

(4) for a non-Chinese exporter of subject merchandise that does not have a separate rate, the cash deposit rate will be the rate applicable to China exporter(s) that supplied that non-China exporter.

These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

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

#### Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 351.221(b)(4).

Dated: September 30, 2021.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations.*

#### Appendix I

##### List of Sections in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Period of Review
- IV. Extension of the Preliminary Results
- V. Scope of the Order
- VI. Preliminary Determination of No Shipments
- VII. Selection of Respondents
- VIII. Discussion of Methodology
- IX. Currency Conversion
- X. Recommendation

#### Appendix II

##### Companies Preliminary Determined to not be Eligible for a Separate Rate

1. Ateel Display Industries (Xiamen) Co., Ltd
2. Changzhou Tianyue Storage Equipment Co., Ltd
3. CTC Universal (Zhangzhou) Industrial Co., Ltd
4. David Metal Craft Manufactory Ltd
5. Fujian Ever Glory Fixtures Co., Ltd
6. Fujian First Industry and Trade Co., Ltd
7. Huanghua Hualing Garden Products Co., Ltd
8. Huanghua Hualing Hardware Products Co., Ltd
9. Huanghua Xingyu Hardware Products Co., Ltd
10. Huanghua Xinxing Furniture Co., Ltd

11. Huangua Haixin Hardware Products Co., Ltd
12. Huangua Qingxin Hardware Products Co., Ltd
13. i-Lift Equipment Ltd
14. Jiangsu Baigeng Logistics Equipments Co., Ltd
15. Jiangsu Kingmore Storage Equipment Manufacturing Co., Ltd
16. Johnson (Suzhou) Metal Products Co., Ltd
17. Master Trust (Xiamen) Import and Export Co., Ltd
18. Ningbo Beilun Songyi Warehouse Equipment Manufacturing Co., Ltd
19. Ningbo Xinguang Rack Co., Ltd
20. Qingdao Rockstone Logistics Appliance Co., Ltd
21. Redman Corporation
22. Redman Import & Export Limited
23. Tianjin Master Logistics Equipment Co., Ltd
24. Waken Display System Co., Ltd
25. Xiamen Baihuide Manufacturing Co., Ltd
26. Xiamen Ever Glory Fixtures Co., Ltd
27. Xiamen Golden Trust Industry & Trade Co., Ltd
28. Xiamen Huiyi Beauty Furniture Co., Ltd
29. Xiamen Kingfull Imp and Exp Co., Ltd. (d.b.a) Xiamen Kingfull Displays Co., Ltd
30. Xiamen LianHong Industry and Trade Co., Ltd
31. Xiamen Luckyroc Storage Equipment Manufacture Co., Ltd
32. Xiamen Meitoushan Metal Products Co., Ltd
33. Xiamen Power Metal Display Co., Ltd
34. Xiamen XinHuiYuan Industrial & Trade Co., Ltd
35. Xiamen Yiree Display Fixtures Co., Ltd
36. Yuanda Storage Equipment Ltd
37. Zhangjiagang Better Display Co., Ltd
38. Zhangzhou Hongcheng Hardware & Plastic Industry Co., Ltd

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#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A-552-801]

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

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

**SUMMARY:** On September 27, 2021, the U.S. Court of International Trade (CIT) issued its final judgment in *GODACO Seafood Joint Stock Co. v. United States*, Consol. Court no. 18-00063, sustaining the Department of Commerce (Commerce)'s second remand results pertaining to the administrative review of the antidumping duty (AD) order on certain frozen fish fillets (fish fillets) from the Socialist Republic of Vietnam

(Vietnam) covering the period August 1, 2015, through July 31, 2016. 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 dumping margin assigned to Can Tho Import-Export Joint Stock Company (CASEAMEX), Green Farms Seafood Joint Stock Company (Green Farms), Hung Vuong Corporation (HVG), NTSF Seafoods Joint Stock Company (NTSF), Southern Fishery Industries Company, Ltd. (South Vina), and Vinh Quang Fisheries Corporation (Vinh Quang).

**DATES:** Applicable October 7, 2021.

#### FOR FURTHER INFORMATION CONTACT:

Brittany Bauer, 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) 482-3860.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 23, 2018, Commerce published its *Final Results*.<sup>1</sup> Commerce assigned mandatory respondent GODACO Seafood Joint Stock Company (GODACO) a margin based on total adverse facts available (AFA). Commerce also assigned GODACO's rate to the companies in the review who were eligible for separate rates, including CASEAMEX, Green Farms, HVG, NTSF, South Vina, and Vinh Quang. Additionally, Commerce rejected a withdrawal of request for review filed by Golden Quality Seafood Corp. (Golden Quality) and subsequently found Golden Quality to be part of the Vietnam-wide entity.<sup>2</sup>

CASEAMEX, GODACO, Golden Quality, Green Farms, HVG, NTSF, South Vina, and Vinh Quang appealed Commerce's *Final Results*. On April 1, 2020, the CIT remanded the *Final Results* to Commerce, directing Commerce to: (1) Provide further explanation regarding its application of AFA to GODACO; and (2) consider South Vina's arguments regarding the assignment of a separate rate. In this opinion, the CIT did not address substantive arguments regarding the appropriate rate to be applied to the

<sup>1</sup> See *Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results, Final Results of No Shipments, and Partial Rescission of the Antidumping Duty Administrative Review; 2015-2016*, 83 FR 12717 (March 23, 2018) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

<sup>2</sup> *Id.*

other separate rate respondents, as that rate was based on GODACO's rate.<sup>3</sup>

In its First Remand Redetermination, issued in July 2020, Commerce continued to apply AFA to GODACO and continued to apply GODACO's rate (*i.e.*, \$3.87/kilogram) to the separate rate companies, including South Vina.<sup>4</sup> In January 2021, the CIT sustained Commerce's application of total AFA to GODACO and selection of the AFA rate as in accordance with law; however, the CIT remanded Commerce's determination to it for a second time, instructing Commerce to reevaluate the rate assigned to the non-individually examined companies receiving separate rates who were parties to the litigation.<sup>5</sup>

In its Second Remand Redetermination, issued under protest in April 2021, Commerce recalculated the rate assigned to the separate rate companies using an average of the separate rates assigned in the four prior administrative reviews.<sup>6</sup> On September 27, 2021, the CIT sustained Commerce's Second Remand Redetermination.<sup>7</sup>

#### Timken Notice

In its decision in *Timken*,<sup>8</sup> as clarified by *Diamond Sawblades*,<sup>9</sup> 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 CIT's September 27, 2021, judgment constitutes a final decision of the CIT 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 judgment, Commerce is amending its *Final Results* with respect to the dumping margin assigned to CASEAMEX, Green Farms, HVG, NTSF, South Vina, and Vinh Quang. The rate assigned to these six separate rate companies is \$0.89 per kilogram.

#### Cash Deposit Requirements

Because CASEAMEX, Green Farms, HVG, NTSF, and Vinh Quang have a superseding cash deposit rate, *i.e.*, there have been final results published in a subsequent administrative review, we will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP). This notice will not affect the current cash deposit rate for those exporters. For South Vina, which does not have a superseding cash deposit rate, Commerce will issue revised cash deposit instructions to CBP.

#### Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that were exported by CASEAMEX, GODACO, Golden Quality, Green Farms, HVG, NTSF, South Vina, or Vinh Quang, and were entered, or withdrawn from warehouse, for consumption during the period August 1, 2015, through July 31, 2016. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event the CIT'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 CASEAMEX, GODACO, Golden Quality, Green Farms, HVG, NTSF, South Vina, and Vinh Quang in accordance with 19 CFR 351.212(b).

#### 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: September 30, 2021.

**Christian Marsh,**

*Acting Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-201-848]

#### Emulsion Styrene-Butadiene Rubber From Mexico: Preliminary Results of the Antidumping Duty Administrative Review; 2019-2020

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily finds that Industrias Negromex S.A. de C.V. (Negromex) made sales of emulsion styrene-butadiene rubber (ESB rubber) from Mexico at less than normal value during the period of review (POR) September 1, 2019, through August 31, 2020. We invite interested parties to comment on these preliminary results.

**DATES:** Applicable October 6, 2021.

#### FOR FURTHER INFORMATION CONTACT:

Brittany Bauer or Christopher Maciuba, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3860 or (202) 482-0213, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 30, 2020, Commerce initiated an administrative review of the antidumping duty order on ESB rubber from Mexico, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).<sup>1</sup> This review covers one producer/exporter of the subject merchandise, Negromex.

On May 18, 2021, Commerce extended the preliminary results by 120 days, until September 30, 2021.<sup>2</sup> For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.<sup>3</sup>

##### Scope of the Order

The product covered by this order is ESB rubber from Mexico. For a full description of the scope, see the Preliminary Decision Memorandum.

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 85 FR 68840 (October 30, 2020).

<sup>2</sup> See Memorandum, "Emulsion Styrene-Butadiene Rubber: Extension of Deadline for Preliminary Results of the 2019-2020 Antidumping Duty Administrative Review," dated May 18, 2021.

<sup>3</sup> See Memorandum, "Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Emulsion Styrene-Butadiene Rubber from Mexico; 2019-2020," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>3</sup> See *GODACO Seafood Joint Stock Co. v. United States*, 435 F. Supp. 3d 1342 (CIT 2020). While interested parties challenged several aspects of Commerce's *Final Results*, the Court sustained the *Final Results* in all other respects.

<sup>4</sup> See *Final Results of Redetermination Pursuant to Court Remand, GODACO Seafood Joint Stock Co. v. United States*, Court No. 18-00063, Slip Op. 20-42 (CIT April 1, 2020), dated July 21, 2020 (First Remand Redetermination), available at <https://access.trade.gov/resources/remands/20-42.pdf>.

<sup>5</sup> See *GODACO Seafood Joint Stock Co. v. United States*, 494 F. Supp. 3d 1294 (CIT 2021).

<sup>6</sup> See *Final Results of Redetermination Pursuant to Court Remand, GODACO Seafood Joint Stock Co. v. United States*, Court No. 18-00063, Slip Op. 21-3 (CIT January 6, 2021), dated April 5, 2021 (Second Remand Redetermination).

<sup>7</sup> See *GODACO Seafood Joint Stock Co. v. United States*, Court No. 18-00063, Slip Op. 21-131 (CIT September 27, 2021).

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

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