

Appeals for the Federal Circuit (“CAFC”) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (“*Timken*”), as clarified by *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (CAFC 2010) (“*Diamond Sawblades*”), the Department is notifying the public that the final judgment in this case is not in harmony with the Department’s final results and is amending the final results of the administrative review of certain frozen warmwater shrimp from the People’s Republic of China (“PRC”) with respect to the margin assigned to Hilltop International (“Hilltop”) covering the period of review (“POR”) February 1, 2009, through January 31, 2010.²

DATES: *Effective Date:* May 30, 2014.

FOR FURTHER INFORMATION CONTACT: Kabir Archuleta, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2593.

SUPPLEMENTARY INFORMATION: On November 30, 2012, the CIT remanded this case to the Department for reconsideration of the Department’s selection of the primary surrogate country.³ On January 9, 2013, based on a request from the Department, the CIT determined to “permit the agency to consider new evidence concerning the question of whether Hilltop International provided false or incomplete information regarding its affiliates in the course of the fifth administrative review (‘AR5’) of this antidumping duty (‘AD’) order.”⁴ Pursuant to the *Expanded Remand Order*, we reconsidered our determination in this review and found that Hilltop provided false and incomplete information regarding its affiliates and that none of its submissions could be relied upon.⁵ Accordingly, we found that Hilltop failed to rebut the presumption that it is part of the PRC-wide entity and applied total adverse facts available (“AFA”) to the PRC-wide entity, which includes

Hilltop.⁶ As AFA, we applied a dumping margin of 112.81 percent, which is the highest rate from any segment of the proceeding and the current PRC-wide rate.⁷ On July 23, 2013, the CIT sustained our *Remand I* with respect to the determination that Hilltop failed to demonstrate its eligibility for a separate rate and to apply AFA to the PRC-wide entity.⁸ However, the CIT remanded this case to the Department to reexamine and corroborate the 112.81 percent PRC-wide rate or choose a different countrywide rate that better reflects commercial reality.⁹ Pursuant to the *Remand Order II*, we reevaluated the rate applied as total AFA to the PRC-wide entity and found that it continues to be reliable and have probative value.¹⁰ The CIT sustained the Department’s *Remand Redetermination* on May 20, 2014, making the effective date of this notice May 30, 2014.¹¹

Timken Notice

In its decision in *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the CAFC held that, pursuant to section 516A(e) Tariff Act of 1930, as amended (“the Act”), the Department must publish a notice of a court decision that is not “in harmony” with a Department determination and must suspend liquidation of entries pending a “conclusive” court decision. The CIT’s May 20, 2014, judgment sustaining the Department’s *Remand Redetermination* with respect to Hilltop constitutes a final decision of that court that is not in harmony with the Department’s *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or if appealed, pending a final and conclusive court decision. The cash deposit rate will remain the rate established for the most recent period during which the PRC-wide entity was reviewed.¹²

⁶ *Id.*

⁷ *Id.*

⁸ See *Ad Hoc Shrimp Trade Action Committee v. United States*, Court No. 11–00335, Slip Op. 13–93 (CIT July 23, 2013).

⁹ See *Ad Hoc Shrimp Trade Action Committee v. United States*, Court No. 11–00335, Slip Op. 13–93 (CIT July 23, 2013) (“*Remand Order II*”).

¹⁰ See *Remand Redetermination*.

¹¹ See *Ad Hoc Shrimp Trade Action Committee*, Court Nos. 10–00275 and 11–00335, Slip Op. 14–55 (CIT May 20, 2014).

¹² See *Certain Frozen Warmwater Shrimp From the People’s Republic of China: Final Results of Administrative Review; 2011–2012*, 78 FR 56209 (September 12, 2013).

Amended Final Results

Because there is now a final court decision, we are amending the *Final Results* with respect to Hilltop’s margin for the period February 1, 2009, through January 31, 2010. The revised weighted-average dumping margin is as follows:

Exporter	Percent margin
PRC-Wide Entity ¹³	112.81

In the event the CIT’s ruling is not appealed, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on entries during the POR of the subject merchandise exported by Hilltop using the revised assessment rate calculated by the Department in the *Remand Redetermination*.

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: May 29, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–12995 Filed 6–3–14; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–840]

Lightweight Thermal Paper From Germany: Final Results of the First Full Sunset Review of the Antidumping Duty Order

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

SUMMARY: On February 10, 2014, the Department of Commerce (the Department) issued the preliminary results of the first full five-year (sunset) review of the antidumping duty (AD) order on lightweight thermal paper from Germany.¹ We received comments from interested parties on our *Preliminary Results*. As a result of our analysis, the Department finds that revocation of the AD order would be likely to lead to continuation or recurrence of dumping at the levels indicated in the “Final

¹³ The PRC-wide entity includes Hilltop International.

¹ See *Lightweight Thermal Paper From Germany: Preliminary Results of the First Full Sunset Review of the Antidumping Duty Order*, 79 FR 7644 (February 10, 2014) (*Preliminary Results*), and accompanying Issues and Decision Memorandum (Preliminary Decision Memorandum).

² See *Administrative Review of Certain Frozen Warmwater Shrimp From the People’s Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 76 FR 51940 (August 19, 2011) (“*Final Results*”).

³ See *Ad Hoc Shrimp Trade Action Committee v. United States*, Court No. 11–00335, Slip Op. 12–145 (CIT November 30, 2012).

⁴ See *Ad Hoc Shrimp Trade Action Committee v. United States*, Court No. 11–00335, Slip Op. 13–4 (CIT January 9, 2013) (“*Expanded Remand Order*”).

⁵ See *Final Results Of Redetermination Pursuant To Court Remand* issued by the Department of Commerce (April 1, 2013), available at <http://enforcement.trade.gov/remands/> (“*Remand I*”).

Results of Sunset Review” section of this notice.

DATES: *Effective Date:* June 4, 2014.

FOR FURTHER INFORMATION CONTACT: David Goldberger, AD/CVD Operations, Office II, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4136.

SUPPLEMENTARY INFORMATION:

Background

On February 10, 2014, the Department published the *Preliminary Results*. We preliminarily found that dumping was likely to continue or recur if the AD order were revoked, and determined to report to the International Trade Commission (ITC) the rates calculated in the *LTFV Final*² as the margins of dumping likely to prevail.

We invited interested parties to comment on the *Preliminary Results*. We received case briefs from Appvion, Inc. (Appvion³), a domestic manufacturer of lightweight thermal paper, and Papierfabrik August Koehler SE (Koehler), a German producer/exporter of lightweight thermal paper, on April 1, 2014, and rebuttal briefs from these parties on April 11, 2014.

Scope of the Order

The merchandise covered by the order is lightweight thermal paper. The merchandise subject to the order is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 3703.10.60, 4811.59.20, 4811.90.8000, 4811.90.8030, 4811.90.8040, 4811.90.8050, 4811.90.9000, 4811.90.9030, 4811.90.9035, 4811.90.9050, 4811.90.9080, 4811.90.9090, 4820.10.20, and 4823.40.00. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

For a full description of the scope, see “Final Results Issues and Decision Memorandum for the Full Sunset Review of the Antidumping Duty (AD) Order on Lightweight Thermal Paper from Germany,” dated concurrently with this notice (Decision Memorandum).

² See *Lightweight Thermal Paper from Germany: Notice of Final Determination of Sales at Less Than Fair Value*, 73 FR 57326, 57328 (October 2, 2008) (*LTFV Final*).

³ Appvion (formerly Appleton Papers) was the petitioner in the original investigation of lightweight thermal paper from Germany. See *LTFV Final*.

Analysis of Comments Received

All issues raised in this review are addressed in the Decision Memorandum, dated concurrently with this final notice, which is hereby adopted by this notice. The issues discussed in the accompanying Decision Memorandum include the likelihood of the continuation of dumping and the magnitude of the margins likely to prevail. The Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at <http://iaaccess.trade.gov>. The Decision Memorandum is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed and electronic versions of the Decision Memorandum are identical in content.

Final Results of Sunset Review

We determine that revocation of the AD order on lightweight thermal paper from Germany would be likely to lead to continuation or recurrence of dumping at the following weighted-average margins:

Manufacturer/exporter	Margin (percent)
Koehler	6.50
All Others	6.50

Notification to Interested Parties

This notice also serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely 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.

We are issuing and publishing the final results of this full sunset review in accordance with sections 751(c)(5)(A), 752(c), and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.218(f)(3).

Dated: May 28, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-851]

Certain Preserved Mushrooms From the People’s Republic of China: Notice of Court Decision Not in Harmony With Final Results and Notice of Amended Final Results of the Antidumping Duty Administrative Review; 2010-2011

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

SUMMARY: On May 19, 2014, the United States Court of International Trade (the Court) issued final judgment in *Blue Field (Sichuan) Food Indus. Co., Ltd. v. United States*, Court No. 12-00320, sustaining the Department of Commerce’s (the Department) final results of redetermination pursuant to remand.¹ In the *Remand Results*, under protest, the Department recalculated the surrogate values for rice straw and cow manure reported by Blue Field (Sichuan) Food Indus. Co., Ltd. (Blue Field).² Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), as clarified by *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*), the Department is notifying the public that the final judgment in this case is not in harmony with the Department’s final results of the antidumping duty administrative review of certain preserved mushrooms from the People’s Republic of China covering the period February 1, 2010, through January 31, 2011, and is amending the final results with respect to the weighted-average dumping margin assigned to Blue Field.³

¹ See Final Results of Redetermination Pursuant to Court Remand, Certain Preserved Mushrooms from the People’s Republic of China, *Blue Field (Sichuan) Food Indus. Co., Ltd. v. United States*, Court No. 12-00320; Slip Op. 13-142 (CIT November 14, 2013), dated March 18, 2014 (*Remand Results*), available at <http://enforcement.trade.gov/remands/index.htm>.

² See generally *Remand Results*.

³ See *Certain Preserved Mushrooms from the People’s Republic of China: Final Results of Antidumping Duty Administrative Review*, 77 FR 55808 (September 11, 2012) (*Final Results*), and accompanying Issues and Decision Memorandum.