argument presentations will be limited to
issues raised in the briefs. If a request
for a hearing is made, the Department
intends to hold the hearing at the U.S.
Department of Commerce, 1401
Constitution Avenue NW., Washington,
DC 20230, at a date and time to be
determined.14 Parties should confirm by
telephone the date, time, and location of
the hearing two days before the
scheduled date.
All submissions, with limited
exceptions, must be filed electronically
using ACCESS. An electronically filed
document must be received successfully
in its entirety by the Department’s
electronic records system, ACCESS, by
5 p.m. Eastern Time (ET) on the due
date. Documents excepted from the
electronic submission requirements
must be filed manually (i.e., in paper
form) with the APO/Dockets Unit in
Room 18022, and stamped with the date
and time of receipt by 5 p.m. ET on the
due date.15
The Department intends to issue the
final results of this administrative
review, which will include the results of
its analysis of issues raised in any briefs
received, no later than 90 days after the
date these preliminary results of review
are issued, pursuant to section
751(a)(2)(B) of the Act.
Assessment Rates
If the Department proceeds to a final
recission of this administrative review, the
assessment rate to which Mutlu’s
shipments will be subject will not be
affected by this review. If the
Department does not proceed to a final
recission of this administrative review,
pursuant to 19 CFR 351.212(b)(1), we
will calculate customer-specific (or
customer-specific) assessment rates
based on the final results of this review.
Cash Deposit Requirements
If the Department proceeds to a final
recission of this administrative review,
Mutlu’s cash deposit rate will continue
to be the all-others rate. If the
Department issues final results for this
administrative review, the Department
will instruct CBP to collect cash
deposits, effective upon the publication
of the final results, at the rates
established therein.
Notification to Importers
This notice also serves as a
preliminary 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
review period. Failure to comply with
this requirement could result in the
Department’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)(2)(B) and 777(i)(1) of the Act.
Dated: July 31, 2017.
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
List of Sections in the Preliminary Decision
Memorandum
1. Summary
2. Background
3. Scope of the Order
4. Discussion of the Methodology
5. Conclusion

BILLING CODE 3510–05–P

DEPARTMENT OF COMMERCE
International Trade Administration
[A–523–808]
Certain Steel Nails From the Sultanate of
Oman: Preliminary Results of
Antidumping Duty Administrative
Review and Partial Recission of
Antidumping Duty Administrative
Review; 2014–2016
AGENCY: Enforcement and Compliance,
International Trade Administration,
Department of Commerce.
SUMMARY: The Department of Commerce
(the Department) is conducting an
administrative review of the
antidumping duty (AD) order on certain
steel nails (nails) from the Sultanate of
Oman (Oman). The period of review
(POR) is December 29, 2014, through
June 30, 2016. This administrative
review covers two exporters of the
subject merchandise, both of which
were selected as mandatory
respondents, Oman Fasteners LLC
(Oman Fasteners) and Overseas
International Steel Industry LLC (OISI).
The Department preliminarily
determines Oman Fasteners and OISI
made sales of subject merchandise at
less than normal value during the POR.
Additionally, we are rescinding this
administrative review, in part, with
respect to 12 companies, based on the
timely withdrawal of Mid Continent
Steel & Wire, Inc.’s (the petitioner)
request for administrative review.
Interested parties are invited to
comment on these preliminary results.
FOR FURTHER INFORMATION CONTACT: Lilit
Astvatsatryan or Thomas Martin, AD/
CVD Operations, Office IV, Enforcement
and Compliance, International Trade
Administration, U.S. Department of
Commerce, 1401 Constitution Avenue
NW., Washington, DC 20230; telephone:
(202) 482–6412 or (202) 482–3936,
respectively.

SUPPLEMENTARY INFORMATION:
We published a notice initiating an AD
order on nails from Oman.1 On July 5, 2016, the
Department notified interested parties of
the opportunity to request an
administrative review of orders,
findings, or suspended investigations
with anniversaries in July 2016,
including the AD order on nails from
Oman. The Department received timely
requests from Oman Fasteners, OISI,
and the petitioner to conduct an
administrative review of certain
exporters covering the POR. On
September 12, 2016, the Department
published a notice initiating an AD
administrative review of nails from
Oman covering 15 companies for the
POR.2
In the Initiation Notice, the
Department indicated that, in the event
that we would limit the respondents
selected for individual examination in
accordance with section 777A(c)(2) of
the Tariff Act of 1930, as amended (the
Act), we would select mandatory
respondents for individual examination
based on U.S. Customs and Border
Protection (CBP) entry data.3 On
November 9, 2016, after considering
the large number of potential producers/
exporters involved in this
administrative review, and the resources
available to the Department, we
determined that it was not practicable to
examine all exporters/producers of
subject merchandise for which a review
was requested.4 As a result, pursuant to
1 See Certain Steel Nails from the Republic of
Korea, Malaysia, the Sultanate of Oman, Taiwan,
and the Socialist Republic of Vietnam:
Antidumping Duty Orders, 80 FR 39994 (July 13,
2015) (Order).
2 See Initiation of Antidumping and
Countervailing Duty Administrative Reviews, 81 FR
62720 (September 12, 2016) (Initiation Notice).
3 See Initiation Notice, 81 FR at 62720.
4 See Memorandum entitled, “Respondent
Selection in the first Antidumping Duty
Administrative Review of Certain Steel Nails from
Oman,” dated November 9, 2016 (Respondent
Selection Memorandum).
section 777A(c)(2)(B) of the Act, we determined that we could reasonably individually examine only the two largest producers/exporters of nails from Oman by U.S. entry volume during the POR (i.e., Oman Fasteners and OISI). Accordingly, we issued the AD questionnaire to these companies, Oman Fasteners and OISI, the two mandatory respondents. On December 12, 2016, the petitioner timely withdrew its request for administrative review, pursuant to 19 CFR 351.213(d)(1), of all the producers and exporters except for Oman Fasteners, OISI, and Overseas Distribution Services Inc. (ODS).

On March 23, 2017, the Department extended the preliminary results in this review to no later than July 31, 2017.

Partial Rescission of Administrative Review

The Department received timely requests to conduct an administrative review of certain exporters covering the POR. Because the petitioner timely withdrew its requests for review of all of the companies listed in the Initiation Notice, with the exception of Oman Fasteners, OISI, and ODS, we are rescinding the administrative review with respect to those 12 companies, pursuant to 19 CFR 351.213(d)(1). The Department has rescinded the administrative review with respect to the remaining 12 companies, which we initiated this review pursuant to 19 CFR 351.213(d)(1). Accordingly, the remaining companies subject to the instant review are: Oman Fasteners, OISI, and ODS.

Scope of the Order

The merchandise covered by this order is nails having a nominal shaft length not exceeding 12 inches. 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 Preliminary Decision Memorandum.

Methodology

The Department is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. A list of topics included in the Preliminary Decision Memorandum is included as an Appendix to this notice.

Adverse Facts Available

Section 776(a) of the Act provides that the Department shall, subject to section 782(d) of the Act, use “facts otherwise available” if: (1) Necessary information is not on the record; or (2) an interested party or any other person: (A) Withholds information that has been requested; (B) fails to provide

5 See Respondent Selection Memorandum.
10 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.

11 See Memorandum, “Decision Memorandum for Preliminary Results of the 2014–2016 Antidumping Duty Administrative Review of Certain Steel Nails from the Sultanate of Oman,” dated concurrently with, and hereby adopted by this notice (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 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/ for/. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

12 See Preliminary Decision Memorandum.

information within the deadlines established, or in the form and manner requested by the Department, subject to subsections (c)(1) and (e) of section 782 of the Act; (C) significantly impedes a proceeding; or (D) provides information that cannot be verified as provided by section 782(i) of the Act.

Section 776(b) of the Act provides that the Department may use an adverse inference in applying the facts otherwise available when a party fails to cooperate by not acting to the best of its ability to comply with a request for information (i.e., adverse facts available, or AFA). In doing so, and under the Trade Preferences Extension Act of 2015 (TPEA), the Department is not required to determine, or make any adjustments to, a weighted-average dumping margin based on any assumptions about information an interested party would have provided if the interested party had complied with the request for information. Further, section 776(b)(2) of the Act states that an adverse inference may include reliance on information derived from the petition, the final determination from the less than fair value investigation, a previous administrative review, or other information placed on the record.

Section 776(c) of the Act provides that, in general, when the Department relies on secondary information rather than on information obtained in the course of an investigation, it shall, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. Secondary information is defined as information derived from the petition that gave rise to the investigation, the final determination concerning the subject merchandise, or any previous review under section 751 of the Act concerning the subject merchandise. However, the Department is not required to corroborate any dumping margin applied in a separate segment of the same proceeding.

Under section 776(d) of the Act, the Department may use any dumping margin from any segment of a proceeding under an AD order when applying an adverse inference, including the highest of such margins. The TPEA also makes clear that when selecting an AFA margin, the Department is not required to estimate what the dumping margin would have been if the interested party failing to cooperate had cooperated or to demonstrate that the dumping margin reflects an “alleged commercial reality” of the interested party.

In accordance with section 776 of the Act, the Department preliminarily determines that the application of facts
available is warranted for OISI because OISI has not provided the necessary information on the record, pursuant to section 776(a)(1) of the Act. Specifically, OISI reported that ODS was its affiliate in the United Arab Emirates, but failed to provide adequate information regarding its relationship with ODS. OISI also failed to provide adequate information regarding its U.S. sales data, such that the Department could not use the data in its calculations.

Furthermore, OISI has withheld requested information, failed to provide such information in the form and manner required, impeded this review, and reported information that could not be verified, the use of facts available for the preliminary results is warranted, pursuant to sections 776(a)(2)(A), (B), (C), and (D) of the Act. For a full discussion, see the Preliminary Decision Memorandum.

Accordingly, we preliminarily determine to apply adverse facts available (AFA) to OISI, in accordance with sections 776(a) and (b) of the Act and 19 CFR 351.308. Record information indicates that OISI and ODS are affiliated and may meet our criteria for collapsing, due to OISI’s reported shared ownership and intertwined operations with ODS. Because OISI did not answer our supplemental questionnaire, we do not have all of the information we need on the record in order to conduct a collapsing analysis. Accordingly, we have applied an adverse inference to the factual information on the record, and have, as AFA, collapsed OISI and ODS into a single entity. Furthermore, as we do not have adequate information on the record to calculate a margin for OISI, we have calculated its margin based on total AFA. Specifically, we are applying a rate of 154.33 percent, which was calculated by Petitioner in the petition in this investigation.13 We have corroborated this rate with information obtained in the course of this

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13 Letter from the Department, “Certain Steel Nails India, the Republic of Korea, the Sultanate of Oman, Malaysia, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam,” dated May 29, 2014 (Petition). See also section 776(b)(2)(A) (stating that the petition is a potential source of information for the application of adverse facts available).

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minimis. 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.

For the twelve companies for which this review is rescinded, antidumping duties will be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawn from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice. 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.

**Cash Deposit Requirement**

The following deposit requirements will be effective upon publication of the notice of the final results of administrative review for all shipments of nails from Oman entered, or withdrawn from warehouse, for consumption on or after the date of publication 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 the companies under review will be the rate established in the final results of this review (except, if the rate is zero or de minimis, no cash deposit will be required); (2) for merchandise exported by manufacturers or exporters not covered in this 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 in which the manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 9.10 percent ad valorem, the all-others rate established in the less-than-fair-value investigation.

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14 ODS was initially a non-selected respondent subject to this administrative review; however, because we have, as AFA, collapsed ODS with mandatory respondent OISI, we are assigning both the same AFA margin.

15 In these preliminary results, the Department determined to apply adverse facts available (AFA) to OISI, in accordance with sections 776(a) and (b) of the Act and 19 CFR 351.308. Record information indicates that OISI and ODS are affiliated and may meet our criteria for collapsing, due to OISI’s reported shared ownership and intertwined operations with ODS. Because OISI did not answer our supplemental questionnaire, we do not have all of the information we need on the record in order to conduct a collapsing analysis. Accordingly, we have applied an adverse inference to the factual information on the record, and have, as AFA, collapsed OISI and ODS into a single entity. Furthermore, as we do not have adequate information on the record to calculate a margin for OISI, we have calculated its margin based on total AFA. Specifically, we are applying a rate of 154.33 percent, which was calculated by Petitioner in the petition in this investigation.

16 We will instruct CBP to liquidate un-reviewed entries at the all-others rate if there is no rate for the intermediate company involved in the transaction. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above de

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Disclosure and Public Comment

The Department intends to disclose the calculations used in our analysis to interested parties in this review within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Interested parties are invited to comment on the preliminary results of this review. Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. 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.16 Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each brief: (1) A statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.19 Executive summaries should be limited to five pages total, including footnotes.20 Case and rebuttal briefs should be filed using ACCESS.21 Pursuant to 19 CFR 351.310(c), any interested party may request a hearing within 30 days of the publication of this notice in the Federal Register. If a hearing is requested, the Department will notify interested parties of the hearing schedule. Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS within 30 days after the date of publication of this notice. Requests should contain: (1) The party’s name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs.

We intend to issue the final results of this administrative review, including the results of our analysis of issues raised by the parties in the written comments, within 120 days of publication of these preliminary results in the Federal Register, unless otherwise extended.22

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 Department’s presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These preliminary results and partial rescission of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(b)(1).

Dated: July 31, 2017.

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. Affiliation
V. Use of Facts Otherwise Available and Adverse Inferences
VI. Discussion of the Methodology
VII. Recommendation

[FR Doc. 2017–16497 Filed 8–4–17; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE
International Trade Administration
[A–557–816]


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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain steel nails from Malaysia. The period of review covers December 29, 2014, through June 30, 2016. The review covers three producers/exporters of the subject merchandise. We preliminarily determine that sales of subject merchandise by the collapsed entities Inmax and Region, both of which were selected for individual examination, were made at less than normal value during the period of review. We are rescinding the review with respect to 16 companies for which the request for review was timely withdrawn. Interested parties are invited to comment on these preliminary results.


FOR FURTHER INFORMATION CONTACT: Edythe Artman or Madeline Heeren, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3931 or (202) 482–9179, respectively.

SUPPLEMENTARY INFORMATION:

Background

These preliminary results of review are made in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). On September 12, 2016, the Department published the notice of initiation for the administrative review.1 For a complete description of the events that followed the initiation of the review, see the Preliminary Decision Memorandum.2 A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. 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, located in Room B8094 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at http://enforcement.trade.gov/frn/. The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Order

The products covered by the scope of the order are certain steel nails from Malaysia. For a complete description of the scope, see Appendix I of this notice.

Partial Rescission of Administrative Review

In the Initiation Notice, we initiated a review of 19 companies. However, the petitioner, Mid Continent Steel & Wire, Inc., withdrew its request for review of 16 of the companies on December 12, 2016. No other parties had requested a review of these companies. Thus, in response to the petitioner’s timely filed withdrawal request and pursuant to 19 CFR 351.310(c)(2) and (d)(2).

See 19 CFR 351.309(c)(1)(ii).

See 19 CFR 351.309(c)(2) and (d)(2).

See 19 CFR 351.310.

See section 751(a)(3)(A) of the Act.