

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-806]

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"),¹ pursuant to the CIT's remand order in *Globe Metallurgical Inc. v. United States*, 781 F. Supp. 2d 1340 (CIT 2011) ("Globe").² Consistent with the decision of the United States Court of Appeals for the Federal Circuit ("CAFC") in *Timken*,³ as clarified by *Diamond Sawblades*,⁴ the Department is notifying the public that the final judgment in this case is not in harmony with the Department's final results of administrative review and is amending its final results of administrative review of the antidumping duty order on silicon metal from the PRC for the 2007–2008 period of review ("POR").⁵

DATES: Effective Date: September 17, 2012.

FOR FURTHER INFORMATION CONTACT: Toni Dach, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1655.

SUPPLEMENTARY INFORMATION: On January 12, 2010, the Department issued its final results of administrative review in the 2007–2008 administrative review of silicon metal from the PRC.⁶ In the

Final Results, the Department excluded miscellaneous receipts and profit on the sale of a fixed asset from its calculation of selling, general, and administrative expenses ("SG&A") in the surrogate financial ratios.⁷

In *Globe*, the CIT remanded the *Final Results* to the Department to reconsider its exclusion of miscellaneous receipts and profit on sale of a fixed asset from SG&A.⁸ 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.⁹ 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.¹⁰ 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.¹¹

Timken Notice

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

Exporter	Weighted-average margin (percent)
Jiangxi Gangyuan Silicon Industry Co., Ltd.	48.64
Shanghai Jinneng International Trade Co., Ltd.	21.97

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.¹² 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(i)(1) of the Act.

Dated: September 12, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2012-23140 Filed 9-19-12; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-984]

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

¹ See *Silicon Metal from the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 75 FR 1592 (January 12, 2010) ("Final Results") (review covering the period June 1, 2007, through May 31, 2008).

² See September 6, 2011, "Final Results of Remand Redetermination Pursuant To Remand Order" ("Redetermination"); *Globe Metallurgical Inc. v. United States*, Slip Op. 12-114, Court No. 10-00032 (September 5, 2012).

³ *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("Timken").

⁴ *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) ("Diamond Sawblades").

⁵ See *Final Results*.

⁶ *Id.*

⁷ See Memorandum from Bobby Wong, Senior Analyst; Through Scot T. Fullerton, Program Manager; To James C. Doyle, Director, Office 9; Regarding: Silicon Metal from the People's Republic of China: Allegations of Ministerial Errors in the Final Results, dated February 26, 2010.

⁸ See *Globe*, 781 F. Supp. 2d at 1357.

⁹ See Redetermination.

¹⁰ See *id.* at 5.

¹¹ See *Globe Metallurgical Inc. v. United States*, Ct. No. 10-00032, Slip Op. 12-114 (Sept. 5, 2011) ("Globe II").

¹² See *Silicon Metal from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 77 FR 54563 (September 5, 2012).

countervailing duty determination with the final antidumping duty determination of the above referenced case.

DATES: *Effective Date:* September 20, 2012.

FOR FURTHER INFORMATION CONTACT: Shane Subler or Hermes Pinilla, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-0189 or (202) 482-3477, respectively.

Background

On March 27, 2012, the Department of Commerce ("the Department") initiated antidumping and countervailing duty investigations of drawn stainless steel sinks from the People's Republic of China.¹ On August 6, 2012, the Department published its preliminary countervailing duty determination.²

Scope of the Investigation

The products covered by the scope of this investigation are stainless steel sinks with single or multiple drawn bowls, with or without drain boards, whether finished or unfinished, regardless of type of finish, gauge, or grade of stainless steel ("SS sinks"). Mounting clips, fasteners, seals, and sound-deadening pads are also covered by the scope of this investigation if they are included within the sales price of the SS sinks.³

The products covered by this investigation are currently classified in the Harmonized Tariff Schedule of the United States ("HTSUS") under statistical reporting numbers 7324.10.0000 and 7324.10.0010. Although the HTSUS subheading is provided for convenience and customs purposes, the written product description, available in Preliminary Affirmative Countervailing Duty Determination: Drawn Stainless Steel Sinks From the People's Republic of China, 77 FR 46717 (August 6, 2012), remains dispositive.

¹ See *Drawn Stainless Steel Sinks From the People's Republic of China: Initiation of Countervailing Duty Investigation*, 77 FR 18211 (March 27, 2012), and, also, see *Drawn Stainless Steel Sinks From the People's Republic of China: Initiation of Antidumping Duty Investigation*, 77 FR 18207 (March 27, 2012).

² See *Drawn Stainless Steel Sinks From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination*, 77 FR 46717 (August 6, 2012).

³ Mounting clips, fasteners, seals, and sound deadening pads are not covered by the scope of this investigation if they are not included within the sales price of the SS sinks, regardless of whether they are shipped with or entered with SS sinks.

Alignment of Final Determination

On August 3, 2012, petitioner ElKay Manufacturing Company submitted a letter, requesting alignment of the final countervailing duty (CVD) determination with the final antidumping duty (AD) determination in the companion AD investigation. This request was timely pursuant to 19 CFR 351.210(i). Therefore, in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.210(b)(4), the Department will issue the final CVD determination on the same date as the final AD determination, which is currently scheduled for December 11, 2012.

Dated: September 14, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2012-23253 Filed 9-19-12; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee Public Meeting

AGENCY: International Trade Administration, DOC.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Environmental Technologies Trade Advisory Committee (ETTAC).

DATES: The meeting is scheduled for Thursday, October 11, 2012, at 9:00 a.m. Eastern Daylight Time (EDT).

ADDRESSES: The meeting will be held in Room 4830 at the U.S. Department of Commerce, Herbert Clark Hoover Building, 1401 Constitution Avenue NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Todd DeLelle, Office of Energy & Environmental Industries (OEEI), International Trade Administration, Room 4053, 1401 Constitution Avenue NW., Washington, DC 20230. (Phone: 202-482-4877; Fax: 202-482-5665; email: todd.delelle@trade.gov). This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to OEEI at (202) 482-5225 no less than one week prior to the meeting.

SUPPLEMENTARY INFORMATION: The meeting will take place from 9:00 a.m. to 3:30 p.m. EDT. This meeting is open to the public and time will be permitted

for public comment from 3:00-3:30 p.m. EDT. Written comments concerning ETTAC affairs are welcome any time before or after the meeting. Minutes will be available within 30 days of this meeting.

Topics to be considered: The agenda for the October 11, 2012 ETTAC meeting will include discussion of various issues and policies that affect environmental trade. These subjects will encompass the harmonization of global environmental regulations, standards, and certification programs; analysis of existing environmental goods and services data sources; development of trade promotion programs; and issues related to innovation in the environmental technology sector.

Background: The ETTAC is mandated by Public Law 103-392. It was created to advise the U.S. government on environmental trade policies and programs, and to help it to focus its resources on increasing the exports of the U.S. environmental industry. ETTAC operates as an advisory committee to the Secretary of Commerce and the Trade Promotion Coordinating Committee (TPCC). ETTAC was originally chartered in May of 1994. It was most recently re-chartered until October 2012.

Catherine Vial,

Team Leader, Office of Energy and Environmental Industries.

[FR Doc. 2012-23215 Filed 9-19-12; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Science Advisory Board

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the NOAA Science Advisory Board. The members will discuss and provide advice on issues outlined in the section on Matters to be Considered.

Time and Date: The meeting is scheduled for: Tuesday, October 9, 2012, from 1:00-3:00 p.m. Eastern Daylight Time.

ADDRESSES: Conference call. Public access is available at: NOAA, SSMC 3, Room 12836, 1315 East-West Highway, Silver Spring, MD. Members of the