

rates based entirely on AFA under section 776 of the Act.

Notwithstanding the language of section 705(c)(5)(A)(i) of the Act, we have not calculated the “all others” rate by weight averaging the rates of Trina Solar and Wuxi Suntech, because doing

so risks disclosure of proprietary information. Therefore, we have calculated an average rate using other information on the record.<sup>117</sup> Since both Trina Solar and Wuxi Suntech received countervailable export subsidies and the “all others” rate is an average based on

the individually investigated exporters and producers, the “all others” rate includes export subsidies.

We preliminarily determine the total countervailable subsidy rates to be as follows.

Company	Subsidy rate
Changzhou Trina Solar Energy Co., Ltd. ....	4.73 percent <i>ad valorem</i> .
Trina Solar (Changzhou) Science and Technology Co., Ltd (collectively, Trina Solar)	
Wuxi Suntech Power Co., Ltd. ....	2.90 percent <i>ad valorem</i> .
Luoyang Suntech Power Co., Ltd	
Suntech Power Co., Ltd	
Yangzhou Rietech Renewal Energy Co., Ltd	
Zhenjiang Huantai Silicon Science & Technology Co., Ltd	
Kuttler Automation Systems (Suzhou) Co., Ltd (collectively, Wuxi Suntech)	
All Others Rate .....	3.61 percent <i>ad valorem</i> .

In accordance with sections 703(d)(1)(B) and (2), and 703(e)(2)(A) of the Act, in light of our preliminary affirmative determination of critical circumstances, we are directing CBP to suspend liquidation of all entries of the subject merchandise from the PRC that are entered or withdrawn from warehouse, for consumption on or after the date 90 days prior to the date of publication of this notice in the **Federal Register**, and to require a cash deposit or bond for such entities of the merchandise in the amounts indicated above.

#### ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Import Administration.

In accordance with section 705(b)(2) of the Act, if our final determination is affirmative, the ITC will make its final determination within 45 days after the Department makes its final determination.

#### Disclosure and Public Comment

In accordance with 19 CFR 351.224(b), we will disclose to the parties the calculations for this preliminary determination within five days of its announcement. We will notify parties of the schedule for

submitting case briefs and rebuttal briefs, in accordance with 19 CFR 351.309(c) and 19 CFR 351.309(d)(1), respectively. A list of authorities relied upon, a table of contents, and an executive summary of issues should accompany any briefs submitted to the Department. Executive summaries should be limited to five pages total, including footnotes. Section 774 of the Act provides that the Department will hold a public hearing to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs, provided that such a hearing is requested by an interested party.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, within 30 days of the publication of this notice, pursuant to 19 CFR 351.310(c). Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If a request for a hearing is made in this investigation, we intend to hold the hearing two days after the deadline for submission of the rebuttal briefs, pursuant to 19 CFR 351.310(d). Any such hearing will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230. Parties should confirm by telephone, the date, time, and place of the hearing 48 hours before the scheduled time.

This determination is issued and published pursuant to sections 703(f) and 771(i) of the Act.

Dated: March 19, 2012.

**Paul Piquado,**  
Assistant Secretary for Import  
Administration.

[FR Doc. 2012-7273 Filed 3-23-12; 8:45 am]

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#### DEPARTMENT OF COMMERCE

##### National Institute of Standards and Technology

[Docket Number: 120216139-2138-01]

#### Buy American Exception Under the American Recovery and Reinvestment Act of 2009

**AGENCY:** National Institute of Standards and Technology, U.S. Department of Commerce.

**SUMMARY:** The Department of Commerce, National Institute of Standards and Technology is providing notice of a determination of an exception to the Buy American Provisions of the American Recovery and Reinvestment Act of 2009 (ARRA or Recovery Act), for inverters necessary for the construction of a solar array system at NIST's WWVH radio station in Kauai, HI.

**FOR FURTHER INFORMATION CONTACT:** Jason Gerloff, Contracting Officer, Acquisition Management Division, 303-497-6320, National Institute of Standards and Technology, 325 Broadway, Boulder, CO 80305.

**SUPPLEMENTARY INFORMATION:** Section 1605 of the Recovery Act (Pub. L. 111-5) prohibits use of recovery funds “for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods

<sup>117</sup> See Memorandum to the File from Emily Halle, “Calculation of the All-Others Rate,” March

19, 2012, providing the precise calculation and demonstrating the proximity of the resulting figure

to the figure derived using the business-proprietary data.

used in the project are produced in the United States.” However, section 1605(b)(2) allows the head of a Federal department or agency to issue a “determination of nonavailability” if the iron, steel, or manufactured good is not produced or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality. Pursuant to section 1605(b)(2), and a delegation of authority by the Secretary of Commerce, the NIST Director has determined that the required inverters were not manufactured in the United States.

In May 2010, NIST awarded a Recovery Act contract in the amount of \$1,415,000.00 to Adon Construction for the construction of a 120kw photovoltaic solar array system to be built in eight 15kw sub-arrays at NIST’s WWVH radio station in Kauai, HI. The objective of the solar array project is to produce power for the radio station and feed electricity back to the local grid. By doing this, the NIST radio station will be able to cut its utility costs and show a cost savings for future years on electricity.

The contract specifications required that all exterior photovoltaic equipment be in stainless steel or PVC enclosures that carried a minimum National Electrical Manufacturers Association (NEMA) 3R rating. An inverter is an essential piece of electrical equipment that converts DC electrical power to AC electrical power; without the inverters, the solar array could not be used for site operations. In July of 2010, the contractor proposed using three 5kw, 208V AC, single phase inverters inside of NEMA 3R, 6060 aluminum enclosures for each 15kw sub-array. The contractor notified NIST that its research indicated there were no American-made products that met the project specifications. NIST completed a review of the contractor’s findings and concurred that neither the 5kw nor 15kw inverters in stainless steel, PVC, or aluminum 6060 enclosures were produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality in July 2010. NIST also determined that the aluminum enclosures were an acceptable alternative to the stainless steel or PVC materials originally specified because they would be able to withstand the rigors of outdoor use in a tropical climate.

Based on NIST and the contractor’s review of the market place and various vendors’ product availability, NIST determined there were no inverters manufactured in the United States that met the contract specifications or NIST’s requirements.

**Authority:** Pub. L. 111–5, section 1605.

**Dated:** March 16, 2012.

**Willie E. May,**

*Associate Director for Laboratory Programs.*

[FR Doc. 2012–7222 Filed 3–23–12; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Work Group on Alternative Test Methods for Commercial Measuring Devices

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice.

**SUMMARY:** The National Institute of Standards and Technology (NIST) is forming a Work Group (WG) to examine alternative methods for testing the accuracy of commercial measuring devices including, but not limited to retail motor-fuel dispensers. The WG will investigate the current methodology and standards (*e.g.*, neck-type volumetric field standards and associated test procedures) widely used by weights and measures officials and service companies to test commercial measuring devices as well as proposed alternatives to ensure that the methodologies and standards facilitate measurements that are traceable to the International System of Units (SI). WG membership is open to any interested party. This notice also summarizes key issues to be considered by this WG.

**DATES:** An initial WG meeting will be held on Tuesday, April 24, 2012, from 10 a.m. to 5 p.m. Subsequent meeting dates will be determined based on the concurrence of the WG members.

**ADDRESSES:** An initial meeting of the WG will be at NIST, 100 Bureau Drive, Gaithersburg, MD 20899. Subsequent locations for WG meetings may include NIST as well as sites suggested by WG members offering to host meetings. WG meetings will also be conducted via Web conferencing. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Ms. Carol Hockert, Chief, NIST, Office of Weights and Measures, 100 Bureau Drive, Stop 2600, Gaithersburg, MD 20899–2600. You may also contact Ms. Hockert by telephone (301) 975–5507 or by email at [Carol.Hockert@nist.gov](mailto:Carol.Hockert@nist.gov). Please contact Ms. Hockert for information on upcoming meetings.

**SUPPLEMENTARY INFORMATION:** The formation of this WG and its associated

meetings is intended to bring together government officials and representatives of business, industry, trade associations, and consumer organizations on the subject of standards and test procedures used in the testing of commercial measuring devices by regulatory officials and service companies. NIST participates to promote uniformity among the states in laws, regulations, methods, and testing equipment that comprises the regulatory control of commercial weighing and measuring devices and other trade and commerce issues.

Included among the topics to be discussed by the WG for current and proposed device technologies used in testing commercial measuring devices are: metrology laboratory standards and test procedures; uncertainties; measurement traceability; tolerances and other technical requirements for commercial measuring devices; existing standards for testing equipment; field implementation; data analysis; field test procedures; field enforcement issues; training at all levels; and other relevant issues identified by the WG. WG recommendations may result in the revision of current standards or the development of new standards for testing equipment, including documents such as the NIST Handbook 105 Series for field standards; NIST Handbook 44, *Specifications, Tolerances, and Technical Requirements for Weighing and Measuring Devices*; and NIST Examination Procedure Outlines, as well as proposed changes to requirements and testing procedures for commercial measuring devices.

All visitors to the NIST site are required to pre-register to be admitted. Anyone wishing to attend this meeting must register by close of business Tuesday, April 17, 2012, in order to attend. Please submit your full name, email address, and phone number to Ms. Hockert. Non-U.S. citizens must also submit their country of citizenship, title, and employer/sponsor. Ms. Hockert’s email address is [carol.hockert@nist.gov](mailto:carol.hockert@nist.gov) and her phone number is (301) 975–5507.

**Dated:** March 16, 2012.

**Willie E. May,**

*Associate Director for Laboratory Programs.*

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