and Constitution Avenue NW.,
Washington, DC 20230; telephone: (202)
482–3586, (202) 482–1396, or (202) 482–
0176, respectively.

SUPPLEMENTAL INFORMATION:

Case History

In accordance with section 705(d) of
the Tariff Act of 1930, as amended (the
Act), on October 17, 2012, the
Department published its final
determination in the countervailing
duty investigation of solar cells from the
PRC.2

Scope of the Order

The merchandise covered by this order
is 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.

This order covers crystalline silicon
photovoltaic cells of thickness equal to
or greater than 20 micrometers, having
a p/n junction formed by any means,
whether or not the cell has undergone
other processing, including, but not
limited to, cleaning, etching, coating,
and/or addition of materials (including,
but not limited to, metallization and
conductor patterns) to collect and
forward the electricity that is generated
by the cell.

Merchandise under consideration
may be described at the time of
importation as parts for final finished
products that are assembled after
importation, including, but not limited
to, modules, laminates, panels, building-integrated modules, building-
integrated panels, or other finished
goods kits. Such parts that otherwise
meet the definition of merchandise
under consideration are included in
the scope of this order.

Excluded from the scope of this order
are thin film photovoltaic products
produced from amorphous silicon (a-Si),
cadmium telluride (CdTe), or copper
indium gallium selenide (CIGS).

Also excluded from the scope of this
order are crystalline silicon photovoltaic
cells, not exceeding 10,000 mm2 in
surface area, that are permanently
integrated into a consumer good whose
function is other than power generation
and that consumes the electricity
generated by the integrated crystalline
silicon photovoltaic cell. Where more
than one cell is permanently integrated
into a consumer good, the surface area
for purposes of this exclusion shall be
the total combined surface area of all
cells that are integrated into the
consumer good.

Modules, laminates, and panels
produced in a third-country from cells
produced in the PRC are covered by this
order; however, modules, laminates,
and panels produced in the PRC from
cells produced in a third-country are
not covered by this order.

Merchandise covered by this order is
currently classified in the Harmonized
Tariff System of the United States
(“HTSUS”) under subheadings
8501.61.0000, 8507.20.80, 8541.40.6020,
8541.40.6030, and 8501.31.8000.3
These HTSUS subheadings are
provided for convenience and customs
purposes; the written description of the
scope of this order is dispositive.

Countervailing Duty Order

On November 30, 2012, the ITC
notified the Department of its final
determination, pursuant to section
705(b)(1)(A)(i) of the Act, that an
industry in the United States is
materially injured as a result of
subsidized imports from the PRC. The
ITC also determined that critical
circumstances do not exist with respect
to subject imports from the PRC.

As a result of the ITC’s final
determination, in accordance with
section 706(a) of the Act, the
Department will direct CBP to assess,
upon further instruction by the
Department, countervailing duties on
unliquidated entries of solar cells from
the PRC entered, or withdrawn from
warehouse, for consumption on or after
March 26, 2012, the date on which the
Department published its preliminary
countervailing duty determination in the
Federal Register, and before July 24,
2012, the date on which the Department
instructed CBP to discontinue the
suspension of liquidation in accordance
with section 703(d) of the Act. Section
703(d) of the Act states that the
suspension of liquidation pursuant to a
determination may not remain in effect
for more than four months. Entries of solar cells from
the PRC made on or after July 24, 2012, and
prior to the date of publication of the
ITC’s final determination in the Federal
Register are not liable for the
assessment of countervailing duties, due
to the Department’s discontinuation, effective July 24, 2012, of the suspension of liquidation.

The ITC determined that critical circumstances do not exist with respect to subject imports from the PRC. Because of the ITC’s negative determination of critical circumstances, the Department will direct CBP to refund all cash deposits collected on entries of solar cells from the PRC, which were entered, or withdrawn from warehouse, for consumption on or after December 27, 2011, and before March 26, 2012. The interest provisions of section 778 of the Act do not apply.

In accordance with section 706 of the Act, the Department will direct CBP to reinstitute the suspension of liquidation of solar cells from the PRC, effective the date of publication of the ITC’s notice of final determination in the Federal Register, and to assess, upon further advice from the Department pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rates for the subject merchandise. On or after the date of publication of the ITC’s final injury determination in the Federal Register, CBP must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the rates noted below:

<table>
<thead>
<tr>
<th>Company</th>
<th>Subsidy rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Changzhou Trina Solar Energy Co., Ltd.; Trina Solar (Changzhou) Science and Technology Co., Ltd. (collectively, Trina Solar)</td>
<td>15.97 percent ad valorem.</td>
</tr>
<tr>
<td>All Others Rate</td>
<td>15.24 percent ad valorem.</td>
</tr>
</tbody>
</table>

This notice constitutes the countervailing duty order with respect to solar cells from the PRC pursuant to section 706(a) of the Act. Interested parties may contact the Department’s Central Records Unit, Room 7046 of the main Commerce building, for copies of an updated list of countervailing duty orders currently in effect.

This countervailing duty order is issued and published in accordance with sections 705(c)(2) and 706 of the Act, and 19 CFR 351.211.


Ronald K. Lorentzen,
Acting Assistant Secretary for Import Administration.

[FR Doc. 2012–29669 Filed 12–6–12; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE
International Trade Administration
[A–570–979]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People’s Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order

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

DATES: Effective Date: December 7, 2012.

SUMMARY: Based on affirmative final determinations by the Department of Commerce (the “Department”) and the International Trade Commission (“ITC”), the Department is issuing an antidumping duty order on crystalline silicon photovoltaic cells, whether or not assembled into modules (“solar cells”), from the People’s Republic of China (“PRC”). In addition, the Department is amending its final determination to correct certain ministerial errors.

FOR FURTHER INFORMATION CONTACT: Jeffrey Pedersen, Krishna Hill, or Drew Jackson, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2769, (202) 482–4037, or (202) 482–4406, respectively.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended (“Act”), on October 17, 2012, the Department published the final determination of sales at less than fair value, and affirmative final determination of critical circumstances, in part, in the antidumping duty investigation of solar cells from the PRC.1 On November 30, 2012, the ITC notified the Department of its affirmative determination of material injury to a U.S. industry.2 In addition, the ITC notified the Department of its final determination that critical circumstances do not exist with respect to imports of solar cells from the PRC that are subject to the Department’s affirmative critical circumstances finding.3

Scope of the Order

The merchandise covered by this order is 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. This order covers crystalline silicon photovoltaic cells of thickness equal to or greater than 20 micrometers, having a p/n junction formed by any means, whether or not the cell has undergone other processing, including, but not limited to, cleaning, etching, coating, and/or addition of materials (including, but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell.

Merchandise under consideration may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, modules, laminates, panels, building-integrated modules, building-integrated panels, or other finished goods kits. Such parts that otherwise meet the definition of merchandise


3 See id.