

Comment 6: Whether Commerce Should Revise Bangkok Sheet's G&A Expenses to Remove the Prior Year's Bad Debt Allowance

Comment 7: Whether Commerce Should Revise Bangkok Sheet's Costs to Correct Understated Direct Material Costs, Labor Costs, and Should Include Allowance for Obsolete Goods

Comment 8: Whether Commerce Should Apply Its Cohen's *d* Test

## VII. Recommendation

[FR Doc. 2024-08373 Filed 4-18-24; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-583-871]

#### **Boltless Steel Shelving Units Prepackaged for Sale From Taiwan: Final Affirmative Determination of Sales at Less Than Fair Value**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that boltless steel shelving units prepackaged for sale (boltless steel shelving) from Taiwan are being, or are likely to be, sold in the United States at less-than-fair value (LTFV). The period of investigation is April 1, 2022, through March 31, 2023.

**DATES:** Applicable April 19, 2024.

**FOR FURTHER INFORMATION CONTACT:** Joy Zhang, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1168.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On November 29, 2023, Commerce published in the *Federal Register* its preliminary affirmative determination in this investigation, in which we also postponed the final determination until April 12, 2024.<sup>1</sup> We invited parties to comment on the *Preliminary Determination*.

A summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for this final determination, may

<sup>1</sup> See *Boltless Steel Shelving Units Prepackaged for Sale from Taiwan: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 88 FR 83382 (November 29, 2023) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

be found in the Issues and Decision Memorandum.<sup>2</sup> 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 registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

##### **Scope of the Investigation**

The product covered by this investigation is boltless steel shelving from Taiwan. For a complete description of the scope of this investigation, see Appendix I.

##### **Scope Comments**

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments and set aside a period of time for parties to address scope issues in scope-specific case and rebuttal briefs.<sup>3</sup> We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we addressed in the Final Scope Decision Memorandum.<sup>4</sup> We did not make any changes to the scope of the investigation from the scope published in the *Preliminary Determination*.

##### **Verification**

Commerce verified the sales and cost information relied upon in making its final determination in this investigation, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Specifically, Commerce conducted on-site verifications of the home market sales, U.S. sales, and cost of production responses submitted by Taiwan Shin Yeh Enterprise Co., Ltd (Shin Yeh).<sup>5</sup>

<sup>2</sup> See Memorandum, "Decision Memorandum for the Final Affirmative Determination in the Less Than Fair Value Investigation of Boltless Steel Shelving Prepackaged for Sales from Taiwan," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>3</sup> See Memorandum, "Antidumping Duty Investigations of Boltless Steel Shelving Units Prepackaged for Sale from India, Malaysia, Taiwan, Thailand, and the Socialist Republic of Vietnam: Preliminary Scope Decision Memorandum," dated November 13, 2023 (Preliminary Scope Decision Memorandum).

<sup>4</sup> See Memorandum, "Antidumping Duty Investigation of Boltless Steel Shelving Units Prepackaged for Sale from Malaysia, Taiwan, Thailand, and the Socialist Republic of Vietnam: Final Scope Decision Memorandum," dated April 12, 2024 (Final Scope Decision Memorandum).

<sup>5</sup> See Memoranda, "Verification of the Sales Response of Shin Yeh in the Antidumping Investigation of Boltless Steel Shelving Units

##### **Analysis of Comments Received**

All issues raised in the case and rebuttal briefs submitted by interested parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice as Appendix II.

##### **Changes Since the Preliminary Determination**

We are incorporating Shin Yeh's revised home market and U.S. sales database submitted on January 31, 2024, which reflects changes from minor corrections Shin Yeh submitted at verification.<sup>6</sup> We also have adjusted Shin Yeh's reported costs.<sup>7</sup> These minor corrections and cost adjustments resulted in a change to the estimated weighted-average dumping margin calculated for Shin Yeh from the *Preliminary Determination*.<sup>8</sup>

##### **Use of Adverse Facts Available (AFA)**

As discussed in the *Preliminary Determination*, Commerce assigned to a mandatory respondent in this investigation, Jin Yi Sheng Industrial Co., Ltd. (Jin Yi Sheng) an estimated weighted-average dumping margins on the basis of adverse facts available (AFA), pursuant to sections 776(a) and (b) of the Act.<sup>9</sup> There is no new information on the record that would cause us to revisit our decision in the *Preliminary Determination*. Accordingly, for the reasons explained in the *Preliminary Determination*, and consistent with Commerce's practice, as AFA, we assigned Jin Yi Sheng the highest corroborated dumping margin alleged in the petition.<sup>10</sup>

##### **All-Others Rate**

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other

Prepackaged for Sale from Taiwan," dated February 29, 2024; and "Verification of the Cost Response of Taiwan Shin Yeh Enterprise Co., Ltd. in the Antidumping Duty Investigation of Boltless Steel Shelving Units Prepackaged for Sale from Taiwan," dated March 8, 2024.

<sup>6</sup> See Shin Yeh's Letter, "Shin Yeh Response to Request for Revised Sales Data," dated January 31, 2024.

<sup>7</sup> See Memorandum, "Cost of Production and Constructed Value Calculation Adjustments for the Final Determination—Taiwan Shin Yeh Enterprise Co., Ltd.," dated concurrently with this memorandum (Final Cost Calculation Memorandum).

<sup>8</sup> *Id.*, see also Memorandum, "Final Determination Analysis Memorandum for Shin Yeh," dated concurrently with this memorandum; dated concurrently with this memorandum (Final Sales Calculation Memorandum).

<sup>9</sup> See *Preliminary Determination*, 88 FR at 83383.

<sup>10</sup> See *Preliminary Determination* PDM at 7.

producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis*, or determined entirely under section 776 of the Act.

In this investigation, Commerce assigned a rate based entirely on facts available to Jin Yi Sheng. Therefore, the only rate that is not zero, *de minimis* or based entirely on facts otherwise available is the rate calculated for Shin Yeh. Consequently, the rate calculated for Shin Yeh is also assigned as the rate for all other producers and exporters.

**Final Determination**

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

Exporter/producer	Weighted-average dumping margin (percent)
Taiwan Shin Yeh Enterprise Co., Ltd .....	8.09
Jin Yi Sheng Industrial Co., Ltd .....	* 78.12
All Others .....	8.09

\* Rate based on AFA.

**Disclosure**

Commerce intends to disclose its calculations performed in connection with this final 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 the **Federal Register**, in accordance with 19 CFR 351.224(b).

**Continuation of Suspension of Liquidation**

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of subject merchandise as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption, on or after November 29, 2023, the date of publication of the *Preliminary Determination* in the **Federal Register**.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), upon the publication of this notice, we will instruct CBP to require a cash deposit for estimated antidumping duties for such entries as follows: (1) the cash deposit rate for each respondent listed in the table above is the company-specific estimated weighted-average

dumping margin listed for the respondent in the table; (2) if the exporter is not the respondent listed in the table above, but the producer is, then the cash deposit rate is the company-specific estimated weighted-average dumping margin listed for the producer of the subject merchandise in the table above; and (3) the cash deposit rate for all other producers and exporters is the all-others estimated weighted-average dumping margin listed in the table above.

These suspension of liquidation instructions will remain in effect until further notice.

**U.S. International Trade Commission Notification**

In accordance with section 735(d) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its final affirmative determination of sales at LTFV. Because Commerce’s final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of tin mill products no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, all cash deposits posted will be refunded, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed in the “Continuation of Suspension of Liquidation” section above.

**Administrative Protective Order**

This notice serves as the only 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 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 violation subject to sanction.

**Notification to Interested Parties**

This determination and this notice are issued and published in accordance with sections 735(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: April 12, 2024.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

**Appendix I**

**Scope of the Investigation**

The scope of this investigation covers boltless steel shelving units prepackaged for sale, with or without decks (boltless steel shelving). The term “prepackaged for sale” means that, at a minimum, the steel vertical supports (*i.e.*, uprights and posts) and steel horizontal supports (*i.e.*, beams, braces) necessary to assemble a completed shelving unit (with or without decks) are packaged together for ultimate purchase by the end-user. The scope also includes add-on kits. Add-on kits include, but are not limited to, kits that allow the end-user to add an extension shelving unit onto an existing boltless steel shelving unit such that the extension and the original unit will share common frame elements (*e.g.*, two posts). The term “boltless” refers to steel shelving in which the vertical and horizontal supports forming the frame are assembled primarily without the use of nuts and bolts, or screws. The vertical and horizontal support members for boltless steel shelving are assembled by methods such as, but not limited to, fitting a rivet, punched or cut tab, or other similar connector on one support into a hole, slot or similar receptacle on another support. The supports lock together to form the frame for the shelving unit, and provide the structural integrity of the shelving unit separate from the inclusion of any decking. The incidental use of nuts and bolts, or screws to add accessories, wall anchors, tie-bars or shelf supports does not remove the product from scope. Boltless steel shelving units may also come packaged as partially assembled, such as when two upright supports are welded together with front-to-back supports, or are otherwise connected, to form an end unit for the frame. The boltless steel shelving covered by this investigation may be commonly described as rivet shelving, welded frame shelving, slot and tab shelving, and punched rivet (quasi-rivet) shelving as well as by other trade names. The term “deck” refers to the shelf that sits on or fits into the horizontal supports (beams or braces) to provide the horizontal storage surface of the shelving unit.

The scope includes all boltless steel shelving meeting the description above, regardless of: (1) vertical support or post type (including but not limited to open post, closed post and tubing); (2) horizontal support or beam/brace profile (including but not limited to Z-beam, C-beam, L-beam, step beam and cargo rack); (3) number of supports; (4) surface coating (including but not limited to paint, epoxy, powder coating, zinc and other metallic coating); (5) number

of levels; (6) weight capacity; (7) shape (including but not limited to rectangular, square, and corner units); (8) decking material (including but not limited to wire decking, particle board, laminated board or no deck at all); or (9) the boltless method by which vertical and horizontal supports connect (including but not limited to keyhole and rivet, slot and tab, welded frame, punched rivet and clip).

Specifically excluded from the scope are:

- wall-mounted shelving, defined as shelving that is hung on the wall and does not stand on, or transfer load to, the floor. The addition of a wall bracket or other device to attach otherwise freestanding subject merchandise to a wall does not meet the terms of this exclusion;

- wire shelving units, which consist of shelves made from wire that incorporates both a wire deck and wire horizontal supports (taking the place of the horizontal beams and braces) into a single piece with tubular collars that slide over the posts and onto plastic sleeves snapped on the posts to create the finished shelving unit;

- bulk-packed parts or components of boltless steel shelving units; and
- made-to-order shelving systems.

Subject boltless steel shelving enters the United States through Harmonized Tariff Schedule of the United States (HTSUS) statistical subheading 9403.20.0075. While the HTSUS subheading is provided for convenience and customs purposes, the description of the scope of this investigation is dispositive.

## Appendix II

### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Changes Since the Preliminary Determination
- V. Discussion of the Issues
  - Comment 1: Shin Yeh's Proposed Minor Corrections Related to Credit Expenses
  - Comment 2: Whether to Treat "Bolted" Shelving Units as "Welded" Racks for CONNUM Purposes
  - Comment 3: Whether to Revise Shin Yeh's Costs
  - Comment 4: Calculation Programming Issues
- VI. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-552-835]

#### Boltless Steel Shelving Units Prepackaged for Sale From the Socialist Republic of Vietnam: Final Affirmative Determination of Sales at Less-Than-Fair-Value

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that imports of boltless steel shelving units prepackaged for sale (boltless steel shelving) from the Socialist Republic of Vietnam (Vietnam) are being, or likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is October 1, 2022, through March 31, 2023.

**DATES:** Applicable April 19, 2024.

**FOR FURTHER INFORMATION CONTACT:** Eliza DeLong or Eric Hawkins, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3878 or (202) 482-1988, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On November 29, 2023, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of boltless steel shelving from Vietnam.<sup>1</sup> We invited parties to comment on the *Preliminary Determination*.

A summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.<sup>2</sup> The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized

<sup>1</sup> See *Boltless Steel Shelving Units from the Socialist Republic of Vietnam: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 88 FR 83392 (November 29, 2023) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> See Memorandum, "Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Boltless Steel Shelving Units Prepackaged for Sale from the Socialist Republic of Vietnam," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

#### Scope of the Investigation

The product covered by this investigation is boltless steel shelving from Vietnam. For a complete description of the scope of this investigation, see Appendix I.

#### Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments and set aside a period of time for parties to address scope issues in scope-specific case and rebuttal briefs.<sup>3</sup> We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we addressed in the Final Scope Decision Memorandum.<sup>4</sup> We did not make any changes to the scope of the investigation from the scope published in the *Preliminary Determination*.

#### Verification

Commerce verified the sales and factors of production information submitted by Xinguang (Vietnam) Logistic Equipment Co., Ltd (Xinguang Vietnam) and the sales information submitted by Thanh Phong Production and Trade Limited Company (Thanh Phong) for use in our final determination, consistent with section 782(i) of the Tariff Act of 1930, as amended (the Act). We used standard verification procedures, including an examination of relevant sales and accounting records, and original source documents provided by Xinguang Vietnam and Thanh Phong.<sup>5</sup>

<sup>3</sup> See Memorandum, "Antidumping Duty Investigations of Boltless Steel Shelving Units Prepackaged for Sale from India, Malaysia, Taiwan, Thailand, and the Socialist Republic of Vietnam: Preliminary Scope Decision Memorandum," dated November 13, 2023 (Preliminary Scope Decision Memorandum).

<sup>4</sup> See Memorandum, "Antidumping Duty Investigation of Boltless Steel Shelving Units Prepackaged for Sale from Malaysia, Taiwan, Thailand, and the Socialist Republic of Vietnam: Final Scope Decision Memorandum," dated April 12, 2024 (Final Scope Decision Memorandum).

<sup>5</sup> See Memoranda, "Verification of the Questionnaire Responses of Thanh Phong Production and Trade Limited Company in the Less-Than-Fair-Value Investigation of Boltless Steel Shelving Units Prepackaged for Sale from the Socialist Republic of Vietnam," dated February 13, 2024; and "Verification of the Questionnaire Responses of Xinguang (Vietnam) Logistic

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