

April 9, 2021.³ No party requested a hearing in this matter.

Scope of the Order

The merchandise covered by the order are all types of youth and adult mattresses from China. The products subject to the order are currently properly classifiable under Harmonized Tariff Schedule for the United States (HTSUS) subheadings: 9404.21.0010, 9404.21.0013, 9404.29.1005, 9404.29.1013, 9404.29.9085, and 9404.29.9087. Products subject to this order may also enter under HTSUS subheadings: 9404.21.0095, 9404.29.1095, 9404.29.9095, 9401.40.0000, and 9401.90.5081. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this order is dispositive. For a complete description of the scope of the order, *see* the Issues and Decision Memorandum.⁴

Analysis of Comments Received

The issue discussed in the case and rebuttal briefs is addressed in the Issues and Decision Memorandum.⁵ The Issues and Decision Memorandum is a public document and is on file via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The sole issue raised in the case brief is listed in the appendix to this notice.

Rescission of the Antidumping New Shipper Review

For the reasons explained in the Issues and Decision Memorandum, Commerce continues to find that the sale made by Sunbeauty is not a *bona fide* sale for purposes of the antidumping duty law. Commerce reached this conclusion based on the totality of the evidence, including, among other things, the sales price and quantity. Because Sunbeauty made no *bona fide* sales during the period of review (POR), we are rescinding the NSR.

³ See Petitioners' Letter, "Mattress Petitioners' Rebuttal Brief," dated April 9, 2021.

⁴ See Memorandum, "Issues and Decision Memorandum for the Rescission of the 2020 Antidumping Duty New Shipper Review of Mattresses from the People's Republic of China," issued concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁵ *Id.*

Assessment Rates

As Commerce is rescinding this NSR, Sunbeauty's status with respect to the antidumping duty order on mattresses from the People's Republic of China (China) remains unchanged. Sunbeauty remains part of the China-wide entity and, accordingly, entries of its subject merchandise into the United States during the POR will be assessed at the China-wide rate.

Cash Deposit Requirements

Because we are rescinding this NSR, we are not determining a company-specific cash deposit rate for Sunbeauty. Sunbeauty continues to be part of the China-wide entity and is, therefore, subject to the China-wide entity cash deposit rate of 1,731.75 percent.⁶

Administrative Protective Order

This notice also serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under an APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written 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 this rescission in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act.

Dated: June 7, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Sections in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Issues
 - Comment: Whether Sunbeauty's Sale is *Bona Fide*
- V. Recommendation

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⁶ See *Mattresses from the People's Republic of China: Antidumping Duty Order*, 84 FR 68395 (December 16, 2019).

DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-899, A-821-829]

Granular Polytetrafluoroethylene Resin From India and the Russian Federation: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations

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

DATES: Applicable June 11, 2021.

FOR FURTHER INFORMATION CONTACT: Alexis Cherry at (202) 482-0607 (India) or Jaron Moore at (202) 482-3640 (the Russian Federation (Russia)), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On February 16, 2021, the Department of Commerce (Commerce) initiated less-than-fair-value (LTFV) investigations of imports of polytetrafluoroethylene resin from India and Russia.¹ Currently, the preliminary determinations are due no later than July 6, 2021.

Postponement of Preliminary Determinations

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in an LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) The petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

¹ See *Granular Polytetrafluoroethylene Resin from India and the Russian Federation: Initiation of Less-Than-Fair-Value Investigations*, 86 FR 10926 (February 23, 2021).

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.

[FR Doc. 2021-12316 Filed 6-10-21; 8:45 am]

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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 Archuletta, 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

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*).

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.*