August 29, 2017

MEMORANDUM TO: Gary Taverman
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations,
performing the non-exclusive functions and duties of the
Assistant Secretary for Enforcement and Compliance

FROM: James Maeder
Senior Director
performing the duties of Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: Issues and Decision Memorandum for the Expedited Third Sunset Review of the Antidumping Duty Order on Certain Tin Mill Products from Japan

I. Summary

We have analyzed the responses of the interested parties in the third sunset review of the antidumping duty order covering certain tin mill products (tin mill products) from Japan. No respondent interested party submitted a substantive response. Accordingly, we conducted an expedited (120-day) sunset review pursuant to section 751(c)(3)(B) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.218(e)(1)(ii)(C)(2). We recommend that you approve the positions described in the “Discussion of the Issues” section of this memorandum. Below is the complete list of the issues in this sunset review for which we received substantive responses:

1. Likelihood of Continuation or Recurrence of Dumping
2. Magnitude of the Margin Likely to Prevail

II. Background

On May 1, 2017, the Department of Commerce (Department) published the notice of initiation of the third sunset review of the Order on tin mill products from Japan, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). The Department received notices of intent to participate from ArcelorMittal USA LLC and United States Steel Corporation; collectively,

---

2 See Initiation of Five-Year (“Sunset”) Reviews, 82 FR 20314 (May 1, 2017).
domestic interested parties, within the deadline specified in 19 CFR 351.218(d)(1)(i). These domestic interested parties claimed interested party status under section 771(9)(C) of the Act, as manufacturers of a domestic like product in the United States.

The Department received complete substantive responses from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). We received no substantive responses from respondent interested parties, nor was a hearing requested. As a result, pursuant to 19 CFR 351.218(e)(1)(ii)(C)(2), the Department is conducting an expedited (120-day) sunset review of the Order on tin mill products from Japan.

III. Scope of the Order

The products covered by the Order 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 tin plate. 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 and 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 the Order unless specifically excluded. The following products, by way of example, are outside and/or specifically excluded from the scope of the Order:

- Single reduced electrolytically chromium coated steel with a thickness 0.238 mm (85 pound base box) (± 10%) or 0.251 mm (90 pound base box) (± 10%) or 0.255 mm (±10%) with 770 mm (minimum width) (± 1.588 mm) by 900 mm (maximum length if sheared) sheet size or 30.6875 inches (minimum width) (± 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 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/m²; with a chrome oxide coating restricted to 6 to 25 mg/m² 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/m² as type DOS, or 3.5 to 6.5 mg/m² 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

---

3 See ArcelorMittal USA LLC’s May 11, 2017 Letter re: Certain Tin Mill Products from Japan - Five-Year (“Sunset”) Review of Antidumping Duty Order - Notice of Intent to Participate; see also United States Steel Corporation May 15, 2017 Letter re: Notice of Intent to Participate in Third Five-Year Review of the Antidumping Duty Order on Tin Mill Products from Japan.

4 See May 31, 2017 letter from the domestic interested parties regarding “Certain Tin Mill Products from Japan, Third Sunset Review: Substantive Response to Notice of Initiation” (Substantive Response).
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/m², with a chromium oxide layer of 5-30 mg/m², with a tensile strength of 260-440 N/mm², 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 3/4 pound (0.000045 inch) and 1 pound (0.000006 inch).

- Electroclytically chromium coated steel having ultra flat shape defined as oil can maximum depth of 5/64 inch (2.0 mm) and edge wave maximum of 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 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 4/32 inch (3.2 mm) and no more than two readings at 4/32 inch (3.2 mm)) and (for 85 pound base box item only: crossbuckle maximum of 0.001 inch (0.0025 mm) average having no reading above 0.005 inch (0.127 mm)), with a camber maximum of 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/m² and chromium oxide of 10 mg/m², 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 1/32 inch (0.8 mm) in width and 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 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) CAT 4 temper, 1.00/0.50 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 35.625 inch ordered width; or (4) CADR8 temper, 1.00/0.50 pound/base box coating, 85 pound/base box (0.0093 inch) thickness, and 35.625 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 passivation of 0.5 mg/square foot of chromium applied as a cathodic dichromate treatment, with ultra flat scroll cut sheet form, with CAT 5 temper with 1.00/0.10 pound/base box coating, with alithograph 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. in., 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/m² and a chromium oxide layer between 5-30 mg/m²; 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 the Order is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS), under HTSUS subheadings 7210.11.0000, 7210.12.0000, 7210.50.0000, 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, our written description of
the scope of the Order is dispositive.

IV. History of the Order

On June 26, 2000, the Department published its final affirmative determination of sales at less
than fair value in the Federal Register with respect to imports of tin mill products from Japan.5
The final determination margins were as follows:

Kawasaki Steel Corporation 95.29
Nippon Steel Corporation 95.29
NKK Corporation 95.29
Toyo Kohan Co., Ltd. 95.29
All Others 32.52

Since the issuance of the antidumping Order, the Department has not completed any
administrative reviews.

Changed Circumstances Reviews, Scope Rulings, Anticircumvention Inquiries, and Duty
Absorption

The Department has completed three changed circumstances reviews regarding imports of tin
mill products from Japan since the issuance of the Order.6 Pursuant to these changed
circumstances reviews, the Order was revoked, in part, with regard to tin-free steel and certain
laminated tin-free steel products.7

The Department has completed four scope rulings and anticircumvention inquiries since the
issuance of the Order. On October 12, 2001, the Department determined that double-reduced
electrolytically chromium coated steel is within the scope of the Order.5 On March 21, 2002, the
Department determined that double-reduced electrolytic tin plate meeting the requirements of
ASTM specification A 626/A 626M, and double-reduced tin-free meeting the requirements of
ASTM specification A 657/A 657M, produced in Taiwan from Japanese black plate, are outside
the scope of the Order.9 On August 27, 2002, the Department determined that tin-free single
reduced electrolytically chromium coated steel is within the scope of the Order.10 On January 7,
2005, the Department concluded that certain electrolytic tin plate and tin free steel products,
made in Colombia by Hojalata y Laminados S.A. from Japanese single-reduced black plate and
double-reduced black plate, are excluded from the scope of the Order.11

5 See Notice of Final Determination of Sales at Less Than Fair Value: Certain Tin Mill Products from Japan,
65 FR 39364 (June 26, 2000) (Final Determination).
6 See Certain Tin Mill Products from Japan: Final Results of Changed Circumstance Antidumping Duty Review, 66
FR 52109 (October 12, 2001); Certain Tin Mill Products from Japan: Final Results of Changed Circumstances
Review, 67 FR 44177 (July 1, 2002); and Certain Tin Mill Products from Japan: Final Results of Changed
Circumstances Review, 68 FR 6412 (February 7, 2003).
7 Id.
8 See Notice of Scope Rulings and Anticircumvention Inquiries, 68 FR 7772, 7773 (February 18, 2003).
9 Id.
10 Id.
11 See Notice of Scope Rulings, 70 FR 41374 (July 19, 2005).
There have been no findings of duty absorption.

Sunset Reviews

The Department has conducted two prior sunset reviews of the *Order*. Following both sunset reviews, the Department published notices of continuation of the *Order*.

V. Legal Framework

In accordance with section 751(c)(1) of the Act, the Department is conducting this sunset review to determine whether revocation of the *Order* would be likely to lead to a continuation or recurrence of dumping. Sections 752(c)(1)(A) and (B) of the Act provide that, in making this determination, the Department shall consider both the weighted-average dumping margins determined in the investigation and subsequent reviews, and the volume of imports of the subject merchandise for the periods before and the periods after the issuance of the *Order*.

In accordance with the guidance provided in the legislative history accompanying the Uruguay Round Agreements Act, specifically the Statement of Administrative Action, H.R. Doc. 103-316, vol. 1 (1994) (*SAA*), the House Report, H. Rep. No. 103-826, pt. 1 (1994) (House Report), and the Senate Report, S. Rep. No. 103-412 (1994) (Senate Report), the Department’s determinations of likelihood will be made on an *Order*-wide, rather than company-specific, basis. In addition, the Department normally determines that revocation of an *Order* is likely to lead to continuation or recurrence of dumping when, among other scenarios: (a) dumping continued at any level above *de minimis* after the issuance of the *Order*; (b) imports of the subject merchandise ceased after issuance of the *Order*; or (c) dumping was eliminated after the issuance of the *Order* and import volumes for the subject merchandise declined significantly. Pursuant to section 752(c)(4)(A) of the Act, a dumping margin of zero or *de minimis* shall not by itself require the Department to determine that revocation of an *Order* would not be likely to lead to a continuation or recurrence of sales at less than fair value (LTFV).

In addition, as a base period of import volume comparison, it is the Department’s practice to use the one-year period immediately preceding the initiation of the investigation, rather than the level of pre-*Order* import volumes, as the initiation of an investigation may dampen import volumes.

---

12 *See Certain Tin Mill Products from Japan: Final Results of the Expedited Sunset Review of the Antidumping Duty Order, 70 FR 67448 (November 7, 2005); Certain Tin Mill Products from Japan: Final Results of the Second Expedited Sunset Review of the Antidumping Duty Order, 76 FR 60001 (September 28, 2011).*

13 *See Certain Tin Mill Products from Japan: Continuation of Antidumping Duty Order, 71 FR 41422 (July 21, 2006); Certain Tin Mill Products from Japan: Continuation of Antidumping Duty Order, 77 FR 34938 (June 12, 2012) (Second Continuation Notice).*

14 *See SAA at 879; House Report at 56.*

15 *See SAA at 889-90; House Report at 63-64; Senate Report at 52; see also Policies Regarding the Conduct of Five-Year (“Sunset”) Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin 98.3, 63 FR 18871, 18872 (April 16, 1998) (Sunset Policy Bulletin).*

16 *See Folding Gift Boxes from the People’s Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order, 72 FR 16765 (April 5, 2007), and accompanying Issues and Decision Memorandum at Comment 1.*
and, thus, skew the comparison.\textsuperscript{17} Also, when analyzing import volumes for the second and subsequent sunset reviews, the Department’s practice is to compare import volumes during the year preceding initiation of the underlying investigation to import volumes since the issuance of the last continuation notice.\textsuperscript{18}

Further, section 752(c)(3) of the Act states that the Department shall provide to the International Trade Commission (ITC) the magnitude of the margin of dumping likely to prevail if the Order were revoked. Generally, the Department selects the dumping margins from the final determination in the original investigation, as these rates are the only calculated rates that reflect the behavior of exporters without the discipline of an Order in place.\textsuperscript{19} However, in certain circumstances, a more recently calculated rate may be more appropriate (e.g., “if dumping margins have declined over the life of an Order and imports have remained steady or increased, {the Department} may conclude that exporters are likely to continue dumping at the lower rates found in a more recent review”).\textsuperscript{20}

In February 2012, the Department announced it was modifying its practice in sunset reviews such that it will not rely on weighted-average dumping margins that were calculated using the methodology found to be WTO-inconsistent (i.e., zeroing/the denial of offsets).\textsuperscript{21} In the Final Modification for Reviews, the Department stated that “only in the most extraordinary circumstances” would it rely on margins other than those calculated and published in prior determinations.\textsuperscript{22} The Department further stated that apart from the “most extraordinary circumstances,” it did not anticipate needing to recalculate dumping margins in the vast majority of future sunset determinations and, instead would “limit its reliance to margins determined or applied during the five-year sunset period that were not determined in a manner found to be WTO-inconsistent” and that it “may also rely on past dumping margins that were not affected by the WTO-inconsistent methodology, such as dumping margins recalculated pursuant to Section 129 proceedings, dumping margins determined based on the use of total adverse facts available, and dumping margins where no offsets were denied because all comparison results were positive.”\textsuperscript{23}

\textsuperscript{17} See, e.g., Stainless Steel Bar from Germany; Final Results of the Sunset Review of the Antidumping Duty Order, 72 FR 56985 (October 5, 2007), and accompanying Issues and Decision Memorandum at Comment 1.


\textsuperscript{19} See SAA at 890; see also Persulfates from the People’s Republic of China: Notice of Final Results of Expedited Second Sunset Review of Antidumping Duty Order, 73 FR 11868 (March 5, 2008), and accompanying Issues and Decision Memorandum at Comment 2.

\textsuperscript{20} See SAA at 890-91.

\textsuperscript{21} See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification, 77 FR 8101, 8103 (February 14, 2012) (Final Modification for Reviews).

\textsuperscript{22} Id.

\textsuperscript{23} Id.
VI. Discussion of the Issues

1. Likelihood of Continuation or Recurrence of Dumping

Domestic Interested Parties’ Arguments

- The domestic interested parties believe that revocation of the Order would likely lead to a continuation or recurrence of dumping by the producers and exporters of the subject merchandise.24
- The domestic interested parties point out that dumping has continued at above de minimis levels since the Department’s final determination in the investigation. In particular, the domestic interested parties argue that the Department has not completed any administrative reviews since the issuance of the Order, and, therefore, the dumping margins determined in the original investigation continue to apply to all shipments of subject merchandise from Japan. Consequently, and citing to the Sunset Policy Bulletin, the domestic interested parties conclude that the continued existence of such above de minimis margins is, by itself, a sufficient basis to conclude that producers and exporters are likely to continue dumping if the Order were revoked.25
- With respect to volume of imports, the domestic interested parties assert that the imposition of the Order has had a dramatic impact on the volume of imports of tin mill products from producers and exporters. The domestic interested parties point to record history of the Order to demonstrate that the discipline of the Order has forced foreign producers of subject merchandise to significantly reduce their volume of sales to the United States.26

Department’s Position:

As explained in the “Legal Framework” section above, when determining whether revocation of the Order would be likely to lead to continuation or recurrence of dumping, sections 752(c)(1)(A) and (B) of the Act instruct the Department to consider: (1) the weighted-average dumping margins determined in the investigation and subsequent reviews; and (2) the volume of imports of the subject merchandise for the period before and after the issuance of the Order. According to the SAA, existence of dumping margins after the Order “is highly probative of the likelihood of continuation or recurrence of dumping. If companies continue to dump with the discipline of an Order in place, it is reasonable to assume that dumping would continue if the discipline were removed.”27 In addition, “declining import volumes accompanied by the continued existence of dumping margins after the issuance of the Order may provide a strong indication that, absent an Order, dumping would be likely to continue, because the evidence would indicate that the exporter needs to dump to sell at pre-Order volumes.”28

As noted above, when analyzing import volumes for the second and subsequent sunset reviews, the Department’s practice is to compare import volumes during the year preceding initiation of the underlying investigation to import volumes since the issuance of the last continuation notice.

---

24 See Substantive Response, at 11.
25 Id., at 13.
26 Id., at 14-15.
27 See SAA at 890.
28 Id., at 889; House Report, at 63; Senate Report, at 52.
The last continuation notice for this sunset review was issued in June 2012. Therefore, for this sunset review we examined import volumes for the full year preceding initiation of the underlying investigation as compared to import volumes during the current sunset review period (i.e., 2012-2016). Furthermore, the Department examined the weighted-average dumping margins in effect to determine whether dumping continued at above *de minimis* levels during the sunset review period. In accordance with the *Final Modification for Reviews*, the Department did not rely on weighted-average dumping margins that were calculated using a WTO-inconsistent methodology.

We examined the Department of Commerce, Bureau of Census statistics for the relevant period which show that imports of tin mill products from Japan have significantly declined in response to the imposition of the *Order*. Specifically, in 1998, the year preceding the initiation of the investigation, 231,509 net tons of tin mill products from Japan were imported into the United States, while in the years following the last notice of continuation of the *Order* for which data are available (i.e., 2012-2016), import volumes of tin mill products from Japan into the United States were at levels significantly below than the pre-initiation level, at 25,205 net tons in 2012; 27,675 net tons in 2013; 35,849 net tons in 2014; 20,937 net tons in 2015; and 43,839 net tons in 2016.

Thus, record information demonstrates that subsequent to the imposition of the *Order*, during the sunset review period, imports from Japan have remained significantly below pre-*Order* volumes. The margins determined in the underlying investigation remain in effect for all companies. Further, we note that the margins for the companies in the original investigation are World Trade Organization-consistent, as they were based on adverse facts available and no offsets were denied in determining those margins. These margins were based on the highest margin alleged by the petitioners in the original investigation. In addition, the all-others rate was based on the simple average of the margins alleged by the petitioners in the original investigation, which were not determined using zeroing.

Based on the continued existence of dumping margins and the significant decline in subject imports from Japan following the imposition of the *Order*, the Department finds that dumping would likely continue or recur if the *Order* were revoked, pursuant to section 752(c)(1) of the Act.

2. Magnitude of the Margin Likely to Prevail

*Domestic Interested Parties’ Arguments*

- The domestic interested parties request that the Department report to the ITC the dumping margins that were determined in the investigation, in accordance with the *Sunset Policy Bulletin*, as the magnitude of the margins of dumping likely to prevail if the findings were revoked. These rates are set forth in the “History of the Orders” section, above.

---

29 *See Second Continuation Notice*, 77 FR at 34938.
30 *See Substantive Response*, at 14.
31 *See Final Modification for Reviews*, 77 FR at 8103.
32 *See Substantive Response*, at 14.
33 *Id.*
34 *See Final Determination*, 65 FR at 39366.
35 *Id.*
Department’s Position:

Pursuant to section 752(c)(3) of the Act, the Department shall provide to the ITC the magnitude of the margin of dumping that is likely to prevail if the Order were revoked. Normally, the Department will select a weighted-average dumping margin from the investigation to report to the ITC.36 The Department’s preference is to select a weighted-average dumping margin from the LTFV investigation because it is the only calculated rate that reflects the behavior of the producers and exporters without the discipline of an Order or suspension agreement in place.37 Under certain circumstances, however, the Department may select a more recent rate to report to the ITC. Finally, as explained above, in accordance with the Final Modification for Reviews, the Department will not rely on weighted-average dumping margins that were calculated using the zeroing methodology found to be WTO-inconsistent.38

Given that dumping continued following the issuance of the Order and given the absence of argument and evidence to the contrary, the Department finds that the margins calculated in the original investigation are probative of the behavior of producers and exporters of subject merchandise from Japan if this Order were revoked. Consistent with section 752(c) of the Act, the Department will report to the ITC the margins up to the highest rate from the investigation concerning subject merchandise from Japan, as indicated below. These margins were based on adverse facts available and the zeroing methodology was not applied. Thus, the margins are WTO-consistent because they did not involve zeroing.

VII. Final Results of Sunset Review

We determine that revocation of the Order on tin mill products from Japan would be likely to lead to continuation or recurrence of dumping and that the magnitude of the margin likely to prevail would be weighted-average dumping margins up to 95.29 percent.

36 See SAA at 890; see also, e.g., Persulfates from the People’s Republic of China: Notice of Final Results of Expedited Second Sunset Review of Antidumping Duty Order, 73 FR 11868 (March 5, 2008), and accompanying Issues and Decision Memorandum at Comment 2.
37 Id.
38 See Final Modification for Reviews, 77 FR at 8103.
VIII. Recommendation

Based on our analysis of the Substantive Responses received, we recommend adopting all of the above positions. If these recommendations are accepted, we will publish these final results of this expedited sunset review in the *Federal Register*.

☑ Agree □ Disagree

8/29/2017

Signed by: GARY TAVERMAN
Gary Taberman
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations,
performing the non-exclusive functions and duties of the
Assistant Secretary for Enforcement and Compliance