

In its Remand Redetermination, pursuant to the Court's holding in *Risen I*, Commerce determined, under respectful protest, to base Risen's unreported FOP consumption on partial facts available rather than partial AFA.⁴ Specifically, Commerce based the unreported FOP consumption on the average of the consumption that was reported for certain of Risen's FOPs.⁵ Commerce assigned the margin calculated for Risen to those respondents eligible for a separate rate and which participated in the litigation.⁶ On May 5, 2021, the Court

sustained Commerce's Remand Redetermination.⁷

Timken Notice

In its decision in *Timken*,⁸ as clarified by *Diamond Sawblades*,⁹ the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not "in harmony" with a Commerce determination and must suspend liquidation of entries pending a "conclusive" court decision. The

Court's May 5, 2021, judgment constitutes a final decision of the Court that is not in harmony with Commerce's *Final Results*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Results

Because there is now a final court decision, Commerce is amending its *Final Results*. The amended weighted-average dumping margin for the respondents which participated in this litigation is as follows:

Exporter	Weighted-average dumping margin (percent)
Risen Energy Co., Ltd./Risen (Wuhai) New Energy Co., Ltd./Zhejiang Twinsel Electronic Technology Co., Ltd./Risen (Luoyang) New Energy Co., Ltd./Jiujiang Shengchao Xinye Technology Co., Ltd./Jiujiang Shengzhao Xinye Trade Co., Ltd. Ruichang Branch/Risen Energy (Hong Kong) Co., Ltd.	3.63
Canadian Solar International Limited/Canadian Solar Manufacturing (Changshu), Inc./Canadian Solar Manufacturing (Luoyang), Inc./CSI Cells Co., Ltd./CSI-GCL Solar Manufacturing (YanCheng) Co., Ltd./CSI Solar Power (China) Inc.	3.30
Shanghai BYD Co., Ltd.	3.30
Yingli Energy (China) Company Limited/Baoding Tianwei Yingli New Energy Resources Co., Ltd./Tianjin Yingli New Energy Resources Co., Ltd./Hengshui Yingli New Energy Resources Co., Ltd./Lixian Yingli New Energy Resources Co., Ltd./Baoding Jiasheng Photovoltaic Technology Co., Ltd./Beijing Tianneng Yingli New Energy Resources Co., Ltd./Hainan Yingli New Energy Resources Co., Ltd./Shenzhen Yingli New Energy Resources Co., Ltd.	3.30

Because the cash deposit rates for all of the respondents listed above have a superseding cash deposit rate, *i.e.*, there have been final results published in a subsequent administrative review, this notice does not affect the current cash deposit rates of these respondents and we will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP).

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that: Were exported by all of the respondents listed above and were entered, or withdrawn from warehouse, for consumption during the period December 1, 2016, through November 30, 2017. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event the Court's ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess antidumping duties on unliquidated entries of subject merchandise exported by all of the

respondents listed above in accordance with 19 CFR 351.212(b). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate is not zero or *de minimis*. Where an import-specific *ad valorem* assessment rate is zero or *de minimis*,¹⁰ we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: May 12, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2021-10439 Filed 5-17-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-533-876]

Fine Denier Polyester Staple Fiber From India: Preliminary Results of Countervailing Duty Administrative Review; 2019

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that Reliance Industries Limited (Reliance), a producer/exporter of fine denier polyester staple fiber (fine denier PSF) from India, received countervailable subsidies that are above *de minimis* during the period of review, January 1, 2019, through December 31, 2019.

DATES: Applicable May 18, 2021.

FOR FURTHER INFORMATION CONTACT: Ariela Garvett, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401

⁴ See *Final Results of Redetermination Pursuant to Court Order, Risen Energy Co., Ltd. et al. v. United States*, Consol. Court No. 19-00153, Slip Op. 20-152 (February 10, 2021) at 4.

⁵ *Id.* at 6.

⁶ *Id.* at 7-8.

⁷ See *Risen Energy Co., Ltd., et al. v. United States, et al.*, Consol. Court No. 19-00153, Slip Op. 21-55 (Ct. Int'l Trade May 5, 2021).

⁸ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

⁹ See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

¹⁰ See 19 CFR 351.106(c)(2).

Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3609.

SUPPLEMENTARY INFORMATION:

Background

On May 6, 2020, Commerce published a notice of initiation of an administrative review of the countervailing duty order on fine denier PSF from India with respect to Reliance.¹ On July 21, 2020, Commerce tolled all deadlines in administrative reviews by 60 days,² thereby extending the deadline for these preliminary results until February 1, 2021.³ On January 6, 2021, Commerce postponed the preliminary results of this review by 95 days until May 5, 2021.⁴ On May 3, 2021, Commerce postponed the preliminary results of this review by an additional seven days until May 12, 2021.⁵

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.⁶ A list of topics discussed in the Preliminary Decision Memorandum is included at the appendix 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 System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>.

Scope of the Order

The merchandise covered by the *Order* is fine denier polyester staple fiber (fine denier PSF). For a complete description of the scope of the *Order*,

see the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily find that there is a subsidy, *i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.⁷ For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following net countervailable subsidy rate for the sole mandatory respondent, Reliance, for the period January 1, 2019, through December 31, 2019:

Company	Subsidy rate (percent <i>ad valorem</i>)
Reliance Industries Limited	4.89

Assessment Rate

Consistent with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), upon issuance of the final results, Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. 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).

Cash Deposit Rate

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount indicated above with regard to 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, Commerce will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit instructions, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

We will disclose to parties in this proceeding the calculations performed in reaching the preliminary results within five days of publication of these preliminary results in the **Federal Register**.⁸ Interested parties may submit written comments (case briefs) on the preliminary results no later than 30 days from the date of publication of this **Federal Register** notice, and rebuttal comments (rebuttal briefs) within seven days after the time limit for filing case briefs.⁹ Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.¹⁰

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 by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.¹¹ Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Issues addressed at the hearing will be limited to those raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.¹² Parties should confirm by telephone the date and time of the hearing two days before the scheduled date.

Parties are reminded that all briefs and hearing requests are to be filed electronically using ACCESS and that electronically filed documents must be received successfully in their entirety by 5 p.m. Eastern Time on the due date. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 85 FR 26931 (May 6, 2020) (*Initiation Notice*) at 26935.

² See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews," dated July 21, 2020.

³ The actual deadline for completing the preliminary results was January 30, 2021. Because January 30, 2021 is a Saturday, the deadline moved to the next business day, February 1, 2021. See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

⁴ See Memorandum, "Extension of Deadline for Preliminary Results," dated January 6, 2021.

⁵ See Memorandum, "Second Extension of Deadline for Preliminary Results," dated May 3, 2021.

⁶ See Memorandum, "Decision Memorandum for the Preliminary Results of the 2019 Administrative Review of the Countervailing Duty Order on Fine Denier Polyester Staple Fiber from India," dated concurrently, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁷ See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5)(A) of the Act regarding specificity.

⁸ See 19 CFR 351.224(b).

⁹ See 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1); *see also* 19 CFR 351.303 (for general filing requirements).

¹⁰ See 19 CFR 351.309(c)(2) and 351.309(d)(2).

¹¹ See 19 CFR 351.310(c).

¹² *Id.*

proprietary information, until further notice.¹³

Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, no later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h), unless this deadline is extended.

Notification to Interested Parties

These preliminary results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213 and 19 CFR 351.221(b)(4).

Dated: May 12, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Use of Facts Otherwise Available and Application of Adverse Inferences
- V. Subsidies Valuation Information
- VI. Analysis of Programs
- VII. Recommendation

[FR Doc. 2021–10441 Filed 5–17–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–850]

Thermal Paper From Germany: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances in Part, Postponement of Final Determination, and Extension of Provisional Measures; Correction

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

SUMMARY: The Department of Commerce (Commerce) published notice in the *Federal Register* of May 12, 2021, in which Commerce made a preliminary affirmative determination of sales at less than fair value (LTFV) of thermal paper from Germany. This notice failed to include language regarding the suspension of liquidation for Papierfabrik August Koehler SE (Koehler) during the critical circumstances period.

DATES: Applicable May 12, 2021.

FOR FURTHER INFORMATION CONTACT:

David Goldberger, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4136.

SUPPLEMENTARY INFORMATION:

Correction

In the *Federal Register* of May 12, 2021, in FR Doc 2021–09965, on page 26002, in the second column, correct the “Suspension of Liquidation” section to add the following second and third paragraphs which had been omitted:

Section 733(e)(2) of the Tariff Act of 1930, as amended (the Act), provides that, given an affirmative determination of critical circumstances, the suspension of liquidation shall apply to unliquidated entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the later of: (a) The date which is 90 days before the date on which the suspension of liquidation was first ordered; or (b) the date on which notice of initiation of the investigation was published. As noted above, Commerce preliminarily finds that critical circumstances exist for imports of subject merchandise produced and exported by Koehler. In accordance with section 733(e)(2)(A) of the Act, the suspension of liquidation shall apply to unliquidated entries of shipments of thermal paper from Germany that were produced and/or exported by Koehler that are entered, or withdrawn from warehouse, for consumption on or after February 11, 2021, which is 90 days before the publication date of the *Preliminary Determination* in the *Federal Register*.

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

Background

On May 12, 2021, Commerce published in the *Federal Register* a preliminary affirmative determination of sales at LTFV of thermal paper from Germany.¹ This notice failed to include language regarding the suspension of liquidation for Koehler during the critical circumstances period.

Notification to Interested Parties

This notice serves as a correction and is published in accordance with

sections 773(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: May 12, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–985]

Xanthan Gum From the People’s Republic of China: Amended Final Results of Antidumping Duty Administrative Review; 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) is amending the final results of the administrative review of the antidumping duty order on xanthan gum from the People’s Republic of China (China) covering the period, July 1, 2016, through June 30, 2017, to include results with respect to Neimenggu Fufeng Biotechnologies Co., Ltd. (a.k.a. Inner Mongolia Fufeng Biotechnologies Co., Ltd.)/Shandong Fufeng Fermentation Co., Ltd./Xinjiang Fufeng Biotechnologies Co., Ltd. (collectively, Fufeng).

DATES: Applicable May 18, 2021.

FOR FURTHER INFORMATION CONTACT:

Thomas Hanna, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0835.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results* of this review on August 14, 2018.¹ On September 21, 2018, Fufeng,² a mandatory respondent, and Tate and Lyle, a U.S. importer, filed case briefs.³

¹ See *Xanthan Gum from the People’s Republic of China: Preliminary Results of the Antidumping Duty Administrative Review, and Preliminary Determination of No Shipments; 2016–2017*, 83 FR 40229 (August 14, 2018) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

² Fufeng refers to the collapsed entity Neimenggu Fufeng Biotechnologies Co., Ltd. (aka Inner Mongolia Fufeng Biotechnologies Co., Ltd.) and Shandong Fufeng Fermentation, Co., Ltd. (collectively, Fufeng).

³ See Fufeng’s Letter, “Fufeng Case Brief in the Fourth Administrative Review of Antidumping Duty Order on Xanthan Gum from the People’s Republic of China (A–570–985),” dated September 20, 2018; see also Tate and Lyle’s Letter, “Xanthan

Continued

¹³ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

¹ See *Thermal Paper from Germany: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances in Part, Postponement of Final Determination, and Extension of Provisional Measures*, 86 FR 26001 (May 12, 2021).