

the merchandise subject to this order is dispositive.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-832]

#### Pure Magnesium From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2020-2021

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

**SUMMARY:** The Department of Commerce (Commerce) continues to find that Tianjin Magnesium International Co., Ltd. (TMI) and Tianjin Magnesium Metal Co., Ltd. (TMM) (collectively, TMI/TMM) had no shipments of subject merchandise covered by the antidumping duty order on pure magnesium from the People's Republic of China (China) for the period of review (POR) May 1, 2020, through April 30, 2021.

**DATES:** Applicable February 22, 2022.

**FOR FURTHER INFORMATION CONTACT:** Deborah Cohen, 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) 482-4521.

#### SUPPLEMENTAL INFORMATION:

##### Background

On November 15, 2021, Commerce published the *Preliminary Results* of this administrative review in the **Federal Register**.<sup>1</sup> No interested party submitted comments concerning the *Preliminary Results* or requested a hearing in this administrative review. Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

##### Scope of the Order<sup>2</sup>

The product covered by the *Order* is pure magnesium from China, regardless of chemistry, form or size, unless

<sup>1</sup> See *Pure Magnesium from the People's Republic of China: Preliminary Results of Antidumping Administrative Review; 2020-2021*, 86 FR 62990 (November 15, 2021) (*Preliminary Results*).

<sup>2</sup> See *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*).

expressly excluded from the scope of the *Order*. Pure magnesium is a metal or alloy containing by weight primarily the element magnesium and produced by decomposing raw materials into magnesium metal. Pure primary magnesium is used primarily as a chemical in the aluminum alloying, desulfurization, and chemical reduction industries. In addition, pure magnesium is used as an input in producing magnesium alloy. Pure magnesium encompasses products (including, but not limited to, butt ends, stubs, crowns and crystals) with the following primary magnesium contents:

(1) Products that contain at least 99.95% primary magnesium, by weight (generally referred to as "ultra pure" magnesium) Magnesium Alloy"<sup>3</sup> and are thus outside the scope of the existing antidumping orders on magnesium from China (generally referred to as "alloy" magnesium).

(2) Products that contain less than 99.95%, but not less than 99.8%, primary magnesium, by weight (generally referred to as "pure" magnesium); and

(3) Products that contain 50% or greater, but less than 99.8% primary magnesium, by weight, and that do not conform to ASTM specifications for alloy magnesium (generally referred to as "off-specification pure" magnesium). "Off-specification pure" magnesium is pure primary magnesium containing magnesium scrap, secondary magnesium, oxidized magnesium or impurities (whether or not intentionally added) that cause the primary magnesium content to fall below 99.8% by weight. It generally does not contain, individually or in combination, 1.5% or more, by weight, of the following alloying elements: Aluminum, manganese, zinc, silicon, thorium, zirconium and rare earths.

Excluded from the scope of the *Order* are alloy primary magnesium (that meets specifications for alloy magnesium), primary magnesium anodes, granular primary magnesium (including turnings, chips and powder) having a maximum physical dimension (*i.e.*, length or diameter) of one inch or less, secondary magnesium (which has pure primary magnesium content of less than 50% by weight), and remelted magnesium whose pure primary magnesium content is less than 50% by weight.

Pure magnesium products covered by the *Order* are currently classifiable

<sup>3</sup> The meaning of this term is the same as that used by the American Society for Testing and Materials (ASTM) in its Annual Book for ASTM Standards: Volume 01.02 Aluminum and Magnesium Alloys.

under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 8104.11.00, 8104.19.00, 8104.20.00, 8104.30.00, 8104.90.00, 3824.90.11, 3824.90.19 and 9817.00.90. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope is dispositive.

##### Final Determination of No Shipments

In the *Preliminary Results*, Commerce determined TMI/TMM had no shipments of subject merchandise to the United States during the POR.<sup>4</sup> As noted in the *Preliminary Results*, we received no-shipment statements from TMI/TMM,<sup>5</sup> and the statements were consistent with the information we received from U.S. Customs and Border Protection (CBP).<sup>6</sup> Because Commerce did not receive any comments on its preliminary finding, Commerce continues to find that TMI/TMM did not have any shipments of subject merchandise during the POR.

##### Assessment Rates

Based on record evidence, we have determined that TMI/TMM had no shipments of subject merchandise during the POR, and, therefore, pursuant to Commerce's assessment practice, any suspended entries entered under their case number will be liquidated at the China-wide entity rate.<sup>7</sup>

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).

##### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or

<sup>4</sup> See *Preliminary Results*, 86 FR 62990.

<sup>5</sup> See *Preliminary Results*, 86 FR 62990.

<sup>6</sup> See Memorandum, "Antidumping Duty Administrative Review of Pure Magnesium from the People's Republic of China; 05/01/2020-04/30/2021: Entry Data and No Shipment Inquiry," dated August 31, 2021. On August 3, 2021, Commerce issued a no shipment inquiry to U.S. Customs and Border Protection (CBP) with respect to TMI/TMM. On August 4, 2021, CBP responded that it had no evidence of shipments of magnesium metal from China exported by TMI/TMM during the POR.

<sup>7</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

withdrawn from warehouse, for consumption on or after the publication date of the final results of review, as provided for by section 751(a)(2)(C) of the Act: (1) For TMI/TMM, which claimed no shipments, the cash deposit rate will remain unchanged from the rate assigned to TMI/TMM in the most recently completed review of the companies; (2) for previously investigated or reviewed Chinese and non-Chinese exporters who are not under review in this segment of the proceeding but who have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for 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 China-wide rate of 111.73 percent;<sup>8</sup> and (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to Chinese exporter(s) that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further 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 Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

#### Notification Regarding Administrative Protection Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return of 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.

#### Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a) and

<sup>8</sup> See *Pure Magnesium from the People's Republic of China: Final Results of the 2008–2009 Antidumping Duty Administrative Review of the Antidumping Duty Order*, 75 FR 80791 (December 23, 2010).

777(i) of the Act, and 19 CFR 351.213(h).

Dated: February 14, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–139]

#### **Certain Mobile Access Equipment and Subassemblies Thereof From the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value**

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

**SUMMARY:** The Department of Commerce (Commerce) determines that certain mobile access equipment and subassemblies thereof (mobile access equipment) from the People's Republic of China (China) are being, or are likely to be sold, in the United States at less than fair value (LTFV).

**DATES:** Applicable February 22, 2022.

**FOR FURTHER INFORMATION CONTACT:** Hermes Pinilla or Andre Gziryan, 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) 482–3477 or (202) 482–2201, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On September 30, 2021, Commerce published in the **Federal Register** its preliminary determination in the LTFV investigation of mobile access equipment from China, in which it also postponed the final determination until February 14, 2022.<sup>1</sup> We invited interested parties to comment on the Preliminary Determination. For a summary of the events that occurred since Commerce published the Preliminary Determination, as well as a full discussion of the issues raised by

<sup>1</sup> See *Certain Mobile Access Equipment and Subassemblies Thereof from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 86 FR 54164 (September 30, 2021) (Preliminary Determination), and accompanying Preliminary Decision Memorandum (PDM).

parties for this final determination, see the Issues and Decision Memorandum.<sup>2</sup>

#### **Period of Investigation**

The period of investigation is July 1, 2020, through December 31, 2020.

#### **Scope of the Investigation**

The products covered by this investigation are mobile access equipment from China. For a complete description of the scope of this investigation, see Appendix I.

#### **Scope Comments**

On July 26, 2021, we issued a Preliminary Scope Decision Memorandum.<sup>3</sup> As discussed in the *Preliminary Determination*, Commerce did not modify the scope language as it appeared in the *Initiation Notice*.<sup>4</sup> Interested parties were provided an opportunity to comment on the Preliminary Scope Decision Memorandum in scope case and rebuttal briefs.<sup>5</sup> We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we addressed in the Final Scope Decision Memorandum.<sup>6</sup> Commerce is modifying the scope language as it appeared in the *Preliminary Determination*. See Appendix I for the final scope of this investigation.

#### **Verification**

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information provided by the two mandatory respondents, Zhejiang Dingli Machinery Co., Ltd. (Dingli) and Lingong Group Jinan Heavy Machinery

<sup>2</sup> See Memorandum, “Certain Mobile Access Equipment and Subassemblies Thereof from the People's Republic of China: Decision Memorandum for the Final Affirmative Determination of Sales at Less-Than-Fair-Value,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>3</sup> See Memorandum, “Certain Mobile Access Equipment and Subassemblies Thereof from the People's Republic of China: Decision Memorandum for the Final Affirmative Determination of Sales at Less-Than-Fair-Value,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>4</sup> See *Certain Mobile Access Equipment and Subassemblies Thereof from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation*, 86 FR 15922, 15927 (March 25, 2021) (*Initiation Notice*).

<sup>5</sup> See Preliminary Scope Decision Memorandum at 2.

<sup>6</sup> See Memorandum, “Antidumping Duty and Countervailing Duty Investigations of Certain Mobile Access Equipment and Subassemblies Thereof from the People's Republic of China: Final Scope Decision Memorandum,” dated October 12, 2021 (Final Scope Decision Memorandum).