

**DEPARTMENT OF COMMERCE****Foreign-Trade Zones Board**

[Docket 53-2008]

**Foreign-Trade Zone 242 – Boundary County, Idaho, Application for Subzone, Hoku Materials, Inc., Cancellation of Public Hearing**

The public hearing scheduled for January 8, 2009, on the application for subzone status at the Hoku Materials, Inc. (Hoku), facility in Pocatello, Idaho (73 FR 59597, 10/9/08) has been cancelled. The party which had requested the hearing, Globe Metallurgical Inc. (Globe), submitted a letter to the Foreign-Trade Zones Board on January 2, 2009, withdrawing its request as a result of Hoku's December 31, 2008, amendment of its application in which Hoku indicated that it would not admit silicon metal subject to antidumping or countervailing duty orders into the proposed subzone facility and would accept an FTZ Board Order condition restricting such admission. Additional information is available on the FTZ Board web page via [www.trade.gov/ftz](http://www.trade.gov/ftz).

As indicated previously, the comment period for this case is open through January 23, 2009. Rebuttal comments may be submitted during the subsequent 15-day period, until February 9, 2009. For further information, contact Diane Finver at [Diane\\_Finver@ita.doc.gov](mailto:Diane_Finver@ita.doc.gov) or (202) 482-1367.

Dated: January 5, 2009.

**Andrew McGilvray,***Executive Secretary.*

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**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-570-827]

**Certain Cased Pencils from the People's Republic of China; Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review**

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

**SUMMARY:** The Department of Commerce ("the Department") has preliminarily determined that the respondents in this review, covering the period December 1, 2006, through November 30, 2007, have made sales of subject merchandise at less than normal value. If these preliminary results are adopted in the

final results of this review, we will instruct U.S. Customs and Border Protection ("CBP") to assess antidumping duties on all appropriate entries. The Department invites interested parties to comment on these preliminary results.

**EFFECTIVE DATE:** January 7, 2009.

**FOR FURTHER INFORMATION CONTACT:** Alexander Montoro or David Layton, 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) 482-0238 and (202) 482-0371, respectively.

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

On December 28, 1994, the Department published an antidumping duty order on certain cased pencils from the People's Republic of China ("PRC"). See *Antidumping Duty Order: Certain Cased Pencils from the People's Republic of China*, 59 FR 66909 (December 28, 1994).

On December 3, 2007, the Department published a notice of "Opportunity to Request Administrative Review" of the antidumping duty order on certain cased pencils from the PRC covering the period of review ("POR") December 1, 2006, through November 30, 2007. See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 72 FR 67889 (December 3, 2007). On December 26, 2007, in accordance with 19 CFR 351.213(b), Shandong Rongxin Import and Export Co., Ltd. ("Rongxin"), a PRC exporter/producer, requested a review of itself. On December 31, 2007, the following exporters/producers requested reviews of themselves in accordance with 19 CFR 351.213(b): China First Pencil Co., Ltd. ("China First"), Shanghai Three Star Stationery Industry Corp. ("Three Star"), and Oriental International Holding Shanghai Foreign Trade Co., Ltd. ("SFTC"). On December 31, 2007, the petitioners<sup>1</sup> requested a review of the following companies: China First (including subsidiaries Shanghai First Writing Instrument Co., Ltd. ("Shanghai First"), Shanghai Great Wall Pencil Co., Ltd. ("Great Wall"), and China First Pencil Fang Zheng Co., Ltd. ("Fang Zheng"), Three Star, Guangdong Provincial Stationery & Sporting Goods Import & Export Corporation ("Guangdong"), Rongxin, Tianjin Custom Wood Processing Co.,

Ltd. ("Tianjin"), Beijing Dixon Stationery Company Ltd. ("Dixon"), and Anhui Import & Export Co., Ltd. ("Anhui").

On January 28, 2008, the Department published a notice of initiation for this administrative review covering the companies listed in the requests received from interested parties. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 73 FR 4829 (January 28, 2008). On May 6, 2008, the petitioners requested that the Department conduct verification of the information the Department will rely upon in the final results of this review. On August 25, 2008, we extended the time limit for the preliminary results in this review until December 30, 2008. See *Certain Cased Pencils from the People's Republic of China: Extension of Time Limit for the Preliminary Results of the Antidumping Duty Administrative Review*, 73 FR 49993 (August 25, 2008).

**Respondent Selection**

Section 777A(c)(1) of the Tariff Act of the 1930, as amended ("the Act"), directs the Department to calculate individual dumping margins for each known producer or exporter of the subject merchandise. Because it was not practicable for the Department to individually examine all of the companies covered by the review, the Department limited its examination to a reasonable number of producers/exporters, accounting for the greatest possible export volume, pursuant to section 777A(c)(2)(B) of the Act. Therefore, the Department selected China First, Three Star, and Rongxin as the mandatory respondents in this review. See Memorandum from Alexander Montoro, International Trade Compliance Analyst, to Susan H. Kubbach, Director of AD/CVD Operations Office 1, entitled "Selection of Respondents for the Antidumping Duty Review of Certain Cased Pencils from the People's Republic of China," June 17, 2008.

**Partial Rescission**

On July 3, 2008, Dixon requested that the Department rescind the administrative review with respect to Dixon and certified that it had no exports, sales or entries of subject merchandise to the United States during the POR. We reviewed CBP import data and found no evidence that Dixon had any shipments of subject merchandise during the POR. See Memorandum from Alexander Montoro to the File, entitled "Intent to Rescind in Part the Antidumping Duty Administrative

<sup>1</sup> The petitioners include Sanford L.P., Musgrave Pencil Company, RoseMoon Inc., and General Pencil Company.