

period November 1, 2007, through October 31, 2008. Respondents other than mandatory respondents normally receive the weighted-average of the margins calculated for those companies selected for individual review (*i.e.*, mandatory respondents), excluding *de minimis* margins or margins based entirely on adverse facts available. In this case, respondents other than SeAH are receiving SeAH's calculated margin as SeAH is the only remaining mandatory respondent.

| Manufacturer/exporter             | Weighted-average margin percent |
|-----------------------------------|---------------------------------|
| SeAH Steel Corporation            | 3.28                            |
| Dongbu Steel Co., Ltd.            | 3.28                            |
| Korea Iron & Steel Co., Ltd. .... | 3.28                            |
| Union Steel Co., Ltd. ....        | 3.28                            |
| Nexteel Co., Ltd. ....            | 3.28                            |
| A-JU Besteel Co., Ltd.            | 3.28                            |

#### Public Comment

The Department will disclose calculations performed within five days of the date of publication of this notice to the parties to this proceeding in accordance with 19 CFR 351.224(b).

#### Assessment Rates

The Department shall determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries, in accordance with 19 CFR 351.212(b)(1). The Department will issue appropriate appraisal instructions for the companies subject to this review directly to CBP 15 days after the date of publication of these final results of this review.

For SeAH, we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the sales, as reported by SeAH. See 19 CFR 351.212(b)(1). For the companies which were not selected for individual review, we will use SeAH's cash deposit rate as the assessment rate. Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the assessment rate is *de minimis* (*i.e.*, less than 0.50 percent).

The Department clarified its "automatic assessment" regulation on May 6, 2003. See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) ("Assessment Policy Notice"). This clarification will apply to entries of subject merchandise during the period of review ("POR")

produced by companies included in these final results of review for which the reviewed companies did not know that the merchandise they sold to the intermediary (*e.g.*, a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediary involved in the transaction. See *Assessment Policy Notice* for a full discussion of this clarification.

#### Cash Deposit Requirements

The following deposit rates will be effective upon publication of the final results of this administrative review for all shipments of CWP from Korea entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rates for the companies listed above will be the rates established in the final results of this review, except if the rate is less than 0.5 percent and, therefore, *de minimis*, the cash deposit will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent final results in which that manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value ("LTFV") investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent final results for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be 4.80 percent, the "all others" rate established in the LTFV investigation. See *Notice of Antidumping Duty Orders: Certain Circular Welded Non-Alloy Steel Pipe from Brazil, the Republic of Korea, Mexico, and Venezuela, and Amendment to Final Determination of Sales at Less Than Fair Value: Certain Circular Welded Non-Alloy Steel Pipe from Korea*, 57 FR 49453 (November 2, 1992). These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could

result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Notification to Interested Parties

This notice serves as the only reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

These final results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 14, 2010.

**Paul Piquado,**

*Acting Deputy Assistant Secretary for Import Administration.*

#### Appendix Issues in Decision Memorandum

*Comment 1:* Application of Quarterly Costs

*Comment 2:* Inventory Valuation Loss  
*Comment 3:* Application of the Major Input Rule

*Comment 4:* Allowance for Doubtful Accounts/Bad Debts

*Comment 5:* Ordinary Pipe versus Pressure Pipe Classification

*Comment 6:* Bank Charges Incurred: Letter of Credit Charges

*Comment 7:* Recalculating SeAH's Dumping Margin by Comparing Monthly Weighted-Average Normal Values to Individual U.S. Prices

*Comment 8:* Zeroing-Out Negative Dumping Margins

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-968]

#### Aluminum Extrusions from the People's Republic of China: Notice of Postponement of Preliminary Determination in the Countervailing Duty Investigation

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

**EFFECTIVE DATE:** June 21, 2010.

**FOR FURTHER INFORMATION CONTACT:** John Conniff, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone 202-482-1009.

**SUPPLEMENTARY INFORMATION:**

**Background**

On April 27, 2010, the Department of Commerce (the Department) published in the *Federal Register* a notice of initiation of the countervailing duty investigation of aluminum extrusions from the People's Republic of China. See *Aluminum Extrusions From the People's Republic of China: Initiation of Countervailing Duty Investigation*, 75 FR 22114 (April 27, 2010). On May 11, 2010, petitioners requested, in accordance with section 703(c)(1)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.205(b)(2), a 65-day postponement of the preliminary determination.<sup>1</sup>

**Postponement of Due Date for Preliminary Determination**

Section 703(b)(1) of the Act requires the Department to issue the preliminary determination in a countervailing duty investigation within 65 days after the date on which the Department initiated the investigation. However, the Department may postpone, at petitioners' timely request, making the preliminary determination until no later than 130 days after the date on which the administering authority initiated the investigation. See section 703(c)(1)(A) of the Act.

Petitioners' request for a 65-day postponement of the preliminary determination was made 25 days before the scheduled date of the preliminary determination, pursuant to 19 CFR 351.205(e). Therefore, in accordance with section 703(c)(1)(A) of the Act and 19 CFR 351.205(b)(2), we are fully extending the due date for the preliminary determination to no later than 130 days after the day on which the investigation was initiated. The deadline for completion of the preliminary determination is now August 28, 2010. Because that date falls on a weekend, the deadline for completion of this preliminary determination is the next business day, *i.e.*, August 30, 2010.

<sup>1</sup> Petitioners are Aerolite Extrusion Company, Alexandria Extrusion Company, Benada Aluminum of Florida, Inc., William L. Bonnell Company, Inc., Frontier Aluminum Corporation, Futura Industries Corporation, Hydro Aluminum North America, Inc., Kaiser Aluminum Corporation, Profile Extrusion Company, Sapa Extrusions, Inc., and Western Extrusions Corporation.

This notice is issued and published pursuant to section 703(c)(2) of the Act.

Dated: June 15, 2010.

**Paul Piquado,**

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. 2010-15099 Filed 6-17-10; 4:15 pm]

**BILLING CODE 3510-DS-S**

**COMMODITY FUTURES TRADING COMMISSION**

**Order (1) Pursuant to Section 4(c) of the Commodity Exchange Act, Permitting the Kansas City Board of Trade Clearing Corporation to Clear Over-the-Counter Wheat Calendar Swaps and (2) Pursuant to Section 4d of the Commodity Exchange Act, Permitting Customer Positions in Such Cleared-Only Swaps and Associated Funds To Be Commingled With Other Positions and Funds Held in Customer Segregated Accounts**

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Order.

**SUMMARY:** By petition dated May 26, 2009 (Petition), the Kansas City Board of Trade (KCBT), a designated contract market, and its wholly-owned subsidiary corporation, the Kansas City Board of Trade Clearing Corporation (KCBTCC), a registered derivatives clearing organization (DCO), requested permission to clear over-the-counter (OTC) swap agreements (swaps) in wheat. Authority for granting this request is found in section 4(c) of the Commodity Exchange Act (Act).<sup>1</sup> The Petition also requested permission pursuant to section 4d of the Act<sup>2</sup> to allow KCBTCC and futures commission merchants (FCMs) to commingle positions in those cleared-only OTC swaps and funds associated with those positions with positions and funds otherwise required to be held in a customer segregated account. The Commodity Futures Trading Commission (Commission) has reviewed public comments and the entire record in this matter and it has determined to issue an order granting the requested permission, subject to certain terms and conditions.

**DATES:** *Effective Date:* June 15, 2010.

**FOR FURTHER INFORMATION CONTACT:** Phyllis P. Dietz, Associate Director, 202-418-5449, [pdietz@cftc.gov](mailto:pdietz@cftc.gov), or Eileen A. Donovan, Special Counsel, 202-418-5096, [edonovan@cftc.gov](mailto:edonovan@cftc.gov),

<sup>1</sup> 7 U.S.C. 6(c).

<sup>2</sup> 7 U.S.C. 6d.

Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

**SUPPLEMENTARY INFORMATION:**

**I. The KCBT/KCBTCC Petition**

KCBT and KCBTCC ("Petitioners") jointly submitted a Petition requesting that the Commission issue an exemptive order under section 4(c) of the Act.<sup>3</sup> The order would grant KCBTCC approval to clear OTC wheat calendar swaps, and it would permit KCBT to list those products for "clearing-only" ("cleared-only wheat swaps"). The contract size for the cleared-only wheat swaps would be the same as that for wheat futures—5,000 bushels. The proposed cleared-only wheat swaps would be cash settled, in contrast to the futures contracts which are physically settled.

Part 35 of the Commission's regulations<sup>4</sup> exempts, subject to conditions, swap agreements and eligible persons entering into such agreements from most provisions of the Act.<sup>5</sup> Part 35 was promulgated pursuant to authority conferred upon the Commission in section 4(c) of the Act to exempt certain transactions in order to explicitly permit certain off-exchange derivatives transactions and thus promote innovation and competition.<sup>6</sup> A number of exemptions and exclusions for off-exchange derivatives transactions were subsequently added to the Act by the Commodity Futures Modernization Act of 2000,<sup>7</sup> but none apply to agricultural contracts.<sup>8</sup> Accordingly, swaps involving agricultural commodities continue to rely upon the exemption in part 35.

Part 35 requires, among other things, that a swap agreement not be part of a fungible class of agreements that are standardized as to their material economic terms,<sup>9</sup> and that the creditworthiness of any party having an interest under the agreement be a material consideration in entering into or negotiating the terms of the

<sup>3</sup> A copy of the petition is available on the Commission's Web site at <http://www.cftc.gov/>.

<sup>4</sup> 17 CFR part 35 (Commission regulations are hereinafter cited as "Reg. §").

<sup>5</sup> Jurisdiction is retained for, among other things, provisions of the Act proscribing fraud and manipulation. See Reg. § 35.2.

<sup>6</sup> See 58 FR 5587 (Jan. 22, 1993). Section 4(c) of the Act was added by section 502(a) of the Futures Trading Practices Act of 1992, Public Law 102-546, 106 Stat. 3590 (1992).

<sup>7</sup> Pub. L. 106-554, 114 Stat. 2763 (2000).

<sup>8</sup> See, *e.g.*, sections 2(d), (g) and (h) of the Act, 7 U.S.C. 2(d), (g), and (h).

<sup>9</sup> Reg. § 35.2(b).