

inches.<sup>7</sup> 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 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.

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.

## Appendix 2

### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Alignment of Final Countervailing Duty Determination with Final Antidumping Duty Determination
- IV. Scope Comments
- V. Scope of the Investigation
- VI. Injury Test
- VII. Subsidies Valuation
- VIII. Analysis of Programs
- IX. United States International Trade Commission (ITC) Notification
- X. Disclosure and Public Comment
- XI. Verification
- XII. Conclusion

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–937]

### Citric Acid and Certain Citrate Salts From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013

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

**SUMMARY:** On April 28, 2014, the Department of Commerce (“the Department”) published its *Preliminary Results* of the 2012–2013 administrative review of the antidumping duty order on citric acid and certain citrate salts from the People's Republic of China (PRC).<sup>1</sup> The period of review (“POR”) for the administrative review is May 1, 2012, through April 30, 2013. This POR covers two producers/exporters of subject merchandise: (1) Yixing-Union Biochemical Co., Ltd. (“Yixing”); and (2) Laiwu Taihe Biochemistry Co., Ltd. (“Taihe”). We invited interested parties to comment on our *Preliminary Results*.

<sup>1</sup> See *Citric Acid and Certain Citrate Salts From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2012–2013*, 79 FR 23322 (April 28, 2014) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

Based on our analysis of the comments received, we made certain changes to our margin calculations for Taihe. The final dumping margins for this review are listed in the “Final Results” section below.

**DATES:** *Effective Date:* November 3, 2014.

**FOR FURTHER INFORMATION CONTACT:** Krishna Hill or Maisha Cryor, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4037 or (202) 482–5831, respectively.

### Background

On April 28, 2014, the Department published its *Preliminary Results*. On May 28, 2014, Petitioners requested a hearing.<sup>2</sup> Additionally, on May 28, 2014, Yixing requested an opportunity to participate should a hearing be requested by Petitioners.<sup>3</sup> Based on these hearing requests, on September 3, 2014, the Department held a closed hearing limited to issues raised in case briefs and rebuttal briefs. We received case briefs from Yixing, Taihe, and Archer Daniels Midland Company, Cargill, Incorporated, and Tate & Lyle Ingredients Americas, Inc. (collectively, “Petitioners”) on June 4, 2014.<sup>4</sup> Additionally, on June 12, 2014, we received rebuttal case briefs from Yixing, Taihe, and Petitioners.<sup>5</sup> Taihe resubmitted its rebuttal case brief after redacting certain untimely arguments on June 21, 2014.<sup>6</sup>

<sup>2</sup> See Letter from Petitioners to the Department regarding, “Citric Acid and Citrate Salts From the People's Republic of China: Petitioners' Hearing Request and Request for a Closed Session,” dated May 28, 2014.

<sup>3</sup> See Letter from Yixing to the Department regarding, “Hearing Request of Yixing-Union Biochemical Co., Ltd.: Citric Acid and Certain Citrate Salts From the People's Republic of China,” dated May 28, 2014.

<sup>4</sup> See Letter from Yixing to the Department regarding, “Citric Acid and Certain Citrate Salts From the People's Republic of China (A–570–937)–Case Brief of Yixing-Union Biochemical Co., Ltd.,” dated June 4, 2014; see also Letter from Taihe to the Department regarding, “Citric Acid and Citrate Salts From the People's Republic of China: Case Brief,” dated June 4, 2014; see also Letter from Petitioners to the Department regarding, “Citric Acid and Certain Citrate Salts From The People's Republic Of China/Petitioners' Case Brief,” dated June 4, 2014.

<sup>5</sup> See Letter from Yixing to the Department regarding, “Citric Acid and Certain Citrate Salts From the People's Republic of China (A–570–937)–Rebuttal Brief of Yixing-Union Biochemical Co., Ltd.,” dated June 12, 2014; see also Letter from Petitioners to the Department regarding, “Citric Acid and Certain Citrate Salts From The People's Republic Of China/Petitioners' Rebuttal Brief,” dated June 12, 2014.

<sup>6</sup> See Letter from Taihe to the Department regarding, “Citric Acid and Citrate Salts From the People's Republic of China (A–570–937)–Rebuttal Brief of Taihe Biochemistry Co., Ltd.,” dated June 21, 2014.

<sup>7</sup> 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.

## Scope of the Order

The products covered by the order include the hydrous and anhydrous forms of citric acid, the dihydrate and anhydrous forms of sodium citrate, otherwise known as citric acid sodium salt, and the monohydrate and monopotassium forms of potassium citrate.<sup>7</sup> Sodium citrate also includes both trisodium citrate and monosodium citrate, which are also known as citric acid trisodium salt and citric acid monosodium salt, respectively. Citric acid and sodium citrate are classifiable under 2918.14.0000 and 2918.15.1000 of the Harmonized Tariff Schedule of the United States ("HTSUS"), respectively. Potassium citrate and crude calcium citrate are classifiable under 2918.15.5000 and 3824.90.9290 of the HTSUS, respectively. Blends that include citric acid, sodium citrate, and potassium citrate are classifiable under 3824.90.9290 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.<sup>8</sup>

## Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in this review are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues that parties raised and to which we responded in the Issues and Decision Memorandum follows as an appendix to this notice. 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 (IA ACCESS). IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at <http://enforcement.trade.gov/frn/>. The

People's Republic of China: Rebuttal Brief," dated July 21, 2014.

<sup>7</sup> See "Issues and Decision Memorandum for the Final Results of the 2012–2013 Antidumping Duty Administrative Review: Citric Acid and Certain Citrate Salts From the People's Republic of China" from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, issued concurrently with this notice ("Issues and Decision Memorandum"), for a complete description of the Scope of the Order.

<sup>8</sup> See *Citric Acid and Certain Citrate Salts From Canada and the People's Republic of China: Antidumping Duty Orders*, 74 FR 25703 (May 29, 2009).

paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

## Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results*, we revised the margin calculation for Taihe.<sup>9</sup> We made the following changes to the margin calculation for Taihe.

- We changed the surrogate value used to value Taihe's paperboard packing material.
- We recalculated Taihe's by-product offset for corn feed based on corn consumption.

## Final Results

We determine that the following weighted-average dumping margins exist for the POR:

Exporter	Weighted-average dumping margin (percentage)
Yixing-Union Biochemical Co., Ltd .....	6.80
Laiwu Taihe Biochemistry Co., Ltd .....	3.08

## Assessment Rates

The Department will determine, and U.S. Customs and Border Protection (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. For any individually examined respondent whose weighted-average dumping margin is above *de minimis* (i.e., 0.50 percent), the Department will calculate importer- (or customer-) specific assessment rates for merchandise subject to this review. Where appropriate, we calculated an *ad valorem* rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total entered values associated

with those transactions. For duty-assessment rates calculated on this basis, we will direct CBP to assess the resulting *ad valorem* rate against the entered customs values for the subject merchandise. Where appropriate, we calculated a per-unit rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total sales quantity associated with those transactions. For duty-assessment rates calculated on this basis, we will direct CBP to assess the resulting per-unit rate against the entered quantity of the subject merchandise.<sup>10</sup> We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate is above *de minimis*. Where either the respondent's weighted-average dumping margin is zero or *de minimis*, or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

The Department announced a refinement to its assessment practice in non-market economy ("NME") cases.<sup>11</sup> Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the NME-wide rate (i.e., 156.87 percent).<sup>12</sup> For a full discussion of this practice, see *Assessment in NME Antidumping Proceedings*.

## Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act): (1) For the exporters listed above, the cash deposit rate will be the rate listed for each exporter in the table in the "Final Results" section of this notice; (2) for previously investigated or reviewed PRC and non-

<sup>10</sup> See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101, 8103 (February 14, 2012).

<sup>11</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011) ("Assessment in NME Antidumping Proceedings").

<sup>12</sup> See *Citric Acid and Certain Citrate Salts From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2011–2012*, 79 FR 101 (January 2, 2014).

PRC exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled a separate rate, the cash deposit rate will be the rate of the PRC-wide entity established in the final determination of the less than fair value investigation (*i.e.*, 156.87 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 exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

#### Disclosure

We intend to disclose the calculations performed regarding these final results within five days of the date of publication of this notice 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 that subsequent assessment of doubled antidumping duties.

#### Administrative Protective Order ("APO")

This notice also serves as a reminder to parties subject to 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: October 27, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

#### Appendix—Issues and Decision Memorandum

Summary  
Background  
Scope of the Order  
Discussion of the Issues  
Issues

- Comment 1: Differential Pricing
- Comment 1.A: Consideration of an Alternative Comparison Method in an Administrative Review
- Comment 1.B: Withdrawal of the Regulatory Provisions Governing Targeted Dumping in Less-Than-Fair-Value Investigations
- Comment 1.C: Denial of Offsets for Non-Dumped Sales When Using the Alternative Average-to-Transaction Comparison Methodology
- Comment 1.D: Differential Pricing Analysis: Taihe
- Comment 1.E: Differential Pricing Analysis: Yixing
- Comment 2: Surrogate Value for Packing Material
- Comment 3: Surrogate Value for International Freight
- Comment 4: Surrogate Value for Brokerage and Handling
- Comment 5: Whether the Department Should Deny the Corn Feed By-Product Offset Claimed by Taihe
- Comment 6: Whether the Department Should Apply Adverse Facts Available to Yixing
- Comment 7: Whether to Grant Yixing a By-Product Offset Recommendation

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#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[C-552-819]

#### Certain Steel Nails From the Socialist Republic of Vietnam: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination

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

**SUMMARY:** The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain steel nails (nails) from the Socialist Republic of Vietnam (Vietnam). The period of investigation is January 1, 2013, through December 31, 2013. Interested parties are invited to comment on this preliminary determination.

**DATES:** *Effective Date:* November 3, 2014.

#### FOR FURTHER INFORMATION CONTACT:

Sergio Balbontin or Thomas Schauer, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-6478 and (202) 482-0410, respectively.

**SUPPLEMENTARY INFORMATION:** On June 25, 2014, the Department initiated this countervailing duty (CVD) investigation.<sup>1</sup> On the same day, the Department also initiated an antidumping duty (AD) investigation of nails from Vietnam.<sup>2</sup> On August 7, in response to a request from the Petitioner, Mid Continent Steel & Wire, Inc., the Department postponed the preliminary determinations in the CVD investigations.

#### Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination

In accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (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 Vietnam. Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than March 2, 2015, unless postponed.

#### Scope of the Investigation

The products covered by this investigation are certain steel nails. For a complete description of the scope of the investigation, *see* Appendix 1 to this notice.

#### Methodology

The Department is conducting this CVD investigation in accordance with section 701 of the Act. For a full description of the methodology underlying our preliminary conclusions, *see* the Preliminary Decision Memorandum.<sup>3</sup> The Preliminary

<sup>1</sup> *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*, 79 FR 36014 (June 25, 2014).

<sup>2</sup> *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: Initiation of Less-Than-Fair-Value Investigations*, 79 FR 36019 (June 25, 2014).

<sup>3</sup> *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado,