United States, 626 F.3d 1374 (CAFC 2010) ("*Diamond Sawblades*"), the Department is notifying the public that the final CIT judgment in this case is not in harmony with the Department's final determination and is amending the final results of the administrative review of the countervailing duty order on certain hot-rolled carbon steel flat products ("HRCS") from India covering the January 1, 2007, through December 31, 2007, period of review ("POR"). *See Certain Hot-Rolled Carbon Steel Flat Products from India: Final Results and Partial Rescission of Countervailing Duty Administrative Review,* 74 FR 20923 (May 6, 2009) ("*Final Results*"), and accompanying Issues and Decision Memorandum ("I&D Memorandum").

DATES: *Effective Date:* February 4, 2011.

FOR FURTHER INFORMATION CONTACT: Gayle Longest, AD/CVD Operations, Office 3, Import Administration—International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–3338.

SUPPLEMENTARY INFORMATION:

Background

On May 6, 2009, the Department published its final results in the countervailing duty administrative review of HRCS from India covering the POR of January 1, 2007, through December 31, 2007 ("fifth POR" or "fifth administrative review").[1] See Final Results. In the *Final Results,* the Department applied adverse facts available ("AFA") pursuant to sections 776(a) and (b) of the Tariff Act of 1930, as amended ("the Act"), in finding that Essar used and benefited from the nine subprograms under the State Government of Chhattisgarh Industrial Policy ("CIP"). *See Final Results,* and accompanying I&D Memorandum at "SGOC's Industrial Policy" section, "SGOC Industrial Policy 2004–2009" section, and Comment 2. In *Essar I,* the CIT remanded this issue, explaining that the Department's conclusions in its July 2010 remand redetermination regarding the fourth administrative review of the countervailing duty order on HRCS from India ("fourth POR" or "fourth administrative review"), which found that Essar did not benefit from the CIP, cast "grave doubt" upon the Department's findings that Essar benefited from the CIP during the fifth POR. *See Essar I* at 1300; *see also* Final Results of Redetermination Pursuant to Court Remand, in *United States Steel Corp.* v. *United States,* CIT No., 08–239 (Department of Commerce July 15, 2010) ("Fourth Administrative Review Redetermination") at 5–6, 22–23. Thus, the CIT ordered the Department to reopen and place on the administrative record of the fifth administrative review certain documents from the fourth administrative review remand proceeding, and to consider those documents in its reassessment of whether Essar benefited from the CIP.

On October 28, 2010, the Department issued its final results of redetermination pursuant to *Essar I.* The remand redetermination explained that, in accordance with the CIT's order, and under respectful protest, the Department placed certain documents from the fourth administrative review remand proceeding on the record of the fifth administrative review. In light of certain statements by the CIT in *Essar I* and those documents that the CIT ordered the Department to place on the administrative record, the Department reassessed whether Essar benefited from the CIP during the fifth POR and determined that Essar did not benefit from the CIP during the fifth POR. *See* Remand Redetermination at 26. The Department's redetermination resulted in a change to the *Final Results* concerning Essar's net subsidy rate for the CIP from 54.69 percent to zero. Therefore, Essar's total net countervailable rate from the *Final Results,* 76.88 percent, decreased by 54.69 percentage points, to a total net countervailable subsidy rate of 22.19 percent. The CIT sustained the Department's remand redetermination on January 25, 2011. *See Essar II.*

Timken Notice

In its decision in *Timken,* 893 F.2d at 341, as clarified by *Diamond Sawblades,* the CAFC held that, pursuant to section 516A(c) of 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 judgment in *Essar I* on January 25, 2011, sustaining the Department's decision in the Remand Redetermination that Essar did not benefit from the CIP during the fifth POR 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, the total net countervailable subsidy rate for Essar for the period January 1, 2007, through December 31, 2007, is 22.19 percent. The cash deposit rate for Essar is also 22.19 percent. The Department will instruct U.S. Customs and Border Protection to collect cash deposits for Essar at the rate indicated.

In the event the CIT's ruling is not appealed or, if appealed, upheld by the CAFC, the Department will instruct U.S. Customs and Border Protection to assess countervailing duties on entries of the subject merchandise during the POR from Essar based on the revised assessment rates calculated by the Department.

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

Dated: February 7, 2011.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2011–3117 Filed 2–10–11; 8:45 am]

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[1] The administrative review covering the 2007 period is the fifth administrative review of the countervailing duty order on HRCS from India. The administrative review covering the 2006 period is the "fourth" administrative review. *See Final Results* and the accompanying I&D Memorandum at "Sale of High-Grade Iron Ore for LTAR" section (referring to the 2006 administrative review as the fourth administrative review).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–806]

Silicon Metal From the People's Republic of China: Amended Final Results of Antidumping Duty Administrative Review

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

SUMMARY: On January 19, 2011, the Department of Commerce ("Department") published the final results of the antidumping duty administrative review of silicon metal from the People's Republic of China ("PRC"). *See Silicon Metal From the People's Republic of China: Final Results and Partial Rescission of the 2008–2009 Administrative Review of the Antidumping Duty Order,* 76 FR 3084 (January 19, 2011) ("*Final Results*"). The period of review is June 1, 2008, through May 31, 2009. We are amending our *Final Results* to correct ministerial errors made in the calculation of the antidumping duty margin for Shanghai Jinneng International Trade Co., Ltd. ("Shanghai Jinneng") pursuant to section

751(h) of the Tariff Act of 1930, as amended ("the Act").

DATES: *Effective Date:* February 11, 2011.

FOR FURTHER INFORMATION CONTACT: Demitri Kalogeropoulos or Andrew Medley, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* (202) 482–2623 and (202) 482–4987, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 21, 2011, Globe Metallurgical Inc. ("Globe"), Petitioner, submitted ministerial error allegations with respect to the *Final Results* of the June 1, 2008, through May 31, 2009, administrative review. On January 26, 2011, Shanghai Jinneng submitted a letter alleging that Globe's submission was not timely filed and should be rejected; it also claimed it was prejudiced by accepting Globe's ministerial allegations. On January 31, 2011, Globe submitted a response to Shanghai Jinneng's letter.

In accordance with 19 CFR 351.224(b), on January 14, 2011, the Department notified both parties of the availability of disclosure documents for pickup from the Administrative Protective Orders ("APO") office. *See* Shanghai Jinneng's letter dated January 26, 2011, at Exhibit 1. According to APO office records, Mayer Brown, counsel to Shanghai Jinneng, received the disclosure documents on Friday, January 14, 2011. APO records indicate that DLA Piper, counsel to Globe, received disclosure documents on Tuesday, January 18, 2011, the next business day, because Monday, January 17, 2011, was a Federal holiday. *See* Memorandum to the file titled "Disclosure of Documents for Final Results" dated January 28, 2011.

The Department's regulations at 19 CFR 351.224(c)(ii) state that a party to the proceeding must file comments concerning ministerial errors within five days after the date on which the Secretary released disclosure documents to that party. Because the Secretary released the disclosure documents on January 14, 2011, ministerial error allegations were due on January 19, 2011. However, 19 CFR 351.302(b) provides that, unless expressly precluded by statute, the Secretary may, for good cause, extend any time limit established by this part.

We have determined that good cause exists for extending the deadline set forth in 19 CFR 351.224(c) and accepting Globe's ministerial error allegations, which were filed on January 21, 2011. In its January 31, 2011 letter, counsel for Globe states that it was not able to receive the documents on the day of release because it did not have a messenger available who was authorized to handle APO documents, and was informed by a Department official on Tuesday, January 18, 2011, that the five-day period for submitting ministerial error allegations began on January 18, 2011. While the Department finds that because it informed Globe that the five-day period began on January 18, 2011, rather than January 14, 2011, it should have informed Shanghai Jinneng that the deadline had been extended, we disagree with Shanghai Jinneng that it has been prejudiced. Shanghai Jinneng neither submitted ministerial error allegations nor requested that the January 19, 2011, deadline be extended so that it could file allegations after this deadline. In addition, Shanghai Jinneng was able to respond to Globe's allegations, and did comment on its submission on January 26, 2011. For these reasons, the Department has determined that good cause exists to extend the deadline and has accepted Globe's ministerial error allegations.

Ministerial Errors

A ministerial error as defined in section 751(h) of the Act includes "errors in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the administering authority considers ministerial." *See also* 19 CFR 351.224(f).

After analyzing Globe's comments, we have determined, in accordance with 19 CFR 351.224(e), that ministerial errors existed in certain calculations in the *Final Results.* Correction of these errors results in a change to Shanghai Jinneng's final antidumping duty margin. For a detailed discussion of these ministerial errors, as well as the Department's analysis, *see* Final Results of the 2008–2009 Administrative Review of the Antidumping Duty Order for Silicon Metal from the People's Republic of China: Allegation of Ministerial Errors, dated concurrently with this notice ("Ministerial Error Memo"). The Ministerial Error Memo is on file in the Central Records Unit, room 7046 in the main Department building.

Therefore, in accordance with section 751(h) of the Act and 19 CFR 351.224(e), we are amending the *Final Results* of the administrative review of silicon metal from the PRC. Listed below is the revised weighted-average dumping margin resulting from these amended final results:

Exporter	Original final margin	Amended final margin
Shanghai Jinneng International Trade Co., Ltd	3.14%	3.30%

Disclosure

We will disclose the calculations performed for these amended final results within five days of the date of publication of this notice to interested parties in accordance with 19 CFR 351.224(b).

Assessment Rate

Pursuant to section 751(a)(2)(A) of the Tariff Act of 1930, as amended ("Act"), and 19 CFR 351.212(b), the Department will determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. For assessment purposes, we calculated importer (or customer)-specific assessment rates for merchandise subject to this review. Where appropriate, we calculated an *ad valorem* rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total entered values associated with those transactions. For duty-assessment rates calculated on this basis, we will direct CBP to assess the resulting *ad valorem* rate against the entered customs values for the subject merchandise. Where appropriate, we calculated a per-unit rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total sales quantity associated with those transactions. For duty-assessment rates calculated on this basis, we will direct

CBP to assess the resulting per-unit rate against the entered quantity of the subject merchandise. Where an importer (or customer)-specific assessment rate is *de minimis* (*i.e.,* less than 0.50 percent), the Department will instruct CBP to assess that importer (or customer's) entries of subject merchandise without regard to antidumping duties, in accordance with 19 CFR 351.106(c)(2). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the amended final results of these reviews.

Cash Deposit Requirements

The following cash deposit requirements will be effective retroactively on any entries made on or after January 19, 2011, the date of publication of the *Final Results,* for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For Shanghai Jinneng, the cash deposit rate will be the amended final margin rate shown above in the "Ministerial Errors" section of this notice; (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 139.49 percent; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporters that supplied that non-PRC exporter. These deposit requirements shall remain in effect until further notice.

These amended final results are published in accordance with sections 751(h) and 777(i)(1) of the Act.

Dated: February 7, 2011.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2011–3135 Filed 2–10–11; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–832]

Amended Final Results of the 2008–2009 Antidumping Duty Administrative Review: Pure Magnesium From the People's Republic of China

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

SUMMARY: On December 23, 2010, the Department of Commerce ("the Department") published in the **Federal Register** the *Final Results* of the 2008–2009 administrative review of the antidumping duty order on pure magnesium from the People's Republic of China ("PRC").[1] The period of review ("POR") covers May 1, 2008, through April 30, 2009. We are amending our *Final Results* to correct ministerial errors made in the calculation of the antidumping duty margin for Tianjin Magnesium International Co., Ltd. ("TMI"), pursuant to section 751(h) of the Tariff Act of 1930, as amended ("Act").

DATES: *Effective Date:* (December 23, 2010).

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita, AD/CVD Operations, 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:

Background

On December 23, 2010, the Department published the *Final Results* of the 2008–2009 administrative review of the antidumping duty order on pure magnesium from the PRC. In accordance with 19 CFR 351.224(b), the Department disclosed the details of its calculations in the *Final Results* to all interested parties on December 20, 2010.[2] On December 23 and 27, 2010, respectively, US Magnesium LLC ("Petitioner") and TMI filed timely ministerial error allegations with respect to the Department's antidumping duty margin calculations for TMI in the *Final Results.* Petitioner provided rebuttal comments concerning TMI's ministerial error allegation on January 3, 2011. No other party provided ministerial error comments regarding the *Final Results* of this review.

Scope of the Order

Merchandise covered by this order is pure magnesium regardless of chemistry, form or size, unless expressly excluded from the scope of this order. Pure magnesium is a metal or alloy containing by weight primarily the element magnesium and produced by decomposing raw materials into magnesium metal. Pure primary magnesium is used primarily as a chemical in the aluminum alloying, desulfurization, and chemical reduction industries. In addition, pure magnesium is used as an input in producing magnesium alloy. Pure magnesium encompasses products (including, but not limited to, butt ends, stubs, crowns and crystals) with the following primary magnesium contents:

(1) Products that contain at least 99.95% primary magnesium, by weight (generally referred to as "ultra pure" magnesium);

(2) Products that contain less than 99.95% but not less than 99.8% primary magnesium, by weight (generally referred to as "pure" magnesium); and

(3) Products that contain 50% or greater, but less than 99.8% primary magnesium, by weight, and that do not conform to ASTM specifications for alloy magnesium (generally referred to as "off-specification pure" magnesium).

"Off-specification pure" magnesium is pure primary magnesium containing magnesium scrap, secondary magnesium, oxidized magnesium or impurities (whether or not intentionally added) that cause the primary magnesium content to fall below 99.8% by weight. It generally does not contain, individually or in combination, 1.5% or more, by weight, of the following alloying elements: Aluminum, manganese, zinc, silicon, thorium, zirconium and rare earths.

Excluded from the scope of this order are alloy primary magnesium (that meets specifications for alloy magnesium), primary magnesium anodes, granular primary magnesium (including turnings, chips and powder) having a maximum physical dimension (*i.e.,* length or diameter) of one inch or less, secondary magnesium (which has pure primary magnesium content of less than 50% by weight), and remelted magnesium whose pure primary magnesium content is less than 50% by weight.

Pure magnesium products covered by this order are currently classifiable

[1] *See Pure Magnesium From the People's Republic of China: Final Results of the 2008–2009 Antidumping Duty Administrative Review of the Antidumping Duty Order,* 75 FR 80791 (December 23, 2010) ("*Final Results*"), and accompanying Issues and Decision Memorandum.

[2] *See* Memorandum to the File, "Pure Magnesium from the People's Republic of China: Release of the Business-Proprietary Version of TMI's Final Analysis Memorandum," dated December 20, 2010.