

on certain hot-rolled steel flat products from Japan to state the actual rate in effect for Nippon Steel Corporation (NSC) on the date that those final results published.

**DATES:** Applicable September 18, 2019.

**FOR FURTHER INFORMATION CONTACT:** Leo Ayala or Jun Jack Zhao, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3945 or (202) 482-1396, respectively.

### Background

On September 5, 2019, Commerce published in the *Federal Register* the final results of the changed circumstances review (*CCR Final Results*) of the antidumping duty order<sup>1</sup> on certain hot-rolled steel flat products from Japan.<sup>2</sup> As a result of the CCR, we determined that NSC was the successor-in-interest to Nippon Steel & Sumitomo Metal Corporation (NSSMC).<sup>3</sup> In the *Federal Register* notice, we inadvertently stated that the cash deposit rate in effect for NSC on the date the *CCR Final Results* were published was NSSMC's antidumping duty cash-deposit rate from the underlying investigation (4.99 percent). However, the actual rate in effect for NSC on the date the *CCR Final Results* were published was NSSMC's rate from the final results of the first administrative review (7.64 percent), published on June 28, 2019, which superseded the 4.99 percent investigation rate.<sup>4</sup> Therefore, we are correcting the *CCR Final Results*. This notice serves to correct the NSC rate listed in the *CCR Final Results* from 4.99 percent to 7.64 percent. No other changes have been made to the *CCR Final Results*.

<sup>1</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).

<sup>2</sup> In the *CCR Final Results*, we determined that Nippon Steel Corporation (NSC) was the successor-in-interest to Nippon Steel & Sumitomo Metal Corporation (NSSMC) for purposes of determining antidumping duty cash deposits and liabilities. See *Certain Hot-Rolled Steel Flat Products from Japan: Notice of Final Results of Antidumping Duty Changed Circumstances Review*, 84 FR 46713 (September 5, 2019) (*CCR Final Results*).

<sup>3</sup> *Id.*

<sup>4</sup> See *Certain Hot-Rolled Steel Flat Products from Japan: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2016-2017*, 84 FR 31025 (June 28, 2019). This cash deposit requirement shall remain in effect until further notice.

Commerce is issuing and publishing these final results and notice in accordance with sections 751(b)(1) and (4) and 777(i) of the Act, and sections 19 CFR 351.216 and 351.221(c)(3)(i).

Dated: September 11, 2019.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

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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 Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision**

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

**SUMMARY:** The Department of Commerce (Commerce) is notifying the public that the Court of International Trade's (CIT) final judgment in this case is not in harmony with Commerce's final scope ruling and is, therefore, finding that zinc and nylon anchors imported by Simpson Strong-Tie Company (Simpson), are not within the scope of the antidumping duty order on certain steel nails (nails) from the People's Republic of China (China).

**DATES:** Applicable August 4, 2019.

**FOR FURTHER INFORMATION CONTACT:** Annatheia Cook, Office V, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0250.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On March 10, 2016, Simpson submitted a scope request asking Commerce to confirm its claim that "Zinc Nailon™" anchors and "Nylon Nailon™" anchors<sup>1</sup> are outside the scope of the antidumping duty order on nails from China.<sup>2</sup> Simpson described the zinc and nylon anchors as consisting

<sup>1</sup> See Simpson's Letter, "Certain Steel Nails from the People's Republic of China (A-570-909) for Simpson Strong-Tie and Certain "Zinc and "Nylon Nailon™" Pin Drive Anchors," dated July 21, 2016 (Scope Request).

<sup>2</sup> See *Antidumping Duty Order: Certain Steel Nails from the People's Republic of China*, 73 FR 44961 (August 1, 2008) (*Order*).

of two parts: (1) A zinc alloy or nylon body; and (2) a carbon and stainless steel pin.<sup>3</sup>

Commerce issued its Final Scope Ruling on March 20, 2017, finding that Simpson's zinc and nylon anchors were subject to the scope of the *Order* based upon the plain meaning of the *Order* and the description of the zinc and nylon anchors contained in Simpson's scope ruling request.<sup>4</sup> Commerce also found that several sources under 19 CFR 351.225(k)(1)—particularly the petition, the final determination of the International Trade Commission (ITC) issued in connection with the underlying investigation, and prior scope rulings—further supported Commerce's determination that Simpson's zinc and nylon anchors fall within the scope of the *Order*.<sup>5</sup> As a result of the Final Scope Ruling, Commerce instructed U.S. Customs and Border Protection (CBP) to continue suspension of liquidation of entries of Simpson's zinc and nylon anchors.<sup>6</sup>

Simpson challenged Commerce's Final Scope Ruling before the CIT. On September 21, 2018, the CIT remanded the Final Scope Ruling, holding that Simpson's zinc and nylon anchors are not a "nail" within the plain meaning of the word and are, therefore, outside the scope of the *Order*.<sup>7</sup> The CIT relied on dictionary definitions to determine the definition of "nail" and concluded that, because Simpson's zinc and nylon anchors are a unitary article of commerce, the entire product, not just a component part, must fit the definition of a nail to fall within the scope of the *Order*.<sup>8</sup> Therefore, the CIT held that the entire zinc or nylon anchor is not a nail "constructed of two or more pieces" pursuant to the *Order*.<sup>9</sup> Additionally, the CIT held that, because the relevant industry classifies anchors with a steel pin as anchors, not nails, trade usage further supports the conclusion that Simpson's zinc and nylon anchors are not nails.<sup>10</sup> In support of its conclusion, the CIT cited its decision in *OMG, Inc. v. United States*, in which it found a product with a zinc anchor body and a

<sup>3</sup> See Scope Request at 3-4, and 18.

<sup>4</sup> See Memorandum, "Antidumping and Countervailing Duty Orders on Certain Steel Nails from the People's Republic of China: Final Scope Ruling on Simpson Strong-Tie Company's Anchors," dated March 20, 2017 (Final Scope Ruling).

<sup>5</sup> *Id.* at 12-13.

<sup>6</sup> See Message Number 7125304, dated May 5, 2017.

<sup>7</sup> See *Simpson Strong-Tie Company, v. United States*, Court No. 17-00057, Slip Op. 18-123 (CIT 2018) (*Remand Order*).

<sup>8</sup> See *Remand Order*, Slip Op. 18-123 at 10-11.

<sup>9</sup> *Id.* at 11.

<sup>10</sup> *Id.* at 11-12.

steel pin outside the scope of the antidumping duty order on certain steel nails from the Socialist Republic of Vietnam.<sup>11</sup>

The CIT remanded the Final Scope Ruling to Commerce for further consideration consistent with the CIT's opinion.<sup>12</sup> The CIT also directed Commerce to issue appropriate instructions to CBP regarding the suspension of liquidation of Simpson's zinc and nylon anchors.<sup>13</sup>

Pursuant to the CIT's instructions, on remand, under respectful protest, Commerce found that Simpson's zinc and nylon anchors do not fall within the scope of the *Order*.<sup>14</sup> On July 25, 2019, the CIT sustained Commerce's Final Remand Results.<sup>15</sup>

### Timken Notice

In its decision in *Timken*,<sup>16</sup> as clarified by *Diamond Sawblades*,<sup>17</sup> the Court of Appeals for the Federal Circuit (CAFC) held that, pursuant to sections 516A(c) and (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 CIT's July 25, 2019 judgment in this case constitutes a final decision of the court that is not in harmony with Commerce's Final Scope Ruling. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, Commerce will continue the suspension of liquidation of components for nails pending expiration of the period of appeal or, if appealed, pending a final and conclusive court decision.

### Amended Final Scope Ruling

Because there is now a final court decision with respect to this case, Commerce is amending its final scope ruling and finds that the scope of the *Order* does not cover the zinc and nylon anchors specified in Simpson's Scope Request. Commerce will instruct CBP that the cash deposit rate will be zero

<sup>11</sup> *Id.* at 12–13 (citing *OMG, Inc. v. United States*, Court No. 17–00036, Slip. Op. 18–63 (CIT 2018)).

<sup>12</sup> *Id.* at 15.

<sup>13</sup> *Id.*

<sup>14</sup> See Final Results of Redetermination Pursuant to Court Remand, *Simpson Strong-Tie Company, v. United States*, Court No. 17–00057, Slip Op. 18–123 (CIT September 21, 2018), dated December 20, 2018 (Final Remand Results).

<sup>15</sup> See *Simpson Strong-Tie Company, v. United States*, Court No. 17–00057, Slip Op. 19–93 (CIT 2019).

<sup>16</sup> See *Timken Co. v. United States*, 893 F. 2d 337, 341 (Fed. Cir. 1990) (*Timken*).

<sup>17</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F. 3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

percent for zinc and nylon articles subject to Simpson's Scope Request. In the event that the CIT's ruling is not appealed, or if appealed, upheld by the CAFC, Commerce will instruct CBP to liquidate entries of Simpson's zinc and nylon anchors without regard to antidumping duties, and to lift suspension of liquidation of such entries.

### Notification to Interested Parties

This notice is issued and published in accordance with section 516A(e)(1) of the Act.

Dated: September 12, 2019.

**James Maeder,**

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

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–964]

### Seamless Refined Copper Pipe and Tube From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Rescission of Review, in Part; 2017–2018

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that producers and/or exporters subject to this administrative review made sales of subject merchandise at less than normal value during the period of review (POR), November 1, 2017 through October 31, 2018. Interested parties are invited to comment on these preliminary results of review.

**DATES:** Applicable September 18, 2019.

**FOR FURTHER INFORMATION CONTACT:** Maisha Cryor, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5831.

### SUPPLEMENTARY INFORMATION:

#### Background

On November 20, 2010, Commerce published in the **Federal Register** an antidumping (AD) order on seamless refined copper pipe and tube (copper pipe and tube) from the People's Republic of China (China).<sup>1</sup> On

<sup>1</sup> See *Seamless Refined Copper Pipe and Tube from Mexico and the People's Republic of China:*

November 1, 2018, Commerce published a notice of opportunity to request an administrative review of the *Order*.<sup>2</sup> On November 30, 2018, the Mueller Copper Tube Products, Inc. and Mueller Copper Tube Company, Inc., (collectively, the petitioners), timely requested that Commerce conduct an administrative review of this AD order with respect to 16 companies.<sup>3</sup> On February 6, 2019, in accordance with 19 CFR

351.221(c)(1)(i), Commerce published the notice of initiation of the administrative review of the AD *Order* on copper pipe and tube from China for the POR covering 16 companies.<sup>4</sup>

All requests for administrative review were timely withdrawn with regard to 12 companies (listed in Appendix II to this notice), leaving 4 companies subject to the administrative review.<sup>5</sup> On March 4, 2019, we selected the Golden Dragon Entity as the sole producer or exporter eligible for individual examination as a mandatory respondent in this administrative review.<sup>6</sup> For a complete description of the events that followed the initiation of this administrative review, see the Preliminary Decision Memorandum.<sup>7</sup>

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's AD and Countervailing Duty Centralized Electronic Service System (ACCESS).

*Antidumping Duty Orders and Amended Final Determination of Sales at Less Than Fair Value from Mexico*, 75 FR 71070 (November 20, 2010) (*Order*).

<sup>2</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 83 FR 54912 (November 1, 2018).

<sup>3</sup> See Petitioners' Letter, "Seamless Refined Copper Pipe and Tube from China: Request for Antidumping Duty Administrative Review," dated November 30, 2018.

<sup>4</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 84 FR 2159 (February 6, 2019) (*Initiation Notice*).

<sup>5</sup> See Petitioners' Letter, "Seamless Refined Copper Pipe and Tube from China: Partial Withdrawal of Request for Administrative Review of Antidumping Order," dated May 6, 2019 (Withdrawal Request). A request for an administrative review therefore remains in place for 4 companies not named in the Withdrawal Request.

<sup>6</sup> See Memorandum, "Issuance of Questionnaire," dated March 4, 2019 (Respondent Selection Memorandum). As explained in the Respondent Selection Memorandum, the Golden Dragon Entity is a collapsed entity that encompasses three of the companies initiated upon in the *Initiation Notice*, i.e., Golden Dragon Holding (Hong Kong) International Co., Ltd., Golden Dragon Precise Copper Tube Group, Inc., and Hong Kong GD Trading Co, Ltd.

<sup>7</sup> See Memorandum, "Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Seamless Refined Copper Pipe and Tube from the People's Republic of China: 2017–2018," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).