

7317.00.5518, 7317.00.5519, 7317.00.5520, 7317.00.5530, 7317.00.5540, 7317.00.5550, 7317.00.5560, 7317.00.5570, 7317.00.5580, 7317.00.5590, 7317.00.6530, 7317.00.6560 and 7317.00.7500. Certain steel nails subject to this investigation also may be classified under HTSUS subheadings 7318.15.5090, 7907.00.6000, 8206.00.0000 or other HTSUS subheadings. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

## Appendix II

### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Injury Test
- IV. Scope Comments
- V. Scope of the Investigation
- VI. Diversification of Turkey's Economy
- VII. Subsidies Valuation
- VIII. Analysis of Programs
- IX. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-549-845]

### Certain Steel Nails From Thailand: Preliminary Negative Countervailing Duty Determination

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are not being provided to producers and exporters of certain steel nails (steel nails) from Thailand. The period of investigation is January 1, 2020, through December 31, 2020. Interested parties are invited to comment on this preliminary determination.

**DATES:** Applicable June 7, 2022.

**FOR FURTHER INFORMATION CONTACT:** Laura Griffith or Jonathan Hall-Eastman,

AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-6430 or (202) 482-1468, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on January 26, 2022.<sup>1</sup> On March 3, 2022, Commerce postponed the preliminary determination of this investigation until May 31, 2022.<sup>2</sup> For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.<sup>3</sup> A list of topics discussed 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 is 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 at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

#### Scope of the Investigation

The products covered by this investigation are steel nails from Thailand. For a complete description of the scope of this investigation, see Appendix I.

#### Scope Comments

In accordance with the preamble to Commerce's regulations,<sup>4</sup> the *Initiation Notice* set aside a period of time for

parties to raise issues regarding product coverage (*i.e.*, scope).<sup>5</sup> We received several comments concerning the scope of the antidumping duty (AD) and CVD investigations of steel nails as it appeared in the *Initiation Notice*. We are currently evaluating the scope comments filed by the interested parties. We intend to issue our preliminary decision regarding the scope of the AD and CVD investigations on or before the preliminary determinations of the companion AD investigations, the deadline for which is July 28, 2022.<sup>6</sup> We will incorporate the scope decisions from the AD investigations into the scope of the final CVD determination for this investigation after considering any relevant comments submitted in scope case and rebuttal briefs. The deadline for interested parties to submit scope case and rebuttal briefs will be established in the preliminary scope decision memorandum.

#### Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>7</sup>

#### Preliminary Determination

For this preliminary determination, Commerce calculated *de minimis* estimated countervailable subsidies for each individually examined producer(s)/exporter(s) of the subject merchandise. Consistent with section 703(b)(4)(A) of the Act, Commerce has disregarded the *de minimis* rates. Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent)
Come Best Thailand Co., Ltd .....	0.04 percent ( <i>de minimis</i> ).
Jinhai Hardware Co. Ltd .....	0.10 percent ( <i>de minimis</i> ).

<sup>1</sup> See *Certain Steel Nails from India, the Sultanate of Oman, Sri Lanka, Thailand, and the Republic of Turkey: Initiation of Countervailing Duty Investigations*, 87 FR 3970 (January 26, 2022) (*Initiation Notice*).

<sup>2</sup> See *Certain Steel Nails from India, the Sultanate of Oman, Sri Lanka, Thailand, and the Republic of Turkey: Postponement of Preliminary Determinations in the Countervailing Duty Investigations*, 87 FR 12080 (March 3, 2022).

<sup>3</sup> See Memorandum, "Decision Memorandum for the Preliminary Determination of the Countervailing Duty Investigation of Certain Steel Nails from Thailand," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>4</sup> See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

<sup>5</sup> See *Initiation Notice*, 87 FR at 3971.

<sup>6</sup> See *Certain Steel Nails from India, Sri Lanka, Thailand, and the Republic of Turkey: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations*, 87 FR 30868 (May 20, 2022).

<sup>7</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

Consistent with section 703(d) of the Act, Commerce has not determined an estimated weighted-average subsidy rate for all other producers/exporters because it has not made an affirmative preliminary determination.

### Suspension of Liquidation

Because Commerce preliminarily determines that no countervailable subsidies are being provided to the production or exportation of subject merchandise, Commerce will not direct U.S. Customs and Border Protection to suspend liquidation of any such entries.

### Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

### Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

### Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the deadline for the last verification questionnaire response in this investigation. A timeline for the submission of case briefs and written comments will be provided to interested parties at a later date. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline date for case briefs after the deadline date for case briefs.<sup>8</sup> Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>9</sup> Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a

hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

### International Trade Commission Notification

In accordance with section 703(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will make its determination 75 days after Commerce's final determination.

### Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act, and 19 CFR 351.205(c).

Dated: May 31, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix I

#### Scope of the Investigation

The merchandise covered by this investigation is certain steel nails having a nominal shaft or shank length not exceeding 12 inches. Certain steel nails include, but are not limited to, nails made from round wire and nails that are cut from flat-rolled steel or long-rolled flat steel bars.

Certain steel nails may be of one piece construction or constructed of two or more pieces. Examples of nails constructed of two or more pieces include, but are not limited to, anchors comprised of an anchor body made of zinc or nylon and a steel pin or a steel nail; crimp drive anchors; split-drive anchors, and strike pin anchors. Also included in the scope are anchors of one piece construction.

Certain steel nails may be produced from any type of steel, and may have any type of surface finish, head type, shank, point type and shaft diameter. Finishes include, but are not limited to, coating in vinyl, zinc (galvanized), including but not limited to electroplating or hot dipping one or more times), phosphate, cement, and paint. Certain steel nails may have one or more surface finishes. Head styles include, but are not limited to, flat, projection, cupped, oval, brad, headless, double, countersunk, and sinker. Shank or shaft styles include, but are not limited to, smooth, barbed, screw threaded, ring shank and fluted.

Screw-threaded nails subject to this investigation are driven using direct force and not by turning the nail using a tool that engages with the head. Point styles include, but are not limited to, diamond, needle, chisel, and blunt or no point. Certain steel nails may be sold in bulk, or they may be collated in any manner using any material.

Excluded from the scope are certain steel nails packaged in combination with one or more non-subject articles, if the total number of nails of all types, in aggregate regardless of size, is less than 25. If packaged in combination with one or more non-subject articles, certain steel nails remain subject merchandise if the total number of nails of all types, in aggregate regardless of size, is equal to or greater than 25, unless otherwise excluded based on the other exclusions below.

Also excluded from the scope are certain steel nails with a nominal shaft or shank length of one inch or less that are a component of an unassembled article, where the total number of nails is sixty (60) or less, and the imported unassembled article falls into one of the following eight groupings: (1) Builders' joinery and carpentry of wood that are classifiable as windows, French-windows and their frames; (2) builders' joinery and carpentry of wood that are classifiable as doors and their frames and thresholds; (3) swivel seats with variable height adjustment; (4) seats that are convertible into beds (with the exception of those classifiable as garden seats or camping equipment); (5) seats of cane, osier, bamboo or similar materials; (6) other seats with wooden frames (with the exception of seats of a kind used for aircraft or motor vehicles); (7) furniture (other than seats) of wood (with the exception of (i) medical, surgical, dental or veterinary furniture; and (ii) barbers' chairs and similar chairs, having rotating as well as both reclining and elevating movements); or (8) furniture (other than seats) of materials other than wood, metal, or plastics (e.g., furniture of cane, osier, bamboo or similar materials). The aforementioned imported unassembled articles are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4418.10, 4418.20, 9401.30, 9401.40, 9401.51, 9401.59, 9401.61, 9401.69, 9403.30, 9403.40, 9403.50, 9403.60, 9403.81 or 9403.89.

Also excluded from the scope of this investigation are nails suitable for use in powder-actuated hand tools, whether or not threaded, which are currently classified under HTSUS subheadings 7317.00.2000 and 7317.00.3000.

Also excluded from the scope of this investigation are nails suitable for use in gas-actuated hand tools. These nails have a case hardness greater than or equal to 50 on the Rockwell Hardness C scale (HRC), a carbon content greater than or equal to 0.5 percent, a round head, a secondary reduced-diameter raised head section, a centered shank, and a smooth symmetrical point.

Also excluded from the scope of this investigation are corrugated nails. A corrugated nail is made up of a small strip of corrugated steel with sharp points on one side.

Also excluded from the scope of this investigation are thumb tacks, which are

<sup>8</sup> See 19 CFR 351.309; see also 19 CFR 351.303 (for general filing requirements).

<sup>9</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 17006 (March 26, 2020) (*Temporary Rule*); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

currently classified under HTSUS subheading 7317.00.1000.

Also excluded from the scope are decorative or upholstery tacks.

Certain steel nails subject to this investigation are currently classified under HTSUS subheadings 7317.00.5501, 7317.00.5502, 7317.00.5503, 7317.00.5505, 7317.00.5507, 7317.00.5508, 7317.00.5511, 7317.00.5518, 7317.00.5519, 7317.00.5520, 7317.00.5530, 7317.00.5540, 7317.00.5550, 7317.00.5560, 7317.00.5570, 7317.00.5580, 7317.00.5590, 7317.00.6530, 7317.00.6560 and 7317.00.7500. Certain steel nails subject to this investigation also may be classified under HTSUS subheadings 7318.15.5090, 7907.00.6000, 8206.00.0000 or other HTSUS subheadings. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

## Appendix II

### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
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- III. Injury Test
- IV. Scope Comments
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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C–489–843]

### Prestressed Concrete Steel Wire Strand From the Republic of Turkey: Notice of Court Decision Not in Harmony With the Final Determination of Countervailing Duty Investigation; Notice of Amended Final Determination

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

**SUMMARY:** On May 26, 2022, the U.S. Court of International Trade (CIT) issued its final judgment in *Celik Halat ve Tel Sanayi A.S. v. United States*, Court No. 21–00050, sustaining the U.S. Department of Commerce’s (Commerce) first remand redetermination pertaining to the countervailing duty (CVD) investigation of prestressed concrete steel wire strand (PC strand) from the Republic of Turkey (Turkey), covering the period of investigation January 1, 2019, through December 31, 2019. Commerce is notifying the public that the CIT’s final judgment is not in harmony with Commerce’s final determination in that investigation, and that Commerce is amending the final

determination with respect to the countervailable subsidy rate assigned to Celik Halat ve Tel Sanayi A.S. (Celik Halat) and all other exporters/producers of PC strand not individually examined.

**DATES:** Applicable June 5, 2022.

#### FOR FURTHER INFORMATION CONTACT:

Jacob Garten, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3342.

#### SUPPLEMENTARY INFORMATION:

#### Background

On December 11, 2020, Commerce published its *Final Determination* in the CVD investigation of PC strand from Turkey.<sup>1</sup> Commerce calculated an estimated net countervailable subsidy rate of 158.44 percent for Celik Halat and 94.61 percent for all other exporters/producers not individually examined.<sup>2</sup> Commerce subsequently published the CVD order on PC strand from Turkey.<sup>3</sup>

Celik Halat appealed Commerce’s *Final Determination*. On February 15, 2022, the CIT remanded the *Final Determination* to Commerce, stating that Commerce impermissibly used facts otherwise available with respect to the late filing of Celik Halat’s initial questionnaire response.<sup>4</sup> The CIT ordered Commerce to expeditiously determine a new estimated net countervailable subsidy rate for Celik Halat that does not resort to section 776 of the Tariff Act of 1930, as amended (the Act), with respect to the filing of the initial questionnaire response.<sup>5</sup>

In its final remand redetermination, issued in April 2022, Commerce accepted Celik Halat’s questionnaire responses, and based upon the information received, calculated an estimated net countervailable subsidy rate of 2.96 percent for Celik Halat and 16.87 percent for all other exporters/producers not individually examined.<sup>6</sup>

<sup>1</sup> See *Prestressed Concrete Steel Wire Strand from the Republic of Turkey: Final Affirmative Countervailing Duty Determination and Final Negative Critical Circumstances Determination*, 85 FR 80005 (December 11, 2020) (*Final Determination*).

<sup>2</sup> *Id.*

<sup>3</sup> See *Prestressed Concrete Steel Wire Strand from the Republic of Turkey: Countervailing Duty Order*, 86 FR 7990 (February 3, 2021).

<sup>4</sup> See *Celik Halat ve Tel Sanayi A.S. v. United States*, Slip Op. 22–13, Court No. 21–00050 (CIT February 15, 2022).

<sup>5</sup> *Id.* at 37.

<sup>6</sup> See *Final Results of Redetermination Pursuant to Court Remand, Celik Halat ve Tel Sanayi A.S. v. United States*, Court No. 21–00050, Slip Op. 22–13 (CIT February 15, 2022), dated April 15, 2022.

The CIT sustained Commerce’s final redetermination.<sup>7</sup>

#### Timken Notice

In its decision in *Timken*,<sup>8</sup> as clarified by *Diamond Sawblades*,<sup>9</sup> the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of the Act, Commerce must publish a notice of 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 May 26, 2022, judgment constitutes a final decision of the CIT that is not in harmony with Commerce’s *Final Determination*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

#### Amended Final Determination

Because there is now a final court judgment, Commerce is amending its *Final Determination* with respect to Celik Halat and all other exporters/producers not individually examined as follows:

Company	Subsidy rate (percent)
Celik Halat ve Tel Sanayi A.S. <sup>10</sup>	2.96
All Others .....	16.87

#### Cash Deposit Requirements

Commerce will issue revised cash deposit instructions to U.S. Customs and Border Protection.

#### Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: June 1, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

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<sup>7</sup> See *Celik Halat ve Tel Sanayi A.S. v. United States*, Slip Op. 22–55, Court No. 21–00050 (CIT May 26, 2022).

<sup>8</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>9</sup> See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

<sup>10</sup> Commerce found the following companies to be cross-owned with Celik Halat: Dogan Sirketler Grubu Holding A.S. and Adilbey Holding A.S. See *Final Determination*, 85 FR at 80006 (n.8).