

*Topic to be considered:* At this final meeting of the current (2016–2018) ETTAC charter, interagency representatives of the Trade Promotion Coordinating Committee's Environmental Trade Working Group (TPCC ETWG) will respond to the recommendations that the ETTAC presented to the Secretary of Commerce's designee on May 15. The meeting will be co-chaired by senior officials from the International Trade Administration and the U.S. Environmental Protection Agency. The ETTAC's recommendations cover two primary themes: (1) Recommendations regarding how the U.S. Government can help level the playing field, address barriers and increase opportunities for U.S. environmental exporters through market development efforts, export financing, and trade policy engagements and negotiations; and recommendations aimed at improving the overall quality of services delivered by the U.S. Government to U.S. environmental exporters through enhancements to digital tools aimed at improving lead generation, lead dissemination, and metrics and tracking. The recommendations were developed by the ETTAC's three subcommittees: Trade Promotion and Export Market Development, Professional Services and Infrastructure Advancement, and Trade Policy and American Competitiveness. OEEI will make the final agenda available to the public at least one week prior to the meeting. Please email [amy.kreps@trade.gov](mailto:amy.kreps@trade.gov) or contact 202–482–3835 for a copy.

*Background:* The ETTAC is mandated by Section 2313(c) of the Export Enhancement Act of 1988, as amended, 15 U.S.C. 4728(c), to advise the Environmental Trade Working Group of the Trade Promotion Coordinating Committee, through the Secretary of Commerce, on the development and administration of programs to expand U.S. exports of environmental technologies, goods, services, and products. The ETTAC was originally chartered in May of 1994. It was most recently re-chartered until August 2018.

Dated: July 9, 2018.

**Man Cho,**

*Deputy Director, Office of Energy and Environmental Industries.*

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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 the Final Results of Administrative Review and Notice of Amended Final Results of Antidumping Duty Administrative Review**

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

**SUMMARY:** On June 19, 2018, the United States Court of International Trade (Court) issued its final judgment in *Xi'an Metals & Minerals Import & Export Co., Ltd. v. United States*, Consol. Court No. 15–00109, sustaining, in part, and vacating, in part, the U.S. Department of Commerce's (Commerce) final remand results in the fifth administrative review of certain steel nails from the People's Republic of China (China). Commerce is notifying the public that the final judgment in this case is not in harmony with Commerce's final results of the administrative review, covering the period of review (POR) August 1, 2012, through July 31, 2013, and that Commerce is amending the final results with respect to the dumping margin assigned to The Stanley Works (Langfang) Fastening Systems Co., Ltd. (Stanley). The margin for Xi'an Metals & Minerals Import & Export Co., Ltd. (Xi'an Metals) remains unchanged as a result of the Court's final judgment.

**DATES:** Applicable June 19, 2018.

**FOR FURTHER INFORMATION CONTACT:** Matthew Renkey, AD/CVD Operations Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2312.

**SUPPLEMENTARY INFORMATION:**

**Background**

On April 8, 2015, Commerce issued the *Final Results*, in which it determined weighted-average dumping margins of 13.19 percent for Stanley and 72.52 percent Xi'an Metals.<sup>1</sup> On September 6, 2017, the Court remanded to Commerce certain aspects of the *Final Results*, ordering Commerce to reconsider, in relevant part: (1) The potential double counting of certain

labor costs by including line items such as “Salary & Bonus,” “Welfare,” and “Social Security and Compensation” as selling, general, and administrative (SG&A) expenses in the surrogate financial ratios;<sup>2</sup> and (2) the presence of a transcription error in Stanley's post-verification factors of production (FOP) database.<sup>3</sup>

On December 21, 2017, Commerce filed the AR5 Remand Redetermination with the Court.<sup>4</sup> Under respectful protest, Commerce recalculated the surrogate financial ratios by reclassifying certain labor-related line items from the selling, general, and administrative expenses numerator, to the materials, labor, and energy denominator of the financial ratios.<sup>5</sup> Additionally, under respectful protest, Commerce corrected the transcription error present in Stanley's post-verification FOP database.<sup>6</sup> As a result of these modifications, there were changes to the dumping margins assigned to both Xi'an Metals and Stanley. The resulting antidumping margins for Xi'an Metals and Stanley were 64.27 percent and 8.04 percent, respectively.<sup>7</sup>

On June 19, 2018, the Court sustained the AR5 Remand Redetermination with respect to the correction of the transcription error in Stanley's FOP database.<sup>8</sup> In addition, the Court vacated the remand order with respect to the issue of the calculation of the surrogate financial ratios, and reinstated this aspect of Commerce's *Final Results*.<sup>9</sup> In light of the Court's *Final Judgment*, the dumping margin for Xi'an Metals is unchanged from its dumping margin assigned in the *Final Results*. Additionally, because the Court reinstated the *Final Results* with respect to the calculation of the surrogate financial ratios, for these amended final results, we recalculated Stanley's dumping margin to reflect only the correction of the transcription error in Stanley's FOP database.<sup>10</sup>

<sup>2</sup> See *Xi'an Metals & Minerals Import & Export Co., Ltd. v. United States*, 256 F.Supp. 3d 1346, 1356 (CIT September 6, 2017) (*Remand Order*).

<sup>3</sup> *Id.*, at 1359.

<sup>4</sup> See *Final Results of Redetermination Pursuant to Court Remand*, Consol. Court No. 15–00109, Slip Op. 17–120 (CIT 2017), dated December 21, 2017 (AR5 Remand Redetermination), available at <http://enforcement.trade.gov/remands/17-120.pdf>.

<sup>5</sup> *Id.*, at 7–14.

<sup>6</sup> *Id.*, at 15–16.

<sup>7</sup> *Id.*, at 19.

<sup>8</sup> See *Xi'an Metals & Minerals Import & Export Co., Ltd. v. United States*, Consol. Court No. 15–00109, Slip Op. 18–70 (CIT June 19, 2018) (*Final Judgment*) at 3.

<sup>9</sup> *Id.*, at 2–3.

<sup>10</sup> See “Amended Final Results for the Fifth Administrative Review of Certain Steel Nails from

<sup>1</sup> See *Certain Steel Nails from the People's Republic of China: Final Results of Antidumping Duty Administrative Review, 2012–2013*, 80 FR 18816 (April 8, 2015) and accompanying Issues and Decision Memorandum (*Final Results*).

### 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*).