



## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-557-816]

#### Certain Steel Nails from Malaysia: Preliminary Results of Antidumping Duty

#### Administrative Review and Preliminary Determination of No Shipments; 2021-2022

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily finds that certain producers and/or exporters subject to this administrative review made sales of subject merchandise at less than normal value during the period of review (POR) July 1, 2021, through June 30, 2022. In addition, we preliminarily find that certain companies had no shipments during the POR. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable [Insert date of publication in the *Federal Register*].

**FOR FURTHER INFORMATION CONTACT:** John K. Drury or Tyler R. Weinhold, 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) 482-0195 or (202) 482-1121, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 13, 2015, we published in the *Federal Register* an antidumping duty order on certain steel nails from Malaysia.<sup>1</sup> On July 1, 2022, we published in the *Federal Register* a notice of opportunity to request an administrative review of the *Order*.<sup>2</sup> On September 6, 2022,

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<sup>1</sup> See *Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 80 FR 39994 (July 13, 2015) (*Order*).

<sup>2</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review and Join Annual Injury Service List*, 87 FR 39461 (July 1, 2022).

Commerce published the notice of initiation of the administrative review of the *Order*.<sup>3</sup> On March 28, 2023, we extended the time limit for completion of these preliminary results to July 28, 2023, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act).<sup>4</sup>

### Scope of the *Order*

The products covered by the scope of the *Order* are certain steel nails from Malaysia. For a complete description of the scope of the *Order*, see the Preliminary Decision Memorandum.<sup>5</sup>

### Preliminary Determination of No Shipments

Between September 21 and 29, 2022, we received letters from non-selected respondents Astrotech Steels Private Limited (Astrotech), Geekay Wires Limited (Geekay), Modern Factory for Steel Industries Co. Ltd. (Modern), and Trinity Steel Private Limited (Trinity), timely notifying Commerce that they had no exports, sales, or entries of subject merchandise during the POR.<sup>6</sup> We issued a no-shipment inquiry to U.S. Customs and Border Protection (CBP) with respect to each of these four companies, and CBP responded that it has no record of any shipments of subject merchandise for these companies during the POR.<sup>7</sup> Thus, we preliminarily determine that Astrotech, Geekay, Modern, and Trinity had no shipments during the POR. Consistent with Commerce's practice, we find that it is not appropriate to rescind the review with

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<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 87 FR 54463 (September 6, 2022).

<sup>4</sup> See Memorandum, "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated March 28, 2023.

<sup>5</sup> See Memorandum, "Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review; 2021-2022: Certain Steel Nails from Malaysia," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>6</sup> See Geekay Wires Limited's Letter, "Request for No Shipment during the Period of Review (POR)," dated September 21, 2022; Modern Factory for Steel Industries Co. Ltd.'s Letter, "Request for No Shipment during the Period of Review (POR)," dated September 29, 2022; Trinity Steel Private Limited's Letter, "Notice of No sales during the Period of Review (POR)," dated September 29, 2022; and Astrotech Steels Private Limited's Letter, "Request for No Shipment during the Period of Review (POR)," dated September 29, 2022.

<sup>7</sup> See Memorandum, "Steel Nails from Malaysia; No Shipment Inquiry for Multiple Companies During the Period 07/01/2021 through 06/30/2022," dated June 26, 2023.

respect to Astrotech, Geekay, Modern, and Trinity, but, rather, to complete the review and issue appropriate instructions to CBP based on the final results of this review.<sup>8</sup>

### Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum.<sup>9</sup> A list of the topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be found at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

### Rate for Non-Selected Respondents

The statute and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally "an amount equal to the weighted average of the estimated weighted average dumping margins established for exporters

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<sup>8</sup> *See, e.g., Certain Frozen Warmwater Shrimp from Thailand; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments; 2012–2013*, 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012–2013*, 79 FR 51306 (August 28, 2014); and *Magnesium Metal from the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review*, 75 FR 26922, 26923 (May 13, 2010), unchanged in *Magnesium Metal from the Russian Federation: Final Results of Antidumping Duty Administrative Review*, 75 FR 56989 (September 17, 2010).

<sup>9</sup> *See* Preliminary Decision Memorandum.

and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.”

In these preliminary results, we have calculated a non-*de minimis* weighted-average margin for Region International Co., Ltd. and Region System Sdn. Bhd. (collectively, Region). Region’s weighted-average dumping margin was not determined entirely on the basis of facts available. However, we calculated a weighted-average margin of zero for Inmax Sdn. Bhd. and Inmax Industries Sdn. Bhd. (collectively, Inmax). Accordingly, for the preliminary results of this review, we are assigning the dumping margin determined for Region to the non-selected mandatory respondents. Therefore, the preliminary rate for non-selected respondents is 1.08 percent.

#### Preliminary Results of Review

We preliminarily determine that the following weighted-average dumping margins exist for the period July 1, 2021, through June 30, 2022:

<b>Producer/Exporter</b>	<b>Weighted-Average Dumping Margin (percent)</b>
Inmax Sdn. Bhd. and Inmax Industries Sdn. Bhd.	0.00
Region International Co., Ltd. and Region System Sdn. Bhd.	1.08
Non-Selected Respondents <sup>10</sup>	1.08

#### Disclosure and Public Comment

We intend to disclose the calculations performed to parties in this administrative review within five days after public announcement of the preliminary results, in accordance with 19 CFR 351.224(b).

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the

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<sup>10</sup> See Appendix II for the list of non-selected respondents.

case briefs, may be filed not later than seven days after the date for filing case briefs.<sup>11</sup> Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>12</sup> Parties who submit case briefs or rebuttal briefs in this administrative review 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.<sup>13</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) the party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.<sup>14</sup>

Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, no later than 120 days after the date of publication of this notice, unless extended, pursuant to section 751(a)(3)(A) of the Act.

#### Assessment Rates

Upon issuing the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. If the weighted-average dumping margin for a mandatory respondent is not zero or *de minimis* in the final results

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<sup>11</sup> See 19 CFR 351.309(d); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 17006, 17007 (March 26, 2020) ("To provide adequate time for release of case briefs via ACCESS, E&C intends to schedule the due date for all rebuttal briefs to be 7 days after case briefs are filed (while these modifications remain in effect).")

<sup>12</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

<sup>13</sup> See 19 CFR 351.303 (for general filing requirements).

<sup>14</sup> See 19 CFR 351.310(c).

of this review, we will calculate an importer-specific assessment rate on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of such sales in accordance with 19 CFR 351.212(b)(1).<sup>15</sup> If the weighted-average dumping margin is zero or *de minimis* in the final results of review, or if an importer-specific assessment rate is zero or *de minimis*, Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.<sup>16</sup> For entries of subject merchandise during the period of review produced by the respondents for which they did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries.<sup>17</sup>

If we continue to find in the final results that Astrotech, Geekay, Modern, and Trinity had no shipments of subject merchandise during the POR, we will instruct CBP to liquidate any suspended entries that entered under their antidumping duty case numbers (*i.e.*, at that exporter's rate) at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the *Federal Register*. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication). The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise under review and for future cash deposits of estimated antidumping duties, where applicable.

#### Cash Deposit Requirements

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<sup>15</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>16</sup> *Id.* 77 FR at 8102-03; see also 19 CFR 351.106(c)(2).

<sup>17</sup> See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

The following cash deposit requirements will be effective upon publication in the *Federal Register* of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for companies subject to this review will be equal to the company-specific weighted-average dumping margin established in the final results of this administrative review; (2) for merchandise exported by a company not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation but the producer is, then the cash deposit rate will be the rate established in the most recently completed segment of the proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 2.66 percent, the all-others rate established in the less-than-fair-value investigation.<sup>18</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice serves as a preliminary 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 review period. 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.

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<sup>18</sup> See *Certain Steel Nails from Malaysia: Amended Final Determination of Sales at Less Than Fair Value*, 80 FR 34370 (June 16, 2015).

Notification to Interested Parties

Commerce is issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, 19 CFR 351.213(h)(2), and 19 CFR 351.221(b)(4).

Dated: July 28, 2023.

Lisa W. Wang,  
Assistant Secretary  
for Enforcement and Compliance.

## Appendix I

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

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Rate for Non-Selected Companies
- V. Preliminary Determination of No Shipments
- VI. Discussion of the Methodology
- VII. Currency Conversion
- VIII. Recommendation

## APPENDIX II

### List of Non-Selected Respondents

Alsons Manufacturing India, LLP  
Atlantic Marine Group Ltd.  
Chia Pao Metal Co., Ltd.  
Chin Lai Hardware Sdn., Bhd.  
Chuan Heng Hardware Paints and Building Materials Sdn., Bhd.  
Come Best (Thailand) Co., Ltd.  
Gbo Fastening Systems AB  
Impress Steel Wire Industries Sdn., Bhd.  
Inmax Industries Sdn., Bhd.  
Inmax Sdn., Bhd.  
Kerry-Apex (Thailand) Co., Ltd.  
Kimmu Trading Sdn., Bhd.  
Madura Fasteners Sdn., Bhd.  
Oman Fasteners LLC  
Region System Sdn., Bhd.  
Region International Co., Ltd.  
RM Wire Industries Sdn., Bhd.  
Soon Shing Building Materials Sdn., Bhd.  
Storeit Services LLP  
Sunmat Industries Sdn., Bhd.  
Tag Fasteners Sdn., Bhd.  
Tag Staples Sdn., Bhd.  
Tampin Sin Yong Wai Industry Sdn., Bhd.  
Top Remac Industries  
UD Industries Sdn., Bhd.  
Vien Group Sdn., Bhd.  
Watasan Industries Sdn., Bhd.  
WWL India Private Ltd.  
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