

after the deadline date for case briefs.<sup>11</sup> Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>12</sup> This summary should be limited to five pages total, including footnotes.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days after the date of publication of this notice in the **Federal Register** via ACCESS. Hearing requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Prior to the date of the hearing, Commerce will contact all parties that submitted case or rebuttal briefs to determine if they wish to participate in the hearing. Commerce will then provide a hearing schedule to the parties prior to the hearing and only those parties listed on the schedule may present issues raised in their briefs. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Electronically filed documents must be received successfully in their entirety by 5:00 p.m. Eastern Time,<sup>13</sup> on the due dates established above.

#### International Trade Commission (ITC) Notification

In accordance with section 703(f) of the Act, we will notify the ITC of its determination. In addition, Commerce will make available to the ITC all non-privileged and non-proprietary information relating to this investigation. Commerce will allow the ITC access to all privileged and business proprietary information in the files, provided the ITC confirms that it will not disclose such information, either publicly or under an APO, without the written consent of the Assistant Secretary for Enforcement and Compliance.

Pursuant to section 705(b)(2) of the Act, if Commerce's final determination

is affirmative, the ITC will make its final determination before the later of 120 days after the date of this preliminary determination, or 45 days after Commerce's final determination.

#### Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: July 2, 2018.

**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.*

#### Appendix I

##### Scope of the Investigation

The products subject to this investigation are bands made of vulcanized rubber, with a flat length, as actually measured end-to-end by the band lying flat, no less than 1/2 inch and no greater than 10 inches; with a width, which measures the dimension perpendicular to the length, actually of at least 3/64 inch and no greater than 2 inches; and a wall thickness actually from 0.020 inch to 0.125 inch. Vulcanized rubber has been chemically processed into a more durable material by the addition of sulfur or other equivalent curatives or accelerators. Subject products are included regardless of color or inclusion of printed material on the rubber band's surface, including but not limited to, rubber bands with printing on them, such as a product name, advertising, or slogan, and printed material (e.g., a tag) fastened to the rubber band by an adhesive or another temporary type of connection. The scope includes vulcanized rubber bands which are contained or otherwise exist in various forms and packages, such as, without limitation, vulcanized rubber bands included within a desk accessory set or other type of set or package, and vulcanized rubber band balls. The scope excludes products that consist of an elastomer loop and durable tag all-in-one, and bands that are being used at the time of import to fasten an imported product. Merchandise covered by this investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 4016.99.3510. Merchandise covered by the scope may also enter under HTSUS subheading 4016.99.6050. While the HTSUS 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 Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope Comments
- IV. Scope of the Investigation
- V. Alignment
- VI. Injury Test
- VII. Application of the CVD Law to Imports

- from China
- VIII. Use of Facts Otherwise Available and Adverse Inferences
- IX. Calculation of the All-Others Rate
- X. Conclusion

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-909]

#### Certain Steel Nails From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Antidumping Duty Administrative Review

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

**SUMMARY:** On March 22, 2018, the United States Court of International Trade (the Court) issued its final judgment in *Itochu Building Products Co., Inc., et al. v. United States*, Consol. Court No. 12-00065, sustaining the U.S. Department of Commerce's (Commerce) final remand results in the second administrative review of certain steel nails from the People's Republic of China (China). Commerce is notifying the public that the final judgment in this case is not in harmony with Commerce's final results of the administrative review, covering the period of review (POR) August 1, 2009, through July 31, 2010, and that Commerce is amending the final results with respect to the dumping margins assigned to Tianjin Jinchi Metal Products Co., Ltd. (Jinchi) and Tianjin Jinghai County Hongli Industry & Business Co. (Hongli). Because Jinchi's and Hongli's margins changed, the margin for those companies not individually examined but receiving a separate rate also changed.

**DATES:** Applicable April 2, 2018.

**FOR FURTHER INFORMATION CONTACT:** Paul Walker, AD/CVD Operations Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202.482.0413.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 1, 2012, Commerce issued the *Final Results*, in which it determined a weight-averaged dumping margin of 47.76 percent for Jinchi, 78.27 percent for Hongli, and 19.30 percent

<sup>11</sup> See 19 CFR 351.309(d)(1).

<sup>12</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>13</sup> See 19 CFR 351.303(b)(1).

for the separate rate companies.<sup>1</sup> Also, on April 24, 2012, Commerce issued the *Amended Final Results*, however, the weighted-average dumping margins did not change.<sup>2</sup> On June 22, 2017, the Court remanded Commerce’s *Final Results* and *Amended Final Results* and instructed Commerce to reconsider each of the following issues: (1) The selection of surrogate values for steel plate and surrogate financial ratios; (2) its application of adverse facts available to Jinchi’s missing factors of production; and (3) the Court’s questions and Mid-Continent Nail Corporation (the petitioner)’s responses regarding the withdrawal of review requests in this administrative review.<sup>3</sup> The Court also granted Commerce’s request for voluntary remand to reconsider its use of a specific financial statement.<sup>4</sup>

On October 20, 2017, Commerce filed the AR2 Remand with the Court.<sup>5</sup> Commerce maintained its selection of financial statements for calculating the surrogate financial ratios and selected, under protest, a different surrogate value for steel plate.<sup>6</sup> Additionally,

under protest, Commerce recalculated Jinchi’s dumping margin by applying neutral facts available to the missing factors of production for hard-cut masonry nails produced by an unaffiliated supplier.<sup>7</sup> Moreover, Commerce examined the petitioner’s responses to the Court’s questions.<sup>8</sup> As a result, there are calculation changes due to selecting a different surrogate value for steel plate and applying neutral facts available to the missing factors of production for hard-cut masonry nails in Jinchi’s dumping margin. Thus, the resulting antidumping margin for Hongli is 36.23 percent, for Jinchi is 53.47 percent, and for the Separate Rate Applicants<sup>9</sup> is 14.48 percent.<sup>10</sup> There is no change to the dumping margin for The Stanley Works (Langfang) Fastening Systems Co., Ltd. and Stanley Black & Decker, Inc./Stanley Fastening Systems, LP (Stanley).<sup>11</sup> On March 22, 2018, the Court sustained the AR2 Remand.<sup>12</sup>

**Timken Notice**

In its decision in *Timken*, 893 F.2d at 341,<sup>13</sup> as clarified by *Diamond*

*Sawblades*,<sup>14</sup> the Court of Appeals for the Federal Circuit (CAFC) held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision that is not “in harmony” with a Commerce determination and must suspend liquidation of entries pending a “conclusive” court decision. The Court’s March 22, 2018, judgment sustaining the AR2 Remand constitutes a final decision of the Court that is not in harmony with Commerce’s *Amended Final Results*. This notice is published in fulfillment of the publication requirement of *Timken*.

**Amended Final Results**

Because there is now a final court decision, Commerce is amending the *Amended Final Results* with respect to Jinchi, Hongli, and the Separate-Rate Applicants. The revised weighted-average dumping margins for these exporters during the period August 1, 2009, through July 31, 2010, are as follows:

Exporter	Weighted average margin (percent)
(1) The Stanley Works (Langfang) Fastening Systems Co., Ltd. and Stanley Black & Decker, Inc./Stanley Fastening Systems, LP	3.80
(2) Tianjin Jinghai County Hongli Industry & Business Co .....	36.23
(3) Tianjin Jinchi Metal Products Co., Ltd .....	53.47
(4) Dezhou Hualude Hardware Products Co., Ltd .....	14.48
(5) Hengshui Mingyao Hardware & Mesh Products Co., Ltd .....	14.48
(6) Huanghua Jinhai Hardware Products Co., Ltd .....	14.48
(7) Huanghua Xionghua Hardware Products Co., Ltd .....	14.48
(8) Koram Panagene Co., Ltd .....	14.48
(9) Qingdao D & L Group Ltd. Co., Ltd .....	14.48
(10) Romp (Tianjin) Hardware Co., Ltd .....	14.48
(11) Shandong Dinglong Import & Export Co., Ltd .....	14.48
(12) Shanghai Curvet Hardware Products Co., Ltd .....	14.48
(13) Shanghai Jade Shuttle Hardware Tools Co., Ltd .....	14.48
(14) Shanghai Yueda Nails Industry Co., Ltd .....	14.48
(15) Shanxi Tianli Industries Co., Ltd .....	14.48
(16) Tianjin Lianda Group Co., Ltd .....	14.48
(17) Tianjin Universal Machinery Imp & Exp Corporation .....	14.48
(18) Tianjin Zhonglian Metals Ware Co., Ltd .....	14.48

<sup>1</sup> See *Certain Steel Nails from the People’s Republic of China: Final Results and Final Partial Rescission of the Second Antidumping Duty Administrative Review*, 77 FR 12556 (March 1, 2012) and accompanying Issues and Decision Memorandum (IDM) (*Final Results*).

<sup>2</sup> See *Certain Steel Nails from the People’s Republic of China: Amended Final Results of the Second Antidumping Duty Administrative Review*, 77 FR 24462 (April 24, 2012) (*Amended Final Results*).

<sup>3</sup> See *Itochu Building Products Co., et al v. United States*, Slip Op. 17–73 (CIT 2017) at 13–15 and 41 (*Itochu*).

<sup>4</sup> *Id.* at 22.

<sup>5</sup> See *Final Results of Redetermination Pursuant to Court Remand*, Consol. Court No. 12–00065, Slip

Op. 17–73 (CIT 2017), dated October 20, 2017, (AR2 Remand) available at <http://enforcement.trade.gov/remands/17-73.pdf>.

<sup>6</sup> *Id.*, at 53.

<sup>7</sup> *Id.*

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

<sup>9</sup> These companies include: (1) Dezhou Hualude Hardware Products Co., Ltd.; (2) Hengshui Mingyao Hardware & Mesh Products Co., Ltd.; (3) Huanghua Jinhai Hardware Products Co., Ltd.; (4) Huanghua Xionghua Hardware Products Co., Ltd.; (5) Koram Panagene Co., Ltd.; (6) Qingdao D & L Group Ltd. Co., Ltd.; (7) Romp (Tianjin) Hardware Co., Ltd.; (8) Shandong Dinglong Import & Export Co., Ltd.; (9) Shanghai Curvet Hardware Products Co., Ltd.; (10) Shanghai Jade Shuttle Hardware Tools Co., Ltd.; (11) Shanghai Yueda Nails Industry Co., Ltd.; (12)

Shanxi Tianli Industries Co., Ltd.; (13) Tianjin Lianda Group Co., Ltd.; (14) Tianjin Universal Machinery Imp & Exp Corporation; and (15) Tianjin Zhonglian Metals Ware Co., Ltd. (collectively, Separate-Rate Applicants).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*, at 2.

<sup>12</sup> See *Itochu Building Products Co., Inc., et al v. United States*, Consol. Court No. 12–00065, Slip Op. 18–24 (CIT March 22, 2018).

<sup>13</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>14</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

Accordingly, Commerce will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the Court's ruling is not appealed or, if appealed, upheld by the CAFC, Commerce will instruct U.S. Customs and Border Protection to assess antidumping duties on unliquidated entries of subject merchandise exported by Jinchi, Hongli, and the Separate-Rate Applicants using the assessment rate calculated by Commerce in the AR2 Remand and listed above.

### Cash Deposit Requirements

Cash deposit rates for the following companies have been superseded by cash deposit rates calculated in intervening administrative reviews of the order, and thus, will not be amended:

The Stanley Works (Langfang) Fastening Systems Co., Ltd. and Stanley Black & Decker, Inc./Stanley Fastening Systems, LP; Tianjin Jinghai County Hongli Industry & Business Co.; Tianjin Jinchi Metal Products Co., Ltd.; Dezhou Hualude Hardware Products Co., Ltd.; Huanghua Jinhai Hardware Products Co., Ltd.; Huanghua Xionghua Hardware Products Co., Ltd.; Qingdao D & L Group Ltd. Co., Ltd.; Shandong Dinglong Import & Export Co., Ltd.; Shanghai Curvet Hardware Products Co., Ltd.; Shanghai Jade Shuttle Hardware Tools Co., Ltd.; Shanghai Yueda Nails Industry Co., Ltd.; Shanxi Tianli Industries Co., Ltd.; Tianjin Lianda Group Co., Ltd.; Tianjin Universal Machinery Imp & Exp Corporation; and Tianjin Zhonglian Metals Ware Co., Ltd.

Accordingly, Commerce will instruct U.S. Customs and Border Protection to require a cash deposit for estimated duties at the rate noted above for entries of subject merchandise, entered or withdrawn from warehouse, for consumption, on or after April 2, 2018, for Hengshui Mingyao Hardware & Mesh Products Co., Ltd.; Koram Panagene Co., Ltd.; and Romp (Tianjin) Hardware Co., Ltd.

### Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: July 2, 2018.

#### 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.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Notice of Scope Rulings

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

**DATES:** Applicable July 9, 2018.

**SUMMARY:** The Department of Commerce (Commerce) hereby publishes a list of scope rulings and anticircumvention determinations made between April 1, 2017, and June 30, 2017, inclusive. We intend to publish future lists after the close of the next calendar quarter.

#### FOR FURTHER INFORMATION CONTACT:

Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202-482-4735.

#### SUPPLEMENTARY INFORMATION:

#### Background

Commerce regulations provide that the Secretary will publish in the **Federal Register** a list of scope rulings on a quarterly basis.<sup>1</sup> Our most recent notification of scope rulings was published on (June 6, 2018).<sup>2</sup> This current notice covers all scope rulings and anticircumvention determinations made by Enforcement and Compliance between April 1, 2017, and June 30, 2017, inclusive. Two additional subsequent lists will immediately follow to bring these quarterly notices up to date.

#### Scope Rulings Made Between April 1, 2017 and June 30, 2017

##### Mexico

A-201-805: Certain Circular Welded Non-Alloy Steel Pipe From Mexico

Requestor: Sumitomo Corporation of Americas and Nippon Steel & Sumikin Pipe Mexico, S.A. de C.V.; Thirteen types of automotive and cylinder tubes are outside the scope of the order because they are mechanical tubing, which is excluded from the order; May 12, 2017.

##### Socialist Republic of Vietnam

A-552-818 and C-552-819: Certain Steel Nails From the Socialist Republic of Vietnam

Requestor: Midwest Fastener Corp.; Zinc and nylon anchors which are used to attach wood, metal, shelf brackets, and other items to concrete, brick and other masonry walls, ceilings, and floors are within the scope of the antidumping and countervailing duty orders; May 17, 2017.

<sup>1</sup> See 19 CFR 351.225(o).

<sup>2</sup> See *Notice of Scope Rulings*, 83 FR 26257 (June 6, 2018).

##### People's Republic of China

A-570-967 and C-570-968: Aluminum Extrusions From the People's Republic of China

Requestor: Eran Financial Services, LLC.; Eran Finished Light Poles and Light Pole Kits are not covered by the scope of the antidumping and countervailing duty orders on aluminum extrusions from the People's Republic of China because they meet the criteria for exclusion as finished merchandise or finished goods kits; April 17, 2017.

A-570-967 and C-570-968: Aluminum Extrusions From the People's Republic of China

Requestor: Ferguson Enterprises Inc.; Ferguson's towel bars, towel rings and toilet paper kits are not subject to the antidumping and countervailing duty orders on aluminum extrusions from the People's Republic of China because they qualify for the scope exclusion as finished goods kits; April 20, 2017.

A-570-967 and C-570-968: Aluminum Extrusions From the People's Republic of China

Requestor: Spectrum Brands, Inc.; Spectrum pocket door frame kits are not covered by the scope of the antidumping and countervailing duty orders on aluminum extrusions from the People's Republic of China because they meet the criteria for exclusion as finished goods kits; May 9, 2017.

A-570-967 and C-570-968: Aluminum Extrusions From the People's Republic of China

Requestor: Ferguson Enterprises Inc.; Ferguson's Air Duct Registers are not subject to the antidumping and countervailing duty orders on aluminum extrusions from the People's Republic of China because they qualify for the scope exclusion as finished merchandise; May 10, 2017.

A-570-967 and C-570-968: Aluminum Extrusions From the People's Republic of China

Requestor: VantagePoint Industries LLC; Certain barn door hardware kits are not covered by the scope of antidumping and countervailing orders on aluminum extrusions from the People's Republic of China because they meet the requirements of the finished good kits exclusion; May 19, 2017.

A-570-967 and C-570-968: Aluminum Extrusions From the People's Republic of China

Requestor: Innovative Outdoor Solutions, Inc.; Ten different outdoor products are not covered by the scope of antidumping and countervailing orders on aluminum extrusions from the People's Republic of China because they meet the requirements of the finished good kits exclusion. Two outdoor products are included in the scope of the order because they do not qualify for the scope exclusion for finished merchandise or finished goods kits; June 9, 2017.