Appendix II

List of Topics Discussed in the Decision Memorandum

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III. Scope of the Investigation
IV. Subsidies Valuation Information
V. Analysis of Programs
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VII. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–542–805]

Certain Steel Nails From Sri Lanka: Final Affirmative Countervailing Duty Determination

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of certain steel nails (steel nails) from Sri Lanka.


SUPPLEMENTARY INFORMATION:

Background

On June 7, 2022, Commerce published the Preliminary Determination in the Federal Register. 1 For a complete description of the events that followed the Preliminary Determination, see the Issues and Decision Memorandum. 2 The Issues and 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. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at https://access.trade.gov/public/FRNoticesListView.aspx.

Period of Investigation

The period of investigation is January 1, 2020, through December 31, 2020.

Scope of the Investigation

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

Scope Comments

On July 5, 2022, Commerce issued the Preliminary Scope Memorandum. 3 Commerce made no changes to the scope of this investigation since the Preliminary Determination.

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation, and the issues raised in the case and rebuttal briefs by parties in this investigation, are discussed in the Issues and Decision Memorandum. For a list of the issues raised by parties, to which we responded in the Issues and Decision Memorandum, see Appendix II of this notice.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found to be countervailable, Commerce determines that there is a subsidy, i.e., a financial contribution by an “authority” that gives rise to a benefit to the recipient,

1 See Memorandum, “Issues and Decision Memorandum for the Final Determination of the Countervailing Duty Investigation of Certain Steel Nails from Sri Lanka,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).


and that the subsidy is specific.4 For a full description of the methodology underlying our final determination, see the Issues and Decision Memorandum.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of on-site verification to verify the information relied upon in making this final determination. In accordance with section 782(f) of the Act.5

Changes Since the Preliminary Determination

Based on our review and analysis of the comments received from parties, we did not make changes to the subsidy rate calculations for Trinity Steel Private Limited (Trinity Steel).

All-Others Rate

In accordance with section 705(c)(1)(B)(ii)(I) of the Act, we calculated a countervailable subsidy rate for the individually investigated exporter and producer (i.e., Trinity Steel). Consistent with sections 705(c)(1)(B)(ii)(I) and 705(c)(5)(A) of the Act, we also calculated an estimated all-others rate for all other exporters and producers not individually investigated. Section 705(c)(5)(A) of the Act states that Commerce shall determine an all-others rate for companies not individually examined. Section 705(c)(5)(A)(i) of the Act states that “the all-others rate shall be an amount equal to the weighted average countervailable subsidy rates established for exporters and producers individually investigated, excluding any zero and de minimis countervailable subsidy rates, and any rates determined entirely under section 776 [of the Act].” Commerce calculated an individual estimated countervailable subsidy rate for Trinity Steel that is not zero, de minimis, or based entirely on facts otherwise available. Accordingly, we have assigned Trinity Steel’s subsidy rate to all other producers and exporters, pursuant to section 705(c)(5)(A)(i) of the Act.

Final Determination

Commerce determines that the following estimated net countervailable subsidy rates exist:

<table>
<thead>
<tr>
<th>Company</th>
<th>Subsidy rate (percent ad valorem)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trinity Steel Private Limited</td>
<td>4.12</td>
</tr>
<tr>
<td>All Others</td>
<td>4.12</td>
</tr>
</tbody>
</table>

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with a final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final determination in the Federal Register, in accordance with 19 CFR 351.224(b). However, because there are no changes to the calculations from the Preliminary Determination, no additional disclosure is necessary.

Continuation of Suspension of Liquidation

As a result of our Preliminary Determination, and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, Commerce instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after June 7, 2022, the date of publication of the Preliminary Determination in the Federal Register.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a countervailing duty order and require a cash deposit of estimated countervailing duties for such entries of subject merchandise as indicated above, in accordance with section 706(a) of the Act. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, Commerce will notify the ITC of its final affirmative determination that countervailable subsidies are being provided to producers and exporters of steel nails from Sri Lanka. As Commerce’s final determination is affirmative, in accordance with section 705(b) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of steel nails from Sri Lanka. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

Administrative Protective Order

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to the APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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 terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination is issued and published pursuant to sections 705(d) and 771(i) of the Act, and 19 CFR 351.210(c).


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

4 See sections 771(S)(B) and (D) of the Act regarding financial contribution; section 771(S)(E) of the Act regarding benefit; and section 771(S)(A) of the Act regarding specificity.

not limited to, smooth, barbed, screw threaded, ring shank and fluted.

Screw-threaded nails subject to this proceeding 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, certain steel nails remain subject merchandise 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 to this investigation also may be classified under HSUS subheadings 7317.00.1000, 7317.00.5007, 7317.00.5008, 7317.00.5011, 7317.00.5518, 7317.00.5519, 7317.00.5520, 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 are thumb tacks, which are currently classified under HSUS subheading 7317.00.1000.

Also excluded from the scope of this investigation are thumb tacks, which are currently classified under HSUS 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 HSUS subheadings 7317.00.5001, 7317.00.5002, 7317.00.5503, 7317.00.5505, 7317.00.5507, 7317.00.5508, 7317.00.5511, 7317.00.5518, 7317.00.5519, 7317.00.5520, 7317.00.5525, 7317.00.5526, 7317.00.5530, 7317.00.5535, 7317.00.5540, 7317.00.5545, 7317.00.5550, 7317.00.5555, 7317.00.5560, 7317.00.5565, 7317.00.5570, 7317.00.5580, 7317.00.5590, 7317.00.6530, 7317.00.6560 and 7317.00.7500. Current steel nails subject to this investigation are thumb tacks, which are currently classified under HSUS subheadings 7317.00.1000, 7317.00.5007, 7317.00.5008, 7317.00.5011, 7317.00.5518, 7317.00.5519, 7317.00.5520, 7317.00.5525, 7317.00.5526, 7317.00.5530, 7317.00.5535, 7317.00.5540, 7317.00.5545, 7317.00.5550, 7317.00.5555, 7317.00.5560, 7317.00.5565, 7317.00.5570, 7317.00.5580, 7317.00.5590, 7317.00.6530, 7317.00.6560 and 7317.00.7500.

The aforementioned imported unassembled articles are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

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I. Summary
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IV. Subsidies Valuation Information
V. Analysis of Programs
VI. Analysis of Comments
Comment 1: Whether Commerce Should Alter its Treatment of Certain Income Tax Deductions
Comment 2: Whether Commerce Should Revise the Base Rate of Taxation Used in its Income Tax Exemption Benefit Calculation
Comment 3: Whether the Board of Investment’s (BOI) Provision of Land to Trinity Steel is Countervailable
A. Investigation into Countervailability of Trinity Steel’s Land Acquisition
B. Selection of the Land Benchmark
Comment 4: Whether Commerce Should Continue to Countervail Import Duty Exemptions on Raw Material Imports
VII. Recommendation

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DEPARTMENT OF COMMERCE
International Trade Administration
[489–487]

Certain Steel Nails From the Republic of Turkey: Final Affirmative Countervailing Duty Determination

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of certain steel nails (steel nails) from the Republic of Turkey (Turkey).


FOR FURTHER INFORMATION CONTACT: Ajay Menon or Macey Mayes, 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) 482–0208 or (202) 482–4473, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 7, 2022, Commerce published the Preliminary Determination in the Federal Register. For a complete description of the events that followed the Preliminary Determination, see the Issues and Decision Memorandum. The Issues and 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. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at https://access.trade.gov/public/FRNoticesListLayout.aspx.

Period of Investigation

The period of investigation is January 1, 2020, through December 31, 2020.

Scope of the Investigation

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

Scope Comments

On July 5, 2022, Commerce issued the Preliminary Scope Memorandum. Commerce made no changes to the scope of this investigation since the Preliminary Determination.

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation, and the issues raised in

1 See Certain Steel Nails from the Republic of Turkey: Preliminary Affirmative Countervailing Duty Determination, 87 FR 34649 (June 7, 2022) (Preliminary Determination), and accompanying Preliminary Decision Memorandum.

2 See Memorandum, “Decision Memorandum for the Final Determination of the Countervailing Duty Investigation of Certain Steel Nails from the Republic of Turkey,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).