

Signed at Washington, DC, this 22nd day of June 2010.

**Paul Piquado,**

*Acting Deputy Assistant Secretary for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.*

Attest:

**Elizabeth Whiteman,**

*Acting Executive Secretary.*

[FR Doc. 2010-16202 Filed 7-6-10; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-863]

#### **Honey From the People's Republic of China: Extension of Time Limit for the Preliminary Results for New Shipper Review**

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

**DATES:** *Effective Date:* July 7, 2010.

**FOR FURTHER INFORMATION CONTACT:** Josh Startup, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-5260.

#### **Background**

On February 4, 2010, the Department of Commerce ("Department") initiated this new shipper review of the antidumping duty order on honey from the People's Republic of China ("PRC"), covering the period December 1, 2008, through November 30, 2009. *See Honey from the People's Republic of China: Initiation of New Shipper Antidumping Duty Reviews*, 75 FR 5764 (February 4, 2010) ("*Initiation*"). The preliminary results of this new shipper review were due no later than July 28, 2010.

On February 12, 2010, the Department exercised its discretion to toll the deadlines for all Import Administration cases by seven calendar days due to the February 5, through February 12, 2010, Federal Government closure. *See* "Memorandum to the Record from Ronald Lorentzen, DAS for Import Administration, regarding 'Tolling of Administrative Deadlines as a Result of the Government Closure During the Recent Snowstorm,'" dated February 12, 2010. As a result, the preliminary results of this new shipper review are currently due on August 4, 2010.

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

Section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended ("the Act"), and

19 CFR 351.214(i)(1) require the Department to issue the preliminary results of a new shipper review within 180 days after the date on which the new shipper review was initiated and final results of a review within 90 days after the date on which the preliminary results were issued. The Department may, however, extend the time period for completion of the preliminary results of a new shipper review to 300 days if it determines that the case is extraordinarily complicated. *See* section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(i)(2).

The Department has determined that the review is extraordinarily complicated as the Department must gather additional publicly available information, issue additional supplemental questionnaires, and allow time for parties to comment on those responses. Based on the timing of the case and the additional information that must be gathered, the preliminary results of this new shipper review cannot be completed within the 180 day time limit. Accordingly, the Department is extending the time limit for the completion of the preliminary results of this new shipper review by 90 days. The preliminary results will now be due no later than November 2, 2010 in accordance with section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(i)(2). The final results will, in turn, be due 90 days after the date of issuance of the preliminary results, unless extended.

This notice is published pursuant to sections 751(a)(2)(B)(iv) and 777(i)(1) of the Act.

Dated: June 30, 2010.

**John M. Andersen,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2010-16512 Filed 7-6-10; 8:45 am]

**BILLING CODE 3510-DS-P**

## 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 December 22, 2009, the Department of Commerce (the "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, 2007, through November 30, 2008. *See Certain Cased Pencils From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review*, 74 FR 68047 (December 22, 2009) ("*Preliminary Results*"). We gave the interested parties an opportunity to comment on the *Preliminary Results*. After reviewing the interested parties' comments, we made changes to our calculations for the final results of the review. The final dumping margin for this review is listed in the "Final Results of the Review" section below.

**DATES:** *Effective Date:* July 7, 2010.

**FOR FURTHER INFORMATION CONTACT:** Alexander Montoro or Joseph Shuler, 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) 482-0238 or (202) 482-1293, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Following the *Preliminary Results*, the Department issued additional supplemental questionnaires to mandatory respondent China First Pencil Co., Ltd. ("China First") on December 28, 2009 and January 19, 2010. China First responded on January 11, 2010, and January 20, 2010, respectively. The Department also issued an additional supplemental questionnaire to Shanghai Three Star Stationery Industry Co., Ltd. ("Three Star"), the other mandatory respondent, on December 22, 2009 and received a response on December 29, 2009.

China First and Three Star submitted post-preliminary surrogate value comments on January 12, 2010.

On February 11, 2010, Beijing Dixon Stationery Company Ltd. ("Dixon") submitted a case brief and, on February 19, 2010, China First, Three Star, and Orient International Holding Shanghai Foreign Trade Co., Ltd. ("SFTC") submitted a joint case brief. None of the parties requested a hearing.

As explained in the memorandum from the Deputy Assistant Secretary for Import Administration, the Department exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from February 5, through February 12, 2010. Thus, all deadlines in this segment of the proceeding were extended by seven days. The revised deadline for the final results of this administrative review was thus extended to April 28, 2010. *See*

Memorandum to the Record from Ronald Lorentzen, DAS for Import Administration, regarding “Tolling of Administrative Deadlines As a Result of the Government Closure During the Recent Snowstorms,” dated February 12, 2010.

On April 21, 2010, the Department published in the **Federal Register** an extension of the time limit for the completion of the final results of this review until no later than May 28, 2010, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (“the Act”), and 19 CFR 351.213(h)(2). See *Certain Cased Pencils From the People’s Republic of China: Extension of Time Limit for the Final Results of Antidumping Duty Administrative Review*, 75 FR 20815 (April 21, 2010).

On May 27, 2010, the Department published in the **Federal Register** an extension of the time limit for the completion of the final results of this review until no later than June 28, 2010, in accordance with section 751(a)(3)(A) of the Act, and 19 CFR 351.213(h)(2). See *Certain Cased Pencils From the People’s Republic of China: Extension of Time Limit for the Final Results of Antidumping Duty Administrative Review*, 75 FR 29720 (May 27, 2010).

On June 9, 2010, the Department notified parties that as a result of the recent decision in *Dorbest Limited et. al. v. United States*, No. 2009–1257,–1266 (Fed. Cir. May 14, 2010), issued by the United States Court of Appeals for the Federal Circuit (“CAFC”), the Department would be reconsidering its valuation of the labor wage rate in this review. The Department placed export data on the record of the review and gave parties until June 14, 2010 to comment on the narrow issue of the labor wage value in light of the CAFC’s decision. On June 11, 2010, the Department placed additional export data on the record, and extended the deadline for parties to comment until June 16, 2010. On June 16, 2010, China First, Three Star and SFTC, submitted comments and additional data regarding the wage rate issue. The Department, on June 21, 2010, placed on the record further data regarding the wage rate issue.

### 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.

### Analysis of Comments Received

All issues raised in the case briefs are addressed in the “Issues and Decision Memorandum for the 2007–2008 Administrative Review of Certain Cased Pencils from the People’s Republic of China” (“Issues and Decision Memorandum”), which is dated concurrently with and hereby adopted

by this notice. A list of the issues which 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 which is on file in the Central Records Unit in room 1117 in the main Department building, and is accessible on the web at <http://www.ia.ita.doc.gov/frn>. The paper copy and electronic version of the memorandum are identical in content.

### Changes Since the Preliminary Results

Based on our analysis of the comments received, we made the following changes in calculating dumping margins: (1) We made changes to the surrogate value calculation for China First’s and Three Star’s labor costs; (2) we changed the surrogate value for slats, using slat prices from “Paper and Stationery”<sup>1</sup> instead of U.S. prices for basswood lumber from “Hardwood Market Report;” (3) we changed the surrogate value for cores, using core prices from “Paper and Stationery” instead of Indian import data from World Trade Atlas; (4) based on China First’s January 12 and 20, 2010 fifth and sixth supplemental questionnaire responses, we adjusted the supplier distances used in calculating freight costs from those used in the *Preliminary Results*; (5) we made corrections to certain ministerial errors made in the *Preliminary Results* relating to the paperboard surrogate value. For further details, see “Analysis for the Final Results of Antidumping Duty Administrative Review of Certain Cased Pencils from the People’s Republic of China: Shanghai Three Star Stationery Industry Co., Ltd.,” “Analysis for the Final Results of Antidumping Duty Administrative Review of Certain Cased Pencils from the People’s Republic of China: China First Pencil Co., Ltd.,” and “2007–2008 Antidumping Duty Administrative Review of Certain Cased Pencils from the People’s Republic of China: Factor Valuation for the Final Results” memoranda, all dated May 28, 2010.

### Final Results of the Review

We determine that the following margins exist for the period December 1, 2007, through November 30, 2008:

Manufacturer/exporter	Margin (percent)
China First Pencil Company, Ltd.	

<sup>1</sup> “Pencil Industry in India—A Robust Future,” Divya Jha, in “Paper & Stationery Samachar” (Delhi

November 2008), an Indian trade journal, attached as Exhibit SV–3A to China First and Three Star’s

November 20, 2009 Surrogate Value submission (“Paper and Stationery”).

Manufacturer/exporter	Margin (percent)
(which includes subsidiaries Shanghai First Writing Instrument Co., Ltd.; Shanghai Great Wall Pencil Co., Ltd.; and China First Pencil Fang Zheng Co., Ltd.) .....	01.00
Shanghai Three Star Stationery Industry Co., Ltd .....	06.10
Beijing Dixon Stationery Company Ltd. ....	03.55
Orient International Holding Shanghai Foreign Trade Corporation .....	03.55
Shandong Rongxin Import and Export Co., Ltd. ....	03.55
PRC-wide Entity <sup>2</sup> .....	114.90

<sup>2</sup> The PRC-wide entity includes Guangdong Stationery, Tianjin Wood, and Anhui I&E.

As noted in the *Preliminary Results*, six respondents subject to this review were not selected as mandatory respondents. Of these non-mandatory respondents, Dixon filed its separate rate certification on March 2, 2009, and Shandong Rongxin Import and Export Co., Ltd. (“Rongxin”) and SFTC both filed separate rate certifications on March 4, 2009. In our analysis of the information on the record regarding SFTC, Rongxin, and Dixon, we found no information indicating the existence of government control of each company’s export activities. See Dixon’s submission of March 2, 2009 and Rongxin’s and SFTC’s submissions of March 4, 2009. Consequently, we determine that SFTC, Rongxin, and Dixon have met the criteria for the application of a separate rate. The remaining three non-mandatory respondents, Guangdong Provincial Stationery & Sporting Goods Import & Export Corporation (“Guangdong Stationery”), Tianjin Custom Wood Processing Co., Ltd. (“Tianjin Wood”), and Anhui Import & Export Co., Ltd. (“Anhui I&E”), did not submit either a separate rates certification or application. Consequently, Anhui I&E, Guangdong Stationery, and Tianjin Wood have not satisfied the criteria for separate rates for the POR and are considered as being part of the PRC-wide entity.

As stated above, SFTC, Rongxin, and Dixon qualify for a separate rate in this review. Moreover, we did not select SFTC, Rongxin, or Dixon as mandatory respondents in this review. Therefore, SFTC, Rongxin, and Dixon are being assigned dumping margins based on the calculated margins of mandatory respondents, in accordance with Department practice. Accordingly, we have assigned SFTC, Rongxin, and Dixon the simple-average of the dumping margins assigned to the China First and Three Star.

#### 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 the 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.

China First and Three Star did not report entered values for their 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 are *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculated importer (or customer)-specific *ad valorem* ratios based on the estimated entered value. Where an importer-specific (or customer-specific) rate is *de minimis* (i.e., less than 0.50 percent), the Department will instruct CBP to liquidate that importer’s (or customer’s) entries of subject merchandise without regard to antidumping duties.

For companies receiving a separate rate that were not selected for individual review (i.e., Dixon, Rongxin, and SFTC), we calculated an assessment rate based on the simple-average of the cash deposit rates calculated for companies selected for individual review, where those rates were not *de minimis* or based on adverse facts available, in accordance with Department practice.

With respect to the PRC-wide entity (including Guangdong Stationery, Tianjin Wood, and Anhui I&E), we will instruct CBP to liquidate appropriate entries at PRC-wide rate of 114.90 percent.

#### 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) The cash deposit rates for the reviewed companies named above will be the rates for those firms established in the final results of this administrative review; (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 this review 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: June 28, 2010.

**Paul Piquado,**

*Acting Deputy Assistant Secretary for Import Administration.*

*Appendix—Issues in Decision Memorandum*

Comment 1: Appropriate Labor Rate

Comment 2: Surrogate Values

a. Slats

b. Cores

c. Lacquer

Comment 3: Correction of Clerical Errors: Use of Wrong Surrogate Value for Paperboard

Comment 4: Separate Rate Calculation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-896, A-821-819]

#### **Magnesium Metal From the People's Republic of China and the Russian Federation: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders**

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

**SUMMARY:** On March 1, 2010, the Department of Commerce (“the Department”) initiated sunset reviews of the antidumping duty orders on magnesium metal from the People's Republic of China (“PRC”) and the Russian Federation (“Russia”), pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”). On March 16, 2010, US Magnesium LLS, the petitioner in the magnesium metal investigation, notified the Department that it intended to participate in the PRC and Russia sunset reviews. The Department did not receive a substantive response from any respondent party in either review. Based on the notices of intent to participate and adequate responses filed by the domestic interested party, and the lack of response from any respondent interested party, the Department conducted expedited sunset reviews of the orders pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2). As a result of these sunset reviews, the Department finds that revocation of the orders would likely lead to continuation or recurrence of dumping, at the levels indicated in the “Final Results of Sunset Reviews” section of this notice, *infra*.

**DATES:** *Effective Date:* July 7, 2010.

#### **FOR FURTHER INFORMATION CONTACT:**

Frances Veith, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4295.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On March 1, 2010, the Department initiated sunset reviews of the Chinese and Russian antidumping duty orders on magnesium metal pursuant to section 751(c) of the Act. *See Initiation of Five-Year (“Sunset”) Review*, 75 FR 9160 (March 1, 2010); *see also Notice of Antidumping Duty Order: Magnesium Metal From the People's Republic of China*, 70 FR 19928 (April 15, 2005) and *Notice of Antidumping Duty Order: Magnesium Metal From the Russian Federation*, 70 FR 19930 (April 15, 2005) (collectively, the “Orders”). On March 16, 2010, the Department received timely notices of intent to participate in each of the sunset reviews from US Magnesium, pursuant to 19 CFR 351.218(d)(1)(i). In accordance with 19 CFR 351.218(d)(1)(ii)(A), US Magnesium claimed interested party status under section 771(9)(C) of the Act as a producer of the domestic like product.

On March 31, 2010, US Magnesium filed substantive responses in each of the sunset reviews, within the 30-day deadline as specified in 19 CFR 351.218(d)(3)(i). The Department did not receive a substantive response from any respondent interested party in either sunset review. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted expedited sunset reviews of the *Orders*.

##### *Scope of the Order*

##### PRC

The merchandise covered by the order is magnesium metal, which includes primary and secondary alloy magnesium metal, regardless of chemistry, raw material source, form, shape, or size. Magnesium is a metal or alloy containing by weight primarily the element magnesium. Primary magnesium is produced by decomposing raw materials into magnesium metal. Secondary magnesium is produced by recycling magnesium-based scrap into magnesium metal. The magnesium covered by the order includes blends of primary and secondary magnesium.

The subject merchandise includes the following alloy magnesium metal

products made from primary and/or secondary magnesium including, without limitation, magnesium cast into ingots, slabs, rounds, billets, and other shapes, magnesium ground, chipped, crushed, or machined into raspings, granules, turnings, chips, powder, briquettes, and other shapes: Products that contain 50 percent or greater, but less than 99.8 percent, magnesium, by weight, and that have been entered into the United States as conforming to an “ASTM Specification for Magnesium Alloy”<sup>1</sup> and thus are outside the scope of the existing antidumping orders on magnesium from the PRC (generally referred to as “alloy” magnesium).

The scope of the order excludes the following merchandise: (1) All forms of pure magnesium, including chemical combinations of magnesium and other material(s) in which the pure magnesium content is 50 percent or greater, but less than 99.8 percent, by weight, that do not conform to an “ASTM Specification for Magnesium Alloy;”<sup>2</sup> (2) magnesium that is in liquid or molten form; and (3) mixtures containing 90 percent or less magnesium in granular or powder form, by weight, and one or more of certain non-magnesium granular materials to make magnesium-based reagent mixtures, including lime, calcium metal, calcium silicon, calcium carbide, calcium carbonate, carbon, slag coagulants, fluorspar, nepheline syenite, feldspar, alumina (Al2O3), calcium aluminate, soda ash, hydrocarbons, graphite, coke, silicon, rare earth metals/mischmetal, cryolite, silica/fly ash, magnesium oxide, periclase, ferroalloys, dolomite lime, and colemanite.<sup>3</sup>

<sup>1</sup> The meaning of this term is the same as that used by the American Society for Testing and Materials in its *Annual Book of ASTM Standards: Volume 01.02 Aluminum and Magnesium Alloys*.

<sup>2</sup> This material is already covered by existing antidumping orders. *See Notice of Antidumping Duty Orders: Pure Magnesium From the People's Republic of China, the Russian Federation and Ukraine; Notice of Amended Final Determination of Sales at Less Than Fair Value: Antidumping Duty Investigation of Pure Magnesium From the Russian Federation*, 60 FR 25691 (May 12, 1995), and *Antidumping Duty Order: Pure Magnesium in Granular Form From the People's Republic of China*, 66 FR 57936 (November 19, 2001).

<sup>3</sup> This third exclusion for magnesium-based reagent mixtures is based on the exclusion for reagent mixtures in the 2000–2001 investigations of magnesium from the PRC, Israel, and Russia. *See Notice of Final Determination of Sales at Less Than Fair Value: Pure Magnesium in Granular Form From the People's Republic of China*, 66 FR 49345 (September 27, 2001) (“*Pure Magnesium Granular PRC Final*”); *Notice of Final Determination of Sales at Less Than Fair Value: Pure Magnesium From Israel*, 66 FR 49349 (September 27, 2001) (“*Pure Magnesium Granular Israel Final*”); *Notice of Final Determination of Sales at Not Less Than Fair Value:*

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