

later than 120 days after publication of the preliminary results notice.

This extension is issued and published in accordance with sections 751(a)(3)(A) and 777(i) of the Act.

Dated: July 23, 2010.

**Edward C. Yang,**

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

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-890]

#### Wooden Bedroom Furniture from the People's Republic of China: Final Results of Antidumping Duty New Shipper Review

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

**EFFECTIVE DATE:** July 29, 2010

**SUMMARY:** On March 3, 2010, the Department of Commerce ("Department") published the preliminary results of the new shipper review ("NSR") of the antidumping duty order on wooden bedroom furniture from the People's Republic of China ("PRC") covering sales of subject merchandise made by Zhejiang Tianyi Scientific & Educational Equipment Co., Ltd. ("Zhejiang Tianyi").<sup>1</sup> In accordance with 19 CFR 351.309(c)(ii), we gave interested parties an opportunity to comment on the *Preliminary Results*. Based on our analysis of the comments received, the Department has not made changes to the *Preliminary Results* and continues to determine that Zhejiang Tianyi has not made sales at less than normal value ("NV").

**FOR FURTHER INFORMATION CONTACT:** Rebecca Pandolph or Howard Smith, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4474 and (202) 482-5193, respectively.

**SUPPLEMENTARY INFORMATION:** We published the *Preliminary Results* for this NSR on March 3, 2010. In the *Preliminary Results*, the Department stated that interested parties were to submit case briefs within 30 days of publication of the *Preliminary Results*

<sup>1</sup> See *Wooden Bedroom Furniture from the People's Republic of China: Preliminary Results of Antidumping Duty New Shipper Review*, 75 FR 9581 (March 3, 2010) ("*Preliminary Results*").

and rebuttal briefs within five days after the due date for filing case briefs.<sup>2</sup> On April 2, 2010, the Department received a case brief from Zhejiang Tianyi. On April 7, 2010, the Department received a rebuttal brief from the American Furniture Manufacturers Committee for Legal Trade and Vaughan-Bassett Furniture Company, Inc. (collectively, "Petitioners"). On May 18, 2010, the Department received factual information submitted by Petitioners, which raised issues concerning the veracity of the information on the record submitted by Zhejiang Tianyi. In May and June 2010, the Department issued questionnaires to Zhejiang Tianyi. In May, June, and July 2010, Zhejiang Tianyi submitted its responses to the Department's questionnaires and comments on the allegation. In June 2010, Petitioners submitted comments on Zhejiang Tianyi's responses. On July 14, 2010, Zhejiang Tianyi submitted comments on this issue. For a full discussion of this issue, see Memorandum to the File, regarding "Zhejiang Tianyi's Eligibility for a New Shipper Review and the Validity of its Data," dated July 23, 2010.

On July 6, 2010, the Department notified interested parties that it would be reconsidering its valuation of the labor wage rate in this NSR, as a result of the recent decision in *Dorbest Limited et. al. v. United States*, 2009-1257, -1266, issued by the United States Court of Appeals for the Federal Circuit ("CAFC") on May 14, 2010. On July 6, 2010,<sup>3</sup> July 12, 2010,<sup>4</sup> and July 13, 2010,<sup>5</sup> the Department placed export and wage data, which the Department was considering in connection with the valuation of the labor wage rate, on the record of this NSR and invited interested parties to comment on the narrow issue of the labor wage value in light of the CAFC's decision. On July 9, and July 14, 2010, Petitioners submitted comments on the export and wage data.

#### Period of Review

The period of review ("POR") is January 1, 2009, through June 30, 2009.

#### Scope of the Order

The product covered by the order is wooden bedroom furniture. Wooden bedroom furniture is generally, but not

<sup>2</sup> See *Preliminary Results*, 75 FR at 9586.

<sup>3</sup> See Memorandum to The File, through Howard Smith, Program Manager, AD/CVD Operations, Office 4, regarding, "Wage Data," dated July 6, 2010.

<sup>4</sup> See Memorandum to The File, through Howard Smith, Program Manager, AD/CVD Operations, Office 4, concerning, "Wage Data," dated July 12, 2010.

<sup>5</sup> See Memorandum to The File, through Howard Smith, Program Manager, AD/CVD Operations, Office 4, concerning, "Wage Data," dated July 13, 2010.

exclusively, designed, manufactured, and offered for sale in coordinated groups, or bedrooms, in which all of the individual pieces are of approximately the same style and approximately the same material and/or finish. The subject merchandise is made substantially of wood products, including both solid wood and also engineered wood products made from wood particles, fibers, or other wooden materials such as plywood, strand board, particle board, and fiberboard, with or without wood veneers, wood overlays, or laminates, with or without non-wood components or trim such as metal, marble, leather, glass, plastic, or other resins, and whether or not assembled, completed, or finished.

The subject merchandise includes the following items: (1) wooden beds such as loft beds, bunk beds, and other beds; (2) wooden headboards for beds (whether stand-alone or attached to side rails), wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds; (3) night tables, night stands, dressers, commodes, bureaus, mule chests, gentlemen's chests, bachelor's chests, lingerie chests, wardrobes, vanities, chessers, chifferobes, and wardrobe-type cabinets; (4) dressers with framed glass mirrors that are attached to, incorporated in, sit on, or hang over the dresser; (5) chests-on-chests,<sup>6</sup> highboys,<sup>7</sup> lowboys,<sup>8</sup> chests of drawers,<sup>9</sup> chests,<sup>10</sup> door chests,<sup>11</sup> chiffoniers,<sup>12</sup> hutches,<sup>13</sup> and armoires;<sup>14</sup> (6) desks,

<sup>6</sup> A chest-on-chest is typically a tall chest-of-drawers in two or more sections (or appearing to be in two or more sections), with one or two sections mounted (or appearing to be mounted) on a slightly larger chest; also known as a tallboy.

<sup>7</sup> A highboy is typically a tall chest of drawers usually composed of a base and a top section with drawers, and supported on four legs or a small chest (often 15 inches or more in height).

<sup>8</sup> A lowboy is typically a short chest of drawers, not more than four feet high, normally set on short legs.

<sup>9</sup> A chest of drawers is typically a case containing drawers for storing clothing.

<sup>10</sup> A chest is typically a case piece taller than it is wide featuring a series of drawers and with or without one or more doors for storing clothing. The piece can either include drawers or be designed as a large box incorporating a lid.

<sup>11</sup> A door chest is typically a chest with hinged doors to store clothing, whether or not containing drawers. The piece may also include shelves for televisions and other entertainment electronics.

<sup>12</sup> A chiffonier is typically a tall and narrow chest of drawers normally used for storing undergarments and lingerie, often with mirror(s) attached.

<sup>13</sup> A hutch is typically an open case of furniture with shelves that typically sits on another piece of furniture and provides storage for clothes.

<sup>14</sup> An armoire is typically a tall cabinet or wardrobe (typically 50 inches or taller), with doors, and with one or more drawers (either exterior below or above the doors or interior behind the doors), shelves, and/or garment rods or other apparatus for storing clothes. Bedroom armoires may also be used

computer stands, filing cabinets, book cases, or writing tables that are attached to or incorporated in the subject merchandise; and (7) other bedroom furniture consistent with the above list.

The scope of the order excludes the following items: (1) seats, chairs, benches, couches, sofas, sofa beds, stools, and other seating furniture; (2) mattresses, mattress supports (including box springs), infant cribs, water beds, and futon frames; (3) office furniture, such as desks, stand-up desks, computer cabinets, filing cabinets, credenzas, and bookcases; (4) dining room or kitchen furniture such as dining tables, chairs, servers, sideboards, buffets, corner cabinets, china cabinets, and china hutches; (5) other non-bedroom furniture, such as television cabinets, cocktail tables, end tables, occasional tables, wall systems, book cases, and entertainment systems; (6) bedroom furniture made primarily of wicker, cane, osier, bamboo or rattan; (7) side rails for beds made of metal if sold separately from the headboard and footboard; (8) bedroom furniture in which bentwood parts predominate;<sup>15</sup> (9) jewelry armories;<sup>16</sup> (10) cheval

mirrors;<sup>17</sup> (11) certain metal parts;<sup>18</sup> (12) mirrors that do not attach to, incorporate in, sit on, or hang over a dresser if they are not designed and marketed to be sold in conjunction with a dresser as part of a dresser-mirror set; (13) upholstered beds<sup>19</sup> and (14) toy boxes.<sup>20</sup>

Imports of subject merchandise are classified under subheading 9403.50.9040 of the HTSUS as “wooden

<sup>17</sup> Cheval mirrors are any framed, tiltable mirror with a height in excess of 50 that is mounted on a floor-standing, hinged base. Additionally, the scope of the order excludes combination cheval mirror/jewelry cabinets. The excluded merchandise is an integrated piece consisting of a cheval mirror, *i.e.*, a framed tiltable mirror with a height in excess of 50 inches, mounted on a floor-standing, hinged base, the cheval mirror serving as a door to a cabinet back that is integral to the structure of the mirror and which constitutes a jewelry cabinet line with fabric, having necklace and bracelet hooks, mountings for rings and shelves, with or without a working lock and key to secure the contents of the jewelry cabinet back to the cheval mirror, and no drawers anywhere on the integrated piece. The fully assembled piece must be at least 50 inches in height, 14.5 inches in width, and 3 inches in depth. *See Wooden Bedroom Furniture From the People's Republic of China: Final Changed Circumstances Review and Determination To Revoke Order in Part*, 72 FR 948 (January 9, 2007).

<sup>18</sup> Metal furniture parts and unfinished furniture parts made of wood products (as defined above) that are not otherwise specifically named in this scope (*i.e.*, wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds) and that do not possess the essential character of wooden bedroom furniture in an unassembled, incomplete, or unfinished form. Such parts are usually classified under the Harmonized Tariff Schedule of the United States (“HTSUS”) subheading 9403.90.7000.

<sup>19</sup> Upholstered beds that are completely upholstered, *i.e.*, containing filling material and completely covered in sewn genuine leather, synthetic leather, or natural or synthetic decorative fabric. To be excluded, the entire bed (headboards, footboards, and side rails) must be upholstered except for bed feet, which may be of wood, metal, or any other material and which are no more than nine inches in height from the floor. *See Wooden Bedroom Furniture from the People's Republic of China: Final Results of Changed Circumstances Review and Determination to Revoke Order in Part*, 72 FR 7013 (February 14, 2007).

<sup>20</sup> To be excluded the toy box must: (1) Be wider than it is tall; (2) have dimensions within 16 inches to 27 inches in height, 15 inches to 18 inches in depth, and 21 inches to 30 inches in width; (3) have a hinged lid that encompasses the entire top of the box; (4) not incorporate any doors or drawers; (5) have slow-closing safety hinges; (6) have air vents; (7) have no locking mechanism; and (8) comply with American Society for Testing and Materials (“ASTM”) standard F963-03. Toy boxes are boxes generally designed for the purpose of storing children's items such as toys, books, and playthings. *See Wooden Bedroom Furniture from the People's Republic of China: Final Results of Changed Circumstances Review and Determination to Revoke Order in Part*, 74 FR 8506 (February 25, 2009). Further, as determined in the scope ruling memorandum “Wooden Bedroom Furniture from the People's Republic of China: Scope Ruling on a White Toy Box,” dated July 6, 2009, the dimensional ranges used to identify the toy boxes that are excluded from the wooden bedroom furniture order apply to the box itself rather than the lid.

... beds” and under subheading 9403.50.9080 of the HTSUS as “other . . . wooden furniture of a kind used in the bedroom.” In addition, wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds may also be entered under subheading 9403.50.9040 of the HTSUS as “parts of wood” and framed glass mirrors may also be entered under subheading 7009.92.5000 of the HTSUS as “glass mirrors . . . framed.” The order covers all WBF meeting the above description, regardless of tariff classification. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

### Analysis of Comments Received

All issues raised in the post-preliminary comments by parties in this review are addressed in the memorandum from Edward C. Yang, Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Deputy Assistant Secretary for Import Administration, “Issues and Decision Memorandum for the Final Results of the January 2009 through June 2009 New Shipper Review of Wooden Bedroom Furniture from the People's Republic of China,” dated July 23, 2010 (“Issues and Decision Memorandum”), which is hereby adopted by this notice. A list of the issues that parties raised and to which the Department responded in the Issues and Decision Memorandum is attached to this notice as an appendix. The Issues and Decision Memorandum is a public document and is on file in the Central Records Unit in room 1117 in the main Commerce Department building, and is also accessible on the Web at <<http://ia.ita.doc.gov/frn>>. The paper copy and electronic version of the memorandum are identical in content.

### Changes Since the Preliminary Results

Based on our analysis of the comments received, we have made the following change to our *Preliminary Results*: Pursuant to a recent decision by the CAFC, we have calculated a revised hourly wage rate to use in valuing Zhejiang Tianyi's reported labor input by averaging earnings and/or wages in countries that are economically comparable to the PRC and that are significant producers of comparable merchandise.<sup>21</sup>

<sup>21</sup> See Issues and Decision Memorandum at Comment 1.

to hold television receivers and/or other audio-visual entertainment systems.

<sup>15</sup> As used herein, bentwood means solid wood made pliable. Bentwood is wood that is brought to a curved shape by bending it while made pliable with moist heat or other agency and then set by cooling or drying. *See Customs' Headquarters' Ruling Letter* 043859, dated May 17, 1976.

<sup>16</sup> Any armoire, cabinet or other accent item for the purpose of storing jewelry, not to exceed 24 in width, 18 in depth, and 49 in height, including a minimum of 5 lined drawers lined with felt or felt-like material, at least one side door (whether or not the door is lined with felt or felt-like material), with necklace hangers, and a flip-top lid with inset mirror. *See Issues and Decision Memorandum from Laurel LaCivita to Laurie Parkhill, Office Director, Concerning Jewelry Armoires and Cheval Mirrors in the Antidumping Duty Investigation of Wooden Bedroom Furniture from the People's Republic of China*, dated August 31, 2004. *See also Wooden Bedroom Furniture From the People's Republic of China: Final Changed Circumstances Review, and Determination to Revoke Order in Part*, 71 FR 38621 (July 7, 2006).

**New Shipper Status**

No party has contested the *bona fide* nature of Zhejiang Tianyi's sale(s) during the POR. Therefore, for these final results we find, as in the *Preliminary Results*, that the new shipper sale made by Zhejiang Tianyi was made on a *bona fide* basis.

**Surrogate Country**

Since the *Preliminary Results*, no interested party has commented on the selection of the Philippines as the surrogate country. Therefore, we continue to determine that the Philippines is the appropriate surrogate country for the final results of this NSR.

**Separate Rates**

The Department found in the *Preliminary Results* that Zhejiang Tianyi demonstrated a lack of *de jure* and *de facto* government control with respect to its export activities, and preliminarily determined that it was eligible for a separate rate.<sup>22</sup> No information has been placed on the record of this segment of the proceeding since the *Preliminary Results* to contradict our preliminary separate-rate determination. Therefore, for the final results, we continue to determine that Zhejiang Tianyi is eligible for a separate rate.

**Final Results of the New Shipper Review**

The Department has determined that the following final dumping margin exists for the period January 1, 2009, through June 30, 2009:

Exporter	Weighted-average margin (percent)
Zhejiang Tianyi Scientific & Educational Equipment Co., Ltd. ..	0

**Assessment**

The Department will determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries pursuant to 19 CFR 351.212(b). For importers/customers of the respondent where the respondent did not report entered values, we have calculated importer/customer-specific antidumping duty assessment amounts based on the ratio of the total amount of antidumping duties calculated for the examined sales of subject merchandise to the total quantity of subject merchandise sold in those transactions. For importers/customers of the respondent where the respondent reported entered values, we

have calculated an *ad valorem* rate for that importer/customer by dividing the total amount of antidumping duties calculated in the examined sales of subject merchandise by the total entered value of those transactions. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of NSR. Where an importer specific *ad valorem* rate is *de minimis*, the Department will order CBP to liquidate appropriate entries without regard to antidumping duties.

**Cash Deposit Requirements**

The following cash deposit requirements will be effective upon publication of these final results of NSR for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: 1) for the exporter/producer listed above, the cash deposit rate will be the rate shown for these companies; 2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate or combination rate published for the most recent period; 3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 216.01 percent; and 4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporters that supplied that non-PRC exporter. These deposit requirements shall remain in effect until further notice.

**Notification of Interested Parties**

This notice also 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 the antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which

continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these final results and notice in accordance with sections 751(a)(2)(B), 751(a)(2)(C), and 777(i) of the Act and 19 CFR 351.214(h) and 19 CFR 351.221(b)(5).

Dated: July 23, 2010.

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

**Appendix I**

*Comment 1:* Zhejiang Tianyi's Eligibility for a New Shipper Review and the Validity of Its Data

*Comment 2:* Reliance on the Regression-Based Wage Rate as a Surrogate Value of Labor

*Comment 3:* Whether the Department Should Use the Hourly Wage Rate Only from the Philippines to Value Wage Rate

*Comment 4:* Whether the Department Should Expand the List of Economically Comparable Countries

*Comment 5:* The Correction of Errors in the Wage Rate Data

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[C-489-502]

**Certain Welded Carbon Steel Standard Pipe from Turkey: Final Results of Countervailing Duty Administrative Review**

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

**SUMMARY:** On April 1, 2010, the Department of Commerce (the Department) published in the **Federal Register** its preliminary results of administrative review of the countervailing duty (CVD) order on certain welded carbon steel standard pipe from Turkey for the January 1, 2008, through December 31, 2008, period of review (POR). See *Certain Welded Carbon Steel Standard Pipe From Turkey: Preliminary Results of Countervailing Duty Administrative Review*, 75 FR 16439 (April 1, 2010) (*Preliminary Results*). The Department preliminarily found that the following producers/exporters of subject merchandise covered by this review had

<sup>22</sup> See *Preliminary Results*, 75 FR at 9583.