

For polysilicon, Commerce placed additional information on the record that supported its finding that the solar grade polysilicon market in China is distorted by government involvement.<sup>10</sup> Finally, Commerce found, based on adverse facts available, that the provision of electricity for less-than-adequate remuneration is a regionally specific subsidy program, based on the GOC's failure to explain the variation in electricity prices between provinces.<sup>11</sup>

The Court sustained Commerce's second remand redetermination in full.<sup>12</sup> Specifically, the Court found that Commerce's determinations regarding the Export Buyer's Credit Program, as well as the aluminum extrusions and solar glass benchmarks, complied with the options the Court provided in the *Second Remand Order*.<sup>13</sup> For polysilicon, the Court explained that Commerce reasonably identified further evidence supporting its finding of market distortion.<sup>14</sup> Finally, the Court found that Commerce appropriately identified the missing information and facts that, when combined with an adverse inference, supported finding that the provision of electricity is regionally specific.<sup>15</sup>

#### Timken Notice

In its decision in *Timken*,<sup>16</sup> as clarified by *Diamond Sawblades*,<sup>17</sup> the 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 August 4, 2020, judgment constitutes a final decision of that 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.

<sup>10</sup> *Id.* at 14–22.

<sup>11</sup> *Id.* at 22–24.

<sup>12</sup> See *Changzhou Trina Solar Energy Co., Ltd. v. United States*, Slip Op. 20–108 (August 4, 2020).

<sup>13</sup> *Id.* at 4–8 (Export Buyer's Credit Program) and 8–14 (benchmarks for aluminum extrusions and solar glass).

<sup>14</sup> *Id.* at 14–18.

<sup>15</sup> *Id.* at 18–25.

<sup>16</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>17</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010).

#### Amended Final Results

Because there is now a final court decision, Commerce is amending the *Amended Final Results* with respect to Canadian Solar, Trina Solar, and all other producers and exporters subject to this review. The revised total subsidy rates for Canadian Solar and Trina Solar for the period January 1, 2014 through December 31, 2014 are as follows:<sup>18</sup>

Exporter or producer	Subsidy rate (percent <i>ad valorem</i> )
Canadian Solar Manufacturing (Changshu) Inc. and its Cross-Owned Affiliates <sup>19</sup> .....	7.36
Changzhou Trina Solar Energy Co., Ltd. and its Cross-Owned Affiliates <sup>20</sup> .....	5.97
BYD (Shangluo) Industrial Co., Ltd	6.44
Chint Solar (Zhejiang) Co., Ltd .....	6.44
ET Solar Energy Limited .....	6.44
ET Solar Industry Limited .....	6.44
Hangzhou Sunny Energy Science and Technology Co., Ltd .....	6.44
Jiawei Solarchina Co., Ltd .....	6.44
Jiawei Solarchina (Shenzhen) Co., Ltd .....	6.44
Lightway Green New Energy Co., Ltd .....	6.44
Luoyang Suntech Power Co., Ltd ...	6.44
Ningbo Qixin Solar Electrical Appliance Co., Ltd .....	6.44
Shanghai BYD Co., Ltd .....	6.44
Shenzhen Topray Solar Co. Ltd .....	6.44
Systemes Versilis, Inc .....	6.44
Taizhou BD Trade Co., Ltd .....	6.44
tenKsolar (Shanghai) Co., Ltd .....	6.44
Toenergy Technology Hangzhou Co., Ltd .....	6.44
Wuxi Suntech Power Co., Ltd .....	6.44

#### Amended Cash Deposit Rates

Commerce will issue revised cash deposit instructions to U.S. Customs and Border Protection for all firms above that do not have a superseding cash deposit rate (*e.g.*, from a subsequent administrative review). For such firms, the revised cash deposit rates will be the rates indicated above, effective August 14, 2020.

#### Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1) and 777(i)(1) of the Act.

<sup>18</sup> See Second Remand Redetermination at 48.

<sup>19</sup> See *Final Results*, 82 FR at 32680. Cross-owned affiliates are: Canadian Solar Inc.; Canadian Solar Manufacturing (Luoyang) Inc.; CSI Cells Co., Ltd.; CSI Solar Power (China) Inc.; CSI Solartronics (Changshu) Co., Ltd.; CSI Solar Technologies Inc.; and CSI Solar Manufacture Inc.

<sup>20</sup> *Id.* Cross-owned affiliates are: Trina Solar Limited; Trina Solar (Changzhou) Science & Technology Co., Ltd.; Yancheng Trina Solar Energy Technology Co., Ltd.; Changzhou Trina Solar Yabang Energy Co., Ltd.; Hubei Trina Solar Energy Co., Ltd.; Turpan Trina Solar Energy Co., Ltd.; and Changzhou Trina PV Ribbon Materials Co., Ltd.

Dated: August 11, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–351–842]

#### Certain Uncoated Paper From Brazil: Partial Rescission of Antidumping Duty Administrative Review; 2019–2020

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

**SUMMARY:** The Department of Commerce (Commerce) is partially rescinding the administrative review of the antidumping duty order on certain uncoated paper (uncoated paper) from Brazil for the period of review (POR) March 1, 2019 through February 29, 2020.

**DATES:** Applicable August 17, 2020.

**FOR FURTHER INFORMATION CONTACT:** Jerry Huang, 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) 482–4047.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 2, 2020, Commerce published a notice of opportunity to request an administrative review of the antidumping duty order on uncoated paper from Brazil.<sup>1</sup> Pursuant to requests from interested parties, Commerce initiated an administrative review with respect to three companies, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).<sup>2</sup> Subsequent to the initiation of the administrative review, the petitioners<sup>3</sup> timely withdrew their request for an administrative review of two companies, as discussed below. No

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation: Opportunity to Request Administrative Review*, 85 FR 12267 (March 2, 2020).

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 85 FR 26931 (May 6, 2020) (Initiation Notice).

<sup>3</sup> Collectively, the petitioners are: Domtar Corporation, P.H. Glatfelter Company, Packaging Corporation of America, and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO, CLC.

other party requested an administrative review of these companies.

### Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested a review withdraws its request within 90 days of the date of publication of the notice of initiation. The request for an administrative review of the following companies was withdrawn within 90 days of the date of publication of the *Initiation Notice*: International Paper do Brasil Ltda. and International Paper Exportadora Ltda.<sup>4</sup> As a result, Commerce is rescinding this review with respect to these two companies, in accordance with 19 CFR 351.213(d)(1). The review will continue with respect to Suzano S.A.<sup>5</sup>

### Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. For the companies for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice.

### Notification to Importers

This notice 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 the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

### Notification Regarding Administrative Protective Orders

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, 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 notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: August 12, 2020.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-937]

### Citric Acid and Certain Citrate Salts From the People's Republic of China: Final Results of Second Expedited Sunset Review of Antidumping Duty Order

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

**SUMMARY:** As a result of this sunset review, the Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on citric acid and certain citrate salts from the People's Republic of China (China) would be likely to lead to a continuation or recurrence of dumping, at the levels identified in the "Final Results of Sunset Review" section of this notice.

**DATES:** Applicable August 17, 2020.

**FOR FURTHER INFORMATION CONTACT:** Thomas Martin or Zachary Shaykin, 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) 482-3936 or (202) 482-2638, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

On May 29, 2009, Commerce published in the **Federal Register** a notice of the AD order on citric acid and certain citrate salts from China.<sup>1</sup> On

May 1, 2020, Commerce published its initiation of the second sunset review of the *Order*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).<sup>2</sup> On May 18, 2020, Commerce received a timely and complete notice of intent to participate in the sunset review in relation to the order on subject merchandise from China from domestic interested parties<sup>3</sup> within the deadline specified in 19 CFR 351.218(d)(1)(i).<sup>4</sup> The domestic interested parties claimed interested party status pursuant to section 771(9)(C) of the Act as manufacturers in the United States of the domestic like product.<sup>5</sup>

On June 1, 2020, the domestic interested parties filed a timely and adequate substantive response within the deadline specified in 19 CFR 351.218(d)(3)(i).<sup>6</sup> Commerce did not receive substantive responses from any respondent interested party with respect to the *Order* covered by this sunset review. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the *Order*.

#### Scope of the Order

The scope of the order includes all grades and granulation sizes of citric acid, sodium citrate, and potassium citrate in their unblended forms, whether dry or in solution, and regardless of packaging type. The scope also includes blends of citric acid, sodium citrate, and potassium citrate; as well as blends with other ingredients, such as sugar, where the unblended form(s) of citric acid, sodium citrate, and potassium citrate constitute 40 percent or more, by weight, of the blend. The scope of the order also includes all forms of crude calcium citrate, including dicalcium citrate monohydrate, and tricalcium citrate tetrahydrate, which are intermediate products in the production of citric acid, sodium citrate, and potassium citrate. The scope of the order does not include calcium citrate that satisfies the

<sup>2</sup> See *Initiation of Five-Year (Sunset) Reviews*, 85 FR 25386 (May 1, 2020).

<sup>3</sup> The domestic interested parties are Archer Daniels Midland Company; Cargill, Incorporated; and Tate & Lyle Ingredients Americas LLC (collectively, domestic interested parties).

<sup>4</sup> See Domestic Interested Parties' Letter, "Second Five-Year ('Sunset') Review Of Antidumping And Countervailing Duty Orders On Citric Acid And Certain Citrate Salts from the People's Republic of China: Domestic Industry's Notice Of Intent To Participate," dated May 18, 2020.

<sup>5</sup> *Id.* at 2.

<sup>6</sup> See Domestic Interested Parties' Letter, "Second Five-Year ('Sunset') Review Of Antidumping Duty Order On Citric Acid And Certain Citrate Salts from the People's Republic of China: Domestic Industry's Substantive Response," dated June 1, 2020.

<sup>4</sup> See Petitioners' Letter, "Uncoated Paper From Brazil/Partial Withdrawal Of Request For Administrative Review Of The Antidumping Order," dated July 28, 2020.

<sup>5</sup> See *Initiation Notice*, 85 FR at 26933.

<sup>1</sup> See *Citric Acid and Certain Citrate Salts from Canada and the People's Republic of China: Antidumping Duty Orders*, 74 FR 25703 (May 29, 2009) (*Order*).