

## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-570-909]

**Certain Steel Nails From the People's Republic of China: Continuation of Antidumping Duty Order**

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

**SUMMARY:** As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) order on certain steel nails (nails) from the People's Republic of China (China) would likely lead to the continuation or recurrence of dumping and material injury to an industry in the United States, Commerce is publishing a notice of continuation of this AD order.

**DATES:** Applicable April 24, 2025.

**FOR FURTHER INFORMATION CONTACT:** Jacob Couture, Trade Agreements Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW Washington, DC 20230; telephone: (202) 482-5714.

**SUPPLEMENTARY INFORMATION:****Background**

On August 1, 2008, Commerce published the AD order on nails from China in the **Federal Register**.<sup>1</sup> On November 4, 2024, the ITC instituted,<sup>2</sup> and Commerce initiated,<sup>3</sup> the third sunset review of the *Order*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its review, Commerce determined that revocation of the *Order* would likely lead to the continuation or recurrence of dumping and, therefore, notified the ITC of the magnitude of the margins of dumping rates likely to prevail should the *Order* be revoked.<sup>4</sup>

On April 24, 2025, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Order* would likely lead to continuation or recurrence of

material injury to an industry in the United States within a reasonably foreseeable time.<sup>5</sup>

**Scope of the Order**<sup>6</sup>

The merchandise covered by the *Order* includes certain steel nails having a shaft length up to 12 inches. Certain steel nails include, but are not limited to, nails made of round wire and nails that are cut. 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 have a variety of finishes, heads, shanks, point types, shaft lengths and shaft diameters. Finishes include, but are not limited to, coating in vinyl, zinc (galvanized, whether by electroplating or hot dipping one or more times), phosphate cement, and paint. 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 shank styles. Screw-threaded nails subject to the *Order* are driven using direct force and not by turning the fastener using a tool that engages with the head. Point styles include, but are not limited to, diamond, blunt, needle, chisel and no point. Finished nails may be sold in bulk, or they may be collated into strips or coils using materials such as plastic, paper, or wire. Certain steel nails subject to the *Order* are currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7317.00.55, 7317.00.65, 7317.00.75, and 7907.00.6000.<sup>7</sup>

Excluded from the scope are steel roofing nails of all lengths and diameter, whether collated or in bulk, and whether or not galvanized. Steel roofing nails are specifically enumerated and identified in ASTM Standard F 1667 (2005 revision) as Type I, Style 20 nails, inclusive of the following modifications: (1) Non-collated (*i.e.*, hand-driven or bulk), steel nails as described in ASTM Standard F 1667 (2005 revision) as Type I, Style 20 nails, as modified by the following description: having a bright or galvanized finish, a smooth, barbed or ringed shank, an actual length of 0.500" to 4", inclusive; an actual shank

diameter of 0.1015" to 0.166", inclusive; and an actual head diameter of 0.3375" to 0.500", inclusive; (2) Wire collated steel nails, in coils, as described in ASTM Standard F 1667 (2005 revision) as Type I, Style 20 nails, as modified by the following description: having a galvanized finish, a smooth, barbed or ringed shank, an actual length of 0.500" to 1.75", inclusive, an actual shank diameter of 0.116" to 0.166", inclusive; and an actual head diameter of 0.3375" to 0.500", inclusive; and (3) Non-collated (*i.e.*, hand-driven or bulk), as described in ASTM Standard F 1667 (2005 revision) as Type I, Style 20 nails, as modified by the following description: steel nails having a convex head (commonly known as an umbrella head), a smooth or spiral shank, a galvanized finish, an actual length of 1.75" to 3", inclusive; an actual shank diameter of 0.131" to 0.152", inclusive; and an actual head diameter of 0.450" to 0.813", inclusive.

Also excluded from the scope are the following steel nails: Non-collated (*i.e.*, hand-driven or bulk), two-piece steel nails having plastic or steel washers (caps) already assembled to the nail, having a bright or galvanized finish, a ring, fluted or spiral shank, an actual length of 0.500" to 8", inclusive; and an actual shank diameter of 0.1015" to 0.166", inclusive; and an actual washer or cap diameter of 0.900" to 1.10", inclusive.

Also excluded from the scope of the *Order* are corrugated nails. A corrugated nail is made of a small strip of corrugated steel with sharp points on one side. Also excluded from the scope of the *Order* are fasteners suitable for use in powder-actuated hand tools, not threaded and threaded, which are currently classified under HTSUS 7317.00.20 and 7317.00.30. Also excluded from the scope of the *Order* are thumb tacks, which are currently classified under HTSUS 7317.00.10.00.

Also excluded from the scope of the *Order* are certain brads and finish nails that are equal to or less than 0.0720 inches in shank diameter, round or rectangular in cross section, between 0.375 inches and 2.5 inches in length, and that are collated with adhesive or polyester film tape backed with a heat seal adhesive. Also excluded from the scope of the *Order* are fasteners having a case hardness greater than or equal to 50 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. While the HTSUS subheadings are provided for convenience and customs purposes,

<sup>1</sup> See *Notice of Antidumping Duty Order: Certain Steel Nails from the People's Republic of China*, 73 FR 44961 (August 1, 2008) (*Order*).

<sup>2</sup> See *Steel Nails from China; Institution of a Five-Year Review*, 89 FR 87413 (November 1, 2024).

<sup>3</sup> See *Initiation of Five-Year (Sunset) Reviews*, 89 FR 87543 (November 4, 2024).

<sup>4</sup> See *Certain Steel Nails from the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 90 FR 10810 (February 27, 2025), and accompanying Issues and Decision Memorandum.

<sup>5</sup> See *Steel Nails from China*, 90 FR 17258 (April 24, 2025) (*ITC Final Determination*).

<sup>6</sup> See *Certain Steel Nails from the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review*, 84 FR 49508 (September 20, 2019).

<sup>7</sup> Commerce added the HTSUS subheading 7907.00.6000, "Other articles of zinc: Other," to the language of the *Order*. See *Certain Steel Nails from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*; 2012-2013, 80 FR 18816, 18816 n.5 (April 5, 2018).

the written description of the scope of the *Order* is dispositive.

### Continuation of the Order

As a result of the determinations by Commerce and the ITC that revocation of the *Order* would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, Commerce hereby orders the continuation of the *Order*. U.S. Customs and Border Protection will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Order* will be April 24, 2025.<sup>8</sup> Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year reviews of the *Order* not later than 30 days prior to the fifth anniversary of the date of the last determination by the ITC.

### Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction 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 terms of an APO is a violation which is subject to sanction.

### Notification to Interested Parties

This five-year (sunset) review and this notice are in accordance with sections 751(c) and 751(d)(2) of the Act and published in accordance with section 777(i) of the Act, and 19 CFR 351.218(f)(4).

Dated: April 25, 2025.

### Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2025-07582 Filed 4-30-25; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-201-820]

### Fresh Tomatoes From Mexico: Notice of Court Decision Not in Harmony With the Final Determination of Antidumping Duty Investigation; Notice of Amended Final Determination

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

**SUMMARY:** On April 17, 2025, the U.S. Court of International Trade (CIT) issued its final judgment in *Bioparques de Occidente, S.A. de C.V., et al. v. United States*, Slip Op. 24-43, Consol. Court No. 19-00204, sustaining the U.S. Department of Commerce (Commerce)'s remand redetermination pertaining to the antidumping duty (AD) investigation of fresh tomatoes from Mexico covering the period of investigation (POI) March 1, 1995, through February 29, 1996. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final determination in that investigation, and that Commerce is amending the final determination with respect to the dumping margin assigned to all Mexican tomatoes producers and exporters individually examined in this investigation.

**DATES:** Applicable April 28, 2025.

**FOR FURTHER INFORMATION CONTACT:** Thomas Schauer or Dmitry Vladimirov, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0410 or (202) 482-0665, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

On April 25, 1996, Commerce initiated the AD investigation of fresh tomatoes from Mexico.<sup>1</sup> On November 1, 1996, Commerce published the preliminary determination of the AD investigation of fresh tomatoes from Mexico.<sup>2</sup> In the *Preliminary Determination*, Commerce individually calculated dumping margins for San Vicente Camalu, Ernesto Fernando

<sup>1</sup> See *Initiation of Antidumping Duty Investigation: Fresh Tomatoes from Mexico*, 61 FR 18377 (April 25, 1996).

<sup>2</sup> See *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Fresh Tomatoes from Mexico*, 61 FR 56608 (November 1, 1996) (*Preliminary Determination*).

Echavarria Salazar Grupo Solidario, Administradora Horticola Del Tamazula, Arturo Lomeli Villalobos S.A. de C.V., Ranchos Los Pinos S. de R.L. de C.V., Agricola Yory, S. de P.R. de R.L., and Eco-Cultivos S.A. de C.V.<sup>3</sup> For the *Preliminary Determination*, the POI was March 1, 1995, through February 29, 1996.<sup>4</sup> Also, effective November 1, 1996, Commerce and certain producers and exporters of fresh tomatoes from Mexico signed an agreement to suspend the investigation.<sup>5</sup> A series of subsequent suspension agreements were negotiated and signed in 2002, 2008, and 2013.<sup>6</sup> Effective May 13, 2019, Commerce terminated the suspension agreement in effect and continued with this investigation in accordance with section VI.B of that suspension agreement.<sup>7</sup> For the continued investigation in 2019, Commerce selected new respondents for individual examination and relied on the data from these new respondents covering the period April 1, 2018 through March 31, 2019, in order to calculate the AD margins for the *Final Determination*.<sup>8</sup> The newly selected mandatory respondents that we individually examined in 2019 were Bioparques de Occidente, S.A. de C.V./ Agricola La Primavera, S.A. de C.V., Ceuta Produce, S.A. de C.V./Rancho La Memoria, S. de R.L. de C.V., and Negocio Agricola San Enrique, S.A. de C.V.<sup>9</sup> Effective September 19, 2019, Commerce suspended the AD investigation of fresh tomatoes from Mexico.<sup>10</sup> On October 25, 2019, Commerce published its *Final Determination* in the AD investigation of fresh tomatoes from Mexico.<sup>11</sup> No AD order was issued because the 2019 suspension agreement still "remain{ed} in effect."<sup>12</sup>

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 56610.

<sup>5</sup> See *Suspension of Antidumping Investigation: Fresh Tomatoes from Mexico*, 61 FR 56618 (November 1, 1996) (*Suspension Agreement 1996*).

<sup>6</sup> See, e.g., *Bioparques de Occidente, S.A. de C.V., et al. v. United States*, Consol. Court No. 19-00204, Slip Op. 25-43 (CIT 2025) (*Bioparques*), at 3.

<sup>7</sup> See *Fresh Tomatoes from Mexico: Termination of Suspension Agreement, Rescission of Administrative Review, and Continuation of the Antidumping Duty Investigation*, 84 FR 20858, 20860 (May 12, 2019)

<sup>8</sup> See, e.g., *Fresh Tomatoes from Mexico: Final Determination of Sales at Less Than Fair Value*, 84 FR 57401 (October 25, 2019) (*Final Determination*), and accompanying Issues and Decision Memorandum (IDM) at Comment 2.

<sup>9</sup> See *Final Determination*.

<sup>10</sup> See *Fresh Tomatoes from Mexico: Suspension of Antidumping Duty Investigation*, 84 FR 49987 (September 24, 2019) (*2019 Agreement*).

<sup>11</sup> See *Final Determination*.

<sup>12</sup> See *2019 Agreement*; see also *Bioparques de Occidente, S.A. de C.V. v. United States*, 31 F.4th

<sup>8</sup> See *ITC Final Determination*.