

deposit rate for Hansol Paper is equal to the company-specific estimated weighted-average dumping margin listed for Hansol Paper in the table in the “Final Determination” section of this notice; (2) if the exporter is not identified in the table in the “Final Determination” section of this notice, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin for the producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters in Korea is equal to the all-others estimated weighted-average dumping margin listed in the table in the “Final Determination” section of this notice.

These suspension of liquidation instructions will remain in effect until further notice.

#### International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of this final affirmative determination of sales at LTFV. Because Commerce’s final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of thermal paper from Korea no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, all cash deposits posted will be refunded, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction from Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the “Continuation of Suspension of Liquidation” section of this notice.

#### Notification Regarding Administrative Protective Order

This notice will serve as a final reminder to the parties subject to an 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 the 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 this notice are issued and published in accordance with sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: September 24, 2021.

**Christian Marsh,**

*Acting Assistant Secretary for Enforcement and Compliance.*

#### Appendix I

##### Scope of the Investigation

The scope of this investigation covers thermal paper in the form of “jumbo rolls” and certain “converted rolls.” The scope covers jumbo rolls and converted rolls of thermal paper with or without a base coat (typically made of clay, latex, and/or plastic pigments, and/or like materials) on one or both sides; with thermal active coating(s) (typically made of sensitizer, dye, and co-reactant, and/or like materials) on one or both sides; with or without a top coat (typically made of pigments, polyvinyl alcohol, and/or like materials), and without an adhesive backing. Jumbo rolls are defined as rolls with an actual width of 4.5 inches or more, an actual weight of 65 pounds or more, and an actual diameter of 20 inches or more (jumbo rolls). All jumbo rolls are included in the scope regardless of the basis weight of the paper. Also included in the scope are “converted rolls” with an actual width of less than 4.5 inches, and with an actual basis weight of 70 grams per square meter (gsm) or less.

The scope of this investigation covers thermal paper that is converted into rolls with an actual width of less than 4.5 inches and with an actual basis weight of 70 gsm or less in third countries from jumbo rolls produced in the subject countries.

The merchandise subject to this investigation may be classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 4811.90.8030 and 4811.90.9030. Although HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

#### Appendix II

##### List of Sections in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Changes Since the Preliminary Determination
- IV. Scope of the Investigation
- V. Discussion of the Issues
  - Comment 1: Whether Critical Circumstances Exist
  - Comment 2: Whether Commerce Should Revise its Cost Adjustment Accounting for Affiliated Party Purchases
  - Comment 3: Whether To Grant a Constructed Export Price (CEP) Offset

VI. Recommendation

[FR Doc. 2021–21303 Filed 9–29–21; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–533–840]

#### Certain Frozen Warmwater Shrimp From India: 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 20, 2021, the U.S. Court of International Trade (CIT or the Court) issued its final judgment in *Calcutta Seafoods Pvt. Ltd., Bay Seafood Pvt. Ltd., and Elque & Co. v. United States*, Court No. 19–00201, sustaining the Department of Commerce (Commerce)’s remand results pertaining to the administrative review of the antidumping duty (AD) order on certain frozen warmwater shrimp (shrimp) from India covering the period February 1, 2017, through January 31, 2018. 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 Calcutta Seafoods Pvt. Ltd., Bay Seafood Pvt. Ltd., and Elque & Co. (collectively, the Elque Group).

**DATES:** Applicable September 30, 2021.

**FOR FURTHER INFORMATION CONTACT:** David Crespo, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3693.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 29, 2019, Commerce published its *Final Results*.<sup>1</sup> During the course of the administrative review, Commerce found that the Elque Group reported unclear and inconsistent product specification data and failed to respond adequately to certain questions contained in the original and supplemental questionnaires issued by Commerce. As a result, Commerce was not able to rely on the Elque Group’s data as reported in order to calculate a

<sup>1</sup> See *Certain Frozen Warmwater Shrimp from India: Final Results of Antidumping Duty Administrative Review; 2017–2018*, 84 FR 57847 (October 29, 2019) (*Final Results*).

dumping margin for the Elque Group. Commerce determined that the Elque Group: (1) Withheld requested information; (2) failed to provide information in the form or manner requested by Commerce; and (3) significantly impeded the proceeding.<sup>2</sup> For these reasons, in determining the Elque Group's dumping margin, Commerce applied adverse facts available (AFA), pursuant to section 776(b) of the Tariff Act of 1930, as amended (the Act).<sup>3</sup>

On February 3, 2021, the Court remanded aspects of the *Final Results* to Commerce for further consideration. Specifically, the Court held that Commerce's application of AFA to the Elque Group was unlawful because Commerce did not provide the Elque Group adequate assistance or consider its difficulties as a small company, as required by section 782(c) of the Act. In its decision, the Court remanded the *Final Results* to Commerce to recalculate the Elque Group's dumping margin, by either: (1) Reopening the record and procuring additional information; or (2) applying neutral facts available. In the Remand Redetermination, Commerce applied neutral facts available to the Elque Group's reported data to calculate a dumping margin.<sup>4</sup> On September 20, 2021, the CIT sustained Commerce's Remand Redetermination.<sup>5</sup>

#### Timken Notice

In its decision in *Timken*,<sup>6</sup> as clarified by *Diamond Sawblades*,<sup>7</sup> the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of the Act, Commerce must publish a notice of court decision that is not "in harmony" with a Commerce determination and suspend liquidation of entries pending a "conclusive" court decision. The CIT's September 20, 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 Elque Group and the non-examined companies subject to the review as follows:

Producer/exporter	Weighted-average dumping margin (percent)
Calcutta Seafoods Pvt. Ltd./Bay Seafood Pvt. Ltd./Elque & Co	27.66
<b>Review-Specific Average Rate Applicable to the Following Companies<sup>8</sup></b>	
Blue-Fin Frozen Foods Pvt. Ltd.	6.13
Crystal Sea Foods Private Limited .....	6.13
Forstar Frozen Foods Pvt. Ltd. ...	6.13
Milsha Agro Exports Pvt. Ltd. ....	6.13

#### Cash Deposit Requirements

Because Calcutta Seafoods Pvt. Ltd./ Bay Seafood Pvt. Ltd./Elque & Co., Blue-Fin Frozen Foods Pvt. Ltd., Crystal Sea Foods Private Limited, and Forstar Frozen Foods Pvt. Ltd. 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 with respect to these companies.

With respect to Milsha Agro Exports Pvt. Ltd., 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 produced and/or exported by Calcutta Seafoods Pvt. Ltd., Bay Seafood Pvt. Ltd., and Elque & Co. and were entered, or withdrawn from warehouse, for consumption during the period February 1, 2017, through January 31, 2018. These entries will remain enjoined pursuant to the terms

<sup>8</sup> This rate is based on the rates for the respondents that were selected for individual review, excluding rates that are zero, *de minimis*, or based entirely on facts available. See section 735(c)(5)(A) of the Act. See also Memorandum, "Remand Redetermination of the Antidumping Duty Administrative Review of Certain Frozen Warmwater Shrimp from India: Calculation of the Cash Deposit Rate for Non-Reviewed Companies," dated April 21, 2021; and *Final Results*, 84 FR at 57847.

of the injunction during the pendency of any appeals process.

In the event that 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 produced and/or exported by Calcutta Seafoods Pvt. Ltd., Bay Seafood Pvt. Ltd., and Elque & Co. in accordance with 19 CFR 351.212(b). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate is not zero or *de minimis*. Where an importer-specific *ad valorem* assessment rate is zero or *de minimis*,<sup>9</sup> we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

#### 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 24, 2021.

**Christian Marsh,**

*Acting Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2021-21256 Filed 9-29-21; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-588-880]

#### Thermal Paper From Japan: Final Affirmative Determination of Sales at Less Than Fair Value

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

**SUMMARY:** The Department of Commerce (Commerce) determines that thermal paper from Japan is being, or is likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation, October 1, 2019, through September 30, 2020.

**DATES:** Applicable September 30, 2021.

**FOR FURTHER INFORMATION CONTACT:** Alex Wood or Paul Litwin, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1959 or (202) 482-6002, respectively.

#### SUPPLEMENTARY INFORMATION:

<sup>9</sup> See 19 CFR 351.106(c)(2).

<sup>2</sup> See *Certain Frozen Warmwater Shrimp from India: Preliminary Results of Antidumping Duty Administrative Review; 2017-2018*, 84 FR 16843 (April 23, 2019) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM) at 11, unchanged in the *Final Results*.

<sup>3</sup> See *Preliminary Results* PDM at 13, unchanged in the *Final Results*.

<sup>4</sup> See Final Results of Redetermination on Remand Pursuant to *Calcutta Seafoods Pvt. Ltd., Bay Seafood Pvt. Ltd., and Elque & Co. v. United States*, Court No. 19-00201, Slip. Op. 21-11 (CIT February 3, 2021), dated May 4, 2021 (Remand Redetermination).

<sup>5</sup> See *Calcutta Seafoods Pvt. Ltd., Bay Seafood Pvt. Ltd., and Elque & Co. v. United States*, Court No. 19-00201, Slip Op. 21-123 (CIT September 20, 2021).

<sup>6</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>7</sup> See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).