch ordered width; or (6) CADR8 temper, 1.00/0.25 pound/base box coating, 70 pound/base box (0.0077 inch) thickness, and 32.9375 inch, 33.125 inch, or 35.1875 inch ordered width.

- Electrolytically tin coated steel having differential coating with 1.00 pound/base box equivalent on the heavy side, with varied coating equivalents on the lighter side (detailed below), with a continuous cast steel chemistry of type MR, with a surface finish of type 7B or 7C, with a surface passivation of 0.5 mg/square foot of chromium applied as a cathodic dichromate treatment, with ultra flat scroll cut sheet form, with CAT5 temper with 1.00/0.10 pound/base box coating, with a lithograph logo printed in a uniform pattern on the 0.10 pound coating side with a clear protective coat, with both sides waxed to a level of 15-20 mg/216 sq. inch, with ordered dimension combinations of (1) 75 pound/base box (0.0082 inch) thickness and 34.9375 inch x 31.748 inch scroll cut dimensions; or (2) 75 pound/base box (0.0082 inch) thickness and 34.1875 inch x 29.076 inch scroll cut dimensions; or (3) 107 pound/base box (0.0118 inch) thickness and 30.5625 inch x 34.125 inch scroll cut dimension.
- Tin-free steel coated with a metallic chromium layer between 100-200 mg/m<sup>2</sup> and a chromium oxide layer between 5-30 mg/m<sup>2</sup>; chemical composition of 0.05% maximum carbon, 0.03% maximum silicon, 0.60% maximum manganese, 0.02% maximum phosphorous, and 0.02% maximum sulfur; magnetic flux density (Br) of 10 kg minimum and a coercive force (Hc) of 3.8 Oe minimum.
- Tin-free steel laminated on one or both sides of the surface with a polyester film, consisting of two layers (an amorphous layer and an outer crystal layer), that contains no more than the indicated amounts of the following environmental hormones: 1 mg/kg BADGE (BisPhenol – A Di-glycidyl Ether), 1 mg/kg BFDGE (BisPhenol – F Di-glycidyl Ether), and 3 mg/kg BPA (BisPhenol – A).

The merchandise subject to this investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS), under HTSUS subheadings 7210.11.0000, 7210.12.0000, 7210.50.0020, 7210.50.0090, 7212.10.0000, and 7212.50.0000 if of non-alloy steel and under HTSUS subheadings 7225.99.0090, and 7226.99.0180 if of alloy steel. Although the subheadings are provided for convenience and customs purposes, the written description of the scope of the investigation is dispositive.

## Appendix II

### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Scope of the Investigation
- V. Changes Since the *Preliminary Determination*
- VI. Discussion of the Issues
  - Comment 1: Whether Commerce Should Apply Total Adverse Facts Available (AFA) to TSIJ
  - Comment 2: Whether Commerce Can Use TSIJ's Home Market Sales to Calculate Normal Value

Comment 3: Whether Commerce Should Apply AFA for TSIJ's Alleged Failure to Report Product-Specific Costs

Comment 4: Whether Commerce Should Apply AFA for TSIJ's Alleged Failure to Substantiate Operating Costs Attributable to Subject Merchandise

Comment 5: Whether Commerce Should Use the Market Prices Provided by the Petitioners for Coal in Its Affiliated Input Analysis

## VII. Recommendation

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