DEPARTMENT OF COMMERCE
International Trade Administration

[823–816]

Carbon and Alloy Steel Wire Rod From Ukraine: Affirmative Final Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (Department) determines that imports of carbon and alloy steel wire rod (wire rod) from Ukraine are being, or are likely to be, sold in the United States at less than fair value (LTFV). The final estimated weighted-average dumping margins of sales at LTFV are listed below in the section entitled “Final Determination.” The period of investigation is January 1, 2016, through December 31, 2016.


FOR FURTHER INFORMATION CONTACT: Julia Hancock or Courtney Canales, 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) 482–1394, or (202) 482–4997, respectively.

SUPPLEMENTARY INFORMATION:

The products covered by this investigation are generally described as:

16 Supercalendering imparts a glossy finish produced by the movement of the paper web through a supercalender which is a stack of alternating rollers of metal and cotton (or other softer material). The supercalender runs at high speed and applies pressure, heat, and friction which glazes the surface of the paper, imparting gloss to the surface and increasing the paper’s smoothness and density.

The following HTSUS numbers are no longer active as of January 1, 2017: 4801.00.0020, 4801.00.0040, 4802.61.3010, 4802.61.3091, and 4802.62.6040.

17 The following HTSUS numbers are no longer active as of January 1, 2017: 4801.00.0020, 4801.00.0040, 4802.61.3010, 4802.61.3091, and 4802.62.6040.

Background

On October 31, 2017, the Department published the Preliminary Determination in the Federal Register. The petitioners in this investigation are Gerdau Ameristeel USA Inc., Nucor Corporation, Keystone Consolidated Industries, Inc., and Charter Steel (collectively, the petitioners). The mandatory respondents in this investigation are ArcelorMittal Steel Kryvyi Rih OJSC (AMKR) and Public Joint Stock Company (PJSC) Yenakiieve Steel (Yenakievo). In the Preliminary Determination, the Department determined that the application of facts available with an adverse inference (AFA) was warranted as a result of AMKR’s and Yenakievo’s failure to cooperate and provide complete, usable data in this investigation. A summary of the events that occurred since the Department published the Preliminary Determination, as well as a full discussion of the issues raised by parties for this final determination, may be found in the accompanying Issues and Decision Memorandum. 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 http://access.trade.gov, and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at http://enforcement.trade.gov. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Scope of the Investigation

The products covered by this investigation are generally described as:

1 See Carbon and Alloy Steel Wire Rod from Ukraine: Preliminary Affirmative Determination of Sales at Less Than Fair Value, 82 FR 50375 (October 31, 2017) (Preliminary Determination) and accompanying Preliminary Decision Memorandum.

2 The Department preliminarily determined not to further examine Dufeko S.A. (Dufeko) as part of this investigation because the evidence does not show that Dufeko made any sales of subject merchandise in the United States during the POI. For the final determination, we continue to find that Dufeko had no sales of subject merchandise during the POI. As such, any entries of subject merchandise exported by Dufeko will be subject to the All-Others Rate.

3 See Memorandum, “Issues and Decision Memorandum for the Final Affirmative Determination in the Less Than Fair Value Investigation of Carbon and Alloy Steel Wire Rod from Ukraine,” dated concurrently with this determination and hereby adopted by this notice (Issues and Decision Memorandum).
wire rod from Ukraine. For a complete description of the scope of the investigation, see Appendix I of this notice.

Scope Comments
During the course of this investigation, the Department received numerous scope comments from interested parties. Prior to the Preliminary Determination, the Department issued a Preliminary Scope Decision Memorandum to address these comments. As a result of these comments, the Department made no changes to the scope of this investigation as it appeared in the Initiation Notice.4

In November 2017, we received scope case and rebuttal briefs. On November 20, 2017, we issued the Final Scope Decision Memorandum in response to the comments received.5 We did not change the scope of this investigation.

Analysis of Comments Received
All issues raised in the case and rebuttal briefs that were submitted by interested parties in this investigation are addressed in the Issues and Decision Memorandum. A list of these issues is attached to this notice at Appendix II.

Verification
Because the mandatory respondents in this investigation did not provide the information requested, the Department did not conduct verification.

Changes Since the Preliminary Determination and Use of Adverse Facts Available
The Department has made no changes to the Preliminary Determination. As explained in the Preliminary Determination, we found that the application of facts available with an adverse inference with respect to both mandatory respondents in this

4 For discussion of these comments, see Memorandum, “Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, the United Arab Emirates, and the United Kingdom: Scope Comments Decision Memorandum for the Preliminary Determinations” (Preliminary Scope Decision Memorandum), dated August 7, 2017; see also Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, the United Arab Emirates, and the United Kingdom: Initiation of Less-Than-Fair-Value Investigations, RIN 7030–P000 (April 26, 2017) (Initiation Notice).

5 For discussion of these comments, see Memorandum, “Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, the United Arab Emirates, and the United Kingdom: Final Scope Memorandum” (Final Scope Decision Memorandum), dated November 20, 2017.

inquiry, AMKR and Yenakievo, was warranted, in accordance with sections 776(a)(1), 776(a)(2), and 776(b) of the Act.6

All-Others Rate
As discussed in the Preliminary Determination, the Department based the selection of the all-others rate on the simple average of the six dumping margins calculated for subject merchandise from Ukraine alleged in the petition,7 in accordance with section 735(c)(1)(B)(ii) of the Act, and determined a rate of 34.98 percent. We made no changes to the all-others rate for this final determination.8

Final Determination
The final estimated weighted-average dumping margins are as follows:

<table>
<thead>
<tr>
<th>Producer or exporter</th>
<th>Weighted-average dumping margins (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ArcelorMittal Steel Kryvyi Rih .....</td>
<td>44.03</td>
</tr>
<tr>
<td>Public Joint Stock Company Yenakievo Iron and Steel Works ..................................</td>
<td>44.03</td>
</tr>
<tr>
<td>All-Others ..................</td>
<td>34.98</td>
</tr>
</tbody>
</table>

Disclosure
The estimated weighted-average dumping margin assigned to AMKR and Yenakievo in this investigation in the Preliminary Determination were based on adverse facts available and the Department described the method it used to determine the AFA rate in the Preliminary Determination. As we made no changes to this margin since the Preliminary Determination, no disclosure of calculations is necessary for this final determination.

Continuation of Suspension of Liquidation
In accordance with section 733(d)(2) of the Act, the Department will instruct U.S. Customs and Border Protection (CBP) to suspend liquidation of all appropriate entries of wire rod from Ukraine, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after October 31, 2017, the date of publication of the Preliminary Determination.

Furthermore, the Department will instruct CBP to require a cash deposit for such entries of merchandise. Pursuant to section 735(c)(1)(B)(ii) of the Act, CBP shall require a cash deposit equal to the weighted-average amount by which normal value exceeds U.S. price, as follows: (1) If AMKR and Yenakievo, the cash deposit rates will be equal to the estimated weighted-average dumping margin which the Department determined in this final determination; (2) if the exporter is not a firm identified in this investigation but the producer is, then the cash deposit rate will be equal to the estimated weighted-average dumping margin established for the producer of the subject merchandise; (3) the cash deposit rate for all other producers and exporters will be 34.98 percent, as discussed in the “All-Others Rate” section and as listed in the chart, above.

The instructions suspending liquidation will remain in effect until further notice.

U.S. International Trade Commission Notification
In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of our final determination. Because the final determination in this proceeding is affirmative, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation of wire rod from Ukraine no later than 45 days after this final determination, in accordance with section 735(b)(2) of the Act. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP
DEPARTMENT OF COMMERCE
International Trade Administration


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

SUMMARY: The Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty order on multilayered wood flooring (MLWF) from the People's Republic of China (China). The period of review (POR) is December 1, 2015, through November 30, 2016. The review covers two mandatory respondents, Jiangsu Senmao Bamboo and Wood Industry Co., Ltd. (Jiangsu Senmao) and Jinlin Forest Industry Jingqiao Flooring Group Co., Ltd. (Jinqiao Flooring).

We preliminarily determine that sales of subject merchandise by Jiangsu Senmao have not been made at prices below normal value (NV) and that Jinqiao Flooring is not eligible for a separate rate and, therefore, remains part of the China-wide entity. In addition, we are preliminarily granting separate rates to 70 producers/exporters, including Jiangsu Senmao, and determine that 16 producer/exporters made no shipments of subject merchandise during the POR. Finally, we are rescinding the review with respect to Dalian Penghong Floor Products Co., Ltd. (Dalian Penghong). We invite interested parties to comment on these preliminary results.


FOR FURTHER INFORMATION CONTACT: Sergio Balbontin or Michael Bowen, 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) 482–6478 and (202) 482–0768, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The product covered by the Order is wood flooring from China. For a complete description of the scope of this administrative review, see the Preliminary Decision Memorandum.1

Partial Rescission of Review

Commerce initiated a review of 116 companies in this administrative review.2 The requests for review of Dalian Penghong were timely withdrawn.3 Accordingly, we are rescinding the administrative review with respect to this company.4

Preliminary Determination of No Shipments

Sixteen companies submitted timely-filed certifications that they had no exports, sales, or entries of subject merchandise during the POR. Accordingly, Commerce, consistent with its practice, requested that U.S. Customs and Border Protection (CBP)