DEPARTMENT OF COMMERCE

International Trade Administration

[A–357–812]

Honey From Argentina: Extension of Time Limit for the Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* May 15, 2012.

FOR FURTHER INFORMATION CONTACT: John Drury or Angelica Mendoza, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Room 7850, Washington, DC 20230; telephone: (202) 482–0195, or (202) 482–3019, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 10, 2012, the Department published the preliminary results of administrative review for the 2009–2010 period of review (POR) of honey from Argentina. *See Honey From Argentina: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review*, 77 FR 1458 (January 10, 2012) (*Preliminary Results*). The administrative review covers nine producers/exporters of honey from Argentina during the POR.[1]

Extension of Time Limit for Final Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to issue final results within 120 days after the date on which the preliminary results are published. However, if it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act allows the Department to extend the time period to a maximum of 180 days after the date on which the preliminary results are published.

The Department has determined it is not practicable to complete this review within the current time limit and requires additional time regarding the issue of which rate to assign to the non-selected companies subject to this review. Accordingly, the Department is extending the time limit for completion of the final results of this administrative review by 30 days (*i.e.,* to June 8, 2012).

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 4, 2012.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

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[1] *See* Preliminary Results for a detailed history of the companies covered by this administrative review.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–832]

Pure Magnesium From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results and Notice of Amended Final Results

SUMMARY: On April 25, 2012, the United States Court of International Trade (''CIT'') sustained the Department of Commerce's (''the Department'') final results of redetermination pursuant to voluntary remand of the 2006–2007 antidumping duty administrative review of pure magnesium from the People's Republic of China (''*Voluntary Remand Redetermination''*).[1] Consistent with the decision of the United States Court of Appeals for the Federal Circuit (''CAFC'') in *Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (''*Timken''*), as clarified by *Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (CAFC 2010) (''*Diamond Sawblades''*), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's final results and is amending the final results of the administrative review of pure magnesium from the People's Republic of China (''PRC'') with respect to the margin assigned to Tianjin Magnesium International Co., Ltd. (''TMI'') covering the period of review (''POR'') May 1, 2006, through April 30, 2007.[2]

DATES: *Effective Date:* May 5, 2012.

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4243.

SUPPLEMENTARY INFORMATION: In the *Final Results,* the Department granted TMI's request for two by-product offsets, and calculated a dumping margin for TMI of 0.63 percent. TMI and US Magnesium LLC (''Petitioner'') initially challenged the final results with respect to several issues, and the court remanded two issues to the Department.[3] During litigation proceedings for the 2006–2007 review, verification of TMI and its suppliers took place in the PRC for the 2007–2008 review. At verification, TMI's producer revealed that there were no by-product sales prior to April 2007, i.e. during the previous POR. During the first remand proceedings, Petitioner placed the 2007–2008 review verification report on the record of this litigation. The Department initially determined not to consider the evidence because it was from a subsequent review and did not exist when the Department made its determination in the 2006–2007 final results.

Shortly thereafter, the CAFC issued its decision in *Home Prods. Int'l, Inc.* v. *United States,*[4] holding that a court abuses its discretion when it declines to remand to an agency when evidence sufficient to make a *prima facie* case that the agency proceedings under review were tainted by material fraud is presented. Based on the standard set forth in *Home Products,* the Department requested a voluntary remand to determine whether to reopen the administrative record and consider the 2007–2008 verification report. On remand, the Department determined there was clear and convincing evidence sufficient to make a prima facie case that the 2006–2007 administrative review was tainted by fraud and reopened the record. The Department also determined, based on this evidence, that application of total adverse facts available to TMI was warranted because TMI had continued to seek by-product offsets even though record evidence clearly established that no by-product sales existed during the POR. The Department assigned to TMI a rate of 111.73, the calculated rate for the other mandatory respondent in the 2006–2007 review. The Department's final results of redetermination therefore changed TMI's margin from 0.63 percent to

[1] *See* Final Results of Redetermination Pursuant to Voluntary Remand issued by the Department of Commerce, Court No. 09–00012, dated October 28, 2011, available at: *http://www.ia.ita.doc.gov/remands/index.html.*

[2] *See Pure Magnesium from the People's Republic of China: Final Results of Antidumping Duty Administrative Review,* 73 FR 76336 (December 16, 2008) and accompanying Issues and Decision Memorandum (''*Final Results''*).

[3] In the first remand order, the Department was instructed to: (1) Further explain the valuation of TMI's by-product offsets; and (2) further explain the Department's determination to use the surrogate financial ratios for overhead, selling, general and administrative expenses (''SG&A'') and profit of Madras Aluminum Co. Ltd. in the normal value calculation. *See Tianjin Magnesium Int'l Co.* v. *United States,* 722 F. Supp. 2d 1322 (CIT 2010).

[4] *See Home Prods. Int'l, Inc.* v. *United States,* 633 F.3d 1369 (CAFC 2011) (''*Home Products''*).