

review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party Commerce was unable to locate in prior segments, Commerce will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011), Commerce clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.³

Commerce no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an antidumping duty administrative review.⁴ Accordingly, the NME entity will not be under review unless Commerce specifically receives a request for, or self-initiates, a review of

the NME entity.⁵ In administrative reviews of antidumping duty orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, Commerce will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity). Following initiation of an antidumping duty administrative review when there is no review requested of the NME entity, Commerce will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) on Enforcement and Compliance's ACCESS website at <https://access.trade.gov>.⁶ Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.⁷

Commerce will publish in the **Federal Register** a notice of "Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation" for requests received by the last day of October 2021. If Commerce does not receive, by the last day of October 2021, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, Commerce will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of

estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional measures "gap" period of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: September 23, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

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DEPARTMENT OF COMMERCE

International Trade Administration

Change in Deadline for Public Comments on U.S. Clean Technologies Export Competitiveness Strategy

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice and request for public comments; extension of comment period.

SUMMARY: On August 30, 2021, the International Trade Administration (ITA) published in the **Federal Register** a request for public comment on clean technologies export competitiveness to inform efforts to develop a "U.S. Clean Technologies Export Competitiveness Strategy." ITA has determined that an extension of the comment period until October 15, 2021, is appropriate. Comments previously submitted need not be resubmitted and will be fully considered.

DATES: The comment period for the notice published on August 30, 2021 (86 FR 48399), regarding the request for public comments on clean technologies export competitiveness, is extended from October 1, 2021, to October 15, 2021.

ADDRESSES: You may submit comments, identified by ITA-2021-0005, by either of the following methods:

- **Online Submission (Strongly Preferred):** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://>

³ See the Enforcement and Compliance website at <https://legacy.trade.gov/enforcement/>.

⁴ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

⁵ In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

⁶ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

⁷ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 41363 (July 10, 2020).

www.regulations.gov and enter ITA–2021–0005 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

- Email: cleantech@trade.gov. Comments submitted by email should be machine-readable and should not be copy-protected.

Due to COVID–19 building closures, we are currently temporarily not accepting comments by mail. However, if you are unable to comment via regulations.gov, you may contact cleantech@trade.gov for instructions on submitting your comment.

FOR FURTHER INFORMATION CONTACT:

Devin Horne, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 28018, Washington, DC 20230; telephone (202) 482–0775; email cleantech@trade.gov. Please direct media inquiries to ITA’s Office of Public Affairs (202) 482–3809 or publicaffairs@trade.gov.

SUPPLEMENTARY INFORMATION: On August 30, 2021, the International Trade Administration (ITA) published in the **Federal Register** a request for public comment on clean technologies export competitiveness to inform efforts to develop a “U.S. Clean Technologies Export Competitiveness Strategy.” The request for public comment stated that the comment period would close on October 1, 2021. An extension of the comment period will provide additional opportunity for the public to prepare comments to address the questions posed by ITA. Therefore, ITA is extending the end of the comment period from October 1, 2021, to October 15, 2021. Comments previously submitted need not be resubmitted and will be fully considered.

Dated: September 28, 2021.

Man Cho,

Deputy Director, Office of Energy and Environmental Industries.

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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 the Antidumping Duty 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) issued its final judgment in *NTSF Seafoods Joint Stock Company and Vinh Quang Fisheries Corporation v. United States*, Court No. 19–00063, sustaining the Department of Commerce (Commerce)’s remand results pertaining to the administrative review of the antidumping duty (AD) order on certain frozen fish fillets from the Socialist Republic of Vietnam covering the period August 1, 2016, through July 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 dumping margins assigned to NTSF Seafoods Joint Stock Company (NTSF) and Vinh Quang Fisheries Corporation (Vinh Quang).

DATES: Applicable September 30, 2021.

FOR FURTHER INFORMATION CONTACT: Javier Barrientos, 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) 482–2243.

SUPPLEMENTARY INFORMATION:

Background

On April 29, 2019, Commerce published its *Final Results*.¹ In the *Final Results*, Commerce denied NTSF’s reported fish meal and fish oil by-product offsets based on NTSF’s statements that it “sold” the head and bone product (*i.e.*, the inputs to fish meal/oil) to an unaffiliated processor. Given these statements, Commerce concluded that the downstream fish meal/oil products were not produced and sold by NTSF, and, therefore, not eligible for by-product offsets.² As a result, Commerce only granted a by-

product offset for the fish head and bone product sold by NTSF, and not the downstream fish oil and fish meal produced by the unaffiliated processor.³

On December 21, 2020, the CIT issued its *Remand Order*.⁴ The *Remand Order* addressed whether three aspects of the *Final Results* were supported by substantial evidence: (1) Commerce’s selection of financial statements for its calculation of surrogate financial ratios; (2) Commerce’s calculation of surrogate values for NTSF’s fingerlings; and (3) Commerce’s denial of by-product offsets for fish meal and fish oil. The CIT affirmed Commerce’s *Final Results* with respect to issues 1 and 2. With respect to issue 3, the CIT concluded that Commerce’s denial of by-product offsets for fish meal and fish oil was unsupported by substantial evidence and, thus, remanded the decision to Commerce to explain its analysis of the record evidence cited by NTSF or otherwise change its determination.⁵

In its Final Remand Redetermination, issued in March 2021, Commerce found that NTSF’s fish meal and fish oil by-products were produced pursuant to a tolling arrangement with an unaffiliated processor and determined that NTSF later sold the by-products to unaffiliated purchasers.⁶ Commerce, thus, found that by-product offsets for NTSF’s sales of fish meal and fish oil were warranted and, accordingly, made changes to the margin calculations for NTSF.⁷

Commerce also made changes to the rate assigned to a reviewed company that it did not individually examine, but which demonstrated its eligibility for separate rate and is a party to the litigation, *i.e.*, Vinh Quang.⁸

On September 20, 2021, the CIT sustained Commerce’s Final Remand Redetermination.⁹

³ *Id.*

⁴ See *NTSF Seafoods Joint Stock Company and Vinh Quang Fisheries Corporation v. United States*, Court No. 19–00063, Slip Op. 20–180 (CIT December 21, 2020) (*Remand Order*).

⁵ *Id.*

⁶ See Final Results of Redetermination Pursuant to Court Remand, *NTSF Seafoods Joint Stock Company and Vinh Quang Fisheries Corporation v. United States*, Court No. 19–00063, Slip Op. 20–180 (CIT December 21, 2020), dated March 22, 2021 (Final Remand Redetermination).

⁷ *Id.*

⁸ *Id.*

⁹ See *NTSF Seafoods Joint Stock Company and Vinh Quang Fisheries Corporation v. United States*, Court No. 19–00063, Slip Op. 21–121, dated September 20, 2021.

¹ See *Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results, and Final Results of No Shipments of the Antidumping Duty Administrative Review; 2016–2017*, 84 FR 18007 (April 29, 2019) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

² See *Final Results* IDM at Comment 11.