

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

[Docket Number: 100419191-0191-01]

RIN 0625-XA06

**Elimination of Form ITA-362P, Information on Articles for Physically or Mentally Handicapped Persons Imported Duty-Free**

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

**ACTION:** Notice.

**SUMMARY:** Through this action, the Department of Commerce's International Trade Administration (ITA) notifies the public that Form ITA-362P, which importers of articles for the handicapped were required to complete in order to receive duty-free treatment, has been discontinued as of May 31, 2010. Form ITA-362P has been eliminated because the majority of the information obtained through this form is currently available to ITA through Customs and Border Protection's (CBP) Automated Commercial System (ACS), and therefore the form has become redundant. ITA reserves its right to request information from importers in addition to that available through an ACS data query, in the case that it must perform an adverse impact assessment pursuant to section § 1121(g) of the Omnibus Trade and Competitiveness Act of 1988.

**ADDRESSES:** Copies of this notice can be obtained from ITA at 1401 Constitution Ave., NW., Room 3720, Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:**

Questions about this notice can be directed to Callie Conroy at 202-482-0754 or via the Internet at [callie.conroy@trade.gov](mailto:callie.conroy@trade.gov).

*Background:* On May 21, 1952, the Agreement on the Important of Educational, Scientific and Cultural Materials (17 UST 1835; TIAS 6129; 131 UNTS 25), otherwise known as the "Florence Agreement," entered into force at the United Nations. Pursuant to the Florence Agreement, signatories agreed to allow the duty-free treatment of goods that were determined to facilitate the free exchange of knowledge and ideas. In 1976, the "Nairobi Protocol," a supplementary agreement to the Florence Agreement, expanded the scope of the Florence Agreement to include duty-free treatment of imports of articles for the use or benefit of physically or mentally handicapped persons, as well as for the blind.

To enact the Florence Agreement, including the Nairobi Protocol, in 1982, Congress passed the Educational, Scientific, and Cultural Materials Act of 1982 (Pub. L. 97-446, 96 Stat. 2346), which provided for duty-free treatment of "[a]rticles specially designed or adapted for the use or benefit of the blind or other physically or mentally handicapped persons." This provision was implemented by Presidential Proclamation 5021, dated February 14, 1983 (48 FR 6883). In 1988, the Congress re-enacted the provisions implementing the Nairobi Protocol in § 1121 of the Omnibus Trade and Competitiveness Act of 1988 ("the Act"), Public Law 100-418, 102 Stat. 1107, as amended by section 9001(a)(17) of the Technical and Miscellaneous Revenue Act of 1988, Public Law 100-647. Section 1121 of the Act, along with Presidential Proclamation 5978 (54 FR 21187, May 12, 1989), implemented the Nairobi Protocol under subheadings 9817.00.92, 9817.00.94, and 9817.00.96, of the Harmonized Tariff Schedule of the United States (HTSUS), and became effective on January 1, 1989.

Section 1121(g) of the Act gives the President the ability to modify the tariff treatment of articles for the handicapped in the event that such treatment creates a "significant adverse impact on a domestic industry (or a portion thereof) manufacturing or producing a like or directly competitive article." The law directs the Secretaries of the Treasury (who at the time was the head of the U.S. Customs Service) and of Commerce to collect "adequate statistical information" in the case that a determination under § 1121(g) needs to be made. See Section 1121 (i) of the Act.

To implement § 1121(i) of the Act, ITA created and issued Form ITA-362P, Information on Articles for Physically or Mentally Handicapped Persons Imported Free of Duty. Through this form, ITA collects statistical information on duty-free imports of handicapped equipment. In order to obtain duty-free treatment for handicapped articles, importers were required to submit a paper copy of Form ITA-362P to both CBP and to ITA. The form required that the importer, *inter alia*, describe the imported articles, and indicate the HTSUS chapter subheading applicable to the import.

However, in reviewing the continued necessity of its forms, pursuant to the Paperwork Reduction Act, 44 U.S.C. 3501-3521, ITA has determined that most of the information it required of importers through Form ITA-362P can be obtained through CBP's ACS. Further, pursuant to a Memorandum of

Understanding between ITA and CBP, ITA has access to this information through a data query of the ACS, thus satisfying its responsibilities under § 1121(i) of the Act. Accordingly, ITA has determined that Form ITA-362P can be discontinued.

ITA notes that despite the discontinuance of Form ITA-362P, imports under this provision are still subject to the applicable laws and requirements for customs entry. Additionally, ITA reserves its right to request additional information from importers in the case that it must perform an adverse impact assessment pursuant to section § 1121(g) of the Act. Thus, if ITA finds that it requires additional information (apart from that available under an ACS query) to perform an adverse impact assessment, importers requesting duty-free treatment under this provision may be required to provide ITA with additional information *e.g.*, the type of entity that is purchasing or importing the article, and the ultimate disposition of the article.

Dated: May 24, 2010.

**Ronald K. Lorentzen,**  
*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 2010-13052 Filed 5-28-10; 8:45 am]

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

[A-570-905]

**Certain Polyester Staple Fiber From the People's Republic of China: Extension of Preliminary Results of Antidumping Duty Administrative Review**

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

**SUMMARY:** The Department of Commerce ("Department") is extending the time limit for the preliminary results of the administrative review of certain polyester staple fiber from the People's Republic of China ("PRC"). This review covers the period June 1, 2008, through May 31, 2009.

**DATES:** *Effective Date:* June 1, 2010.

**FOR FURTHER INFORMATION CONTACT:** Jerry Huang or Steven Hampton, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4047 or (202) 482-0016, respectively.

## Background

On July 29, 2009, the Department published a notice of initiation of the administrative review of the antidumping duty order on certain polyester staple fiber from the PRC. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Deferral of Administrative Review*, 74 FR 37690 (July 29, 2009). On February 9, 2010, the Department published a notice extending the deadline of the preliminary results by 101 days. See *Certain Polyester Staple Fiber from the People's Republic of China: Extension of Preliminary Results of Antidumping Duty Administrative Review*, 75 FR 6352 (February 9, 2010). On February 16, 2010, the Department issued a memorandum that tolled the deadlines for all Import Administration cases by seven calendar days due to the recent Federal Government closure. See Memorandum for the Record from Ronald Lorentzen, DAS for Import Administration, Tolling of Administrative Deadlines as a Result of the Government Closure During the Recent Snowstorm, dated February 12, 2010. The preliminary results of this review are currently due no later than June 18, 2010.

## Statutory Time Limits

In antidumping duty administrative reviews, section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order for which a review is requested and a final determination within 120 days after the date on which the preliminary results are published. However, if it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary determination to a maximum of 365 days after the last day of the anniversary month.

## Extension of Time Limit for Preliminary Results of Review

We determine that it is not practicable to complete the preliminary results of this administrative review within the extended time limit because the Department requires additional time to analyze supplemental questionnaire responses and evaluate surrogate value submissions for purposes of the preliminary results.

Therefore, the Department is fully extending the time limit for completion of the preliminary results of this administrative review by 19 days. The

preliminary results will now be due no later than July 7, 2010. The final results continue to be due 120 days after the publication of the preliminary results.

We are issuing and publishing this notice in accordance with sections 751(a)(3)(A) and 777(i) of the Act.

Dated: May 24, 2010.

**John M. Andersen,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2010-13055 Filed 5-28-10; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-552-801]

### Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Extension of Time Limit for Final Results of the Fifth New Shipper Review

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

**EFFECTIVE DATE:** June 1, 2010.

**FOR FURTHER INFORMATION CONTACT:** Javier Barrientos, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone: (202) 482-2243.

#### SUPPLEMENTARY INFORMATION:

#### Background

On January 19, 2010, the Department of Commerce ("Department") issued the preliminary results of the fifth new shipper review for the period August 1, 2008, through January 31, 2009. See *Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Preliminary Results of New Shipper Review*, 75 FR 4350 (January 29, 2010) ("Preliminary Results"). On February 12, 2010, the Department tolled administrative deadlines, including in the instant review, by one calendar week. See *Tolling of Administrative Deadlines As a Result of the Government Closure during the Recent Snowstorm*, dated February 12, 2010 ("Tolling Memo"). On February 16, 2010, the Department extended the deadlines for submission of surrogate value data, surrogate value rebuttal comments, case and rebuttal briefs. See Memorandum to the File, from Javier Barrientos, Senior Case Analyst, Certain Frozen Fish Fillets from the Socialist Republic of Vietnam, dated February 16,

2010. On March 4, 2010, the Department extended the deadlines for submission of case and rebuttal briefs. See Memorandum to the File, from Javier Barrientos, Senior Case Analyst, Certain Frozen Fish Fillets from the Socialist Republic of Vietnam, dated March 4, 2010. On April 26, 2010, the Department extended the deadline for the final results in the instant review by 30 days. See *Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Extension of Time Limit for Final Results of the Fifth New Shipper Review*, 75 FR 26199 (April 26, 2010). The final results are currently due on May 26, 2010 (inclusive of the seven day extension per the Tolling Memo).

## Extension of Time Limits for Final Results

Section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended ("Act"), and 19 CFR 351.214(i)(1) require the Department to issue the final results in a new shipper review of an antidumping duty order 90 days after the date on which the preliminary results are issued. The Department may, however, extend the deadline for completion of the final results of a new shipper review to 150 days if it determines that the case is extraordinarily complicated. See section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(i)(2).

The Department determines that this new shipper review involves extraordinarily complicated methodological issues and is extending the deadline because it needs more time to analyze additional data placed on the record following the *Preliminary Results*. This additional data presents a number of complex factual and legal questions with regard to issues of surrogate country selection and the surrogate value of whole fish. Thus, the Department requires additional time to analyze these data and address these circumstances in these reviews.

Accordingly, because the Department requires additional time to complete the final results, we are extending the time for the completion of the final results of this review by 30 days, from the present due date of May 26, 2010, to June 25, 2010.

This notice is published in accordance with section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(i)(2).

Dated: May 19, 2010.

**John M. Andersen,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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