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DEPARTMENT OF COMMERCE

International Trade Administration

[A-557-834]

Certain Fatty Acids from Malaysia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that certain fatty acids (fatty acids) from Malaysia are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2025, through December 31, 2025. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable **[INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

FOR FURTHER INFORMATION CONTACT: Dennis McClure or Matthew Lipka, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-5973 or (202) 482-7976, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of

this investigation on March 13, 2026.[1] On July 10, 2026, Commerce postponed the preliminary determination of this investigation and the revised deadline is now September 15, 2026.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary 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), which is available to registered users at https://access.trade.gov. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at https://access.trade.gov/frnotices.

Scope of the Investigation

The products covered by this investigation are fatty acids from Malaysia. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice*. Commerce is still considering parties' comments on the

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[1] *See Certain Fatty Acids from Indonesia and Malaysia: Initiation of Less-Than-Fair-Value Investigations*, 91 FR 12353 (March 13, 2026) (*Initiation Notice*).
[2] *See Certain Fatty Acids from Indonesia and Malaysia: Postponement of Preliminary Determinations of Antidumping Duty Investigations*, 91 FR 42708 (July 10, 2026).
[3] *See* Memorandum, "Decision Memorandum for the Preliminary Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Fatty Acids from Malaysia," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).
[4] *See Antidumping Duties; Countervailing Duties*, *Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).
[5] *See Initiation Notice*.

scope of the investigation and intends to issue its preliminary scope decision after the publication of this preliminary AD determination. Accordingly, Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice*. *See* the scope in Appendix I to this notice.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices and constructed export prices in accordance with sections 772(a) and (b) of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

In this investigation, Commerce calculated estimated weighted-average dumping margins for Evyap Sabun Malaysia Sdn. Bhd. (Evyap) and Palm-Oleo Sdn. Bhd. (Palm-Oleo) that are not zero, *de minimis*, or based entirely on facts otherwise available. Commerce calculated the all-others rate using a weighted average of the estimated

weighted-average dumping margins calculated for the examined respondents using each company's publicly-ranged values for the merchandise under consideration.[6]

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter/Producer	Estimated Weighted-Average Dumping Margin (percent)	Cash Deposit Rate (Adjusted for Subsidy Offset) (percent)
Evyap Sabun Malaysia Sdn. Bhd.	4.47	4.46
Palm-Oleo Sdn. Bhd. / Palm-Oleo (Klang) Sdn. Bhd. / KL-Kepong Oleomas Sdn. Bhd.[7]	7.07	7.06
All Others	5.23	5.22

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the *Federal Register*. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce

[6] With two respondents under examination, Commerce normally calculates: (A) a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents; (B) a simple average of the estimated weighted-average dumping margins calculated for the examined respondents; and (C) a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents using each company's publicly-ranged U.S. sales values for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. *See, e.g.*, *Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part*, 75 FR 53661, 53662 (September 1, 2010), and accompanying Issues and Decision Memorandum at Comment1. As complete publicly ranged sales data were available, Commerce based the all-others rate on the publicly ranged sales data of the mandatory respondents. For a complete analysis of the data, *see* Memorandum, "Calculation of the All-Others Rate," dated concurrently with this notice.

[7] Commerce preliminarily determines that Palm-Oleo, Palm-Oleo (Klang) Sdn. Bhd., and KL-Kepong Oleomas Sdn. Bhd., are a single entity. *See* Preliminary Decision Memorandum.

will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) the cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

Commerce normally adjusts cash deposits for estimated antidumping duties by the amount of export subsidies countervailed in a companion countervailing duty (CVD) proceeding, when CVD provisional measures are in effect. Accordingly, where Commerce preliminarily made an affirmative determination for countervailable export subsidies, Commerce has offset the estimated weighted-average dumping margin by the appropriate CVD rate. Any such adjusted cash deposit rate may be found in the "Preliminary Determination" section above.

Should provisional measures in the companion CVD investigation expire prior to the expiration of provisional measures in this LTFV investigation, Commerce will direct CBP to begin collecting estimated antidumping duty cash deposits unadjusted for countervailed export subsidies at the time that the provisional CVD measures expire. These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation,. A timeline for the submission of case briefs and written comments will be notified to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[8] Interested parties who submit

[8] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[9]

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[10] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[11]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain 1) the party's name, address, and telephone number; 2) the number of participants, and whether any participant is a foreign national; and 3) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

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[9] *See* 19 CFR 351.309(c)(2) and (d)(2).

[10] We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[11] *See APO and Service Procedures*.

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

Between August 31 and September 1, 2026, pursuant to 19 CFR 351.210(e), Evyap and Palm-Oleo requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[12] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) the preliminary determination is affirmative; (2) the requesting exporters account for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

U.S. International Trade Commission (ITC) Notification

[12] *See* Palm-Oleo's Letter, "Request to Postpone the Final Determination," dated August 31, 2026; *see also* Evyap's Letter, "Request to Postpone Final Determination," dated September 1, 2026.

In accordance with section 733(f) of the Act, Commerce will notify the ITC of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

Dated: September 15, 2026.

Scot Fullerton,
Acting Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations.

Appendix I

Scope of the Investigation

The merchandise subject to this investigation is certain fatty acids, which are organic acids made of a hydrocarbon chain with a carboxylic acid group (*i.e.*, an organic acid that contains a carboxyl group (-C(=O)- OH) attached to an R-group, sometimes also written as R-COOH, R-C(O)OH, or R-CO2H) at one end with a carbon chain length (*i.e.*, the number of carbon atoms in the fatty acid chain) of C6, C8, C10, C12, C14, C16, or C18, with an iodine value below 105 g/100 g and with a ratio of free fatty acids to triglycerides (also known as the "degree of split" or DoS) of at least 97 percent, including single fatty acid (also referred to as "pure cut"), and blends containing a combination of two or more carbon chain lengths.

Certain fatty acids covered by the scope range in physical form from low viscosity liquids to solids. Certain fatty acids are covered by the scope of this investigation irrespective of whether they have gone through a distillation process and regardless of acid content, reactivity, functionality, freeze stability, heat stability, physical form, viscosity, grade, purity, molecular weight, or packaging.

Certain fatty acids may contain additives, such as catalysts, solvents, antioxidants, fire retardants, colorants, pigments, diluents, thickeners, fillers, softeners, and toughening agents.

The scope includes merchandise matching the above description that has been processed in a third country, including by commingling, diluting, introducing or removing additives, or performing any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the subject country.

The scope also includes certain fatty acids that are commingled or blended with certain fatty acids from sources not subject to this investigation. Only the subject component of such commingled products is covered by the scope of this investigation.

Certain fatty acids covered by the scope are also commonly called pure, pure cut, fractionated, or distilled fatty acid or mixed, mixed cut, or blended fatty acid, with the terms pure, pure cut, fractionated, and distilled typically referring to specific single-chain fatty acids that have been separated from a mixed natural source such as animal fat or vegetable oil using processes like hydrolysis (the breakdown of fat molecules by water, catalyzed by acid, base, or enzymes (lipases) to yield glycerol and free fatty acids), distillation, and crystallization, and the terms mixed or mixed cut referring to combinations, blends or mixtures of different single-chain fatty acids also derived from a natural source such as animal fat or vegetable oil using processes like hydrolysis, distillation, and crystallization. Common names for pure, pure cut, fractionated, or distilled fatty acids forms include stearic acid and oleic acid. Common names for mixed or mixed cut fatty acids include coconut fatty acid, hardened coconut fatty acid, topped coconut fatty acid, topped hardened coconut fatty acid, palm kernel fatty acid, hardened palm kernel fatty acid, topped palm kernel fatty acid, topped hardened palm kernel fatty acid, palm fatty acid, palm stearin fatty acid, palm fatty acid distillate, and palm olein fatty acid.

Certain fatty acids covered by the scope are normally associated with Chemical Abstracts Service (CAS) registry numbers 57-11-4, 112-80-1, 61790-38-3, 67701-05-7, 67701-06-8, 67707-01-3, 68938-15-8, 101403-98-9, 91771-90-3, 90990-15-1, 68440-15-3, 84238-17-5, 98106-68-4, 98106-66-2, 90990-08-1, and 90990-08-2 but several others may also be used.

Specifically excluded from the scope are certain fatty acids containing 90 percent or more, by weight, of fatty acids with carbon chain lengths of C6, C8, or C10 (or any combination thereof). The scope also does not include mixtures of certain fatty acids with other materials, when the combined certain fatty acids component comprises less than 80 percent of the total weight of the mixture.

The merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 2915.70.0110, 2915.70.0120, 2915.70.0150, 2915.90.1010, 2915.90.1050, 2916.15.1000, 2916.15.5100, 3823.11.0000, 3823.12.0000, 3823.19.2000, and 3823.19.4000 and may also enter under 3824.99.4190.

The HTSUS subheadings set forth above are provided for convenience and customs purposes only. The written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Affiliation and Single Entity Treatment
V. Discussion of the Methodology
VI. Particular Market Situation
VII. Currency Conversion
VIII. Adjustments to Cash Deposit Rates for Export Subsidies in the Companion Countervailing Duty Investigation
IX. Recommendation

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