

February 22, 2024, Commerce issued its final results of redetermination calculating an estimated countervailable subsidy rate of 9.02 percent *ad valorem* for Trina Solar,<sup>7</sup> and on March 21, 2024, the Court sustained Commerce’s *Final Redetermination*.<sup>8</sup>

**Timken Notice**

In its decision in *Timken*,<sup>9</sup> as clarified by *Diamond Sawblades*,<sup>10</sup> the U.S. 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 a court decision that is not “in harmony” with a Commerce determination and must suspend liquidation of entries pending a “conclusive” court decision. The Court’s March 21, 2024, judgment constitutes a final decision of the Court that is not in harmony with Commerce’s *Final Results*. 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 Trina Solar’s countervailable subsidy rate for the period January 1, 2021, through December 31, 2021, as follows:

Producer/exporter	Subsidy rate (percent <i>ad valorem</i> )
Trina Solar (Changzhou) Science & Technology Co., Ltd. <sup>11</sup> .....	9.02

**Cash Deposit Requirements**

Commerce intends to issue revised cash deposit instructions to U.S.

to Court Order,” dated February 22, 2024 (*Final Redetermination*).

<sup>7</sup> *Id.*  
<sup>8</sup> See *Trina Solar (Changzhou) Science & Technology Co., Ltd., et al., v. United States*, Court No. 23–00219 (CIT March 21, 2024).

<sup>9</sup> See *Timken Co., v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>10</sup> See *Diamond Sawblades Mfrs. Coal. v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

<sup>11</sup> Commerce found Trina Solar (Changzhou) Science & Technology Co., Ltd. to be cross-owned, within the meaning of 19 CFR 351.525(b)(6)(vi), among and across the following companies: Yancheng Trina Solar Guoneng Science & Technology Co., Ltd.; Trina Solar (Su Qian) Technology Co., Ltd.; Trina Solar Yiwu Technology Co., Ltd.; Trina Solar Co., Ltd.; Trina Solar (Yancheng Dafeng) Co., Ltd.; Trina Solar Science & Technology (Yancheng) Co., Ltd.; Trina Solar (Suqian) Optoelectronics Co., Ltd.; Trina Solar (Changzhou) Optoelectronic Device Co., Ltd.; Changzhou Trina Solar Yabang Energy Co., Ltd.; Hubei Trina Solar Energy Co., Ltd.; Turpan Trina Solar Energy Co., Ltd.; Trina Solar (Hefei) Science and Technology Co., Ltd.; Changzhou Hesai PV

Customs and Border Protection (CBP) for the entries indicated above. The revised cash deposit rate, indicated above, will be effective March 31, 2024.

**Liquidation of Suspended Entries**

Commerce intends to instruct CBP to assess countervailing duties on unliquidated entries of subject merchandise produced and/or exported by Trina Solar in accordance with 19 CFR 351.212(b). We will instruct CBP to assess countervailing duties on all appropriate entries covered by this administrative review where the *ad valorem* rate is not zero or *de minimis*. Where an *ad valorem* subsidy rate is zero or *de minimis*,<sup>12</sup> we will instruct CBP to liquidate the appropriate entries without regard to countervailing 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: June 18, 2024.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A–552–801]

**Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Final Results of Antidumping Duty New Shipper Review; 2022–2023**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) has conducted a new shipper review of Co May Import-Export Company Limited (Co May) regarding the antidumping duty order on certain frozen fish fillets (fish fillets) from the Socialist Republic of Vietnam (Vietnam). The period of review (POR) is August 1, 2022, through January 31, 2023. Based on our analysis, Commerce finds that Co May did not make sales of subject merchandise at prices below normal value during the POR.

**DATES:** Applicable June 25, 2024.

Ribbon Materials Co., Ltd.; Changzhou Hewei New Material Technology Co., Ltd.; Changzhou Trina Hezhong PV Co., Ltd.; and Changzhou Trina PV Ribbon Materials Co., Ltd. See *Final Results*.

<sup>12</sup> See 19 CFR 351.106(c)(2).

**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 January 30, 2024, Commerce published the *Preliminary Results* of this new shipper review and invited interested parties to comment.<sup>1</sup> On April 5, 2024, Commerce extended the deadline for issuance of these final results to June 14, 2024.<sup>2</sup> On May 17, 2024, the petitioners<sup>3</sup> submitted a case brief.<sup>4</sup> On May 22, 2024, Co May submitted a rebuttal brief.<sup>5</sup> On May 30, 2024, Commerce held a public hearing.<sup>6</sup> For a complete description of the events that occurred subsequent to the *Preliminary Results*, see the Issues and Decision Memorandum.<sup>7</sup>

**Scope of the Order**<sup>8</sup>

The products covered by the *Order* are fish fillets from Vietnam. For a complete description of the scope of this order, see the Issues and Decision Memorandum.

**Analysis of Comments Received**

We addressed all issues raised in the case and rebuttal briefs filed by interested parties in the Issues and Decision Memorandum. A list of the

<sup>1</sup> See *Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Preliminary Results of New Shipper Review; 2022–2023*, 89 FR 5862 (January 30, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See Memorandum, “Extension of Deadline for Final Results of Antidumping Duty New Shipper Review,” dated April 5, 2024.

<sup>3</sup> The petitioners are the Catfish Farmers of America and individual U.S. catfish processors America’s Catch, Inc., Alabama Catfish, LLC d/b/a Harvest Select Catfish, Inc., Consolidated Catfish Companies, LLC d/b/a Country Select Catfish, Delta Pride Catfish, Inc., Guidry’s Catfish, Inc., Heartland Catfish Company, Magnolia Processing, Inc. d/b/a Pride of the Pond, and Simmons Farm Raised Catfish, Inc.

<sup>4</sup> See Petitioners’ Letter, “Case Brief,” dated May 17, 2024.

<sup>5</sup> See Co May’s Letter, “Rebuttal Brief of Co May Import Export Company Limited,” dated May 22, 2024.

<sup>6</sup> See Hearing Transcript, “Public Hearing in the Matter of: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam, New Shipper Review,” dated May 30, 2024.

<sup>7</sup> See Memorandum, “Decision Memorandum for the Final Results of the New Shipper Review of the Antidumping Duty Order on Certain Frozen Fish Fillets from the Socialist Republic of Vietnam; 2022–2023,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>8</sup> See *Notice of Antidumping Duty Order: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam*, 68 FR 47909 (August 12, 2003) (*Order*).

issues addressed in the Issues and Decision Memorandum is provided in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Verification**

From April 1 through 4, 2024, Commerce verified the questionnaire responses of Co May in Vietnam.<sup>9</sup> We used standard verification procedures, including an examination of relevant sales and accounting records, and original source documents provided by Co May.

**Changes Since the Preliminary Results**

Based on a review of the record, as well as our verification procedures, Commerce made certain changes to the margin calculations for Co May.<sup>10</sup>

**Final Results of Review**

The estimated weighted-average dumping margin for the final results of this new shipper review is as follows:

Exporter	Weighted-average dumping margin (dollars per kilogram)
Co May Import-Export Company Limited .....	\$0.00

**Disclosure**

We intend to disclose the calculations performed for the final results of this review to parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

**Assessment Rates**

Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Pursuant to 19 CFR 351.212(b)(1), because Co May's

weighted-average dumping margin is zero, we will instruct CBP to liquidate Co May's entry without regard to antidumping duties. Pursuant to Commerce's assessment practice,<sup>11</sup> for entries of Co May's merchandise that were not reported in the U.S. sales data submitted by Co May during this review, Commerce will instruct CBP to liquidate such entries at the Vietnam-wide entity rate.

Commerce intends to issue appropriate assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

**Cash Deposit Requirements**

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from Vietnam entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act): (1) for subject merchandise produced and exported by Co May, no cash deposit will be required; (2) for subject merchandise exported by Co May, but not produced by Co May, the cash deposit rate will be the rate for the Vietnam-wide entity; and (3) for subject merchandise produced by Co May, but not exported by Co May, the cash deposit rate will be the rate applicable to the exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

**Notification to Importers**

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

**Administrative Protective Order**

This notice also serves as a reminder to parties subject to 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(a)(3), 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.

**Notification to Interested Parties**

Commerce is issuing and publishing these final results of review in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act, and 19 CFR 351.214.

Dated: June 14, 2024.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

**Appendix**

**List of Topics Discussed in the Issues and Decision Memorandum**

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes Since the *Preliminary Results*
- V. Discussion of the Issue
  - Comment 1: *Bona Fide* Nature of Co May's Sale
- VI. Recommendation

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; SABIT Participant Application, Participant Surveys, Alumni Survey**

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested

<sup>9</sup> See Memorandum, "Verification of the Questionnaire Responses of Co May Import-Export Company Limited in the New Shipper Review of Certain Frozen Fish Fillets from the Socialist Republic of Vietnam," dated May 8, 2024.

<sup>10</sup> For a full description of these changes, see Issues and Decision Memorandum.

<sup>11</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).