

fulfillment of the publication requirements of *Timken*, with an effective date of January 29, 2010, (*i.e.*, 10 days following the CIT's ruling). The Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the CIT's ruling is not appealed or, if appealed, upheld by the CAFC, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on entries of the subject merchandise during the POR from ICDAS based on the revised assessment rates calculated by the Department.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: February 12, 2010.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

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**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-843]

#### Certain Lined Paper Products from India: Notice of Final Results of Antidumping Duty Administrative Review

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

**SUMMARY:** On October 7, 2009, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of the antidumping duty administrative review for certain lined paper products from India (CLPP). See *Certain Lined Paper Products From India: Notice of Preliminary Results of Antidumping Duty Administrative Review*, 74 FR 51558 (October 7, 2009) (*Preliminary Results*). This review covers 25 manufacturers and exporters of the subject merchandise.<sup>1</sup> As a result of our

analysis of the comments received, these final results differ from the *Preliminary Results*.

For our final results, we continue to find that Navneet and Blue Bird made sales of subject merchandise at less than normal value (NV). In addition, based on the final results for Navneet, we have determined a weighted-average margin for those companies that were not selected for individual review.

**DATES:** *Effective Date:*

February 22, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Stephanie Moore (Navneet, and non-selected companies) and Cindy Robinson (Blue Bird), AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3692, (202) 482-3797, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On November 25, 2008, the Department selected Kejriwal and Blue Bird as companies to be individually examined in this second administrative review of the antidumping duty order on CLPP from India. See Memorandum to Melissa Skinner from George McMahon titled "Certain Lined Paper Products from India: Selection of Respondents for Individual Review" (Respondent Selection Memo), dated November 25, 2008. On December 22, 2008, both Kejriwal and petitioner timely withdrew their requests for a review of Kejriwal. On January 9, 2009, after we determined that we would rescind the review with respect to Kejriwal, we selected Navneet as a mandatory respondent.

On October 7, 2009, the Department published the *Preliminary Results*. As noted in the *Preliminary Results*, Blue Bird withheld requested information, significantly impeded the proceeding, and failed to cooperate to the best of its ability. Therefore, pursuant to sections 776(a)(2)(A) and (C) and 776(b) of the Tariff Act of 1930, as amended (the Act), the Department preliminarily determined that the use of facts available for Blue Bird was appropriate, and assigned a rate of 72.96 percent, which was based on the highest margin

preliminarily calculated for Navneet in this review.

**Comments from Interested Parties**

We invited parties to comment on our *Preliminary Results*. Case briefs were filed November 20, 2009, by Navneet, and Blue Bird; November 24, 2009, by petitioner; and on November 25, 2009, by IScholar, Inc., an importer of subject merchandise from respondent Blue Bird. On December 4, 2009, petitioner and Navneet filed rebuttal briefs.

**Scope of the Order**

The scope of this order includes certain lined paper products, typically school supplies (for purposes of this scope definition, the actual use of or labeling these products as school supplies or non-school supplies is not a defining characteristic) composed of or including paper that incorporates straight horizontal and/or vertical lines on ten or more paper sheets (there shall be no minimum page requirement for loose leaf filler paper) including but not limited to such products as single- and multi-subject notebooks, composition books, wireless notebooks, loose leaf or glued filler paper, graph paper, and laboratory notebooks, and with the smaller dimension of the paper measuring 6 inches to 15 inches (inclusive) and the larger dimension of the paper measuring 8-3/4 inches to 15 inches (inclusive). Page dimensions are measured size (not advertised, stated, or "tear-out" size), and are measured as they appear in the product (*i.e.*, stitched and folded pages in a notebook are measured by the size of the page as it appears in the notebook page, not the size of the unfolded paper). However, for measurement purposes, pages with tapered or rounded edges shall be measured at their longest and widest points. Subject lined paper products may be loose, packaged or bound using any binding method (other than case bound through the inclusion of binders board, a spine strip, and cover wrap). Subject merchandise may or may not contain any combination of a front cover, a rear cover, and/or backing of any composition, regardless of the inclusion of images or graphics on the cover, backing, or paper. Subject merchandise is within the scope of this order whether or not the lined paper and/or cover are hole punched, drilled, perforated, and/or reinforced. Subject merchandise may contain accessory or informational items including but not limited to pockets, tabs, dividers, closure devices, index cards, stencils, protractors, writing implements, reference materials such as mathematical tables, or printed items

<sup>1</sup> On September 29, 2008, the Department received a timely request for an administrative review filed on behalf of Kejriwal Paper Limited (Kejriwal) and a timely request for an administrative review filed on behalf of Navneet Publications (India) Ltd., (Navneet). On September 30, 2008, the Department received a timely request for an administrative review of the following 25 companies, filed on behalf of the Association of American School Paper Suppliers (Petitioner), a domestic interested party: Agility Logistics Pvt. Ltd., Blue Bird (India) Limited (Blue Bird), Ceal Shipping Logistics Pvt. Ltd., Cello International Pvt. Ltd., Corporate Stationary Pvt. Ltd., Creative Divya,

Exel India Pvt. Ltd., FFI International, Global Art India Inc., International Greetings Pvt. Ltd., Karim General Handmade Paper DIAR, Kejriwal Exports, M/S Super ImpEx., Magic International, Marigold ExIm Pvt. Ltd., Marisa International, Navneet, Pentagon Waterlines Pvt. Ltd., Pioneer Stationery Pvt. Ltd., Rajvansh International, Riddhi Enterprises, SAB International, TKS Overseas, Unlimited Accessories Worldwide, and V. Joshi Co.

such as sticker sheets or miniature calendars, if such items are physically incorporated, included with, or attached to the product, cover and/or backing thereto.

Specifically excluded from the scope of this order are:

- unlined copy machine paper;
- writing pads with a backing (including but not limited to products commonly known as “tablets,” “note pads,” “legal pads,” and “quadrille pads”), provided that they do not have a front cover (whether permanent or removable). This exclusion does not apply to such writing pads if they consist of hole-punched or drilled filler paper;
- three-ring or multiple-ring binders, or notebook organizers incorporating such a ring binder provided that they do not include subject paper;
- index cards;
- printed books and other books that are case bound through the inclusion of binders board, a spine strip, and cover wrap;
- newspapers;
- pictures and photographs;
- desk and wall calendars and organizers (including but not limited to such products generally known as “office planners,” “time books,” and “appointment books”);
- telephone logs;
- address books;
- columnar pads & tablets, with or without covers, primarily suited for the recording of written numerical business data;
- lined business or office forms, including but not limited to: pre-printed business forms, lined invoice pads and paper, mailing and address labels, manifests, and shipping log books;

- lined continuous computer paper;
- boxed or packaged writing stationary (including but not limited to products commonly known as “fine business paper,” “parchment paper,” and “letterhead”), whether or not containing a lined header or decorative lines;
- Stenographic pads (“steno pads”), Gregg ruled (“Gregg ruling” consists of a single- or double-margin vertical ruling line down the center of the page. For a six-inch by nine-inch stenographic pad, the ruling would be located approximately three inches from the left of the book), measuring 6 inches by 9 inches;

Also excluded from the scope of this order are the following trademarked products:

- <sup>TM</sup> Fly lined paper products: A notebook, notebook organizer, loose or glued note paper, with papers that are printed with infrared reflective inks and

readable only by a Fly<sup>TM</sup> pen-top computer. The product must bear the valid trademark Fly<sup>TM</sup> (products found to be bearing an invalidly licensed or used trademark are not excluded from the scope).

- Zwipes<sup>TM</sup>: A notebook or notebook organizer made with a blended polyolefin writing surface as the cover and pocket surfaces of the notebook, suitable for writing using a specially-developed permanent marker and erase system (known as a Zwipes<sup>TM</sup> pen). This system allows the marker portion to mark the writing surface with a permanent ink. The eraser portion of the marker dispenses a solvent capable of solubilizing the permanent ink allowing the ink to be removed. The product must bear the valid trademark Zwipes<sup>TM</sup> (products found to be bearing an invalidly licensed or used trademark are not excluded from the scope).

- FiveStar<sup>®</sup> Advance<sup>TM</sup>: A notebook or notebook organizer bound by a continuous spiral, or helical, wire and with plastic front and rear covers made of a blended polyolefin plastic material joined by 300 denier polyester, coated on the backside with PVC (poly vinyl chloride) coating, and extending the entire length of the spiral or helical wire. The polyolefin plastic covers are of specific thickness; front cover is 0.019 inches (within normal manufacturing tolerances) and rear cover is 0.028 inches (within normal manufacturing tolerances). Integral with the stitching that attaches the polyester spine covering, is captured both ends of a 1” wide elastic fabric band. This band is located 2–3/8” from the top of the front plastic cover and provides pen or pencil storage. Both ends of the spiral wire are cut and then bent backwards to overlap with the previous coil but specifically outside the coil diameter but inside the polyester covering. During construction, the polyester covering is sewn to the front and rear covers face to face (outside to outside) so that when the book is closed, the stitching is concealed from the outside. Both free ends (the ends not sewn to the cover and back) are stitched with a turned edge construction. The flexible polyester material forms a covering over the spiral wire to protect it and provide a comfortable grip on the product. The product must bear the valid trademarks FiveStar<sup>®</sup> Advance<sup>TM</sup> (products found to be bearing an invalidly licensed or used trademark are not excluded from the scope).

- FiveStar Flex<sup>TM</sup>: A notebook, a notebook organizer, or binder with plastic polyolefin front and rear covers joined by 300 denier polyester spine cover extending the entire length of the

spine and bound by a 3-ring plastic fixture. The polyolefin plastic covers are of a specific thickness; front cover is 0.019 inches (within normal manufacturing tolerances) and rear cover is 0.028 inches (within normal manufacturing tolerances). During construction, the polyester covering is sewn to the front cover face to face (outside to outside) so that when the book is closed, the stitching is concealed from the outside. During construction, the polyester cover is sewn to the back cover with the outside of the polyester spine cover to the inside back cover. Both free ends (the ends not sewn to the cover and back) are stitched with a turned edge construction. Each ring within the fixture is comprised of a flexible strap portion that snaps into a stationary post which forms a closed binding ring. The ring fixture is riveted with six metal rivets and sewn to the back plastic cover and is specifically positioned on the outside back cover. The product must bear the valid trademark FiveStar Flex (products found to be bearing an invalidly licensed or used trademark are not excluded from the scope).

Merchandise subject to this order is typically imported under headings 4810.22.5044, 4811.90.9050, 4811.90.9090, 4820.10.2010, 4820.10.2020, 4820.10.2030, 4820.10.2040, 4820.10.2050, 4820.10.2060, and 4820.10.4000 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS headings are provided for convenience and customs purposes; however, the written description of the scope of the order is dispositive.

#### Period of Review

The period of review (POR) is September 1, 2007, through August 31, 2008.

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the accompanying Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues which parties have raised, and to which we have responded in the Issues and Decision Memorandum, is attached to this notice as an Appendix. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the Issues and Decision Memorandum are identical in content. As a result of comments received and our analysis, we have

made changes to the margin calculations.

#### Final Results of Review:

We determine that the following weighted-average margins exist:

Manufacturer/Exporter	Weighted Average Margin (percent)
Navneet Publications (India) Ltd. ....	1.34
Blue Bird .....	72.03

Review-Specific Average Rate  
Applicable to the 22 Non-Selected  
Companies Subject to This Review:

Manufacturer/Exporter	Weighted Average Margin (percent)
Agility Logistics Pvt. Ltd.	1.34
Ceal Shipping Logistics Pvt. Ltd. ....	1.34
Cello International Pvt. Ltd. ....	1.34
Corporate Stationary Pvt. Ltd. ....	1.34
Creative Divya .....	1.34
Exel India Pvt. Ltd. ....	1.34
FFI International .....	1.34
Global Art India Inc. ....	1.34
International Greetings Pvt. Ltd. ....	1.34
Karim General Hand-made Paper DIAR .....	1.34
M/S Super ImpEx. ....	1.34
Magic International .....	1.34
Marigold ExIm Pvt. Ltd.	1.34
Marisa International .....	1.34
Pentagon Waterlines Pvt. Ltd. ....	1.34
Pioneer Stationery Pvt. Ltd. ....	1.34
Rajvansh International ..	1.34
Riddhi Enterprises .....	1.34
SAB International .....	1.34
TKS Overseas .....	1.34
Unlimited Accessories Worldwide .....	1.34
V. Joshi Co. ....	1.34

#### Assessment Rates

Pursuant to these final results, the Department has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of the antidumping margins calculated for the examined sales to the total entered value of the examined sales for that importer. Where the assessment rate is above *de minimis*, we will instruct CBP to assess duties on all entries of subject merchandise by that importer. 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). The Department intends to issue assessment instructions directly to CBP 15 days after publication of the final results of this review.

The Department clarified its “automatic assessment” regulation on May 6, 2003. See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954, (May 6, 2003) (*Assessment Policy Notice*). This clarification applies to POR entries of subject merchandise produced by companies examined in this review (i.e., companies for which a dumping margin was calculated) where the companies did not know that their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the 3.91 percent all-others rate for India if there is no company-specific rate for an intermediary company(ies) involved in the transaction. See *Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Lined Paper Products from the People’s Republic of China; Notice of Antidumping Duty Orders: Certain Lined Paper Products from India, Indonesia and the People’s Republic of China; and Notice of Countervailing Duty Orders: Certain Lined Paper Products from India and Indonesia*, 71 FR 56949 (September 28, 2006) (*Lined Paper Orders*). See also *Assessment Policy Notice*, 68 FR at 23954.

#### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of these final results for all shipments of CLPP from India 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) of the Act: (1) for companies covered by this review, the cash deposit rate will be the rate listed above; (2) for previously reviewed or investigated companies other than those covered by this review, the cash deposit rate will be the company-specific rate established for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the producer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the subject merchandise; and (4) if neither the exporter nor the producer is a firm covered in this review, a prior review, or the investigation, the cash deposit rate will be 3.91 percent, the all-others rate established in the less-than-fair-value investigation. These deposit

requirements, when imposed, shall remain in effect until further notice.

#### Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent increase in antidumping duties by the amount of antidumping and/or countervailing duties reimbursed.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Secretary’s presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties. See 19 CFR 351.402(f)(3).

#### Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under 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 the terms of an APO is a sanctionable violation.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 4, 2010.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

## APPENDIX I

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

### Company-Specific Issues

#### Blue Bird

#### IScholar

*Comment 1: Whether the Transaction-Specific Margin Assigned to Blue Bird Is Aberrational*

#### Navneet

*Comment 2: Whether to Use the Invoice Date or Purchase Order Date for U.S. Sales*

*Comment 3: Navneet's Model Match Sub-Codes*

*Comment 4: Offset of Countervailing Duty Duties*

*Comment 5: Levels of Trade*

*Comment 6: Treatment of*

*Merchandising Expense*

*Comment 7: Treatment of Negative Dumping Margins (Zeroing)*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-878]

#### Saccharin from the People's Republic of China: Final Results of Changed Circumstances Review

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

**SUMMARY:** The Department of Commerce ("Department") published its preliminary results of changed circumstances review for saccharin from the People's Republic of China in ("PRC") on December 1, 2009.<sup>1</sup> We invited interested parties to comment on our preliminary results. No parties commented on our preliminary results. Therefore, the preliminary results are hereby adopted as the final results.

**DATES:** *Effective Date:*

February 22, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Giselle Cubillos or Charles Riggle, AD/CVD Operations, Office 8, Import Administration, International Trade

<sup>1</sup> See *Saccharin from the People's Republic of China: Preliminary Results of Changed Circumstances Review*, 74 FR 62745 (December 1, 2009) ("Preliminary Results").

Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1778 and (202) 482-0650, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

On July 9, 2003, the Department published in the **Federal Register** an antidumping duty order on saccharin from the PRC.<sup>2</sup> On June 8, 2009, the Department published in the **Federal Register** the notice of continuation of antidumping duty order on saccharin from the PRC.<sup>3</sup> On June 4, 2009, the Department received a request on behalf of PMC Specialties Group, Inc. ("PMCSG") for a changed circumstances review to revoke the antidumping duty order on saccharin from the PRC. PMCSG claimed that, as the sole domestic producer of saccharin, it no longer had an interest in the *Saccharin Order*. As part of its submission, PMCSG requested that the Department combine the notice of initiation with the preliminary results to revoke the *Saccharin Order*.

On July 9, 2009, the Department received a letter opposing the request for a changed circumstances review from Kinetic Industries ("Kinetic").<sup>4</sup> Kinetic claimed that it produces saccharin through a third party toller in the United States and that both parties, Kinetic and its toll producer, are interested parties as domestic producers of saccharin. Both Kinetic and its toll producer requested that the Department not issue expedited preliminary results in this changed circumstances review.

On July 23, 2009, the Department published in the **Federal Register** a notice of initiation of changed circumstances review for saccharin from the PRC. On July 23, 2009, the Department also issued questionnaires to PMCSG, Kinetic, and Kinetic's toller to solicit relevant information and fully evaluate the request to revoke the *Saccharin Order*, as well as the arguments against revocation. On July 24, 2009, the Department issued a letter to Kinetic and its toller notifying them that the Department could not grant

<sup>2</sup> See *Notice of Antidumping Duty Order: Saccharin from the People's Republic of China*, 68 FR 40906 (June 9, 2003) ("Saccharin Order").

<sup>3</sup> See *Continuation of Antidumping Duty Order on Saccharin from the People's Republic of China*, 74 FR 27089 (June 8, 2009).

<sup>4</sup> Although Kinetic filed a letter opposing PMCSG's request for changed circumstances review on July 2, 2009, the Department rejected that letter because it did not contain the appropriate certifications. The Department requested that Kinetic re-file its submission by July 10, 2009. On July 9, 2009, Kinetic refiled its submission with the appropriate certifications.

proprietary treatment to the toll producer's name if the toll producer wished to be an interested party to the proceeding, and that, should the toller wish to continue as an interested party, the toller would need to submit a revised notice of appearance without its name bracketed. The toller did not submit a revised notice of appearance.

On August 17, 2009, the Department received questionnaire responses from Kinetic and Kinetic's toller. The Department has not received any response from PMCSG. In addition, PMCSG indicated to the Department that it would not respond to the questionnaire.<sup>5</sup>

On September 4, 2009, Kinetic submitted a letter urging the Department to issue expedited negative preliminary results of the changed circumstances review and determine that domestic producers have affirmatively expressed an interest in maintaining the *Saccharin Order*. On October 26, 2009, PMCSG submitted a letter stating that it determined not to respond to the Department's July 23, 2009, questionnaire, and that it is PMCSG's position that the record contains substantial evidence that it is a commercial producer and accounts for all U.S. production.

On December 1, 2009, the Department published its preliminary results. No parties commented on our preliminary results.

#### Scope of the Order

The product covered by this antidumping duty order is saccharin. Saccharin is defined as a non-nutritive sweetener used in beverages and foods, personal care products such as toothpaste, table top sweeteners, and animal feeds. It is also used in metalworking fluids. There are four primary chemical compositions of saccharin: (1) Sodium saccharin (American Chemical Society Chemical Abstract Service ("CAS") Registry 128-44-9); (2) calcium saccharin (CAS Registry 6485-34-3); (3) acid (or insoluble) saccharin (CAS Registry 81-07-2); and (4) research grade saccharin. Most of the U.S.-produced and imported grades of saccharin from the PRC are sodium and calcium saccharin, which are available in granular, powder, spray-dried powder, and liquid forms. The merchandise subject to this order is currently classifiable under subheading 2925.11.00 of the *Harmonized Tariff Schedule of the United States*

<sup>5</sup> See Memorandum to The File, "Changed Circumstances Review of Saccharin from the People's Republic of China: Phone Call to Wiley Rein LLP" (August 28, 2009).