

order to make automatic calculation in AES feasible. BIS is particularly interested in whether a flat percentage should be applied to the dollar value of all controlled items to calculate shipping tolerance or whether another method of calculation should be employed.

**DATES:** Comments must be received no later than August 20, 2012.

**ADDRESSES:** Comments may be submitted via email to [teresa.telesco@bis.doc.gov](mailto:teresa.telesco@bis.doc.gov). Please refer to "Shipping Tolerance of Export Licenses" in the subject line. Comments may also be sent to Shipping Tolerance Study, Office of Technology Evaluation, Room 1093, U.S Department of Commerce, 14th Street and Pennsylvania Avenue NW., Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Teresa Telesco, Office of Technology Evaluation, Bureau of Industry and Security, telephone: 202-482-4959; fax: 202-482-5361; email: [teresa.telesco@bis.doc.gov](mailto:teresa.telesco@bis.doc.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

BIS, among its other activities, issues licenses for the export of items that are subject to the Export Administration Regulations (EAR). Under some circumstances defined in the EAR, exporters are allowed to export more than the quantity or dollar value shown on an export license. This additional amount is called a shipping tolerance. Currently, the allowable shipping tolerance is calculated based on the "unit" specified in the Export Control Classification Number (ECCN); the three basic "units" are "dollar value," "number," or "area, weight or measure" (see § 750.11). Depending on the applicable "unit," BIS allows either no shipping tolerance on dollar value, or up to 25 percent shipping tolerance on dollar value. The Department of State, which issues licenses for commodities identified on the USML, measures shipping tolerances based on dollar value. The Department of State applies a flat 10 percent shipping tolerance on dollar value to all defense articles.

The President's Export Control Reform (ECR) initiative aims to harmonize, to the maximum extent possible, the control lists of the United States Munitions List (USML) and Commerce Control List (CCL). With the anticipated transfer of items determined to no longer warrant control under the USML to the CCL, which are largely generic parts and components, harmonization of the two agencies' shipping tolerance regulations and the

ability to automatically calculate available shipping tolerance in the Automated Export System (AES) may be beneficial, because they could make the transfer easier and less confusing for exporters.

BIS is looking into the feasibility of adding to the Automated Export System (AES) a feature that automatically calculates the shipping tolerance of the dollar value on an export license, communicates the dollar value remaining on the license back to the AES filer, and notifies the AES filer when the license has been fully utilized. This feature is also known as electronic decrementation of a license, and is already in place on AES for the primary licenses issued by the Department of State (DSP-5 licenses). This feature would enhance compliance with licenses and increase transparency of export licensing by providing precise and timely information to exporters on what they are allowed to export under the license in the future. In addition, electronic decrementation would assist with the ECR harmonization goal, as well as the anticipated control of some munitions items under the CCL, by providing exporters of CCL items with the same functionality in AES already available to exporters of USML items.

BIS is seeking information that would help it determine:

- If the current EAR shipping tolerance rules should be maintained or if changes should be made that facilitate automatic calculation;
- If the EAR shipping tolerance rules were changed, (i) should BIS continue to exclude certain ECCNs from having an allowable shipping tolerance, (ii) should the dollar value-based shipping tolerance be set at 10 percent to match the Department of State rules; and
- Whether an automatic calculation of the dollar value-based shipping tolerance in AES (electronic decrementation) would assist exporters in maintaining compliance with the allowable shipping dollar value of the license.

The following kinds of information would be useful to BIS's assessment:

- Detailed information on your company's experiences with both the Department of State's and BIS's shipping tolerance regulations;
- Detailed information on how dollar value-based shipping tolerances are beneficial and practical, or detrimental and burdensome to your company or organization;
- Detailed information on your company's experience with automatic calculation of a dollar value-based shipping tolerance (decrementation)

against State Department licenses in AES;

- If you believe that BIS's dollar value-based shipping tolerances should be changed, detailed information on how the tolerances should be changed; and

- Detailed information on what benefits, if any, industry would receive through electronic decrementation of a dollar value-based shipping tolerance in AES.

**How To Comment**

All comments must be in writing and submitted to one of the addresses indicated above. Comments must be received by BIS no later than August 20, 2012. All comments (including any personal identifiable information) will be available for public inspection and copying. Those wishing to comment anonymously may do so by submitting their comment via [regulations.gov](http://regulations.gov) and leaving the fields for identifying information blank.

Dated: June 27, 2012.

**Kevin J. Wolf,**  
*Assistant Secretary for Export Administration.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-570-868]

**Folding Metal Tables and Chairs From the People's Republic of China: Final Results of Antidumping Duty Administrative Review**

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

**SUMMARY:** The Department of Commerce ("Department") published its *Preliminary Results* of administrative review of the antidumping duty order on folding metal tables and chairs from the People's Republic of China ("PRC") on March 7, 2012.<sup>1</sup> The period of review ("POR") is June 1, 2010, through May 31, 2011. We invited interested parties to comment on our *Preliminary Results*. Based on our analysis of the comments received, we have made changes to our margin calculations. Therefore, the final results differ from the preliminary results. The final dumping margin for

<sup>1</sup> See *Folding Metal Tables and Chairs From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review*, 77 FR 13539 (March 7, 2012) ("*Preliminary Results*").

this review is listed in the "Final Results of Review" section below.

**DATES:** *Effective Date:* July 5, 2012.

**FOR FURTHER INFORMATION CONTACT:** Lilit Astvatsatrian or Charles Riggle, 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) 482-6412 or (202) 482-0650, respectively.

### Background

On March 7, 2012, the Department published its *Preliminary Results*. On April 10, 2012, Feili Group (Fujian) Co., Ltd. and Feili Furniture Development Limited Quanzhou City ("Feili"), a mandatory respondent in the administrative review, Cosco Home and Office Products ("Cosco") and Target Corporation ("Target"), importer interested parties, provided surrogate value information. On April 17, 2012,<sup>2</sup> Feili, Cosco, and Target submitted case briefs for the administrative review. On April 23, 2012, the Department received a rebuttal brief from Feili.

On April 10, 2012, Mecor Corporation, a domestic producer of the like product and petitioner in the underlying investigation ("Petitioner"), withdrew its request for administrative review. On April 13, 2012, Feili and Cosco withdrew their requests for administrative review and requested that the Department rescind the ongoing review. On April 16, 2012, Target filed comments supporting the rescission of the review.<sup>3</sup>

We have conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended ("the Act"), 19 CFR 351.241, and 19 CFR 351.213.

### Scope of Order

The products covered by the order consist of assembled and unassembled folding tables and folding chairs made primarily or exclusively from steel or other metal, as described below:

(1) Assembled and unassembled folding tables made primarily or exclusively from steel or other metal (folding metal tables). Folding metal tables include square, round, rectangular, and any other shapes with legs affixed with rivets, welds, or any

other type of fastener, and which are made most commonly, but not exclusively, with a hardboard top covered with vinyl or fabric. Folding metal tables have legs that mechanically fold independently of one another, and not as a set. The subject merchandise is commonly, but not exclusively, packed singly, in multiple packs of the same item, or in five piece sets consisting of four chairs and one table. Specifically excluded from the scope of the order regarding folding metal tables are the following:

- Lawn furniture;
- Trays commonly referred to as "TV trays;"
- Side tables;
- Child-sized tables;
- Portable counter sets consisting of rectangular tables 36" high and matching stools; and, Banquet tables. A banquet table is a rectangular table with a plastic or laminated wood table top approximately 28" to 36" wide by 48" to 96" long and with a set of folding legs at each end of the table. One set of legs is composed of two individual legs that are affixed together by one or more cross-braces using welds or fastening hardware. In contrast, folding metal tables have legs that mechanically fold independently of one another, and not as a set.

(2) Assembled and unassembled folding chairs made primarily or exclusively from steel or other metal (folding metal chairs). Folding metal chairs include chairs with one or more cross-braces, regardless of shape or size, affixed to the front and/or rear legs with rivets, welds or any other type of fastener. Folding metal chairs include: those that are made solely of steel or other metal; those that have a back pad, a seat pad, or both a back pad and a seat pad; and those that have seats or backs made of plastic or other materials. The subject merchandise is commonly, but not exclusively, packed singly, in multiple packs of the same item, or in five piece sets consisting of four chairs and one table. Specifically excluded from the scope of the order regarding folding metal chairs are the following:

- Folding metal chairs with a wooden back or seat, or both;
- Lawn furniture;
- Stools;
- Chairs with arms; and
- Child-sized chairs.

The subject merchandise is currently classifiable under subheadings 9401.71.0010, 9401.71.0011, 9401.71.0030, 9401.71.0031, 9401.79.0045, 9401.79.0046, 9401.79.0050, 9403.20.0018, 9403.20.0015, 9403.20.0030, 9403.60.8040, 9403.70.8015,

9403.70.8020, and 9403.70.8031 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise 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 Gary Taverman, Senior Advisor for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, "Issues and Decision Memorandum for the 2010-2011 Administrative Review of Folding Metal Tables and Chairs from the People's Republic of China" (dated concurrently with this notice) ("Issues and Decision Memorandum"), which is hereby adopted by this notice. A list of the issues that parties raised and to which we 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 electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System ("IA ACCESS"). Access to IA ACCESS is available in the Central Records Unit ("CRU"), room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at <http://www.trade.gov/ia/>. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

### Changes Since the Preliminary Results

Based on our analysis of comments received, we have made changes in the margin calculations for Feili.

- We included contemporaneous financial statements of two additional Thai producers of comparable merchandise, Silpfah Thai Industrial Limited Partnership and Index Interfurn Co., Ltd., to derive the average surrogate financial ratios.<sup>4</sup>

- We applied a market-economy purchase price to Feili's factors of production of rivets and revised the value for washers.<sup>5</sup>

<sup>2</sup> The Department postponed the briefing schedule and submission of surrogate values on March 15, 2012.

<sup>3</sup> We recognize that Petitioner's original review request, dated June 28, 2011, and the subsequent withdrawal request lacked certification of factual information. However, this lack of certification is of no consequence in continuing the review because we had timely requests from both Feili and Cosco.

<sup>4</sup> See Analysis for the Final Results of the 2010-2011 Administrative Review of Folding Metal Tables and Chairs from the People's Republic of China: Feili Group (Fujian) Co., Ltd. and Feili Furniture Development Limited Quanzhou City ("Feili"), dated concurrently with this notice, at Attachment 5.

<sup>5</sup> See *id.*, at Attachment 4.

• We corrected the conversion rate from cubic meters to kilograms in valuing Feili’s natural gas.<sup>6</sup>

**Final Results of Review**

We determine that the dumping margins for the POR are as follows:

Exporter	Weighted-Average margin
Feili Group (Fujian) Co., Ltd., Feili Furniture Development Limited Quanzhou City .....	0.00

**Assessment**

The Department will determine, and U.S. Customs and Border Protection (“CBP”) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. For assessment purposes, we calculated exporter/importer- (or customer) specific assessment rates for merchandise subject to this review. Where appropriate, we calculated an *ad valorem* rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total entered values associated with those transactions. For duty-assessment rates calculated on this basis, we will direct CBP to assess the resulting *ad valorem* rate against the entered customs values for the subject merchandise. Where appropriate, we calculated a per-unit 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. Where an importer- (or customer) specific assessment rate is *de minimis* under 19 CFR 351.106(c) (*i.e.*, less than 0.50 percent), the Department will instruct CBP to assess that importer (or customer’s) entries of subject merchandise without regard to antidumping duties. The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of these reviews.

**Cash Deposit Requirements**

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from the PRC 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 Feili, because the rate is zero, no cash

deposit will be required; (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 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 established in the final results of this review (*i.e.*, 70.71 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, 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 the review period. Pursuant to 19 CFR 351.402(f)(3), failure to comply with this requirement could result in the Department’s presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (“APO”) of their responsibility concerning the disposition of proprietary information disclosed under APO as explained in the administrative protective order itself. 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 the terms of an APO is a sanctionable violation.

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

Dated: June 27, 2012.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

**APPENDIX**

**List of Comments and Issues in the Issues and Decision Memorandum**

- Comment 1: Rescission of the Administrative Review
- Comment 2: Selection of the Primary Surrogate Country
- Comment 3: Surrogate Financial Statements
  - A. Use of Silpfah’s Financial Statements
  - B. Use of Interfurn’s Financial Statements
  - C. Treatment of Siam Steel’s Expenses
- Comment 4: Valuation of Feili Market-Economy Inputs
  - A. Rivets
  - B. Washers
- Comment 5: Labor Cost
- Comment 6: Correction of Certain Clerical Errors
  - A. Natural Gas
  - B. Feili’s Liquidation Instructions

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Application(s) for Duty-Free Entry of Scientific Instruments**

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before July 25, 2012. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. at the U.S. Department of Commerce in Room 3720.

*Docket Number: 12–025. Applicant: Medical University of South Carolina,*

<sup>6</sup> See *id.*, at Attachment 3.