

**SUPPLEMENTARY INFORMATION:** These meetings are open to the public. Opportunity will be provided for public input and individuals will have the opportunity to address the Committee at that time.

Dated: September 23, 2005.

**J. Sharon Heywood,**

*Forest Supervisor.*

[FR Doc. 05-19553 Filed 9-27-05; 10:32 am]

**BILLING CODE 3410-11-M**

## CIVIL RIGHTS COMMISSION

### Senior Executive Service: Performance Review Board; Membership

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Notice of membership of the USCCR Performance Review Board.

**SUMMARY:** This notice announces the appointment of the Performance Review Board (PRB) of the United States Commission on Civil Rights. Publication of PRB membership is required by 5 U.S.C. 414(c)(4).

The PRB provides fair and impartial review to the U.S. Commission on Civil Rights' Senior Executive Service performance appraisals and makes recommendations regarding performance ratings and performance awards to the Staff Director, U.S. Commission on Civil Rights for the FY 2004 rating year.

#### FOR FURTHER INFORMATION CONTACT:

Janice Minor, Human Resources Assistant, U.S. Commission on Civil Rights, 624 9th Street, NW., Washington, DC 20425, (202) 376-8364.

Members: Jill M. Crumpacker, Esq., Acting Executive Director, Chief Human Capital Officer, Federal Labor Relations Authority.

Robert A. Rogowsky, PhD., Director of Operations, U.S. International Trade Commission.

Karn Laney-Cummings, Director, Office of Industries, U.S. International Trade Commission.

**Tina Louise Martin,**

*Director, Office of Management, U.S. Commission of Civil Rights.*

[FR Doc. 05-19489 Filed 9-28-05; 8:45 am]

**BILLING CODE 6335-01-M**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

#### Docket 44-2005

#### Foreign-Trade Zone 70 — Detroit, Michigan, Expansion of Manufacturing Authority — Subzone 70T, Marathon Petroleum Company LLC, Detroit, Michigan

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Greater Detroit Foreign Trade Zone, Inc., grantee of FTZ 70, requesting authority on behalf of Marathon Petroleum Company LLC (Marathon), to expand the scope of manufacturing activity conducted under zone procedures within Subzone 70T at the Marathon oil refinery complex in Wayne County (Detroit area), Michigan. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on September 19, 2005.

Subzone 70T (246 acres, 400 - 500 employees) consists of 4 sites and connecting pipelines in Wayne County (Detroit area), Michigan: *Site 1* (183 acres)--main refinery complex (75,000 BPD) located at 1300 South Fort Street on the Detroit River, Detroit and Melvindale; *Site 2* (15 acres)--asphalt storage facility located at 301 South Fort Street on the Rouge River, 1 mile east of the refinery, Detroit; *Site 3* (4 acres)--finished product storage facility, located on Fordson Island in the Rouge River, 2 miles northeast of the refinery, Dearborn, and; *Site 4* (44 acres)--underground LPG storage cavern, located at 24400 Allen Road, 12 miles south of the refinery, Woodhaven. The expansion request involves the modification to a crude unit that would increase the overall crude distillation capacity to 105,000 BPD. No additional feedstocks or products have been requested.

Zone procedures would exempt the increased production from Customs duty payments on the foreign products used in its exports. On domestic sales of the increased production, the company would be able to choose the finished product duty rate on certain petrochemical feedstocks and refinery by-products (duty-free) by admitting foreign crude oil in non-privileged foreign status. The duty rates on crude oil range from 5.25 cents/barrel to 10.5 cents/barrel. The application indicates that the savings from zone procedures help improve the refinery's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. *Submissions Via Express/Package Delivery Services:* Foreign-Trade-Zones Board, U.S. Department of Commerce, Franklin Court Building - Suite 4100W, 1099 14th St. NW, Washington, D.C. 20005; or

2. *Submissions Via the U.S. Postal Service:* Foreign-Trade-Zones Board, U.S. Department of Commerce, FCB - Suite 4100W, 1401 Constitution Ave. NW, Washington, D.C. 20230.

The closing period for their receipt is November 28, 2005. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to December 13, 2005).

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at address Number 1 listed above, and at the U.S. Department of Commerce Export Assistance Center, 211 West Fort Street, Suite 2220, Detroit, MI 48226.

Dated: September 22, 2005.

**Dennis Puccinelli,**

*Executive Secretary.*

[FR Doc. 05-19505 Filed 9-28-05; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### A-570-827

#### Notice of Decision of the Court of International Trade: Certain Cased Pencils from the People's Republic of China

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

**SUMMARY:** On August 23, 2005, the Court of International Trade (CIT) sustained the Department of Commerce's (the Department's) redetermination regarding the 1999-2000 antidumping duty administrative review of certain cased pencils (pencils) from the People's Republic of China (PRC). Pursuant to the Court's remand order, in its redetermination the Department assigned Guangdong Provincial Stationery & Sporting Goods Import &

Export Corp. (Guangdong) a cash deposit rate of 13.91 percent, rather than the PRC-wide rate assigned to the company in the contested administrative review. Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) in *The Timken Company v. United States and China National Machinery and Equipment Import and Export Corporation*, 893 F. 2d 337 (Fed. Cir. 1990) (*Timken*), the Department is publishing this notice of the CIT's decision which is not in harmony with the Department's determination in the 1999–2000 antidumping duty administrative review of pencils from the PRC.

**EFFECTIVE DATE:** September 29, 2005.

**FOR FURTHER INFORMATION CONTACT:** Magd Zalok or Howard Smith at (202) 482–4162 or (202) 482–5193, respectively; AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**

**Background**

On December 28, 1994, the Department published the antidumping duty order on pencils from the PRC. See *Antidumping Duty Order: Certain Cased Pencils from the People's Republic of China*, 59 FR 66,909 (December 28, 1994). The Department excluded from this order Guangdong's U.S. sales of pencils produced by Three Star Stationery Industry Corp. (Three Star). However, in the final determination that gave rise to the antidumping duty order, the Department stated that if Guangdong sold subject merchandise to the United States that was produced by manufacturers other than Three Star, such sales would be subject to a cash deposit rate equal to the rate applied to the PRC entity. See *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cased Pencils from the People's Republic of China*, 59 FR 55625, 55627 (November 8, 1994), see also *Certain Cased Pencils From the People's Republic of China; Notice of Amended Final Determination of Sales at Less Than Fair Value and Amended Antidumping Duty Order in Accordance With Final Court Decision*, 64 FR 25275 (May 11, 1999).

In the 1999–2000 antidumping duty administrative review of pencils from the PRC, the Department “collapsed” Three Star with another entity, China First Pencil Co. Ltd. (China First), based upon information that came to light late in the review. Further, the Department

determined that the combined entity, China First/Three Star, was distinct from the Three Star whose factors of production formed the basis for excluding Guangdong from the order. Because there was no information on the record of the 1999–2000 review from which to calculate a dumping margin for Guangdong, consistent with the investigation in this proceeding, in the final results of review the Department assigned Guangdong's sales of China First/Three Star produced subject merchandise a cash deposit rate equal to the PRC-wide rate. See *Certain Cased Pencils from the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 67 FR 48,612 (July 25, 2002), as amended in *Notice of Amended Final Results and Partial Rescission of Antidumping Duty Administrative Review: Certain Cased Pencils from the People's Republic of China*, 67 FR 59,049 (September 19, 2002).

Respondents in the 1999–2000 administrative review filed a motion of judgement upon the agency record contesting the final results of that review. After considering the respondents' arguments, the CIT remanded the case to the Department instructing it to, among other things, reevaluate the PRC-wide rate applied to Guangdong because the Court found the Department had effectively applied adverse facts available to a participating and cooperative respondent. See *Kaiyuan Group Corp., et al v. United States and the Pencil Section Writing Instrument Manufacturers Ass'n, et al.*, 343 F. Supp. 2d 1289 (May 14, 2004) (*Kaiyuan I*). Consistent with the Court's direction, under protest, in its redetermination the Department assigned Guangdong a cash deposit rate based on the weighted-average of the margins calculated for other respondents in the 1999–2000 administrative review. On August 23, 2005, the CIT sustained the Department's remand redetermination. See *Kaiyuan Group Corp., et al v. United States and the Pencil Section Writing Instrument Manufacturers Association, et al.* Slip Op. 05–103 (*Kaiyuan II*).

**Notification**

In its decision in *Timken*, the Federal Circuit held that, pursuant to 19 U.S.C. 1516a(e), the Department must publish notice of a CIT decision which is “not in harmony” with the Department's determination. The CIT's decisions in *Kaiyuan I & II* regarding the rate assigned to Guangdong are not in harmony with the Department's determination in the final results of the

1999–2000 antidumping duty administrative review of pencils from the PRC. Therefore, publication of this notice fulfills the Department's obligation under 19 U.S.C. 1516a(e).

The Department will continue to suspend liquidation pending the expiration of the period to appeal the CIT's August 23, 2005, decision, or, if that decision is appealed, pending a “conclusive” decision by the Federal Circuit. Upon expiration of the period to appeal, or if the CIT's decision is appealed and the Federal Circuit's decision is not in harmony with the Department's determination in the 1999–2000 antidumping duty administrative review of pencils from the PRC, the Department will publish in the **Federal Register** a notice of amended final results for the 1999–2000 administrative review of pencils.

Dated: September 22, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 05–19506 Filed 9–28–05; 8:45 am]

**BILLING CODE 3510–DS–S**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**(A–570–504)**

**Continuation of Antidumping Duty Order: Petroleum Wax Candles from the People's Republic of China (“PRC”)**

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

**SUMMARY:** As a result of the determinations by the Department of Commerce (“the Department”) and the International Trade Commission (“ITC”) that revocation of the antidumping duty order on petroleum wax candles (“candles”) from the PRC would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing notice of the continuation of this antidumping duty order.

**EFFECTIVE DATE:** August 10, 2005

**FOR FURTHER INFORMATION CONTACT:** Maureen Flannery, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230; telephone: (202) 482–3020.

**SUPPLEMENTARY INFORMATION:**