

Redetermination, Commerce calculated estimated weighted-average dumping margins of 4.98 percent for Habas, 8.66 percent for Icdas, and 7.03 percent for all other producers and exporters of subject merchandise.⁶

On October 17, 2019, in its *Second Remand Order*, the CIT sustained Commerce's duty drawback adjustment as applied to export price, but remanded Commerce to recalculate NV without making a COS adjustment in the same amount. The CIT also sustained Commerce's use of partial AFA with respect to Icdas.⁷

On January 15, 2020, Commerce issued its second results of redetermination, in which it recalculated each respondent's NV without making the COS adjustment related to duty drawback.⁸ In addition, Commerce made an adjustment to cost in the amount of the duty forgiven divided by the production data to arrive at the annual average per-unit import duty burden, which was added to the cost of production. Commerce continued to adjust the full amount of duties drawn back to U.S. price as in the *First Redetermination*. As a result of the

changes to our duty drawback methodology in the *Second Redetermination*, Commerce calculated estimated weighted-average dumping margins of 4.08 percent for Habas, 4.17 percent Icdas, and 4.13 percent for all other producers and exporters of subject merchandise.⁹

On April 17, 2020, in its *Third Remand Order*, the CIT granted Commerce's request for voluntary remand and ordered Commerce to include Inward Processing Certificate (IPC) #36 in its duty drawback calculation for Habas.¹⁰ On July 1, 2020, in the third results of redetermination, Commerce revised Habas' duty drawback calculation to include IPC #36, which had mistakenly been omitted previously.¹¹ As a result of this revision to Habas' duty drawback calculation in the *Third Redetermination*, Commerce calculated an estimated weighted-average dumping margin of 3.96 percent for Habas, and 4.07 percent for all other producers and exporters of subject merchandise. Icdas' weighted-average dumping margin remained at 4.17 percent calculated in the *Second Redetermination*.¹² On

September 4, 2020, the court sustained Commerce's *Third Redetermination*.¹³

Timken Notice

In its decision in *Timken*,¹⁴ as clarified by *Diamond Sawblades*,¹⁵ the Court of Appeals for the Federal Circuit held that, pursuant to section 516A 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 CIT's September 4, 2020 judgment constitutes a final decision of the Court that is not in harmony with Commerce's *Amended Final Determination*.¹⁶ Thus, this notice is published in fulfillment of the publication requirements of *Timken* and section 516A of the Act.

Amended Final Determination

Because there is now a final court decision, Commerce is amending its *Amended Final Determination*. The revised estimated weighted-average dumping margins are as follows:

Exporter or producer	Weighted-average dumping margin (percent)	Cash deposit (adjusted for subsidy offsets)
Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S	3.96	3.92
Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S	4.17	4.00
All Others	4.07	3.90

Cash Deposit Requirements

Because there have been subsequent administrative reviews for Habas and Icdas, the cash deposit rate will remain the rates established in the most recently completed administrative reviews for these companies. The cash deposit rate for all other producers and exporters is revised from 7.26 percent in the *Amended Final Determination and Order* to 3.90 percent, as a result of the final court decision.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c)(1) and (e), 735(d), 736(a), 751(a) and 777(i) of the Act.

Dated: December 30, 2021.

Ryan Majerus,

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

[FR Doc. 2022-00107 Filed 1-6-22; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-053]

Certain Aluminum Foil From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2019-2020

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

SUMMARY: The Department of Commerce (Commerce) finds that exporters of certain aluminum foil (aluminum foil) from the People's Republic of China

⁶ See *First Redetermination* at 21.

⁷ See *Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi, A.S. v. United States*, 415 F. Supp. 3d 1195 (CIT 2019) (*Second Remand Order*).

⁸ See *Final Results of Redetermination Pursuant to Court Remand, Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. v. United States*, Consol. Ct. No. 17-00204, Slip Op. 19-130, dated January 15, 2020 (*Second Redetermination*), available at <https://enforcement.trade.gov/remands/19-130.pdf>.

⁹ *Id.* at 4.

¹⁰ See *Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi, A.S. v. United States*, 439 F. Supp. 3d 1342 (CIT 2020) (*Third Remand Order*).

¹¹ See *Final Results of Redetermination Pursuant to Court Remand, Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. v. United States*, Consol. Ct. No. 17-00204, Slip Op. 20-51, dated July 1, 2020 (*Third Redetermination*), available at <https://enforcement.trade.gov/remands/20-51.pdf>.

¹² *Id.* at 5.

¹³ See *Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi, A.S. v. United States*, 470 F.Supp. 3d 1363 (CIT September 4, 2020).

¹⁴ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

¹⁵ See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

¹⁶ See *Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi, A.S. v. United States*, 470 F.Supp. 3d 1363 (CIT September 4, 2020).

(China) made sales of subject merchandise at prices less than normal value during the period of review (POR) April 1, 2019, through March 31, 2020.

DATES: Applicable January 7, 2022.

FOR FURTHER INFORMATION CONTACT:

Scarlet Jaldin 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) 482-4275 or (202) 482-4475 respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results* on July 7, 2021.¹ On October 28, 2021, and December 14, 2021, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), Commerce extended the deadline for issuing the final results, until December 30, 2021.² For a complete description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.³

The administrative review covers two mandatory respondents: (1) Jiangsu Zhongji Lamination Materials Co., (HK) Ltd.; Jiangsu Zhongji Lamination Materials Stock Co., Ltd.; Jiangsu Zhongji Lamination Materials Co., Ltd.; and Jiangsu Huafeng Aluminum Industry Co., Ltd. (collectively, Zhongji), and (2) Jiangsu Alcha Aluminum Co., Ltd. (Jiangsu Alcha). The administrative review also covers 11 other companies that were not selected for individual examination.⁴

¹ See *Certain Aluminum Foil from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Antidumping Duty Administrative Review, and Preliminary Determination of No Shipments; 2019–2020*, 86 FR 35747 (July 7, 2021) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

² See Memorandum, “Certain Aluminum Foil from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty Administrative Review,” dated October 28, 2021; see also Memorandum, “Certain Aluminum Foil from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty Administrative Review,” dated December 14, 2021.

³ See Memorandum, “Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review of Certain Aluminum Foil from the People's Republic of China: 2019–2020,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ We incorrectly stated in the *Preliminary Results* that this administrative review covers 14 companies that were not selected for individual examination. The correct number is 11 companies.

Scope of the Order⁵

The merchandise covered by the *Order* is aluminum foil from China. For a full description of the scope, see the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in interested parties' briefs are addressed in the Issues and Decision Memorandum. A list of the issues raised by interested parties and to which we responded 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>.

Changes Since the Preliminary Results

Based on our review of the record and comments received from interested parties, we made certain changes to the preliminary margin calculation for Zhongji,⁶ and consequently, to the rate assigned to the non-examined, separate rate respondents.⁷

Final Determination of No Shipments

In the *Preliminary Results*, we preliminarily determined that Jiangsu Dingsheng New Materials Joint-Stock Co., Ltd.; Hangzhou Teemful Aluminium Co., Ltd.; and Hangzhou Five Star Aluminium Co., Ltd. had no shipments of subject merchandise during the POR.⁸ We received no information to contradict this determination.⁹ Therefore, we continue to find that these companies had no shipments of subject merchandise during the POR and will issue appropriate liquidation instructions that are consistent with our “automatic

⁵ 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 17362 (April 19, 2018) (*Order*).

⁶ See Memorandum, “Zhongji Analysis for the Final Results” (Zhongji Final Analysis Memorandum); Memorandum, “Final Results Surrogate Value Memorandum” (Final Results Surrogate Value Memorandum), both dated concurrently with this notice.

⁷ For details on the changes made since the *Preliminary Results*, see the Issues and Decision Memorandum.

⁸ See *Preliminary Results*, 86 FR at 35747.

⁹ We received interested party comments that certain company names contained minor spelling errors in the *Preliminary Results*, and we have corrected the spellings for these final results. See Issues and Decision Memorandum at Comment 10.

assessment” clarification for these final results.¹⁰

Separate Rate Respondents

In the *Preliminary Results*, we found that each of the following companies demonstrated its eligibility for separate rate status: (1) Zhongji; (2) Alcha International Holdings Limited; (3) Dingsheng Aluminum Industries (Hong Kong) Trading Co.; (4) Hangzhou Dingsheng Import & Export Co., Ltd.; (5) Hunan Suntown Marketing Limited; (6) Shanghai Huaafon Aluminum Corporation; (7) Suntown Technology Group Limited; (8) Xiamen Xiashun Aluminum Foil Co., Ltd.; and (9) Yinbang Clad Materials Co., Ltd. (Yinbang Clad).¹¹ We received comments with respect to Shanghai Huaafon Aluminum Corporation; we find that this company was incorrectly included in the preliminary list of companies eligible for a separate rate, and we have removed this company for the final results.¹² We also received comments that certain company names were incorrectly identified in the *Preliminary Results*, and we have corrected the spellings of these company names for these final results.¹³ We received no other argument since the issuance of the *Preliminary Results* that provide a basis for reconsideration of these determinations.

Therefore, we find for these final results that the following companies demonstrated their eligibility for separate rate status: (1) Zhongji; (2) Alcha International Holdings Limited; (3) Dingsheng Aluminium Industries (Hong Kong) Trading Co., Limited (a.k.a. Dingsheng Aluminium Industries (Hong Kong) Trading Co., Ltd.); (4) Hangzhou Dingsheng Import&Export Co., Ltd. (a.k.a. Hangzhou Dingsheng Import and Export Co., Ltd.); (5) Hunan Suntown Marketing Limited; (6) Suntown Technology Group Corporation Limited (a.k.a. Suntown Technology Group Co., Ltd.); (7) Xiamen Xiashun Aluminum Foil Co., Ltd. and (8) Yinbang Clad Materials Co., Ltd. (Yinbang Clad).

Rate for Non-Examined Separate Rate Respondents

As noted in the *Preliminary Results*,¹⁴ the statute and Commerce's regulations do not address what rate to apply to

¹⁰ See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011) (*Assessment Practice Refinement*).

¹¹ See *Preliminary Results* Preliminary Decision Memorandum at 10–14.

¹² See Issues and Decision Memorandum at Comment 11.

¹³ See Issues and Decision Memorandum at Comment 10.

¹⁴ See *Preliminary Results*, 86 FR at 35748.

respondents not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for non-selected respondents that are not examined individually in an administrative review. Section 735(c)(5)(A) of the Act states that the all-

others rate should be calculated by averaging the weighted-average dumping margins for individually examined respondents, excluding rates that are zero, *de minimis*, or based entirely on facts available. Where the rates for the individually examined companies are all zero, *de minimis*, or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use “any reasonable method” to establish the all-others rate. In this review, we calculated a rate for

Zhongji that is not zero, *de minimis*, or based entirely on facts available, and we have continued to assign the rate calculated for Zhongji to the companies not selected for individual examination but that are eligible for a separate rate.

Final Results of Review

Commerce determines that the following weighted-average dumping margins exist for the period April 1, 2019, through March 31, 2020:

Exporter	Final weighted-average dumping 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	62.02
Review-Specific Rate Applicable to the Following Companies¹⁵	
Alcha International Holdings Limited	62.02
Dingsheng Aluminium Industries (Hong Kong) Trading Co., Limited (a.k.a Dingsheng Aluminium Industries (Hong Kong) Trading Co., Ltd.)	62.02
Hangzhou Dingsheng Import&Export Co., Ltd. (a.k.a. Hangzhou Dingsheng Import and Export Co., Ltd.)	62.02
Hunan Suntown Marketing Limited	62.02
Suntown Technology Group Corporation Limited (a.k.a. Suntown Technology Group Co., Ltd	62.02
Xiamen Xiashun Aluminum Foil Co., Ltd	62.02
Yinbang Clad Materials Co., Ltd	62.02

Disclosure

Commerce intends to disclose the calculations performed in connection with these final results of review to parties in this review within five days after public announcement of the final results, or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

China-Wide Entity

In the *Preliminary Results*, Commerce found that Jiangsu Alcha and SNTO International Group Limited (SNTO) did not establish eligibility for a separate rate because SNTO did not file a separate rate application or certification with Commerce, and because Jiangsu Alcha failed to respond to our standard NME antidumping questionnaire. No interested party commented on Commerce’s preliminary determination with respect to Jiangsu Alcha and SNTO. Therefore, for these final results, we determine these companies to be part of the China-wide entity.

Commerce’s policy regarding conditional review of the China-wide entity applies to this administrative

review.¹⁶ 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.¹⁷

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce has determined, and U.S Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. Commerce intends to issue 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).

¹⁶ 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).

¹⁷ See *Order*, 83 FR 17362.

For each individually examined respondent in this review which has a final weighted-average dumping margin that is not zero or *de minimis* (*i.e.*, less than 0.5 percent), we will calculate importer- (or customer-) specific per-unit duty assessment rates based on the ratio of the total amount of dumping calculated for the importer’s (or customer’s) examined sales to the total sales quantity associated with those sales, in accordance with 19 CFR 351.212(b)(1).¹⁸ We will also calculate estimated *ad valorem* importer-specific assessment rates with which to determine whether the per-unit assessment rates are *de minimis*.¹⁹ Where either the respondent’s weighted-average dumping margin is zero or *de minimis*, or an importer- (or customer-) specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.²⁰

For the respondents which were not selected for individual examination in this administrative review and which qualified for a separate rate, the assessment rate will be equal to the rate assigned to them for the final results (*i.e.*, 62.02 percent). For the companies identified as part of the China-wide

¹⁸ See Zhongji Final Analysis Memorandum at Attachment 2.

¹⁹ *Id.*

²⁰ See 19 CFR 351.106(c)(2).

¹⁵ Rate applicable to the non-examined separate rate respondents, as discussed above.

entity, we will instruct CBP to apply a per-unit assessment rate of 105.80 percent to all entries of subject merchandise during the POR which were produced or exported by those companies. Pursuant to a refinement in our non-market economy practice, for sales that were not reported in the U.S. sales data submitted by companies individually examined during this review, we will instruct CBP to liquidate entities associated with those sales at the rate for the China-wide entity. Furthermore, where we found that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.*, at that exporter's cash deposit rate) will be liquidated at the rate for the China-wide entity.²¹

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the 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 the companies identified in the chart above, the cash deposit rate will be equal to the weighted-average dumping margin established in the 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 Regarding Reimbursement of Duties

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.

Notification Regarding Administrative Protective Orders (APO)

This notice also serves as a final reminder to parties subject to 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 these final results of administrative review in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 30, 2021.

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 Issues
 - Comment 1: Selection of Surrogate Country
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 - Comment 5: Sales to Foreign Trade Zones
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 - Comment 7: Calculation of Zhongji's Margin
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- VI. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-201-846]

Agreement Suspending the Countervailing Duty Investigation on Sugar From Mexico; Preliminary Results of the 2020 Administrative Review

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that the signatory, the Government of Mexico (GOM), and the respondent companies selected for individual examination, respectively, Impulsora Azucarera Del Tropico, S.A. de C.V. (Impulsora Del Tropico) and its affiliate and Ingenio Huixtla SA de C.V. (Ingenio Huixtla) and its affiliates are in compliance with the Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico, as amended (CVD Agreement), except for certain instances of inconsequential non-compliance. Commerce also preliminarily determines that the CVD Agreement continues to meet its statutory requirements under sections 704(c) and (d) of the Tariff Act of 1930, as amended (the Act), during the POR. However, Commerce intends to address certain issues identified in this review by discussing these issues with the GOM and Mexican producers/exporters, as appropriate. We may request consultations pursuant to the CVD Agreement, as necessary, to resolve these issues.

DATES: Applicable January 7, 2022.

FOR FURTHER INFORMATION CONTACT: Sally C. Gannon or David Cordell, Enforcement & Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-0162 or (202) 482-0408, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 19, 2014, Commerce signed an agreement under section 704(c) of the Act, with the GOM, suspending the countervailing duty (CVD) investigation on sugar from Mexico.¹ On January 15, 2020, the CVD Agreement was amended.²

¹ See *Agreement Suspending the Countervailing Duty Investigation of Sugar from Mexico*, 79 FR 78044 (December 29, 2014) (*CVD Agreement*).

² See *Sugar from Mexico: Amendment to the Agreement Suspending the Countervailing Duty Investigation*, 85 FR 3613 (January 22, 2020) (*CVD*

²¹ For a full description of this practice, see *Assessment Practice Refinement*, 86 FR 65694.