V. This Order is effective immediately and shall remain in effect until April 17, 2022.

VI. In accordance with Part 756 of the Regulations, Dang may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

VII. A copy of this Order shall be delivered to Dang. This Order shall be published in the Federal Register.

Issued this 12th day of March, 2013.

Bernard Kritzler, Director, Office of Exporter Services.

[FR Doc. 2013–06135 Filed 3–15–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–909]

Certain Steel Nails From the People’s Republic of China: Final Results of Third Antidumping Duty Administrative Review; 2010–2011

AGENCY: Import Administration, International Trade Administration, Department of Commerce.


DATES: Effective Date: March 18, 2013.

FOR FURTHER INFORMATION CONTACT: Julia Hancock or Javier Barrientos, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1394 or (202) 482–2243, respectively.

SUPPLEMENTARY INFORMATION:

On September 4, 2012, the Department published the Preliminary Results of this administrative review. The Department extended the deadline based on requested comments and information received, we comment on the Preliminary Results.

As explained in the memorandum from the Assistant Secretary for Import Administration, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 29 through October 30, 2012. Thus, all deadlines in this segment of the proceeding have been extended by two days. Additionally, on December 11, 2012, the Department extended the deadline in this proceeding by 60 days. The revised deadline for the final results of this review is now March 5, 2013.

Scope of the Order

The merchandise covered by the order includes certain steel nails having a shaft length up to 12 inches. Certain steel nails subject to the order are currently classified under the Harmonized Tariff Schedule of the United States (“HTSUS”) subheadings 7317.00.55, 7317.00.65 and 7317.00.75. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

For a full description of the scope, see “Certain Steel Nails from the People’s Republic of China: Issues and Decision Memorandum for the Final Results of the Third Antidumping Duty Administrative Review; 2010–2011.”

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties are addressed in the Issues and Decision Memorandum. A list of the issues which parties raised is attached to this notice as Appendix I. The Issues and Decision Memorandum is a public document and is on file in the Central Records Unit (“CRU”), Room 7046 of the main Department of Commerce building, as well as electronically via Import Administration’s Antidumping and Countervailing Duty Centralized Electronic Service System (“IA ACCESS”). IA ACCESS is available to registered users at http://iaaccess.trade.gov and in the CRU.

In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at http://www.trade.gov/ia/. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

See Memorandum to the Record from Paul Piquado, Assistant Secretary for Import Administration, regarding “Tolling of Administrative Deadlines as a Result of the Government Closure During the Recent Hurricane Sandy”; (October 31, 2012).

See Notice of Antidumping Duty Order: Certain Steel Nails from the People’s Republic of China, 73 FR 44961 (August 1, 2008).
Final Partial Rescission

In the Preliminary Results, the Department preliminarily rescinded the review with respect to 12 companies. These companies reported that they had no shipments of subject merchandise to the United States during the POR. As we stated in the Preliminary Results, our examination of shipment data from U.S. Customs and Border Protection (“CBDP”) confirmed that there were no entries of subject merchandise made by these companies during the POR. Subsequent to the Preliminary Results, the Department did not receive any comments or information which indicated that these twelve companies made sales of subject merchandise to the United States during the POR. Therefore, pursuant to 19 CFR 351.213(d)(3), we are rescinding the administrative review with respect to these 12 companies.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our Preliminary Results, we have made certain revisions to the margin calculations for Stanley and Hongli, met the criteria for separate rate status. We have not received any information since the issuance of the Preliminary Results that provides a basis for reconsideration of these determinations. Therefore, the Department continues to find that the companies listed above meet the criteria for a separate rate.

Rate for Non-Selected Companies

In the Preliminary Results, and consistent with the Department’s practice, we assigned the separate-rate companies a rate calculated for the mandatory respondents whose rates were not zero, de minimis, or based entirely on facts available. For the final results, we continue to find this approach to be consistent with the intent of section 735(c)(5)(A) of the Act and our use of section 735(c)(5)(A) of the Act as guidance when we establish the rate for respondents not examined individually in an administrative review.

PRC-Wide Rate and PRC-Wide Entity

For the PRC-Wide Entity, the Department used the PRC-wide rate of 118.04 percent from the most recently completed administrative review of this antidumping order. Because this rate is the same as the PRC-Wide rate from previous reviews in this proceeding and nothing on the record of the instant review calls into question the reliability of the PRC-Wide rate, we find it appropriate to continue to apply the PRC-Wide rate of 118.04 percent.

In the Preliminary Results, the Department determined that those companies which did not demonstrate eligibility for a separate rate are properly considered part of the PRC-Wide Entity. Since the Preliminary Results, none of the companies which did not file separate-rate applications or certifications submitted comments regarding these findings. Therefore, we continue to treat these entities as part of the PRC-Wide Entity. The following companies did not apply for separate rates and are thus considered to be part of the PRC-Wide Entity:

1. Aironware (Shanghai) Co., Ltd.
2. Beijing Hong Sheng Metal Products Co., Ltd.
3. Beijing Hongsheng Metal Products Co., Ltd.
4. Dagang Zhitong Metal Products Co., Ltd.
5. Faithful Engineering Products Co., Ltd.
6. Hebei Minmetals Co., Ltd.
7. Hong Kong Yu Xi Co., Ltd.
8. Huanghua Shenghua Hardware Manufactory Factory
9. Huanghua Xinda Nail Production Co., Ltd.
10. Huanghua Yufai Hardware Products Co., Ltd.
11. Senco-Xingya Metal Products (Taicang) Co., Ltd.
12. Shanghai Seti Enterprise International Co., Ltd.
13. Shanghai Tongyu Hardware Tools Co., Ltd.
14. Shanxi Tianli Enterprise Co., Ltd.
15. Shaqiu Chengye Metal Producing Co., Ltd.
16. Shouguang Meiqing Nail Industry Co., Ltd.
17. Suntec Industries Co., Ltd.


Changes Since the Preliminary Results

The PRC has been treated as a non-market economy (“NME”) in every proceeding conducted by the Department. In accordance with section 771(f)(1) of the Act, any determination that a foreign country is an NME shall remain in effect until


16 See Preliminary Results, 77 FR at 53846.


18 See Memorandum to the File, “Certain Steel Nails from the People’s Republic of China: Surrogate Values for the Final Results,” (March 5, 2013) (“Surrogate Values Memorandum”).


20 See Preliminary Results, 77 FR at 53845.


(18) Suzhou Xingya Nail Co., Ltd.
(19) Suzhou Yaotian Metal Products Co., Ltd.
(20) Shandex Industrial Inc.
(21) Tianjin Chentai International Trading Co., Ltd.
(22) Tianjin Jurun Metal Products Co., Ltd.
(23) Tianjin Xiantong Material & Trade Co., Ltd.
(24) Tradex Group, Inc.
(25) Wintime Import & Export Corporation Limited of Zhongshan
(26) Wuhu Shijie Hardware Co., Ltd.
(27) Wuhu Sin Lan De Industrial Co., Ltd.
(28) Wuxi Chengye Metal Products Co., Ltd.
(29) Xuzhou CIP International Group Co., Ltd.
(30) Yitian Nanjing Hardware Co., Ltd.

Final Results of the Review

The dumping margins for the POR are as follows:

<table>
<thead>
<tr>
<th>Manufacturer/exporter</th>
<th>Weighted average margin (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The Stanley Works (Langfang) Fastening Systems Co., Ltd. and Stanley Black &amp; Decker</td>
<td>0.00</td>
</tr>
<tr>
<td>(2) Tianjin Jinghai County Hongli Industry and Business Co., Ltd. (&quot;Hongli&quot;)</td>
<td>33.40</td>
</tr>
<tr>
<td>(3) Certified Products International Inc.</td>
<td>33.40</td>
</tr>
<tr>
<td>(4) Cana (Tianjin) Hardware Industrial Co., Ltd.</td>
<td>33.40</td>
</tr>
<tr>
<td>(5) Shanghai Curbet Hardware Products Co., Ltd.</td>
<td>33.40</td>
</tr>
<tr>
<td>(6) Huanghui Jinhai Hardware Products Co., Ltd.</td>
<td>33.40</td>
</tr>
<tr>
<td>(7) Shaxi Tianli Industries Co., Ltd.</td>
<td>33.40</td>
</tr>
<tr>
<td>(8) Shanghai Jade Shuttle Hardware Tools Co., Ltd.</td>
<td>33.40</td>
</tr>
<tr>
<td>(9) Shandong Dinglong Import &amp; Export Co., Ltd.</td>
<td>33.40</td>
</tr>
<tr>
<td>(10) China Staple Enterprise (Tianjin) Co., Ltd.</td>
<td>33.40</td>
</tr>
<tr>
<td>(11) Tianjin Jinchy Metal Products Co., Ltd.</td>
<td>33.40</td>
</tr>
<tr>
<td>(12) Huanghui Xionghua Hardware Products Co., Ltd.</td>
<td>33.40</td>
</tr>
<tr>
<td>(13) Tianjin Zhonglian Metals Ware Co., Ltd.</td>
<td>33.40</td>
</tr>
<tr>
<td>(14) Shanghai Yueda Nails Industry Co., Ltd.</td>
<td>33.40</td>
</tr>
<tr>
<td>(15) Hebei Cangzhou New Century Foreign Trade Co., Ltd.</td>
<td>33.40</td>
</tr>
<tr>
<td>(16) Zhaoqing Harvest Nails Co., Ltd.</td>
<td>33.40</td>
</tr>
<tr>
<td>(17) Mingguan Abundant Hardware Products Co., Ltd.</td>
<td>33.40</td>
</tr>
<tr>
<td>(18) Nanjing Yuechang Hardware Co., Ltd.</td>
<td>33.40</td>
</tr>
<tr>
<td>(19) S-Mart (Tianjin) Technology Development Co., Ltd.</td>
<td>33.40</td>
</tr>
<tr>
<td>(20) SDC International Australia Pty., Ltd.</td>
<td>33.40</td>
</tr>
<tr>
<td>(21) Shanxi Huirui Trade Co., Ltd.</td>
<td>33.40</td>
</tr>
<tr>
<td>(22) Guangdong Foreign Trade Import &amp; Export Corporation</td>
<td>33.40</td>
</tr>
<tr>
<td>(23) Qingdao D&amp;L Group Ltd.</td>
<td>33.40</td>
</tr>
<tr>
<td>PRC-Wide Rate</td>
<td>118.04</td>
</tr>
</tbody>
</table>

Assessment Rates

The Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. The Department intends to issue assessment instructions to CBP 15 days after the publication date of these final results of this review. In accordance with 19 CFR 351.212(b)(1), we are calculating importer- (or customer-) specific assessment rates for the merchandise subject to this review. In these preliminary results, the Department applied the assessment rate calculation method adopted in Final Modification for Reviews, i.e., on the basis of monthly average-to-average comparisons using only the transactions associated with that importer with offsets being provided for non-dumped comparisons.26 Where the respondent has reported reliable entered values, we calculate importer- (or customer-) specific ad valorem rates by aggregating the dumping margins calculated for all U.S. sales to each importer (or customer) and dividing this amount by the total entered value of the sales to each importer (or customer). Where an importer- (or customer-) specific ad valorem rate is greater than de minimis, we will apply the assessment rate to the entered value of the importers’/customers’ entries during the POR, pursuant to 19 CFR 351.212(b)(1).

Where we do not have entered values for all U.S. sales to a particular importer/customer, we calculate a per-unit assessment rate by aggregating the antidumping duties due for all U.S. sales to that importer (or customer) and dividing this amount by the total quantity sold to that importer (or customer).27 To determine whether the duty assessment rates are de minimis, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculated importer- (or customer-) specific ad valorem ratios based on the estimated entered value. Where an importer- (or customer-) specific ad valorem rate is zero or de minimis, we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.

For the companies receiving a separate rate that were not selected for individual review, we will assign an assessment rate based on the rate we calculated for the mandatory respondent whose rate was not de minimis, as discussed above. We intend to instruct CBP to liquidate entries containing subject merchandise exported by the PRC-wide entity at the PRC-wide rate. Finally, for those companies for which this review has been rescinded, the Department intends to assess antidumping duties at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(2).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for

26 See Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification, 77 FR 8103 (February 14, 2012) (“Final Modifications for Reviews”).
27 See 19 CFR 351.212(b)(1).
28 See 19 CFR 351.106(c)(2).
consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the exporters listed above, the cash deposit rate will be the rate established in the final results of review (except, if the rate is zero or de minimis, i.e., less than 0.5 percent, a zero cash deposit rate will be required for that company); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have a separate rate, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 118.04 percent; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporters that supplied that non-PRC exporter. The deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department’s presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (“APO”) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or 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.

We are issuing and publishing this administrative review and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: March 5, 2013.

Paul Piquado,
Assistant Secretary for Import Administration.

Appendix I—Issues and Decision Memorandum

General Issues

Comment 1: Selection of Surrogate Country
A. Economic Comparability
B. Significant Producer
C. Reliability of Data from Ukraine
D. Data Considerations
a. Parties’ Contentions: Surrogate Financial Ratios
b. Parties’ Contentions: Steel Plate
c. Parties’ Contentions: Steel Wire Rod
d. Parties’ Contentions: Labor

Comment 2: Calculation Adjustments to the Surrogate Financial Ratios
A. L.S. Industry
B. Bangkok Fastening

Comment 3: Miscellaneous Surrogate Values
A. Hot-Dipped Galvanized Wire
B. Metal Dies
C. Zinc Chloride
D. Sodium Chloride
E. Sodium Sulfate
F. Ammonium Citrate
G. Plastic Quick Lock Tags
H. Volatile Anti-Corrosion Paper
I. Borax Powder
J. Chemical-based Nail Coating
K. Glass Balls
L. Hydrochloric Acid
M. Sodium Bicarbonate
N. Trisodium Phosphate
O. Corrugated Cardboard Tray
P. Plastic Core
Q. Plastic Strapping
R. Brokerage and Handling

Respondent-Specific Issues

Comment 4: Valuation of Hongli’s Dies

Comment 5: Application of Partial Adverse Facts Available To Hongli’s Factors of Production ("Paf")

Comment 6: Reporting of Stanley’s Movement Costs

Comment 7: Stanley’s Inland Freight

[FR Doc. 2013–06173 Filed 3–15–13; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[ A–570–904 ]

Certain Activated Carbon from the People’s Republic of China: Continuation of Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations by the Department of Commerce (“the Department”) and the International Trade Commission (“ITC”) that revocation of the antidumping duty order on certain activated carbon from the People’s Republic of China (“PRC”) would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing a notice of continuation of the antidumping duty order.

DATES: Effective Date: March 18, 2013.


SUPPLEMENTARY INFORMATION:

Background

On March 1, 2012, the Department initiated a sunset review of the antidumping duty order on certain activated carbon from the PRC, pursuant to section 755(c) of the Tariff Act of 1930, as amended (“the Act”). As a result of its review, the Department determined that revocation of the antidumping duty order on certain activated carbon from the PRC would likely lead to a continuation or recurrence of dumping and, therefore, notified the ITC of the magnitude of the margins likely to prevail should the order be revoked. On March 1, 2013, the ITC published its determination, pursuant to section 751(c) of the Act, that revocation of the antidumping duty order on certain activated carbon from the PRC would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

1 See Initiation of Five-Year ("Sunset") Review, 77 FR 12562 (March 1, 2012).
3 See Certain Activated Carbon from China: Determination, 78 FR 13894 (March 1, 2013); see