

## Background

On October 15, 2008, the Department published the final results of its 2006–2007 administrative review of circular welded carbon steel pipes and tubes from Thailand. See *Final Results*. In the *Final Results*, the Department granted an upward adjustment to export price (EP) in accordance with section 772(c)(1) of the Tariff Act of 1930, as amended (the Act), which directs the Department to increase EP by “the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the subject merchandise to the United States.” We calculated the upward adjustment to EP for exempted import duties on material inputs using Saha Thai’s actual yield loss factor rather than the yield loss factor set by the Government of Thailand (GOT). See *Final Results* and accompanying Issues and Decision Memorandum at Comment 4. We also adjusted the cost of production and the constructed value to include an amount equal to the value of the import duties exempted on material inputs. Saha Thai and the Domestic Interested Parties<sup>1</sup> challenged the Department’s *Final Results*.

In *Saha Thai Steel Pipe (Public) Company v. United States*, Consol. Ct. 08–00380, Slip Op. 09–116 (October 15, 2009), the CIT affirmed the *Final Results* on all but one issue. The CIT directed the Department to recalculate Saha Thai’s antidumping margin using the GOT-determined yield loss factor to calculate the adjustment to EP for exempted import duties. On December 11, 2009, the Department issued its final results of redetermination pursuant to the CIT’s October 15, 2009 ruling. See the Results of Redetermination Pursuant to Remand (found at <http://ia.ita.doc.gov/remands/index.html>) (*Remand*). The CIT issued its final decision on January 4, 2010 affirming the *Remand*. See *Saha Thai CIT Decision*. Consistent with the CAFC decision in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990), the Department published, in the **Federal Register**, a notice of a court decision that is not “in harmony” with the Department’s final results. See *Circular Welded Carbon Steel Pipes and Tubes From Thailand: Court Decision Not in Harmony with Final Results of Administrative Review*, 75 FR 2487 (January 15, 2010).

On February 22, 2010, Saha Thai appealed the *Saha Thai CIT Decision*, arguing that an increase in the cost of

production to account for “fictitious” costs was not warranted. Saha Thai also argued that the inclusion of these exempted import duties in the cost of production constitutes double counting. On March 1, 2010, the Domestic Interested Parties appealed the *Saha Thai CIT Decision* challenging the Department’s two-prong test that must be met before the Department makes an upward adjustment to EP pursuant to section 772(c)(B)(1) of the Act. Under the two-prong test, the exporter/producer must show that: (i) The import duty and rebate are directly linked to one another, and (ii) sufficient imports are made to account for the finished merchandise exported to the United States. The Domestic Interested Parties argued that the Department can only increase EP when import duties are “imposed by the country of exportation,” and, in this case, the duties were exempted rather than collected and drawn back or rebated. In its *Saha Thai CAFC Decision*, the CAFC rejected Saha Thai’s and the Domestic Interested Parties’ arguments and upheld the *Saha Thai CIT Decision*, thus sustaining the *Remand* in full. See *Saha Thai CAFC Decision*. No party appealed the CAFC’s decision. Because there is now a final and conclusive decision, we are issuing these amended final results of review to reflect the results of the *Remand*.

## Amended Final Results of the Review

We are amending the final results of the 2006–2007 administrative review of circular welded carbon steel pipes and tubes from Thailand in accordance with the *Remand*. The revised weighted-average margin for Saha Thai is 4.21 percent for the period March 1, 2006, through February 28, 2007.

## Assessment of Duties

The Department has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by these amended final results. The Department intends to issue liquidation instructions to CBP 15 days after publication of these amended final results in the **Federal Register**. The cash deposit rate will remain the company-specific rate established in the most recently completed administrative review of Saha Thai. See *Circular Welded Carbon Steel Pipes and Tubes From Thailand: Amended Final Results of Antidumping Duty Administrative Review*, 75 FR 73033 (November 29, 2010). We are issuing and publishing these amended final results of administrative review in accordance

with sections 751(a)(1) and 777(i) of the Act.

Dated: May 9, 2011.

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

[FR Doc. 2011–11825 Filed 5–12–11; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–827]

### Certain Cased Pencils From the People’s Republic of China: Final Results of the Antidumping Duty Administrative Review

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

**SUMMARY:** On January 13, 2011, the Department of Commerce (“Department”) published the preliminary results of the administrative review of the antidumping duty order on certain cased pencils from the People’s Republic of China (“PRC”), covering the period December 1, 2008, through November 30, 2009. We gave interested parties an opportunity to comment on the preliminary results, however we did not receive any comments. As a result, we have not made changes to our margin calculations for the final results of this review. The final dumping margins for this review are listed in the “Final Results of the Review” section below.

**DATES:** *Effective Date:* May 13, 2011.

**FOR FURTHER INFORMATION CONTACT:** Mahnaz Khan 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) 482–0914 or (202) 482–0371, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

Following the preliminary results of review (See *Certain Cased Pencils From the People’s Republic of China: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review*, 76 FR 2337 (January 13, 2011) (“*Preliminary Results*”)), the Department issued an additional supplemental questionnaire to mandatory respondent Shandong Rongxin Import and Export Co., Ltd. (“Rongxin”) on January 10, 2011, and received a response on January 28, 2011. The Department also issued an

<sup>1</sup> The Domestic Interested Parties are Allied Tube and Conduit Corp. and Wheatland Tube Company.

additional supplemental questionnaire to Beijing Fila Dixon Stationery Company Ltd. (“Beijing Dixon”), the other mandatory respondent, on January 31, 2011. Beijing Dixon responded on February 16, 2011.

We did not receive case briefs from any party, and none of the parties requested a hearing.

**Scope of the Order**

Imports covered by the order are shipments of certain cased pencils of any shape or dimension (except as described below) which are writing and/or drawing instruments that feature cores of graphite or other materials, encased in wood and/or man-made materials, whether or not decorated and whether or not tipped (e.g., with erasers, etc.) in any fashion, and either sharpened or unsharpened. The pencils

subject to the order are currently classifiable under subheading 9609.10.00 of the Harmonized Tariff Schedule of the United States (“HTSUS”). Specifically excluded from the scope of the order are mechanical pencils, cosmetic pencils, pens, non-cased crayons (wax), pastels, charcoals, chalks, and pencils produced under U.S. patent number 6,217,242, from paper infused with scents by the means covered in the above-referenced patent, thereby having odors distinct from those that may emanate from pencils lacking the scent infusion. Also excluded from the scope of the order are pencils with all of the following physical characteristics: (1) *Length*: 13.5 or more inches; (2) *sheath diameter*: Not less than one-and-one-quarter inches at any point (before sharpening); and (3) *core*

*length*: not more than 15 percent of the length of the pencil.

In addition, pencils with all of the following physical characteristics are excluded from the scope of the order: Novelty jumbo pencils that are octagonal in shape, approximately ten inches long, one inch in diameter before sharpening, and three-and-one-eighth inches in circumference, composed of turned wood encasing one-and-one-half inches of sharpened lead on one end and a rubber eraser on the other end.

Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

**Final Results of the Review**

We determine that the following margins exist for the period December 1, 2008, through November 30, 2009:

Company	Margin (percent)
Beijing Fila Dixon Stationery Company Ltd. ....	0.00
Shandong Rongxin Import and Export Co., Ltd. ....	0.17

**Assessment Rates**

The Department has determined, and U.S. Customs and Border Protection (“CBP”) shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

In accordance with 19 CFR 351.212(b)(1), we calculated exporter/importer-specific (or customer-specific) assessment rates for merchandise subject to this review. Beijing Dixon reported entered values for its U.S. sales. Therefore, we calculated importer (or customer) specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to each importer (or customer), and dividing this amount by the entered value of the sales to each importer (or customer). Rongxin did not report entered values for its U.S. sales. Therefore, we calculated a per-unit assessment rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total sales quantity associated with those transactions. For duty-assessment rates calculated on this basis, we will direct CBP to assess the resulting per-unit rate against the entered quantity of the subject merchandise.

To determine whether the duty assessment rates were *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), the

Department calculated importer-specific *ad valorem* ratios based on the entered value or the estimated entered value, when entered value was not reported. 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).

We intend to instruct CBP to liquidate entries of subject merchandise exported by the PRC-wide entity at the estimated antidumping duty rate in effect at the time of entry. Because the PRC-wide entity was not reviewed during this period of review, the PRC-wide rate remains 114.90 percent, the rate established in the administrative review for the most recent period.

**Cash Deposit Requirements**

The following cash-deposit requirements will apply to all shipments of certain cased pencils from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) Because the cash deposit rates for Rongxin and Beijing Dixon are *de minimis*, i.e., the rate is less than 0.5 percent, no cash deposits will be required for Rongxin and Beijing Dixon; (2) for any previously reviewed or investigated PRC or non-PRC exporter, not covered in this review, with a separate rate, the cash deposit rate will be the company-specific rate established

in the most recent segment of this proceeding; (3) for all other PRC exporters, the cash deposit rate will be the PRC-wide rate established in the final results of the administrative review for the most recent period, which is 114.90 percent; and (4) the cash-deposit rate for any non-PRC exporter of subject merchandise from the PRC will be the rate applicable to the PRC exporter that supplied that exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

**Notification to Interested Parties**

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.

This notice also serves as a final reminder to parties subject to the 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. Timely written notification of the return or 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.

This notice of final results is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 9, 2011.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 2011-11847 Filed 5-12-11; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-827]

#### **Certain Cased Pencils From the People's Republic of China: Rescission of Antidumping Duty Administrative Review**

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

**SUMMARY:** In response to requests from interested parties, the Department of Commerce ("the Department") initiated an administrative review of the antidumping duty order covering certain cased pencils ("pencils") from the People's Republic of China ("PRC"). The period of review is December 1, 2009, through November 30, 2010. Based on the withdrawal of these requests for review, we are now rescinding this administrative review.

**DATES:** *Effective Date:* May 13, 2011.

**FOR FURTHER INFORMATION CONTACT:** Mahnaz Khan or David Layton, at (202) 482-0914 or (202) 482-0371, respectively; AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On December 28, 1994, the Department published in the **Federal Register** the antidumping duty order on pencils from the PRC. See *Antidumping Duty Order: Certain Cased Pencils from the People's Republic of China*, 59 FR 66909 (December 28, 1994) ("the order"). On December 1, 2010, the Department published a notice of opportunity to request an administrative review of the order covering the period December 1, 2009, through November 30, 2010. See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request*

*Administrative Review*, 75 FR 74682 (December 1, 2010).

On December 20, 2010, in accordance with 19 CFR 351.213(b), Beijing Fila Dixon Stationery Company, Ltd. ("Beijing Dixon"), an exporter and an interested party, timely filed a request for administrative review of the order with respect to its exports. On December 29, 2009, Shandong Rongxin Import & Export, Co., Ltd. ("Rongxin"), a foreign producer and exporter, timely filed a request for administrative review of the order with respect to its exports. Based on these requests, on January 28, 2011, the Department initiated an administrative review of the antidumping duty order on pencils from the PRC. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 76 FR 5137 (January 28, 2011).

##### **Rescission of Review**

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party that requested a review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. On March 15, 2011, Rongxin withdrew its request for administrative review. On April 6, 2011, Beijing Dixon withdrew its request for administrative review. Rongxin's and Beijing Dixon's withdrawal requests are within the 90-day period, and no other party requested an administrative review of the antidumping duty order on pencils from the PRC. Therefore, the Department hereby rescinds the administrative review of the antidumping duty order on pencils from the PRC for the period December 1, 2009, through November 30, 2010.

##### **Assessment**

The Department will instruct U.S. Customs and Border Protection ("CBP") to assess antidumping duties on all appropriate entries at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice of rescission of administrative review.

##### **Notification to Importers**

This notice serves as a 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 Regarding Administrative Protective Order**

This notice serves as a final 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 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 sanctionable violation.

This notice is issued and published in accordance with 19 CFR 351.213(d)(4).

Dated: May 9, 2011.

**Christian Marsh,**

*Deputy Assistant Secretary for AD/CVD Operations.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-942]

#### **Certain Kitchen Shelving and Racks From the People's Republic of China: Extension of Time Limit for Preliminary Results of Countervailing Duty Administrative Review**

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

**FOR FURTHER INFORMATION CONTACT:** Patricia Tran or Jennifer Meek, 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) 482-1503 and (202) 482-2778, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On October 28, 2010, and November 29, 2010, the Department of Commerce ("the Department") published notices of initiation of the administrative review of the countervailing duty order on certain kitchen appliance shelving and racks from the People's Republic of China, covering the review period January 7, 2009, through December 31, 2009. See *Initiation of Antidumping and Countervailing Duty Administrative*