

### Canada

The merchandise covered by the *Canada Order* consists of certain iron construction castings from Canada, limited to manhole covers, rings, and frames, catch basin grates and frames, clean-out covers, and frames used for drainage or access purposes for public utility, water and sanitary systems, classifiable as heavy castings under HTS item numbers 7325.10.0010, 7325.10.0020, 7325.10.0025, 7325.99.1000. The HTS item numbers are provided for convenience and customs purposes only. The written description remains dispositive.

### China

The products covered by the *China Order* are certain iron construction castings, limited to manhole covers, rings and frames, catch basin grates and frames, cleanout covers and drains used for drainage or access purposes for public utilities, water and sanitary systems; and valve, service, and meter boxes which are placed below ground to encase water, gas, or other valves, or water or gas meters. These articles must be of cast iron, not alloyed, and not malleable. This merchandise is currently classifiable under the HTS item number 7325.10.0010 and 7325.10.0050. The HTS item numbers are provided for convenience and customs purposes. The written product description remains dispositive.

### Continuation of the Orders

As a result of the determinations by Commerce and the ITC that revocation of the *Orders* would likely lead to a continuation or a recurrence of dumping and countervailable subsidies and of material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of the *Orders*. U.S. Customs and Border Protection will continue to collect AD and CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the *Orders* will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year review of the *Orders* not later than 30 days prior to the fifth anniversary of the effective date of continuation.

### Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the

return/destruction or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO which may be subject to sanctions.

### Notification to Interested Parties

These five-year (sunset) reviews and this notice are in accordance with sections 751(c) of the Act, and published in accordance with section 777(i) of the Act and 19 CFR 351.218(f)(4).

Dated: May 26, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–088]

### Certain Steel Racks and Parts Thereof from the People's Republic of China: Amended Final Results of Antidumping Duty Administrative Review, 2019–2020

**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 order on certain steel racks and parts thereof from the People's Republic of China to correct ministerial errors. The period of review is March 4, 2019, through August 31, 2020.

**DATES:** Applicable June 3, 2022.

**FOR FURTHER INFORMATION CONTACT:** Jonathan Hill, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3518.

### SUPPLEMENTARY INFORMATION:

#### Background

On April 1, 2022, Commerce disclosed its margin calculations in the final results of the above-referenced review.<sup>1</sup> On April 11, 2022, Nanjing

<sup>1</sup> See *Certain Steel Racks and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2019–2020*, 87 FR 20817 (April 8, 2022) (*Final Results*), and accompanying Issues and Decision Memorandum; see also Memorandum, “2019–2020 Antidumping Duty Administrative Review of Certain Steel Racks

Kingmore Logistics Equipment Manufacturing Co., Ltd. (Nanjing Kingmore), a mandatory respondent, timely alleged that Commerce made ministerial errors in calculating the company's weighted-average dumping margin in the *Final Results*.<sup>2</sup>

### Legal Framework

Commerce's regulations stipulate that it will disclose its calculations to parties to the proceeding and that those parties may submit comments concerning any alleged ministerial errors.<sup>3</sup> If appropriate, Commerce will correct any ministerial errors by amending its determination.<sup>4</sup> Ministerial errors are defined as “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 {Commerce} considers ministerial.”<sup>5</sup>

### Ministerial Error

Commerce committed inadvertent, unintentional errors within the meaning of section 751(h) of the Act and 19 CFR 351.224(f) when it: (1) Used a surrogate value for U.S. inland freight rates that was in the wrong unit of measure, and; (2) failed to convert Nanjing Kingmore's reported distances for calculating U.S. inland freight costs from a character variable to a numeric variable.<sup>6</sup>

Accordingly, we are amending the *Final Results* to reflect the corrections of these ministerial errors in the calculation of the weighted-average dumping margin for Nanjing Kingmore.<sup>7</sup> Further, we are amending the review-specific rate assigned to the non-examined, separate rate companies based on the weighted-average dumping

and Parts Thereof from the People's Republic of China: Final Results Analysis Memorandum for Nanjing Kingmore Logistics Equipment Manufacturing Co., Ltd.,” dated April 1, 2022.

<sup>2</sup> See Nanjing Kingmore's Letter, “Certain Steel Racks and Parts Thereof from the People's Republic of China, Case No. A–570–088: Ministerial Error Allegation,” dated April 11, 2022.

<sup>3</sup> See 19 CFR 351.224(b) and (c)(l).

<sup>4</sup> See 19 CFR 351.224(e).

<sup>5</sup> See section 751(h) of the Tariff Act of 1930, as amended (the Act); see also 19 CFR 351.224(f).

<sup>6</sup> See Memorandum, “Administrative Review of the Antidumping Duty Order on Certain Steel Racks and Parts Thereof from the People's Republic of China: Ministerial Error Allegation,” dated concurrently with this notice.

<sup>7</sup> See Memorandum, “2019–2020 Antidumping Duty Administrative Review of Certain Steel Racks and Parts Thereof from the People's Republic of China: Amended Final Results Analysis Memorandum for Nanjing Kingmore Logistics Equipment Manufacturing Co., Ltd.,” dated concurrently with this memorandum.

margins calculated for the mandatory respondents.<sup>8</sup>

**Amended Final Results**

After correcting for the ministerial errors described above, we determine

that the following weighted-average dumping margins exist for the period March 4, 2019, through August 31, 2020:

Exporter	Weighted-average dumping margin (percent)
Nanjing Kingmore Logistics Equipment Manufacturing Co., Ltd .....	15.04
Review-Specific Rate Applicable to the Following Non-Examined Companies:	
Jiangsu Nova Intelligent Logistics Equipment Co., Ltd .....	12.29
Nanjing Ironstone Storage Equipment Co., Ltd .....	12.29
Suzhou (China) Sunshine Hardware & Equipment Imp. & Exp. Co., Ltd .....	12.29
Xiamen Luckyroc Industry Co., Ltd .....	12.29

**Disclosure**

Pursuant to 19 CFR 351.224(b), within five days of the publication of this notice in the **Federal Register**, we will disclose to the parties to this proceeding, the calculations that we performed for these amended final results of review.

**Assessment Rates**

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise covered by the amended final results of review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these amended final results of 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).

Where the respondent’s weighted-average dumping margin is zero or *de minimis*, or where an importer-specific *ad valorem* or per-unit rate is zero or *de minimis*, Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.<sup>9</sup> For U.S. entries that were not reported in the U.S. sales data submitted by an exporter individually examined during this review, but that entered under the case number of that exporter (*i.e.*, at the individually-examined exporter’s cash deposit rate), Commerce will instruct CBP to liquidate such entries at the cash deposit rate for the China-wide entity (*i.e.*, 144.50 percent).

We calculated importer-specific per-unit assessment rates for Nanjing Kingmore by dividing the total amount of dumping for reviewed sales of subject merchandise imported by the importer, or for reviewed sales of subject merchandise to a customer, as appropriate, by the total sales quantity associated with those transactions.

For the companies not individually examined in this administrative review that qualified for a separate rate, the assessment rate will be equal to the weighted-average dumping margins calculated for those companies in these amended final results of review.

**Cash Deposit Requirements**

The following cash deposit requirements will be effective for shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice of the amended final results of review in the **Federal Register**, as provided by section 751(a)(2)(C) of the Act: (1) For the exporters listed in the table above, the cash deposit rate will be equal to the weighted-average dumping margin determined in these amended final results of review; (2) for previously investigated or reviewed China and non-China exporters not under review in this segment of the proceeding that have separate rates, the cash deposit rate will continue to be the existing exporter-specific cash deposit rate published from the completed segment for the most recent period; (3) for all China exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the cash deposit rate previously established for the China-wide entity, which is 144.50 percent; and (4) for all non-China exporters of subject

merchandise which have not received their own rate, the cash deposit rate will be the cash deposit rate applicable to the China exporter that supplied that non-China 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 review period. Failure to comply with this requirement could result in Commerce’s presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

**Notification Regarding 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**

We are issuing and publishing this notice in accordance with sections 751(h) and 777(i)(1) of the Act, and 19 CFR 351.224(e).

<sup>8</sup> See Memorandum, “Antidumping Duty Administrative Review of Steel Racks and Parts Thereof from the People’s Republic of China:

Calculation of the Dumping Margin for Respondents Not Selected for Individual Examination for the

Amended Final Results of Review,” dated concurrently with this notice.

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

Dated: May 25, 2022.  
**Lisa W. Wang,**  
*Assistant Secretary for Enforcement and Compliance.*  
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**DEPARTMENT OF COMMERCE**

**International Trade Administration**  
**[C-570-980]**

**Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People’s Republic of China: Notice of Court Decision Not in Harmony With Final Results of Countervailing Duty Administrative Review and Notice of Amended Final Results**

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

**SUMMARY:** On May 19, 2022, the U.S. Court of International Trade (the Court) entered judgment sustaining the final results of remand redetermination pursuant to court order by the U.S. Department of Commerce (Commerce) pertaining to the 2016 countervailing duty (CVD) administrative review of the order on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells) from the People’s Republic of China (China). Commerce is notifying the public that the final judgment in this case is not in harmony with Commerce’s final results in the 2016 administrative review of solar cells from China and that Commerce is amending the final results.

**DATES:** Applicable May 29, 2022.

**FOR FURTHER INFORMATION CONTACT:** Gene H. Calvert, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of

Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3586.

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 28, 2019, Commerce published its final results of the 2016 administrative review of solar cells from China.<sup>1</sup> Commerce reached affirmative determinations for mandatory respondents Canadian Solar Inc. and its cross-owned affiliates (collectively, Canadian Solar) and Jinko Solar Import and Export Co., Ltd. and its cross-owned affiliates (collectively, Jinko Solar), as well as for numerous other producers and exporters not selected for individual review.

On September 3, 2021, the Court remanded aspects of the *Final Results* to Commerce for further consideration.<sup>2</sup> The Court remanded Commerce’s determinations regarding Commerce’s calculation of the benchmark for aluminum extrusions; the determination of the benchmark for solar grade polysilicon; the use of adverse facts available (AFA) in its specificity finding for the provision of electricity for less than adequate remuneration (LTAR); the determination not to grant an entered value adjustment (EVA); and the determination regarding the Export Buyer’s Credit Program.<sup>3</sup>

In its remand redetermination, issued in December 2021,<sup>4</sup> Commerce provided additional explanation and evidence for its determinations and revised certain determinations consistent with the Court’s remand order, and the Court sustained Commerce’s remand redetermination in full.<sup>5</sup> Specifically, the Court found that Commerce’s determination to solely rely on data from IHS to establish a benchmark for aluminum extrusions, its determination that AFA was warranted regarding its specificity determination for the

provision of electricity for LTAR because the Government of China (GOC) did not provide requested information, and that Commerce’s explanation that China’s solar-grade polysilicon market is distorted due to significant government participation by the GOC, all complied with the Court’s order.<sup>6</sup> The Court also found that the granting of the EVA and removal of the subsidy rate for the Export Buyer’s Credit Program satisfied the options as provided by the Court.<sup>7</sup>

**Timken Notice**

In its decision in *Timken*,<sup>8</sup> as clarified by *Diamon Sawblades*,<sup>9</sup> the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of 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 May 19, 2020 judgment constitutes a final decision of the Court that is not in harmony with Commerce’s *Final Results* and *Amended Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, Commerce will continue suspension of liquidation of subject merchandise pending expiration of the period of appeal or, if appealed, pending a final and conclusive court decision.

**Amended Final Results**

Because there is now a final court decision, Commerce is amending the *Amended Final Results* with respect to Canadian Solar, Jinko Solar, and for all other producers and exporters subject to this review. The revised total net countervailable subsidy rates for Canadian Solar and Jinko Solar for the period January 1, 2016, through December 31, 2016, are as follows:<sup>10</sup>

Producer/exporter	Subsidy rate (percent ad valorem)
Canadian Solar Inc. and Cross-Owned Affiliates <sup>11</sup> .....	3.65
Jinko Solar Import and Export Co., Ltd. and Cross-Owned Affiliates <sup>12</sup> .....	5.86

<sup>1</sup> See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People’s Republic of China: Final Results of Countervailing Duty Administrative Review and Recession of Review, in Part*; 2016, 84 FR 45125 (August 28, 2019) (*Final Results*), and accompanying Issues and Decision Memorandum, as amended by *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People’s Republic of China: Amended*

*Final Results of Countervailing Duty Administrative Review; 2016*, 84 FR 68102 (December 13, 2019) (*Amended Final Results*).

<sup>2</sup> See *Canadian Solar Inc. v. United States*, 537 F. Supp. 3d 1380 (CIT 2021).

<sup>3</sup> *Id.*

<sup>4</sup> See *Canadian Solar Inc. v. United States*, CIT Consolidated Court No. 19-00178, “Final Results of Redetermination Pursuant to Court Remand,” dated December 13, 2021 (Remand Redetermination).

<sup>5</sup> See *Canadian Solar Inc., et al. v. United States*, Slip Op. 22-49 (CIT May 19, 2022).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>9</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010).

<sup>10</sup> See Remand Redetermination at 56.