

and 777(i) of the Act and 19 CFR 351.210(c).

Dated: February 27, 2018.

**Christian Marsh,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

## Appendix I

### Scope of the Investigation

The scope of this investigation covers all forms and sizes of silicon metal, including silicon metal powder. Silicon metal contains at least 85.00 percent but less than 99.99 percent silicon, and less than 4.00 percent iron, by actual weight. Semiconductor grade silicon (merchandise containing at least 99.99 percent silicon by actual weight and classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2804.61.0000) is excluded from the scope of this investigation.

Silicon metal is currently classifiable under subheadings 2804.69.1000 and 2804.69.5000 of the HTSUS. While HTSUS numbers are provided for convenience and customs purposes, the written description of the scope remains dispositive.

## Appendix II

### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Scope of the Investigation
- V. Analysis of Comments

Comment 1: Whether Commerce Should Apply Adverse Facts Available (AFA) to the Government of Kazakhstan (GOK)

Comment 2: Whether Tau-Ken Temir Is Cross-Owned with JSC NME Tau-Ken Samruk (Tau-Ken Samruk) and LLP Silicon Mining (Silicon Mining)

Comment 3: Whether Commerce Should Apply AFA to Tau-Ken Temir

Comment 4: Whether Commerce's Rejection of New Factual Information was Unlawful

Comment 5: Whether Commerce Selected an Appropriate AFA Rate

Comment 6: Whether the Sale of Assets to Tau-Ken Temir's Parent Company is a Countervailable Subsidy

### VI. Recommendation

[FR Doc. 2018-04664 Filed 3-7-18; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-122-858]

### Certain Softwood Lumber Products From Canada: Initiation of Expedited Review of the Countervailing Duty Order

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) is initiating an expedited review of the countervailing duty order on certain softwood lumber products (softwood lumber) from Canada.

**DATES:** Applicable March 8, 2018.

**FOR FURTHER INFORMATION CONTACT:** Kristen Johnson or Emily Halle, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone (202) 482-4793 or (202) 482-0176, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

On January 3, 2018, Commerce published the countervailing duty order on softwood lumber from Canada.<sup>1</sup> Between January 10, 2018, and February 5, 2018, Commerce received requests for an expedited review from 34 companies.<sup>2</sup> These companies, which were not selected for individual examination during the investigation, made these requests pursuant to 19 CFR 351.214(k).

#### Initiation of Expedited Review

In accordance with 19 CFR 351.214(k)(1)(i)–(iii), each company that requested a review certified that it exported the subject merchandise to the United States during the period of investigation; that it was not affiliated with an exporter or producer that Commerce individually examined in the investigation; and that it informed the Government of Canada, as the government of the exporting country, that the government will be required to provide a full response to Commerce's questionnaire.

Therefore, in accordance with 19 CFR 351.214(k), we are initiating an expedited review of the countervailing duty order on softwood lumber from Canada. Pursuant to 19 CFR 351.214(i)(1) and (k)(3), we intend to issue the preliminary results of this expedited review not later than 180 days from the date of initiation of this review.<sup>3</sup> As specified by 19 CFR 351.214(k)(3)(i), the period of review will be the same as the original period of investigation, *i.e.*, January 1, 2015, through December 31, 2015.

Pursuant to 19 CFR 351.214(k)(3)(iii), the final results of this expedited review

will not be the basis for the assessment of countervailing duties. Instead, this expedited review is intended to establish individual cash deposit rates for those companies that requested an expedited review, or to exclude from the countervailing duty order a company for which the final results of expedited review are zero or *de minimis*, as provided in 19 CFR 351.214(k)(3)(iv).

Pursuant to 19 CFR 351.214(f), we will rescind the expedited review for any company that withdraws its request for expedited review within 60 days after the date of publication of this notice of initiation.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are issued and published in accordance with 19 CFR 351.214(k)(2)(i) and 19 CFR 351.221(c)(i).

Dated: March 1, 2018.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

### Attachment

Below is the list of companies that requested an expedited review of the countervailing duty order on softwood lumber from Canada.

- (1) 752615 B.C. Ltd., Fraserview Remanufacturing Inc., Gillwood Lumber, dba Fraserview Cedar Products
- (2) Antrim Cedar Corporation
- (3) Aquila Cedar Products Ltd.
- (4) Canadian Bavarian Millwork and Lumber
- (5) Canyon Lumber Company Ltd.
- (6) Cedarline Industries Ltd.
- (7) Central Cedar Ltd.
- (8) Chaleur Sawmills LP
- (9) Deep Cove Forest Products Inc.
- (10) Delco Forest Products Ltd.
- (11) Devon Lumber Co. Ltd.
- (12) Fontaine Inc.
- (13) Haida Forest Products Ltd.
- (14) Hainesville Sawmill Ltd.
- (15) H.J. Crabbe & Sons Ltd.
- (16) Ivor Forest Products Ltd.
- (17) Leslie Forest Products Ltd.
- (18) Les Produits Forestiers D&G Ltée
- (19) Maibec Inc
- (20) Marcel Lauzon Inc
- (21) Marwood Ltd.
- (22) Matériaux Blanchet Inc.
- (23) Mobilier Rustique (Beauce) Inc.
- (24) MP Atlantic Wood Ltd.
- (25) North American Forest Products Ltd.
- (26) North Enderby Timber Ltd.
- (27) Olympic Industries, Inc.
- (28) Pacific Lumber Remanufacturing Inc.
- (29) Power Wood Corp.
- (30) Produits Matra Inc.
- (31) Rielly Lumber Inc.
- (32) Roland Boulanger & Cie Itée

<sup>1</sup> See *Certain Softwood Lumber Products from Canada: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order*, 83 FR 347 (January 3, 2018).

<sup>2</sup> See Attachment for a list of the companies that requested an expedited review.

<sup>3</sup> Under 19 CFR 351.214(k)(i)(2), this period may be extended to 300 days.

(33) Sechoirs de Beauce Inc.

(34) Scierie Alexandre Lemay & Fils Inc.

[FR Doc. 2018–04678 Filed 3–7–18; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C–602–811]

#### Silicon Metal From Australia: Final Affirmative Countervailing Duty Determination

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to Simcoa Operations Pty. Ltd. (Simcoa), a producer/exporter of silicon metal from Australia. The period of investigation is January 1, 2016, through December 31, 2016.

**DATES:** Applicable March 8, 2018.

**FOR FURTHER INFORMATION CONTACT:** Kate Johnson or John Anwesen, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4929 or (202) 482–0131, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

Commerce published the *Preliminary Determination* on August 14, 2017.<sup>1</sup> Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through 22, 2018. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the final determination of this investigation is now February 27, 2018.<sup>2</sup> A summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum issued concurrently with

this notice.<sup>3</sup> The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>, and is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

#### Scope of the Investigation

The product covered by this investigation is silicon metal from Australia. For a full description of the scope of this investigation, *see* the "Scope of the Investigation" in Appendix I of this notice.

#### Scope Comments

During the course of this investigation, Commerce received numerous scope comments from interested parties. Prior to the *Preliminary Determination*, Commerce issued a Preliminary Scope Decision Memorandum<sup>4</sup> to address these comments. Since the *Preliminary Determination*, Globe Specialty Metals, Inc., (the petitioner) submitted a case brief and interested parties submitted rebuttal briefs concerning the limits to silicon content as specified in the scope.

Commerce reviewed these briefs, considered the arguments therein, and is not making any additional changes to the scope of the investigation. For further discussion, *see* Commerce's Final Scope Decision Memorandum.<sup>5</sup> The scope in Appendix I reflects the final scope language.

#### Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs by parties in

this investigation are discussed in the Issues and Decision Memorandum. A list of the issues that parties raised, and to which we responded in the Issues and Decision Memorandum, is attached to this notice at Appendix II.

#### Methodology

Commerce conducted this investigation in accordance with section 701 of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, Commerce determines that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>6</sup> For a full description of the methodology underlying our final determination, *see* the Issues and Decision Memorandum.

#### Changes Since the Preliminary Determination

Based on our review and analysis of the comments received from parties, and the minor corrections presented at verification, we made certain changes to the respondent's subsidy rate calculations. For a discussion of these changes, *see* the Issues and Decision Memorandum.

#### Final Determination

In accordance with section 705(c)(1)(B)(i) of the Act, we calculated a rate for Simcoa, the producer/exporter of subject merchandise selected for individual examination in this investigation.

Section 705(c)(5)(A) of the Act provides that in the final determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

In this investigation, Commerce preliminarily calculated an individual estimated countervailable subsidy rate for Simcoa, the only individually examined producer/exporter in this investigation. Because the only individually calculated rate is not zero, *de minimis*, or based entirely on facts otherwise available, the estimated weighted-average rate calculated for Simcoa is the rate assigned to all-other producers and exporters, pursuant to section 705(c)(5)(A)(i) of the Act.

<sup>6</sup> *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

<sup>1</sup> *See Silicon Metal from Australia: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination*, 82 FR 37843 (August 14, 2017) (*Preliminary Determination*).

<sup>2</sup> *See* Memorandum, "Deadlines Affected by the Shutdown of the Federal Government" (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

<sup>3</sup> *See* Memorandum, "Silicon Metal from Australia: Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation," dated concurrently with this determination (Issues and Decision Memorandum) and hereby adopted by this notice.

<sup>4</sup> *See* Memorandum, "Silicon Metal from Australia, Brazil, Kazakhstan, and Norway: Scope Comments Decision Memorandum for the Preliminary Determinations," dated June 29, 2017 (Preliminary Scope Decision Memorandum).

<sup>5</sup> *See* Memorandum, "Silicon Metal from Australia, Brazil, Kazakhstan, and Norway: Final Scope Comments Decision Memorandum," dated February 27, 2018 (Final Scope Decision Memorandum).