



C-523-809
Investigation
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October 27, 2014

MEMORANDUM TO: Paul Piquado
Assistant Secretary
for Enforcement and Compliance

FROM: Christian Marsh
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: Decision Memorandum for the Preliminary Negative
Determination in the Countervailing Duty Investigation of Certain
Steel Nails from the Sultanate of Oman

I. SUMMARY

The Department of Commerce (Department) preliminarily determines that *de minimis* countervailable subsidies are being provided to producers and exporters of certain steel nails (nails) in the Sultanate of Oman (Oman), as provided in section 703 of the Tariff Act of 1930, as amended (the Act).

II. BACKGROUND

A. Initiation and Case History

On May 29, 2014, Mid-Continent Steel & Wire, Inc. (Petitioner) filed a petition with the Department seeking the imposition of countervailing duties (CVDs) on nails from, *inter alia*, Oman.¹ Supplements to the petition and our consultations with the Government of the Sultanate of Oman (GSO) are described in the Initiation Checklist.² On June 18, 2014, the Department initiated a CVD investigation on nails from Oman.³

We stated in the *Initiation Notice* that we intended to base our selection of mandatory respondents on United States Customs and Border Protection (CBP) entry data for the Harmonized Tariff Schedule of the United States (HTSUS) subheadings listed in the scope of the

¹ See Letter from Petitioner, "Petitions for the Imposition of Countervailing Duties on Certain Steel Nails from India, the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam," (May 29, 2014).

² See "Countervailing Duty Initiation Checklist: Certain Steel Nails from Oman," (June 18, 2014) (Initiation Checklist).

³ See *Certain Steel Nails from India, the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam*, 79FR 36014 (June 25, 2014) (*Initiation Notice*).



investigation. On June 19, 2014, the Department released the CBP entry data under administrative protective order.⁴

We received respondent selection comments from Petitioner.⁵ On July 15, 2014, we selected Oman Fasteners, LLC (Oman Fasteners) as the sole mandatory respondent.⁶ We sent our countervailing duty questionnaire seeking information regarding the alleged subsidies on the same day.⁷

We received responses to our questionnaires from Oman Fasteners on July 29, August 15, September 4, September 29, and October 21, 2014.⁸ We sent supplemental questionnaires on August 8, September 12, 2014, and October 10, 2014.⁹

On September 8, 2014, the GSO filed an untimely questionnaire response. The Department rejected the GSO's untimely submission on September 11, 2014.¹⁰ On September 15, 2014, the GSO requested that the Department grant it an extension of the September 8, 2014 deadline for filing its initial questionnaire response.¹¹ On September 18, 2014, Overseas International Steel Industry, LLC submitted a letter requesting the Department to accept the GSO's questionnaire response.¹² On the same day, the GSO met with Department officials regarding its request and

⁴ See Department Memorandum, "Release of Customs and Border Protection (CBP) Data," (June 19, 2014).

⁵ See Letter from Petitioner, "Certain Steel Nails from the Sultanate of Oman: Comments on Respondent Selection," (July 2, 2014).

⁶ See Department Memorandum, "Countervailing Duty Investigation of Certain Steel Nails from Oman: Respondent Selection Memo," (July 15, 2014). As explained in that memorandum, when faced with a large number of producers/exporters, the Department may determine that it is not practicable to examine all companies. In these circumstances, section 777A(e)(2)(A)(ii) of the Act give the Department discretion to limit its examination to a reasonable number of the producers/exporters accounting for the largest volume of the subject merchandise.

⁷ See Letter from Department to the GSO, "Countervailing Duty Investigation: Certain Steel Nails from the Sultanate of Oman," dated July 15, 2014.

⁸ See Letter from Oman Fasteners, "Certain Steel Nails from Oman; CVD Investigation; Oman Fasteners' Cross Ownership /Affiliations Response," dated July 29, 2014 (OQR1); see also Letter from Oman Fasteners, "Certain Steel Nails from Oman; CVD Investigations; Oman Fasteners' Supplemental Response – Affiliations," dated August 15, 2014 (OQR2); see also Letter from Oman Fasteners, "Certain Steel Nails from Oman; CVD Investigation; Oman Fasteners' Initial CVD Response," dated September 4, 2014 (OQR3); see Letter from Oman Fasteners, "Certain Steel Nails from Oman; CVD Investigation; Oman Fasteners' First Supplemental Response," dated September 29, 2014 (OQR4); see Letter from Oman Fasteners, "Certain Steel Nails from Oman; CVD Investigation; Oman Fasteners' First Supplemental Response," dated October 1, 2014 (OQR5); see Letter from Oman Fasteners, "Certain Steel Nails from Oman; CVD Investigation; Oman Fasteners' Third Supplemental Response," dated October 21, 2014 (OQR6).

⁹ See Letter from the Department to Oman Fasteners, "Investigation of Certain Steel Nails from the Sultanate of Oman: Countervailing Duty Questionnaire," dated August 8, 2014; see also Letter from the Department to Oman Fasteners, "Investigation of Certain Steel Nails from the Sultanate of Oman: Countervailing Duty Second Supplemental Questionnaire," dated September 12, 2014; see also Letter from the Department to Oman Fasteners, "Investigation of Certain Steel Nails from the Sultanate of Oman: Third Supplemental Countervailing Duty Questionnaire," dated October 10, 2014.

¹⁰ See Letter from the Department to GSO, "Countervailing Duty Investigation: Certain Steel Nails from Oman: Rejection and Removal from the Record of Untimely Filed Questionnaire Response," dated September 11, 2014 (Rejection Letter).

¹¹ See Letter from GSO, "Certain Steel Nails from the Sultanate of Oman – Emergency Request for Retroactive Extension and Reconsideration of Rejection of Questionnaire Response," dated September 15, 2014.

¹² See Letter from Overseas International Steel Industry, LLC., "Certain Steel Nails from Oman: Request to Accept Questionnaire Response Filed By the Sultanate of Oman," dated September 18, 2014.

supplemented the meeting with a letter on September 22, 2014.¹³ On September 22, 2014, Oman Fasteners submitted a letter requesting the Department to accept the GSO's initial questionnaire submission.¹⁴ On October 1, 2014, the Department granted the GSO's request for an extension; based on the information provided in the GSO's September 22, 2014 letter, we found that there was good cause for granting an extension for the GSO to submit its questionnaire response, pursuant to 19 CFR 351.302(b).¹⁵ The GSO filed its initial questionnaire response on October 3, 2014.¹⁶ On October 10, 2014, the Department issued a supplemental questionnaire to the GSO.¹⁷ On October 21, 2014, we received the GSO's supplemental questionnaire response.¹⁸

On October 1 and 6, 2014, Petitioner submitted comments on Oman Fasteners' and the GSO's questionnaire responses.

On July 28, 2014, Petitioner requested that the deadline for the preliminary determination be postponed until no later than 130 days after the initiation of the investigation. The Department granted Petitioner's request and on August 7, 2014, postponed the preliminary determination until October 27, 2014, in accordance with section 703(c)(1)(A) of the Act and 19 CFR 351.205(b)(2).¹⁹

B. Period of Investigation

The period of investigation (POI) is January 1, 2013, through December 31, 2013.

III. ALIGNMENT

In accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), and based on Petitioner's request, we are aligning the final CVD determination in this investigation with the final determination in the companion AD investigation of nails from Oman. Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be due no later than March 2, 2015, unless postponed.

¹³ See Department Memorandum, "Meeting with the Sultanate of Oman" (September 19, 2014); Letter from GSO, "Certain Steel Nails from the Sultanate of Oman – Supplemental Letter Regarding Emergency Request for Retroactive Extension and Reconsideration of Rejection of Questionnaire Response," dated September 22, 2014.

¹⁴ See Letter from Oman Fasteners, "Certain Steel Nails from Oman: Request to Accept the Initial Questionnaire Response of the Sultanate of Oman," dated September 22, 2014.

¹⁵ See Letter from Department to GSO, "Countervailing Duty Investigation of Certain Steel Nails from the Sultanate of Oman: Reconsideration of Rejection of Questionnaire Response," dated October 1, 2014.

¹⁶ See Letter from GSO, "Certain Steel Nails from the Sultanate of Oman – Questionnaire Response of the Government of the Sultanate of Oman," dated October 3, 2014 (GQR1).

¹⁷ See Letter from Department to GSO, "Investigation of Certain Steel Nails from the Sultanate of Oman: Countervailing Duty Government of Sultanate of Oman First Supplemental Questionnaire," (October 10, 2014).

¹⁸ See Letter from GSO, "Certain Steel Nails from the Sultanate of Oman – Questionnaire Response of the Government of the Sultanate of Oman," dated October 21, 2014 (GQR2).

¹⁹ See *Certain Steel Nails From the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Countervailing Duty Investigations*, 79 FR 46251 (August 7, 2014).

IV. SCOPE COMMENTS

In accordance with the preamble to the Department's regulations, we set aside a period of time in our *Initiation Notice* for parties to raise issues regarding product coverage, and encouraged all parties to submit comments within 20 calendar days of publication of that notice.²⁰ On July 8, 2014, the Department received comments on the scope from The Home Depot and Target, asking the Department to modify the scope language to include the mixed-media factors for evaluating whether subject nails packaged in combination with one or more non-subject articles remain included in the scope of the investigations.²¹ IKEA asked the Department to exclude from the class or kind of merchandise subject to the investigations nails packaged in combination with unassembled finished articles such as furniture or storage items.²² On July 18, 2014, Petitioner filed rebuttal comments to the scope comments raised by The Home Depot, Target, and IKEA.

Petitioner argues that the scope language provides a bright line threshold to address mixed media issues and allows importers and CBP to easily ascertain whether mixed media products are covered by the scope: if the merchandise contains 25 nails or more, those imports must be entered as subject to the AD/CVD order with the value of those nails identified as dutiable on the entry documentation. Therefore, Petitioner contends that no revision of the scope is needed to address mixed media issues and asks the Department to reject the proposals submitted by The Home Depot, Target, and IKEA.

On October 17, 2014, Target and The Home Depot filed amended scope comments in which they propose the following change to the scope of this investigation:²³

. . . Certain steel nails may be sold in bulk, or they may be collated **in** any manner using any material.

Excluded from the scope of this investigation are certain steel nails packaged in combination with one or more non-subject articles, if

- (1) the total number of nails of all types that are under 2 inches in length, in the aggregate, is 0 to 199, and
- (2) the total number of nails of all types that are 2 inches or more in length, in the aggregate, is 0 to 24.

Due to the limited time available for considering these submissions and given that petitioner has not had sufficient time to consider and comment on the newly proposed scope language, the Department will consider additional comments and address the specific scope comments and

²⁰ See *Antidumping Duties; Countervailing Duties*, 62 FR 27296, 27323 (May 19, 1997); see also *Initiation Notice*, 79 FR at 36015.

²¹ See Letters from The Home Depot and Target, "Certain Steel Nails from India, Korea, Malaysia, Oman, Turkey, and Vietnam: Comments on the Scope of the Investigation" (July 8, 2014).

²² See Letter from IKEA, "Comments on Scope of the Investigation: Certain Steel Nails From India, the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam" (July 8, 2014).

²³ See Letters from The Home Depot and Target, "Certain Steel Nails from Korea, Malaysia, Oman, Taiwan and Vietnam: Amendment to Comments on the Scope of the Investigation" (October 17, 2014).

exclusion request in the preliminary determination of the companion AD investigation. Any modifications to the scope or scope exclusions that may be made in the AD preliminary determination will be placed on the record of this CVD investigation and parties will be afforded an opportunity to comment.

V. SCOPE OF THE INVESTIGATION

The merchandise covered by this investigation is certain steel nails having a nominal shaft length not exceeding 12 inches.²⁴ Certain steel nails include, but are not limited to, nails made from round wire and nails that are cut from flat-rolled steel. Certain steel nails may be of one piece construction or constructed of two or more pieces. 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 styles include, but are 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. 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.

Excluded from the scope of this investigation 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.

Also excluded from the scope of this investigation are steel nails that meet the specifications of Type I, Style 20 nails as identified in Tables 29 through 33 of ASTM Standard F1667 (2013 revision).

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 Harmonized Tariff Schedule of the United States (“HTSUS”) subheadings 7317.00.20.00 and 7317.00.30.00.

Also excluded from the scope of this investigation are nails having 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, suitable for use in gas-actuated hand tools.

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.

²⁴ 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.

Also excluded from the scope of this investigation are thumb tacks, which are currently classified under HTSUS 7317.00.10.00.

Certain steel nails subject to this investigation are currently classified under 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. Certain steel nails subject to this investigation also may be classified under HTSUS subheading 8206.00.00.00.

While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

VI. INJURY TEST

Because Oman is a “Subsidies Agreement Country” within the meaning of section 701(b) of the Act, the U.S. International Trade Commission (ITC) is required to determine whether imports of the subject merchandise from Oman materially injure, or threaten material injury to, a U.S. industry. On July 18, 2014, the ITC determined that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of steel nails from, *inter alia*, Oman.²⁵

VII. SUBSIDIES VALUATION

A. Allocation Period

The Department normally allocates the benefits from non-recurring subsidies over the average useful life (AUL) of renewable physical assets used in the production of subject merchandise. The Department finds the AUL in this proceeding to be 15 years, pursuant to 19 CFR 351.524(d)(2) and the U.S. Internal Revenue Service’s 1977 Class Life Asset Depreciation Range System.²⁶ The Department notified the respondents of the 15-year AUL in the initial questionnaire and requested data accordingly. No party in this proceeding has disputed this allocation period.

Furthermore, for non-recurring subsidies, we have applied the “0.5 percent test,” as described in 19 CFR 351.524(b)(2). Under this test, we divide the amount of subsidies approved under a given program in a particular year by the relevant sales value (*e.g.*, total sales or export sales) for the same year. If the amount of the subsidies is less than 0.5 percent of the relevant sales value, then the benefits are allocated to the year of receipt rather than across the AUL.

²⁵ See *Certain Steel Nails From India, Korea, Malaysia, Oman, Taiwan, Turkey, and Vietnam: Inv. Nos. 701-TA-515-521 and 731-TA-1251-1257 (Preliminary)* (July 2014); *Certain Steel Nails From India, Korea, Malaysia, Oman, Taiwan, Turkey, and Vietnam*, 79 FR 42049 (July 18, 2014).

²⁶ See U.S. Internal Revenue Service Publication 946 (2008), “How to Depreciate Property,” at Table B-2: Table of Class Lives and Recovery Periods.

B. Attribution of Subsidies

Oman Fasteners did not identify any cross-owned companies that received subsidies.²⁷ Therefore, for purposes of this preliminary determination, we are only examining subsidies provided to Oman Fasteners.

C. Denominators

In accordance with 19 CFR 351.525(b)(1)-(5), the Department considers the basis for the respondent's receipt of benefits under each program when attributing subsidies, *e.g.*, to the respondent's export or total sales. The denominators we used to calculate the countervailable subsidy rates for the various subsidy programs described below are explained in the "Preliminary Calculation Memorandum" prepared for this investigation.²⁸

VIII. ANALYSIS OF PROGRAMS

Based upon our analysis of the record and the responses to our questionnaires, we preliminarily determine the following.

A. Program Preliminarily Determined To Be Countervailable

1. Tariff Exemptions on Imported Equipment, Machinery, Raw Materials and Packaging Materials

"Industrial enterprises" in Oman receive total or partial exemptions from customs duties on imports of machinery, equipment parts, raw materials, semi-manufactured materials and packing materials.²⁹ The purpose of the program is to encourage and develop all industrial projects, to raise the contribution of the industrial sector in the Gross Domestic Product and to expand the bases of economic linkage in the Arab States of the Gulf.³⁰ To be eligible for this exemption, the Standard Industrial Management Regulations Law (SIMR) of the Cooperation Council for the Arab States of the Gulf (GCC), promulgated in Oman by Royal Decree (RD) 61/2008, which supersedes the similar Organization and Promotion of Industry Law (RD 1/79) and the Foreign Investment Business Law (102/94), requires companies to have an industrial license.³¹

Chapter 1, Article 1 of SIMR defines the types of industrial enterprises that are eligible to receive industrial licenses: "any project {sic} basic objective of which is to convert raw material into finished or semi-finished products or to convert the latter into finished products. This shall include mixing of the products, assembling, filling, and packaging, provided such work is carried out mechanically."³² The Rules for Implementing the Common Industrial Regulatory Law for

²⁷ See OQR1 at 2-3.

²⁸ See Department Memorandum 1, "Countervailing Duty Investigation of Certain Steel Nails from Oman: Oman Fasteners' Preliminary Calculation Memorandum," dated concurrently with this memorandum (Oman Fasteners Preliminary Calculation Memorandum).

²⁹ See GQR at Exhibit 4.

³⁰ See GQR at 8.

³¹ See GQR at 10-11.

³² See GQR at Exhibit 4.

the GCC (GCC Industrial Rules), which describe the process for obtaining an industrial license, expressly exclude “projects engaged in the field of oil exploration and extraction, and projects engaged in the field of extraction of metal ores.”³³

The Department previously found this program to be countervailable in *CWP from Oman*.³⁴ Consistent with our determination in *CWP from Oman*, we preliminarily determine that this program constitutes a financial contribution in the form of revenue foregone by the GSO, pursuant to section 771(5)(D)(i) of the Act.³⁵ Further, the program is *de jure* specific under section 771 (5A)(D)(i) of the Act because eligibility is granted only to companies that hold an industrial license, and RD 61/2008 limits the types of companies eligible to receive industrial licenses. We further determine that the tariff exemption afforded under this program provides a benefit under 19 CFR 351.510(a)(1) in the amount of the reduced liability for customs duties.

Oman Fasteners received its industrial license in 2012, filed an application for the tariff exemption in 2012, and obtained approval from the Ministry of Finance in 2013. Oman Fasteners began to receive the duty exemptions in 2013.³⁶ To calculate the benefit, we multiplied the applicable duty rate by the value of the raw materials or equipment imported duty-exempt to determine the value of the import duty savings.³⁷

We have treated the tariff exemptions for capital equipment as non-recurring subsidies and the exemptions for raw materials as recurring subsidies pursuant to 19 CFR 351.524(c). Thus, for the tariff exemptions for capital equipment, we applied the “0.5 percent test” pursuant to 19 CFR 351.524(b)(2). The import duty exemption on equipment that Oman Fasteners received during the POI was less than 0.5 percent of Oman Fasteners’ total sales during the POI. As a result, we expensed the benefit to the year of receipt, the POI. We summed the duty savings on raw materials and the duty savings on equipment during the POI, and we divided this total benefit by Oman Fasteners’ total sales, on an FOB basis, during the POI.

On this basis, we determine that Oman Fasteners received a countervailable subsidy of 0.25 percent *ad valorem* under this program.

B. Programs Preliminarily Determined To Be Not Used or Not to Confer a Benefit During the POI

1. Provision of Electricity for Less Than Adequate Remuneration (LTAR):

In *CWP from Oman*, the Department determined that the rate charged to commercial users provides a suitable benchmark for measuring the benefit under this program, pursuant to 19 CFR 351.511(a)(2)(iii).³⁸ There is no information in the record of this investigation that warrants

³³ See GQR at Exhibit 7.

³⁴ See *Circular Welded Carbon-Quality Steel Pipe From the Sultanate of Oman: Final Affirmative Countervailing Duty Determination*, 77 FR 64473 (October 22, 2012) (“*CWP from Oman*”), and accompanying Issues and Decision Memorandum (IDM) at 5-6.

³⁵ See section 771(5)(D)(ii) of the Act and 19 CFR 351.510(a)(1).

³⁶ See OQR3 at 9, Exhibit 6; see also OQR4 at 4, Exhibits S-2, S-3, and S-6; see also OQR5.

³⁷ See Oman Fasteners Preliminary Calculation Memorandum.

³⁸ See *CWP from Oman*, and accompanying IDM at 7-8.

reconsidering the identification of the commercial rate as a suitable benchmark. Because Oman Fasteners reported, and its electricity bills show, that it pays the commercial rate for its electricity usage,³⁹ there is no benefit from the GSO provision of electricity.

2. *Provision of Land or Leases for Land for LTAR*

Oman Fasteners reported that it subleases property for its factory and its warehouse from private companies and that it has not received land or land leases from the GSO at reduced rates based on its locations within a designated geographic area.⁴⁰ Oman Fasteners subleases from a private company the land for its factory at the Port of Sohar.⁴¹ This company, in turn, directly leases the land from the Port of Sohar.⁴² The Port of Sohar is owned by Sohar Industrial Port Company (SIPC), a joint venture between the GSO and the Port of Rotterdam.⁴³ Oman Fasteners subleases its warehouse from a private company in the Sohar Industrial Estate.⁴⁴ This company in turn directly leases the land from the Sohar Industrial Estate.⁴⁵ Sohar Industrial Estate is owned by the GSO and managed by the Public Establishment for Industrial Estate (PEIE).⁴⁶

Information on the record shows that Oman Fasteners subleases the property for its factory and its warehouse from private companies. There is no indication that these private companies are authorities by virtue of government ownership or control of their operations. Neither is there an indication that these companies are entrusted or directed by the GSO to provide a government financial contribution.⁴⁷ Because Oman Fasteners is subleasing its factory and its warehouse from private parties that are not authorities and are not entrusted or directed by the GSO to pass along any financial contribution, we preliminarily find that the record of this investigation demonstrates that there is no government financial contribution, and thus this program has not been used by respondent.

3. *Duty-Free Imports of All Raw Materials and Capital Goods*
4. *Income Tax and Other Tax Exemptions*
5. *Extended Exemptions from Income Tax*
6. *Soft Loans for Industrial Projects*
7. *Pre-shipment Export Credit Guarantees*
8. *Post-shipment Export Credit Guarantees*
9. *Domestic Credit Insurance*

IX. CALCULATION OF THE ALL OTHERS RATE

Consistent with section 703(d) of the Act, the Department did not calculate an all-others rate because it did not reach an affirmative preliminary determination.

³⁹ See OQR3 at Exhibit 11; see also OQR4 at 6 and Exhibit S-7, S-12.

⁴⁰ See OQR3 at 12-13.

⁴¹ See OQR3 at 9; see also GQR at 46-59.

⁴² See GQR at 48.

⁴³ See GQR at 46-47.

⁴⁴ See OQR3 at 9; see also GQR at 46-59.

⁴⁵ See GQR at 49.

⁴⁶ See GQR at 46-59.

⁴⁷ See GQR2 at 8-14, 16-20, and Exhibits S1-S9.

X. ITC NOTIFICATION

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information relating 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, without the written consent of the Assistant Secretary for Enforcement and Compliance.

In accordance with section 705(b)(3) of the Act, if our final determination is affirmative, the ITC will make its final determination within 75 days after we make our final determination.

XI. DISCLOSURE AND PUBLIC COMMENT

The Department intends to disclose to interested parties the calculations performed in connection with this preliminary determination within five days of its public announcement.⁴⁸ Case briefs or other written comments for all non-scope issues may be submitted to Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS) no later than seven days after the date on which the final verification report is issued in this proceeding, and rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.⁴⁹ Case briefs or other written comments on scope issues may be submitted no later than 30 days after the publication of this preliminary determination in the Federal Register, and rebuttal briefs, limited to issues raised in the case briefs, maybe submitted no later than five days after the deadline for the case briefs. For any briefs filed on scope issues, parties must file separate and identical documents on each of the records for the five concurrent countervailing duty investigations.

Parties who submit case briefs or rebuttal briefs in this proceeding 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.⁵⁰ This summary should be limited to five pages total, including footnotes.

Interested parties who wish to request a hearing, or to participate if one is requested, must do so in writing within 30 days after the publication of this preliminary determination in the Federal Register.⁵¹ Requests should contain the party's name, address, and telephone number; the number of participants; and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, at a date, time and location to be determined. Parties will be notified of the date, time and location of any hearing.

Parties must file their case and rebuttal briefs, and any requests for a hearing, electronically using the Department's electronic records system, IA ACCESS.⁵² Electronically filed documents must

⁴⁸ See 19 CFR 351.224(b).

⁴⁹ See 19 CFR 351.309(c)-(d); see also 19 CFR 351.303 (for general filing requirements).

⁵⁰ See 19 CFR 351.309(c)(2) and (d)(2).

⁵¹ See 19 CFR 351.310(c).

⁵² See 19 CFR 351.303(b)(2)(i).

be received successfully in their entirety by 5:00 p.m. Eastern Time,⁵³ on the due dates established above.

XII. VERIFICATION

As provided in section 782(i)(1) of the Act, we intend to verify the information submitted in response to the Department’s questionnaires.

XIII. RECOMMENDATION

We recommend that you approve the preliminary findings described above.

Agree

Disagree

Paul Piquado
Assistant Secretary
for Enforcement and Compliance

(Date)

⁵³ See 19 CFR 351.303(b)(1).