

notification of proposed production activity to the FTZ Board for its facility in Goodyear, Arizona. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on January 23, 2020.

The Andersen Regional facility is located within FTZ 277. The facility will be used for production of windows for residential and commercial buildings. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials/components and finished product described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Andersen Regional from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components noted below, Andersen Regional would be able to choose the duty rates during customs entry procedures that apply to windows for residential and commercial buildings (duty rate 5.3%). Andersen Regional would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components and materials sourced from abroad include: Stainless steel and carbon steel screws; die cast zinc and injection molded polypropylene lock covers; aluminum extruded reinforcement bars; carbon steel gusset plates; stainless steel jamb clips; injection molded PVC and brass roller assemblies; injection molded glass reinforced nylon sash cams; injection molded polypropylene shipping protection caps; and, zinc plated steel washers (duty rate ranges from 3.5 to 6.2%). The request indicates that certain materials/components are subject to special duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: [ftz@trade.gov](mailto:ftz@trade.gov). The closing period for their receipt is March 30, 2020.

A copy of the notification will be available for public inspection in the "Reading Room" section of the Board's website, which is accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz).

For further information, contact Juanita Chen at [juanita.chen@trade.gov](mailto:juanita.chen@trade.gov) or 202-482-1378.

Dated: February 12, 2020.

**Andrew McGilvray,**  
Executive Secretary.

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

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

**SUMMARY:** On October 18, 2019, the United States Court of International Trade (CIT) entered final judgment sustaining the final results of redetermination pertaining to the sixth administrative review of the antidumping duty order on certain steel nails (steel nails) from the People's Republic of China (China). The Department of Commerce (Commerce) is notifying the public that the final judgment in this case is not in harmony with the final results of the administrative review covering the period of review (POR) August 1, 2013 through July 31, 2014, and that Commerce is amending the final results with respect to the dumping margin assigned to Shandong Oriental Cherry Hardware Group Co., Ltd. (Oriental Cherry).

**DATES:** Applicable October 28, 2019.

**FOR FURTHER INFORMATION CONTACT:** Javier Barrientos, 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) 482-2243.

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

In the *Preliminary Results*,<sup>1</sup> which remained unchanged in the *Final Results*,<sup>2</sup> Commerce treated Oriental

Cherry and its affiliated companies as a single entity.<sup>3</sup> Commerce also determined that Oriental Cherry's responses were deficient, and that the use of facts otherwise available, pursuant to section 776(a) of the Tariff Act of 1930, as amended (the Act), was necessary.<sup>4</sup> As a result, Commerce determined that Oriental Cherry was not eligible for separate rate status and treated it as part of the China-wide entity, subject to a dumping margin of 118.04 percent.

On January 2, 2018, the CIT remanded the *Final Results* with respect to our decision to deny Oriental Cherry a separate rate.<sup>5</sup> The CIT remanded the *Final Results* to Commerce to reevaluate the evidence on the record regarding Oriental Cherry's eligibility for a separate rate, and to assign a separate rate to Oriental Cherry, if appropriate.

On April 20, 2018, Commerce issued the *First Remand Results*.<sup>6</sup> On remand, Commerce determined that Oriental Cherry was eligible for a separate rate, because the record supported the finding that Oriental Cherry demonstrated an absence of *de jure* and *de facto* government control.<sup>7</sup> Commerce did not, however, determine a rate using any of the production and sales information that Oriental Cherry had placed on the record in response to its questionnaires. Rather, Commerce further explained its findings from the *Final Results*, continuing to find that such information was missing from the record and that Oriental Cherry did not cooperate to the best of its ability to provide such information, and, thus, assigned Oriental Cherry the rate of 118.04 percent as the total adverse facts available (AFA) rate pursuant to section 776(b) of the Act, *i.e.*, the highest rate on the record of this proceeding.<sup>8</sup>

On June 12, 2019, the CIT remanded the *First Remand Results*. The CIT held that Commerce's application of total

*Duty Administrative Review; 2013-2014*, 81 FR 14092 (March 16, 2016) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM), amended by *Certain Steel Nails from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013-2014*, 81 FR 19136 (April 4, 2016).

<sup>3</sup> The Shandong Oriental Cherry Entity is comprised of: Oriental Cherry, Shandong Oriental Cherry Hardware Import & Export Co., Ltd., Heze Products Co., Ltd., Jining Huarong Hardware Products Co., Ltd., Jining Dragon Fasteners Co., Ltd., and Jining Yonggu Metal Products Co., Ltd.

<sup>4</sup> See *Final Results* IDM at 60-63.

<sup>5</sup> See *National Nail Corp. et al. v. United States*, 279 F. Supp. 3d 1372 (January 2, 2018), Slip Op. 18-1, CIT Court No. 16-00052.

<sup>6</sup> See *Final Results of Redetermination Pursuant to Remand Order in National Nail Corp. v. United States*, Consol. Ct. No. 16-00052 (April 20, 2018) (*First Remand Results*).

<sup>7</sup> *Id.* at 8-12.

<sup>8</sup> *Id.* at 12 and 15-18.

<sup>1</sup> See *Certain Steel Nails from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2013-2014*, 80 FR 53490 (September 4, 2015) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum at 11-12.

<sup>2</sup> See *Certain Steel Nails from the People's Republic of China: Final Results of Antidumping*

AFA in the *First Remand Results* was neither supported by substantial evidence, nor in accordance with law.<sup>9</sup> Specifically, the CIT held that “neither the law nor the facts support the Department’s findings that: (1) None of Oriental Cherry’s factors of production or its U.S. sales information was usable; (2) Oriental Cherry failed to comply with Commerce’s requests for production and sales information to the best of its ability; and (3) a rate of 118.04 percent was legally and factually justified.”<sup>10</sup> As such, the CIT ordered that: (1) Commerce calculate a rate for Oriental Cherry using the factors of production and U.S. sales information submitted by Oriental Cherry in the underlying review;<sup>11</sup> and (2) with respect to shooting nails supplied by Oriental Cherry’s affiliate, Jining Dragon, Commerce use facts available in filling in missing necessary information, and (3) Commerce may draw an adverse inference with respect to information regarding the sales of shooting nails during the period of review.<sup>12</sup> On September 5, 2019, Commerce issued its *Second Remand Results*.<sup>13</sup>

#### Timken Notice

In its decision in *Timken*,<sup>14</sup> as clarified by *Diamond Sawblades*,<sup>15</sup> the Court of Appeals for the Federal Circuit (CAFC) held that, pursuant to section 516A of the Tariff Act of 1930, as amended (the 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 CIT’s October 18, 2019, judgment sustaining the *Second Remand Results* 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 requirements of *Timken*.

#### Amended Final Results

Because there is now a final court decision, Commerce is amending the Final Results with respect to Oriental Cherry. The revised weighted-average

dumping margin for Oriental Cherry for the period August 1, 2013 through July 31, 2014 is as follows:

Exporter	Weighted-average margin (percent)
The Shandong Oriental Cherry Entity .....	61.05

The CIT’s ruling was not appealed and thus represents a final and conclusive court decision. Commerce will therefore instruct U.S. Customs and Border Protection to assess antidumping duties on unliquidated entries of subject merchandise exported by Oriental Cherry using the appropriate assessment rates.

#### Cash Deposit Requirements

The cash deposit rate for Oriental Cherry has been superseded by cash deposit rates calculated in intervening administrative reviews of the antidumping duty order on certain steel nails from China. Thus, we will not alter its cash deposit rate.

#### Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e), 751(a)(1), and 777(i)(1) of the Act.

Dated: February 11, 2020.

**Christian Marsh,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–114]

#### Certain Glass Containers From the People’s Republic of China: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation

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

**DATES:** Applicable February 19, 2020.

**FOR FURTHER INFORMATION CONTACT:** Lilit Astvatsatrian or Aleksandras Nakutis, 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) 482–3147, respectively.

#### SUPPLEMENTARY INFORMATION:

#### Background

On October 15, 2019, the Department of Commerce (Commerce) initiated a less-than-fair-value (LTFV) investigation of imports of certain glass containers (glass containers) from the People’s Republic of China.<sup>1</sup> Currently, the preliminary determination is due no later than March 3, 2020.

#### Postponement of Preliminary Determination

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in an LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) The petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request to postpone 25 days or more before the scheduled date of the preliminary determination and must state the reasons for postponement. Commerce will grant the request unless it finds compelling reasons to deny the request.

On February 3, 2020, the petitioner<sup>2</sup> submitted a timely request that Commerce postpone the preliminary determination in this LTFV investigation.<sup>3</sup> The petitioner stated that it requests postponement “to allow all parties ample time to fully analyze the enormous volume of critical information relevant prior to the preliminary determination in this case.”<sup>4</sup>

For the reasons stated above and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determination by 50 days (*i.e.*, 190 days after the date on which this investigation was initiated). As a result, Commerce will issue its

<sup>1</sup> See *Certain Glass Containers from the People’s Republic of China: Initiation of Less-Than-Fair-Value Investigation*, 84 FR 56174 (October 21, 2019).

<sup>2</sup> The petitioner is the American Glass Packaging Coalition.

<sup>3</sup> See Petitioner’s Letter “Certain Glass Containers from the People’s Republic of China: Request to Postpone Preliminary Determination,” dated February 3, 2020.

<sup>4</sup> *Id.*

<sup>9</sup> See *National Nail Corp. et al. v. United States*, Slip Op. 19–71 (June 12, 2019), CIT Court No. 16–00052 (*Second Remand Order*) at 32–42 and 47.

<sup>10</sup> *Id.* at 6 and 47.

<sup>11</sup> *Id.* at 47–48.

<sup>12</sup> *Id.* at 48.

<sup>13</sup> See *Final Results of Redetermination Pursuant to Remand Order in National Nail Corp. v. United States*, Consol. Ct. No. 16–00052 (September 5, 2019) (*Second Remand Results*).

<sup>14</sup> See *Timken Co., v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>15</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).