

On June 3, 2021, the petitioner² submitted a timely request that Commerce postpone the preliminary determinations in these LTFV investigations.³ The petitioner stated that it requests postponement so that Commerce may review the petitioner's comments on the questionnaire responses, issue supplemental questionnaires, and conduct a complete and thorough analysis in these investigations.⁴

For the reasons stated above, and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determinations by 50 days (*i.e.*, 190 days after the date on which these investigations were initiated). As a result, Commerce will issue its preliminary determinations no later than August 25, 2021. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations in these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed at a later date.

Notification to Interested Parties

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: June 7, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-051; C-570-052]

Certain Hardwood Plywood Products From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision

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

SUMMARY: On May 27, 2021, the U.S. Court of International Trade (CIT)

issued its final judgment in *Fabuwood Cabinetry Corp. v. United States*, Consol. Court no. 18-00208, sustaining the Department of Commerce (Commerce)'s first remand redetermination pertaining to the scope ruling for the antidumping duty (AD) and countervailing duty (CVD) orders on certain hardwood plywood products (hardwood plywood) from the People's Republic of China (China). Commerce is notifying the public that the CIT's final judgment in this case is not in harmony with Commerce's scope ruling, and that Commerce is withdrawing its scope ruling because the request suffered from several critical deficiencies.

DATES: Applicable June 6, 2021.

FOR FURTHER INFORMATION CONTACT:

Kabir Archuleta, 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) 482-4047.

SUPPLEMENTARY INFORMATION:

Background

On September 7, 2018, Commerce found hardwood plywood in three product categories, described by the Coalition for Fair Trade in Hardwood Plywood and Masterbrand Cabinets Inc. (collectively, the requestors) in their Amended Scope Ruling Request,¹ to be within the scope of the *Orders*.² As a result of the *Final Scope Ruling*, Commerce instructed U.S. Customs and Border Protection (CBP) to continue the suspension of liquidation of entries of certain hardwood plywood products from China, including the plywood in the three product categories described by the requestors in their Amended Scope Ruling Request.

Fabuwood Cabinetry Corp., Cubitac Cabinetry Corp., CNC Associates, N.Y., Inc., and Ikea Supply AG appealed Commerce's *Final Scope Ruling*. On

August 19, 2020, the CIT remanded the *Final Scope Ruling* to Commerce, holding that Commerce's scope ruling failed to address: (1) The threshold question of whether the product definitions in the requestors' Amended Scope Ruling Request were specific enough to provide an adequate basis for a scope ruling, consistent with 19 CFR 351.225(c)(1); and (2) the opposing comments submitted by the interested parties with respect to the sufficiency of the accompanying supporting evidence.³ Accordingly, the CIT held that the *Final Scope Ruling* was invalid and remanded it to Commerce to further explain its acceptance of the Amended Scope Ruling Request in light of opposing comments submitted by interested parties.⁴

In its final remand redetermination issued in January 2021, Commerce revisited the record and determined that the Amended Scope Ruling Request provided a sufficiently-specific description of the products in accordance with 19 CFR 351.225(c)(1).⁵ However, in reexamining the record, Commerce determined that the Amended Scope Ruling Request, including record evidence accompanying the Initial Scope Ruling Request which remained on the record, did not meet the requirements of 19 CFR 351.225(c)(1), because it suffered from several deficiencies that must be remedied before Commerce is able to evaluate the products for which the requestors were seeking a scope ruling.⁶

Timken Notice

In its decision in *Timken*,⁷ as clarified by *Diamond Sawblades*,⁸ the Court of Appeals for the Federal Circuit held that, pursuant to sections 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision that is not "in harmony" with a Commerce determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's May 27, 2021, judgment constitutes a final decision of the CIT that is not in

³ See *Fabuwood Cabinetry Corp. v. United States*, 469 F. Supp. 3d 1373, 1383-84 (CIT August 19, 2020).

⁴ *Id.*, 469 F. Supp. 3d at 1389.

⁵ See Final Results of Redetermination Pursuant to Court Remand, *Fabuwood Cabinetry Corp. v. United States*, Consol. Court No. 18-00208, Slip Op. 20-121 (CIT August 19, 2020), at 8-11, 16-18, available at <https://enforcement.trade.gov/remands/20-121.pdf>.

⁶ *Id.* at 20-28, 31-32.

⁷ See *Timken Co. v. United States*, 893 F. 2d 337, 341 (Fed. Cir. 1990) (*Timken*).

⁸ See *Diamond Sawblades Manufactures Coalition v. United States*, 626 F. 3d 1374 (Fed. Cir. 2020) (*Diamond Sawblades*).

² The petitioner is Daikin America, Inc.

³ See Petitioner's Letters, "Granular Polytetrafluoroethylene Resin from India: Request to Extend Due Date for Preliminary Determination," dated June 3, 2021; and "Granular Polytetrafluoroethylene Resin from Russia: Request to Extend Due Date for Preliminary Determination," dated June 3, 2021.

⁴ *Id.*

¹ See Requestors Letters, "Certain Hardwood Plywood Products from the People's Republic of China: Request for Scope Ruling," dated April 6, 2018 (Initial Scope Ruling Request); and "Certain Hardwood Plywood Products from the People's Republic of China: Amendment to Request for Scope Ruling," dated July 13, 2018 (Amended Scope Ruling Request).

² See Memorandum, "Final Scope Ruling for Certain Hardwood Plywood Products from the People's Republic of China: Request by the Coalition for Fair Trade in Hardwood Plywood and Masterbrand Cabinets Inc.," dated September 7, 2018 (*Final Scope Ruling*) at 1; see also *See Certain Hardwood Plywood Products from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order*, 83 FR 504 (January 4, 2018); and *Certain Hardwood Plywood Products from the People's Republic of China: Countervailing Duty Order*, 82 FR 513 (January 4, 2018) (collectively, *Orders*).

harmony with Commerce's *Final Scope Ruling*. Thus, this notice is published in fulfillment of the publication requirement of *Timken*. Additionally, Commerce will continue the suspension of liquidation of hardwood plywood subject to the *Final Scope Ruling* pending expiration of the period of appeal or, if appealed, pending a final and conclusive court decision.

Amended Final Scope Ruling

In accordance with the CIT's May 27, 2021, final judgement Commerce finds that the *Final Scope Ruling* must be withdrawn because it was based on a deficient request for a scope ruling.

Notification to CBP

In the event that the CIT's ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce will notify CBP that its *Final Scope Ruling* is withdrawn and the instructions issued in accordance with that ruling are no longer applicable.

Notification to Interested Parties

This notice is issued and published in accordance with section 516A(e)(1) of the Act.

Dated: June 4, 2021.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-893]

Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2019-2020

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

SUMMARY: The Department of Commerce (Commerce) determines that four exporters subject to this administrative review had no shipments of certain frozen warmwater shrimp (shrimp) from the People's Republic of China (China) during the period of review (POR) February 1, 2019, through January 31, 2020. We also determine that the 125 remaining companies subject to this review are part of the China-wide entity because they failed to demonstrate their eligibility for separate rates.

DATES: Applicable June 11, 2021.

FOR FURTHER INFORMATION CONTACT:

Jasun Moy, 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) 482-8194.

SUPPLEMENTARY INFORMATION:

Background

On March 22, 2021, Commerce published the preliminary results of this administrative review.¹ We invited parties to comment on the *Preliminary Results*. No party submitted comments. Accordingly, the final results remain unchanged from the *Preliminary Results*.

Scope of the Order

The products covered by this order are shrimp from China. For a complete description of the scope, see Appendix II.

Final Determination of No Shipments

Commerce preliminarily found that: (1) Allied Pacific;² (2) Shantou Red Garden Foods;³ (3) Zhangzhou Hongwei Foods Co., Ltd. (Zhangzhou Hongwei); and (4) Zhanjiang Guolian Aquatic Products Co., Ltd. (Zhanjiang Guolian) had no shipments during the POR.⁴ As

¹ See *Certain Frozen Warmwater Shrimp from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2019-2020*, 86 FR 15195 (March 22, 2021) (*Preliminary Results*).

² Allied Pacific Food (Dalian) Co., Ltd./Allied Pacific (HK) Co., Ltd./Allied Pacific Aquatic Products (Zhanjiang) Co., Ltd./Allied Pacific Aquatic Products (Zhongshan) Co., Ltd. comprise the single entity Allied Pacific. See *Certain Frozen Warmwater Shrimp from the People's Republic of China and Diamond Sawblades and Parts Thereof from the People's Republic of China: Notice of Implementation of Determinations Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Orders*, 78 FR 18958, 18959 (March 28, 2013) (*Exclusion Notice*). Additionally, Allied Pacific is excluded from the order with respect to merchandise exported by Allied Pacific (HK) Co., Ltd., or Allied Pacific Food (Dalian) Co., Ltd., and manufactured by Allied Pacific Aquatic Products (Zhanjiang) Co., Ltd., or Allied Pacific Aquatic Products (Zhongshan) Co., Ltd., or Allied Pacific Food (Dalian) Co., Ltd. See *Exclusion Notice*, 78 FR at 18959. Allied Pacific submitted a no shipment certification for exports outside the above combinations. See Allied Pacific's Letter, "Certain Frozen Warmwater Shrimp from the People's Republic of China: Notice of No Shipments," dated April 27, 2020.

³ Shantou Red Garden Food Processing Co., Ltd./Shantou Red Garden Foodstuff Co., Ltd. comprise the single entity Shantou Red Garden Foods. See *Certain Frozen Warmwater Shrimp from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018-2019*, 85 FR 83891 (December 23, 2020).

⁴ Zhanjiang Guolian is excluded from the order with respect to merchandise produced and exported by Zhanjiang Guolian. See *Notice of Amended Final*

noted in the *Preliminary Results*, we received no shipment statements from the four exporters identified above, and the statements were consistent with the information we received from U.S. Customs and Border Protection (CBP).

No party commented on our preliminary no-shipment findings with respect to Allied Pacific, Shantou Red Garden Foods, Zhangzhou Hongwei, and Zhanjiang Guolian. Therefore, for these final results, we continue to find that these four exporters had no shipments of subject merchandise to the United States during the POR.

China-Wide Entity

With the exception of Allied Pacific, Shantou Red Garden Foods, Zhangzhou Hongwei, and Zhanjiang Guolian, we find all other companies for which a review was requested to be part of the China-wide entity because they failed to file no-shipment statements, separate rate applications, or separate rate certifications. Accordingly, the companies listed in Appendix I are part of the China-wide entity.

Because no party requested a review of the China-wide entity, and Commerce no longer considers the China-wide entity as an exporter conditionally subject to administrative reviews, we did not conduct a review of the China-wide entity. The rate previously established for the China-wide entity is 112.81 percent and is not subject to change as a result of this review.⁵

Assessment Rates

We have not calculated any assessment rates in this administrative review. Based on record evidence, we have determined that Allied Pacific, Shantou Red Garden Foods, Zhangzhou Hongwei, and Zhanjiang Guolian had no shipments of subject merchandise, and, therefore, pursuant to Commerce's assessment practice, any suspended entries entered under their case numbers will be liquidated at the China-wide entity rate.⁶

Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from the People's Republic of China, 70 FR 5149, 5152 (February 1, 2005). Zhanjiang Guolian submitted a no shipment certification for exports outside the above combination. See Zhanjiang Guolian's Letter, "Certain Frozen Warmwater Shrimp from the People's Republic of China: Notice of No Shipments," dated May 15, 2020.

⁵ See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from the People's Republic of China*, 70 FR 5149 (February 1, 2005).

⁶ See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).