

liquidation of certain entries that are subject to the *Final Results*.<sup>11</sup> Accordingly, Commerce will not instruct CBP to assess countervailing duties on those enjoined entries pending resolution of the associated litigation.

Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties, in the amounts shown above for the companies listed above, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption, on or after December 9, 2020, which is the date of the *Final Results*. For all non-reviewed firms, Commerce will instruct CBP to collect cash deposits at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposits, when imposed, shall remain in effect until further notice.

#### Administrative Protective Order

This notice also serves as a reminder to parties that are 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/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.

#### Disclosure

Commerce intends to disclose the calculations performed for these amended final results to interested parties within five business days of the date of this notice in accordance with 19 CFR 351.224(b).

#### Notification to Interested Parties

Commerce is issuing and publishing these amended final results in accordance with sections 751(h) and 771(i)(1) of the Act, and 19 CFR 351.224(e).

Dated: March 29, 2021.

**Christian Marsh,**

*Acting Assistant Secretary for Enforcement and Compliance.*

#### Appendix

##### Non-Selected Companies Under Review

1. Anji DaSol Solar Energy Science & Technology Co., Ltd.

2. Baoding Jiasheng Photovoltaic Technology Co., Ltd.
3. Baoding Tianwei Yingli New Energy Resources Co., Ltd.
4. Beijing Tianneng Yingli New Energy Resources Co., Ltd.
5. BYD (Shangluo) Industrial Co., Ltd.
6. Canadian Solar (USA) Inc.
7. Canadian Solar Inc.
8. Canadian Solar International Ltd.
9. Canadian Solar Manufacturing (Changshu) Inc.
10. Canadian Solar Manufacturing (Luoyang) Inc.
11. Changzhou Trina Solar Yabang Energy Co., Ltd.
12. CSI Cells Co., Ltd.
13. CSI-GCL Solar Manufacturing (Yancheng) Co., Ltd.
14. De-Tech Trading Limited HK
15. Dongguan Sunworth Solar Energy Co., Ltd.
16. Eoply New Energy Technology Co., Ltd.
17. ERA Solar Co., Ltd.
18. ET Solar Energy Limited
19. Hainan Yingli New Energy Resources Co., Ltd.
20. Hangzhou Sunny Energy Science and Technology Co., Ltd.
21. Hengdian Group DMEGC Magnetics Co., Ltd.
22. Hengshui Yingli New Energy Resources Co., Ltd.
23. Hubei Trina Solar Energy Co., Ltd.
24. JA Technology Yangzhou Co., Ltd.
25. Jiangsu High Hope Int'l Group
26. Jiawei Solarchina (Shenzhen) Co., Ltd.
27. Jiawei Solarchina Co., Ltd.
28. Jinko Solar (U.S.) Inc.
29. Jinko Solar Co., Ltd.
30. Jinko Solar Import and Export Co., Ltd.
31. Jinko Solar International Limited
32. LERRI Solar Technology Co., Ltd.
33. Lightway Green New Energy Co., Ltd.
34. Lixian Yingli New Energy Resources Co., Ltd.
35. Luoyang Suntech Power Co., Ltd.
36. Nice Sun PV Co., Ltd.
37. Ningbo ETDZ Holdings, Ltd.
38. Ningbo Qixin Solar Electrical Appliance Co., Ltd.
39. Shanghai BYD Co., Ltd.
40. Shenzhen Sungold Solar Co., Ltd.
41. Shenzhen Yingli New Energy Resources Co., Ltd.
42. Sumec Hardware & Tools Co., Ltd.
43. Sunpreme Solar Technology (Jiaxing) Co., Ltd.
44. Systemes Versilis, Inc.
45. Taizhou BD Trade Co., Ltd.
46. TenKsolar (Shanghai) Co., Ltd.
47. Tianjin Yingli New Energy Resources Co., Ltd.
48. Tianneng Yingli New Energy Resources Co., Ltd.
49. Toenergy Technology Hangzhou Co., Ltd.
50. Trina Solar (Changzhou) Science & Technology Co., Ltd.
51. Trina Solar Co., Ltd. (formerly known as Changzhou Trina Solar Energy Co., Ltd.)
52. Turpan Trina Solar Energy Co., Ltd.
53. Wuxi Suntech Power Co., Ltd.
54. Wuxi Tianran Photovoltaic Co., Ltd.
55. Yancheng Trina Solar Energy Technology Co., Ltd.
56. Yingli Energy (China) Co., Ltd.

57. Yingli Green Energy Holding Company Limited
58. Yingli Green Energy International Trading Company Limited
59. Zhejiang ERA Solar Technology Co., Ltd.
60. Zhejiang Jinko Solar Co., Ltd.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-053]

#### Certain Aluminum Foil From the People's Republic of China: Amended Final Results of Antidumping Duty Administrative Review; 2017-2019

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

**SUMMARY:** The Department of Commerce (Commerce) is amending the final results of the administrative review of the antidumping duty (AD) order on certain aluminum foil (aluminum foil) from the People's Republic of China (China) to correct ministerial errors.

**DATES:** Applicable April 2, 2021.

#### FOR FURTHER INFORMATION CONTACT:

Chelsey Simonovich or Michael J. Heaney AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1979 or (202) 482-4475, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 25, 2021, Commerce published the *Final Results* of the 2017-2019 administrative review of aluminum foil from China in the **Federal Register**.<sup>1</sup> On February 24, 2021, Dingsheng Aluminium Industries (Hong Kong) Trading Co., Limited (Dingsheng Aluminium Industries (Hong Kong) Trading Co., Ltd.) (HK Dingsheng) and Hangzhou Dingsheng Import & Export Co., Ltd. (Hangzhou Dingsheng Import and Export Co., Ltd.) (Hangzhou Dingsheng IE) (collectively, Dingsheng), alleged the existence of a ministerial error in Commerce's *Final Results*.<sup>2</sup> On March 1, 2021, the

<sup>1</sup> See *Certain Aluminum Foil from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; Final Determination of No Shipments; 2017-2019*, 86 FR 11499 (February 25, 2021) (*Final Results*).

<sup>2</sup> See Dingsheng's Letter, "GDLSK Respondents Request for Correction of Clerical Error in the Final Results including Customs Instructions: First Administrative Review of the Antidumping Duty Order on Aluminum Foil from the People's

<sup>11</sup> The Court issued statutory injunctions under case number 20-03912, dated January 15, 2021, and February 3, 2021.

Aluminum Association Trade Enforcement Working Group and its individual members (collectively, the petitioners),<sup>3</sup> also alleged the existence of a ministerial error in Commerce's *Final Results*.<sup>4</sup> On March 4, 2021, Xiamen Xiashun Aluminum Foil Co., Ltd. (Xiashun), a respondent party in this administrative review, filed rebuttal comments to the petitioners' ministerial allegations.<sup>5</sup>

### Legal Framework

A ministerial error, as defined in section 751(h) of the Tariff Act of 1930, as amended (the Act), includes "errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the administering authority considers

ministerial."<sup>6</sup> With respect to final results of administrative reviews, 19 CFR 351.224(e) provides that Commerce "will analyze any comments received and, if appropriate, correct any ministerial error by amending . . . the final results of review."

### Ministerial Error

Commerce committed inadvertent errors within the meaning of section 751(h) of the Act and 19 CFR 351.224(f) by incorrectly listing the names of HK Dingsheng and Hangzhou Dingsheng IE in the *Final Results* and failing to convert Xiashun's value-added tax (VAT) into the correct unit of measure. Accordingly, we determine, in accordance with section 751(h) of the Act and 19 CFR 351.224(f), that we made ministerial errors in the *Final Results*. Pursuant to 19 CFR 351.224(e),

we are amending the *Final Results* to correct these errors. These corrections result in a change to Xiashun's weighted-average dumping margin and to the rate calculated for the respondents which are eligible for a separate rate, but that were not selected for individual examination. We have also corrected Dingsheng's company names below. For a detailed discussion of the ministerial error allegation, as well as Commerce's analysis, see Ministerial Error Memorandum.<sup>7</sup>

### Amended Final Results of the Review

We are assigning the following weighted-average dumping margins to the firms listed below for the period November 2, 2017, through March 31, 2019:

| Exporter   | Weighted-average margin (percent) |
|--|-----------------------------------|
| Jiangsu Zhongji Lamination Materials Co., (HK) Ltd./Jiangsu Zhongji Lamination Materials Stock Co., Ltd./Jiangsu Zhongji Lamination Materials Co., Ltd./Jiangsu Huafeng Aluminum Industry Co., Ltd ..... | 23.62                             |
| Xiamen Xiashun Aluminum Foil Co., Ltd .....  | 48.64                             |
| Alcha International Holdings Limited .....   | 36.13                             |
| Dingsheng Aluminium Industries (Hong Kong) Trading Co., Limited (Dingsheng Aluminium Industries (Hong Kong) Trading Co., Ltd.) .....   | 36.13                             |
| Granges Aluminum (Shanghai) Co., Ltd .....   | 36.13                             |
| Hangzhou Dingsheng Import&Export Co., Ltd. (Hangzhou Dingsheng Import and Export Co., Ltd.) .....  | 36.13                             |
| Hunan Suntown Marketing Limited .....  | 36.13                             |
| Jiangsu Alcha Aluminum Co., Ltd .....  | 36.13                             |
| Shanghai Shenyan Packaging Materials Co .....  | 36.13                             |
| SNTO International Trade Limited .....   | 36.13                             |
| Suzhou Manakin Aluminum Processing Technology Co., Ltd .....   | 36.13                             |

For the respondents which are eligible for a separate rate, but were not selected for individual examination in this administrative review, we have assigned a margin based on the simple average of the dumping margins calculated for Zhongji and Xiashun, consistent with section 735(c)(3)(A) of the Act.

### China-Wide Entity

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.<sup>8</sup> Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a

review of the China-wide entity in this review, the entity is not under review and the entity's rate (*i.e.*, 105.80 percent) is not subject to change.<sup>9</sup>

### Assessment Rates

Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b). In accordance with 19 CFR 351.212(b)(1), we have calculated importer-specific assessment rates for merchandise subject to this review. We calculated importer (or customer)-specific assessment rates for

merchandise subject to this review on a per-unit (*i.e.*, per-kilogram) basis. Specifically, we calculated a per-unit assessment rate by aggregating the antidumping duties due for all U.S. sales to that importer (or customer) and divided this amount by the total quantity sold to that importer (or customer) during the POR. To determine whether the duty assessment rates are *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculate importer—(or customer-) specific *ad valorem* ratios based on the estimated entered value. If an importer (or customer)-specific assessment rate is *de minimis* (*i.e.*, less than 0.50 percent), Commerce will

Republic of China (A-570-053)," dated February 24, 2021.

<sup>3</sup> The individual members of the Aluminum Association Trade Enforcement Working Group are: JW Aluminum Company, Novelis Corporation, and Reynolds Consumer Products LLC.

<sup>4</sup> See Petitioners' Letter, "1st Administrative Review of the Antidumping Duty Order on Certain Aluminum Foil from the People's Republic of China—Petitioners' Ministerial Error Comments," dated March 1, 2021.

<sup>5</sup> See Xiashun's Letter, "Aluminum Foil from the People's Republic of China: Response to Ministerial Error Comments," dated March 4, 2021.

<sup>6</sup> See 19 CFR 351.224(f).

<sup>7</sup> See Memorandum, "Antidumping Duty Administrative Review of Aluminum Foil from the People's Republic of China: Ministerial Error Memorandum," dated concurrently with this notice (Ministerial Error Memorandum).

<sup>8</sup> 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).

<sup>9</sup> See *Certain Aluminum Foil from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 83 FR at 17363 (April 19, 2018) (*Order*).

instruct CBP to liquidate that importer's (or customer's) entries of subject merchandise without regard to antidumping duties.

Consistent with its recent notice,<sup>10</sup> Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the amended 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 amended final results of this administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For Xiashun and Zhongji and for each of the companies identified above as eligible for a separate rate, the cash deposit rate will be equal to the weighted-average dumping margin established in the amended final results of this review; (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that have received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific cash deposit rate published for the completed segment of the most recent period; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity; and (4) for all non-Chinese exporters of subject merchandise which have not received their own separate rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese 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)(2) 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 has occurred and the subsequent assessment of double antidumping duties.

### Administrative Protective Orders

This notice also serves as a final 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

This amended notice is issued and published in accordance with sections 751(h) and 777(i) of the Act.

Dated: March 29, 2021.

**Christian Marsh,**

*Acting Assistant Secretary for Enforcement and Compliance.*

### Appendix

#### List of Topics Discussed in the Ministerial Error Memorandum

- I. Summary
- II. Scope of the Order
- III. Legal Authority
- IV. Discussion of the Issues
  - Comment 1: HK Dingsheng and Hangzhou Dingsheng IE Company Names
  - Comment 2: Xiashun VAT Conversion
- V. Recommendation

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**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-832]

#### Pure Magnesium From the People's Republic of China: Preliminary Results of Antidumping Administrative Review; 2019-20

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

**SUMMARY:** The Department of Commerce (Commerce) is conducting the administrative review of the antidumping duty (AD) order on pure magnesium from the People's Republic of China (China). The period of review

(POR) is May 1, 2019, through April 30, 2020. Commerce preliminarily determines that Tianjin Magnesium International Co., Ltd. and Tianjin Magnesium Metal Co., Ltd. (collectively, TMI/TMM) did not have any shipments during the POR. We invite interested parties to comment on these preliminary results.

**DATES:** Applicable April 2, 2021.

**FOR FURTHER INFORMATION CONTACT:** Kyle Clahane, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5449.

### SUPPLEMENTARY INFORMATION:

#### Background

On May 1, 2020, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the AD order on pure magnesium from China for the POR.<sup>1</sup> On July 10, 2020, in response to a timely request from the petitioner,<sup>2</sup> and in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the Order with respect to TMI/TMM.<sup>3</sup> On July 21, 2020, Commerce tolled all deadlines in administrative reviews by 60 days.<sup>4</sup> The deadline for the preliminary results of this review is now April 1, 2021.

#### Scope of the Order

The product covered by this antidumping duty order is pure magnesium from China, regardless of chemistry, form or size, unless expressly

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 85 FR 25394 (May 1, 2020); see also *Notice of Antidumping Duty Orders: Pure Magnesium from the People's Republic of China, the Russian Federation and Ukraine; Notice of Amended Final Determination of Sales at Less Than Fair Value: Antidumping Duty Investigation of Pure Magnesium from the Russian Federation*, 60 FR 25691 (May 12, 1995) (Order).

<sup>2</sup> See US Magnesium LLC's Letter, "Request For Administrative Review," dated May 29, 2020.

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 85 FR 41540 (July 10, 2020). In the 2011-2012 administrative review of the order, Commerce collapsed TMM and TMI, and treated the companies as a single entity for purposes of the proceeding. Because there were no changes to the facts which supported that decision since that determination was made, we continue to find that these companies are part of a single entity for this administrative review. See *Pure Magnesium from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2011-2012*, 79 FR 94 (January 2, 2014), and accompanying Issues and Decision Memorandum at Comment 5.

<sup>4</sup> See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews," dated July 21, 2020.

<sup>10</sup> See *Notice of Discontinuation of Policy to Issue Liquidation Instructions After 15 Days in Applicable Antidumping and Countervailing Duty Administrative Proceedings*, 86 FR 3995 (January 15, 2021).