

January 30, 2003. In addition, the Department issued supplemental questionnaires to Beijing Dixon on March 21, April 3, and June 24, 2003.

Beijing Dixon provided responses to the Department's original and supplemental questionnaires on February 21, March 10, March 24, April 2, April 14, and July 15, 2003. Beijing Dixon continued to support its claim with respect to the date of its first U.S. entry of the subject merchandise. However, data placed on the record of this review indicated that Beijing Dixon may have had an additional entry of subject merchandise during the period of review (POR). See Memorandum from Thomas F. Futtner, Acting Director, AD/CVD Enforcement Group II, Office 4, to Holly A. Kuga, Acting Deputy Assistant Secretary, for Import Administration, entitled "Rescission of New Shipper Review for Beijing Dixon Ticonderoga Stationery Company, Ltd.: Certain Cased Pencils from the People's Republic of China," dated August 13, 2003 (Intent to Rescind Memorandum). On July 15, 2003, the Department extended the time limit for completion of the preliminary results of this antidumping duty new shipper review until no later than November 24, 2003. See *Certain Cased Pencils from the People's Republic of China: Extension of Time Limit for Preliminary Results of New Shipper Review*, 68 FR 43084 (July 21, 2003). On July 17, 2003, the Department issued a supplemental questionnaire to Beijing Dixon to determine whether Beijing Dixon had any additional entries of subject merchandise during the POR. On July 23, 2003, in its response to the Department's July 17 supplemental questionnaire, Beijing Dixon acknowledged the existence of the unreported entry of subject merchandise.

In a memorandum, dated August 13, 2003, we notified parties of our intention to rescind the new shipper review of Beijing Dixon because information on the record of this review demonstrates that Beijing Dixon did not comply with the requirements for requesting new shipper reviews that are set forth in section 351.214(b)(2) of the Department's regulations. See Intent to Rescind Memorandum. On August 25, 2003, both Beijing Dixon and certain petitioners in the proceeding<sup>1</sup> submitted comments in response to the

Department's Intent to Rescind Memorandum. In its comments, Beijing Dixon objected to the Department's intention to rescind the new shipper review, whereas, the petitioners, in their comments, supported the rescission of this review.

#### Rescission of Review

We have considered the information on the record of this review, including the comments of Beijing Dixon and the petitioners, and have reached a final determination to rescind this new shipper review because Beijing Dixon did not comply with the requirements for requesting new shipper reviews set forth in section 351.214(b)(2) of the Department's regulations. Specifically, Beijing Dixon did not provide documentation establishing the date of its first entry of subject merchandise during the POR, did not provide the certification from the producer of the pencils included in the unreported shipment that the producer did not export subject merchandise to the United States during the POI, and did not provide documentation establishing the date of the first sale to an unaffiliated customer in the United States. See sections 351.214(b)(2)(ii) and (iv) of the Department's regulations. Therefore, we find it appropriate to rescind the new shipper review of Beijing Dixon. For further details, see memorandum from Holly A. Kuga, Acting Deputy Assistant Secretary, for Import Administration, to James J. Jochum, Assistant Secretary for Import Administration, entitled "Final Rescission of the New Shipper Review of Certain Cased Pencils from the People's Republic of China for Beijing Dixon Ticonderoga Stationery Company, Ltd.," dated concurrently with this notice (Final Rescission Memorandum), which discusses the comments received from Beijing Dixon and the petitioners.

#### Cash Deposit Requirements

The Department will notify the U.S. Customs and Border Protection (CBP) that bonding is no longer permitted to fulfill security requirements for shipments of certain cased pencils from the PRC produced and exported by Beijing Dixon and entered, or withdrawn from warehouse, for consumption in the United States on or after the publication of this rescission notice in the **Federal Register**. The Department will further notify the CBP that a cash deposit of 114.90 percent ad valorem should be collected for such entries.

#### Notification to Interested Parties

This notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 351.305 (a)(3) of the Department's regulations. Timely written notification of the return/destruction of APO material 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 sanctions.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(2)(B) and 777(i) of the Tariff Act of 1930, as amended.

Dated: October 27, 2003.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

[FR Doc. 03-27689 Filed 11-3-03; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A 570-827]

#### Notice of Final Results of Antidumping Duty Changed Circumstances Review, and Determination to Revoke Order in Part: Certain Cased Pencils from the People's Republic of China

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

**ACTION:** Notice of final results of antidumping duty changed circumstances review and determination to revoke order in part.

**SUMMARY:** On September 22, 2003, the Department of Commerce (the Department) published a notice of initiation and preliminary results of an antidumping duty (AD) changed circumstances review with the intent to revoke, in part, the antidumping duty order on certain cased pencils (pencils) from the People's Republic of China (PRC). See *Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review and Intent to Revoke Order in Part: Certain Cased Pencils from the People's Republic of China*, 68 FR 55029 (September 22, 2003) (*Initiation and Preliminary Results*). We are now revoking this order, in part, with respect to pencils meeting the specifications described below, based on the fact that domestic parties have expressed no

<sup>1</sup> The petitioners in this proceeding are the Writing Instrument Manufacturers Association (formerly the Pencil Makers Association) and its members, including Dixon Ticonderoga Company. However, the interested parties participating in this review as the petitioners are Sanford Corporation, Musgrave Pencil Company, Moon Products, Inc., and General Pencil, Inc.

interest in the continuation of the order with respect to these particular pencils. See "Final Results of Review; Partial Revocation of Antidumping Duty Order" below. The Department will instruct the U.S. Customs and Border Protection (CBP) to liquidate, without regard to antidumping duties, all unliquidated entries of pencils meeting the specifications described below. Further, the Department will instruct CBP to refund with interest any estimated antidumping duties collected with respect to unliquidated entries of pencils meeting the specifications described below entered, or withdrawn from warehouse, for consumption on or after December 1, 2001. In addition, the Department will order the suspension of liquidation ended for the merchandise covered by this partial revocation, effective on the date of publication of this notice.

**EFFECTIVE DATE:** November 4, 2003.

**FOR FURTHER INFORMATION CONTACT:** Melissa Blackledge or Howard Smith, AD/CVD Enforcement, Group II, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-3518 and 482-5193, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On July 30, 2003, Accoutrements, a U.S. importer, filed a request with the Department to revoke the AD order on pencils from the PRC with respect to a large novelty pencil. See Accoutrements' letter to the Secretary, dated July 25, 2003 (*Accoutrements Request Letter*). Specifically, Accoutrements requested that the Department revoke the AD order with respect to imports meeting the following description: novelty jumbo pencil that is octagonal in shape, approximately fourteen inches long, one-and-one quarter inches in diameter, and three-and-three quarter inches in circumference, composed of turned wood imprinted with the word, ACCOUTREMENTS, and the number 2, on one side, encasing one-and-one half inches of sharpened lead on one end and a rubber eraser on the other end. See *Accoutrements Request Letter* at 1.

On August 11, 2003, the petitioner submitted a letter to the Department stating that it "would not support inclusion in the referenced antidumping duty order of a jumbo novelty pencil (approximately 1 foot long and 1 inch in diameter) that a company called Accoutrements is considering importing." On September 8, 2003, the

petitioner submitted a letter to the Department clarifying its August 11, 2003 submission. In its September 8, 2003, letter, the petitioner submitted the following proposed scope language with respect to the above-mentioned jumbo novelty pencil: "Also excluded from the scope of the order are pencils with all of the following physical characteristics: 1) length: 14 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 response to the Department's invitation to comment on the preliminary results, on October 6, 2003, Accoutrements submitted a letter to the Department in which it requested that the Department change the proposed scope language from 14 or more inches to 13.5 or more inches, "in order to cover possible manufacturing variances from production run to production run." On October 15, 2003, the petitioner submitted a letter to the Department in which it stated that it did not object to Accoutrements' requested change in the scope language.

**New Scope Based on this Changed Circumstances Review**

Imports covered by this order are shipments of certain cased pencils of any shape or dimension (except as noted 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 classified 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.

Although the HTSUS subheading is provided for convenience and customs

purposes our written description of the scope of the order is dispositive.

**Partial Revocation of Antidumping Duty Order**

The petitioner has expressed no interest in continuing the AD order on pencils from the PRC with respect to pencils with all 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. The affirmative statement of no interest by the petitioner concerning pencils meeting the above specifications constitutes changed circumstances sufficient to warrant partial revocation of this order. Therefore, the Department is partially revoking the order on pencils from the PRC with regard to the pencils meeting the specifications described above, in accordance with sections 751(b), 751(d)(1), and 782(h)(2) of the Tariff Act of 1930, as amended (the Act), and 19 C.F.R. §351.222(g)(1). The Department has modified the scope of the AD order on pencils from the PRC to exclude the pencils described above.

In accordance with 19 C.F.R. §351.222(g)(4), the Department will order the suspension of liquidation ended for pencils meeting the specifications described above, effective on the date of publication of this notice. The Department will further instruct CBP to refund with interest any estimated antidumping duties collected with respect to unliquidated entries of pencils meeting the specifications described above entered, or withdrawn from warehouse, for consumption on or after December 1, 2001 (*i.e.*, any entries after the last day of the period covering the last completed administrative review), in accordance with section 778 of the Act. In addition, the Department will instruct CBP to liquidate, without regard to antidumping duties, all unliquidated entries of pencils meeting the specifications described above entered, or withdrawn from warehouse, for consumption on or after December 1, 2001.

**Administrative Protective Order**

This notice serves as a 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 C.F.R. §351.306. 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 changed circumstances review, partial revocation of the antidumping duty order and notice are in accordance with sections 751(b), 751(d)(1), and 782(h)(2) of the Act and 19 C.F.R. §351.216(e) and §351.222(g).

Dated: October 27, 2003.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

[FR Doc. 03-27690 Filed 11-3-03; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-836]

#### **Glycine from the People's Republic of China: Notice of Extension of Time Limit for Preliminary Results of Antidumping Duty New Shipper Review**

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

**EFFECTIVE DATE:** November 4, 2003.

**FOR FURTHER INFORMATION CONTACT:** Matthew Renkey or Scot Fullerton, Office of AD/CVD Enforcement VII, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington DC 20230; telephone: (202) 482-2312 or (202) 482-1386, respectively.

**SUPPLEMENTARY INFORMATION:**

#### **Background**

In accordance with section 351.214(b)(2) of the Department's regulations, on March 26, 2003, the Department received a timely and properly filed request from Hebei New Donghua Amino Acid Co., Ltd. (New Donghua), for a new shipper review of its exports of glycine to the United States. On April 30, 2003, the Department initiated a new shipper review of the antidumping duty order on glycine from the People's Republic of China for the period of review of March 1, 2002 through February 28, 2003 (68 FR 23962, May 6, 2003).

#### **Extension of Time Limit for Preliminary Results**

Section 351.214(i)(1) of the Department's regulations requires the Department to issue preliminary results of a new shipper review within 180 days of the date of initiation. However, if the Secretary concludes that a new shipper review is extraordinarily

complicated, the Secretary may extend the 180-day period to 300 days under section 351.214(i)(2) of the Department's regulations. Because of the complex nature of New Donghua's ownership structure and the resultant need to gather additional information and conduct further analysis into this area, we find this review to be extraordinarily complicated.

Accordingly, the Department is extending the time limit for the completion of the preliminary results to 300 days after the date of initiation, in accordance with section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (the Act), and section 351.214(I)(2) of the Department's regulations. Therefore, the due date for the preliminary results is now no later than February 24, 2004. The final results will in turn be due 90 days after the date of issuance of the preliminary results, unless extended.

This notice is issued and published pursuant to sections 751(a)(1) and 777 (I) (1) of the Act.

Dated: October 17, 2003.

**Joseph A. Spetrini,**

*Deputy Assistant Secretary for Import Administration, Group III.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-820]

#### **Certain Hot-Rolled Carbon Steel Flat Products from India: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review**

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

**EFFECTIVE DATE:** November 4, 2003.

**FOR FURTHER INFORMATION CONTACT:** Timothy Finn or Kevin Williams, AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-0065 or (202) 482-2371, respectively.

#### **Time Limits**

##### *Statutory Time Limits*

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department of Commerce (the Department) to make a preliminary determination within 245 days after the last day of the anniversary month of an order or finding for which a review is

requested and a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Act allows the Department to extend the 245-day time limit for the preliminary determination to a maximum of 365 days and the time limit for the final determination to 180 days (or 300 days if the Department does not extend the time limit for the preliminary determination) from the date of publication of the preliminary determination.

#### **Background**

On January 22, 2003, the Department published a notice of initiation of an administrative review of the antidumping duty order on certain hot-rolled carbon steel flat products from India, covering the period May 3, 2001 through November 30, 2002. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 68 FR 3009. On August 27, 2003 the Department published a notice of an extension of the time limit for the preliminary results of the review until November 3, 2003. *See Certain Hot-Rolled Carbon Steel Flat Products from India; Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review*, 68 FR 51557.

#### **Extension of Time Limit for Preliminary Results of Review**

We determine that it is not practicable to complete the preliminary results of this review by the current due date of November 3, 2003. Therefore, the Department is further extending the time limit for completion of the preliminary results by 42 days until no later than December 15, 2003. *See Decision Memorandum from Thomas F. Futtner to Holly A. Kuga*, dated concurrently with this notice, which is on file in the Central Records Unit, Room B-099 of the Department's main building. We intend to issue the final results no later than 120 days after the publication of the preliminary results notice.

This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: October 27, 2003.

**Holly A. Kuga,**

*Acting Deputy Assistant Secretary for Import Administration, Group II.*

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