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駐美國代表處經濟組 函

機關地址：4301 Connecticut Ave., NW
Suite 420 Washington D.C.
承辦人：蔡智棠
電話：1(202)6866400#5759
Email：cttsai2@moea.gov.tw

受文者：經濟部國際貿易局

發文日期：中華民國108年3月27日
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附件：如文 (1080000323_Attach1.pdf)

主旨：陳報美國商務部公告對我國輸美鋼釘(Certain Steel Nails)反傾銷行政複查終判結果及終止部分行政複查事，敬請查照。

說明：

- 一、相關文號：本組上(107)年8月13日經美字第1070000993號函。
- 二、商務部於本(2019)年3月27日公告旨揭行政複查之終判結果，本案複查期間為2016年7月1日至2017年6月30日，本案受調產品之美國海關進口稅則號列為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及7317.00.75.00，亦可能歸類於7907.00.60.00、8206.00.00.00或其他稅則號列。
- 三、我商博納斯(Bonuts Hardware Logistic Co., Ltd)因未

國際貿易局 108/03/28



1087008975

答復商務部問卷，該部以不利可得事實(AFA)終判該公司之反傾銷稅率為78.13%、PT Enterprise, Inc./Pro-Teamp Coil Nail Enterprise, Inc.之反傾銷稅率則為零，Unicatch Industrial Co. Ltd之傾銷稅率則為6.16%。

四、檢附本案聯邦公報如附件，併請卓參。

正本：經濟部國際貿易局

副本：電子公文交換章
2019/03/28 08:50:05

Assessment Rates

In accordance with 19 CFR 351.212(b)(2), Commerce intends to issue appropriate assessment instructions to U.S. Customs and Border Protection (CBP) 15 days after publication of these final results of review, to liquidate shipments of subject merchandise produced by and/or exported by Borusan, entered, or withdrawn from warehouse, for consumption on or after January 1, 2016, through December 31, 2016, at the *ad valorem* rate listed above.

Cash Deposit Requirements

In accordance with section 751(a)(1) of the Act, we intend to instruct CBP to collect cash deposits of estimated countervailing duties in the amount shown above for Borusan, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Administrative Protective Orders

This notice also serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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 sanctionable violation.

We are issuing and publishing these final results of review in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(5).

Dated: March 22, 2019.

Gary Taverman,
 Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Scope of the Order
- III. Subsidies Valuation Information
- IV. Benchmark Interest Rates
- V. Analysis of Programs
- VI. Analysis of Comments

Comment 1: Using Production Data Provided by the Government of Turkey (GOT) in Analysis of Market Distortion
 Comment 2: The Appropriate Methodology to Calculate a 'Tier 2' Benchmark
 Comment 3: Whether to Place the Verification Report from the Large Diameter Welded Pipe from Turkey Investigation on this Case Record
 VII. Recommendation
 [FR Doc. 2019-05867 Filed 3-26-19; 8:45 am]
 BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-854]

Certain Steel Nails From Taiwan: Final Results of Antidumping Duty Administrative Review and Partial Rescission of Administrative Review; 2016-2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.
SUMMARY: The Department of Commerce (Commerce) determines that producers and/or exporters subject to this administrative review made sales of subject merchandise at less than normal value. Interested parties are invited to comment on these results of review.
DATES: Applicable March 27, 2019.
FOR FURTHER INFORMATION CONTACT: Scott Hoefke or Chelsey Simonovich, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4947 or (202) 482-1979, respectively.
SUPPLEMENTARY INFORMATION:

Background

On August 10, 2018, Commerce published the *Preliminary Results* of this administrative review.¹ For the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.² Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22,

¹ See *Certain Steel Nails from Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Administrative Review; 2016-2017*, 83 FR 39875 (August 10, 2018) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum.

² See Memorandum, "Issues and Decision Memorandum for the Final Results of the 2016-2017 Administrative Review of the Antidumping Duty Order on Certain Steel Nails from Taiwan" (Issues and Decision Memorandum), dated concurrently with this notice and incorporated herein by reference.

2018, through the resumption of operations on January 29, 2019.³ If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the Taiwan nails decision is now March 15, 2019. Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). This review covers the following producers/exporters of subject merchandise: Bonuts Hardware Logistic Co., Ltd. (Bonuts); PT Enterprise, Inc./Pro-Team Coil Nail Enterprise, Inc. (PT/Pro-Team); and Unicatch Industrial Co. Ltd. (Unicatch).

Scope of the Order

The merchandise covered by this order is certain steel nails. The certain steel nails subject to the order are currently classifiable 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 these orders also may be classified under HTSUS subheadings 7907.00.60.00, 8206.00.00.00 or other HTSUS subheadings.

While the HTSUS subheadings are provided for convenience and customs purpose, the written description is dispositive.⁴

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 which parties raised, and to which we responded in the Issues and Decision Memorandum, can be found at the 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 (ACCESS). ACCESS is available to

³ See Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, "Deadlines Affected by the Partial Shutdown of the Federal Government," dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

⁴ A full description of the scope of the order is contained in the Issues and Decision Memorandum.

registered users at <https://access.trade.gov> and is available to all parties in the Central Records Unit, Room B8024 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/index.html>. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we made certain changes to the *Preliminary Results*. Specifically, we made adjustments to the constructed value calculation and the antidumping margin programs for PT/Pro-Team and Unicatch for these final results. For a full discussion of these changes, see the Issues and Decision Memorandum.

Application of Facts Available and Adverse Facts Available

We continue to find that Bonuts failed to cooperate to the best of its ability in responding to Commerce's requests for information. Thus, we find that the application of adverse facts available, pursuant to section 776(a)-(b) of the Act, is warranted with respect to Bonuts. For a full description of the methodology and rationale underlying our conclusions, see Issues and Decision Memorandum.

Duty Absorption

In the *Preliminary Results*, Commerce made a preliminary determination to not examine duty absorption for PT/Pro-Team's and Unicatch's export price (EP) sales, and preliminarily found that Unicatch absorbed antidumping duties for its constructed export price (CEP) sales during the instant POR.⁵ For these final results, no party filed comments on this issue and, therefore, we have made no changes to our *Preliminary Results* with respect to duty absorption.⁶

Final Results of Review

As a result of this review, Commerce determines that the following margins exist for the period of review (POR) of July 1, 2016 through June 30, 2017:

Producer/exporter	Margin (percent)
Bonuts Hardware Logistic Co., Ltd	78.13
PT Enterprise, Inc./Pro-Team Coll Nail Enterprise, Inc	0.00
Unicatch Industrial Co. Ltd	6.16

⁵ See *Preliminary Results* and accompanying Preliminary Decision Memorandum at 5-7.

⁶ *Id.*

Disclosure

We intend to disclose the calculations performed for these final results of review within five days of the date of publication of this notice in the Federal Register, in accordance with 19 CFR 351.224(b).

Duty Assessment

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of this administrative review in the Federal Register. We will instruct CBP to apply an *ad valorem* assessment rate of 78.13 percent, 0.00 percent, and 6.16 percent, respectively, to all entries of subject merchandise during the POR which were produced and/or exported by the companies stated above.

Consistent with Commerce's assessment practice, for entries of subject merchandise during the POR produced by Bonuts, PT/Pro-Team, or Unicatch, for which the producer did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.⁷

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rates for the companies listed in these final results will be equal to the rates established in the final results of this review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment in which the company was reviewed; (3) if the exporter is not a firm covered in this review or the original less-than-fair-value (LTFV) investigation, but the producer is, the cash deposit rate will be

the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 2.16 percent,⁸ the all-others rate established in the LTFV investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) 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 Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), 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 the terms of an APO is a sanctionable violation.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: March 18, 2019.

Christian Marsh,
Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. List of Issues
- III. Background
- IV. Scope of the Order
- V. Duty Absorption
- VI. Discussion of the Issues
 - A. General Issues

⁸ See *Certain Steel Nails from Taiwan: Notice of Court Decision Not in Harmony with Final Determination in Less Than Fair Value Investigation and Notice of Amended Final Determination*, 82 FR 55090, 55091 (November 20, 2017).

⁷ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

Comment 1: Constructed Value (CV) Profit—Financial Statements
 Comment 2: CV Profit—Calculation Adjustments
 B. PT/Pro-Team Issues
 Comment 3: Transactions Disregarded Adjustment for Pro-Team's Factory Overhead
 Comment 4: Tollers
 B. Unicatch Issues
 Comment 5: Inclusion of Verification Corrections
 Comment 6: Scrap Offset
 Comment 7: Cost of Production
 Comment 8: Imputed Interest
 Comment 9: Freight Revenue
 Comment 10: Commissions
 Comment 11: TC's U.S. Commissions
 Comment 12: U.S. Warehousing Expenses
 Comment 13: Programming Errors

VII. Recommendation

[FR Doc. 2019-05427 Filed 3-26-19; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XG737

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Confined Rock Blasting Near Ketchikan, Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments.

SUMMARY: NMFS has received a request from City of Ketchikan for authorization to take marine mammals incidental to underwater confined rock blasting in Ketchikan, Alaska. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-year renewal that could be issued under certain circumstances and if all requirements are met, as described in *Request for Public Comments* at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than April 26, 2019.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, Physical

comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to ITP.redding@noaa.gov.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Gray Redding, Office of Protected Resources, NMFS, (301) 427-8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the "take" of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe

the permissible methods of taking and other "means of effecting the least practicable [adverse] impact" on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to in shorthand as "mitigation"); and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our proposed action (*i.e.*, the issuance of an incidental harassment authorization) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental harassment authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

We will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA request.

Summary of Request

On December 10, 2018, NMFS received a request from the City of Ketchikan for an IHA to take marine mammals incidental to underwater confined blasting and excavation in southeastern Alaska. The application was deemed adequate and complete on February 7, 2019. City of Ketchikan's request is for take of a small number of nine marine mammal species by Level B harassment and three marine mammal species by Level A harassment. Neither the City of Ketchikan nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.