

*Final Results.* The Department finds the following revised margin to exist:

**CERTAIN FROZEN WARMWATER  
SHRIMP FROM VIETNAM**

Exporter	Margin (percent)
Amanda Foods (Vietnam) Ltd. ....	3.92

The Department also amends the *Final Results* by announcing that it is re-conducting the administrative review of Grobest, pursuant to the Court's September 13, 2012, order.

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: October 10, 2012.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

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**BILLING CODE P**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-570-864]

**Pure Magnesium in Granular Form from the People's Republic of China: Continuation of Antidumping Duty Order**

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

**SUMMARY:** As a result of determinations by the Department of Commerce (the "Department") and the International Trade Commission (the "ITC") that revocation of the antidumping duty ("AD") order on pure magnesium in granular form from the People's Republic of China ("PRC") would likely lead to a continuation or recurrence of dumping, or to a continuation or recurrence of material injury within a reasonably foreseeable time to an industry in the United States, the Department is publishing this notice of continuation of the AD order.

**DATES:** *Effective Date:* October 17, 2012.

**FOR FURTHER INFORMATION CONTACT:** Laurel LaCivita or Eugene Degnan, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4243 and (202) 482-0414, respectively.

**SUPPLEMENTARY INFORMATION:** On February 1, 2012, the Department

initiated the second sunset review of the AD order on pure magnesium in granular form from the PRC, pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act").<sup>1</sup>

The Department conducted an expedited sunset review of the order. As a result of its review, the Department determined that revocation of the AD order on pure magnesium in granular form from the PRC would be likely to lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the margins likely to prevail were the order to be revoked.<sup>2</sup>

On October 1, 2012, the ITC published its determination, pursuant to section 751(c) of the Act, that revocation of the AD order on pure magnesium in granular form from the PRC would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>3</sup>

**Scope of the Order**

There is an existing AD order on pure magnesium from the PRC.<sup>4</sup> The scope of this order excludes pure magnesium that is already covered by the existing order on pure magnesium in ingot form, and currently classifiable under item numbers 8104.11.00 and 8104.19.00 of the Harmonized Tariff Schedule of the United States ("HTSUS").

The scope of this order includes imports of pure magnesium products, regardless of chemistry, including, without limitation, raspings, granules, turnings, chips, powder, and briquettes, except as noted above.

Pure magnesium includes: (1) Products that contain at least 99.95 percent primary magnesium, by weight (generally referred to as "ultra pure" magnesium); (2) products that contain less than 99.95 percent but not less than 99.8 percent primary magnesium, by weight (generally referred to as "pure" magnesium); (3) chemical combinations of pure magnesium and other material(s) in which the pure magnesium content is 50 percent or greater, but less than 99.8 percent, by weight, that do not conform to an "ASTM Specification for

Magnesium Alloy"<sup>5</sup> (generally referred to as "off specification pure" magnesium); and (4) physical mixtures of pure magnesium and other material(s) in which the pure magnesium content is 50 percent or greater, but less than 99.8 percent, by weight. Excluded from this order are mixtures containing 90 percent or less pure magnesium by weight and one or more of certain non-magnesium granular materials to make magnesium-based reagent mixtures. The non-magnesium granular materials of which the Department is aware used to make such excluded reagents are: Lime, calcium metal, calcium silicon, calcium carbide, calcium carbonate, carbon, slag coagulants, fluorspar, nepheline syenite, feldspar, aluminum, alumina (Al<sub>2</sub>O<sub>3</sub>), calcium aluminate, soda ash, hydrocarbons, graphite, coke, silicon, rare earth metals/mischmetal, cryolite, silica/fly ash, magnesium oxide, periclase, ferroalloys, dolomitic lime, and colemanite. A party importing a magnesium-based reagent which includes one or more materials not on this list is required to seek a scope clarification from the Department before such a mixture may be imported free of antidumping duties.

The merchandise subject to this order is currently classifiable under item 8104.30.00 of the HTSUS. Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this order is dispositive.<sup>6</sup>

**Continuation of the Order**

As a result of these determinations by the Department and the ITC that revocation of the AD order on pure magnesium in granular form would likely lead to a continuation or recurrence of dumping, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the AD order on pure magnesium in granular form from the PRC.

<sup>5</sup> The meaning of this term is the same as that used by the American Society for Testing and Materials in its Annual Book of ASTM Standards: Volume 01.02 Aluminum and Magnesium Alloys.

<sup>6</sup> The Department has issued four scope rulings with respect to pure magnesium in granular form. See *Notice of Scope Rulings and Anticircumvention Inquiries*, 68 FR 7772, 7774 (February 18, 2003); Memorandum to the File "Pure Magnesium in Granular Form from the People's Republic of China: Final Scope Ruling: ESM Group Inc.," dated September 18, 2006; Memorandum to Christian Marsh, "Pure Magnesium in Granular Form from the People's Republic of China: Final Scope Ruling on Granular Magnesium Ground in Mexico," dated October 27, 2011; Memorandum to Christian Marsh, "Pure Magnesium in Granular Form from the People's Republic of China: Final Scope Ruling for ESM Group Inc. (Atomized Magnesium)," dated October 28, 2011.

<sup>1</sup> See *Initiation of Five-Year ("Sunset") Review*, 77 FR 4995 (February 1, 2012) ("Initiation Notice").

<sup>2</sup> See *Pure Magnesium in Granular Form from the People's Republic of China: Final Results of Expedited Second Sunset Review of Antidumping Duty Order*, 77 FR 33165 (June 5, 2012).

<sup>3</sup> See *Pure Magnesium (Granular) from China* (Inv. No. 731-TA-895 (Second Review)), 77 FR 59979 (October 1, 2012).

<sup>4</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).

U.S. Customs and Border Protection will continue to collect cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the order will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of the order not later than 30 days prior to the fifth anniversary of the effective date of continuation.

This five-year (sunset) review and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act.

Dated: October 4, 2012.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

[FR Doc. 2012-25456 Filed 10-16-12; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-980]

#### **Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination**

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

**SUMMARY:** The Department of Commerce (the Department) determines that countervailable subsidies are being provided to producers and exporters of crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells) from the People's Republic of China (PRC). The Department further determines that there have been massive imports of subject merchandise over a relatively short period of time by, and therefore critical circumstances do exist.<sup>1</sup> For information on the estimated subsidy rates, see the "Suspension of Liquidation" section of this notice.

**DATES:** *Effective Date:* October 17, 2012.

**FOR FURTHER INFORMATION CONTACT:**

Gene Calvert, Jun Jack Zhao, or Emily Halle, AD/CVD Operations, Office 6, Import Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3586, (202) 482-1396, or (202) 482-0176, respectively.

<sup>1</sup> See "Critical Circumstances" below.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The petitioner in this investigation is Solar World Industries, America, Inc. (Petitioner). This investigation covers 31 government programs. In addition to the Government of the PRC (GOC), the mandatory respondents in this investigation are: (1) Changzhou Trina Solar Energy Co., Ltd. and its cross-owned affiliated company Trina Solar (Changzhou) Science and Technology Co., Ltd. (collectively, Trina Solar); and (2) Wuxi Suntech Power Co., Ltd. and its cross-owned affiliated companies Luoyang Suntech Power Co., Ltd., Suntech Power Co., Ltd., Yangzhou Rietech Renewal Energy Co., Ltd., Zhenjiang Huantai Silicon Science & Technology Co., Ltd., Kuttler Automation Systems (Suzhou) Co., Ltd., Shenzhen Suntech Power Co., Ltd., Wuxi Sunshine Power Co., Ltd., Wuxi University Science Park International Incubator Co., Ltd., Yangzhou Suntech Power Co., Ltd., and Zhenjiang Rietech New Energy Science & Technology Co., Ltd. (collectively, Wuxi Suntech, unless otherwise indicated).

##### **Period of Investigation**

The period of investigation for which we are measuring subsidies is January 1, 2010, through December 31, 2010.

##### **Case History**

The events that have occurred since the Department published the *Preliminary Determination*<sup>2</sup> on March 26, 2012, are discussed in the Memorandum to Paul Piquado, Assistant Secretary for Import Administration, Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China (Decision Memorandum).<sup>3</sup>

##### **Scope Comments**

The scope-related comments submitted by parties in the companion antidumping duty investigation in their case and rebuttal briefs covered the

<sup>2</sup> See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination*, 77 FR 17439 (March 26, 2012) (*Preliminary Determination*).

<sup>3</sup> Public versions of all business proprietary documents and all public documents are on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). Access to IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and in the Central Records Unit (CRU), room 7046 of the main Department of Commerce building.

same scope arguments and issues that were submitted in the case and rebuttal briefs in this investigation. Petitioner, the GOC, Trina Solar, Wuxi Suntech, Small Steps Solar, Ltd., and SunPower Corporation provided comments on the scope of the investigations and the merchandise that is to be included in the scope.

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

The merchandise covered by this investigation are crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels and building integrated materials. See Appendix I for a complete description of the scope of this investigation.

##### **Critical Circumstances**

In the *Preliminary Critical Circumstances Determination*,<sup>4</sup> the Department concluded that critical circumstances exist with respect to imports of solar cells from the PRC for Wuxi Suntech, Trina Solar, and all other producers or exporters, in accordance with section 703(e)(1) of the Tariff Act of 1930, as amended (Act). Our analysis of the comments submitted by interested parties has not led us to change our findings from the *Preliminary Critical Circumstances Determination*. For a complete discussion that reflects the Department's decisions regarding critical circumstances, see the Decision Memorandum. Therefore, in accordance with section 705(a)(2) of the Act, we continue to find that critical circumstances exist with respect to imports from Wuxi Suntech, Trina Solar and all other producers or exporters of solar cells from the PRC, and we will continue to maintain the suspension of liquidation of imports that entered the United States 90 days before the date of publication of the *Preliminary Determination*, unless the U.S. International Trade Commission (ITC) determines that critical circumstances do not exist.

##### **Analysis of Subsidy Programs and Comments Received**

The subsidy programs under investigation and the issues raised in

<sup>4</sup> See *Countervailing Duty Investigation of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Preliminary Determination of Critical Circumstances*, 77 FR 5487 (February 3, 2012) (*Preliminary Critical Circumstances Determination*).