

**Timken Notice**

In its decision in *Timken*, 893 F.2d at 341,<sup>11</sup> as clarified by *Diamond Sawblades*,<sup>12</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 (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 June 19, 2018, *Final Judgment* constitutes a final decision of the Court that is not in harmony with Commerce’s *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 *Final Results* with respect to Stanley. The revised weighted-average dumping margin for Stanley for the period August 1, 2012, through July 31, 2013, is as follows:

Exporter	Weighted-average margin (percent)
Stanley .....	10.16

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 Xi’an Metals and Stanley using the appropriate assessment rates.

**Cash Deposit Requirements**

As stated in the AR5 Remand Redetermination, the cash deposit rate for Stanley has been superseded by cash deposit rates calculated in intervening administrative reviews of the antidumping duty order on certain steel nails from China.<sup>13</sup> Thus, we will not alter Stanley’s cash deposit rate.

the People’s Republic of China: Analysis Memorandum for Stanley,” dated concurrently with this notice.

<sup>11</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>12</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

<sup>13</sup> See *Certain Steel Nails from the People’s Republic of China: Final Results of Antidumping Duty Administrative Review; 2013–2014*, 81 FR

**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 6, 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.*

[FR Doc. 2018–15011 Filed 7–12–18; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A–351–845]

**Certain Hot-Rolled Steel Flat Products From Brazil: Preliminary Results of the Antidumping Duty Administrative Review; 2016–2017**

**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 certain hot-rolled steel flat products from Brazil. The period of review (POR) is March 22, 2016, through September 30, 2017. This review covers six producers/exporters of the subject merchandise. Commerce selected one mandatory respondent, Companhia Siderurgica Nacional (CSN), for individual examination. We preliminarily determine that sales of subject merchandise have been made below normal value (NV) during the POR. We invite interested parties to comment on these preliminary results.

**DATES:** Applicable July 13, 2018.

**FOR FURTHER INFORMATION CONTACT:**

Peter Zukowski, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0189.

**SUPPLEMENTARY INFORMATION:**

**Scope of the Order**

The products covered by this investigation are certain hot-rolled steel flat products from Brazil. For a complete

14092 (March 16, 2016); *Certain Steel Nails from the People’s Republic of China: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments and Final Partial Rescission; 2014–2015*, 82 FR 14344 (March 20, 2017); and *Certain Steel Nails from the People’s Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2015–2016*, 83 FR 11683 (March 16, 2018).

description of the scope of this order, please see the accompanying Preliminary Decision Memorandum.<sup>1</sup>

**Methodology**

Commerce is conducting this review in accordance with sections 751(a) of the Tariff Act of 1930, as amended (the Act). For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

The Preliminary 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 <https://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 Preliminary Decision Memorandum can be found at <http://enforcement.trade.gov/frn/>. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as the Appendix to this notice.

**Adverse Facts Available**

Pursuant to section 776(a) and (b) of the Act, Commerce has preliminarily relied upon facts otherwise available with adverse inferences (AFA) for CSN because this respondent did not respond to Commerce’s antidumping duty questionnaire. For a complete explanation of the methodology and analysis underlying the preliminary application of AFA, see the Preliminary Decision Memorandum.

**Adjustment for Export Subsidies**

In the original investigation, we subtracted from the final dumping margin of 33.14 percent the portion of CSN’s countervailing duty rate attributable to export subsidies (4.07 percent) in order to calculate the cash-deposit rate of 29.07 percent.<sup>2</sup> Since the publication of the *Antidumping Duty Order*, we have not conducted an

<sup>1</sup> See the Memorandum, “Certain Hot-Rolled Steel Flat Products from Brazil: Decision Memorandum for Preliminary Results of the Antidumping Duty Administrative Review; 2016–2017” (dated concurrently with this **Federal Register** notice) (Preliminary Decision Memorandum).

<sup>2</sup> See *Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, the Republic of Korea, the Netherlands, the Republic of Turkey, and the United Kingdom: Amended Final Affirmative Antidumping Determinations for Australia, the Republic of Korea, and the Republic of Turkey and Antidumping Duty Orders*, 81 FR 67962 (October 3, 2016) (*Antidumping Duty Order*).

administrative review of the countervailing duty order on Hot-Rolled Steel from Brazil.<sup>3</sup> Therefore, the portion of the countervailing duty rate attributable to export subsidies currently in effect for CSN is 4.07 percent. Further, imports from CSN during the POR were subject to countervailing duties to offset export subsidies of 4.07 percent or more. As such, we have adjusted the dumping margin to ensure that, in accordance with section 772(c)(1)(C) of the Act, we

do not collect duties attributable to export subsidies twice.

#### Rate for Non-Selected Companies

In accordance with the U.S. Court of Appeals for the Federal Circuit's decision in *Albemarle Corp. v. United States*,<sup>4</sup> we are applying to the non-selected companies the adjusted dumping margin we are preliminarily applying to CSN in this administrative review.<sup>5</sup> This is the only rate determined in this review for an

individual respondent, and thus, it is applicable to the non-selected companies under section 735(c)(5)(B) of the Act. For a detailed discussion, see the Preliminary Decision Memorandum.

#### Preliminary Results of the Review

As a result of this review, Commerce preliminarily determines that for the period March 22, 2016, through September 30, 2017, the following weighted-average dumping margins exist:<sup>6</sup>

Exporter and/or producer	Weighted-average dumping margin	Rate adjusted for export subsidies
Aperam South America .....	34.28	30.21
ArcelorMittal Brasil .....	34.28	30.21
Companhia Siderurgica Nacional .....	34.28	30.21
Companhia Siderurgica Suape .....	34.28	30.21
Marcegaglia do Brasil .....	34.28	30.21
Usinas Siderurgicas de Minas Gerais SA .....	34.28	30.21

#### Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with the preliminary results within five days of the date of publication of the notice of preliminary results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, there are no calculations to disclose because, in accordance with section 776 of the Act, we have relied on the application of AFA to CSN, the only mandatory respondent subject to this review, for purposes of these preliminary results for CSN. Because the AFA dumping margin is based solely on a dumping margin applied in a prior segment of this proceeding, there are no calculations to disclose.

#### Public Comment

Interested parties may submit case briefs not later than 30 days after the date of publication of this notice.<sup>7</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the time limit for filing case briefs.<sup>8</sup> Parties who submit case briefs or rebuttal briefs in this proceeding 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>9</sup> Case and rebuttal briefs should be filed using ACCESS.<sup>10</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.<sup>11</sup> Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.<sup>12</sup>

Commerce intends to issue the final results of this administrative review, including the results of its analysis of arguments raised in any written briefs, not later than 120 days after the publication of these preliminary results in the **Federal Register**, unless otherwise extended.<sup>13</sup>

#### Assessment Rates

Upon completion of the administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate

entries covered by this review.<sup>14</sup> The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.<sup>15</sup> We intend to issue instructions to CBP 15 days after the publication date of the final results of this review.

#### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for each specific company listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, de minimis within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated companies not participating in this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the original less-than-fair-value (LTFV)

<sup>3</sup> This is the first administrative review following the completion of the investigation.

<sup>4</sup> See *Albemarle Corp. v. United States*, 821 F.3d 1345 (Fed. Cir. 2016).

<sup>5</sup> See, e.g., *Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results*

*of Antidumping Duty Administrative Review; 2015–2016*, 83 FR 17527 (April 20, 2018).

<sup>6</sup> See Preliminary Decision Memorandum for more detail.

<sup>7</sup> See 19 CFR 351.309(c)(ii).

<sup>8</sup> See 19 CFR 351.309(d)(1).

<sup>9</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>10</sup> See 19 CFR 351.303.

<sup>11</sup> See 19 CFR 351.310(c).

<sup>12</sup> *Id.*

<sup>13</sup> See section 751(a)(3)(A) of the Act.

<sup>14</sup> See 19 CFR 351.212(b).

<sup>15</sup> See section 751(a)(2)(C) of the Act.

investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 29.07 percent, the all-others rate established in the LTFV investigation.<sup>16</sup> These deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: July 6, 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

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

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Application of Facts Available and Adverse Inferences
  - A. Use of Facts Available
  - B. Application of Facts Available With an Adverse Inference
  - C. Selection and Corroboration of Adverse Facts Available Rate
  - D. Rate for Non-Selected Companies
- V. Conclusion

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-918]

#### Steel Wire Garment Hangers From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2016-2017

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that Shanghai Wells Hanger Co., Ltd., Hong Kong Wells Ltd., and Hong Kong Wells Ltd. (USA) (collectively, Shanghai Wells) sold subject merchandise in the United States at prices below normal value (NV) during the period of review (POR), October 1, 2016, through September 30, 2017. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable July 13, 2018.

#### FOR FURTHER INFORMATION CONTACT:

Trenton Duncan or Ian Hamilton, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3539, or (202) 482-4798, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

This administrative review is being conducted in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this administrative review on steel wire garment hangers from the People's Republic of China (China) on December 7, 2017.<sup>1</sup> On April 26, 2018,<sup>2</sup> Commerce partially rescinded the review on 17 companies. Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through 22, 2018. As a result, the revised deadline for the preliminary results of this administrative review is now July 6, 2018.<sup>3</sup>

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 82 FR 57705 (December 7, 2017).

<sup>2</sup> See *Steel Wire Garment Hangers from the People's Republic of China; 2016-2017; Partial Rescission of the Ninth Antidumping Duty Administrative Review*, 83 FR 18276 (April 26, 2018).

<sup>3</sup> See Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant

#### Scope of the Order

The merchandise subject to the *Order* is steel wire garment hangers.<sup>4</sup> The products are currently classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 7326.20.0020, 7323.99.9060, and 7323.99.9080. Although the HTSUS subheadings are provided for convenience and customs purposes, the written product description of the scope of the order remains dispositive.<sup>5</sup>

#### China-Wide Entity

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.<sup>6</sup> Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity in this review, the entity is not under review and the entity's rate is not subject to change, (*i.e.*, 187.25 percent).<sup>7</sup>

#### Separate Rates

Commerce preliminarily determines that information placed on the record by Shanghai Wells demonstrates that this entity is entitled to separate rate status.<sup>8</sup> For additional information, see the Preliminary Decision Memorandum.

#### Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Act. We calculated constructed export prices and export prices in accordance with section 772 of the Act. Because China is a non-market economy

Secretary for Enforcement and Compliance, "*Deadlines Affected by the Shutdown of the Federal Government*," dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by three days.

<sup>4</sup> See *Notice of Antidumping Duty Order: Steel Wire Garment Hangers from the People's Republic of China*, 73 FR 58111 (October 6, 2008) (*Order*).

<sup>5</sup> See Memorandum, "Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Steel Wire Garment Hangers from the People's Republic of China; 2016-2017," dated concurrently with and hereby adopted by this notice (Preliminary Decision Memorandum).

<sup>6</sup> See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

<sup>7</sup> See *Steel Wire Garment Hangers from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2013-2014*, 80 FR 41480 (July 15, 2015), and accompanying Preliminary Decision Memorandum, unchanged in *Steel Wire Garment Hangers from the People's Republic of China: Final Results of Antidumping Duty Administrative Review, 2013-2014*, 80 FR 69942 (November 12, 2015).

<sup>8</sup> See Shanghai Wells' January 18, 2018 Section A Questionnaire Response at 1-8.

<sup>16</sup> See *Antidumping Duty Order*.