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Circumvention Inquiries
Cambodia 2022; Malaysia 2022;
Thailand 2022; Vietnam 2022
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August 22, 2022

MEMORANDUM TO: The File

THROUGH: Howard Smith
Program Manager, Office IV
Antidumping and Countervailing Duty Operations

FROM: Paola Aleman Ordaz
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Antidumping and Countervailing Duty Operations

SUBJECT: Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Extension of Preliminary Determinations in Circumvention Inquiries

On April 1, 2022, the Department of Commerce (Commerce) published notice of its initiation of circumvention inquiries with respect to the antidumping and countervailing duty orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China and the countries Cambodia, Malaysia, Thailand, and Vietnam.¹ In accordance with 19 CFR 351.226(e)(1), the current deadline for Commerce to issue its preliminary determinations in these circumvention inquiries is August 29, 2022. However, pursuant to 19 CFR 351.302(b), “{u}nless expressly precluded by statute, the Secretary may, for good cause, extend any time limit... .”

On August 11, 2022, Auxin Solar, Inc. (Auxin) requested that Commerce extend the deadline for issuing the preliminary determinations in these circumvention inquiries in order to fully develop and complete the records of the inquiries.² Additionally, not only are there numerous complex methodological issues present in these inquiries, but each inquiry also has a voluminous administrative record, including multiple questionnaire and supplemental questionnaire responses and comments submitted by interested parties, which Commerce needs additional time to analyze. Respondents have also requested numerous extensions of time to submit their

¹ See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Initiation of Circumvention Inquiry on the Antidumping Duty and Countervailing Duty Orders*, 87 FR 19071 (April 1, 2022).

² See Auxin's Letter, “Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules from the People's Republic of China: Request for Extension of the Deadline for the Preliminary Determination and the Deadline for Pre-Preliminary Comments,” dated August 11, 2022.



questionnaire and supplemental questionnaire responses.³ Accordingly, for the above-mentioned reasons and in accordance with 19 CFR 351.302(b), we are hereby extending the deadline for issuing the preliminary determinations in these circumvention inquiries by 90 days, until **November 28, 2022**.⁴

³ See, e.g., Canadian Solar International Limited's (CSIL) Letter, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Request for Extension to Respond to the Circumvention Inquiry Questionnaires," dated May 23, 2022; CSIL's Letter "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Request for Extension of Time to Respond to the Second Supplemental Questionnaire," dated August 5, 2022; Vina Solar Technology Company Limited's (Vina Solar) Letter, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Vina Solar's Second Request for Extension of Time to Respond to the Department's May 13, 2022 Questionnaire," dated June 2, 2022; Vina Solar's Letter "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Vina Solar's Request for Extension of Time to Submit Response to the Department's Second Supplemental Questionnaire," dated August 8, 2022.

⁴ Extending the current deadline for issuing the preliminary determinations in the circumvention inquiries by 90 days moves the deadline to Sunday November 27, 2022. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day, in this case Monday November 28, 2022. See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).