

Manufacturer/exporter	Weighted-average margin (percent)
Oman Fasteners LLC .....	1.65

### Disclosure

Commerce intends to disclose the calculations performed for Oman Fasteners in these final results to interested parties within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

### Assessment

Pursuant to section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this administrative review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Where the respondent reported reliable entered values, Commerce calculated importer- (or customer-) specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to each importer (or customer) and dividing this amount by the total entered value of the sales to each importer (or customer).<sup>4</sup> Where Commerce calculated a weighted-average dumping margin by dividing the total amount of dumping for reviewed sales to that party by the total sales quantity associated with those transactions, Commerce will direct CBP to assess importer- (or customer-) specific assessment rates based on the resulting per-unit rates.<sup>5</sup> Where an importer- (or customer-) specific *ad valorem* or per-unit rate is greater than *de minimis* (*i.e.*, 0.50 percent), Commerce will instruct CBP to collect the appropriate duties at the time of liquidation.<sup>6</sup> Where an importer- (or customer-) specific *ad valorem* or per-unit rate is zero or *de minimis*, Commerce will instruct CBP to liquidate

appropriate entries without regard to antidumping duties.<sup>7</sup>

In accordance with Commerce's "automatic assessment" practice, for entries of subject merchandise that entered the United States during the POR that were produced by Oman Fasteners for which the respondent did not know that its merchandise was destined to the United States, Commerce will instruct CBP to liquidate unreviewed entries at the all-others rate of 9.10 percent,<sup>8</sup> if there is no rate for the intermediate company(ies) involved in the transaction.<sup>9</sup>

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of the final results of this administrative review for all shipments of steel nails from Oman entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results in the **Federal Register**, as provided by section 751(a)(2)(C) of the Act: (1) For the companies covered by this review, the cash deposit rate will be the rates listed above in the section "Final Results of Review"; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in a completed segment for the most recent period of review; (3) if the exporter is not a firm covered in this review or in the original investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 9.10 percent, the all-others rate established in the investigation.<sup>10</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries

during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

### Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

### Notification to Interested Parties

Commerce is issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: November 22, 2021.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

### Appendix

#### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes Since the Preliminary Results
- V. Discussion of the Issues
  - Comment 1: Determining the Appropriate Basis for Constructed Value (CV) Financial Ratios
  - Comment 2: Whether to Revise the CV Profit Ratio
  - Comment 3: Whether to Revise the CV Indirect Selling Expense (ISE) Ratio
  - Comment 4: Whether the Applied Average-to-Transaction Method is Flawed
- VI. Recommendation

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Notice of Indirect Cost Rates

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of indirect cost rates for the Office of National Marine

<sup>4</sup> See 19 CFR 351.212(b)(1).

<sup>5</sup> *Id.*

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

<sup>7</sup> See 19 CFR 351.106(c)(2).

<sup>8</sup> See *Certain Steel Nails from the Sultanate of Oman: Final Determination of Sales at Less Than Fair Value*, 80 FR 28972 (May 20, 2015) (*Investigation Final Determination*).

<sup>9</sup> For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

<sup>10</sup> See *Investigation Final Determination*.

Sanctuaries Natural Resource Damage Assessments for fiscal year 2014.

**SUMMARY:** The National Oceanic and Atmospheric Administration’s (NOAA’s) Office of National Marine Sanctuaries (ONMS) announces the establishment of new indirect cost rates for the recovery of indirect costs for its component organizations involved in natural resource damage and restoration activities for fiscal year (FY) 2014. NOAA provides the indirect cost rates for this fiscal year and the dates of implementation in this notice. The public can obtain more information on this rate from the address provided below in the **ADDRESSES** section.

**DATES:** This notice is effective on November 29, 2021.

**ADDRESSES:** Vicki Wedell, phone 240–676–3805; email [Vicki.Wedell@noaa.gov](mailto:Vicki.Wedell@noaa.gov); or 1305 East-West Highway, N/NMS, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Vicki Wedell, phone 240–676–3805; email [Vicki.Wedell@noaa.gov](mailto:Vicki.Wedell@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

The Natural Resource Damage Assessment (NRDA) mission of ONMS is to restore injuries to sanctuary resources caused by the release of hazardous substances or oil under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA; 42 U.S.C., 9601 *et seq.*) or the Oil Pollution Action of 1990 (OPA; 33 U.S.C., 2701 *et seq.*), or physical injuries under the National Marine

Sanctuaries Act (NMSA) (16 U.S.C. 1431 *et seq.*). ONMS conducts NRDA as a basis for recovering damages from responsible parties and uses the funds recovered to restore injured sanctuary resources.

When addressing NRDA incidents, the costs of the damage assessment are recoverable from individuals and organizations who are potentially liable for an incident. Total costs include both direct and indirect costs. Direct costs are costs for activities that are clearly and readily attributable to a specific case or other program products. In contrast, indirect costs reflect the costs for activities that collectively support ONMS’ mission and operations. For example, indirect costs include general administrative support overheads. Although indirect costs may not be readily traced back to a specific direct activity, indirect costs may be allocated to direct activities using an indirect cost distribution rate.

Consistent with standard Federal accounting requirements, ONMS is required to account for and report the full costs of its programs and activities. Further, ONMS is authorized by law to recover reasonable costs of damage assessment and restoration activities under CERCLA, OPA and the NMSA. Within the constraints of these laws, ONMS has the discretion to develop indirect cost rates subject to its requirements.

**ONMS’s Indirect Cost Effort**

NOAA contracted Empirical Concepts Incorporated (Empirical), who subcontracted with the public accounting firm Cotton and Company LLP to: (1) Evaluate the cost accounting system and allocation practices; (2) recommend the appropriate indirect cost allocation methodology; and (3) determine the indirect cost rates for the organizations that comprise ONMS.

Empirical concluded that the cost accounting system and allocation practices of ONMS component organizations are consistent with Federal accounting requirements. Empirical also determined that the most appropriate indirect allocation method was the Direct Labor Cost Base for all ONMS component organizations. The Direct Labor Cost Base is computed by allocating total indirect costs over the sum of direct labor dollars plus the application of NOAA’s leave surcharge and benefits rates to direct labor. Empirical further assessed that the indirect cost rates for the ONMS component organizations were fair and equitable. A report on Empirical’s assessment and their determination can be obtained from the person identified in **FOR FURTHER INFORMATION CONTACT**.

**ONMS Indirect Cost Rate and Policies**

ONMS will apply the indirect cost rate for FY2014 as recommended by Empirical for each of the ONMS component organizations as provided in the following table:

ONMS component organization	Fiscal year 2014 indirect rate (percent)
Office of National Marine Sanctuaries (except for Florida Keys National Marine Sanctuary) .....	144.22
Florida Keys National Marine Sanctuary .....	188.11

The ONMS indirect rates increased from the FY2010 rates of 67.95 percent for all ONMS sites (except Florida Keys National Marine Sanctuary (FKNMS)) and 82.35 percent for FKNMS because ONMS had less direct case work and more indirect work during FY2014. The indirect rates are inversely proportional to direct costs.

ONMS will apply the FY2014 rates identified in this notice to all damage assessment and restoration case costs incurred from October 1, 2014 until present, using the Direct Labor Cost base allocation methodology. For cases that have settled and for cost claims paid prior to the effective date of the fiscal year in question, ONMS will not re-open any resolved matters for the purpose of applying the rates in this

notice. For cases not settled and cost claims not paid prior to the effective date of the fiscal year in question, ONMS will calculate costs using the rates in this notice. ONMS will use the FY2014 rates for future fiscal years until year-specific rates are developed.

**John Armor,**

*Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.*

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**DEPARTMENT OF COMMERCE**

**Patent and Trademark Office**

**Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Representative and Address Provisions**

The United States Patent and Trademark Office (USPTO) will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The USPTO invites comment on this information collection renewal, which