certify that future imports of hardwood plywood are not produced under any of the production scenarios subject to these certifications.

(J) This certification was completed at time of shipment or within 45 days of the date on which Commerce published notice of its preliminary scope and anti-circumvention findings in the **Federal Register**;

(K) I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Signature

{**NAME OF COMPANY OFFICIAL**}

{**TITLE**}

{**DATE**}

## Appendix V

**Companies That Failed To Cooperate**

1. An An Plywood Joint Stock Company
2. Arrow Forest International Co., Ltd
3. BAC Son Woods Processing Joint Stock Company
4. BHL Thai Nguyen Corp.
5. Eagle Industries Company Limited
6. Golden Bridge Industries Pte. Ltd.
7. Govina Investment Joint Stock Company
8. Greatriver Wood Co. Ltd.
9. Greatwood Hung Yen Joint Stock Company
10. Groll Ply and Cabinetry
11. Hai Hien Bamboo Wood Joint Stock Company
12. Her Hui Wood (Vietnam) Co., Ltd.
13. Hoang LAM Plywood Joint Stock Co.
14. Huong Son Wood Group Co., Ltd.
15. Innovgreen Thanh Hoa Co. Ltd.
16. Lechenwood Viet Nam Company Limited
17. Long LUU Plywood Production Co., Ltd.
18. Long Phat Construction Investment and Trade Joint Stock Company
19. Plywood Sunshine Ltd. Co.
20. Quang Phat Woods JSC
21. TEKCOM Corporation
22. Win Faith Trading

**Companies That Failed To Respond**

1. Bao Yen MDF Joint Stock Company
2. BHL Vietnam Investment and Development
3. Dong Tam Production Trading Company Limited
4. Greatwood Company Limited
5. Linwood Vietnam Co. Ltd
6. Quoc Thai Forestry Import Export Limited Company
7. Rongjia Woods Vietnam Company Limited
8. Sumec Huongson Wood Group Co. Ltd.
9. Tan Tien Co. Ltd
10. Thang Long Wood Panel Company Ltd.
11. Thanh Hoa Stone Export Company
12. Truong Son North Construction JSC
13. Vietind Co. Ltd.
14. Vietnam Golden Timber Company Limited

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## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–583–854]**

### Certain Steel Nails From Taiwan: Notice of Court Decision Not in Harmony With the Results of Antidumping Duty Administrative Review; Notice of Amended Final Results

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

**SUMMARY:** On July 15, 2022, the U.S. Court of International Trade (the Court or CIT) issued its final judgment in *Pro-Team Coil Nail Enter.* v. *United States,* Consol. Court No. 18–00027, Slip Op. 22–84 (*Pro-Team IV*), sustaining the U.S. Department of Commerce's (Commerce) remand results pertaining to the administrative review of the antidumping duty (AD) order on certain steel nails from Taiwan covering the period May 20, 2015, to June 30, 2016. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's *Final Results* of the administrative review, and that Commerce is amending the *Final Results* with respect to the dumping margin assigned to the mandatory respondent, PT Enterprise, Inc./Pro-Team Coil Nail Enterprise, Inc. and to the respondents that were not selected for individual examination (*i.e.,* the non-examined companies), Hor Liang Industrial Corp. and Romp Coil Nails Industries Inc.

**DATES:** Applicable July 25, 2022.

**FOR FURTHER INFORMATION CONTACT:** Erin Kearney or George McMahon, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0167 or (202) 482–1167, respectively.

**SUPPLEMENTARY INFORMATION:**

## Background

On February 13, 2018, Commerce published its *Final Results* in the 2015–2016 AD administrative review of certain steel nails from Taiwan.[1] In this administrative review, Commerce selected three mandatory respondents for individual examination: PT Enterprise, Inc./Pro-Team Coil Nail Enterprise, Inc. (PT/Pro-Team); Unicatch Industrial Co., Ltd. (Unicatch); and Bonuts Hardware Logistics Co., LLC (Bonuts). Based on the mandatory respondents' failure to cooperate to the best of their abilities in responding to Commerce's requests for information, Commerce initially relied on the petition rate as adverse facts available (AFA) to determine the dumping rates for each of the mandatory respondents. Commerce assigned to the non-examined companies the dumping margin assigned to the mandatory respondents, 78.17 percent, in the *Final Results*.[2]

PT/Pro-Team and Unicatch challenged the application of AFA. Bonuts did not challenge the AFA rate it was assigned.[3]

In its *First Remand Order,* the Court sustained Commerce's use of facts available to determine the margin for Unicatch, but remanded two issues to Commerce: (1) the application of AFA to determine the AD margin of PT/Pro-Team; and (2) to explain the use of an adverse inference when using facts available to determine the AD margin of Unicatch.[4]

In its first remand redetermination issued on March 25, 2020, Commerce reconsidered its AFA determinations.[5] Commerce calculated a dumping margin for PT/Pro-Team that was *de minimis,* but continued to apply AFA to Unicatch.[6] Commerce used the AFA rate that it corroborated in the *Final Results* and recalculated the non-examined companies' rate using the ''expected method'' of averaging PT's and Unicatch's rates. Commerce calculated the non-examined companies' rate using a simple average of PT/Pro-Team's calculated zero percent margin and the 78.17 percent AFA rate applied to Unicatch.[7]

In the *Second Remand Order,* the Court sustained Commerce's calculation of a weighted-average dumping margin of zero percent for PT/Pro-Team and Commerce's application of a rate based on AFA for Unicatch.[8] The Court

[1] *See Certain Steel Nails from Taiwan: Final Results of Antidumping Duty Administrative Review and Partial Rescission of Administrative Review;* 2015–2016, 83 FR 6163 (February 13, 2018) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

[2] *Id.*

[3] *See Pro-Team Coil Nail Enter.* v. *United States* (*Pro-Team I*), 419 F. Supp. 3d 1319, 1323–25 (CIT 2019) (*First Remand Order*).

[4] *Id.*

[5] *See Final Results of Redetermination Pursuant to Court Remand, Pro-Team Coil Nail Enter.* v. *United States,* Consol. Court No. 18–00027, Slip Op. 19–169 (CIT December 19, 2019), dated March 25, 2020 (*First Redetermination*).

[6] Bonuts did not challenge the application of AFA to its company, and the AFA rate assigned to Bonuts has remained unchanged in this segment of the proceeding.

[7] *See First Redetermination* at 32.

[8] *See Pro-Team Coil Nail Enterprise, Inc.* v. *United States,* 483 F. Supp. 3d 1242 (CIT 2020) (*Second Remand Order*).

remanded Commerce's selection of the 78.17 percent rate applied as AFA, which the Court found Commerce did not adequately corroborate.[9] The Court also stated that ''Commerce largely ignored Unicatch's arguments that the 78.17 percent rate was punitive, aberrational, and lacking consideration of the totality of the circumstances or the seriousness of Unicatch's conduct,'' but deferred further consideration of Unicatch's arguments that the petition rate was unduly punitive.[10]

In its second remand redetermination issued on February 23, 2021, Commerce provided additional analysis concerning the corroboration of the margin assigned to Unicatch as AFA. Commerce also recalculated the rate assigned to the non-examined companies using a simple average of the mandatory respondents' rates.[11]

In *Pro-Team III,* the non-examined companies challenged Commerce's decision to use a simple average of the mandatory respondents' AFA and *de minimis* rates to calculate the rate for non-examined companies. The CIT remanded Commerce's use of a simple average to calculate the rate for non-examined companies.[12] The CIT found that substantial evidence did not support Commerce's departure from the expected method[13] (*i.e.,* using a weighted average to calculate the non-examined companies' rate) because Commerce had not explained why the U.S. Customs and Border Protection (CBP) import volume data it had relied on for selecting mandatory respondents was not reliable for the purpose of calculating a dumping rate using the expected method.[14]

In its third remand redetermination issued on October 13, 2021, Commerce continued to assign rates based on total AFA to two selected respondents (Bonuts and Unicatch), calculated a zero percent margin for a third selected respondent (PT/Pro-Team), and calculated the weighted-average of the rates of these three mandatory respondents to apply to the non-examined companies.[15] This use of the expected method resulted in an AD rate of 35.30 percent for the non-examined companies.[16]

In *Pro-Team IV,* the Court explained that the statute, SAA, and case law supported the legal framework in which the mandatory respondents are assumed representative of the non- examined companies and also explained that Commerce does not bear a burden of data collection to determine non-examined companies' potential dumping margins.[17] The CIT agreed with Commerce's finding that substantial evidence did not support a finding that the mandatory respondents' rates were not representative because the history of the rates showed fluctuations from administrative review to administrative review. Moreover, the CIT held that Commerce's determination to include in the calculation of the rate applicable to non-selected respondents Bonuts' AFA rate was lawful because absent Bonuts' cooperation, Commerce could not verify Bonuts' claim that it was not representative.[18]

On July 15, 2022, the Court sustained Commerce's *Third Redetermination,* and entered a final judgment.[19]

## Timken Notice

In its decision in *Timken,*[20] as clarified by *Diamond Sawblades,*[21] the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision not ''in harmony'' with a Commerce determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The Court's July 15, 2022, judgment sustaining the *Third Redetermination* 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 requirement of *Timken.*

## Amended Final Results

Because there is now a final court decision, Commerce is amending the *Final Results* with respect to PT/Pro-Team and the non-examined companies for the period May 20, 2015, through June 30, 2016. The revised rates for PT/Pro-Team and the non-examined companies are as follows:

| Producer/exporter | Weighted average dumping margin (percent) |
|---|---|
| PT Enterprise, Inc./Pro-Team ..... | |
| Coil Nail Enterprise, Inc ..... | 0.00 |
| Non-examined companies[22] ..... | 35.30 |

## Cash Deposit Requirements

Because PT/Pro-Team and the non-examined companies have superseding cash deposit rates, *i.e.,* there have been final results published in a subsequent administrative review, we will not issue revised cash deposit instructions to CBP. This notice will not affect the current cash deposit rates.

## Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that: were imported by PrimeSource Building Products, Inc.; produced and exported by Pro-Team Coil Nail Enterprise, Inc. and/or PT Enterprise Inc.; produced and exported by Hor Liang Industrial Corp. or Romp Coil Nails Industries Inc.; or produced and exported by Unicatch Industrial Co., Ltd., and were entered, or withdrawn from warehouse, for consumption during the period May 20, 2015 through June 30, 2016. Liquidation of these entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event the CIT's ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision,

[9] *Id.,* 483 F. Supp. 3d at 1245, 1251

[10] *Id.,* 483 F. Supp. 3d at 1251.

[11] *See Final Results of Redetermination Pursuant to Court Remand, Pro-Team Coil Nail Enter.* v. *United States,* Consol. Court No. 18–00027, Slip Op. 20–163 (CIT November 16, 2020), dated February 23, 2021 (*Second Redetermination*), at 12. Upon review of the calculation of the non-examined companies' rate, we found that Commerce erred in the *First Redetermination* by inadvertently omitting Bonuts' rate from the calculation.

[12] *See Pro-Team Coil Nail Enter.* v. *United States,* 532 F. Supp. 3d 1281, 1294 (CIT 2021) (*Pro-Team III*).

[13] The Statement of Administrative Action accompanying the Uruguay Round Agreements Act (URAA), which Congress has approved as an authoritative interpretation of the statute, *Id.* § 3512(d), provides an ''expected method'' to determine the all-others rate in these situations. *See* Statement of Administrative Action Accompanying the Uruguay Round Agreements Act, H.R. Doc. No. 103–316, Vol. 1 (1994) (SAA), at 873. When the dumping margins for all individually investigated exporters and producers are determined entirely on the basis of facts available or are zero or *de minimis,* ''{t}he expected method in such cases will be to weight-average the zero and *de minimis* margins and margins determined pursuant to the facts available, provided that volume data is available.'' *Id.* The SAA further provides that ''if this method is not feasible, or if it results in an average that would not be reasonably reflective of potential dumping margins for non-investigated exporters or producers, Commerce may use other reasonable methods.'' *Id.*

[14] *See Pro-Team III,* 532 F. Supp. 3d at 1293–94.

[15] *See Final Results of Redetermination Pursuant to Court Remand, Pro-Team Coil Nail Enter.* v. *United States,* Consol. Court No. 18–00027, Slip Op. 21–93 (CIT July 20, 2021), dated October 13, 2021 (*Third Redetermination*).

[16] *Id.* at 17.

[17] *See Pro-Team Coil Nail Enter.* v. *United States,* Consol. Court No. 18–00027, Slip Op. 22–84 (CIT July 15, 2022) (*Pro-Team IV*).

[18] *Id.* at 18.

[19] *Id.*

[20] *See Timken Co.* v. *United States,* 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

[21] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

[22] The non-examined companies are Hor Liang Industrial Corp. and Romp Coil Nails Industries Inc.

Commerce intends to instruct CBP to assess ADs on unliquidated entries of subject merchandise imported by PrimeSource Building Products, Inc.; produced and exported by Pro-Team Coil Nail Enterprise, Inc. and/or PT Enterprise Inc.; produced and exported by Hor Liang Industrial Corp. or Romp Coil Nails Industries Inc.; or produced and exported by Unicatch Industrial Co., Ltd., in accordance with 19 CFR 351.212(b). We will instruct CBP to assess ADs on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate is not zero or *de minimis.* Where an importer-specific *ad valorem* assessment rate is zero or *de minimis,*[23] we will instruct CBP to liquidate the appropriate entries without regard to ADs.

**Notification to Interested Parties**

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

Dated: July 25, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

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**BILLING CODE 3510–DS–P**

[23] *See* 19 CFR 351.106(c)(2).

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

### Gas Flow Meter Calibrations

**AGENCY:** National Institute of Standards and Technology (NIST), Commerce.

**ACTION:** Notice of workshop; request for comments.

**SUMMARY:** The National Institute of Standards and Technology (NIST), an agency of the United States Department of Commerce, is examining the economic impact and continued need for gas flow calibration services as provided to U.S. industry by the Fluid Metrology Group on NIST's campus in Gaithersburg, Maryland. NIST is also interested in whether there is a need for gas flow meter calibration services not presently offered by NIST. NIST publishes this notice to announce a workshop that will guide NIST planning for the future of its gas flow calibration capabilities, and to request comments on government and industry interest in and needs for (1) gas flow calibrations and whether the present services are meeting those needs, (2) new gas flow calibrations and standards not presently available from NIST, and (3) calibrations and standards for multiphase flows. This is part of the effort to systematically review NIST's Measurement Services to assess gaps and ensure alignment with stakeholders' needs as discussed in the Government Accounting Office report GAO–18–445.

**DATES:** NIST will accept written responses to this request for information until 11:59 p.m. Eastern Time on September 16, 2022. Submissions received after that date may not be considered. All submissions, including attachments and other supporting materials, may become part of the public record and may be subject to public disclosure. NIST reserves the right to publish relevant comments publicly, unedited and in their entirety. Personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Do not submit confidential business information, or otherwise sensitive or protected information. Comments that contain profanity, vulgarity, threats, or other inappropriate language or content will not be considered.

A public workshop will be held on Wednesday, September 7, 2022, from 1:00 p.m. to 4:00 p.m. Eastern Time, virtually by web conferencing. Interested parties must register to participate in the public workshop by 5:00 p.m. Eastern Time on Tuesday, September 6, 2022, and may register by sending an email to *john.wright@nist.gov* prior to 5:00 p.m. Eastern Time on Tuesday, September 6, 2022.

**ADDRESSES:** Comments should be submitted to Dr. John Wright, Sensor Science Division, Physical Measurement Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8361, Gaithersburg, Maryland 20899, or by electronic mail to *john.wright@nist.gov.* Individuals or groups interested in touring the gas flow standards in person are welcome and can schedule tours by writing to the email address, *john.wright@nist.gov,* before or after the workshops.

**FOR FURTHER INFORMATION CONTACT:** Mail: Chief, Sensor Science Division, Gas Flow Calibrations, 100 Bureau Drive, Mail Stop 8440, Gaithersburg, Maryland 20899. Email: John Wright at *john.wright@nist.gov.* Phone number: 301 975–5937.

**SUPPLEMENTARY INFORMATION:** NIST's gas flow standards use the pressure, volume, temperature, and time (PVTt) method and working standard flow meters to conduct research and perform customer calibrations at flows ranging from 0.1 $cm^3$/min to 4 x $10^4$ $m^3$/min with uncertainties as low as 0.025%. The smaller flows in this range are used by the semiconductor, pharmaceutical, and aerospace manufacturing sectors. The largest flows in the range are performed using high pressure natural gas to support reliable trade of this fuel. More information on NIST's gas flow standards and print publications about them can be found at *https://www.nist.gov/laboratories/tools-instruments/gas-flow-standards.*

NIST is seeking to better understand the impact of its gas flow calibrations on the U.S. economy, manufacturing infrastructure, and technological base, and whether the magnitude of this impact necessitates that NIST should: expand or reduce the calibrations offered; expand the variety of gases used in calibrations beyond nitrogen, noble gases, and natural gas to include semiconductor gases and other hazardous and corrosive gases; and/or improve the uncertainties of the present calibrations.

To measure the impact of NIST gas flow calibration services on the U.S. economy and U.S. manufacturing, NIST welcomes information about the ''leverage'' of NIST calibrations (*i.e.,* cases where a few instruments calibrated by NIST are subsequently used by a commercial laboratory or a flow meter manufacturer to provide traceability and accuracy for a large number of instruments) and ''impact'' of NIST calibrations (*i.e.,* cases where a single calibration has a major impact on a specific commercial, technology, or government application or project).

The following list of topics covers the major areas about which NIST is seeking comments. The listed areas are not intended to limit the topics that may be addressed by respondents so long as they address a topic that would be useful in NIST's planning relative to our offerings of gas flow calibrations. When addressing the topics below, respondents may describe the practices of their organization or organizations with which they are familiar. Providing such information is optional and will not affect NIST's full consideration of the comment.

**Topics of Interest**

1. Which NIST gas flow calibrations you have purchased, if any, including:

a. If you have purchased calibrations from NIST, whether you purchased from NIST due to convenience, accuracy, cost, customer service, regulatory requirement, or some other reason;

b. If NIST was to terminate the calibration service(s) you presently use, whether you have another source lined