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DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

A-523-808

Certain Steel Nails from the Sultanate of Oman: Final Results of Antidumping Duty Administrative Review; 2014-2016

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

SUMMARY: On August 7, 2017, the Department of Commerce (Commerce) published the preliminary results of the antidumping duty administrative review of certain steel nails (nails) from the Sultanate of Oman (Oman). The period of review (POR) is December 29, 2014, through June 30, 2016. As a result of our analysis of the comments and information received, these final results differ from the *Preliminary Results* with respect to Oman Fasteners LLC (Oman Fasteners), but remain unchanged with respect to the collapsed entity of Overseas International Steel Industry LLC (OISI) and Overseas Distribution Services Inc. (ODS). For the final weighted-average dumping margins, see the “Final Results of Review” section below.

DATES: Applicable [Insert date of publication in the *Federal Register*].

FOR FURTHER INFORMATION CONTACT: Maisha Cryor or Thomas Martin, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482-5831 or (202) 482-3936, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 7, 2017, Commerce published the *Preliminary Results*.¹ In accordance with 19 CFR 351.309(c)(1)(ii), we invited parties to comment on our *Preliminary Results*. On September 22, 2017, Mid Continent Steel & Wire, Inc. (the petitioner) and Oman Fasteners submitted their case briefs.² On September 27, 2017, the petitioner and Oman Fasteners submitted their rebuttal briefs.³ No interested parties requested a hearing.

Scope of the Order

The merchandise covered by this order is nails having a nominal shaft length not exceeding 12 inches.⁴ Merchandise covered by the order is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7317.00.55.02, 7317.00.55.03, 7317.00.55.05, 7317.00.55.07, 7317.00.55.08, 7317.00.55.11, 7317.00.55.18, 7317.00.55.19, 7317.00.55.20, 7317.00.55.30, 7317.00.55.40, 7317.00.55.50, 7317.00.55.60, 7317.00.55.70, 7317.00.55.80, 7317.00.55.90, 7317.00.65.30, 7317.00.65.60 and 7317.00.75.00. Nails subject to this order also may be classified under HTSUS subheadings 7907.00.60.00, 8206.00.00.00 or other HTSUS subheadings. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive. For a complete description of the scope of the order, see the IDM.⁵

¹ See *Certain Steel Nails from the Sultanate of Oman: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review*; 2014-2016, 82 FR 36738 (August 7, 2017) and accompanying Preliminary Decision Memorandum (*Preliminary Results*).

² See the petitioner's case brief, dated September 22, 2017, Oman Fasteners's case brief, dated September 22, 2017.

³ See the petitioner's rebuttal brief, dated September 27, 2017, and Oman Fasteners's rebuttal brief, dated September 27, 2017.

⁴ The shaft length of certain steel nails with flat heads or parallel shoulders under the head shall be measured from under the head or shoulder to the tip of the point. The shaft length of all other certain steel nails shall be measured overall.

⁵ See Memorandum, "Decision Memorandum for Final Results of the 2014-2016 Antidumping Duty Administrative

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the IDM. A list of the issues that parties raised and to which we responded is attached to this notice as an Appendix. The IDM 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 in the Central Records Unit (CRU), room B8024 of the main Department of Commerce building. In addition, a complete version of the IDM can be accessed directly on the Internet at <http://enforcement.trade.gov/frn/index.html>. The signed IDM and the electronic versions of the IDM are identical in content.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results*, we have recalculated Oman Fasteners's weighted-average dumping margin.⁶ The AFA dumping margin for the collapsed entity (*i.e.*, OISI and ODS) remains unchanged from the *Preliminary Results*.⁷

Review of Certain Steel Nails from the Sultanate of Oman," dated concurrently with, and hereby adopted by this notice (IDM). The IDM 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 <http://access.trade.gov> and available 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 accessed directly on the Internet at <http://enforcement.trade.gov/frn/>. The signed and electronic versions of the IDM are identical in content.

⁶ See IDM; see also Memorandum, "Certain Nails from Oman: Calculation Memorandum for the Final Results of the 2014-2016 Administrative Review – Oman Fasteners," dated concurrently with this notice.

⁷ ODS was initially a non-selected respondent subject to this administrative review; however, because we have, as adverse facts available (AFA), collapsed ODS with mandatory respondent OISI, we are assigning both the same AFA margin. See *Preliminary Results*, 82 FR at 36740.

Final Results of the Review

As a result of this review, Commerce calculated a weighted-average dumping margin that is above *de minimis* for Oman Fasteners and a margin based on AFA for the collapsed entity (i.e., OISI and ODS) for the period December 29, 2014, through June 30, 2016, as referenced below.

Producer and/or Exporter	Weighted-Average Dumping Margin (percent)
Oman Fasteners LLC	0.63
Overseas International Steel Industry LLC/ Overseas Distribution Services Inc.	154.33

Duty Assessment

Commerce shall determine and Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries.⁸ For any individually examined respondent whose weighted-average dumping margin is above *de minimis*, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). Upon issuance of the final results of this administrative review, if any importer-specific assessment rates calculated in the final results are above *de minimis* (i.e., at or above 0.5 percent), Commerce will issue instructions directly to CBP to assess antidumping duties on appropriate entries. Where either the respondent's weighted-average dumping margin is zero or *de minimis*, or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

⁸ In these final results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

In accordance with Commerce's "automatic assessment" practice, for entries of subject merchandise during the POR produced by each respondent for which it did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. We intend to issue assessment instructions directly to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided by section 751(a)(2) of the Tariff Act of 1930, as amended (the Act): (1) the cash deposit rate for respondents noted above will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers 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 for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 9.10 percent, the all-others rate established in the antidumping investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing 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 orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/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.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

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

Dated: January 19, 2018

Appendix

List of Topics Discussed in the Final IDM

- I. Summary
- II. List of Issues
- III. Background
- IV. Scope of the Order
- V. Discussion of the Issues

- Comment 1: Ministerial Error
- Comment 2: Data Used to Calculate Constructed Value Ratios
- Comment 3: Profit Cap
- Comment 4: Distribution Expenses and the Calculation of Selling Ratios
- Comment 5: Denominator in the CV Profit and Indirect Selling Expense Ratios
- Comment 6: Offset for Interest Income
- Comment 7: Demurrage Expenses
- Comment 8: Capping Reported Freight Revenue
- Comment 9: Differential Pricing
- Comment 10: Affiliation with a Customer by Virtue of a Close Supplier Relationship
- Comment 11: By-product Offset
- Comment 12: Application of Adverse Facts Available to Oman Fasteners' Reported Wire Rod, Drawing Wire Rod, and Relocation Costs
- Comment 13: Including Oman Fasteners' Parents' Operating Costs in G&A

VI. Recommendation

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