

information to value the factors of production until 20 days following the date of publication of these preliminary results.

#### Preliminary Results of Review

We preliminarily determine that the following antidumping duty margins exist:

Exporter	Margin (percent)
Since Hardware (Guangzhou) Co., Ltd. ....	0.31 % ( <i>de minimis</i> )

For details on the calculation of the antidumping duty weighted-average margin for Since Hardware, see Since Hardware Analysis Memo. A public version of this memorandum is on file in the Department's central records unit ("CRU").

#### Assessment Rates

Pursuant to 19 CFR 351.212(b), the Department will determine, and Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries. The Department will issue appropriate assessment instructions directly to CBP 15 days after the date of publication of the final results of this review. For assessment purposes, where possible, we calculated importer-specific assessment rates for ironing tables from the PRC via *ad valorem* duty assessment rates based on the ratio of the total amount of the dumping margins calculated for the examined sales to the total entered value of those same sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any assessment rate calculated in the final results of this review is above *de minimis*. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of these reviews and for future deposits of estimated duties, where applicable.

#### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) for the exporters listed above, the cash deposit rate will be established in the final results of this review (except, if the rate is zero or *de minimis*, i.e., less than 0.5 percent, no cash deposit will be

required for that company); (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 157.68 percent (see *Amended Final FR*); 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, when imposed, shall remain in effect until publication of the final results of the next administrative review.

#### Schedule for Final Results of Review

The Department will disclose calculations performed in connection with the preliminary results of this review within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of publication of this notice in accordance with 19 CFR 351.310(c). Any hearing would normally be held 37 days after the publication of this notice, or the first workday thereafter, at the U.S. Department of Commerce, 14<sup>th</sup> Street and Constitution Avenue, NW, Washington, DC 20230. Individuals who wish to request a hearing must submit a written request within 30 days of the publication of this notice in the **Federal Register** to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, 14<sup>th</sup> Street and Constitution Avenue, NW, Washington, DC 20230. Requests for a public hearing should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) to the extent practicable, an identification of the arguments to be raised at the hearing.

Unless otherwise notified by the Department, interested parties may submit case briefs within 30 days of the date of publication of this notice in accordance with 19 CFR 351.309(c)(1)(ii). As part of the case brief, parties are encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited in accordance with 19 CFR 351.309(c)(2). Rebuttal briefs, which must be limited to issues raised in the case briefs, must be filed within five days after the case brief is filed in accordance with 19 CFR 351.309(d). If a hearing is held, an interested party may make an

affirmative presentation only on arguments included in that party's case brief and may make a rebuttal presentation only on arguments included in that party's rebuttal brief in accordance with 19 CFR 351.310(c). Parties should confirm by telephone the time, date, and place of the hearing within 48 hours before the scheduled time. The Department will issue the final results of this review, which will include the results of its analysis of issues raised in the briefs, not later than 120 days after the date of publication of this notice in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

#### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during these review periods. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and this notice are published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 31, 2007.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E7-17865 Filed 9-10-07; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-803]

#### Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, from the People's Republic of China: Final Results and Rescissions of the 2005-2006 Administrative Reviews

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

**SUMMARY:** On March 8, 2007, the Department published the preliminary results of the 2005-2006 administrative reviews of the antidumping duty orders on heavy forged hand tools, finished or unfinished, with or without handles, from the People's Republic of China (PRC). See *Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China: Preliminary Results and Partial*

*Rescission of the 2005–2006*

*Administrative Reviews*, 72 FR 10492 (March 8, 2007) (*Preliminary Results*). This review covers four classes or kinds: (1) Axes/Adzes; (2) Bars/Wedges; (3) Hammers/Sledges; and (4) Picks/Mattocks. This review covers nine exporters or producer/exporters: (1) Iron Bull Industrial Co., Ltd. (Iron Bull); (2) Jafsam Metal Products (Jafsam); (3) Shanghai Machinery Import & Export Corp. (Shanghai Machinery); (4) Shanghai Xinike Trading Company (Xinike); (5) Shandong Huarong Machinery Co., Ltd. (Huarong); (6) Shandong Jinma Industrial Group Co., Ltd. (Jinma); (7) Shandong Machinery Import and Export Corporation (SMC); (8) Tianjin Machinery Import and Export Corporation (TMC); and (9) Truper Herramientas S.A. de C.V. (Truper). The period of review (POR) is February 1, 2005, through January 31, 2006. Based on our analysis of the record, including factual information obtained since the *Preliminary Results*, we have reversed the decision to rescind the administrative review of the antidumping duty order on the class or kind Axes/Adzes covering SMC and have applied adverse facts available (AFA). Therefore, the final results differ from the *Preliminary Results*. See “Final Results of Review” section below.

**EFFECTIVE DATE:** September 11, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Mark Flessner or Robert James at (202) 482–6312 or (202) 482–0649, respectively; Antidumping and Countervailing Duty Enforcement Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14<sup>th</sup> Street and Constitution Avenue, N.W., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:****Background**

Since the *Preliminary Results*, we received a case brief from respondent SMC on April 9, 2007. Separate rebuttal briefs were received from both petitioners, Ames True Temper (Ames) and Council Tool Company (Council Tools), on April 16, 2007. On April 24, 2007, the Department’s Customs Liaison Unit forwarded certain U.S. Customs and Border Protection (CBP) documents to the team. These were placed on the record of this review on April 24, 2007. See the Memorandum to the File from Mark Flessner, Case Analyst, entitled “Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People’s Republic of China (A–570–803): U.S. Entry Documents and Opportunity to Comment” (April 24, 2007). SMC, Ames, and Council Tools

all filed comments concerning these documents on May 9, 2007. SMC requested and was granted time to file a rebuttal to Ames’ and Council Tools’ comments; SMC filed its rebuttal comments on May 16, 2007. On July 6, 2007, the Department published in the **Federal Register** an extension of the time limit for the final results until August 6, 2007. See *Notice of Extension of Time Limit for Final Results and Partial Rescission of the 2005–2006 Antidumping Duty Administrative Review of Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, from the People’s Republic of China*, 72 FR 36959 (July 6, 2007). On August 8, 2007, the Department published in the **Federal Register** a further extension of the time limit for the final results until September 4, 2007. See *Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, from the People’s Republic of China: Notice of Extension of Time Limit for Final Results of the 2005–2006 Antidumping Duty Administrative Review*, 72 FR 44495 (August 8, 2007).

**Scope of the Antidumping Duty Order**

The products covered by these orders are heavy forged hand tools from the PRC, comprising the following classes or kinds of merchandise: (1) Hammers and sledges with heads over 1.5 kg (3.33 pounds); (2) bars over 18 inches in length, track tools and wedges; (3) picks and mattocks; and (4) axes, adzes and similar hewing tools. Heavy forged hand tools include heads for drilling hammers, sledges, axes, mauls, picks and mattocks, which may or may not be painted, which may or may not be finished, or which may or may not be imported with handles; assorted bar products and track tools including wrecking bars, digging bars and tampers; and steel wood splitting wedges. Heavy forged hand tools are manufactured through a hot forge operation in which steel is sheared to required length, heated to forging temperature, and formed to final shape on forging equipment using dies specific to the desired product shape and size. Depending on the product, finishing operations may include shot blasting, grinding, polishing and painting, and the insertion of handles for handled products. Heavy forged hand tools are currently provided for under the following Harmonized Tariff System of the United States (HTSUS) subheadings: 8205.20.60, 8205.59.30, 8201.30.00 and 8201.40.60. Specifically excluded from these orders are hammers and sledges with heads 1.5 kg. (3.33 pounds) in weight and under, hoes and rakes, and bars 18 inches in length and under. The

HTSUS subheadings are provided for convenience and Customs purposes. The written description remains dispositive.

**Analysis of Comments Received**

All issues raised in the briefs are addressed in the accompanying Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues raised, all of which are in the Issues and Decision Memorandum, is as follows: (1) whether SMC demonstrated a lack of *de jure* and *de facto* government control to warrant receiving a separate rate; (2) whether the Department was correct in applying AFA to SMC’s sales of Bars/Wedges and Hammers/Sledges; (3) whether the AFA rates applied to SMC’s sales of Bars/Wedges, Hammers/Sledges, and Axes/Adzes were properly corroborated and reasonable; (4) whether the Department ought to reverse its preliminary rescission of the review for Axes/Adzes; (5) whether the Department ought to apply facts available for Axes/Adzes; and (6) whether the Department ought to apply AFA for Axes/Adzes. Parties can find a complete discussion of all issues raised in the briefs and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit (CRU), room B–099 of the main Department building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at <http://ia.ita.doc.gov>. The paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

**Changes Since the Preliminary Results**

Based upon our analysis of the record (including factual information obtained since the *Preliminary Results*) and upon comments received from the interested parties, we are reversing our preliminary rescission of the administrative review covering the class or kind Axes/Adzes with respect to SMC. We are also basing our margin for SMC for Axes/Adzes on AFA. For a discussion of these changes, see the accompanying Issues and Decision Memorandum.

**The PRC–wide Rate and Application of Facts Otherwise Available**

The Department did not receive comments specifically pertaining to its *Preliminary Results* regarding the application of AFA to the PRC–wide entity for any of the four classes or kinds. (SMC did submit comments with regard to the rates it received as part of the PRC–wide entity for all classes or

kinds except Picks/Mattocks; for details and a full discussion, see the accompanying Issues and Decision Memorandum.) As a result, we have not altered our decision to apply total AFA to the PRC-wide entity for all four classes or kinds for these final results, in accordance with sections 776(a)(2)(A) and (B), as well as section 776(b), of the Tariff Act of 1930, as amended (the Tariff Act). See "Final Results of Review" section below.

As stated in the *Preliminary Results*, by failing to adequately respond to the Department's requests for information, SMC (with respect to Axes/Adzes, Bars/Wedges, and Hammers/Sledges), TMC (with respect to Picks/Mattocks), Huarong (with respect to Hammers/Sledges and Picks/Mattocks), and Jafsam (with respect to all four classes or kinds) have not demonstrated they are free of government control, and are therefore not eligible to receive a separate rate. See, e.g., *Natural Bristle Paint Brushes and Brush Heads From the People's Republic of China; Final Results of Antidumping Duty Administrative Review*, 62 FR 11823 (March 13, 1997); *Final Determination of Sales at Less than Fair Value: Certain Helical Spring Lock Washers From the People's Republic of China*, 58 FR 48833 (September 20, 1993); and *Final Determination of Sales at Less than Fair Value: Certain Compact Ductile Iron Waterworks Fittings and Accessories Thereof From the People's Republic of China*, 58 FR 37908 (July 14, 1993). Consequently, consistent with the *Preliminary Results*, we continue to find that, because these companies did not qualify for separate rates, they are deemed to be part of the PRC-entity. See *Preliminary Results* at 10494.

As stated above, the PRC-wide entity did not respond to our requests for information. Because the PRC-wide entity did not respond to our request for information, we find it necessary, under sections 776(a)(2) and 776(b) of the Tariff Act, to use AFA as the basis for these final results of review for the PRC-wide entity.

In accordance with the Department's practice, we have assigned to the PRC-wide entity (including Jafsam and SMC) the rate of 189.37 percent as AFA for Axes/Adzes. This is the highest calculated rate of any segment in this proceeding, which was calculated in the 2004–2005 administrative review. See *Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China; Final Results of Antidumping Duty Administrative Reviews and Final Rescission and Partial Rescission of Antidumping Duty Administrative*

*Reviews*, 71 FR 54269 (September 14, 2006) (*Final Results of 14<sup>th</sup> Review*). We have assigned to the PRC-wide entity (including Jafsam and SMC) the rate of 139.31 percent as AFA for Bars/Wedges. This rate is the highest dumping margin from any segment of this proceeding and was calculated during the 1998–1999 administrative review. See the accompanying Issues and Decision Memorandum at Comment 3; see also *Notice of Final Results and Partial Rescission of Antidumping Duty Administrative Reviews: Heavy Forged Hand Tools From the People's Republic of China*, 65 FR 43290 (July 13, 2000); *Heavy Forged Hand Tools From the People's Republic of China; Amended Final Results of Antidumping Duty Administrative Reviews*, 65 FR 50499 (August 18, 2000). We have assigned to the PRC-wide entity (including Huarong, Jafsam, and SMC) the rate of 45.42 percent as AFA for Hammers/Sledges. This rate is the highest dumping margin from any segment of this proceeding and was applied as "best information available" (the predecessor to AFA) during the less-than-fair-value (LTFV) investigation for the sole respondent China National Machinery Import & Export Corporation, and was again corroborated and used as the PRC-wide and AFA rate in the 2004–2005 review. See *Final Results of 14<sup>th</sup> Review*. We have assigned to the PRC-wide entity (including TMC, Huarong, and Jafsam) the rate of 98.77 percent as AFA for Picks/Mattocks. This rate is the highest dumping margin from any segment of this proceeding; it was calculated in the fifth review, became the PRC-wide and AFA rate in the seventh review, and has been used since. *Id.* This is consistent with our practice in, e.g., *Freshwater Crawfish Tail Meat from the People's Republic of China; Notice of Final Results of Antidumping Duty Administrative Review*, 68 FR 19504 (April 21, 2003); see also *Stainless Steel Plate in Coils From Taiwan: Final Results and Rescission in Part of Antidumping Duty Administrative Review*, 67 FR 40914 (June 14, 2002). The U.S. Court of International Trade (CIT) and the Court of Appeals for the Federal Circuit have consistently upheld the Department's practice to assign AFA to non-cooperative respondents in several cases. See *Rhone Poulenc, Inc. v. United States*, 899 F.2d 1185, 1190 (Fed. Cir. 1990); see also *Shanghai Taoen International Trading Co., Ltd. v. United States*, Slip Op. 05–22, at 16 (CIT 2005) (upholding a 223.01 percent total AFA rate, the highest available dumping margin from a different respondent in a

previous administrative review); *NSK Ltd. v. United States*, 346 F.Supp.2d 1312, 1335 (CIT 2004) (upholding a 73.55 percent total AFA rate, the highest available dumping margin from a different respondent in a LTFV investigation); *Kompass Food Trading Int'l v. United States*, 24 CIT 678, 689 (2000) (upholding a 51.16 percent total AFA rate, the highest available dumping margin from a different, fully cooperative respondent).

#### **Corroboration of Secondary Information Applied as AFA**

Section 776(c) of the Act requires that the Department corroborate, to the extent practicable, secondary information used as facts available. Secondary information has been interpreted as "information derived from the petition that gave rise to the investigation or review, the final determination concerning the subject merchandise, or any previous review under section 751 concerning the subject merchandise." See Statement of Administrative Action accompanying the Uruguay Round Agreements Act, H.R. Doc 103–316, Vol. 1, 103d Cong. (1994) (SAA) at 870. Under section 776(c) of the Act, the Department is granted a wide discretion in its selection of secondary information, *i.e.*, the AFA rate, as long as the Department can determine, to the extent practicable, that the AFA rate has probative value. See generally SAA at 870.

The term "corroborate" has been interpreted to mean that the Department will satisfy itself that the secondary information to be used has probative value. See SAA at 870. Thus, to corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information used. However, unlike other types of information, such as input costs or selling expenses, there are no independent sources for calculated dumping margins *per se* other than are administrative determinations. These rates are applied to the PRC-wide entity, *i.e.*, those companies not eligible for a separate rate with regard to the individual class or kind of merchandise. No information has been presented in the current review that calls into question the reliability of the information used for these AFA rates. Thus, the Department finds that the information is reliable. See the accompanying Issues and Decision Memorandum at Comment 3.

#### **Reversal of Preliminary Rescission**

Based upon CBP information received subsequent to the publication of the

*Preliminary Results* (see the Memorandum to the File from Mark Flessner, Case Analyst, entitled “Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People’s Republic of China (A–580–803): U.S. Entry Documents and Opportunity to Comment,” dated April 24, 2007), we have determined that the review for Axes/Adzes with respect to SMC should not be rescinded. We based our margin for Axes/Adzes with respect to SMC on AFA because of SMC’s failure to report sales and factor information for this class or kind, which prevented the Department from being able to calculate a margin. See the

accompanying Issues and Decision Memorandum at Comments 4, 5, and 6.

**Final Rescissions**

In accordance with 19 CFR 351.213(d)(3) and consistent with the Department’s practice, we finally rescind the following administrative reviews: (a) with respect to SMC for Picks/Mattocks; (b) with respect to Iron Bull for Axes/Adzes, Hammers/Sledges, and Picks/Mattocks; and (c) with respect to Xinike in all four classes or kinds. For rescission of these reviews with respect to Jinma (all four classes or kinds), Shanghai Machinery (all four classes or kinds), Truper (all four classes or kinds), TMC (Axes/Adzes, Hammers/Sledges,

and Bars/Wedges), Huarong (Axes/Adzes and Bars/Wedges), and Iron Bull (Bars/Wedges), see *Administrative Review (02/01/2005 01/31/2006) of Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, from the People’s Republic of China: Notice of Rescission of Antidumping Duty Administrative Reviews*, 71 FR 53403 (September 11, 2006).

**Final Results of Review**

As a result of our reviews, we determine that the following antidumping margins exist for the period February 1, 2005, through January 31, 2006:

Manufacturer/exporter	Weighted-average margin (percent)
<b>Heavy Forged Hand Tools from the PRC: Axes/Adzes.</b>	
PRC-Wide Rate .....	189.37 <sup>1</sup>
<b>Heavy Forged Hand Tools from the PRC: Bars/Wedges.</b>	
PRC-Wide Rate .....	139.31 <sup>2</sup>
<b>Heavy Forged Hand Tools from the PRC: Hammers/Sledges.</b>	
PRC-Wide Rate .....	45.42 <sup>3</sup>
<b>Heavy Forged Hand Tools from the PRC: Picks/Mattocks.</b>	
PRC-Wide Rate .....	98.77 <sup>4</sup>

<sup>1</sup> The PRC-wide entity for Axes/Adzes includes SMC and Jafsam.  
<sup>2</sup> The PRC-wide entity for Bars/Wedges includes SMC and Jafsam.  
<sup>3</sup> The PRC-wide entity for Hammers/Sledges includes SMC, Jafsam, and Huarong.  
<sup>4</sup> The PRC-wide entity for Picks/Mattocks includes Jafsam, TMC, and Huarong.

**Cash Deposit Requirements**

The following deposit requirements will be effective upon publication of these final results for this administrative review for all shipments of heavy forged hand tools, finished or unfinished, with or without handles, from the PRC, entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(c) of the Tariff Act: (1) for SMC, Jafsam, Huarong, and TMC, the cash deposit rate will be the rates listed above under the “Final Results of Review” section for each class or kind and for each company as set forth in Footnotes 1–4; (2) for previously-reviewed PRC and non-PRC exporters with separate rates, the cash deposit rate will be the company-specific rate established for the most recent period; (3) for all other PRC exporters (including the exporters named as part of the PRC-wide entity above), the cash deposit rates will be the PRC-wide rates established in the final results of this review; and (4) for all other non-PRC exporters of the subject merchandise, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements shall remain in effect until further notice.

**Assessment of Antidumping Duties**

The Department will determine, and CBP will assess, antidumping duties on all appropriate entries. We will direct CBP to assess the resulting assessment rates against the CBP values for the subject merchandise on each of the exporter’s entries during the POR. In accordance with 19 CFR 351.106(c)(2), we will instruct CBP to liquidate any entries without regard to antidumping duties for which the assessment rate is *de minimis*. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of the final results of review.

**Notification to Importers**

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary’s presumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties. This notice also serves as a reminder to parties subject to administrative protective order (APO) of their

responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act.

Dated: September 4, 2007.

**David M. Spooner,**  
*Assistant Secretary for Import Administration.*

**Appendix—Issues in Decision Memorandum**

- 1: SMC and *de facto* and *de jure* government control
- 2: Use of adverse facts available (AFA) for Bars/Wedges and Hammers/Sledges
- 3: Corroboration of AFA rates for Bars/Wedges, Hammers/Sledges, and Axes/Adzes
- 4: Preliminary rescission of review for Axes/Adzes
- 5: Use of facts available if Preliminary rescission of review for Axes/Adzes is reversed

6: Use of adverse facts available if Preliminary rescission of review for Axes/Adzes is reversed  
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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-821-819]

#### Magnesium Metal from the Russian Federation: Final Results of Antidumping Duty Administrative Review

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

**SUMMARY:** On May 7, 2007, the Department of Commerce (the Department) published in the **Federal Register** its preliminary results of the administrative review of the antidumping duty order on magnesium metal from the Russian Federation. See *Magnesium Metal from the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review*, 72 FR 25740 (May 7, 2007) (*Preliminary Results*). The review covers two respondents, PSC VSMPO—AVISMA Corporation and its affiliated U.S. reseller VSMPO—Tirus, U.S. Inc. (collectively AVISMA), and Solikamsk Magnesium Works (SMW). The period of review (POR) is October 4, 2004, through March 31, 2006. We invited interested parties to submit comments on our *Preliminary Results*. Based on our analysis of the comments received, we have made changes to our calculations with regard to AVISMA. The final dumping margins for this review are listed in the “Final Results of Review” section below.

**EFFECTIVE DATE:** September 11, 2007.

**FOR FURTHER INFORMATION CONTACT:** Mark Hoadley (AVISMA and SMW), Gene Calvert (AVISMA), Jack Zhao (SMW); AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, telephone numbers (202) 482-3148, (202) 482-3586, and (202) 482-1396, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 7, 2007, the Department published the preliminary results of this review in the **Federal Register**. See *Preliminary Results*. Since the *Preliminary Results*, the following events have occurred. On June 6, 2007,

U.S. Magnesium LLC (U.S. Magnesium), one of the petitioners in the original investigation, submitted a case brief regarding the cost calculation of certain by-products internally consumed by SMW. On June 6, 2007, AVISMA submitted a case brief commenting on the calculation of AVISMA’s General and Administrative (G&A) expenses and a small number of sales of cylinders in the home market. On June 15, 2007, SMW filed a rebuttal brief regarding U.S. Magnesium’s case brief and U.S. Magnesium submitted a rebuttal brief regarding AVISMA’s case brief. All case and rebuttal briefs were timely filed.

##### Period of Review

This review covers the period October 4, 2004 through March 31, 2006.

##### Scope of the Order

The merchandise covered by this order is magnesium metal (also referred to as magnesium), which includes primary and secondary pure and alloy magnesium metal, regardless of chemistry, raw material source, form, shape, or size. Magnesium is a metal or alloy containing by weight primarily the element magnesium. Primary magnesium is produced by decomposing raw materials into magnesium metal. Secondary magnesium is produced by recycling magnesium-based scrap into magnesium metal. The magnesium covered by this order includes blends of primary and secondary magnesium.

The subject merchandise includes the following pure and alloy magnesium metal products made from primary and/or secondary magnesium, including, without limitation, magnesium cast into ingots, slabs, rounds, billets, and other shapes, and magnesium ground, chipped, crushed, or machined into raspings, granules, turnings, chips, powder, briquettes, and other shapes: (1) products that contain at least 99.95 percent 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 magnesium, by weight (generally referred to as “pure” magnesium); and (3) chemical combinations of magnesium and other material(s) in which the magnesium content is 50 percent or greater, but less than 99.8 percent, by weight, whether or not conforming to an “ASTM Specification for Magnesium Alloy”.

The scope of this order excludes: (1) magnesium that is in liquid or molten form; and (2) mixtures containing 90 percent or less magnesium in granular or powder form by weight and one or more of certain non-magnesium

granular materials to make magnesium-based reagent mixtures, including lime, calcium metal, calcium silicon, calcium carbide, calcium carbonate, carbon, slag coagulants, fluorspar, nepheline syenite, feldspar, 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, dolomite lime, and coemanite.<sup>1</sup>

The merchandise subject to this order is currently classifiable under items 8104.11.00, 8104.19.00, 8104.30.00, and 8104.90.00 of the *Harmonized Tariff Schedule of the United States* (HTSUS). Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the merchandise covered by this order is dispositive.

On November 9, 2006, in response to U.S. Magnesium’s request for scope rulings, the Department issued a final scope ruling in which we determined that the processing of pure magnesium ingots, imported from Russia by Timminco, a Canadian company, into pure magnesium extrusion billets constitutes substantial transformation. Therefore, such alloy magnesium extrusion billets produced and exported by Timminco are a product of Canada, and thus not included within the scope of the order. See November 9, 2006 Memorandum for Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, from Barbara E. Tillman, Director, Office 6, and Wendy Frankel, Director, Office 8, China/NME Group, AD/CVD Operations: *Pure Magnesium from the People’s Republic of China (A-570-832), Magnesium Metal from the People’s Republic of China (A-570-896), and Magnesium Metal from Russia (A-821-819): Final Ruling in the Scope Inquiry on Russian and Chinese Magnesium Processed in Canada*.

##### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this proceeding are listed in the Appendix to

<sup>1</sup> This second exclusion for magnesium-based reagent mixtures is based on the exclusion for reagent mixtures in the 2000–2001 investigations of magnesium from China, Israel, and Russia. See Notice of Final Determination of Sales at Less Than Fair Value: Pure Magnesium in Granular Form From the People’s Republic of China, 66 FR 49345 (September 27, 2001); Notice of Final Determination of Sales at Less Than Fair Value: Pure Magnesium From Israel, 66 FR 49349 (September 27, 2001); Notice of Final Determination of Sales at Not Less Than Fair Value: Pure Magnesium From the Russian Federation, 66 FR 49347 (September 27, 2001). These mixtures are not magnesium alloys, because they are not chemically combined in liquid form and cast into the same ingot.