

2018, the fifth anniversary of the date of publication in the **Federal Register** of the most recent notice of continuation of this antidumping duty order. Pursuant to section 751(c)(3)(A) of the Act and 19 CFR 351.222(i)(2)(i), Commerce intends to issue instructions to U.S. Customs and Border Protection, 15 days after the publication of this notice, to terminate the suspension of liquidation of the merchandise subject to this order entered, or withdrawn from warehouse, on or after June 12, 2018. Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and antidumping duty deposit requirements. Commerce will complete any pending administrative reviews of this order and will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests of review.

This five-year (sunset) review and notice are published in accordance with sections 751(c) and 777(i)(1) of the Act.

Dated: June 12, 2018.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

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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; 2016-2017**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty order on certain cased pencils (pencils) from the People's Republic of China (China) for the period of review (POR) December 1, 2016, through November 30, 2017.

**DATES:** Applicable June 18, 2018.

**FOR FURTHER INFORMATION CONTACT:**

Sergio Balbontin, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue

NW, Washington, DC 20230; telephone: (202) 482-6478.

**SUPPLEMENTARY INFORMATION:**

**Background**

On December 4, 2017, Commerce published a notice of opportunity to request an administrative review of the antidumping duty order on pencils from China for the POR December 1, 2016, through November 30, 2016.<sup>1</sup>

On December 29, 2017, Dixon Ticonderoga Company (the petitioner) requested an administrative review of the order with respect to entries of subject merchandise made by Shandong Rongxin Import & Export Co., Ltd. (Rongxin), Wah Yuen Stationery Co. Ltd., and any affiliated entities including but not limited to Shandong Wah Yuen Stationery Co. Ltd. and Tianjin Tonghe Stationery Co. Ltd. (collectively, the Wah Yuen entity).<sup>2</sup> On January 2, 2018, Orient International Holding Shanghai Foreign Trade Co., Ltd. (SFTC) requested an administrative review of itself.<sup>3</sup> On February 23, 2018, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.221(c)(1)(i), we initiated an administrative review with respect to (1) Rongxin, (2) the Wah Yuen entity, and (3) SFTC.<sup>4</sup> On April 9, 2018, SFTC withdrew its request for an administrative review.<sup>5</sup> On May 23, 2018, the petitioner withdrew its request for an administrative review of Rongxin and the Wah Yuen entity.<sup>6</sup> No other party requested an administrative review of this order.

**Rescission of Review**

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication of the notice of

initiation of the requested review. In this case, SFTC and the petitioner timely withdrew their requests by the 90-day deadline and no other party requested an administrative review of the antidumping duty order. Therefore, we are rescinding the administrative review of the antidumping duty order on pencils from China for the POR December 1, 2016, through November 30, 2017, in its entirety, in accordance with 19 CFR 351.213(d)(1).

**Assessment**

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of pencils from China during the POR at rates equal to the cash deposit rate 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). Commerce intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice in the **Federal Register**.

**Notification to Importers**

This notice serves as the only 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 Commerce's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

**Notification Regarding Administrative Protective Orders**

This notice also 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 the return or 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.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 82 FR 57219 (December 4, 2017).

<sup>2</sup> See Petitioner's Letter, "Certain Cased Pencils from the People's Republic of China: Request for Administrative Review," dated December 29, 2017.

<sup>3</sup> See SFTC's Letter, "Request for Administrative Review of the Antidumping Duty Order on Certain Cased Pencils from the People's Republic of China, A-570-827," dated January 2, 2018.

<sup>4</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 83 FR 8058 (February 23, 2018) (*Initiation Notice*).

<sup>5</sup> See SFTC's Letter, "Orient International Holding Shanghai Foreign Trade Co., Ltd.'s Withdrawal of Request for Review: Administrative Review of the Antidumping Duty Order on Cased Pencils from the People's Republic of China," dated April 9, 2018.

<sup>6</sup> See Petitioner's Letter, "Certain Cased Pencils from the People's Republic of China: Withdrawal of Request for Administrative Review," dated May 23, 2018.

Dated: June 12, 2018.

**James Maeder,**

*Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

RIN 0648-XG221

**Endangered and Threatened Species: Take of Anadromous Fish**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice. Application for one new Enhancement of Survival Permit under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended.

**SUMMARY:** NMFS has received an application for a new Enhancement of Survival Permit and a request for entry into an associated proposed Safe Harbor Agreement (Agreement) between the applicant and NMFS. The proposed Enhancement of Survival Permit and Agreement are intended to promote the survival and recovery of Central California Coast (CCC) coho salmon (*Oncorhynchus kisutch*) and CCC steelhead (*O. mykiss*) listed as endangered and threatened, respectively, under the Endangered Species Act (ESA). Information NMFS received as a part of the application is available upon request by contacting the NMFS West Coast Region (WCR) at its California Coastal Office in Santa Rosa, California (see **FOR FURTHER INFORMATION CONTACT**).

**DATES:** Comments or requests for a public hearing on the action proposed in the application or related matters must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on July 18, 2018.

**ADDRESSES:** You may submit comments on this document and requests for a public hearing by any of the following methods. Please identify comments as relating to the “Kellogg Ranch Safe Harbor Agreement.”

*Electronic Submissions:* Submit all electronic comments via the Federal Rulemaking Portal. Go to <http://www.regulations.gov/>, click the “Comment Now!” icon, complete the

required fields, and enter, or attach your comments.

*Mail, Email, Fax:* Submit written comments and requests for a public hearing to California Coastal Office, NMFS WCR, 777 Sonoma Avenue Room 325, Santa Rosa, CA 95404. Comments and requests may also be submitted via fax to (707) 578-3435 or by email to [WCR-KelloggSHA.comments@noaa.gov](mailto:WCR-KelloggSHA.comments@noaa.gov).

*Instructions:* Comments sent by any other methods, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are part of the public record, and will generally be posted for public viewing on <http://www.regulations.gov> without change. All personally identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:** Dan Wilson, Santa Rosa, CA (Phone: (707) 578-8555, Fax: (707) 825-4840, email: [WCRKelloggRanchSHA.comments@noaa.gov](mailto:WCRKelloggRanchSHA.comments@noaa.gov))

**SUPPLEMENTARY INFORMATION:**

**Species Covered in This Notice**

The proposed Enhancement of Survival Permit and Agreement are intended to promote the survival and recovery of endangered CCC coho salmon and threatened CCC steelhead.

**Authority**

Enhancement of Survival Permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*), and regulations governing ESA-listed fish and wildlife permits (50 CFR parts 222-227). NMFS issues permits based on findings that such permits: (1) Were applied for in good faith; (2) if granted and exercised would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy set forth in section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Under a Safe Harbor Agreement, participating landowners voluntarily undertake management activities on their property to enhance, restore, or maintain habitat benefiting species listed under the ESA. Safe Harbor Agreements, and the subsequent Enhancement of Survival Permits that are issued pursuant to section

10(a)(1)(A) of the ESA, encourage private and other non-Federal property owners to implement conservation efforts for listed species by assuring property owners that they will not be subjected to increased property-use restrictions as a result of their efforts to attract listed species to their property and increase the numbers or distribution of these species already on their property. Application requirements and issuance criteria for Enhancement of Survival Permits through Safe Harbor Agreements are found in 50 CFR 222.308(b), 222.308(c), and the Announcement of Final Safe Harbor Policy published on June 17, 1999 (64 FR 32717). These permits allow any necessary future incidental take of covered species above the mutually agreed-upon baseline conditions for those species in accordance with the terms and conditions of the permits and accompanying agreements.

An interested party may submit data, views, arguments, or a request for a hearing with respect to the action proposed in the application or related matters. Anyone requesting a hearing on a matter pursuant to this notice should set out the specific reasons why a hearing on that matter would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

**Applications Received**

*Permit 22228*

Ms. Barbara Banke, Trustee of Barbara R. Banke Revocable Trust, (Applicant) is requesting an Enhancement of Survival Permit and approval of an associated proposed Agreement that was developed by NMFS and the Applicant. The Enhancement of Survival Permit will facilitate implementation of the Agreement that is expected to promote the recovery of the covered species on non-Federal property within the Yellowjacket Creek and Kellogg Creek on the Applicant’s Kellogg Ranch. Yellowjacket Creek and Kellogg Creek are tributaries to Redwood Creek, thence Maacama Creek, thence the Russian River in Sonoma County, California.

The proposed duration of the Agreement and the associated Enhancement of Survival Permit is 25 years. The proposed Enhancement of Survival Permit would authorize the incidental taking of CCC coho salmon and CCC steelhead that may be associated with covered activities including beneficial management activities, routine land use activities, and the potential future return of the