

shall assess, antidumping duties on all appropriate entries in this review, in accordance with section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.212(b). Where an importer-specific assessment rate is zero or *de minimis* (*i.e.*, less than 0.5 percent), the entries by that importer will be liquidated without reference to antidumping duties. For entries of Euro SME and Euro Nature Green's merchandise during the period of review for which they did not know the merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

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). Because we calculated a zero percent margin for Euro SME and Euro Nature Green, we intend to instruct CBP to liquidate appropriate entries without regard to antidumping duties.<sup>3</sup>

### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review in the **Federal Register** for all shipments of PRCBs from Malaysia entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Euro SME and Euro Nature Green will be zero, the rate established in the final results of this review; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other

producers or exporters will continue to be 84.94 percent, the all-others rate established in the antidumping investigation.<sup>4</sup> These deposit requirements, when imposed, shall remain in effect until further notice.

### Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with the final results within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, there are no calculations to disclose here because Commerce made no changes to the analysis or calculations in the *Preliminary Results*.<sup>5</sup>

### Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

### Notification Regarding Administrative Protective Orders

This notice also serves as a final reminder to the parties subject to 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 written notification of 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 sanctionable violation.

### Notification to Interested Parties

This determination and notice are issued and published pursuant to sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

<sup>4</sup> See *Antidumping Duty Order: Polyethylene Retail Carrier Bags from Malaysia*, 69 FR 48203 (August 9, 2004).

<sup>5</sup> For disclosure calculations made in the *Preliminary Results*, see Memorandum, "Analysis Memorandum for the Preliminary Results of the 2018/2019 Administrative Review of Polyethylene Retail Carrier Bags from Malaysia: Euro SME Sdn Bhd," dated December 18, 2020.

Dated: April 19, 2021.

**Christian Marsh**,

*Acting Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Subsidy Programs Provided by Countries Exporting Softwood Lumber and Softwood Lumber Products to the United States; Request for Comment

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

**SUMMARY:** The Department of Commerce (Commerce) seeks public comment on any subsidies, including stumpage subsidies, provided by certain countries exporting softwood lumber or softwood lumber products to the United States during the period July 1, 2020, through December 31, 2020.

**DATES:** Comments must be submitted within 30 days after publication of this notice.

#### FOR FURTHER INFORMATION CONTACT:

Kristen Johnson, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4793.

#### SUPPLEMENTARY INFORMATION:

#### Background

Pursuant to section 805 of Title VIII of the Tariff Act of 1930 (the Softwood Lumber Act of 2008), the Secretary of Commerce is mandated to submit to the appropriate Congressional committees a report every 180 days on any subsidy provided by countries exporting softwood lumber or softwood lumber products to the United States, including stumpage subsidies. Commerce submitted its last subsidy report to the Congress on December 15, 2020.

#### Request for Comments

Given the large number of countries that export softwood lumber and softwood lumber products to the United States, we are soliciting public comment only on subsidies provided by countries which had exports accounting for at least one percent of total U.S. imports of softwood lumber by quantity, as classified under Harmonized Tariff Schedule of the United States (HTSUS) codes 4407.1001, 4407.1100, 4407.1200, 4407.1905, 4407.1906, 4407.1910, during the period July 1, 2020, through December 31, 2020. Official U.S. import

<sup>3</sup> See 19 CFR 351.206(c)(2).

data, published by the United States International Trade Commission's DataWeb, indicate that five countries (Brazil, Canada, Germany, Romania, and Sweden) exported softwood lumber to the United States during that time period in amounts sufficient to account for at least one percent of U.S. imports of softwood lumber products. We intend to rely on similar previous six-month periods to identify the countries subject to future reports on softwood lumber subsidies. For example, we will rely on U.S. imports of softwood lumber and softwood lumber products during the period January 1, 2021, through June 30, 2021, to select the countries subject for the next report.

Under U.S. trade law, a subsidy exists where an authority: (i) Provides a financial contribution; (ii) provides any form of income or price support within the meaning of Article XVI of the GATT 1994; or (iii) makes a payment to a funding mechanism to provide a financial contribution to a person, or entrusts or directs a private entity to make a financial contribution, if providing the contribution would normally be vested in the government and the practice does not differ in substance from practices normally followed by governments, and a benefit is thereby conferred.<sup>1</sup>

Parties should include in their comments: (1) The country which provided the subsidy; (2) the name of the subsidy program; (3) a brief description (no more than 3–4 sentences) of the subsidy program; and (4) the government body or authority that provided the subsidy.

#### Submission of Comments

As specified above, to be assured of consideration, comments must be received no later than 30 days after the publication of this notice in the **Federal Register**. All comments must be submitted through the Federal eRulemaking Portal at <http://www.regulations.gov>, Docket No. ITA–2021–0002. The materials in the docket will not be edited to remove identifying or contact information, and Commerce cautions against including any information in an electronic submission that the submitter does not want publicly disclosed. Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF formats only.

All comments should be addressed to Ryan M. Majerus, Deputy Assistant Secretary for Policy and Negotiations, at U.S. Department of Commerce, 1401

Constitution Avenue NW, Washington, DC 20230.

Dated: April 20, 2021.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–552–802]

#### **Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Notice of Court Decision Not in Harmony With the Results of Antidumping Duty Administrative Review; Notice of Amended Final Results**

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

**SUMMARY:** On April 14, 2021, the U.S. Court of International Trade (CIT) issued its final judgment in *Sao Ta Foods Joint Stock Company et al. v. United States*, Consol. Court No. 18–00205, sustaining the Department of Commerce (Commerce)'s second remand results pertaining to the administrative review of the antidumping duty (AD) order on certain frozen warmwater shrimp (shrimp) from the Socialist Republic of Vietnam (Vietnam) covering the period February 1, 2016, through January 31, 2017. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's *Final Results* of the administrative review, and that Commerce is amending the *Final Results* with respect to the separate rate (SR) status for Frozen Seafoods Factory No. 32 and Seafoods and Foodstuff Factory.

**DATES:** Applicable April 24, 2021.

**FOR FURTHER INFORMATION CONTACT:** Irene Gorelik, 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) 482–6905.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On September 14, 2018, Commerce published its *Final Results* in the 2016–2017 AD administrative review of shrimp from Vietnam.<sup>1</sup> In the *Final*

*Results*, Commerce determined in relevant part that Frozen Seafoods Factory No. 32 and Seafoods and Foodstuff Factory were not “aka” or trade names of Thuan Phuoc Seafoods and Trading Corporation (Thuan Phuoc) such that they were entitled to Thuan Phuoc's SR.<sup>2</sup> As a result, Commerce treated these two factories as part of the Vietnam-wide entity and assigned them the Vietnam-wide rate of 25.76 percent.<sup>3</sup>

Several interested parties, including Thuan Phuoc, appealed Commerce's *Final Results*. On January 16, 2020, the CIT found that Commerce's denial of SR status for Frozen Seafoods Factory No. 32 and Seafoods and Foodstuff Factory was unsupported by substantial evidence because Commerce failed to consider certain information contained in Thuan Phuoc's separate-rate certification (SRC)<sup>4</sup> suggesting that the factories were divisions of Thuan Phuoc, rather than distinct entities.<sup>5</sup> The CIT, thus, ordered Commerce to reconsider or further explain its determination with respect to Frozen Seafoods Factory No. 32 and Seafoods and Foodstuff Factory.

In its first remand redetermination, issued on April 30, 2020, Commerce provided further explanation of its determination, in consideration of Thuan Phuoc's SRC, and continued to find that Frozen Seafoods Factory No. 32 and Seafoods and Foodstuff Factory were separate factories that produced and exported subject merchandise to the United States under their own licenses, rather than “aka” or trade names of Thuan Phuoc.<sup>6</sup> The CIT remanded for a second time, finding that Commerce failed to explain how it distinguishes when an entity is a separate exporter as opposed to a trade name of another company, failed to address record evidence detracting from its position, and acted in an arbitrary and capricious manner by not giving parties reasonable notice of a change in practice regarding

*Antidumping Duty Administrative Review, 2016–2017*, 83 FR 46704 (September 14, 2018) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

<sup>2</sup> See *Final Results* IDM at Comment 3A.

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

<sup>4</sup> See Thuan Phuoc Seafoods and Trading Corporation Submission, “Separate Rate Certification,” dated May 15, 2017.

<sup>5</sup> See *Sao Ta Foods Joint Stock Co. v. United States*, 425 F. Supp. 3d 1314, 1318 (CIT 2020). While interested parties challenged several aspects of Commerce's *Final Results*, the Court sustained the *Final Results* in all other respects. *Id.* at 1318.

<sup>6</sup> See *Final Results* of Redetermination Pursuant to Court Remand, dated April 30, 2020 (Remand I), available at <https://enforcement.trade.gov/remands/20-7.pdf>.

<sup>1</sup> See section 771(5)(B) of the Tariff Act of 1930, as amended.

<sup>1</sup> See *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Results of*