

exceed six months.<sup>16</sup> However, we find that a compelling reason to deny the request to postpone the final determination exists because THIELMANN declined to respond to our original questionnaire or otherwise participate in the investigation. THIELMANN is the sole mandatory respondent in this case, and because it declined to respond to our initial questionnaire and is not participating in the investigation, there is no need to postpone the final determination, and we are thus compelled to deny the request. In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(e)(1) and (2), because a compelling reason for denial exists we are not granting THIELMANN's request to postpone the final determination. Therefore, we intend to issue the final determination pursuant to section 735(a)(1) of the Act and 19 CFR 351.210(b)(1).

**International Trade Commission Notification**

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

**Notification to Interested Parties**

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: May 28, 2019.

**Christian Marsh,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

**Appendix I**

**Scope of the Investigation**

The merchandise covered by this investigation are kegs, vessels, or containers with bodies that are approximately cylindrical in shape, made from stainless steel (*i.e.*, steel containing at least 10.5 percent chromium by weight and less than 1.2 percent carbon by weight, with or without other elements), and that are compatible with a "D Sankey" extractor (refillable stainless steel kegs) with a nominal liquid volume capacity of 10 liters or more, regardless of the type of finish, gauge, thickness, or grade of stainless steel, and

whether or not covered by or encased in other materials. Refillable stainless steel kegs may be imported assembled or unassembled, with or without all components (including spears, couplers or taps, necks, collars, and valves), and be filled or unfilled.

"Unassembled" or "unfinished" refillable stainless steel kegs include drawn stainless steel cylinders that have been welded to form the body of the keg and attached to an upper (top) chime and/or lower (bottom) chime. Unassembled refillable stainless steel kegs may or may not be welded to a neck, may or may not have a valve assembly attached, and may be otherwise complete except for testing, certification, and/or marking.

Subject merchandise also includes refillable stainless steel kegs that have been further processed in a third country, including but not limited to, attachment of necks, collars, spears or valves, heat treatment, pickling, passivation, painting, testing, certification or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the in-scope refillable stainless steel keg.

Specifically excluded are the following:

- (1) Vessels or containers that are not approximately cylindrical in nature (*e.g.*, box, "hopper" or "cone" shaped vessels);
- (2) stainless steel kegs, vessels, or containers that have either a "ball lock" valve system or a "pin lock" valve system (commonly known as "Cornelius," "corny" or "ball lock" kegs);
- (3) necks, spears, couplers or taps, collars, and valves that are not imported with the subject merchandise; and
- (4) stainless steel kegs that are filled with beer, wine, or other liquid and that are designated by the Commissioner of Customs as Instruments of International Traffic within the meaning of section 332(a) of the *Tariff Act of 1930*, as amended.

The merchandise covered by this investigation are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 7310.10.0010, 7310.10.0050, 7310.29.0025, and 7310.29.0050.

These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of this investigation is dispositive.

**Appendix II**

**List of Topics Discussed in the Preliminary Decision Memorandum**

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Scope of the Investigation
- V. Scope Comments
- VI. Product Characteristics
- VII. Application of Facts Available and Use of Adverse Inference, and Calculation of All-Others Rate
  - A. Application of Facts Available
  - B. Use of Adverse Inference
  - C. Preliminary Estimated Weighted-Average Dumping Margins Based on Adverse Facts Available

- D. Corroboration of Secondary Information
- E. All Others Rate
- VIII. Critical Circumstances
- IX. Verification
- X. Conclusion

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**BILLING CODE 3510-DS-P**

**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) listed below. The International Trade Commission (the Commission) is publishing concurrently with this notice its notice of *Institution of Five-Year Reviews* which covers the same order(s).

**DATES:** Applicable June 1, 2019.

**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 Commission 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 *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).

<sup>16</sup> See THIELMANN's Letter, "Refillable Stainless Steel Kegs from Mexico: Request For Postponement of Final Determination," dated April 29, 2019.

**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):

| DOC case No. | ITC case No. | Country              | Product   | Commerce contact                       |
|--------------|--------------|----------------------|---|--|
| A-351-832    | 731-TA-953   | Brazil               | Carbon and Certain Alloy, Steel Wire Rod (3rd Review).            | Joshua Poole, (202) 482-1293.          |
| C-351-833    | 701-TA-417   | Brazil               | Carbon and Certain Alloy, Steel Wire Rod (3rd Review).            | Joshua Poole, (202) 482-1293.          |
| A-570-930    | 731-TA-1144  | China                | Circular Welded Austenitic, Stainless Pressure Pipe (2nd Review). | Matthew Renkey, (202) 482-2312.        |
| C-570-931    | 701-TA-454   | China                | Circular Welded Austenitic, Stainless Pressure Pipe (2nd Review). | Joshua Poole, (202) 482-1293.          |
| A-533-857    | 731-TA-1215  | India                | Oil Country Tubular Goods (1st Review)                            | Jacqueline Arrowsmith, (202) 482-5255. |
| C-533-858    | 701-TA-499   | India                | Oil Country Tubular Goods (1st Review)                            | Jacqueline Arrowsmith, (202) 482-5255. |
| A-560-815    | 731-TA-957   | Indonesia            | Carbon and Certain Alloy, Steel Wire Rod (2nd Review).            | Joshua Poole, (202) 482-1293.          |
| A-557-815    | 731-TA-1210  | Malaysia             | Welded Stainless Steel, Pressure Pipe (1st Review).               | Matthew Renkey, (202) 482-2312.        |
| A-201-830    | 731-TA-958   | Mexico               | Carbon and Certain Alloy, Steel Wire Rod (3rd Review).            | Joshua Poole, (202) 482-1293.          |
| A-841-805    | 731-TA-959   | Moldova              | Carbon and Certain Alloy, Steel Wire Rod (3rd Review).            | Joshua Poole, (202) 482-1293.          |
| A-580-870    | 731-TA-1216  | Republic of Korea    | Oil Country Tubular Goods (1st Review)                            | Jacqueline Arrowsmith, (202) 482-5255. |
| A-821-817    | 731-TA-991   | Russia               | Silicon Metal (3rd Review)  | Jacqueline Arrowsmith, (202) 482-5255. |
| A-552-816    | 731-TA-1212  | Vietnam              | Welded Stainless Steel, Pressure Pipe (1st Review).               | Matthew Renkey, (202) 482-2312.        |
| A-549-830    | 731-TA-1211  | Thailand             | Welded Stainless Steel, Pressure Pipe (1st Review).               | Matthew Renkey, (202) 482-2312.        |
| A-274-804    | 731-TA-961   | Trinidad And Tobago. | Carbon and Certain Alloy, Steel Wire Rod (3rd Review).            | Joshua Poole, (202) 482-1293.          |
| A-489-816    | 731-TA-1221  | Turkey               | Oil Country Tubular Goods (1st Review)                            | Jacqueline Arrowsmith, (202) 482-5255. |
| C-489-817    | 701-TA-500   | Turkey               | Oil Country Tubular Goods (1st Review)                            | Joshua Poole, (202) 482-1293.          |
| A-823-815    | 731-TA-1222  | Ukraine              | Oil Country Tubular Goods (1st Review) (Suspension Agreement).    | Jacqueline Arrowsmith, (202) 482-5255. |

With respect to the antidumping and countervailing duty orders on Oil Country Tubular Goods from India, Vietnam, Republic of Korea and Turkey, we have advanced the initiation date of these Sunset Reviews upon determining that initiation of the Sunset Reviews for these antidumping and countervailing duty orders on the same date would promote administrative efficiency.<sup>1</sup>

**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: <http://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 Service System (ACCESS), can be found at 19 CFR 351.303.<sup>2</sup>

Any party submitting factual information in an AD/CVD proceeding must certify to the accuracy and completeness of that information.<sup>3</sup> Parties must use the certification formats provided in 19 CFR 351.303(g).<sup>4</sup> Commerce intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

On April 10, 2013, Commerce modified two regulations related to AD/CVD proceedings: The definition of

factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301).<sup>5</sup> Parties are advised to review the final rule, available at <http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt>, prior to submitting factual information in these segments. To the extent that other regulations govern the submission of factual information in a segment (such as 19 CFR 351.218), these time limits will continue to be applied. Parties are also advised to review the final rule concerning the extension of time limits for submissions in AD/CVD proceedings, available at <http://enforcement.trade.gov/frn/2013/1309frn/2013-22853.txt>, prior to submitting factual information in these segments.<sup>6</sup>

**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

<sup>1</sup> With respect to these Sunset Reviews, Commerce is advancing their initiation from August to June 2019 to coincide with the initiation of the companion Sunset Reviews being conducted by the U.S. International Trade Commission, as well as with Commerce's initiation of the Sunset Review for the companion Ukrainian case (A-823-815), which was already scheduled to be initiated on June 2019.

<sup>2</sup> See also *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

<sup>3</sup> See section 782(b) of the Act.

<sup>4</sup> See also *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*). Answers to frequently asked questions regarding the *Final Rule* are available at [http://enforcement.trade.gov/lei/notices/factual\\_info\\_final\\_rule\\_FAQ\\_07172013.pdf](http://enforcement.trade.gov/lei/notices/factual_info_final_rule_FAQ_07172013.pdf).

<sup>5</sup> See *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule*, 78 FR 21246 (April 10, 2013).

<sup>6</sup> See *Extension of Time Limits*, 78 FR 57790 (September 20, 2013).

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.

#### 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>7</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 Commission'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: May 30, 2019.

**Gary Taverman,**

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

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**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–580–881]

#### Certain Cold Rolled Steel Flat Products From the Republic of Korea: Notice of Court Decision Not in Harmony With Final Results and Notice of Amended Final Results of the Antidumping Duty Investigation

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

**SUMMARY:** On February 26, 2019, the United States Court of International Trade (the Court) issued final judgment in *Hyundai Steel Company v. United States*, Court No. 16–00228, sustaining the Department of Commerce's (Commerce) final results of the redetermination pursuant to remand. Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) in *Timken Co., v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), as clarified by *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*), Commerce is notifying the public that the final judgment in this case is not in harmony with Commerce's Amended Final Results and Antidumping Duty Order published on September 20, 2016 (*Order*). Commerce is amending the final results with respect to the weighted-average dumping margin assigned to Hyundai Steel Company (Hyundai Steel).

**DATES:** Applicable March 8, 2019.

#### FOR FURTHER INFORMATION CONTACT:

Michael J. Heaney or Daniel Deku, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4475 or (202) 482–5075, respectively.

#### SUPPLEMENTARY INFORMATION:

## Background

Commerce published the *Final Determination* on July 29, 2016,<sup>1</sup> and issued the antidumping duty order on September 20, 2016.<sup>2</sup> Hyundai Steel filed an action before the CIT to challenge several aspects of Commerce's *Final Determination*.

After review, the Court sustained Commerce's determination that Hyundai Steel failed to demonstrate that the affiliated parties who supplied Hyundai Steel with home market movement, home market warehousing, U.S. international freight, and U.S. inland freight expenses did so on an arm's-length basis.<sup>3</sup> The Court further sustained Commerce's application of adverse facts available (AFA), pursuant to sections 776(a) and (b) of the Tariff Act of 1930 (the Act), as amended, to the affiliated parties who provided Hyundai Steel with home market movement, home market warehousing, U.S. international freight, and U.S. inland freight.<sup>4</sup> Additionally, the Court sustained Commerce's application of AFA to three product specifications reported by Hyundai Steel.<sup>5</sup>

However, the Court remanded to Commerce for further explanation or reconsideration whether it intended to apply AFA to those U.S. sales where: (1) Hyundai Steel used an unaffiliated freight provider to supply domestic inland freight; or (2) Hyundai Steel incurred no domestic inland freight charges in the U.S.<sup>6</sup> While the Court found that Commerce appropriately assigned an AFA freight amount to U.S. sales for which Hyundai Steel secured freight services from affiliated parties,<sup>7</sup> the Court found Commerce offered no justification as to why Commerce applied AFA freight amounts to U.S. sales for which Hyundai Steel either: (1) Incurred no domestic inland freight or warehousing expense; or (2) the domestic inland freight or warehousing was provided by unaffiliated parties.<sup>8</sup>

Additionally, the Court determined that the AFA adjustment applied to

<sup>1</sup> See *Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Final Determination of Sales at Less Than Fair Value*, 81 FR 49953 (July 29, 2016) (*Final Determination*).

<sup>2</sup> See *Certain Cold Rolled Steel Flat Products from Brazil, India, the Republic of Korea, and the United Kingdom: Amended Final Affirmative Antidumping Determinations for Brazil and the United Kingdom and Antidumping Duty Orders*, 81 FR 64432 (September 20, 2016) (*Order*).

<sup>3</sup> See *Hyundai Steel Company v. United States*, Slip Op. 18–80 Court No., 16–00228 dated June 28, 2018 (*Remand Order*) at 20–22.

<sup>4</sup> *Id.* at 22–31.

<sup>5</sup> *Id.* at 38–43.

<sup>6</sup> *Id.* at 34.

<sup>7</sup> *Id.* at 22–31.

<sup>8</sup> *Id.* at 34.

<sup>7</sup> See 19 CFR 351.218(d)(1)(iii).