

DEPARTMENT OF COMMERCE**International Trade Administration**

[A-557-830]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From Malaysia: Amended Preliminary Determination of Less-Than-Fair-Value Investigation

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

SUMMARY: The U.S. Department of Commerce (Commerce) is amending its preliminary affirmative determination in the less-than-fair-value (LTFV) investigation of crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from Malaysia to correct two significant ministerial errors. The period of investigation (POI) is April 1, 2023, through March 31, 2024.

DATES: Applicable January 6, 2025.

FOR FURTHER INFORMATION CONTACT: Patrick Barton or Elizabeth Talbot Russ, 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) 482-0012 or (202) 482-5516 respectively.

SUPPLEMENTARY INFORMATION:**Background**

On December 4, 2024, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of solar cells from Malaysia.¹ On December 9, 2024, a mandatory respondent, Jinko Solar Technology Sdn. Bhd. (Jinko Solar),

¹ See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From Malaysia: Affirmative Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 89 FR 96207 (December 4, 2024) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

timely alleged that Commerce made a significant ministerial error in calculating its estimated weighted-average dumping margin.² On December 9, 2024, the American Alliance for Solar Manufacturing Trade Committee (the petitioner) timely alleged that Commerce made ministerial errors in calculating Jinko Solar's estimated weighted-average dumping margin.³

Scope of the Investigation

The products covered by this investigation are solar cells from Malaysia. For a complete description of the scope of this investigation, see the *Preliminary Determination*.

Legal Framework

A ministerial error is defined as including errors "in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which {Commerce} considers ministerial."⁴ A ministerial error is considered to be "significant" if its correction, either singly or in combination with other errors, would result in: (1) a change of at least five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin calculated in the preliminary determination; or (2) a difference between a weighted-average dumping margin of zero (or *de minimis*) and a weighted-average dumping margin of greater than *de minimis* or vice versa.⁵ Pursuant to 19 CFR 351.224(e), Commerce "will analyze any comments received and, if appropriate, correct any significant ministerial error by amending the preliminary determination."

² See Jinko Solar's Letter, "Jinko Request to Correct Ministerial Error," dated December 9, 2024.

³ See Petitioner's Letter, "Ministerial Error Allegation," dated December 9, 2024.

⁴ See section 735(e) of the Tariff Act of 1930, as amended (the Act); see also 19 CFR 351.224(f).

⁵ See 19 CFR 351.224(g).

Analysis of Significant Ministerial Errors

In the *Preliminary Determination*, Commerce made significant ministerial errors within the meaning of section 735(e) of the Act and 19 CFR 351.224(f) and (g) in calculating the weighted-average dumping margin for Jinko Solar. Specifically, Commerce failed to convert certain Malaysian ringgit (MYR)-denominated expense fields to U.S. dollars (USD) for the purposes of its dumping margin calculations.⁶ Moreover, Commerce did not correctly implement its decision to consolidate certain of Jinko Solar's U.S. customer codes (CUSCODU) in the dumping margin calculations.⁷

We find that these errors meet the definition of "ministerial errors," and that the corrections of the errors for Jinko Solar results in a change that is at least five absolute percentage points in, and not less than 25 percent of, the margin calculated for Jinko Solar in the *Preliminary Determination*. As such, they constitute significant errors within the meaning of 19 CFR 351.224(g). Accordingly, pursuant to 19 CFR 351.224(e), Commerce is amending the *Preliminary Determination* to correct these significant ministerial errors by revising the rates for Jinko Solar and all other producers and/or exporters.⁸

For a complete discussion of the alleged ministerial errors, see the Ministerial Error Memorandum.

Amended Preliminary Determination

As a result of correcting the significant ministerial errors for Jinko Solar, Commerce determines the following estimated weighted-average dumping margins exist:

⁶ See Petitioner's Letter "Ministerial Error Allegation," dated December 9, 2024.

⁷ See Jinko Solar's Letter "Jinko Request to Correct Ministerial Error," dated December 9, 2024.

⁸ See Memorandum, "Analysis of Ministerial Error Allegations," dated concurrently with, and hereby adopted by, this notice (Ministerial Error Memorandum).

Exporter/producer	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets(s)) (percent)
Hanwha Q Cells Malaysia Sdn. Bhd	0.00	0.00
Jinko Solar Technology Sdn. Bhd	9.90	⁹ 6.43
Baojia New Energy Manufacturing Sdn	* 81.24	* 81.24
CRC Solar Cell Joint Stock Company	* 81.24	* 81.24
Lynter Enterprise	* 81.24	* 81.24
Mega PP Sdn. Bhd	* 81.24	* 81.24
All Others	9.90	6.43

* Rates based on facts available with adverse inferences.

Disclosure

We intend to disclose the calculations performed for this amended preliminary determination to parties within five days after public announcement or, if there is no public announcement, within five days of the date of publication of this notice, in accordance with 19 CFR 351.224.

Amended Cash Deposits and Suspension of Liquidation

The collection of cash deposits and suspension of liquidation will be revised according to the rates calculated in this amended preliminary determination, in accordance with section 733(d) of the Act. Because the amended rate for Jinko Solar and all other producers and/or exporters result in decreased cash deposit rates, the amended rates will be effective retroactively to December 4, 2024, the date of publication of the *Preliminary Determination*. We will also instruct U.S. Customs and Border Protection to issue instructions for requesting a refund of the difference between the amount of cash deposits paid as a result of the application of the *Preliminary Determination* rates and the amount due as a result of the amended preliminary determination rates.

Notification of U.S. International Trade Commission

In accordance with section 733(f) of the Act, we intend to notify the U.S. International Trade Commission of our amended preliminary determination.

Notification to Interested Parties

This notice is issued and published pursuant to sections 733(d) and 777(i) of the Act, and 19 CFR 351.224(e).

⁹ See Memorandum, “Countervailing Duty Investigation of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from Malaysia: Amended Preliminary Determination Calculations for Jinko Solar Technology Sdn. Bhd.,” dated October 31, 2024.

Dated: December 30, 2024.
Abdelali Elouaradia,
Deputy Assistant Secretary for Enforcement and Compliance.
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BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE
International Trade Administration
[A–570–922, A–583–842, C–570–923]

Raw Flexible Magnets From the People’s Republic of China and Taiwan: Continuation of Antidumping Duty Orders and Countervailing Duty Order

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

SUMMARY: As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) orders on raw flexible magnets from the People’s Republic of China (China) and Taiwan, and revocation of the countervailing duty (CVD) order on raw flexible magnets from China would likely lead to the continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing a notice of continuation of the AD orders and the CVD order.

DATES: Applicable December 27, 2024.

FOR FURTHER INFORMATION CONTACT: Garry Kasparov, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1397.

SUPPLEMENTARY INFORMATION:

Background

On September 17, 2008, Commerce published in the **Federal Register** the AD orders on raw flexible magnets from China and Taiwan and the CVD order

on raw flexible magnets China.¹ On June 3, 2024, the ITC instituted,² and Commerce initiated,³ the third sunset review of the *Orders*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its reviews, Commerce determined that revocation of the *Orders* would likely lead to the continuation or recurrence of dumping and countervailable subsidies, and therefore, notified the ITC of the magnitude of the margins of dumping and subsidy rates likely to prevail should the *Orders* be revoked.⁴

On December 27, 2024, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.⁵

Scope of the Orders

The products covered by the *Orders* are certain flexible magnets regardless of

¹ See *Antidumping Duty Order: Raw Flexible Magnets from the People’s Republic of China*, 73 FR 53847 (September 17, 2008); *Antidumping Duty Order: Raw Flexible Magnets from Taiwan*, 73 FR 53848 (September 17, 2008); and *Raw Flexible Magnets from the People’s Republic of China: Countervailing Duty Order*, 73 FR 53849 (September 17, 2008) (collectively, *Orders*).

² See *Raw Flexible Magnets from China and Taiwan; Institution of Five-Year Reviews*, 89 FR 47607 (June 3, 2024).

³ See *Initiation of Five-Year (Sunset) Reviews*, 89 FR 47525 (June 3, 2024).

⁴ See *Raw Flexible Magnets from the People’s Republic of China and Taiwan: Final Results of the Expedited Third Sunset Review of the Antidumping Duty Orders*, 89 FR 79242 (September 27, 2024), and accompanying Issues and Decision Memorandum (IDM); see also *Raw Flexible Magnets from the People’s Republic of China: Final Results of the Expedited Third Sunset Review of the Countervailing Duty Order*, 89 FR 82565 (October 11, 2024), and accompanying IDM.

⁵ See *Raw Flexible Magnets from China and Taiwan; Determination*, 89 FR 105627 (December 27, 2024) (*ITC Final Determination*); see also *Raw Flexible Magnets from China and Taiwan: Investigation Nos. 701–TA–452 and 731–TA–1129–1130 (Third Review)*.