January 28, 2015

TO INTERESTED PARTIES:

This is to inform you that, pursuant to Section 129 of the Uruguay Round Agreements Act, 19 USC 3538, the Department of Commerce (Department) is in the process of making a determination not inconsistent with the findings of the World Trade Organization (WTO) dispute settlement panel (the Panel) and Appellate Body (AB) in United States – Countervailing and Anti-dumping Measures on Certain Products from China (WT/DS449). This dispute concerns the final determination in the antidumping duty investigation on crystalline silicon photovoltaic cells, whether or not assembled into modules from the People’s Republic of China (PRC) and the order published on December 7, 2012.¹

We are opening a separate administrative record in this proceeding and we are placing on the administrative record an administrative protective order. In accordance with 19 CFR 351.305(b), interested parties may request access to business proprietary information relevant to this proceeding.

In order to make a determination not inconsistent with the relevant Panel and AB findings, we may request additional information from parties to this proceeding. Once we have gathered the necessary information and we have conducted the necessary analysis (and, if appropriate, verification) of the issues covered by implementation of the findings, we intend to issue a draft determination in this proceeding.

In accordance with the Department’s regulations, any documents generated as part of this Section 129 proceeding must be filed via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).

Further, pursuant to 19 CFR 351.103(d)(1), to be included on the public service list for the Section 129 determination for the antidumping duty investigation of crystalline silicon photovoltaic cells, whether or not assembled into modules from the PRC, interested parties must file a letter of appearance. This requirement applies even to parties that were part of the public service list in the underlying investigation, and to all parties who have been notified of the Department’s initiation of this Section 129 proceeding. The letter of appearance must be filed separately from any other document (with the exception of an application for administrative protective order (APO) access; parties applying for and granted APO access would automatically be on the public service list).

¹ See 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, 77 FR 73018 (December 7, 2012).
If you should have any questions regarding this matter, please contact Patrick O’Connor at (202) 482-0989.

Sincerely,

Abdelali Elouaradia 
Office Director 
AD/CVD Enforcement IV