International Trade Administration

Silicon Metal From the People’s Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Administrative Review

SUMMARY: On September 5, 2012, the United States Court of International Trade (“CIT”) sustained the Department of Commerce’s (“Department”) results of redetermination, which reclassified certain line items in the surrogate financial statement used to calculate surrogate financial ratios in the 2007–2008 administrative review of silicon metal from the People’s Republic of China (“PRC”). Pursuant to the CIT’s remand order in *Globe Metallurgical Inc. v. United States*, 781 F. Supp. 2d 1340 (CIT 2011) (“*Globe*”), the Department then issued a remand redetermination finding that, while profit on the sale of a fixed asset should continue to be excluded from our calculation of SG&A, income from miscellaneous receipts should offset SG&A expenses, as the Department could not determine whether this income was related to the primary operations of the surrogate company. In its Redetermination, the Department also determined that profit on the sale of a fixed asset should be excluded from the profit calculation, as it is excluded from SG&A. As a result, the antidumping duty margin for the respondent Jiangxi Gangyuan Silicon Industry Co., Ltd. (“Jiangxi Gangyuan”) changed from 50.02% to 48.64%. The antidumping duty margin for the respondent Shanghai Jinneng International Trade Co., Ltd. (“Shanghai Jinneng”) changed from 23.16% to 21.97%.

On September 5, 2012, the CIT sustained the Department’s Redetermination and entered judgment accordingly. In its decision in *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the CAFC has held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (“the Act”), the Department must publish a notice of a court decision that is not “in harmony” with a Department determination and must suspend liquidation of entries pending a “conclusive” court decision. The CIT’s September 5, 2012, judgment sustaining the Department’s remand redetermination continuing to exclude profit on the sale of a fixed asset from SG&A, excluding profit on the sale of a fixed asset from the profit calculation, and including miscellaneous receipts as an offset to SG&A, constitutes a final decision of that court that is not in harmony with the Department’s Final Results. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or if appealed, pending a final and conclusive court decision.

Amended Final Results

Because there is now a final court decision with respect to the Final Results, the Department amends its Final Results. The Department finds the following revised margins to exist:

**SILICON METAL FROM the PRC**

<table>
<thead>
<tr>
<th>Exporter</th>
<th>Weighted-average margin (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jiangxi Gangyuan Silicon Industry Co., Ltd</td>
<td>48.64</td>
</tr>
<tr>
<td>Shanghai Jinneng International Trade Co., Ltd</td>
<td>21.97</td>
</tr>
</tbody>
</table>

The cash deposit rate will remain the company-specific rate established for Shanghai Jinneng for the most recent period during which each respondent was reviewed. For Jiangxi Gangyuan, the cash deposit rate will be the rate listed above and the Department will instruct U.S. Customs and Border Protection accordingly. This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(f)(1) of the Act.

Dated: September 12, 2012.

Paul Piquado,
Assistant Secretary for Import Administration.

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International Trade Administration

Drawn Stainless Steel Sinks From the People’s Republic of China: Countervailing Duty Investigation

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

SUMMARY: The Department of Commerce (“Department”) is aligning the final